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**ZONING CODE
OF THE
TERRITORY OF GUAM**

**TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session**

Bill No. _____

Introduced by:

at the request of the Governor

**AN ACT TO ADOPT A NEW ZONING CODE AND REPEAL
CONFLICTING STATUES.**

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

CHAPTER I. OBJECTIVES AND INTENT

The primary objective of the Zoning Code for the Territory of Guam is to establish criteria and standards to allow for the managed development of land that will meet the goals of the Land Use Plan for the Territory.

It is intended that the criteria and standards established by the Zoning Code reflect and express a sense of community values toward the Territory's physical environment, including the appearance and arrangement of uses for the conducting of business and industry, and the building of homes and other activities necessary for the Territory's well-being.

Further, the Zoning Districts established by this Zoning Code must be implemented in accordance with the Land Use Plan. The cultural, environmental and economic characteristics and suitability of all areas of the Territory were given careful consideration in the designation of the Zoning Districts.

CHAPTER II. PURPOSE AND SCOPE

The purpose of the Zoning Code is to establish standards, procedures, and minimum requirements to achieve the following general intentions and purposes of the Government:

- A. To establish regulatory procedures and standards for review and approval of all proposed development in the Territory.
- B. To foster and preserve public health, safety, comfort, and welfare, and to aid in the harmonious, orderly, aesthetically pleasing, and socially beneficial development of the Territory, in accordance with the Land Use Plan.
- C. To adopt a development review process that is:
 - 1. Efficient, in terms of time and expense;
 - 2. Effective, in terms of addressing the natural and cultural resource and public facility implications of any proposed development, while also protecting and improving the quality of life in the Territory; and
 - 3. Equitable, in terms of consistency with established regulations and procedures, respect for the rights of all property owners, and consideration of the interests of the citizens and residents of the Territory.
- D. To implement the Comprehensive Land Use Plan of the Territory by:
 - 1. Establishing regulations and conditions governing the erection and use of buildings and other structures and the use of land ;
 - 2. Securing safety from fire, panic, and other dangers;
 - 3. Lessening automobile congestion of the streets;
 - 4. Providing for adequate light and air;
 - 5. Preventing the overcrowding of land;
 - 6. Avoiding undue congestion of population and facilitating the adequate provision of transportation, potable water, sanitary sewage disposal, schools, parks, and other public requirements of the Territory;
 - 7. Dividing the Territory into Zoning Districts, defining certain terms, designating the uses and intensities thereof that are permitted in the different districts, and providing lot size and other dimensional and density requirements;

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8. Establishing performance standards that apply to all new development as well as the redevelopment of all lands in the Territory;
 9. Continuing Municipal Planning Councils, including the powers and duties of said Councils;
 10. Continuing a Territorial Land Use Commission, including the composition of its membership and powers and duties of said Commission;
 11. Defining the functions of the TPC, Bureau of Planning, Departments of Public Works and Land Management, the Guam Environmental Protection Agency, the Department of Agriculture, and the Public Utility Agency of Guam and other relevant agencies with respect to the administration and enforcement of this Zoning Code; and
 12. Providing for a penalty for the violation of this Zoning Code.

CHAPTER III. ESTABLISHMENT OF ZONING DISTRICTS

The Territory of Guam is hereby divided into eleven (11) Zoning Districts as follows:

- District 1: Parks
- District 2: Low Intensity
- District 2M: Low Intensity Marine
- District 3: Moderate Intensity
- District 3S: Moderate Intensity Special
- District 4: High Intensity
- District 5: Village/Neighborhood Centers
- District 5H: Historic Village Centers
- District 6: Urban/District Center
- District 7: Hotel/Resort
- District 8: Industrial/Port Development

CHAPTER IV. ESTABLISHMENT OF ZONING MAPS

- A. The boundaries and identification of the Zoning Districts established by this Zoning Code are shown on the Zoning District Maps which are filed in the Office of the Attorney General (with copies in the offices of the Department of Land Management, Department of Public Works, Guam Environmental Protection Agency, Bureau of Planning, Department of Agriculture, Department of Parks and Recreation, and Territorial Planning Council). Such maps are hereby declared to be part of this Zoning Code as fully as set out herein.
- B. No building or land shall be used and no building shall be erected or altered except in conformity with the regulations herein prescribed for the district designated and identified on the Zoning District Map in which such building, land, or water is located.
- C. The Zoning District(s) Maps shall consist of eight (8) identical sets at the time of the adoption of this Zoning Code. One (1) copy shall be identified as the "original copy" and shall be kept in the Attorney General's Office. The other seven (7) copies shall be kept in the offices of the Department of Public Works, Territorial Planning Council, Bureau of Planning, Department of Agriculture, Department of Parks and Recreation, Guam Environmental Protection Agency, and the Department of Land Management. All copies shall be kept up-to-date by the Zoning Official, with all subsequent amendments and changes in zoning district boundaries and zoning designations, and all amendments to said Map(s) identified by number and date of adoption on the map to be made within thirty (30) working days of the official action. The Zoning Official shall provide copies to any other government agency of the Zoning District Maps when a written request for these maps has been made.
- D. Interpretation of Zoning District Maps
1. Zoning district boundaries are shown as heavy solid lines on the Zoning District Maps and may be superimposed on lighter lines designating platted lot lines, streets, and other physically identifiable ground features, unless specific distances in feet or angles, bearings, radii, or other references to a boundary line located are specified.
 2. Zoning district boundary lines, when located in streets or other public rights-of-way shall be interpreted as being located in the center line of such rights-of-way. When distances expressed as linear footage are shown between a zoning district and a street, the distance shall be interpreted as being between said boundary line and the center line of said street, unless otherwise specified.
 3. Boundary lines between zoning districts which are interrupted on the Zoning Map(s) to show street names or other identification numbers shall be interpreted as extending through such identification, unless otherwise specified.

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4. When the exact location of a zoning district boundary line is not clear, it shall be determined by the Zoning Official, with due consideration given to the location as indicated by the scale of the Zoning Maps. When, for any reason, the streets or alleys as they actually exist on the ground differ from the depiction of said streets and alleys as they are shown on the Zoning Map(s), the Zoning Official may apply the district designations on the Map(s) to the streets on the ground in such manner as to conform to the intent and purpose of this Zoning Code.

 5. Where a zoning district boundary line shown on the Zoning Map(s) divides a lot of record at the time of the adoption of this Zoning Code, the property owner shall have the option of choosing either of the two intensity districts to apply to the entire lot area, or may subdivide the lot to retain both intensity districts as mapped, provided that all of the standards and requirements of the relevant Performance Standards can be met.

CHAPTER V. CONSTRUCTION OF LANGUAGE AND DEFINITIONS

A. Rules for Construction of Language.

The following rules of construction apply to the text of this Zoning Code:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Zoning Code and any caption, illustration, summary table, or illustrative table, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "should" is permissive and is discretionary.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "maintained for" or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either or", the conjunction shall be interpreted as follows:
 - (a) "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - (b) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (c) "Either/or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
9. The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

B. Definitions:

For purposes of this Zoning Code, the following terms or words shall be used in interpretation of purpose and intent.

Abandonment: To cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Abutting: Having a common border with, or being separated from such common border by an alley or easement.

Access: The principal means of ingress and egress to property from a publicly dedicated right-of-way.

Accessory Building: A subordinate building attached to or detached from the main building and used for purposes customarily incidental to the occupancy of the main building and not involving the conduct of a business or the sale of a service. Accessory buildings include but are not limited to an automobile storage garage, cook house, outdoor kitchen, boat house, play house, laundry room, garden shelter, hobby room and mechanical room.

Accessory Structure: (See Structure, Accessory)

Accessory Use: A use of land or a portion of the building customarily incidental to the actual principal use of the land or building and located on the same parcel of property with such principal use.

Acre, Gross: A tract of land consisting of forty-three thousand, five hundred and sixty (43,560) square feet. It is to be noted, however, that the Government of Guam has historically used a forty thousand (40,000) square foot basis and has referred to this land unit as an "acre" in establishing lot size requirements in agricultural zones. Because lands on Guam have been bought, sold, and subdivided on this forty thousand (40,000) square foot basis for many years, it would create undue confusion to require new development to be based on a "true acre" format. Therefore, whenever lot size requirements are expressed in terms of "acres," or multiples or fractions thereof in this Zoning Code, they shall be interpreted as encompassing forty thousand (40,000) square feet or appropriate multiple or fraction thereof (i.e., two acres area equals 80,000 square feet; one-half acre equals 20,000 square feet; etc.)

Action: A vote by a quorum of Territorial Land Use Commission or the Territorial Planning Council members upon a motion, proposal, resolution or order, and resulting in a collective decision by a majority of those voting members present. "Action" also means a decision by the Director of Land Management when exercising his or her authority under this Zoning Code.

Addition (to an existing building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is considered to be new construction.

Adjacent: That which lies near or close to, not widely separated nor necessarily touching.

Adjoining: That which is joined or united, and actually touching.

Adult Bookstore: An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical areas. An adult bookstore shall, for the purposes of the Zoning Code, be deemed to be an adult entertainment facility.

Adult Entertainment Facility: Any business which, as a substantial portion of its operations, offers for sale or viewing for any consideration any photographic or film depictions or devices or paraphernalia that depict or are characterized by an emphasis on the depiction, description, or engagement in specified sexual activities or anatomical areas including male or female sexual organs, buttocks, or female's breasts. Additionally, any business purporting to be a "massage parlor" that has employees or other personnel who engage in sexual activities on the premises, including sexual intercourse in any form, or the massaging of specified anatomical areas including male or female sexual organs, buttocks, or female's breasts shall be classified as an Adult Entertainment Facility. These may be illegal activities and their inclusion in this definition does not imply that they are allowed on Guam. (For the purposes of this definition, the term "paraphernalia" shall not be deemed to include condoms or other birth control measures.)

Aesthetics: A characteristic of development relating to its physical beauty.

Affordable Housing: A residential dwelling unit with a monthly rent or monthly mortgage payment including property taxes and insurance, not to excess of one-twelfth (1/12) of thirty (30) percent of annual income for renters and one-twelfth (1/12) of forty (40) percent of annual income for owners, which represents 50 percent (for very low income), 80 percent (for low income), or 120 percent (moderate income) of the median adjusted gross annual income for the household, as published by the U.S. Farmers' Home Administration for the Territory of Guam.

Aggrieved Person: Any person, including the applicant, who, in connection with a decision or action of the Zoning Official or Director of Land Management, the Territorial Land Use Commission or the Territorial Planning Council on an application for a land use permit, takes issue with the decision rendered.

Agriculture or Agricultural Use: Cultivation of the ground, including harvesting crops and rearing and management of livestock, tillage, husbandry, farming, horticulture, botanical gardens, and forestry, and other similar uses. The terms "Agriculture" or "Agricultural Use" shall, for the purpose of this Zoning Code, be deemed to include hydroponics.

Airport: Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

Alley: A passage or way open to public travel, affording a secondary means of access to abutting property, but not generally intended for general traffic circulation.

Alterations: Any change, addition, or modification of type of occupancy; any change in the structural members of a building such as walls, partitions, columns, beams, girders; or any change which may be referred to herein as "altered" or "reconstructed".

Ambient: Within the context of this Zoning Code, an adjective that is generally attached to the term "Air Quality". Ambient air quality refers to the condition of the atmosphere within the environs of a particular use or geographic area.

Amusement Park or Center: A group of amusement devices for children and/or adults and their accessory uses. May include miniature golf areas, bumper cars, batting cages, arcades, bumper boats, go-carts, and similar such activities.

Apartment: A room or suite of rooms within an apartment house or apartment hotel, used as a dwelling unit for one family with facilities that function or are intended to function for living, sleeping, and cooking.

Apartment Hotel: An apartment house that furnishes services for the use of its tenants which are ordinarily furnished by hotels, but the privileges of which are not primarily available to the general public.

Appeal: A request for a review of the Government's interpretation of any provision of this Zoning Code.

Applicant: Any person or his authorized agent or representative who has applied for a permit and who has a valid, existing legal interest in the property proposed to be developed.

