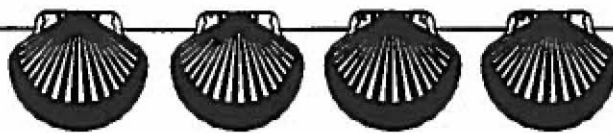


I Tano'-ta The Land Use Plan for Guam



PREPARED FOR
The Territorial Planning Council

**DEVELOPMENT
REVIEW MANUAL**

W. B. FLORES & STRATEGIC PLANNING GROUP



I TANO'-TA

THE LAND USE PLAN FOR GUAM

DEVELOPMENT REVIEW MANUAL

February 1994

Prepared for:

THE TERRITORIAL PLANNING COUNCIL

Submitted By:

W.B. FLORES & ASSOCIATES/STRATEGIC PLANNING GROUP, INC.
A Joint Venture

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DEVELOPMENT REVIEW MANUAL

SECTION 1 — PURPOSE

The purpose of this Manual is to improve and protect the public health, safety, and welfare by pursuing the following objectives:

- A. Ensure that future growth and development are in accordance with all of the planning policies of the Territory;
- B. Encourage innovations in land development and renewal;
- C. Foster the safe, efficient, and economic use of the land, water, transportation, public facilities, and services;
- D. Facilitate the provision of adequate public services, including transportation, potable water, sanitary sewage, stormwater drainage, electricity, open space, and public recreation areas;
- E. Avoid the inappropriate development of lands, provide for adequate drainage, and reduce property damage and/or loss from flooding and stormwater runoff;
- F. Reduce energy consumption and demand;
- G. Minimize adverse environmental impacts of development;
- H. Improve the design, quality, and character of new development;
- I. Foster a more rational relationship between residential, commercial, office and industrial uses for the mutual benefit of all;
- J. Encourage the development of vacant properties within established areas; and
- K. Protect existing neighborhoods from harmful encroachment by intensive or disruptive development.

SECTION 2 — PROCESS

A. General

The criteria to be addressed in any application for site plan approval are contained in the following sections, as well as the Zoning Code and the Performance Standards Checklists, appended hereto. A development proposal must satisfy criteria that are dependent upon the type of land use activity that is being proposed. The following land uses are those that shall be governed by the requirements contained within this Manual:

- (1) All Residential uses, except Single- and Two-family Dwelling Units on individual lots;
- (2) Neighborhood Retail and Service Centers;
- (3) Community Shopping Centers;
- (4) Schools/Public Services and Facilities;
- (5) Auto-Related and Roadside Commercial Uses;
- (6) Business and Professional Offices Uses;
- (7) Personal and Business Service Uses;
- (8) Hotels, Restaurants, and Tourism Related Uses;
- (9) Warehousing and Storage Uses, including Port Related Development;
- (10) Industrial Uses; and
- (11) Extraction, Salvage, and Junk Yard Uses.

In Planned Unit Developments (PUDs) each use proposed for inclusion in the development must satisfy all applicable criteria of the appropriate activity category of which it is a part.

B. Requirements

The following requirements shall apply to all development applications:

- (1) The tract or parcel of land involved shall be either in one (1) ownership or the subject of an application filed jointly by the owners of all the property to be included.
- (2) The approved final plan shall specify the manner of holding title to areas and facilities for joint use. Normally, such areas and facilities shall be retained in title by the developers of the development or deeded to an organization composed of all owners in the development.
- (3) Residential PUDs. The permitted number of residential dwelling units shall be based on the maximum density allowed in the relevant zoning districts. The actual density shall be as determined in the final plan approved in accordance with the provisions of this Manual.

-
- (4) The Department of Land Management (DLM) shall have the right to establish general design standards, guidelines, and policies for implementing the provisions of this Manual.

C. Procedures

A development requiring site plan approval shall be reviewed in three (3) stages: conceptual review, preliminary plan, and final plan. If an applicant desires to phase the development, a master plan will be required. The concept plan is the applicant's impression of the anticipated pattern of development for a particular parcel of land, expressed graphically and from which a preliminary or master plan is developed. The master plan is used to establish general planning and development control parameters with sufficient flexibility to permit detailed planning at the time of development. The preliminary plan shall generally specify the uses of land and layout of landscaping, circulation and structures. The final plan is the site-specific development plan that describes with reasonable certainty the type and intensity of use for a specific parcel or parcels of property, upon which building permits and other agency approvals are issued, and shall require detailed engineering and design review approval. Each stage shall be reviewed in the order indicated in the diagram: "Development Review Process and Time Schedule."

(1) Conceptual Review

- (a) This is an opportunity for applicants to discuss with DLM, as well as other agencies involved in the development review process, requirements, standards, and policies that apply to development proposals, in addition to identifying and solving major problems during the first stages of development planning. A conceptual review is mandatory for all PUD proposals, as well as all proposed projects that would be classified as "major" or "super-major" by the Zoning Code.
- (b) The general outline of the proposal, evidenced schematically by sketch plans, shall be submitted by the applicant and reviewed by DLM and the other appropriate agencies, which will furnish written comments and recommendations to assist the applicant in preparing the components of the development application.

(2) Preliminary Plan

- (a) Upon completion of the conceptual review meeting and after the recommendations by DLM and other appropriate agencies have been made, an application for preliminary plan review may be filed with DLM. If the project is to be developed over time in two (2) or more separate preliminary plan submittals, a master plan process shall be required. The preliminary plan process shall not exceed forty-five (45) working days after

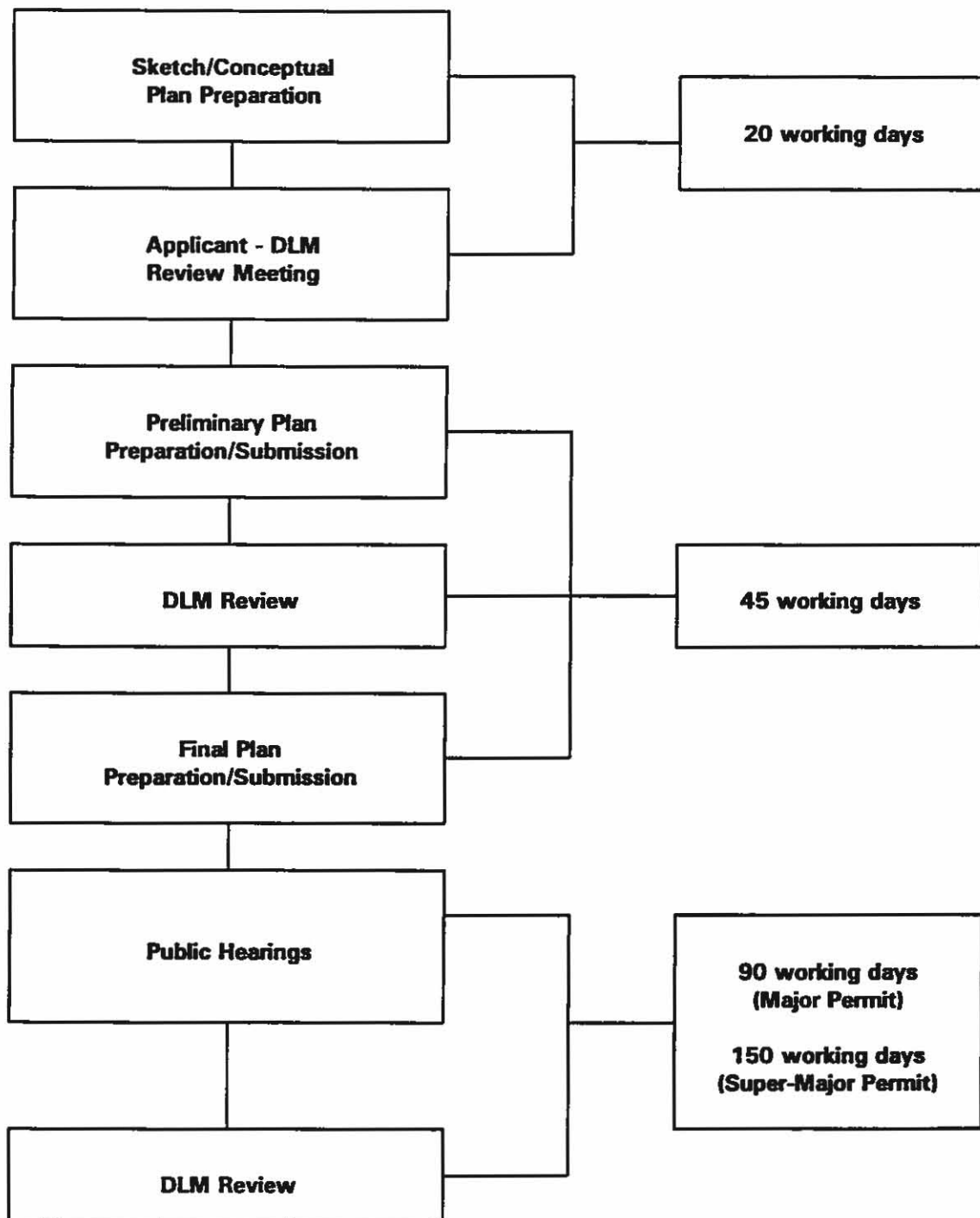
an application for preliminary plan approval has been filed. After DLM and the other appropriate agencies have reviewed the application and are satisfied that sufficient information has been submitted to reach a decision as to whether or not the applicable criteria of this Section have been met by the proposal, the applicant will be advised that a final plan may be submitted for review and approval. Such notification shall be made in writing.

