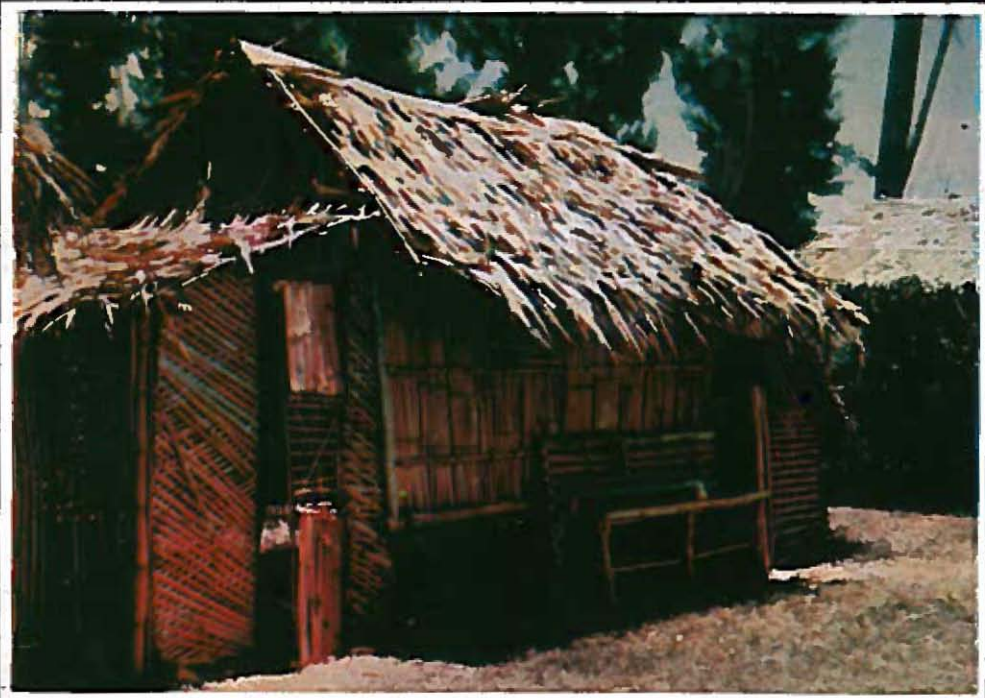




AN INTRODUCTORY GUIDE
TO GUAM'S
LAND-USE LAWS
AND
PERMIT REQUIREMENTS

GUAM COASTAL MANAGEMENT PROGRAM
BUREAU OF PLANNING

AN INTRODUCTORY TO GUAM'S LAND-USE LAWS AND PERMIT REQUIREMENTS

**Guam Coastal Management Program
Bureau of Planning
Government of Guam**

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TABLE OF CONTENTS

	Page
INTRODUCTION	1
GOVERNMENT OF GUAM PERMITS.....	3
Clearing and Grading.....	3
Building.....	4
Construction and Sanitary	6
Water Pollution Control	7
Well Drilling.....	8
Underground Injection Control	8
Solid Waste Disposal	8
Air Pollution Source Construction	9
PRE-PERMITTING/SPECIAL CONSIDERATION CLEARANCES.....	10
Territorial Planning Commission Review Process.....	10
Zoning Law	10
Conditional Use	11
Variances.....	11
Zone Changes.....	12
Seashore Development	12
Wetlands Development.....	13
Major Development.....	13
Condominium Development	13
Subdivision of Property	14
"H" Resort Hotel Zone Development	14
Guam Coastal Management Program and Federal Consistency	14
FEDERAL GOVERNMENT PERMITS.....	16
U.S. Army Corps of Engineers	16
Pollutant Discharge	17
Hazardous Waste	17
APPENDIX 1 - Zoning Law, Chapter III	

INTRODUCTION

The purpose of this pamphlet is to assist homeowners, businesses and landowners who are interested in making improvements to their property, but are unfamiliar with laws and procedures that regulate construction and development. Information is presented to assist the public in identifying those land use activities that will require GovGuam and/or federal permits or clearances. Applicants are encouraged to contact the appropriate agencies for information, guidance and other assistance in the preparation of an application. Unnecessary delay in permit processing can be avoided by obtaining information early in the planning stages of the project.

This pamphlet provides basic information on:

- 1) the type of development activities that require permits or clearances;
- 2) where to obtain application forms;
- 3) the review process;
- 4) length of time required for review; and
- 5) cost of permit or clearances.