Appropriate: Anything that is compatible with a facility's natural, cultural, or recreational resources, recognizing the purpose of the established area.

Aquaculture: The regulation and cultivation of water plants and animals for human use or consumption. Aquaculture may include hatcheries, marine crop production and other similar uses that occur in either fresh or salt water.

Aquarium: A facility where aquatic organisms are kept for exhibition or display. Accessory uses may include botanical gardens, zoological parks, meeting facilities, and similar uses.

Aquifer: A groundwater bearing geologic formation or formations that contains sufficient amounts of saturated material to yield water.

Aquifer Recharge Area: A body of permeable materials that collects precipitation or surface water and transmits it to the aquifer.

Arcade:

1. **Game/Video:** Any establishment, room, place, or business location in which there are available to the public more than three (3) coin or token operated amusement devices or where a fee is charged for the operation of such devices.
2. **Structural:** A permanently roofed arched covered continuous area or passageway at ground level, open to a street, plaza, open space, or building, that is accessible and open to the public.

Area, Buildable: (See Buildable Area)

Area, Minimum Building: Total of all roofed or undercover area of the principal building.

Area of Particular Concern (APC): A specifically designated geographic area where the presence of unique or significant natural resources, geologic constraints, hazards, or other exceptional geographic characteristics warrants and requires the application of extraordinary regulatory or management measures to ensure the retention of such exceptional qualities of the area or to ensure the health, safety and welfare of the general public.

Area of Shallow Flooding: A designated "AO" or "AH" Zone on the Territory's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard: The land in the floodplain subject to a one (1) percent or greater chance of flooding in any given year.

Assessment: An estimation or determination of the significance, importance, or value of land, buildings, or a proposed development activity.

Automobile Parking Lot, Public: An open area, other than a street or private automobile parking area, designed to be used for the parking of two (2) or more automobiles.

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

Automobile Service Station: A building or structure designed or used for the retail sale or supply of fuels (stored only as prescribed by existing legal regulations), lubricants, air, water, and other operating commodities for motor vehicles or boats. The cross section areas of service station canopy supports where they meet the ground shall be measured as coverage for purposes of determining maximum lot coverage, and also shall be used for measurement of setback requirements. Automobile Service Stations may include the following: customary space and facilities for the installation of such commodities on or in such vehicles; space for facilities for the storage, minor repair, or servicing of such vehicles, and space for car washing.

Automotive Repair Establishment:

1. **Minor Repair:** A retail sales and service establishment that shall include only those repairs able to be effected within one working day, such as brake repair, engine tune-ups, oil changes, lubrications, front end alignments, and the like. No outdoor sales, repair, or service work shall be allowed. Repair services of a major nature, including but not limited to engine or transmission overhauls or body work shall not be included within this definition. Outdoor storage or display of vehicles, parts, equipment, or tires shall not be included within this definition. The service or repair of trucks or other similar vehicles that exceed a one-ton rated capacity shall be prohibited. No body damaged vehicle or vehicle components exposed to view from a public roadway shall be permitted.

2. **Major Repair:** A retail sales and service establishment that provide for the painting, repainting, or retouching and/or major mechanical repairs and adjustments of motor vehicles such as engine overhauls, transmission overhauls, and the like which usually require more than one (1) working day for service. No outdoor sales, repair or service work shall be allowed. No body damaged vehicle or vehicle components exposed to view from a public roadway shall be permitted.
3. **Paint or Body Shop:** A building or other structure used for painting, repainting, or retouching and/or major non-mechanical repairs and adjustments of motor vehicles.

Automobile Sales and Service Establishments, New or Used: An establishment that provides for the sale of motorized vehicles as its primary use, and allows for minor, major, or paint and body work. No body damaged vehicle or vehicle components exposed to view from a public roadway shall be permitted.

Awning: Any movable roof-like structure cantilevered, or otherwise entirely supported from a building, so constructed and erected as to permit its being readily and easily moved within a few minutes time to close an opening, or rolled or folded back to a position flat against the building or a cantilevered projection thereof, or which is detachable.

Bakery: An establishment engaged solely in the retail sale directly to the consumer of products such as breads, cakes, pies, pastries, etc., that are baked or produced and sold on premises.

Bar and/or Cocktail Lounge: Any premises wherein alcoholic beverages are sold at retail for consumption on the premises. It shall not mean a premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than twenty (20) percent of the gross receipts.

Barracks: A building containing housing accommodations for at least fifty (50) construction workers, intended or designed to be used or rented for living and sleeping purposes. A barracks shall not be construed to mean a hotel.

Base Flood Elevation: The height above mean sea level expected to be reached by the 100-year flood, as officially determined by the U.S. Army Corps of Engineers.

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement: That portion of a building having its floor subgrade below ground level on all sides.

Beach: The zone of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. "Beach" is alternatively termed "shore".

Bed and Breakfast Inn: A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

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- Bedroom:** A room other than a kitchen, dining room, living room, bathroom, or closet, that is marketed, designed, or otherwise likely to function primarily for sleeping.
- Billboard:** A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted.
- Blight:** That concentration of forces which puts a building or neighborhood on its way to becoming a slum. A "blighted" area is one that has deteriorated or has been arrested in its development by physical, economic, or social forces.
- Block:** The property abutting one side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and nonsubdivided acreage, watercourse, or body of water; or between any of the foregoing and any other barrier to the continuity of development.
- Boarding House:** A dwelling where meals or lodging and meals are provided for compensation to at least five (5) persons and no more than twenty (20) persons by pre-arrangement for definite periods of at least one (1) month's duration. A boarding house is to be distinguished from a hotel.
- Boat Repair Yard:** A facility whose purpose is for the design, manufacture or repair of boats and other marine equipment, appurtenances, or sails; or for sales at dockside of marine fuel and related marine products.
- Bollard:** A post permanently affixed into the ground or pavement, at least two (2) feet and no more than four (4) feet in height after installation, whose purpose is to segregate automotive traffic from certain areas.
- Borrow Pit:** Any place or premises where dirt, soil, sand, gravel, or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction.
- Breakaway Wall:** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.
- Breezeway:** A roofed, open-sided passageway connecting two (2) separate structures, or two (2) separate portions of the same structure, or another building.
- Buffer Area:** A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another, or intended to reduce the impact of noise levels generated on one property from the surrounding properties and intended to enhance the level of safety and promote the aesthetic qualities of the area.
- Buildable Area:** The space remaining after the minimum open space and yard setback requirements of this Zoning Code have been complied with.
- Building:** Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building, Accessory: (See Accessory Building)

Building, Elevated: (See Elevated Building)

Building Front: That exterior wall of a building that faces a front lot line of the lot.

Building Height: (See Height of Building)

Building, Nonconforming: A legally existing building that fails to comply with this Zoning Code (for height, number of stories, size, area, yards, location, or use) applicable to the district in which the building is located.

Building Official: The director of the Department of Public Works or his or her assignee.

Building Permit: The document or certificate issued by the Government of Guam that verifies adherence to all applicable building and development regulations and gives permission to the applicant to proceed with the actions for which the permit was requested.

Building, Principal: A building in which is conducted the principal use of the lot on which it is situated.

Building Site: A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same.

Building Support Structure: Any structure that supports floor, wall, or column loads and transmits them to the foundation. The term shall include beams, grade beams, or joists and includes the lowest horizontal structural member exclusive of piles, columns, or footings.

Bulk: The term used to describe the size of buildings or other structures, and their relationship to each other and to open areas and lot lines.

Bulkhead: A structure of timber, concrete, steel, rock or similar substance erected parallel to a shoreline for erosion control purposes.

Business Service: An establishment primarily engaged in rendering services to other business establishments on a fee or contract basis, not involving the sale of any goods or commodities available on the premises, and not dispensing a personal service. Business service establishments may include, but are not necessarily limited to, activities such as real estate, insurance, accounting or bookkeeping, financial institutions, management or consulting firms, or other similar uses.

Bus & Mass Transit Storage and Maintenance Facility: Any building and adjacent outdoor space required for the servicing, washing, and the overnight parking of buses or other mass transit vehicles that are used for transporting the general public, tourists, school children, the elderly, and/or handicapped or construction workers.

Canopy: A roof-like structure made of any material that projects from the wall of a building and overhangs a sidewalk.

Capital Improvement: Any substantial physical facility built by expending public monies. The construction of schools, highways, public sewer and water systems, landscaping a park, or the purchase of and for a public building or use are all examples of capital improvements.

Capital Improvement Program: A government schedule of permanent improvements budgeting to match the government's financial resources. The Capital Improvement Program is usually projected five (5) years in advance and updated annually.

Carnival: A temporary commercial entertainment with rides, games, etc. for the general public.

Carrying Capacity: The maximum number of units that can be accommodated by a facility without reducing the efficiency of that facility. Carrying capacity is used to measure the ability of a facility to accommodate more units. For example, the carrying capacity of a roadway is the maximum number of vehicles that can pass over a given section of a lane in one direction during a given time period. For recreation areas, the carrying capacity is the number of persons that can utilize the elements (play equipment, basketball courts, benches, etc.) at any given point in time.

Car Wash: A building, or portion thereof, containing facilities for washing automobiles utilizing mechanical devices.

Carport: Space for the housing or storage of motor vehicles that has a roof and may (or may not) have walls.

Cemetery: A place for the burial or interment of dead persons or household pets.

Census: The official count of the population, its age, sex, and social and economic characteristics, conducted on a decennial basis by the Bureau of the Census of the U.S. Department of Commerce.

Certificate of Occupancy (Occupancy Permit): The official certification that a premise conforms to the provisions of this Zoning Code (and the Building Code) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued for new construction, a structure cannot be occupied.

Channel, Drainage: A large natural or constructed waterway, ordinarily lined to speed, control, and conduct the flow of stormwater runoff (not to be confused with a sea or bay channel).

Chattels: Moveable articles of personal property, such as household goods or removable fixtures.

Child Care Center: (See Pre-School Facility)

Clinic: An establishment where patients who are not lodged overnight are admitted for examination and treatment by one (1) person or group of persons licensed as a physician, dentist, chiropractor, therapist, or other similar health related professional.

Club, Private: (See Private Club)

Club: Buildings or facilities owned or operated by a corporation, association, person or persons for a social, educational, fraternal, civic, religious, or recreational purpose, but not primarily for profit or to render a service that is customarily carried on as a business.

Clubhouse: A building used to house a club or social organization, including clubs associated with golf courses.

Cluster Development: A division of land into lots for use as single family detached building sites, where said lots are arranged into groups having area and yard measurements less than that required as stated in the tables of dimensional and density requirements for various Zoning Districts. Density bonuses shall be allowed in cluster developments, in accordance with the standards set forth in Chapter XVI. of this Zoning Code. The land not utilized for houses and lots in cluster developments shall become permanent open spaces.

Coastal High Hazard Area: The area subject to high velocity waters caused by, but not limited to, typhoon wave wash. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone "V1 - 30", "VE", or "V".

Coastal Zone Management Act: The Coastal Zone Management Act of 1972, as amended, 16 U.S.C. Section 1451, et. seq.

Coastline: The area along the shoreline of Guam from the seaward line of low tide, running inland for a distance of fifty (50) feet, or to the extreme seaward boundary of natural vegetation that spreads continuously inland, or to a natural barrier, whichever is the shortest distance. Whenever the coastline is extended into the sea by or as a result of filling, dredging, or other man-made alteration activities, a landward boundary of the coastline shall remain at the line previously established.

Cockfighting Arena: A facility in which the sport of matching gamecocks in a cockfight is conducted, including the pit area, where the match is played and the area for observation of said match.

Collector Road: A road that provides for traffic movement between arterial roads and local (residential) streets, and direct access to abutting properties.

Commercial Use: The use of any structure or property for a purpose directly related to the sale of goods, the furnishing of services of any kind, or used in conjunction with the adjacent littoral commercial property.

Commission: The Territorial Land Use Commission.

Common Area: The total area not designed for rental or sale to tenants and that is available for common use by all tenants or groups of tenants and their guests, including such areas as parking lots and their appurtenances, lobbies, malls, sidewalks, landscaped areas, public rest rooms, truck and service facilities, etc.