- (b) The DLM may approve, disapprove, or approve with conditions the proposed preliminary development plan. Approval of a preliminary plan shall not constitute final approval; rather it shall be deemed an expression of approval of the layout and densities submitted on the preliminary plan as a guide to the preparation of the final plan.

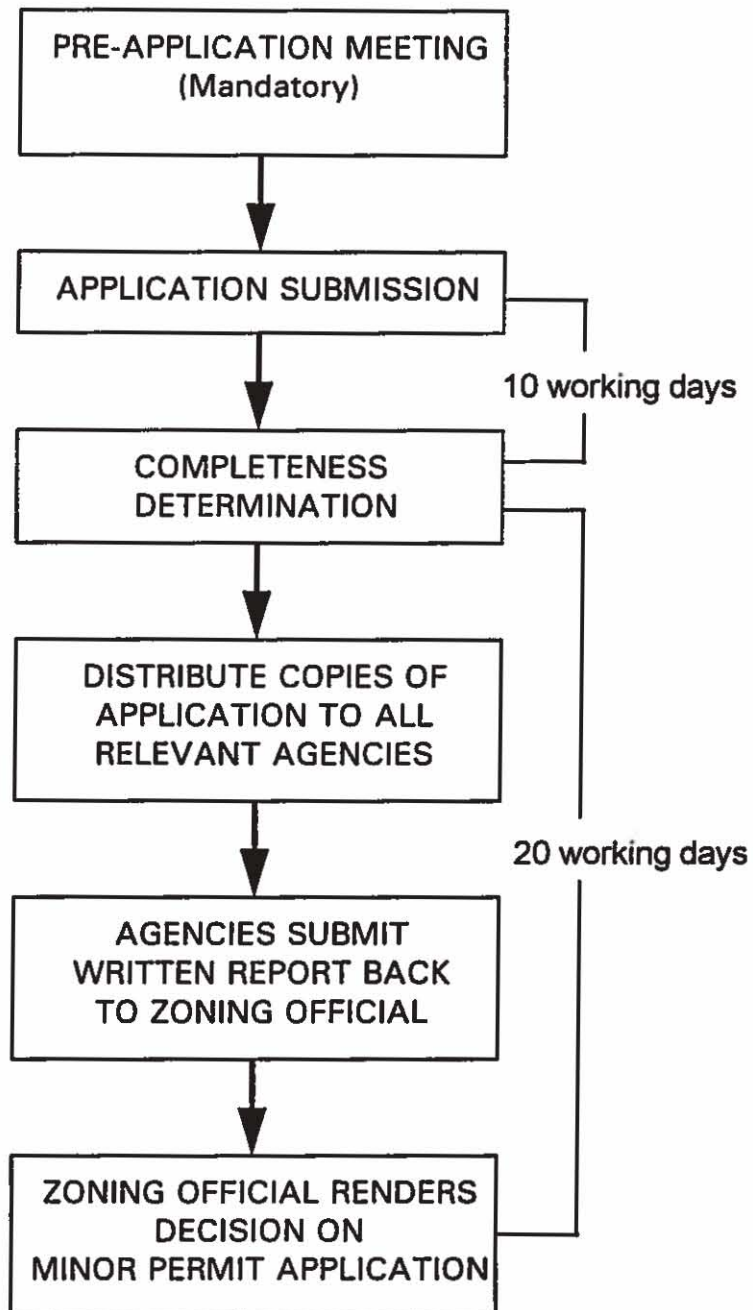
(3) Master Plan

- (a) A master plan shall be required for any property which is intended to be developed over time in two (2) or more separate preliminary plan submittals. The proposed master plan, together with the proposed preliminary plans for the first phase of development, shall be submitted to DLM and processed as preliminary plans; except, however, for good cause shown, DLM may determine if an application for a master plan may be made without submittal of a first phase preliminary plan. The master plan and/or preliminary plan for the first phase of development shall then be considered by DLM.
- (b) The master plan will be reviewed on the basis of the specific design standards and criteria contained in this Manual.
- (c) Minor changes to an approved master plan may be amended administratively by DLM. Such changes may be authorized without additional public hearings, at the discretion of DLM. For the purposes of this Manual, a minor change shall not be construed to include any change in the number of dwelling units or any change in the amount of square feet for any buildings that were included in the officially submitted master plan or in the presentation made at the public hearing(s). Minor changes shall be of such a nature as to include minor adjustments to roadway alignments or minor shifts in building, off-street parking and/or recreational area locations.
- (d) Major changes may be approved only by DLM and must follow the same review process required for approval of preliminary plans. Any approved changes are recorded as amendments to the master plan in accordance with the procedures established for the filing of the initially-approved plan documents.