Construction or development permits and clearances discussed in this report include:

GOVERNMENT OF GUAM PERMITS:

- Building
- Construction and Sanitary
- Clearing and Grading
- Solid Waste Disposal
- Underground Injection Control
- Water Pollution Control
- Well Drilling
- Air Pollution Control

PRE-PERMITTING/SPECIAL CONSIDERATION CLEARANCES

- Zone Change
- Conditional Use
- Variance
- Seashore Development
- Wetland Development
- Condominium Development

- Subdivision
- "H" Resort Hotel Zone Development
- Guam Coastal Management Program and Federal Consistency

FEDERAL GOVERNMENT PERMITS:

- U.S. Army Corps of Engineers
- National Pollutant Discharge Elimination System
- Hazardous Waste

What Are Construction and Development Activities?

Construction and development activities that require a local or federal permit or clearance generally include:

- placement or erection of any solid material or structure;
- construction, reconstruction, demolition or alteration of the size of a private or public structure;
- filling, grading, dredging, mining, extraction of materials or removal of major vegetation;
- discharge of any dredged material or any gaseous, liquid, solid or thermal waste;
- change in the density or intensity of land-use;
- any work performed in, over or adjacent to bodies of water.

GOVERNMENT OF GUAM PERMITS

GovGuam agencies involved in the issuance of permits are the Department of Public Works, the Guam Environmental Protection Agency and the Department of Public Health and Social Services.

The administration and enforcement of the Building Law (P.L. 1-88, Title XXXII and P.L. 14-112) is the responsibility of the Department of Public Works. The Law provides for the safety, health and general welfare of the public by providing standards for the location, design, construction, repair, use, occupancy and removal of buildings or structures.

Clearing and Grading Permits

Permits for clearing trees and shrubs or changing land elevation through filling or grading are issued by the Department of Public Works. All permit applications are referred to Guam Environmental Protection Agency for erosion control review.

Clearing and grading permits may usually be obtained within two days. There is no charge for clearing permits. Plan-checking and application fees for grading permits are assessed according to the volume of material graded or used for fill. Generally, a permit for grading involving less than 100 cubic yards of material is assessed a \$10 plan-checking fee and a \$15 permit fee. Fees for Plan-Checking and Permits are as follows:

Plan-Check Fees

50 cubic yards or less	No Fee
51 to 100 cubic yards	\$10
101 to 1000 cubic yards	\$15
1001 to 10,000 cubic yards	\$20
10,001 to 100,000 cubic yards --- \$20 for the first 10,000 cubic yards plus \$10 for each additional 10,000 cubic yards or fraction thereof.	
100,001 to 200,000 cubic yards --- \$110 for the first 100,000 cubic yards plus \$6 for each additional 10,000 cubic yards or fraction thereof.	
200,001 cubic yards or more --- \$170 for the first 200,000 cubic yards, plus \$3 for each additional 10,000 cubic yards or fraction thereof.	

Grading Permit Fees

50 cubic yards or less	\$10
51 to 100 cubic yards	\$15

- 101 to 1000 cubic yards --- \$15 for the first 100 cubic yards, plus \$7 for each additional 100 cubic yards or fraction thereof.
- 1001 to 10,000 cubic yards --- \$78 for the first 1000 cubic yards, plus \$6 for each additional 1000 cubic yards or fraction thereof.
- 10,001 to 100,000 cubic yards --- \$132 for the first 10,000 cubic yards, plus \$27 for each additional 10,000 cubic yards or fraction thereof.
- 100,001 cubic yards or more --- \$375 for the first 100,000 cubic yards, plus \$15 for each additional 10,000 cubic yards or fraction thereof.

Further information may be obtained from:

Department of Public Works
Building Permit and Inspection Division
Building "B", Tumon
Tel: 646-5831, Ext. 222-224

P.O. Box 2950
Agana, Guam 96910

Building Permits

A permit is required if you are engaged in any of the following activities:

- Constructing, installing, erecting or replacing a building or part of a building such as a patio, porch, garage, outside kitchen, storage shed, fence, wall, floor, roof, door, window, etc.;
- Adding, repairing, or replacing plumbing, electrical, and ventilation systems or structure foundations;
- Applying paint, varnish or other floor and wall finishes;
- Constructing or connecting to a sewer system;
- Demolishing any part of a building;
- Any other development activity that may affect the structure on your property.

Building Permits are issued by the Building Permits and Inspection Division within the Department of Public Works. Upon submittal of an application, DPW will identify those agencies from which clearances/permits must be obtained.