Community Center: A place, structure, area, or other facility used for and providing social, fraternal, religious, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Compatible Use: A use that is capable of existing in harmony with other uses situated in its immediate vicinity.

Completeness (of a Permit Application): The information, reports, and documents submitted by the applicant that address or discuss each of the areas required by the applicant form and/or as a result of the preapplication meeting. Completeness does not mean that the information, reports, and documents submitted are sufficient or adequate to assess the impact of the proposed development on the environment, but simply that the requested information, reports, and documents have been submitted.

Comprehensive Land Use Plan: The official formulation of the uses of land, including the assumptions and rationale for arriving at the determinations. This plan has been prepared at the direction of the Territorial Planning Council and forms the basis of this Zoning Code.

Concept Plan: A preliminary plan for the development of property, indicating contour lines; any significant existing natural features, such as rock outcroppings and stands of trees; proposed building layouts with approximate square footage of floor area; proposed off-street parking areas and, if required, off-street loading areas; and the proposed internal (within the lot) circulation system.

Concession Stand, Agricultural or Produce: An open air structure, not to exceed twenty (20) feet by thirty (30) feet in its dimensions, and at which fresh eggs, fruits, vegetables, and/or other agricultural products may be sold from local farms to the public.

Condominium: A form of ownership of property where the purchaser normally acquires title to a part of a building and/or a portion of land, and an undivided interest in the common areas and facilities; as distinguished from a cooperative, where the purchaser usually acquires stock that represents his interest in the property. Where the building so acquired consists of bedrooms with individual baths or combined bedrooms and living rooms with individual baths and/or has separate entrances for each unit, each unit shall be considered a separate dwelling unit or a separate hotel room for the purposes of this Zoning Code.

Confectionery: An establishment engaged solely in the preparation and production of candy products for direct retail sale to the consumer on the premises.

Conflict of Interest: Any conflict between an individual's private interests and his or her actions as a government employee or appointed or elected government official.

Conservation Areas: Lands that are environmentally sensitive, naturally or culturally unique, valuable, or of other special interest that should be considered for protection from any activity that would significantly alter their ecological integrity, balance, or character. Conservation areas may be improved for the purpose of making them accessible to the public in a manner consistent with the preservation of their natural features.

Consistency (Federal): The obligation of federal agencies under Section 307 of the Coastal Zone Management Act, and pursuant to Sections 904 and 906 of that Act, to ensure that their activities are consistent, to the maximum extent practicable, with the policies of the Guam Coastal Management Program.

Construction: The building of, or substantial improvement to, any structure or the clearing, filling, or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction.

Contiguous: Lands are contiguous if they actually adjoin each other and share a common boundary.

Convalescent Home: (See "Nursing, Rest, or Convalescent Home")

Convenience Store (Village Store): A retail establishment that is usually open for extended daily hours of business (12 to 24 hours), normally located as a single entity or in a strip building configuration along arterial roadways, is typically a self-service facility not dependent upon comparison shopping, and by its manner of display and merchandising, usually sells a limited selection of items and brands of pre-packaged or prepared foods, ready-to-eat foods, snacks, gum, candy, beverages, dairy products, or sundries, all of which are frequently purchased for immediate use. It may be developed with facilities for the dispensing and sales of vehicular fuels, but with no sale or installation of tires, batteries or similar accessories. If such establishment is combined with said fuel sales and dispensing, it shall be regulated as a full service fuel station and there shall be limitations and controls placed upon the nature, size, delivery, storage, location and type of said fuel sales or dispensing facilities to provide maximum possible protection to adjacent properties, and it must meet the specific requirements of a full service fuel station. Additionally, any retail establishment that falls within this definition, but sells a substantial portion of its merchandise (more than 25 percent of its sales) described in the definition of an "Adult Entertainment Facility" shall not be deemed to be a convenience store.

Conversion: The change of use or purpose to which a structure or building is put.

Corner Lot: (See Lot, Corner)

Correctional Facilities: A building, usually with cells, where convicted criminals or troubled youths are confined. The term "correctional facility" shall be interpreted to include a penitentiary, jail, prison, halfway house, the Department of Youth Affairs facility or a youth reformatory.

Council: The Territorial Planning Council (TPC).

Coverage, Ground: (See Lot Coverage)

Cul-de-sac: A local street having only one (1) means of vehicular access to another street and terminating at its other in a circular-shaped turn around. This definition of cul-de-sac shall in no way be interpreted to include a dead-end street.

Cumulative Impacts: As related to Chapter VIII, Section B of this Zoning Code, shall mean that various environmental factors or effects may accumulate to create ecological problems associated with a proposed development. As stated in Chapter VIII, Section B.1.e. of this Code, in determining the extent of the ecological problems that may arise from any proposed development, the impacts shall be measured singularly, not cumulatively.

Curb Cut: An indentation or depression through or into a raised curb forming a driveway or walkway.

Curb Level: The level of the established curb in front of a building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the "curb level."

Day Care Centers: Facilities for taking care of children during their parents' working hours. A day care center shall not be construed to include a pre-school facility or a kindergarten.

Decision: Written notification to an applicant that his permit application has been approved or denied.

Dedication: The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee-simple interest, including an easement.

Deed: A written instrument under seal by which an estate in real property is conveyed by the grantor to the grantee.

Department: The Department of Land Management (DLM).

Determination (of the Territorial Planning Council or the Superior Court): Written notification to the issuing authority and all appropriate interested parties that the decision of the issuing authority has been affirmed or nullified.

Developer: Any person, firm, partnership, association, corporation, company, or organization of any kind, engaged in any type of man-made change of improved or unimproved land.

Development: The placement, erection, or removal of any fill, solid material, or structure on land, in or under the water; discharge or disposal of any dredged material or of any liquid or solid waste; or the grading, removing, dredging, mining, or extraction of any materials, including mineral resources; the construction, reconstruction, removal, demolition or alteration of the size of any structure; or the removal or harvesting of vegetation. Development shall not be defined or interpreted to include activities related to or undertaken in conjunction with the cultivation, use, or subdivision of land for agricultural purposes that do not disturb the coastal waters or sea, or any improvement made in the interior of any structure.

Development Right: A legal claim to convert a tract of land to a specific purpose by construction, installation, or alteration of a building or other structure.

Development, Substantial: With regard to projects that have been initiated, substantial development shall constitute at least ten (10) percent of the total expected cost (including architectural and engineering fees) to complete the project as it was approved. Development shall also be considered to be substantial if the developer of an approved project has secured financing for the project and can demonstrate, in writing, his financial commitments to the project in question.

Director: The individual officially designated as the Director of the Department of Land Management.

District, Zoning: Any portion of the Territory within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited as set forth in this Zoning Code; and within which certain yards and other open spaces are required, certain lot areas are established, and a combination of such aforesaid conditions are applied.

Dormitory: A building whose primary purpose is to provide living accommodations of individuals associated with an educational institution. Dormitories do not include kitchen facilities, except a group kitchen to serve all residents.

Dock: A landing pier or a slip or waterway that is between two piers or cuts into the land, and whose primary purpose is the berthing of ships.

Drainage Channel: (See Channel, Drainage)

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation, prevention, or alleviation of flooding.

Drive-In or Drive-Through Facility: An establishment that, by design, physical facilities, service, or by packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Drive-in Establishment: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to either serve patrons while in the motor vehicle, or intended to permit consumption in the motor vehicle of food or beverages obtained by a patron of said business establishment (restaurants, cleaners, banks, theaters, etc.).

Driving Range (Golf): An unconfined recreational facility (i.e., without netting overhead or along side the facility) situated on a plot of land at least four-hundred (400) yards in length and a minimum of three hundred (300) feet wide. A golf driving range may be built with overhead netting, as well as netting (or other confining material) along the sides and the rear of the facility. In such cases, the land requirements shall be at least one hundred (100) yards in length and a minimum of one hundred and fifty (150) feet wide. The purpose of such facility is to allow golfers an opportunity to practice their golf shots.

Driveway: That space specifically designated and reserved on the site for the movement of vehicles from one site to another or from a site to a public street.

Dwelling: A building or portion thereof, occupied or intended to be occupied exclusively for residence purposes, but not including hotels.

Dwelling, Attached: A dwelling having any portion of a wall in common with adjoining dwellings.

Dwelling, Detached: A dwelling that is entirely surrounded by open space on the same lot.

Dwelling, Duplex: A detached building, designed for or occupied exclusively by two (2) families living independently of each other.

Dwelling, Multiple-Family: A building or portion thereof, used or designed as a residence for three (3) or more families living independently of each other and each with facilities that are used or intended to be used for living, sleeping, and cooking in said building. This definition includes apartment houses but does not include hotels, trailers or mobile home parks.

Dwelling, Single Family: A detached building designed for or occupied exclusively by one (1) family.

Dwelling Unit: Any room or group of rooms located within a residential building and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, and cooking.

Dwelling Unit, Efficiency: (See Efficiency Dwelling Unit).

Easement: Authorization in writing by a property owner of the use by another and for a specified purpose of any designated part of his property.

Easement, Attachment: A type of easement that grants the owners of one piece of property the right of access over another adjacent parcel.

Easement, Maintenance: A type of easement that authorizes another party (usually the Government or a public utility) the right to maintain their facilities which pass over or run under the property upon which the easement is to be granted.

Ecosystem: A characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between them and their environment.

Efficiency Dwelling Unit: A dwelling unit consisting of one (1) room exclusive of bathroom, kitchen, hallway, closets, or dining alcove, whether or not directly off the principal room.

Effluent: Liquid sewage discharged by a collection network, various sewage treatment units, or a sewage treatment plant; also, the product discharged or emerging from a sewage treatment process.

Elevated Building: A non-basement building constructed in such a manner as to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls, or breakaway walls.

Elevation: Shall mean:

1. The vertical distance above or below a fixed reference level; or
2. A flat scale drawing of the front, rear, or side of a building or structure.

Eligible: A property that meets the criteria for inclusion on either the National or Guam Registers of Historic Places, but which has not yet been formally listed for whatever reason.

Emergency: An unexpected situation that poses an immediate danger to life, health, or property and demands immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

Emergency Hazardous Situation: A condition that is an immediate and substantial danger to human health, safety, or welfare, or to the environment.

Emergency Shelter: A facility whose primary purpose is to provide housing for individuals and families in the event of an emergency or an emergency hazardous situation.

Eminent Domain: The authority of the Territorial Government of Guam or other government agency to take, or to authorize the taking of, private property for public use with just compensation to the owner.

Enlargement : An addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use.

Environment: The physical, social and economic conditions that exist within the area which will be affected by a proposed project.

Environmental Impact Assessment or Statement: An informational report prepared by an applicant for a proposed major or super-major development and made available to public agencies and the general public that, when required by this Zoning Code, shall be considered by the Zoning Official prior to its approval or disapproval of an application for a major or super-major development permit. Such report shall include detailed information about the existing environment in the area of a proposed development; the effects that a proposed development is likely to have on the natural and human environment; an analysis and description of ways in which the significant adverse impacts of such development are proposed to be mitigated and minimized; and an identification and analysis of reasonable alternatives to such development.

Erected: Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, paving, and the like shall be considered within the definition of "erected".

Erosion: The detachment and movement of soil or rock fragments by water, wind, and/or gravity.

Essential Management Facility: A building and/or structure designed solely to provide essential uses, controls, and/or the management of resources contained within the lands and waters of a given area, being consistent with appropriate enabling legislation for the area's establishment.

Establishment: An economic unit, generally at a single physical location, where business is conducted or services are offered.

Facade: The front of a building, particularly that part of a building facing a street or courtyard.

Facing or Surface: The surface of a sign upon, against, or through which a message is displayed or illustrated on the sign.

Family: One (1) person or group of two (2) or more persons living together and interrelated by bonds of kinship, marriage, mutual consent, or legal adoption, occupying the whole or part of a dwelling as a separate housekeeping unit with a common set of cooking facilities. The persons thus constituting a family may also include foster children, gratuitous guests and domestic servants. The maximum number of non-related members constituting a family shall not exceed five (5) persons.