DEVELOPMENT REVIEW PROCESS AND TIME SCHEDULE

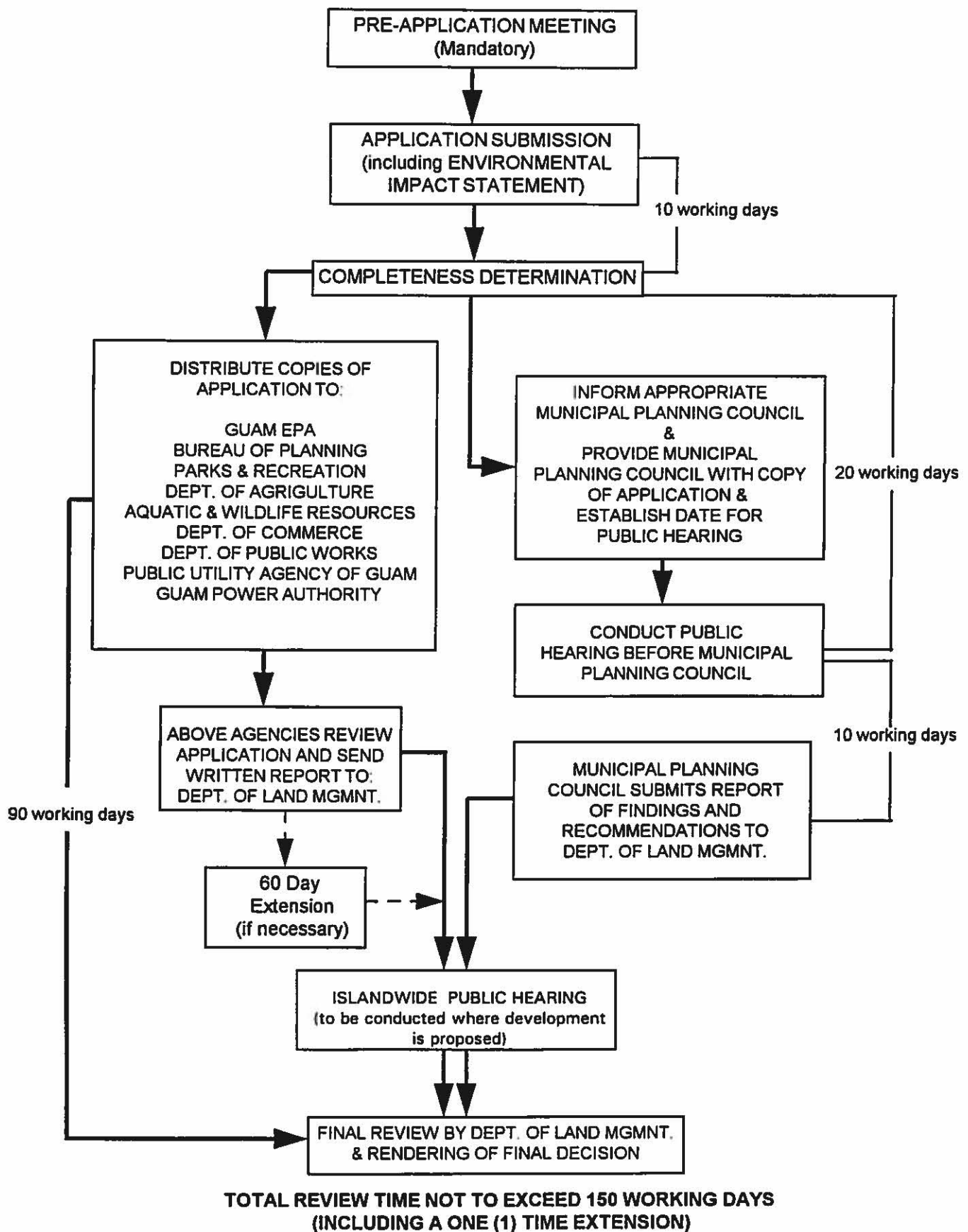


MINOR PERMIT FLOW DIAGRAM

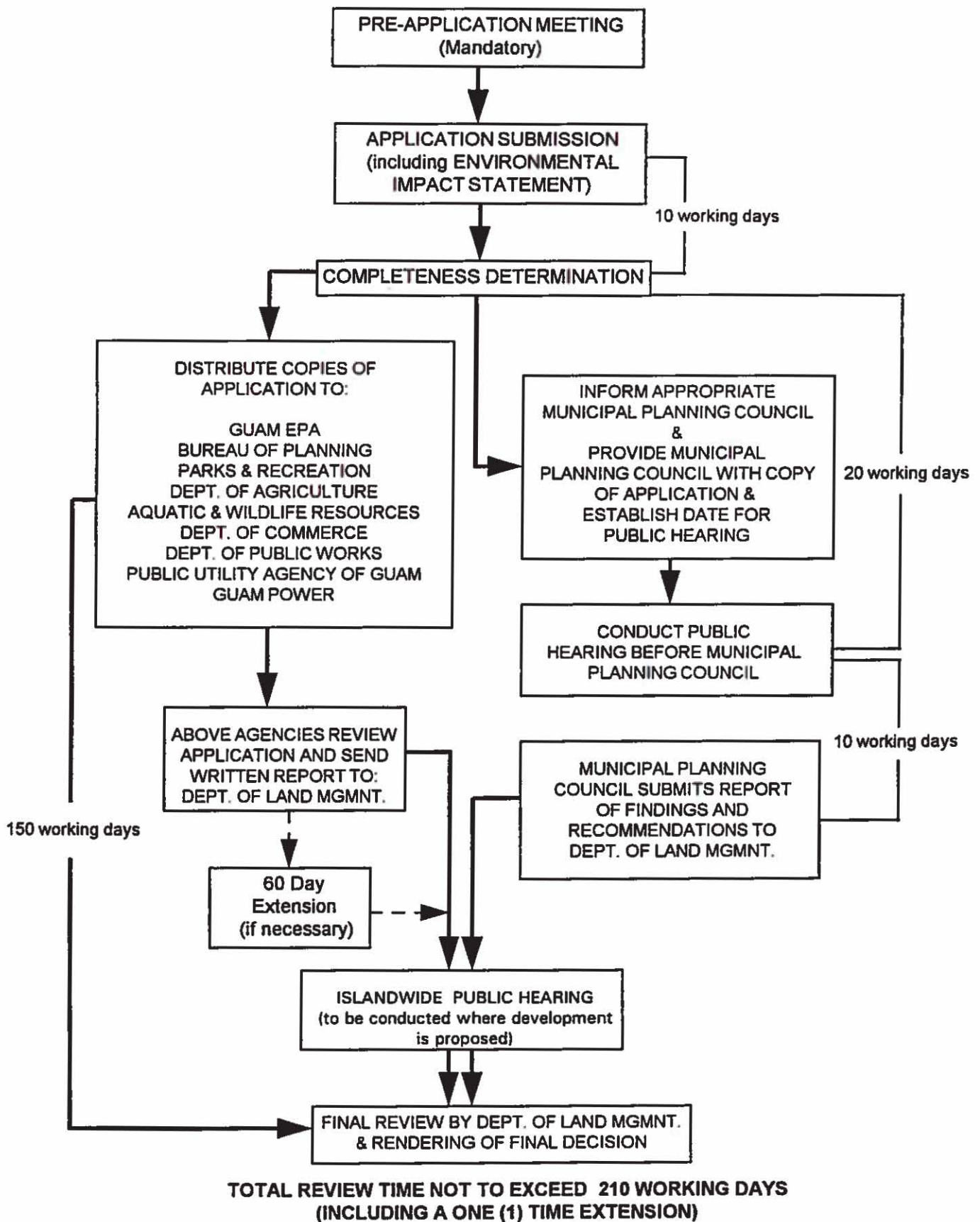


**TOTAL REVIEW TIME NOT TO EXCEED
30 WORKING DAYS**

MAJOR PERMIT FLOW DIAGRAM



SUPER-MAJOR PERMIT FLOW DIAGRAM



(e) Major changes shall be defined as follows:

- i. A change in the use or character of the development.
- ii. An increase in traffic circulation and demands on public utilities by more than ten (10) percent over what was originally approved by the DLM. This increase shall be calculated by computing the traffic, water and sewage flows of the originally approved master plan and the revised plan. These calculations shall employ the following level of service standards:
 - *Potable Water - 300 gallons per dwelling unit per day.*
 - *Sanitary Sewage - 250 gallons per dwelling unit per day.*
 - *Traffic - Shall be based on the average number of trips by land use as stated in the Trip Generation Rates table shown on pages 7 and 8.*

(4) Final Plan

- (a) Application for a final plan may be made only after DLM approval of a preliminary plan except, however, for good cause shown, DLM may determine if application for final plan should be made concurrently with the preliminary plan. The final plan review process shall not exceed the time frames established for "major" or "super-major" projects in the Zoning Code after application for the final plan has been filed.
- (b) The final plan shall be in substantial compliance with the approved preliminary plan.
- (c) The final plan shall also comply with all other applicable criteria of the Development Review System, including all relevant Performance Standards found either in the Zoning Code or as Administrative Procedures of the various Government of Guam agencies (DLM shall maintain a list of these Standards and their administering agencies).
- (d) DLM may approve, disapprove, or approve with conditions, the proposed development. If DLM denies the development, any revised plan that is submitted for consideration on the same property shall require the same review process.