Clearance is required from the Department of Land Management and, depending upon the proposed activity, may be required from the following agencies:

- Bureau of Planning
- Guam Environmental Protection Agency

- Public Utility Agency of Guam
- Guam Power Authority
- Department of Public Safety
- Department of Public Health and Social Services (Permits may be processed simultaneously. (See page 7).
- Guam Housing and Urban Renewal Authority
- Guam Energy Office
- U.S. Army Corps of Engineers (Permits may be processed simultaneously. (See page 18).

Although clearances from these agencies may be obtained within one day, review time varies with the complexity of the project.

It takes 3-4 days for applications to undergo applicable structural, architectural, mechanical, plumbing, electrical and flood control review by Department of Public Works. In addition, a *minimum* of five days is required before completion of plan-checking and the issuance of a permit.

As shown in the following table, building permit fees are assessed according to the cost of construction:

Building Permit Fees

Total Value	Fee
\$1 to 500	\$5
\$501 to 2,000	\$5 for the first \$500 plus \$1 for each additional \$100 or fraction thereof, to and including \$2,000.
\$2,001 to \$25,000	\$20 for the first \$2,000 plus \$4 for each additional \$1,000 or fraction thereof, to and including \$25,000.
\$25,001 to \$50,000	\$112 for the first \$25,000 plus \$3 for each additional \$1,000 or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$187 for the first \$50,000 plus \$2 for each additional \$1,000 or fraction thereof, to and including \$100,000.

\$100,001 to \$500,000 \$287 for the first \$100,000 plus \$1.50 for each additional \$1,000 or fraction thereof, to and including \$500,000.

\$500,001 and up \$887 for the first \$500,000 plus \$1 for each additional \$1,000 or fraction thereof.

In addition to building permit fees, applicants are assessed fees for plan-checking. Plan-checking fees, which must be paid for in advance, are 50% - 65% of the cost of a building permit. A plan-check is considered expired if a building permit is not issued within 180 days after submittal of an application. Unless a written request is made to the Department of Public Works and approved, applicants must resubmit plans and pay a new plan-check fee.

All construction or work for which a permit is required is subject to inspection. A fee is assessed for each reinspection that is necessary when a portion of the work for which inspection is conducted is incomplete or not in compliance with plans.

If necessary permits are not secured before commencing work, fees for required DPW permits will be doubled. Payment of this double fee, however, does not exempt the applicant from other legal requirements.

Department of Public Health and Social Services Construction and Sanitary Permits

In addition to a Department of Public Works Building Permit, a construction permit from the Department of Public Health and Social Services is required if you construct, reconstruct, or convert an existing structure to use as a regulated establishment. Regulated establishments include:

1. Eating and Drinking Establishments: restaurant, cafeteria, mobile food service, bar, etc.
2. Food Establishments: bakery, market, grocery, food warehouse, cannery, ice plant, etc.
3. Institutional Facilities: child care center, penal institution, school, hospital, clinic, laboratory, etc.
4. Hotel Establishments: dormitory, hotel, lodge, contract housing, private club, etc.
5. Cosmetic Establishments: barber shop, beauty salon, health spa, tattoo shop, etc.
6. Swimming Pools: public pool, swimming or wading pool used by any business, etc.

7. Laundries and Dry Cleaning Establishments.
8. Cemeteries and Mortuaries.

Complete, detailed plans of the regulated establishment must be submitted to the Division of Environmental Health of the Department of Public Health and Social Services. (Applicants are advised to have applications for Construction Permits and DPW Building Permits reviewed concurrently to reduce processing time). Applications will undergo applicable civil, architectural, plumbing, mechanical and electrical review. Five (5) working days are required for plan review and recommendation. The fee for a Construction Permit is \$25.

Before operating any regulated establishment, a sanitary Permit must be secured. Processing time for this permit is five (5) working days. Permit fees are assessed according to the number of employees.