Fastland: Land above and landward of the line of mean high tide. Fastland is all that land which is not submerged and filled land as herein defined.

Feasible: Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Federal Activity: Any functions performed by or on behalf of a federal agency in the exercise of its statutory responsibilities; and any federal development project involving the planning, construction, modification, or removal of public works, facilities, or other structures; and the acquisition, utilization, or disposal of land or water resources.

Federal Assistance: Assistance provided under a federal program to an applicant agency through grant or contractual arrangements, loans, subsidies, guarantees, insurance, or other forms of financial aid.

Federal License or Permit: Any authorization, certification, approval, or other form of permission that any federal agency is empowered to issue to an applicant.

Fence: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Fill: Earth or any other substance or material, including pilings placed in a submerged area.

Filled Lands: All artificially made, filled, or reclaimed lands and marshes.

Financial Institutions: Establishments such as, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, and other similar uses.

Flag Lots: A lot not meeting minimum frontage requirements and where access to the public road is by means of a narrow, private right-of-way or driveway.

Flea Market: An occasional sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, but not to include private garage sales.

Floating Zone: A zoning district that has been established but not mapped in a specific location. For a developer to be allowed to construct a use that is featured in a floating zone, he or she shall be required to meet minimum lot size criteria, as well as other requirements.

Floats: Structures that are anchored or moored in the Territorial waters of Guam and which serve as supports for swimmers or other uses.

Flood Hazard Boundary Map (FHBM): An official map of the Territory, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone "A".

Flood Hazard, Special Area: (See Area of Special Flood Hazard)

Flood Insurance Rate Map (FIRM): An official map of the Territory on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to Guam.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood, Base: (See Base Flood)

Flood, Regulatory: A flood that is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular water course. The regulatory flood generally has a flood frequency of approximately one hundred (100) years, as determined from an analysis of floods on a particular water course and other water courses in the same general area.

Flood, Twenty Year: The highest level of flooding that, on average, is likely to occur once every twenty (20) years.

Flooding, Shallow Area: (See Area of Shallow Flooding)

Floodplain Area having Special Flood Hazard: That maximum area of the floodplain that, on average, is likely to be flooded once every one hundred (100) years (i.e. that has a one (1) percent change of being flooded each year).

Floodplain or Flood-Prone Area: A land area adjoining a river, stream, watercourse, ocean, bay or pond, that is likely to be flooded.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor Area Ratio (F.A.R.): The horizontal area of all of the floors of any building or buildings on a lot, divided by the area of such lot, or in the case of planned unit developments or planned area residential developments, by the net lot area. Where off street parking is provided in the principal building or in a building on a lot across a street or alley from the principal building, the area of the lot upon which such building providing off-street parking is provided may be included in determining the permitted floor area of the principal building. Space provided within a building for off-street parking shall not be counted in determining the floor area of such building.

Floor Area, Usable: Any floor area within the outside wall of a building, exclusive of areas in cellars, basements, unfinished attics, garages, open porches, and accessory buildings.

Floor Area: The sum of the gross horizontal areas of all of the floors of all buildings on the lot, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings. Floor area shall include the area of basements when used for residential, commercial or industrial purposes, but need not include a basement or portion of a basement used for storage or housing of mechanical equipment, or the basement apartment of a custodian in a multiple-family dwelling, except that portion of said custodian's dwelling unit which is in excess of fifty (50) percent of the total basement area.

Floor: The top surface of an enclosed area in a building (including basement), i.e., the top of a slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does not include cisterns or the floor of a garage used primarily for the parking of vehicles and where openings are installed to allow the free passage of water.

Frontage, Corner Lot: All the property on one (1) side of a street between two (2) intersecting streets, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead-end of the street. This definition also includes ingress-egress easements when used as the only means of access.

Fuel Storage Facility: An area that is used or planned to be used for the storage of petroleum products used for the powering of motor vehicles, boats and ships, and aircraft, and for the operation of electrical generating plants. The facilities may be above-ground or underground storage tanks.

Functionally Dependent Facility: A facility that cannot be used for its intended purpose unless it is located or carried out in proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Funeral Home: A building used for the preparation of the deceased for burial, the display of the deceased, and ceremonies connected therewith before burial or cremation.

Gambling Establishment: A casino or other facility in which are included facilities for roulette, dice, various card games, slot machines and/or other games of chance.

Garage: A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing, repairing, or storing motor vehicles internally and enclosed within the building.

Garage, Parking: A building, or portion of building, or area beneath a building or structure, except those described as a private garage, used for the parking only of automotive vehicles.

Garage, Private: An accessory building used primarily for the storage of self-propelled vehicles for the use of occupants of a lot on which such building is located. The foregoing definition shall be construed to permit the storage on any one (1) lot for the occupants thereof within such garage, of commercial vehicles that otherwise may be used as private vehicles. However, this shall not be construed to include construction equipment or vehicles with a rated base curb weight in excess of five thousand (5,000) pounds.

Garage, Public: Any premises, except those described as a private or community garage, used principally for the storage of automobiles or other motor vehicles, for remuneration, hire, or sale, where any such vehicle may also be equipped for operation or repaired.

Golf Course: A tract of land for the playing of the game of golf, with tees, greens, fairways, hazards, etc. A golf course may be nine (9) or eighteen (18) holes in length.

Governmental Use: Public land areas and facilities that are utilized for daily administration and operation of government business which house personnel, records, equipment and the like, belonging to or leased by the Territorial or federal government, special district, or agency.

Grade, Highest Adjacent: (See Highest Adjacent Grade)

Grade: The established grade of the street or sidewalk as prescribed by the Department of Public Works. Where no such grade has been established, the grade shall be the average computed by a licensed land surveyor at the sidewalk at the property line. Where no sidewalk exists, the grade shall be established in the same manner on the street adjacent to the property line.

Greenhouse: An enclosed building, permanent or portable, that is used for the growth of small (i.e., less than ten (10) feet in height) plants.

Gross Acre: (See Acre, Gross)

Gross Density: The total number of dwelling units divided by the total land area in any development. Land required for drainage, circulation, recreation, etc. is not subtracted from the total land area in making the calculation of gross density.

Gross Floor Area: The sum of the total areas taken on a horizontal plane of a floor or several floors of a building measured between the outside face of the exterior walls, exclusive of areas open and unobstructed to the sky.

Gross Leasable Area (GLA): The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces. GLA is that area on which the tenants pay rent; it is the area producing income to the landlord, and is the square footage amount used for determining required parking area. GLA includes all areas less common areas. (See Common Area)

Ground Coverage: (See Lot Coverage)

Ground Floor Area: The square footage area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, patios, swimming pools, parking areas, driveways, garages, exterior stairways, secondary stairways, and drive-through teller lanes or walk-up windows of financial institutions only. Ground floor area is the total area used in determining the percentage of lot coverage.

Ground Sign: (See Sign, Ground)

Groundwater: Water that fills all of the unblocked voids of underlying material below the ground surface that is the upper limit of saturation, or water which is held in the unsaturated zone by capillarity.

Group Homes: Housing that is provided to the physically or developmentally impaired population in a group setting. The term "group home" shall be construed to include housing for the elderly, nursing homes, and other adult congregate living facilities, but shall not include halfway houses. (See also "Residential Treatment Facility")

Guam Coastal Management Program: The program prepared by the Government of the Territory of Guam for the management of the Coastal Zone of Guam and submitted by the Governor of the Territory of Guam to the U.S. Department of Commerce pursuant to Section 306, Subsection (c), Paragraph 4 of the Federal Coastal Zone Management Act of 1972 (P.L.92-583, as amended).

Guam Register of Historic Places: A listing of historic properties that have been formerly reviewed and accepted for listing by the Guam Historic Preservation Review Board.

Guam Historic Preservation Review Board: An advisory and oversight board (created by P.L. 20-15, or any subsequent body that legally continues the authority granted by this Law) that makes the final decision to list a property on the Guam Register of Historic Places, hears appeals of Guam Historic Preservation Office(r) decisions and makes general policy recommendations for the historic preservation program.

Guest House: (See Hotel and Guest Houses)

Gutter: A constructed waterway, usually along a street curb, installed to collect and conduct street surface water.

Halfway House: A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive confinement wherein supervision, rehabilitation, and counseling are provided to mainstream a person back into society.

Hardship: Within the context of this Zoning Code, "hardship" refers to special conditions or circumstances existing that are peculiar to the location, size, and characteristics of the land, structure, or building involved and which are not applicable to the same degree to the lands, structure, or buildings in the same zoning district; or special conditions or circumstances that did not result from the action of the applicant; or from a literal interpretation of this Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

Hazard Area, Coastal: (See Coastal High Hazard Area)

Hazardous Substances: Any substances or materials that, by any reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

Health Care Facility: An establishment primarily engaged in furnishing medical, surgical or other services to individuals, including the offices of physicians, dentists, and other health practitioners; medical and dental laboratories; out-patient care facilities; blood banks; and oxygen and miscellaneous types of medical supplies and services.

Health Club: Gymnasiums (except those associated with educational institutions), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

Height of Building: The vertical distance from the established grade of the center of the front of the building to the highest point of the roof surface of a flat roof; to the deck line for a mansard roof; and to the mean height level between the eaves and ridge for hip, gabled, and gambrel roofs.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Highway: A roadway or thoroughfare with intersections at grade and direct access to abutting property, primarily designed for through traffic, on a continuous route, and not having access control.

Historic Property: A building, structure, object, area, or site that is significant in the history, architecture, archaeology, or culture of Guam or the nation.

Homeless Shelter: A facility that provides temporary housing for individuals or families which, due to personal adverse financial situations, have lost their homes. (See also Residential Treatment Facility).

Home Occupation: Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof. A home occupation may include catering services, creation of arts and crafts, and the consultation by such professionals as a physician, dentist, lawyer, architect, engineer, clergyman or real estate broker, and excludes such uses as tea rooms, cafes, and veterinary hospitals. A home occupation may not display or advertise any commodity or service for sale on the premises, nor may it involve the employment of more than one (1) person, other than a member of the immediate household.

Homeowners Association: A private, nonprofit corporation of homeowners of a fixed area constituted for the purpose of owning, operating, and maintaining various common properties.

Horticulture: The science and art of cultivating flowers, fruits, vegetables, or ornamental plants.

Hospital: A facility providing primary health services and medical or surgical care to persons, primarily inpatients suffering from illness, disease, injury, deformity, other abnormal physical or mental conditions, chemical or substance dependency or abuse, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities, and training facilities.

Hotel, Apartment: (See Apartment Hotel)

Hotels and Guest Houses: Any building containing more than six (6) guest rooms used, or intended to be used, rented, or hired out to be occupied or that are occupied for sleeping purposes by guests, whether rent is paid in money, goods, labor, or otherwise. It does not include buildings in which sleeping accommodations are provided for persons who are harbored or detained to receive medical, charitable, or other care or treatment, or provided for persons who are involuntarily detained under legal restraint.

House of Worship/Church: A building or structure wherein persons regularly assemble for religious worship, is specifically designed and used primarily for such purpose, and is maintained and controlled by a religious body organized to sustain public worship.

House, Apartment: (See Dwelling, Multiple-Family)

House, Boarding: (See Boarding House)

House, Lodging: (See Lodging House)

Household: (See Family)

Hydric Soil: Soil that is saturated, flooded or ponded long enough to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined by following the procedure described in the *1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, or subsequent amendments.

Illuminated Sign: Any sign that has characters, letters, figures, designs or outlines illuminated by electric lights, or from a remote position.

Immediate Vicinity: With regard to the built or man-made environment, this refers to all development that is within five hundred (500) linear feet of any proposed development, measured in a straight line from the property line that is closest to any existing development.

Impervious Surfaces: Those surfaces that do not absorb water and consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt on a lot.

Improvement, Substantial: (See Substantial Improvement)

Improvement: Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

Include: To contain or comprise without limitation, to consider as part of a whole, or to take into account.

Incombustible Material: Any material that will not ignite at or below a temperature of one thousand, two hundred (1,200) degrees Fahrenheit and will not burn or glow at or below that temperature.