TRIP GENERATION RATES TABLE

Residential

<i>Dwelling Unit Type</i>	<i>Weekday Vehicle Trips/Unit (Average)</i>
Single-Family Detached	10.0
Rental Apartment (per each dwelling unit)	6.1
Condominium (per each dwelling unit)	5.2
Mobile Home	4.8
Planned Unit Development (per each dwelling unit)	7.8

Commercial

<i>Retail Facility Type</i>	<i>Weekday Trips/1,000 SF (Average)</i>
Specialty Retail Center	40.7
Discount Store	70.1
Shopping Center (under 50,000 SF)	117.9
Shopping Center (50,000 to 99,999 SF)	82.0
Shopping Center (100,000 to 199,999 SF)	66.7
Shopping Center (200,000 to 299,999 SF)	50.6
Quality Restaurant	74.9
High Turnover, Sit-Down Restaurant	164.4
Drive-In Restaurant	553.0
New Car Sales	47.5
Service Station (entire facility)	748.0
Supermarket	125.5
Convenience Store (15-16 hrs of operation)	322.6
Convenience Store (24 hrs of operation)	625.2

Services

<i>Service Facility Type</i>	<i>Weekday Vehicle Trips/1,000 SF (Average)</i>
Bank (walk-in)	169.0
Bank (drive-in)	192.0
Insurance Office	11.5

Offices

<i>Office Type</i>	<i>Weekday Vehicle Trips/1,000 SF (Average)</i>
General Office (less than 100,000 SF)	17.7
General Office (100,000 to 199,999 SF)	14.3
General Office (more than 200,000 SF)	10.9

TRIP GENERATION RATES TABLE (cont.)

Offices (cont.)

<i>Office Type</i>	<i>Weekday Vehicle Trips/1,000 SF (Average)</i>
Medical Office Building	54.6
Government Office Building	68.9
Office Park	20.7
Research Center	5.3

Medical

<i>Medical Facility Type</i>	<i>Weekday Vehicle Trips/Bed (Average)</i>
Hospital	17.7
Nursing Home	20.7
Clinic*	5.3

Institutional

<i>Institutional Facility Type</i>	<i>Weekday Vehicle Trips/Employee (Average)</i>
Elementary and Middle Schools	13.1
High School	455.0
Library	51.0

Lodging

<i>Lodging Facility Type</i>	<i>Weekday Vehicle Trips/Room (Average)</i>
Hotel	10.5

Industrial

<i>Industrial Type</i>	<i>Weekday Vehicle Trips/1,000 SF (Average)</i>
General Light Industrial	5.5
General Heavy Industrial	1.5
Industrial Park	7.0
Warehousing	4.9
Mini-Warehouse	2.8

* Unit of Measure for Clinics is per 1,000 SF of Building Area.
Source: Institute of Transportation Engineers, 1983.

(5) Amendment to Final Development Plan

The final plan is the document on which building permits and other Territorial development approvals are issued. Since these plans are approved by DLM, the Building Official's Office in the Department of Public Works (DPW) may not issue permits for improvements that are not indicated on the approved plan.

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- (a) Minor changes to a development, that has received final approval as indicated in 2.c.(3)(c) above, may be approved administratively, whereupon a permit may be issued. Such changes may be authorized without additional public hearings at the discretion of DLM.
 - (b) Major changes to a development must follow the same review and public hearing process required for the approval of final preliminary plans. Any changes approved in the final plan shall be recorded as amendments in accordance with the procedures established for the filing of the initially approved plan documents.
 - (c) Major changes shall be defined as follows:
 - i. A change in the character of the development.
 - ii. Any change in the development that would normally cause the project to be disqualified under the applicable criteria. For example, if site design changes are proposed that would increase stormwater runoff to adjacent properties beyond that which is permitted in the Stormwater Management Performance Standards, it shall constitute a major change.

D. Content of Development Submittals

For each stage of the review process, the following information and data shall be submitted unless DLM determines that the information is unnecessary for the proper evaluation of the development.

(1) Concept Plan Submittal

The following information and data are required, at a minimum:

- (a) Data regarding site conditions, land characteristics, available community facilities and utilities, and other related general information about uses of land and water within one-half mile of the subject parcel of land.
- (b) Sketch drawing showing the proposed location of the uses of land, major streets, and other significant features.

(2) Preliminary Plan Submittal

The following information and data are required, at a minimum:

(a) Written documents:

- i. Application form and filing fee.
- ii. Legal description of the site. For the purposes of this Manual, a legal description shall mean that instrument which describes property boundary lines and dimensions, including any distinguishing platted lot lines within the property.
- iii. A statement of planning objectives, including:
 1. Statement of proposed ownership of public and private open space area (if applicable). Applicant's intentions with regard to future ownership of all or portions of the development shall be stated.
 2. Estimate of number of employees for business, commercial and industrial uses.
 3. The applicant shall submit as evidence of successful completion of the applicable criteria, the completed documents pursuant to these requirements for each proposed use. DLM may request or the applicant may choose to submit evidence that is beyond what is normally required.
 4. A detailed description of how conflicts between land or water uses are being avoided or mitigated. This may include the provision of on-site retention/detention ponds to impede the direct flow of stormwater into off-shore water areas.
 5. Statement of design methods to reduce energy consumption, including expected savings.
- iv. A development schedule indicating the approximate date when construction of the development, or stages of the same, can be expected to begin and be completed, including the proposed phasing of construction of public improvements and recreational and common space areas.
- v. Traffic impact analysis.

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- vi. Written correspondence from the various agencies and authorities in the Territory that provide potable water, wastewater disposal and electrical power services to the Director of DLM (with copies to the applicant) indicating the degree to which the proposed development will impact upon these public utilities and facilities.
- (b) Preliminary architectural elevations of all buildings sufficient to convey the basic architectural style of the proposed improvements.
 - (c) Site plan drawing of the development, at a scale of either one (1) inch equals one-hundred (100) feet for proposed projects in Zoning Districts 5, 5H, 6, or 7, or one (1) inch equals two hundred (200) feet in, Zoning Districts 1, 2, 2M, 3, 3S, or 4 composed of one or more sheets with an outer dimension of twenty-four by thirty-six (24 x 36) inches, showing the following information.
 - i. Title by which the proposed development is to be referred.
 - ii. Scale, north arrow, and date of preparation.
 - iii. Parcel size in gross acres and square feet.
 - iv. Total number, type, and density of dwelling units.
 - v. Total bedrooms per each dwelling unit type.
 - vi. Residential density (gross)
 - vii. Estimated total floor area and estimated ratio of floor area to lot size, with a breakdown by land use.
 - viii. Proposed coverage of buildings and structures, including percentage and square footage of:
 - 1. Building coverage
 - 2. Driveway and parking
 - 3. Public street right-of-way
 - 4. Open space and/or landscape area
 - 5. Active recreational use area
 - ix. Number and location of off-street parking spaces with typical dimensions, including guest and handicapped parking, where appropriate and required.
 - x. Topographic contours at two-foot intervals.

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- xi. Watercourses and water bodies.
 - xii. Floodplains as designated and as established by the Territory.
 - xiii. Unique natural features, significant wildlife areas and vegetative cover, including existing trees and shrubs.
 - xiv. Location and floor area of existing and proposed buildings.
 - xv. Boundary and square footage of each area designated as active recreational use. The type of recreational activity (i.e. baseball, basketball, tennis, etc.) proposed shall also be noted.
 - xvi. Location and acreage of common open areas and all public and semi-public land uses, including public parks, recreation areas, school sites, and similar uses.
 - xvii. Location of existing and proposed pedestrian circulation systems, including their inter-relationships with the vehicular circulation systems.
 - xviii. Maximum height of all proposed structures.
 - xix. The existing and proposed circulation system of arterial, collector and local streets, including off-street parking areas; service areas; loading zones; and major points of access to public rights-of-ways, including major points of ingress and egress to the development. Proposed ownership, public or private, shall be noted where appropriate.
 - xx. Existing zoning.
 - xxi. The proposed physical treatment of the perimeter of the development, including materials and techniques used, such as screens, fences, walls and other landscaping.
 - xxii. Proposed signage.
 - xxiii. Listing of all specific land uses being proposed.