Further information on Construction and Sanitary Permits may be obtained from:

Department of Public Health & Social Services

Division of Environmental Health
Compliance and Training Section

Route 10, Mangilao

Tel: 734-2951-9 or 734-2671

P.O. Box 2950

Agana, Guam 96910

The Guam Environmental Protection Agency is responsible for the protection of our air, land and water resources from physical, chemical and biological pollutants. As the primary environmental regulatory agency, it is involved with the issuance of permits for activities such as: well drilling, solid waste disposal, underground injection control, water pollution control and air pollution source construction. Information on the following environmental permits may be obtained from:

Guam Environmental Protection Agency
Harmon Plaza Building
Harmon Industrial Plaza, Harmon
Tel: 646-8863

P.O. Box 2999

Agana, Guam 96910

Water Pollution Control Permits

The Water Pollution Control Act provides for the protection of ground

and surface water resources. The discharging of gaseous, liquid, solid or thermal waste into water or the use of a ponding basin to contain runoff water will require a Water Pollution Control Permit. The applicant is required to provide the Guam Environmental Protection Agency with information on the type, location, volume, rate and duration of discharge. There is no charge for this type of permit. The permit processing time is approximately two weeks.

Well Drilling Permits

If a development involves the drilling of a fresh or salt water well, a permit must be obtained from the Guam Environmental Protection Agency. A \$5.00 filing fee is charged. The applicant must provide such information as the location of the well in regard to the water source, pumping rate and use of water. The review process takes approximately one week. In addition, upon completion of the drilling, a Well Operating Permit must be obtained. This involves a \$5.00 fee and review time of one week.

Underground Injection Control Permits

An Underground Injection Control Permit is required by the Guam Environmental Protection Agency for such activities as the use of a dry well as a method of disposing stormwater. Applicants must provide a detailed plan, including information about soil composition, depth of well, and location of well in regard to coastal recharge areas. There is no charge for this type of permit. Time required for permit review varies with the size of the project and if a public hearing is required. The average permit processing time is 60 days.

Solid Waste Disposal Permits

The Solid Waste Management and Litter Control Act provides for the protection of the public from health and safety hazards resulting from open dumping and improperly operated landfills. A Solid Waste Disposal Permit is required from GEPA for any activity involving the processing and disposal of solid waste. The applicant must provide a plan detailing the proposed method and length of operation, quality and source of material to be disposed of, and ultimate use of the disposal site. There is no charge for the permit. It takes up to 30 days for application review. Persons interested in starting a business which involves transporting solid waste to approved landfills must secure a Solid Waste Collection Permit. Application review time is approximately two weeks. No fees are assessed for this type of permit.

Air Pollution Source Construction Permits

The Air Pollution Control Act provides for the maintenance of air quality for the protection of health, life and property. A permit is required for the construction of a facility, such as a laundry or incinerator, that may be a source of air pollution. Minor source pollution permits may be issued by GEPA if the facility is built, operated and maintained so that emissions are reduced to a level within permissible or surrounding air quality standards. There is no charge for this permit. The application review time varies with the intensity of source, although the average processing time is 60 days. In addition, a permit must be secured for the operation of pollution sources such as emergency generators. Application review time is approximately 30 days. There is no filing fee.

PRE-PERMITTING AND SPECIAL CONSIDERATION REQUIREMENTS

Territorial Planning Commission Review Process

The administration of local land use laws rests primarily with the Department of Land Management. The Territorial Planning Commission (TPC) is the decision-making body empowered to grant zone changes, conditional uses and variances from land use laws. The TPC review process involves field inspection and evaluation of the application by the Subdivision and Development Review Committee which is composed of representatives of the following agencies: Department of Land Management, Bureau of Planning, Department of Public Works, Guam Environmental Protection Agency, Department of Agriculture, Public Utility Agency of Guam and the Department of Parks and Recreation. The Subdivision and Development Review Committee (SDRC) provides technical review and recommendation to the Territorial Planning Commission for final consideration. The review process, unless otherwise noted, usually requires three to four weeks' time.

After obtaining TPC approval, the applicant must obtain a building permit if the proposed activity is regulated by the Department of Public Works. After construction, a field inspection is conducted to certify compliance with TPC stipulated conditions and building law standards. If conditions and building standards have been met, an occupancy permit is then issued.

If the application request is denied, an appeal may be submitted to the Island Court within 15 days following the TPC decision.

Application forms and further information on the TPC Review Process may be obtained from:

Department of Land Management
Planning Division
Administration Building, Agana
Tel: 472-8853

P.O. Box 2950
Agana, Guam 96910

Zoning Law

The Zoning Law (P.L. 1-88) established regulations in order to encourage the most appropriate use of land; provide adequate open space around buildings; prevent undue concentration of population; assure adequate provisions for schools, parks, recreation and other infrastructure; and to

control the type of development which would create nuisances and health and safety hazards.