Incompatible Use: A use that is incapable of existing in harmony with the natural environment or with other uses situated in its immediate vicinity.

Indoor Amusement: Establishments engaged in providing entertainment indoors for a fee or admission charge, including such activities as theaters, bowling, pool, billiards, or arcades, that feature three (3) or more coin or token operated devices, such as pinball and video games.

Indoor Storage: The keeping of any goods, materials, merchandise, or supplies as an accessory use to any retail, office, or service use. Any retail or office use shall not devote more than thirty five percent (35%) of its gross floor area to indoor storage.

Industrial Park: A planned, coordinated development of a tract of land with two (2) or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site circulation, parking, utility needs, building design and orientation, and open space.

Industry, Heavy: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in the storage of, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including process, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Infill Development: The addition of new housing or other buildings on scattered vacant sites in a built-up area.

Infrastructure: The roads, sewage system (including collection lines, treatment plants, and outfalls), water system (including distribution lines, wells, and desalination plants), police and fire protection services, health care facilities, schools, electricity system, telephone system, cable television system, and solid waste disposal facilities.

Institutional Use: A non-profit corporation or establishment for public use.

Intent: The objective toward which any section of this Zoning Code strives or for which it exists.

Interpretation: Within the context of this Zoning Code, shall mean a finding or determination made by the Zoning Official as to the meaning or intent of any work, phrase, or section contained herein.

Intersection: Any street, public way, court, or alley that joins another at an angle, whether or not it crosses the other.

Junk Yard: A lot, land or structure, or part thereof, used primarily for the collecting, temporary storage, and sale of waste paper, rags, scrap metal, or discarded metal, including the dismantling or storing of wrecked automobiles or other vehicles, and buildings. The terms "dismantling" or "storing" do not include the action of licensed automobile repairer or garage owner in stripping an automobile or other vehicle of its usable parts, as long as such action is completed within thirty (30) calendar days of the arrival of the motor vehicle being so stripped on the premises of the garage or automobile repair business.

Karaoke Bar or Lounge: (See Bar and/or Cocktail Lounge)

Kindergarten: (See "Pre-School Facility" or "Primary School".)

Kitchen, Central: A common space used or designed to be used for the preparation of a large quantity of food to the tenant population of the establishment in which such kitchen is located.

Kitchen: A space used or designed to be used for the preparation of food.

Kitchen, Outdoor: An outdoor space devoted to cooking and the preparation of food, separated from its associated dwelling unit, often open, with no walls on one (1) or more sides.

Laboratory: A place devoted to experimental study, such as testing and analyzing, as well as physical diagnostic facilities and soil and water testing facilities. The manufacturing of any product or products is not considered to be part of this definition.

Land Clearing: The exposure of earth by the removal of vegetative cover of any kind.

Landfill: The depositing of soil, sand, gravel, shell, or other materials on or in any land area, or the artificial alteration of water levels for land reclamation purposes.

Landscape, Perimeter: A continuous area of land, required to be set aside along the perimeter of a lot, in which landscaping is used to provide a transition between uses and/or to reduce the environmental, aesthetic, and other impacts of one type of land use or activity upon another.

Landscape Plan: A detailed sketch to scale illustrating the type, size, location and number of plants to be placed in a development.

Landscape Strip: A strip of land along the perimeter of the site containing trees, barriers, ground cover and/or other plant material.

Landscaping: Shall consist of any of the following or combination of material to improve the appearance of the land such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms; and non-living durable material commonly used in the landscape, such as, but not limited to, rocks, pebbles, mulch, sand, walls or fences, benches, fountains, paving for pedestrian use (but excluding paving for vehicles), exterior landscape accent lighting fixtures, and any other item of exterior landscape furniture.

Land Use: The employment of a site or holding so as to derive revenue or other benefit from it ; also the delineation by the Government of the utilization to which land may be put so as to promote the most advantageous development of the Territory of Guam.

Laundromat: An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

Laundry Plant: An establishment for the mechanized washing and/or dry cleaning of clothing, linens, and the like.

Laundry Service: A retail sales and service establishment that provides for the drop-off of clothing, linens, and the like to be washed, dry cleaned, ironed, mended, or repaired with no machines or equipment for the dyeing of same, and specifically no machines or equipment available for self-service directly by the consumer.

Livestock: Domestic animals, such as horses, cattle, pigs, carabao, goats or poultry, kept for their services or raised for food and other products.

Littoral Owner or Lessee: The owner or lessee of any private or public upland bordered by or contiguous to the trustlands or other submerged and filled lands.

Loading Space: An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Local Road or Street: A roadway providing for direct access to abutting land, and for local traffic movements.

Lodging House: A building other than a hotel where lodging is provided for five (5) or more persons for compensation pursuant to previous arrangements, but not open to the public or transients, and meals and drinks are not served.

Lot: A plot, parcel or tract of land occupied or proposed to be occupied by a building and the accessory building or uses customarily incidental to it, including at least such open spaces as are required by these regulations and such open spaces as are arranged and designed to be used in connection with such building and having its principal frontage on a street or place or with access thereto.

Lot Area: The area contained within the boundary lines of a lot.

Lot, Building: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling unit grouping and its accessory buildings, together with such open spaces as are required under the provisions of this Zoning Code, having not less than the minimum area and width required by this Zoning Code for a lot in the district in which such land is situated, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of this Zoning Code to be adequate as a condition of the issuance of a development permit for a building on such land.

Lot, Corner: A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street and any two (2) chords of which form an angle of one hundred twenty (120) degrees or less. The point of intersection of the street lot lines is the "corner". In the case of a corner lot with curved street lines, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, parking structures, but not to include off-street parking lots or parking garages, terraces, swimming pools, pool deck areas, or walkways, roadways, or driveways.

Lot Depth: The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

Lot, Interior: A lot other than a corner lot.

Lot Line, Front: In the case of a lot abutting upon one street, the front lot line shall mean the line separating such lot from such street. In the case of any other lot, the owner shall, for the purpose of this Zoning Code, have the privilege of electing any street lot line as the front lot line, providing that such choice in the opinion of the Department of Public Works will not be injurious to the existing or the desirable future development of adjacent properties.

Lot Line, Rear: Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular or gore shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Building Official shall designate the rear lot line.

Lot Line, Side: Any lot line that, as defined by this Zoning Code, does not constitute a front or rear lot line.

Lot, Through: An interior lot having frontages on two (2) parallel streets as distinguished from a corner lot, which has frontages on two (2) perpendicular streets (also referred to as a "Double-Frontage Lot").

Lot Width: The mean horizontal distance between the side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot width shall be considered as the average distance between such side lot lines.

Lot, Zoning: A single tract of land located within a single block which (at the time of filing for a development permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. A zoning lot may or may not coincide with a lot of record.

Lounge: A building or portion of a building, wherein alcoholic beverages are sold by the drink and consumed on the premises.

Major Permit: The permit required for development that is not a "minor development" or "super-major development" as defined in Section VIII.C.1.e. and f., of this Zoning Code.

Major Public Community Drinking Water Supply: Those public water systems that are permitted to withdraw an average daily amount of at least 100,000 gallons of groundwater.

Manufactured Home: A structure, transportable in one or more sections, which is designed to be used with or without permanent foundation when connected to the required utilities.

Marina: A harbor facility for boats, where supplies, repairs, and/or other boat-related services are available.

Marquee: (See Canopy)

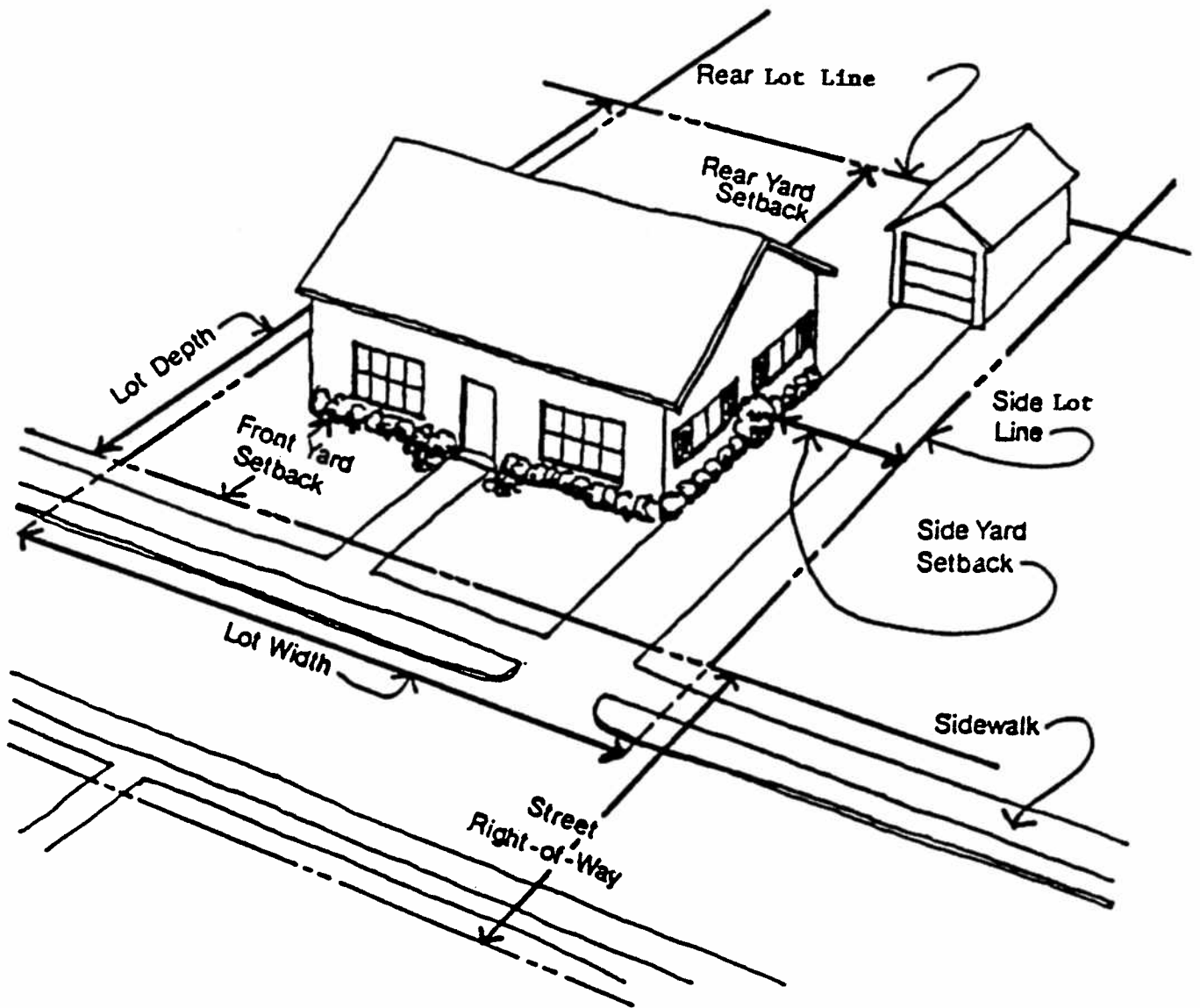
Massage: The manipulation of the superficial tissue of the human body with the hand, foot, arm, or elbow, whether or not such manipulation is aided by hydrotherapy or thermal therapy, or any electrical or mechanical device, or the application to the human body of a chemical or herbal preparation, and is not intended to be sexually arousing.

Massage Clinic or Center: A business establishment offering massage, steam baths, etc. to relieve tension, make muscles or joints supple, or stimulate circulation. An establishment that refers to itself as a "massage parlor" and fits the definition of an Adult Entertainment Facility (see definition in this Section) shall not, for the purpose of this Zoning Code, be considered to be a Massage Clinic or Center.

Mean High Water Line: The intersection of the tidal plane of mean high water with the shoreline.

Mean High Water: The average height of the high waters over a nineteen (19) year period, or for shorter periods of observation, the average height of the high water after corrections are applied to eliminate known variations and to produce the result of the equivalent of a mean nineteen (19) year value. Alternatively, mean high water may be defined as the average height of the high waters as established and accepted by the U.S. Army Corps of Engineers.