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- xxiv. Area shown on the site plan shall extend beyond the property lines of the proposal and include an inventory of the area and uses within five hundred (500) feet of the proposal, exclusive of public rights-of-way, at the same scale as the proposal and including the following:
 - 1. Land uses and location of principal structures.
 - 2. Existing trees and major features of landscape.
 - 3. Topographic contours at twenty (20) foot intervals.
(U.S.G.S. topographic data is acceptable)
 - 4. Traffic circulation system.
 - xxv. Vicinity map of the area surrounding the site within a distance of at least one (1) mile showing:
 - 1. Zoning districts.
 - 2. Traffic circulation systems.
 - 3. Major public facilities (schools, parks, etc.)
 - xxvi. Owner certification of acceptance of conditions and restrictions as set forth on the site plan.
 - xxvii. Statement of variances that would be required if the project is approved from the Zoning Code and Performance Standards.
 - xxviii. Attorney's or owner's certification of ownership (including the Title Registry from DLM).
- (d) A general landscaping plan indicating the treatment of materials used for private and common open spaces, including all existing vegetation with identification of trees by sizes and species, and specific proposals to protect and preserve existing trees during and after construction. The scale shown on plant materials shall reflect the size, upon ten (10) years maturity, of such materials. The details of size and species for intended plantings of vegetation will be required to be included on the final plan.
 - (e) The existing and proposed utility systems, including sanitary sewers, storm sewers, water, proximity to public water system, electric, gas and telephone lines, fire hydrants and trash collection areas.
 - (f) Typical street cross-section schematics shall be submitted for each general category of street, including the proposed width, treatment of curbs and gutters, and sidewalk systems where deviations are proposed from the design criteria and standards of the Territory.

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- (g) Physiographic data, including the following:
- i. A description of soils existing on the site, accompanied by analysis as to the suitability of such soils for the intended construction and proposed landscaping.
 - ii. A map showing the one hundred (100) year floodplain as established by the Territory.
 - iii. A description of the hydrological conditions of the site with analysis of water table fluctuation and a statement of site suitability for the intended construction and proposed landscaping.
- (h) Preliminary drainage report and calculations and/or plan, including:
- i. A description and location of natural drainage course(s) existing on the site or within five hundred (500) feet of the site.
 - ii. All drainage ways, streets, diversion ditches, spillways, etc., which may be incorporated into the storm drainage system for the property shall be identified.
 - iii. All required on-site detention areas, including notes indicating the approximate area and volume of the facility.
 - iv. All plans shall indicate the proposed outlet for the storm drainage from the property, including the name of the drainageway (where appropriate), the downstream conditions (developed available drainageways, etc.), and any downstream restrictions.
 - v. Existing and/or proposed grading plan.
- (i) Location of temporary model homes, sales office, and/or construction facilities, including temporary signs and parking lots.
- (j) One rendered set (unfolded) each of architectural, site plan and landscape drawings.
- (k) Eight and one-half by eleven (8-1/2 x 11) inch reductions of all plans and architectural drawings.

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- (l) Environmental impact studies and other analyses that the DLM may require for complete consideration of the development.
 - (m) A list of names of all general and limited partners and/or officers and directors of the corporation involved as either applicants or owners of the development.

(3) Master Plan Submittal

The following information and data is required:

- (a) Application forms and filing fee.
- (b) A master plan shall be submitted containing the following information:
 - i. Parcel size.
 - ii. Existing topographical character of the land at a contour appropriate with the scale of the project; all watercourses; floodplains; unique natural features; significant wildlife areas and vegetative cover, including all trees and shrubs with a diameter at breast height greater than five (5) inches by species.
 - iii. Existing zoning.
 - iv. Maximum height of all structures.
 - v. Approximate acreage and density (gross) of each area; number, height and type of residential units; and, floor area, height and types of business, commercial, and industrial use.
 - vi. Location and general nature of each land use.
 - vii. Total land area and approximate location and amount of open space included in the residential, business, commercial and industrial areas.
 - viii. Approximate location of proposed and existing major streets and pedestrian routes, including major points of access.

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- ix. Approximate location and size (in acres) of any proposed public use such as parks, school sites, and similar public or semi-public uses.
 - x. Area shown on the site plan shall extend beyond the property lines of the proposal to include an inventory of the area within five hundred (500) feet of the proposal, exclusive of public right-of-way, at the same scale as the proposal and include the following:
 - 1. Land uses, location of principal structures, and major existing landscape features.
 - 2. Densities of residential uses.
 - 3. Traffic circulation system.
 - 4. Natural features of the landscape.
 - 5. General topographical mapping at same scale as master plan.
 - xi. A vicinity map of the area surrounding the site within a distance of at least one (1) mile showing, at least, the following:
 - 1. Zoning districts.
 - 2. Traffic circulation system.
 - 3. Major public facilities.
 - xii. Owner's certification of acceptance of conditions and restrictions as set forth on the master plan.
 - xiii. DLM certification of approval of site plan.
 - xiv. Attorney's or owner's certification of ownership.
- (c) The Master Plan shall be accompanied by:
- i. The name and address of each owner of property in the master plan area.
 - ii. A statement of planning objectives, including:
 - 1. Statement of standards of open space, buffering, landscaping and circulation.
 - 2. Estimate of number of employees that will be required to operate commercial and industrial facilities.
 - 3. Description of rationale behind the assumptions and choices made by the applicant.

-
- iii. A legal description of the site, as defined in Section 2.D(2)(a)ii. of this Manual.
 - iv. A statement of proposed ownership of public and private open space.
 - v. A development phasing schedule including the sequence, approximate area, and proposed phasing of construction of public improvements, recreation and common open space areas for each phase.
 - vi. Conceptual drainage plan.
 - vii. Other documentation as determined by special circumstances and as deemed necessary by DLM.
 - viii. One rendered set (not folded) of the master plan.
 - ix. One set of eight and one-half by eleven (8-1/2 x 11) inch sheet reductions of all drawings that comprise the master plan.
 - x. Reproducible mylars or other durable reproducible drawings of all site plans, signed by the applicant and the engineer of record.
 - xi. A list of names of all general and limited partners and/or officers and directors of the corporation involved as either applicants or owners of the development.

(4) Final Plan Submittal

The approved master plan shall constitute an adequate submission for the final plan of a proposed development. Additionally, the following information and data are required:

- (a) Final landscape plan, including:
 - i. A landscape plan indicating the treatment of exterior spaces. The design objective of the plan must be clear and supported by a written statement. The plan must provide for an ample quantity and variety of ornamental plant species that are regarded as suitable for Guam's environment. Plant material selection will be reviewed for adaptability to physical conditions indicated by site plan locations. The landscape plan shall include:

1. Extent and location of all plant materials and other landscape features. Plant material must be identified by direct labeling on the plans or by a clearly understandable legend.
2. Flower and shrub bed definition must be clear, drawn to scale, and show dimensions.
3. Proposed plant material sizes and dimensions should be indicated at ten (10) years maturity.
4. Species and size of existing plant materials.
5. Proposed treatment of all ground surfaces must be clearly indicated (paving, turf, gravel, grading, etc.).
6. Location of water outlets. If areas of planting are extensive, plans for an irrigation system will be required.
7. Plant material schedule with common and botanical names, sizes, quantities, and method of transplant. Unless otherwise required by the Department of Agriculture, Office of the Chief of Forestry, plants must be sized according to the following table:

<u>Type</u>	<u>Size</u>
<i>Standard deciduous tree</i>	
<i>2" caliper measured above 1 foot above the ground</i>	
<i>Small ornamental and flowering trees</i>	<i>1-1/2" to 1-3/4" caliper measured 1 foot above the ground</i>
<i>Shrubs and hedges</i>	<i>three (3) gallon or adequate size consistent with design intent</i>