The island of Guam is divided into eight zones:

- "A" - Agricultural Zone
- "R1" - One-Family Dwelling Zone
- "R2" - Multiple Dwelling Zone
- "C" - Commercial Zone
- "P" - Automobile Parking
- "M1" - Light Industrial Zone
- "M2" - Heavy Industrial Zone
- "H" - Resort Hotel Zone

These zone symbols and their boundaries are shown on official zoning maps available at the Planning Division of the Department of Land Management. Each zone has permitted and conditional uses with height and yard setback restrictions. Appendix 1 is Chapter III of the Zoning Law which identifies permitted and conditional uses within zones.

Conditional Use

In addition to permitted uses in each of the eight zones, conditional uses may be allowed by the TPC as outlined in Chapter III of the Zoning Law. An application for a proposed conditional use is analyzed in terms of the project's compatibility with existing or planned uses. The permit application fee of \$10 is payable upon filing at the Planning Division, Department of Land Management.

Variances

The TPC is authorized to grant variances to land use laws which may allow:

- extension of a building or use into an adjoining zone;
- addition of a non-conforming structure;
- modification of height, yard and density requirements;
- changes in parking requirements;
- other variances which are consistent with the intent of the Zoning, Subdivision and other land-use laws.

Variance applications must undergo review by the Subdivision and Development Review Committee and the Territorial Planning Commission. An application and \$15 fee should be filed with the Department of Land Management. The applicant must provide maps showing lot dimensions,

sizes and location of existing and proposed structures, land use within the area and other information that may be required for evaluation of the variance. A justification letter must also be submitted that demonstrates that: special conditions or circumstances peculiar to the land or development exist; the granting of variance will not be materially detrimental to public welfare, and that the variance request is consistent with Guam's land-use laws.

Zone Changes

If a particular land use activity is not permitted as a variance or conditional use, application may be made for a zone change at the Department of Land Management. The Territorial Planning Commission may grant a change in the zoning of property if it finds that the action will serve public necessity, convenience and welfare. Zone change application cost \$10 and undergo review by the Territorial Planning Commission and at a public hearing held within the district where the property to be rezoned is located. In addition to the \$10 application fee, the applicant is responsible for expenses for a newspaper public hearing notice. A zone change request must also receive approval from the Governor. Permit review time is approximately 10 weeks.

Seashore Development

The Guam Territorial Seashore Protection Act provides for the protection of natural, scenic and historical resources of the Seashore Reserve for the enjoyment of present and future generations. The Act provides a review process to assure that: 1) access to beaches, recreational and historical areas are maintained; 2) ocean views from the highway are not obstructed; 3) wildlife preserves and adequate public recreation areas are reserved; 4) adequate provisions are available for solid waste and sewage disposal; and 5) minimal dangers from floods, landslides and erosion are created as a result of development. The Seashore Protection Act restricts development on that land and water area seaward to the ten fathom contour and inland ten meters from the mean high water mark or to the inland edge of a public right-of-way, whichever is nearer. The Seashore Reserve excludes Cabras Island and those villages in which residences were constructed along the shoreline prior to March 12, 1974.

Approval for any development within the Seashore Reserve must be obtained from the Territorial Seashore Protection Commission (TSPC). All applicants must undergo the TSPC review process (same as TPC) and a public hearing. Application forms may be obtained at the Planning Division, Department of Land Management. In addition to the \$15 filing fee,

the applicant is responsible for expenses for a newspaper public hearing notice.

Wetlands Development

Wetlands are naturally flood prone areas which are protected through regulations established by Executive Order No. 78-21. Wetlands are extremely fragile, limited in number and difficult to restore once damaged. These areas provide habitat for native plants and animals, including endangered and threatened species. Wetlands also provide a source of fresh water and serve as protection against erosion and storm waves.

All development in wetland areas requires review and approval from the TPC. A permit application form and \$15 fee should be filed at the Planning Division of the Department of Land Management.

A federal government permit from the U.S. Army Corps of Engineers (ACOE) may also be required if the water quality of a swamp or other environmentally valuable wetland resource is involved. The ACOE permit is discussed on page 16.

Major Development

Condominium Development

The Horizontal Property Regime Act (P.L. 10-165) is a buyer protection law that requires condominium sellers to prepare a full disclosure report on the property, including the terms of management and maintenance.

Before a condominium project is offered for sale on Guam, the developer must submit a notice of intent, unexecuted declaration, by-laws and escrow agreement, recorded certificate of title and \$50 filing fee to the Department of Land Management. The Territorial Planning Commission will issue a Preliminary Public Report if the developer provides all information that should be considered by a prospective buyer.