Illustration of various building lot and yard terms



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- Mean Low Water Line:** The intersection of the tidal plane of mean low water with the shoreline.
- Mean Low Water:** The average height of the low waters over a nineteen (19) year period, or for shorter periods of observation, the average height of the low waters after corrections are applied to eliminate known variations and to produce the result of the equivalent of a mean nineteen (19) year value. Alternatively, mean low water may be defined as the average height of the low waters as established and accepted by the U.S. Army Corps of Engineers.
- Mean Sea Level (MSL):** The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the Flood Insurance Rate Map (FIRM) are referenced.
- Mezzanine:** A floor level between two (2) main floors of a building, usually immediately above the ground floor.
- Minimum Living Area:** The area within the outside perimeter of the exterior walls with no deduction for corridors, stairs, closets, thickness of walls, columns or other features, exclusive of areas open and unobstructed to the sky, and not to include garages, carports, open porches, open breezeways, store rooms, screened-in porches, or basements.
- Ministorage or Miniwarehouse:** A building or group of buildings consisting of individual storage units not exceeding four-hundred (400) square feet per storage unit that are leased or owned for the storage of business and household goods or contractor's supplies. These facilities shall not be used for any wholesale or retail operations.
- Minor Permit:** The permit required for development defined in Section VIII. B.1.e. of this Zoning Code.
- Mitigation:** An action or actions taken to lessen or to compensate for unavoidable adverse effects on environmentally sensitive or historic properties.
- Mixed Use Zoning:** Zoning that permits a combination of typically separated uses within a single development. A planned unit development is an example of mixed use zoning. Mixed use in an urban context refers to usually a single building with more than one (1) type of activity taking place within its confines. An example of such a type of development could have commercial uses on the ground floor, offices above them, and residential units above the offices. Other combinations of uses may also occur in this type of setting.
- Mobile Home Park:** Any place, area, or tract of land maintained, offered or used for the parking of three (3) or more mobile homes used or intended to be used for living or sleeping purposes.
- Mobile Home Space:** That portion of land in a mobile home park allotted or designed for accommodation of one (1) mobile home.
- Mobile Home:** Any dwelling, trailer or unit designed and constructed for living or sleeping purposes that is equipped with wheels or similar devices for the purpose of transporting the unit, and such unit shall be considered a mobile home whether or not the wheels have since been removed and whether or not ultimately set on jacks, masonry blocks or other foundation, with or without skirtings.

Modular Home: A dwelling unit having components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Monitoring: A mitigation measure used when a project is likely to uncover previously unidentified historic properties during the development of said project.

Moor: To attach a ship, boat, vessel, or other water craft to a stationary underwater device, mooring buoy, buoyed anchor, or dock.

Mooring Buoy: A floating device or object that is permanently fastened to submerged land or a sea bed, and to which a vessel may be attached by use of its anchor chain or mooring lines.

Mooring Piling: A post, pillar, piling, or stake used for the purpose of berthing buoyant vessels either temporarily or indefinitely, for a finite period, whether or not used in conjunction with a dock.

Mooring: The attaching, fixing, or fastening of a vessel to a mooring buoy or other similar device that is permanently fastened to a stationary underwater device and which is not carried aboard a vessel as regular equipment when underway.

Motor Home: (See Recreational Vehicle)

Multiple-Family Dwelling: (See Dwelling, Multiple-Family)

Mulch: Non-living, organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

Museum: A nonprofit, noncommercial establishment operated as a repository or a collection of natural, historic, scientific, or literary curiosities, or objects of interest or works of art. Restaurants and gift shops may be included as part of any museum, so long as the square footage for these activities constitutes not more than twenty-five (25) percent of the total floor area of the museum building.

National Geodetic Vertical Datum (NGVD): As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

National Register of Historic Places: A list of properties that have been formally judged to have historic significance and which have been accepted by the keeper of the National Register.

Natural Preserve: An area designated to be maintained in an unimproved, natural state.

Navigation Buoys: Floating objects anchored in coastal waters to guide mariners or define areas reserved for swimmers or other specialized uses, and/or to mark the position of submerged objects.

Necessary: Anything that is deemed by the Government of Guam to be required to meet the needs of the general public.

Net Floor Area: The area actually occupied, not including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet rooms, mechanical areas, or other similar features.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of this Zoning Code.

Night Club: An establishment that has a capacity for at least thirty (30) persons seated at tables and the bar employs a bartender and maintains table service, dancing, and/or live entertainment for the guests.

Non-Conforming Building: A building or structure that does not conform to the regulations of this Zoning Code and which lawfully existed at the time the regulations, with which it does not conform, became effective.

Nonconforming Use: Any legal and/or permitted use of land or building that does not conform at the time of the adoption of this Zoning Code to the use, standards, and requirements for the district in which it is situated.

Notify: To inform by either hand delivery or certified mail (except where otherwise specified) the applicant, his authorized agent or representative, the Zoning Official or the Department of Public Works.

Nuisance: The use of property or course of conduct that interferes with the legal rights of others which causes damage, annoyance, inconvenience, or tends to injure the health, safety, or morals of the Territory's residents.

Nursery, Plant: (See Plant Nursery)

Nursing, Rest, or Convalescent Home: A private facility for the care of five (5) or more children, aged, or infirm persons, or a place of rest for those suffering bodily disorders. Such facility does not contain equipment for surgical care or for the treatment of injury. (See also "Residential Treatment Facility".)

Occupancy: The physical placement of a structure on land, or the utilization of land on a temporary or permanent basis. This includes existing structures built prior to the enactment of this Zoning Code that do not have authorization by virtue of a valid permit issued.

Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Office Park: A tract of land that has been planned, developed, and operates as an integrated facility for at least three (3) separate office buildings and supporting ancillary uses, with special attention given to circulation, parking, aesthetics, and compatibility.

Off-Street Parking: The minimum off-street, on-site parking of vehicles that shall be provided under the terms of this Zoning Code.

On-Site: Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

One Hundred (100) Year Storm: A shore-incident typhoon or any other storm with accompanying wind, wave, and storm surge intensity having a one (1) percent chance of being equaled or exceeded in any given year, during any one-hundred (100) year interval.

Open Space: An area that is intended to provide light and air, and is designed for environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, golf courses, playgrounds, fountains, swimming pools, wooded areas, water courses, driveways, parking lots, parking garages, and other surfaces designed or intended for vehicular travel.

Open Space, Common: An area within or related to a development, not in individually owned lots or dedicated for public use, but that is designed and intended for the common use and enjoyment of the residents of a development.

Open Storage: (See Storage, Open)

Orphanage: An institution established for the care of orphans or homeless children (See Residential Treatment Facility).

Outdoor Sale: The selling of any goods, material, merchandise, or vehicles for more than twenty-four (24) consecutive hours, in an area open to the sky and/or visible from adjacent properties or rights-of-way. The display of said goods, material, merchandise, or vehicle shall, for the purpose of this Zoning Code, constitute a sale.

Outfall Pipes: (See Small Intake and Outfall Pipes)

Outpatient Clinic: (See Clinic)

Overlay Zone: A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements beyond that required by the underlying zone.

Parcel: A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

Park, Public: An area that may be improved for the purpose of providing public access in a manner consistent with the preservation of its recreational, educational, cultural, historical, or aesthetic qualities.

Parking Lot and/or Garage: Off-street facility used for the storage or parking of motor vehicles to provide an accessory service to a commercial, industrial, public or residential use.

Parking Space: An area of not less than eight and one-half (8.5) feet wide by eighteen (18) feet long, for each automobile or motor vehicle, such space being exclusive of necessary driving aisles, entrances, or exits, and being fully accessible for the storage of parking of permitted vehicles.

Parking Structure: A stand alone structure used for the storage or parking of motor vehicles. The footprint of a parking structure shall be included in the calculation of lot coverage.

Performance Guarantee: A financial device to insure that all improvements, facilities, or work required by this Zoning Code will be completed in compliance with the approved plans and specifications of a development.

Permit: Any license, certificate, approval, or other entitlement for use granted by any public agency.

Person: Any individual, organization, partnership, association, corporation, or other entity, including any utility, the Government of Guam, the Government of the United States, any department, agency, council, board, authority, or commission of such governments, and any officer or governing or managing body of any of the foregoing.

Personal Service: Beauty parlors, shops or salons; barbershops; reducing or slenderizing studios; electrolysis services; manicurists; and the like.

Physical or Natural Sciences: One of the sciences dealing with inanimate matter or natural resources. For the purposes of this Zoning Code, this term shall include, but not be limited to, foresters, geographers, ecologists, biologists, wildlife biologists, fisheries biologists, geologists, engineers, architects, landscape architects, soil scientists, horticulturists and agronomists.

Pier: A structure of timber or other material built onto or over the trust lands or other submerged and filled lands. The definition of a pier may also be construed to include a dock.

Planned Affordable Residential Development: A development of land at least five (5) acres in size that is under unified control and is planned and developed for affordable housing (as defined in this Zoning Code) either as a whole in a single-development operation or in a programmed series of development stages. The development may also include streets, other circulation facilities, utilities, open space, limited commercial development intended to serve primarily the residents of the development and other site features and improvements.

Planned Unit Development: Land under unified control to be planned and developed as a whole in a single development operation or a programmed series of development operations or phases. A planned unit development generally has a range of uses including residential, commercial, office, and recreational that are designed to be in a harmonious relationship with each other. However, anyone considering this development technique should refer to Chapter XVI., Section A.: Residential Performance Standards, to determine the uses that are permitted. Such a development is built according to specific plans that include not only streets, utilities, lots, and building locations, but also site plans for all buildings that are intended to be located, constructed, used and related to each other and plans for other uses and improvements on the land as related to the buildings.

Plant Communities: A natural association of plants that are dominated by one or more prominent species.

Plant Nursery: An enterprise, establishment, or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance. The accessory items normally sold include items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels.

Plat: A map, plan, or layout of a subdivision of land, indicating the location and boundaries of individual properties.

Plat, Final: That map, plan, or layout of a subdivision of land which is filed after completing the improvements, accompanied by certifications that the improvements have been satisfactorily completed and are recorded.

Plot: A parcel of ground containing more than one (1) lot upon which a building and its accessory buildings have been or may be erected.

Potable Water: Water that is intended for drinking, cooking, or domestic purposes, subject to compliance with Territorial or federal drinking water standards.

Pre-School Facility: An educational center or establishment, including a kindergarten, that provides primarily instruction, supplemented by daytime care, for four (4) or more children between the ages of two (2) and five (5) years, and which operates on a regular basis.

Preserve Areas: Areas restricted for the protection and preservation of natural or cultural resources.

Premises: Land and all buildings and structures thereon.

Principal Building: (See Building, Principal)

Principal Use: (See Use, Principal)

Private Clubs: Organizations that are privately owned and operated by their members and not operated for profit, and which maintain recreational, dining, and/or athletic facilities for the exclusive use of the members and their guests and uses accessory or incidental thereto.

Private Concessionaires: Private business facilities that are necessary and appropriate to the operation of federal and Government of Guam parks and recreation areas, so that they are compatible with environmental considerations, practical business management, local conditions, area visitation, and enabling legislation.

Private Garage: (See Garage, Private)

Professional Office: The office of a person engaged in any occupation, vocation, or calling, not purely commercial, mechanical, or agricultural, in which a professed knowledge or skill in some department of science or learning is used by its practical application to the affairs of others, either advising or guiding them in serving their interest or welfare through the practice of an art founded thereon.