8. Security lighting.

- ii. All plant material will be subject to inspection for quality, size, and color. Plants lacking compactness or proper proportions, those which are weak or thin, or those injured by too close planting in nursery rows will not be accepted. The Department of Agriculture, Office of the Chief of Forestry reserves the right to reject unsatisfactory plants, which shall be removed from the site. Plants should not be pruned prior to delivery.

iii. No Certificate of Occupancy shall be issued for any building on any portion of a development until the landscaping required by the final landscape plan is in place or a bond, cash deposit, or equivalent, is deposited with the appropriate agency of the Government, conditioned on and guaranteeing the installation of all landscaping shown on the approved landscaping plan. Such bond, cash deposit, or equivalent, shall be in the amount of one hundred twenty-five (125) percent of the estimated cost of the landscaping improvements determined by an executed contract or by adequate appraisals of the cost to install the landscaping. If this security instrument is in the form of a bond, it will be held by the appropriate agency of the Government. If the instrument is in cash, it shall be in the form of a passbook savings account with a bank doing business and physically located in the Territory of Guam. This passbook account shall be a joint account between the Government and the Applicant. Any partial releases of monies from this account shall require the written authorization of the Department of Agriculture, Office of the Chief of Forestry. Such bond, cash deposit, or equivalent, shall further guarantee the continued maintenance and replacement of the landscaping for a period of one (1) year after installation, but the amount of the same shall be reduced after installation is completed to twenty-five (25) percent of the actual cost of such landscaping. If the required landscaping is already installed prior to issuance of a Certificate of Occupancy, a bond in the amount of twenty-five (25) percent of the actual cost of the landscaping guaranteeing continued maintenance and replacement of the same for a period of one (1) year shall be required as a condition of issuance of the Certificate of Occupancy. Any bond, cash deposit, or equivalent, deposited pursuant to this requirement shall be released upon certification by the Department of Agriculture, Office of the Chief of Forestry that the required landscaping program has been completed and maintained in accordance with the requirements of the bond. If any landscaping required pursuant to the Zoning Code is not maintained in accordance with the requirements of the final plan, such failure to maintain the landscaping shall be a violation of the Zoning Code and enforceable as provided by law.

- (b) Subdivision plat. An official subdivision plat of the site must accompany the final development plan if there has been a subdivision proposed for the subject property. The subdivision shall contain proper dedications for public streets, utility easements, and all other public rights required by the preliminary plan. DLM approval of the final plan and subdivision plat are required before filing of the subdivision plat or issuance of building permits.

- (c) Final utility plans. Final detailed engineering for sewer, water, desalination plants (if required), electrical, street improvements and other public improvements must be submitted to and approved by the Department of Public Works and the Public Utility Agency of Guam, and the developer shall execute an agreement in proper form providing for the installation of such improvements prior to submission of the final plan to DLM.
- (d) Reproducible mylar or other durable reproducible drawings of all site and landscape plans, architectural elevations, and subdivision plats signed by the applicant, the engineer of record, and architect and/or landscape architect, as appropriate.
- (e) Eight and one-half by eleven (8-1/2 x 11) inch reductions of all site plans and plans.
- (f) Other information and data as DLM may require for full and complete consideration of the development.
- (g) A list of names of all general and limited partners and/or officers and directors of the corporation involved as either applicants or owners of the development.

E. Effective Period of a Development Plan

A development shall be constructed in a timely manner. A development permit shall be subject to revocation under the following conditions:

(1) Time Limit for Action Upon the Master Plan

Once the first phase of a Master Plan has been approved, the Applicant shall have twelve (12) months from the date of approval to initiate substantial development. (For a description of what is meant by substantial development, please refer to the Zoning Code, Chapter V: Construction of Language and Definitions and see "Development, Substantial". There shall be no time limit for action on any future phases of the development of a Master Plan.

(2) Time Limit for Action Between the Concept Plan and Preliminary Plan

Within a maximum of ninety (90) working days following the approval of a conceptual plan, the application shall proceed by filing with DLM a preliminary plan(s) in a more detailed form. Upon application and for good cause, DLM may administratively extend the period for filing a preliminary plan for an additional thirty (30) days.

A request for extension of concept approval under this section must be submitted to DLM in writing by the applicant at least ten (10) working days prior to the date of expiration. Failure to submit a written request within the specified time period may cause forfeiture of the privilege to extend approval. If no final plan(s) are filed covering all or any portion of the concept plan within the above time limits, the right to proceed under that plan shall expire for any part for which a preliminary plan was not filed in a timely manner. The granting of administrative extensions under this Section are to be decided by DLM.

- (3) Within a maximum of one-hundred and eighty (180) calendar days following the approval of a preliminary plan, the applicant shall proceed by filing with DLM a final plan in detailed form covering all or part of the development. Upon application and for good cause, the DLM may administratively extend the period for filing a final plan for up to ninety (90) calendar days.

Any additional extension to the filing procedure shall be approved, if at all, only by DLM. A request for extension of preliminary approval under this section must be submitted in writing to DLM by the applicant at least ten (10) working days prior to the date of expiration. Failure to submit a written request within the specified time period may cause forfeiture of the privilege to extend preliminary approval. If no final plan is filed covering all or any portion of the preliminary plan within the above time limits, the right to proceed under the preliminary plan shall expire for any portion of the preliminary plan for which a final plan has not been filed.

- (4) An applicant must undertake and complete the development of an approved final plan within twelve (12) months from the date of final approval. For the purposes of the Zoning Code and this Manual, a development is substantially complete once all engineering improvements (water, sewer, streets, curbs, gutter, street lights, fire hydrants, and/or storm drainage) are installed and completed in accordance with all Territorial regulations. An extension for twelve (12) months may be administratively granted by DLM.

A request for extension of final approval under this Section must be submitted in writing by the applicant to DLM at least ten (10) working days prior to the date of expiration. Failure to submit a written request within the specified time period may cause forfeiture of the privilege to extend final approval. Failure to develop the site within the specified time limit and improvement requirements may cause a forfeiture of the privilege to proceed under the final plan and require resubmission of all materials and reapproval of the same.

F. Project Phasing

(1) Master Plans

If a project is intended to be developed over time in two (2) or more separate plan submittals, a Master Plan for the entire development site must be approved, and a preliminary plan must be concurrently submitted for the first phase of development, except that DLM may, for good cause shown, determine if application for a Master Plan may be made without submittal of Preliminary Plan for the first phases of development. Subsequent applications for Preliminary Plan approval shall be made for each phase of the approved master plan, provided that such phase is consistent with approved Master Plan and the provisions of the Zoning Code and this Manual.

(2) Preliminary Plans

If a project is to be built in phases, each phase shall include a proportional share of the proposed amenities, services, and utilities for the entire development. The appropriate share of the amenities for each phase shall be determined for each specific project at the time of preliminary plan approval. Requirements may be made for off-site (not within that particular phase to be developed, but on the applicant's property) improvements on a phased project.

(3) Final Plans

Final Plans for a phased development shall be submitted separately. The Final Plan(s) shall conform substantially to the Preliminary Plan(s) developed as approved.

G. Special Conditions for Developments

All developments shall meet the requirements herein set forth and no Final Plan shall be approved that does not meet these requirements.

(1) The developer shall submit a legal instrument setting forth a plan providing for the permanent care and maintenance of open spaces, recreational area and commonly owned facilities and parking lots. If the common open space is deeded to a homeowners', merchants', or similar association, the applicant shall file the proposed documents governing the association. Such documents shall meet the following requirements:

- (a) The association must be established before any residences or lots are sold.
- (b) Membership in the association must be mandatory for each unit owner.