Before a final public report is issued, a site inspection must be conducted and all previously mentioned documents must be executed and recorded with the Department of Land Management. All unfinished projects must be supported by a bond. It takes approximately eight weeks to undergo these review procedures. If, after the issuance of a final public report, any changes in the project occur, the project must be resubmitted to Territorial Planning Commission with required information for the issuance of a supplementary public report.

Subdivision of Property

The Subdivision Law (P.L. 6-134, Title XIX) provides for the control and regulation of land subdivision necessary for the orderly growth and development of the Territory; to ensure adequate traffic circulation through coordinated street, road and highway systems; to achieve maximum utilization and livability of property lots; to secure adequate provisions of water supply, drainage, sanitary sewerage and other health requirements; and to permit the conveyance of land by accurate legal descriptions.

The Law provides that all properties parcelled or subdivided must obtain the approval of the Territorial Planner or the Territorial Planning Commission to ensure that the action is in compliance with the provisions of the Subdivision Law and the master plan for Guam. Lot parcelling or subdivision maps must be recorded at the Department of Land Management within a period of one (1) year after approval to be legal.

If the proposed subdivision is not in conformance with Subdivision requirements, a variance must be obtained from the Territorial Planning Commission. The applicant must be able to show that: 1) special circumstances affect the property; 2) approval of a variance is necessary for the preservation and enjoyment of a substantial property right; 3) waiver of subdivision requirement will not be detrimental to public health, safety and welfare; and 4) the variance will conform with the intent of the Territorial plan. An application and \$10 review fee must be filed with the Department of Land Management.

"H" Resort-Hotel Zone Development

The "H" Resort-Hotel Zone Regulations provide standards for the orderly development of the island's major tourist area. Approval must be obtained from the TPC for all development within the "H" Zone. Detailed site plans must be submitted for TPC review to ensure that the development activity is compatible with existing regulations and guidelines. Applications may be obtained from the Department of Land Management. The cost for filing is \$15.

Guam Coastal Management Program and Federal Consistency

Executive Order No. 78-37 established sixteen (16) policies involving the use, protection and development of the island's land and water resources. All development must be in conformance with these policies

which are the basis of the Guam Coastal Management Program (GCMP). Review for compliance with GCMP policies is accomplished through the permit application process.

However, if an activity requires a federal permit or license or involves federal assistance, you are required to submit a detailed description of the project to the Bureau of Planning indicating consistency with GCMP policies.

Further information with regard to federal consistency may be obtained from.

Bureau of Planning
Guam Coastal Management Program
Room 403, 4th Floor
PDN Building, Agana
Tel: 477-9502/9639 or 472-2264

P.O. Box 2950
Agana, Guam 96910

FEDERAL GOVERNMENT PERMITS

Army Corps of Engineers Permits

The U.S. Army Corps of Engineers (ACOE) is responsible for protecting the nation's navigable waters from obstruction and restoring and maintaining the environmental quality of our water resources. A Corps permit is required if you plan to perform work in, on, over or under all tidal waters. The permanent or temporary placement or discharge of dredged or fill material into all tidal and non-tidal waters and adjacent wetlands also requires a permit. Activities which require permits include, but are not limited to:

- construction of boat ramps, seawalls or other similar structures;
- placement of floats, piers or mooring buoys;
- discharging sand, gravel or other material into the ocean;
- dredging or filling of wetlands, rivers or other bodies of water;
- laying of underwater cables, tunnels or outfall pipes.

Applicants are expected to provide:

- A detailed description of proposed activity, including the purpose, use, type of structure, facilities for handling waste and the composition and quantity of dredged or filled material;
- Names and addresses of adjoining property owners and others who may be affected by the proposed activity;
- Complete information on the location project in enough detail so that a field visit may be conducted;
- A list of the status of all required federal or local government permits and clearances;
- A simple environmental impact assessment. A more detailed EIA may be required for projects having large potential impacts.

The permit review process includes review by interested local agencies and organizations and may involve a public hearing. The ACOE will not issue a permit until all applicable Territorial regulations have been satisfied. Review time may be reduced by simultaneous processing. If there are no objections to the proposed activity, a permit may be issued within 3 months after a completed application is submitted. The permit fee is \$10 for non-commercial uses and \$100 for commercial uses. Maps of areas over which the Corps exercises permit jurisdiction are available for review at the ACOE office. Copies of permit application forms and in-

formation on permit regulations may be obtained from:

U.S. Army Corps of Engineer
Guam Operations Office, Room 905
Pacific Daily News Building, Agana
Tel: 344-5303

Pollutant Discharge Permit

If a proposed development involves the discharge of gaseous, liquid, solid or thermal pollutants, a National Pollutant Discharge Elimination System Permit (NPDES) must be acquired from the U.S. Environmental Protection Agency (U.S. EPA).