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- Professional Service:** The conduct of business in any of the following related categories: advertising, architecture, landscape architecture, engineering, planning, law, medicine, music, art, interior design, dentistry, accounting, insurance, real estate, finance and securities investments, and any similar type business.
- Public Assembly, Place of:** Any area, building or structure where large numbers of individuals meet or collect to participate or to observe programs of participation. Places of public assembly shall include theaters, auditoriums, gymnasiums, stadiums, houses of worship, or comparable facilities.
- Public Agency:** The Government of the United States, the Government of Guam or any department, agency, board, council, authority, or commission of either government, and any officer or governing or managing body of any of the foregoing.
- Public Building:** Any building held, used, or controlled exclusively for public purposes by any department or branch of government without reference to the ownership of the building or of the realty upon which it is situated.
- Public Garage:** (See Garage, Public)
- Public Improvement:** Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility, and energy services.
- Public Notice:** The legal advertisement given of an action or proposed action of the Government of Guam or its designee.
- Public Trust Lands:** See Trust Lands, Public.
- Public Use:** The use of any land, water, or building by a public agency for the general public, or by the public itself.
- Public Utility:** Any person, firm, corporation, governmental department, or board, duly authorized to furnish under government regulations to the public, electricity, gas, communications, transportation, or water.
- Quarrying and Associated Activities:** Operations that primarily involve surface mining or quarrying of non-metallic minerals such as dimension stone, crushed and broken stone, including riprap, and sand and gravel pits. Primary preparation plants of quarried material for construction and other special uses are also included in this definition.
- Race Track:** A course developed for the racing of motor vehicles, horses, or dogs (i.e., greyhounds), generally in the form of an oval track.
- Rafts:** Structures that are temporarily anchored or moored on a daily basis in the Territorial waters of Guam and serve as supports for swimmers or other uses. Such rafts may be no larger than one hundred (100) square feet in area.

Ramps: Structures (usually paved surfaces) that facilitate the placement into or removal from the water of small boats capable of being carried on a trailer which is pulled by another vehicle.

Recreation Areas or Facilities: Any privately or publicly-owned passive or active park, playground, sports field, access easement, beach, or other similar recreation areas or uses.

Recreational Vehicle: A vehicular-type unit primarily designed for recreational, camping, or travel use, that has either its own motive power or is mounted on or drawn by another vehicle. The basic types of recreational vehicles include, but are not limited to, camping trailers, truck campers, motor homes, boats, all terrain vehicles (ATV's), motorcycles and jet skis.

Related Project: Any project that is existing, under construction, or for which permits have been sought; an impact or impact of which may add to or change an impact or impacts of a development proposal under consideration. A related project need not be owned or operated or operated in common with the development proposal under consideration.

Reservoir: A natural or artificial lake or pond in which large quantities of water are collected and stored for use by the public.

Residence: (See Dwelling)

Residential Treatment Facility: A facility that provides both a residence (for varying periods of time) and a care component. Among such facilities are group care homes, emergency or homeless shelters (including victims of violence), recovery homes, nursing, rest, and convalescent homes, and orphanages. In such a facility service, equipment, and safety features necessary for the proper care of residents is normally provided. Such services may include: (1) supervision and assistance in dressing, bathing, and in the maintenance of good personal hygiene; (2) care in emergencies or during temporary illness, usually for periods of one (1) week or less; (3) supervision in the taking of medication; and (4) other services conducive to the residents' welfare.

Residential Use: Use of land or structure thereon, or portion thereof, as a dwelling place for one (1) or more families or households, but not including occupancy of a transient nature such as in hotels, motels, or time-sharing uses.

Resort: A hotel that serves as a destination point for visitors. A resort generally provides recreational facilities for paying guests on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals.

Rest Home: (See Nursing, Rest, or Convalescent Home)

Restaurant: (See Retail Food Establishment)

Restrictive, More (Less): A regulation imposed by this Zoning Code is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

Retail Food Establishment: Any fixed or mobile place or facility at or in which food or beverages are offered or prepared for retail sale or for service. The definition includes restaurants, fast food restaurants, carry out restaurants and drive-in restaurants. A cafeteria shall be deemed a restaurant for purposes of this Zoning Code.

1. **Restaurant:** An establishment whose primary business is the sale of food and beverages to patrons for consumption on the premises and whose method of operation includes any of the following:
 - (a) Patrons place their order at their table from which displays (menus) describe the food and beverage available to them.
 - (b) Preparation, service and consumption of food and beverages takes place within a completely enclosed building, accommodating at least fifty (50) percent of the establishment's permitted seating capacity.
 - (c) Outside table dining is permitted in areas permanently designated for such use, and shall not exceed fifty (50) percent of the establishment's permitted seating capacity, shall be in keeping with the exterior architectural theme of the building, and in no way shall permit the consumption of food or beverages within automobiles.
 - (d) Food and beverages are regularly served to patrons while seated at their table by an employee of the establishment.

2. **Fast Food Restaurant:** Any establishment whose principal business is sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes any of the following characteristics:
 - (a) Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.
 - (b) Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
 - (c) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
 - (d) The kitchen is in excess of fifty (50) percent of the total floor area.

3. **Drive-In Restaurant.** Any establishment where provision is made on the premises for the sale of foods, frozen desserts or beverages to the consumer in automobiles or primarily within a completely enclosed building accommodating at least ninety (90) percent of the establishment's permitted seating capacity and whose design, method of operation, or any portion of whose business includes any of the following characteristics:
 - (a) Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.

- (b) Foods, frozen desserts, or beverages may be served directly to the customer in a motor vehicle by any means that eliminates the need for the customer to exit the motor vehicle.
- (c) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is permitted.
- (d) The kitchen is in excess of fifty (50) percent of the total floor area.

A restaurant that provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant for purposes of this Zoning Code.

- 4. **Carry-Out Restaurant.** Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes any of the following characteristics:
 - (a) Food and beverages are ordered from a limited menu posted in sign form within the primary food service building or on the premises.
 - (b) Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
 - (c) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
 - (d) The kitchen is in excess of fifty (50) percent of the total floor area.
- 5. **Catering Service.** Any establishment whose principal business is the sale and delivery of food, beverages, and services to the customer in a ready-to-consume state. Catering services may operate as a home occupation. Hotel food service operations and restaurants may operate as catering services.

Retail Trade: Establishments primarily engaged in providing finished products to individual consumers. Retail trade establishments may include, but is not limited to, apparel, books, groceries, camera shops, convenience stores and automobile service stations.

Retail Sales Area: The area in square feet devoted exclusively for the sale or display of goods or commodities.

Right-of-Way: A street, alley, or other thoroughfare or easement, whether physically accessible or not, that has been permanently established or dedicated for the passage of persons or vehicles. Title to this land remains with the public or private agency until the need no longer exists.

Roadside Stand: (See Concession Stand)

Roadway: (See Street, Public)

Rooming House: (See Lodging House)

Rooming Unit: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Sanitarium: (See Hospital)

Scenic Corridor: Any strip of land adjacent to public roadways that is visible to the motoring public and has natural aesthetic significance.

Scenic Easement: An easement, the purpose of which is to limit development or protect a view or scenic area.

School: A place for systematic instruction in any branch or branches of knowledge.

Schools, Other: Places for systematic instruction, to include trade, vocational/technical, art, music, dance, and business schools or similar type institutions.

School, Middle: Any school, public or private, intended for the education of children from the sixth (6th) through eight (8th) grade.

School, Primary: Any school, public or private, intended for the education of children from kindergarten through the fifth (5th) grade.

School, Secondary: Any school, public or private, intended for the education of children from the ninth (9th) through the twelfth (12th) grade.

Screening: A device or materials used to conceal adjacent land or development. Screening may include walls, berms, or vegetation that must be of sufficient density to block the view of adjacent land or development from either side of the screen. The screen, if vegetative, shall be planted and maintained to completely block the view of adjacent land or development after twelve (12) months. The screen shall be maintained or constructed at such a density as to block the view to adjacent properties.

Sea: The Pacific Ocean, the Philippine Sea, and all coastal waters including harbors, bays, coves, channels, estuaries, salt ponds, marshes, mangrove swamps and other areas subject to tidal action through any connection with the Pacific Ocean or the Philippine Sea excluding streams, tributaries, creeks and flood control and drainage channels.

Seashore Reserve: Land and water areas of Guam extending seaward to the ten (10) fathom contour, including all islands within the Government's jurisdiction except Cabras and those villages wherein residences have been constructed along the shoreline prior to the effective date of the Seashore Act, and extended inland to the nearest of the following points:

1. From the mean high water line for a distance on a horizontal plane of one hundred (100) meters.
2. From the mean high water line to the inland edge of the nearest public right-of-way (P.L. 13-154, 1976).

Seating Capacity: The actual number of people that can be accommodated in an area based upon the number of seats, or one (1) seat per twenty (20) inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined by the Building Code of Guam.

Self-Service Laundry: (See Laundromat)

Setback: The horizontal distance between the front line, sideline, or rear line of the building site to the front, side, or rear of the building or structure, respectively. Setbacks shall be measured perpendicular to and parallel with property or right-of-way lines. Where any building or structure is not built parallel to any property line, the setback distance shall be measured perpendicular from that part of the building or structure which is closest to the relevant property line. The front, rear and side yard setbacks established for the various uses in the different Zoning Districts in this Zoning Code (see Chapter VII.) are the lines beyond which no part of a building may project, except as may be otherwise provided in this Zoning Code.

Shallow Flooding, Area of: (See Area of Shallow Flooding)

Shelter, Emergency: (See Residential Treatment Facility)

Shooting Gallery: A recreation or amusement establishment that provides facilities and equipment for the practice shooting of guns at targets.

Shopping Center: A group of architecturally unified commercial establishments built on a site that is planned, developed, owned, and managed as an operating unit related in its location, size and type of shops to the trade area which the unit serves.

Sign: Anything whatsoever placed, erected, constructed, posted, or affixed in any manner on the ground or to any post, fence, building, or structure for out-of-doors advertising, but not including devices, structures or representations installed by any governmental authority.

Sign, Business: A sign that directs attention to a business, commodity, service or activity conducted or offered upon the premises where the sign is located.

Sign Face: The portion of a sign that is or may be used for copy.

Sign, Gross Area: The "gross area" of a sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of such a sign. However, such perimeter shall not include any structural elements lying outside the limits of such a sign and not forming an integral part of the display.

Sign, Ground: A sign supported by uprights or braces placed on or in the ground and not attached in any manner to a building or structure.

Sign, Identification: A sign on the premises bearing the name of a residential development, the name of a group housing project or of a school, college, park, church or other public or quasi-public facility, or a professional or firm nameplate, and bearing information identifying, but not describing occupancy of the premises on which such sign is located.

Sign, Illuminated: (See Illuminated Sign)

Sign, Occupancy: A sign on the premises bearing the name or address of the piece of property, the name of the owner or resident, and/or any permitted home occupation, and bearing information pertaining only to the premises on which such sign is located.

Sign, Outdoor Advertising: Any card, cloth, paper, metal, painted, glass, wooden, plaster, stone, or other sign of any kind or character, placed for outdoor advertising purposes on the ground or on any tree, wall, rock, post, fence, bush, building, structure, or thing whatsoever. The term "placed" as used in the definition of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing, or making visible in any manner.

Sign Structure: Any construction used or designated to support a sign.

Significant Natural Area: Land and/or water areas of major environmental value, including fish or wildlife habitat areas, valuable biological or natural productivity areas, and unique or fragile ecological units or ecosystems that require special treatment and protection.

Single-Family Dwelling: (See Dwelling, Single-Family)

Single Owner: A person who or entity which alone has legal or equitable title to any property in question.

Site Plan: A graphic and textual presentation of a development proposal in accordance with the appropriate sections of this Zoning Code.

Slaughterhouse: An establishment where animals are butchered for market.

Slum: A building or area that is deteriorating, hazardous, unsanitary, or lacking in standard facilities, including electricity, potable water and sanitary sewerage facilities.

Small Intake and Outfall Pipes: Pipes with an inside diameter not exceeding eight (8) inches extending from the fastlands or landfill into the sea.

Small Private Pier: A pier that is not closer than thirty (30) feet to an adjacent pier, does not exceed five hundred (500) square feet in area, and whose use is private.

Soil: The surface layer of the earth, supporting plant life.

Soil Removal: Removal of any kind of soil or earth matter, including top soil, sand, gravel, clay, rock or similar materials or combination thereof, except common household gardening.

Special Flood Hazard, Area of: (See Area of Special Flood Hazard)

Spill: The unpermitted release or escape of a Regulated Substance directly or indirectly to soils, surface waters, or groundwaters.