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- (c) Open space restrictions must be permanent and not for a period of years.
 - (d) The association must be made responsible for liability insurance, taxes, and maintenance of all facilities.
 - (e) The association must have the power to levy assessments which can become a lien on individual premises for the purpose for paying the cost of operating and maintaining common facilities.
 - (f) The governing board of any such association shall consist of at least five (5) members who shall be owners of property in the development.
- (2) In the event the organization established to own and maintain common open spaces, commonly owned facilities, and private streets shall at any time fail to maintain the common facilities in reasonable order and condition in accordance with the approved plan, DLM may cause written notice to be served upon such organization or upon the owners of property in the development setting forth the manner in which the common facilities have failed to be maintained in reasonable condition, which notice shall include the demand that the deficiencies noted be cured within thirty (30) calendar days thereafter. If the deficiencies set forth in the notice or modifications are not cured within the time set, to preserve the taxable values of properties within the development and to prevent the common facilities from becoming a public nuisance, DLM, or its authorized representative(s), may enter upon such common facilities and maintain the same for a period of one (1) year. Such entry and maintenance shall not vest in the public any right to use the common facilities not dedicated to public use. Before expiration of such year, DLM shall, upon their own initiative or upon the written request of the organization responsible for maintenance, call a public hearing and give notice of such hearing to the organization responsible for maintenance or the property owners of the development. At such hearing, the organization responsible for maintenance and/or the residents/owners of the development may show cause why maintenance by the Government of Guam should not be continued for a succeeding year. If the Government determines it does not need to continue such maintenance, it shall cease such maintenance at the time established. Otherwise, the Government shall continue maintenance for the next and each succeeding year, subject to a similar hearing and determination. The cost of maintenance by the Government shall be a lien against the common facilities of the development and the private properties within the development. The Government shall have the right to make assessments against properties in the development on the same basis that the organization responsible for maintenance of the facilities could make such assessments. Any unpaid assessment shall be a lien against the property responsible for the same, enforceable the same as a mortgage against such property. The Government may further foreclose its lien on the common facility by certifying the same to

the Territorial Office of Finance for collection as in the case of collection of general property taxes.

- (3) Open space shown on the approved final plan shall not be used for the construction of any structures not shown on the final plan.

(4) Housing for Low and/or Moderate Income Families

- (a) To qualify for the residential density bonuses allowed within the Zoning Code, or to meet the requirements set forth in Chapter VIII., Section C.2.f. of the Zoning Code, wherein it is stated that residential developments containing one hundred (100) dwelling units or more shall make at least twenty (20) percent of them affordable, a project that includes dwelling units for low and/or moderate income families shall be accompanied by covenant document or other adequate documents to be recorded with the Government of Guam, guaranteeing the use of those dwelling units for low and/or moderate income families.
- (b) No final plan shall be approved for any portion of a development for providing dwelling units for low and/or moderate income families, until the necessary legal documents have been submitted to the Government of Guam and approved.

(5) Off-Site Open Space

- (a) To qualify for a residential density bonus, a project that includes off-site open space shall convey such real property to the Department of Parks and Recreation in fee simple, or be accompanied by other adequate documents to be recorded with the Government guaranteeing the permanent use of the property as open space. The documents shall not be accepted until approved by the Attorney General's office as to legal form and effect.
- (b) Property qualifying as off-site open space shall be approved for adequacy by the Department of Parks and Recreation for its intended use.
- (c) A residential density bonus for off-site open space area shall not be denied solely on the basis of that area being devoted to water bodies or improved flood channels, and areas encumbered by a flowage, floodway, or drainage easement.

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- (d) The final plan shall not be approved for any portion of a development approved with a residential density bonus for providing off-site open space until the necessary legal documents have been submitted to the Government. It shall not be necessary for the applicant to have the legal documents approved to receive final approval of his or her development plans and, therefore, be able to apply for building permits for construction. However, the legal documents must be submitted as part of the application for final approval, and it shall be necessary to have the legal documents approved prior to the issuance of any occupancy permits.

(6) Neighborhood Public Facilities

- (a) To qualify for a residential density bonus, a project which includes neighborhood public facilities as indicated in Subsection (6)(b) below, shall be accompanied by an agreement to be recorded with the Government, guaranteeing the construction of those facilities in a manner both timely and acceptable to the Territory. The documents shall not be accepted until approved by the Attorney General's office as to legal form and effect.
- (b) Neighborhood public facilities that would qualify a project for a residential density bonus include, but are not necessarily limited to:
- i. Dedication of public land for recreational facilities.
 - ii. Expansion of transport service.
 - iii. Extension or augmentation to Territory utilities, including water, sewer, electricity, storm drainage, bikeways, and pedestrian sidewalks.
 - iv. Dedication of land for public use, including library, fire station, police station, or other facilities.
- (c) Neighborhood public facilities qualifying for a residential density bonus shall meet the following requirements:
- i. must be for the use and enjoyment of the residents of the project and/or surrounding neighborhood.
 - ii. Must be approved by the appropriate Territorial government agency or agencies.

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- (d) No final plan shall be approved for any portion of a development, approved with a residential density bonus by providing neighborhood public facilities, until the necessary legal documents have been submitted to the Attorney General's office. It shall not be necessary for the applicant to have the legal documents approved to receive final approval of his or her development plans and, therefore, be able to apply for building permits for construction. However, the legal documents must be submitted as part of the application for final approval, and it shall be necessary to have the legal documents approved prior to the issuance of any occupancy permits.

H. Enforcement of the Requirements and Conditions for Approval

The applicant may be subject to enforcement procedures if either of the following events occur:

- (1) Failure to comply with any terms, conditions, or limitations contained on the site plan, landscape plan, building elevations or other approved documents pertaining to a development which has received final approval from DLM or any other governmental agency that has jurisdiction over any portion of the development approval process.
- (2) Failure to comply with any condition or record imposed by DLM upon its review of the Master Plan or preliminary or final plans for the development under the provisions of the Zoning Code and this Manual.

SECTION 3 - DESIGN STANDARDS AND CRITERIA

This Section includes the specific criteria applicable to the land use categories listed. The following standards and criteria shall govern all activity in each specific land use category to be approved by DLM:

A. Land Uses

(1) Residential

All residential uses except single- and two-family dwelling units on individual lots shall abide by the provisions of this Manual. Typical residential types that shall be subject to the requirements of this Manual include:

- (a) Garden Apartments
- (b) Townhouse Developments
- (c) Patio Apartments
- (d) Affordable Housing Developments
- (e) Boarding Houses
- (f) Group Homes
- (g) Mobile Home Parks

(2) Commercial

- (a) Neighborhood Retail and Service Centers: These include facilities that provide services within the community at a small scale, such as:
 - i. Grocery Stores and Convenience Stores
 - ii. Retail Services (including Laundries, Barbers, Beauty Salons)
 - iii. Retail Sales (including Pharmacies, Cards and Gifts, etc.)
 - iv. Post Office (Branch Facility)
 - v. Bank (Branch Facility)
- (b) Community Shopping Centers: Facilities that provide retail sales and services to the community as a whole and/or a larger area.
 - i. Retail Sales
 - ii. Retail Services
 - iii. Grocery Stores (Supermarkets)

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- iv. General Merchandise Stores
 - v. Department Stores
 - vi. Home Furnishing Stores
 - vii. Variety Shops
 - viii. Entertainment and Recreational Facilities
 - ix. Restaurants
 - x. Bank (Branch Facility)
- (c) Auto-Related and Roadside Commercial Uses: Includes facilities generally found along major highways.
- i. Restaurants
 - ii. Auto Services
 - iii. Public Facilities
 - iv. New and Used Car Dealers
- (d) Business and Professional Office Uses: Includes all business and public and private professional services.
- i. Retail Services
 - ii. Professional Offices
 - iii. Financial Institutions
 - iv. Medical Facilities
- (e) Business Service Uses: Not to include office furniture dealers and other large scale retail facilities.
- i. Business Oriented Services
 - ii. Public Services
 - iii. Printing/Copying Services

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- (f) **Hotels, Restaurants, and Tourism Related Uses:** Facilities that provide services and directly effect tourism.
 - i. **Hotels/Resorts**
 - ii. **Golf Course Communities**
 - iii. **Standard and Fast Food Restaurants**
 - iv. **Retail and Variety Shops**
 - v. **Indoor and Outdoor Recreation**
 - (g) **Non-Tourist Recreation Uses:** Facilities that provide recreational opportunities intended primarily for Territorial residents.
 - i. **Dog Racing Tracks/Cockfighting Arenas**
 - ii. **Vehicular Racing Courses**
 - iii. **Sports Stadiums**
 - iv. **Recreational Centers**
 - v. **Amusement Parks**

(3) **Industrial**

- (a) **Industrial Uses:** All industrial and manufacturing uses, and other uses which are of the same general character.
 - i. **All operations involved in the fabrication, assembly, and manufacture of any product.**
 - ii. **Automobile Sales and Service**
- (b) **Warehousing and Storage Uses:** Includes any large scale storage and port related facilities.
 - i. **Warehouses**

- ii. Port and Related Facilities
- iii. Large Scale Storage Facilities
- (c) Extraction (Mining), Salvage, and Yard Uses: Includes junk, scrap or salvage yards and all extraction uses.