Application forms for a discharge permit are available at the Guam Environmental Protection Agency. GEPA coordinates local agency review for the U.S. Environmental Protection Agency. An NPDES permit will not be issued unless all applicable federal and local government regulations are satisfied. There is no charge for an NPDES permit. Permit review time may vary according to the significance of the discharge although the average processing time is 6 months. Further information regarding NPDES permits may be obtained from:

Guam Environmental Protection Agency
Harmon Plaza Building
Harmon Industrial Plaza
Tel: 646-8863

P.O. Box 2999
Agana, Guam 96910

Hazardous Waste Permits

Any activity involving the disposal of hazardous waste material requires a permit from the U.S. Environmental Protection Agency. Generators and transporters of hazardous waste are required to provide U.S. EPA with such information as type and volume of material, duration of activities, and methods of storage, treatment and disposal.

Application forms and further information on Hazardous Waste Permits may be obtained from GEPA, which coordinates local agency review for U.S. EPA. There is no charge for this type of permit. Permit review time may vary according to the significance of the disposal.

APPENDIX 1

CHAPTER III (Zoning Code) Use Regulations

- Section 17100. Conformance of uses to zone regulations.
- Section 17101. Regulations along district boundaries.
- Section 17102. Conditional use.
- Section 17103. "A" rural zone.
- Section 17104. "R1" single family dwelling zone.
- Section 17105. "R2" multiple dwelling zone.
- Section 17106. "C" commercial zone.
- Section 17107. "P" automobile parking zone.
- Section 17108. "M1" light industrial zone.
- Section 17109. "M2" heavy industrial zone.
- Section 17110. "H" hotel-resort zone.

Section 17100. Conformance of uses to zone regulations. No building or structure shall be altered, enlarged, moved or maintained, and no building or land shall be used for any purpose, except for a use permitted in the zone in which such building or land is located, as hereafter provided in this article.

Section 17101. Regulations along district boundaries. Where a commercial or industrial use occurs in zones permitting such uses, but in areas which are located adjacent to rural or residential zones, the yard requirement shall be twice that required of such use or twenty (20) feet, whichever is the greater.

Section 17102. Conditional use. In addition to permitted uses in each of the zones, specified uses will be permitted upon approval by the Commission of the site plan, including, but not limited to, disposal of sewage, access, parking, structure location and accompanying covenants that may include performance standards.

Section 17103. "A" rural zone.

(a) Use Permitted

1. One-family dwellings and duplexes.
2. Farming and fisheries, including all types of activities and pursuits customarily carried on in the field of agriculture and fisheries, including the raising of crops and fruits, poultry and livestock, grazing and dairying, tree and other vegetative pro-

duction, whether for commercial or personal uses.

3. Uses customarily accessory to any of the above uses including home occupations, and private automobile parking areas as well as accessory buildings and structures such as private garages, warehouses, barns, corrals, or other similar structures.

(b) Conditional Use

1. Parks, playgrounds and community centers.
2. Biological gardens.
3. Schools and churches.
4. Hospitals, sanitariums, and institutional uses.
5. Cemeteries.
6. Recreational use including golf courses, cockpits, marinas, beaches, swimming pools, and accessory residential and commercial use.
7. Extractive industry.
8. Utilities and public facilities.
9. Wholesale and retail stores, shops and businesses.
10. Automobile service stations, including service shops.
11. Accessory uses and structures for the above.

Section 17104. "R1" one-family dwelling zone.

(a) Use Permitted

1. One-family dwellings.
2. Gardening and the keeping of pets for noncommercial purposes.
3. Use customarily accessory to any of the above uses including home occupations and private parking areas with accessory buildings and structures.

(b) Conditional Use

1. Duplexes.
2. Schools and churches.
3. Parks, playgrounds and community centers.
4. Health service office, outpatient with laboratory.
5. Utilities and public facilities.

Section 17105. "R2" multiple dwelling zone.

(a) Use permitted

1. One-family dwellings.
2. Duplexes.
3. Multi-family dwellings.
4. Hotels, private groups and institutions.
5. Accessory uses and structures for the above.