Storage, Open: The safekeeping of any goods or products in an unoccupied space, open to the sky, for eventual removal not expected within seventy-two (72) hours or for continuous replacement by same or similar goods or products.

Story: That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A mezzanine shall be deemed a full story when it covers more than thirty-three (33) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

Street Intersection: (See Intersection)

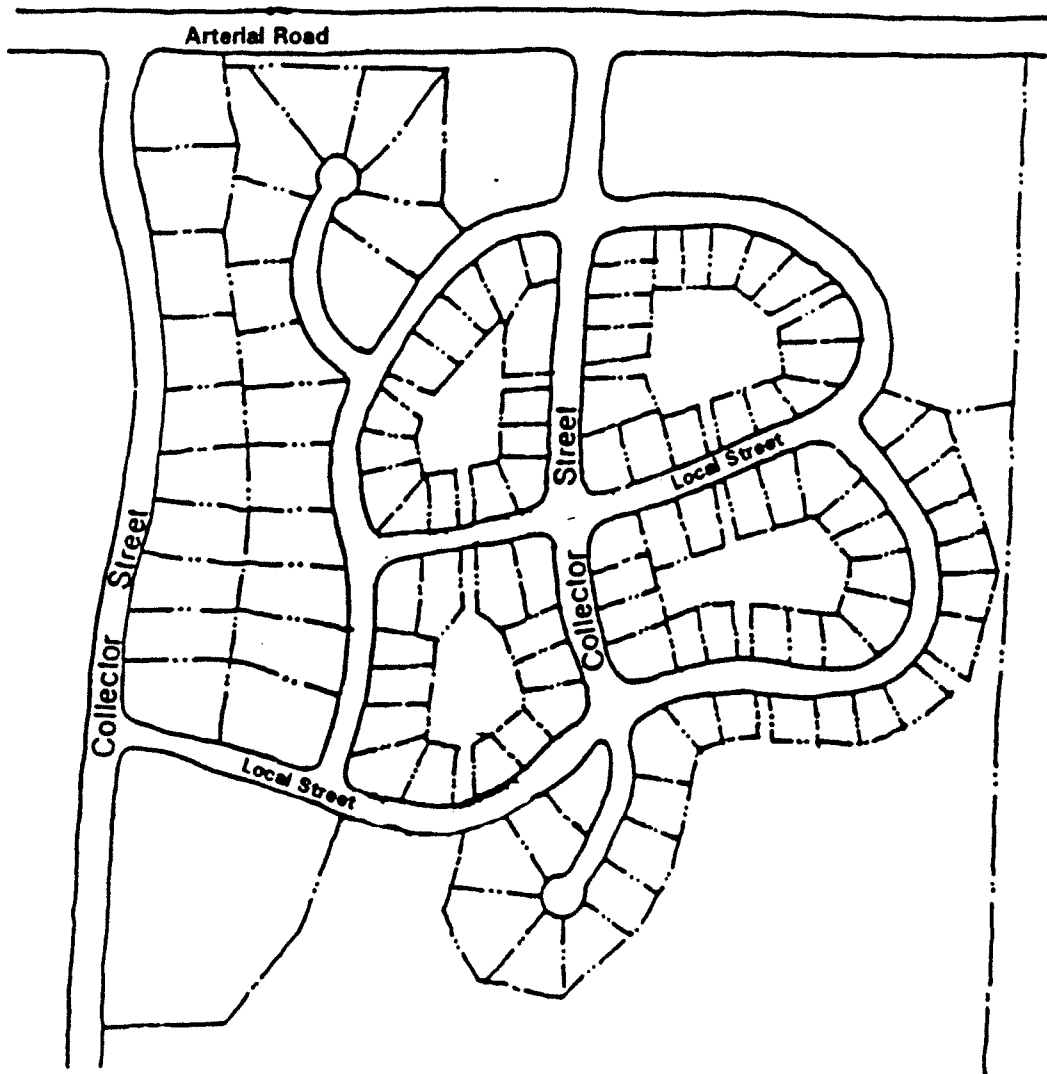
Street Line: The dividing line between any street, road or other thoroughfare and the adjacent lots.

Street, Public: A street affording the principal means of access to abutting property, and dedicated to or maintained by the Government of Guam or the United States Government, affording the principal means of access to abutting property and with a right-of-way or easement as specified in the Land Subdivision Regulations.

Structural Alteration: Any material or dimensional changes in the structural elements of a building such as bearing walls, columns, beams, and roofs.

Structural Trim: The molding, battens, capping, nailing strips, latticing, and platforms that are attached to a sign structure.

Illustration of Roadway Hierarchy Network



Structure: Anything constructed or erected that requires permanent location on the ground or attachment to something having location. A building is always a structure; a structure may or may not be a building. (For the purposes of this Zoning Code the term "structure" shall not be construed to include any roadway, driveway, at-grade paved parking lots, parking garages, patio or courtyard, or any other paved surface, or swimming pool.)

Structure, Accessory: A detached, subordinate structure, located on the same lot, the use of which is clearly incidental to that of the main building or to the principal use of the land.

Structure, Non-Habitable (Major): Includes but is not limited to swimming pools, parking structures, pipelines, piers, canals, lakes, ditches, drainage structures, and other water retention structures; water and sewage treatment plants, electrical power plants, transmission and distribution lines, transformer pads, vaults and substations, roads, bridges, streets, and highways, and underground storage tanks. (For the purposes of this Zoning Code, no non-habitable structure, except for water and sewage treatment plants, and electrical power plants and substations, shall be included in the calculation of lot coverage.)

Subdivision: The division or separation of a parcel of land into six (6) or more lots or parcels by means of mapping, platting, conveyance, change, or rearrangement of boundaries. All subdivisions are also developments and shall be in conformance with the Land Subdivision Regulations of the Territory of Guam.

Submerged Lands: All lands in the Territory of Guam permanently or periodically covered by tidal waters up to, but not above, the line of mean high water, seaward to a line twelve (12) geographical miles distant from the coastline of the Territory.

Substantial Development: (See Development, Substantial)

Substantial Expenditure: With regard to projects that have been approved for development under the terms of this Zoning Code, substantial expenditure shall constitute at least ten (10) percent of the total, expected cost to complete the project as it was approved. The total expected cost shall be derived from the cost figures used in the application for the building permit for the project, less the cost of the land.

Substantial Improvement: Any combination of repairs, reconstruction, alteration, or improvements to a structure taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure shall be (1) the appraised value of the structure prior to the start of the initial repairs or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications that are necessary solely to assure safe living conditions.

Super-Major Permit: The permit for the development of a project that is not a "minor" or "major" development as defined in Chapter VIII., Section B.1.e. and f. of this Zoning Code.

Swimming Buoys: (Same as Navigation Buoys.) Floating objects anchored in coastal waters to guide mariners or define areas reserved for swimmers or other specialized uses, and/or to mark the position of submerged objects.

Swimming Pool: Any in-ground or above-ground structure designed for swimming, wading or other aquatic recreational purposes.

Tavern: An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises, and where sandwiches and snacks may be available for consumption on the premises.

Temporary Use: (See Use, Temporary)

Temporary Building: A building established for a fixed period of time with the intent to remove such building upon the expiration of such time.

Territorial Parks: Designated areas for potential recreation that may be improved for the purpose of providing public recreational facilities in a manner consistent with the preservation of their natural features.

Territorial Recreation Facilities: Designated areas for potential recreation that may be improved for the purpose of providing public recreation facilities.

Theater: A building or part of a building, devoted to showing motion pictures, or for dramatic, musical or live performances.

Topography: The drawing accurately on a map lines that represent particular and consistent elevation levels on the land area depicted on said drawing; also, the actual physical surface's relief characteristics.

Tour Bus Lot: A paved parking area provided at hotels, various shopping areas, and tourist attractions for the accommodation of tour buses. Each parking space for a tour bus shall be twelve (12) feet wide and fifty (50) feet long, with appropriate additional space to accommodate all turning and maneuvering needs in a safe and efficient manner. A tour bus lot shall not be construed to include the overnight parking and/or storage for these vehicles, nor shall this definition include the cleaning or maintenance area for tour buses.

Tower: Any structure whose principal function is to support an antenna, or has been built to store water or to provide air traffic control services, or is used in the recreational activity known as "bungee jumping."

Tract: Used interchangeably with the term "lot," or "block" particularly in the context of subdivisions, where one "tract" may be subdivided into several lots or block.

Trailer: A separate vehicle, not driven or propelled by its own power, but drawn by some independent power; to include any portable or movable structure or vehicle including trailers designed for living quarters, offices, storage, or for moving or hauling freight, equipment, animals, or merchandise of any kind, including boats, boat trailers, jet skis, half tracks, and the like.

Training Site: An educational facility for teaching military operations and carrying out field exercises for such groups as the Guam National Guard or Reserved Officers Training Corps.

Transient Housing: A building or buildings containing guest rooms used, or intended to be used, rented, or hired out for sleeping purposes by guests. The term "Transient Housing" shall be deemed to include such facilities as hotels, motels, guest houses and bed and breakfast inns. It shall not include accommodations for persons who are harbored or detained to receive medical, charitable or other care or treatment, or for persons who are under legal restraint.

Travel Trailer or Recreational Vehicle: Any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one (1) or more persons, and so designed that it is or may be mounted on wheels and used as a conveyance on streets or highways, propelled or drawn by its own or other motive power. Such vehicles or structures shall have a body width not exceeding eight (8) feet, and be of any weight, provided its gross weight does not exceed four thousand five hundred (4,500) pounds or be of any length, provided its body length does not exceed twenty-nine (29) feet.

Trip: A single or one-way vehicle movement.

Trip End: The origin or destination of a trip. Each trip has two ends that constitute a two-direction vehicle movement at the origin or destination of the trip.

Trip Generation: The total number of trip ends produced by a specific land use or activity.

Trim: (See Structural Trim)

Trust Lands, Public: All submerged and filled lands to be administered in trust for the benefit of the people of Guam.

Twenty (20) Year Flood: (See Flood: Twenty Year)

Usable Landscaped Open Space: (See Open Space, Common)

Use, Accessory: (See Accessory Use)

Use, Agricultural: (See Agricultural Use)

Use, Commercial: (See Commercial Use)

Use, Non-Conforming: (See Non-Conforming Use)

Use, Principal: The main use of land or buildings as distinguished from a subordinate or accessory use.

Use, Temporary: A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Use: The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained and shall include any manner of performance of such activity with respect to the Performance Standards of this Zoning Code.

Utility, Public: (See Public Utility)

Variance: A grant of relief from the dimensional requirements of this Law that permits construction in a manner, otherwise prohibited by these regulations and where all of the conditions as set forth in Chapter VIII, Section A.2.a. are satisfied.

Vehicle: Any self-propelled conveyance designed for and used for the purpose of transporting or moving persons, animals, freight, merchandise, or any substance, and shall include passenger cars, trucks, buses, motorcycles, scooters, and recreational vehicles.

Vehicular Use Area: That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of internal traffic circulation areas, loading and unloading areas, and parking areas.

Vessel: Every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation.

Video Sales and Rental: Commercial establishments engaged in the sale and rental of video equipment, tapes and accessories for home entertainment.

Wall, Breakaway: (See Breakaway Wall)

Warehouse: A building used primarily for the storage of goods and materials.

Watercourse: A channel through which water flows either continuously or intermittently and discharges at a fixed point into a body of still or flowing water (such as a lake, reservoir or the sea).

Water Park: A commercial recreational facility that contains a variety of water-oriented activities such as, but not limited to water slides and swimming pools. Such facilities may be found in association with a larger activity.

Water Table: The surface between the vadose zone and the groundwater, that is the surface of a body of unconfined groundwater at which the pressure is equal to that of the atmosphere.

Wharf: A structure built onto or over the trustlands or other submerged and filled lands so that vessels can receive and discharge cargo, products, goods, and passengers, etc.

Wholesale (Trade): The sale of goods or commodities usually in bulk or large quantities and usually at a lower cost to a retailer for resale. Such sales activity takes place in establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.