(4) Agricultural

- (a) Agricultural and Aquacultural Uses: Includes operations engaged primarily in the production of crops and plants.
 - i. Food Crop Production
 - ii. Livestock Production
 - iii. Horticultural and Plant Nursery Operations
 - iv. Aquacultural Activities
- (b) Food Processing Plants and Associated Agricultural Uses: Includes operations for the processing of agricultural products into foodstuff and activities that support primary agricultural operations.
 - i. Dairies
 - ii. Seafood Processing and Packing
 - iii. Agricultural Equipment and Machinery Sales and Service
 - iv. Freezer Plants, Cold Storage, Feed and/or Fertilizer Storage

B. Design Standards and Criteria

The purpose of the requirements contained in the Zoning Code, this Manual, and the Performance Standards Checklists, which are appended hereto, is to protect the safety and welfare of the residents of Guam and to promote the aesthetic character of the Territory through a system of consistent standards and requirements. The Zoning Code and Performance Standards Checklists include the specific criteria to the land use categories listed. All of the standards and criteria shall govern all activity in each specific land use category to be approved by DLM.

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- (1) **Residential Uses**, except single and two-family dwelling units on individual lots, shall abide by these requirements.

(a) **Site Requirements**

- i. All development shall comply with the dimensional, density, and area requirements in the applicable zoning district established in the Zoning Code.
- ii. Any tract of land used for development shall be serviced by public (Territorial) sanitary sewers, water mains, fire hydrants, storm sewer easements and rights-of-way for utilities, shade trees, street lighting, or with on-site systems approved by DLM and all other appropriate governmental agencies, all of which shall be constructed so as to conform with the applicable laws and codes of the Territory of Guam. (Public utilities shall be placed underground where possible.)
- iii. All principal residential structures shall occupy not more than the maximum designated area of the applicable zoning district established in the Zoning Code.
- iv. Each parcel of property to be utilized for residential purposes shall be not less than the minimum lot area size required in the applicable zoning district established in the Zoning Code.
- v. Usable open space in any development shall occupy not less than the minimum designated area for a lot within the applicable zoning district established in the Zoning Code.
- vi. Density of any development shall comply with and not exceed the required density for the applicable zoning district established in the Zoning Code.

(b) **Parking:** All parking requirements shall be provided in accordance with the provisions of the Zoning Code, which include the following:

- i. Amount of off-street parking and loading;
- ii. Percentage of parking required for total development;
- iii. Location of off-street parking;
- iv. Units of measurement of parking spaces;

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- v. Joint uses of parking areas;
 - vi. Maintenance of parking areas; and
 - vii. Screening and landscaping of parking areas.
- (c) Street/Sidewalk Standards (for developments that are not proposed to be subdivided and, therefore, are not governed by the Subdivision Law).
- i. Streets for residential development shall be as follows:
 - 1. Minor residential streets shall have a minimum of twenty (20) feet in width of paved area measured from the inside of curbs and a minimum of thirty-six (36) feet of width for the right-of-way width; and
 - 2. Residential Collector Streets shall have a minimum of twenty-four (24) feet in width of paved area measuring from the inside of curbs and a minimum of forty (40) feet of right-of-way width.
 - ii. Curbs shall be a minimum of eighteen (18) inches in width on all street types and have a minimum of six (6) inches of elevation.
 - iii. All streets, off-street parking and loading areas shall be surfaced with brick, asphalt, bituminous or concrete material and be maintained with a smooth, well-graded surface, drained in such a manner as not to cause runoff problems onto adjacent properties.
 - iv. Cul-de-sacs shall have a minimum diameter of eighty (80) feet of paved area and a right-of-way diameter of one-hundred (100) feet.
 - v. Pedestrian sidewalks shall be a minimum of five (5) feet in width, excluding any bicycle provisions.
 - vi. A vegetated area not less than three (3) feet in width shall be required as a separation between the street and sidewalk.

(2) All Other Land Uses (Non-Residential Uses)

(a) Site Requirements

- i. All other land uses shall comply with the dimensional, density and area requirements in the applicable zoning district established in the Zoning Code.

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- ii. Any tract of land utilized for development shall be serviced by a system of sanitary sewers, water mains, fire hydrants, storm sewer easements and rights-of-way for utilities, shade trees, street lighting or alternate on-site facilities approved by DPW, DLM and all the other appropriate governmental agencies, all of which shall be constructed so as to conform with the applicable laws and codes of the Territory of Guam. (Public utilities shall be placed underground, where possible.)
 - iii. All principal structures shall occupy not more than the maximum designated area of a lot within the applicable zoning district established in the Zoning Code.
 - iv. Usable open space in any development shall occupy not less than the minimum designated area for the applicable zoning district established in the Zoning Code.
 - v. Permitted accessory uses in any development shall comply with the provision of the applicable zoning district established in the Zoning Code.
 - vi. Density in any development shall comply with, and not exceed, the required density for the applicable zoning district established in the Zoning Code.
 - vii. Each parcel of property to be utilized for non-residential purposes shall be not less than the minimum lot area size required in the applicable zoning district established in the Zoning Code.
 - viii. The total floor ratio for all structures shall not exceed the maximum allowable total of the applicable zoning district established in the Zoning Code.
 - ix. Setbacks and building heights shall comply with the applicable zoning district established in the Zoning Code.
- (b) Parking: All parking requirements shall be provided in accordance with the provisions of the Zoning Code, which include the following:
- i. Amount of off-street parking and loading;
 - ii. Percentage of parking required for total development;
 - iii. Location of off-street parking;

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- iv. Units of measurement of parking spaces;
 - v. Joint uses of parking spaces;
 - vi. Maintenance of parking areas; and
 - vii. Screening and landscaping of parking areas.

(c) Street/Sidewalk

- i. Collector streets shall have a minimum of twenty-four (24) feet in width of paved area measured from the inside of curbs and a minimum of sixty (60) feet of right-of-way width.
- ii. Curbs shall be a minimum of eighteen (18) inches in width on all street types and have a minimum elevation of six (6) inches.
- iii. All streets, off-street parking and loading areas shall be surfaced with brick, asphalt, bituminous or concrete material and be maintained in a smooth, well-graded surface, drained in such a manner as not to cause runoff problems onto adjacent properties.
- iv. Curb breaks shall have a width of no more than thirty (30) feet, exclusive of transitions, and located not closer than fifty (50) feet to the lines of intersection of any right-of-way.
- v. Curb breaks shall not be closer than fifteen (15) feet to any other property line.
- vi. There shall be a minimum distance of twenty (20) feet between curb breaks.
- vii. Pedestrian sidewalks shall be a minimum of five (5) feet in width, excluding bicycle facilities.
- viii. A vegetated area not less than three (3) feet in width shall be required for separation of the street and sidewalk.



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