(b) Conditional Uses

1. Any conditional uses permitted in the "R1" zone.
2. Health clinics.
3. Utilities and public facilities.
4. Air, bus, taxi, auto, rental terminals.
5. Accessory uses and structures for the above.
(Amended by P.L. 11-60)

Section 17106. "C" commercial zone.

(a) Use Permitted

1. One-family dwellings.
2. Duplexes.
3. Wholesale and retail stores, shops and businesses.
4. Amusement enterprises.
5. Automobile service station, including minor repairs.
6. Bakeries.
7. Mortuaries.
8. Offices, business or professional, and banks.
9. Personal service shops, including barber shops, beauty parlors, laundromats, and the like.
10. Repair shops and service shops, including shoe repair shops, plumbing shops, dressmaking shops, and the like, but not including, automobile repair shops for major work.
11. Restaurants and cafes.
12. Studios.
13. Other uses which in the judgment of the Commission, as evidenced by resolution in writing, are similar to those listed herein.
14. Uses customarily accessory to any of the above listed uses, including only those accessory to manufacturing, storage, compounding, or processing activities which are necessary for the ordinary conduct of said listed uses and which are an

integral part thereof

15. Accessory structures for the above.

(b) Conditional Use

1. Hospital and clinics.
2. Public utility and other public buildings.
3. Shopping center.
4. Recreation, including cockpits, marinas, amusement centers, drive-in theatres.
5. Multi-family.
6. Hotels, motels, tourist accommodations.
7. Air, bus, taxi, auto rental terminals.
8. Auto sales and car wash.
9. Parking garages and lots.
10. Service vehicle storage.
11. Laundries and cleaning and dyeing establishments.
12. Schools and churches.
13. Parks, playgrounds, community centers.
14. Utilities and public facilities.
15. Accessory uses and structures for the above.

Section 17107. "P" automobile parking zone.

(a) Use Permitted

1. Public or commercial parking area and garages.
2. Public access to adjoining parking areas.
3. Loading and unloading of automobiles or trucks, but not to use portions of required parking space.
4. Service vehicle storage after commercial hours.
5. Utilities and public facilities.
6. Accessory uses and structures for the above.

Section 17108. "M1" light industrial zone.

(a) Use Permitted

1. Any use permitted with or without condition in the commercial zone.
2. The manufacturing, compounding, processing or treating of such products as drugs, cosmetics, and food products (not including fish and meat products nor the rendering of fats and oils).
3. The manufacturing compounding, assembling or treating of

articles or merchandise from previously prepared materials.

4. Automobile repair shops including painting, body and fender work and rebuilding; truck and tractor repairing; and tire retreading.
5. Bottling and packaging plants.
6. Ceramic products manufacturing.
7. Laundries and cleaning and dyeing establishments.
8. Machine shops and sheet metal shops.
9. Warehouses and cold storage plants.
10. Lumber yards, building material salesyards, contractor's equipment storage yards, and the like.
11. Other uses which in the judgment of the Commissions, as evidenced by a resolution in writing, are similar to those listed herein.
12. Uses customarily accessory to any of the above listed uses, and accessory buildings.

(b) Conditional Use

1. Other industrial uses not objectionable, obnoxious or offensive by reason of odor, dust, smoke, noise, gas fumes, cinders, vibration, flashing lights, or water-carried waste.
2. Utilities and public facilities.
3. Accessory uses and buildings for the above.

Section 17109. "M2" heavy industrial zone.

(a) Use Permitted

1. Any uses permitted in the "M1" zone, excepting residential use.
2. Junk Yards. Under the special provisions set forth in Chapter X of this Title.
3. Any other uses not specifically prohibited by law, including those which are or may be objectionable, obnoxious, or offensive by reason of odor, dust, smoke, noise, gas fumes, cinders, vibrations, or water-carried waste.
4. Uses customarily accessory to any of the uses herein permitted, and accessory buildings and structures.

(b) Conditional Use

1. All residential uses.
2. Accessory uses and structures for the above.

Section 17110. "H" hotel-resort zone.

(a) Conditional Use

1. All tourist related activities.

(Original Chapter III, consisting of Sections 17100-17107, enacted 1952; original Section 17108 added by P.L. 5-64, effective February 29, 1960; Chapter III was repealed and a new Chapter III added (Sections 17100-17109) by P.L. 9-252, effective August 29, 1968. Original Section 17107 had been amended by P.L. 9-126, effective January 29, 1968.)