

e. Recreational Facilities and Open Space Uses

Active or passive recreational areas.

- Ball Parks
- Golf Courses
- Neighborhood Parks
- Playgrounds
- Community Parks
- Cemeteries
- Marinas
- Botanical Gardens
- Zoological Parks
- Conservation Areas
- Golf Driving Ranges
- Baseball Batting Cage Facilities
- Private Concessionaires
- Essential Management Facilities
- Horseback Riding Facilities
- Race Tracks
- Natural Preserves

f. Retail Trade

Establishments primarily engaged in providing finished products to individuals on a limited scale.

- Convenience Stores
- Books and Stationery
- Confectionery
- Dairy Products
- Groceries
- Pharmacies
- Plant Nurseries
- Agricultural and aquacultural products at roadside or concession stands at their respective production sites.
- Neighborhood Shopping Centers

- Retail Food Establishments: Restaurants and Catering Services Only

g. Personal Services

Establishments engaged in providing services generally to individuals.

- Barber Shops
- Beauty Salons
- Health Care Facilities
- Private Clubs
- Day Care Centers

3. *All of the above uses shall be permitted in Intensity District 2, provided that all of the standards for each use, as specified in the following Table of Dimensional and Density Requirements, and those Performance Standards that apply have been observed. The Performance Standards that could apply include those on the following list. The Zoning Official maintains copies of these Performance Standards and a list of the Government of Guam agencies or departments administering each standard.*

- a. Residential Performance Standards
- b. Nonresidential Performance Standards
- c. Off-Street Parking and Loading Standards
- d. Recreational and Open Space Standards
- e. Environmental Protection Standards
- f. Vegetation Protection Standards
- g. Sign Standards
- h. Historic and Cultural Conservation Standards
- i. Agricultural Land Preservation Standards
- j. Stormwater Management Standards
- k. Floodplain Protection Standards
- l. Wellfield/Groundwater Protection Standards
- m. Hillside Development Standards
- n. Landscape Standards
- o. Supplemental Regulations

C. INTENSITY DISTRICT 2M: Marine District

1. General Description of Character and Intent of District

This District has been created to protect and manage this special marine area. It encompasses the coastline extending from Fadian to Tagachang Point. This coastline includes Pago Bay, which is one of the few primarily undeveloped bays. It has some of the richest coral fauna of any site on Guam, with nearly 300 species of corals identified from the reef. The coastline, and Pago Bay in particular, is one of Guam's most accessible and heavily used coastal fishing sites, supporting net, rod and reel, and spear fishing. It is also the home of the University of Guam Marine Laboratory. The viability of the efforts at the Marine Laboratory and its research programs depend on having clean seawater and protection of the Pago Bay reef. Immediately north at Fadian Point is the Guam Aquacultural Development and Training Center which also depends on a pristine and protected coastline. The area south of the University of Guam at Tagachang Point has been identified as the preferred site for the Territorial Aquarium.

The purpose of establishing Intensity District 2M incorporates an anticipatory and proactive approach to planning and management of Guam's ocean and coastal resources. Ocean resources are a public trust and Government, in cooperation with business leaders and the general public, must act as knowledgeable stewards that nurture resources and provide for their long term sustainability. In establishing this Intensity District 2M, it proposes an ocean stewardship concept in which sustainable development and conservation are integral components, so that resources and economic benefits can be passed on to future generations. It advocates the need for sustainable development, which recognizes that economic development will occur, and establishes physical, ecological and socioeconomic limitations to guide this development.

This District encourages economic diversity in the area of marine biotechnology, and aquacultural activities. Guam has the potential of

developing its marine resources. Performance Standards will be enforced to ensure that the natural functions of environmentally sensitive areas such as very steep slopes, wetlands, beaches, flood plains, limestone forests, and potable water wellfield areas are maintained well. The ranges and types of activities that are proposed for inclusion in the District are listed below:

2. Permitted Uses

a. Agriculture, Aquaculture and Marine Biotechnology

Establishments primarily engaged in the production of crop, plants, vines and trees, and aquaculture operations.

- Aquaculture/Hatcheries
- Horticultural Activities
- Botanical Gardens

b. Dwellings

Buildings occupied or intended to be occupied for residential purposes and supporting activities.

- Single-Family Dwellings
- Duplexes or Two-Family Dwellings
- Home Occupations
- Accessory Buildings/Structures
- Planned Unit Development
- Planned Affordable Residential Development

c. Limited Government Services, Public Utilities, and Quasi-Public Facilities

Government agencies and entities (and their satellite offices) that provide administrative services to the community. Auxiliary facilities that provide electricity, sanitary services, water, transportation services, communications, and other related services for public consumption. Quasi-Public Facilities such as Houses of Worship.

- Sewage Lift Stations/Water Pump Stations
- Electrical Substations
- Houses of Worship
- Electrical Transmission Lines
- Libraries

- Technical Training Centers

d. Recreational Facilities and Open Space Uses

Active or passive recreational areas.

- Neighborhood Parks
- Playgrounds
- Community Parks and Beach Parks
- Zoological Parks
- Aquarium
- Conservation Areas and Marine Sanctuaries
- Underwater Trails
- Cultural Centers
- Museums

e. Retail Trade

Establishments primarily engaged in providing finished products to individuals on a limited scale.

- Convenience Stores
- Agricultural and aquacultural products at roadside or concession stands at their respective production sites.
- Retail Food Establishments: Restaurants and Catering Services Only

f. Biotechnology Centers

Establishments engaged in research and development in:

- Marine Natural Products
- Marine Research and Development centers

3. *All of the above uses shall be permitted in Intensity District 2M, provided that all of the standards for each use, as specified in the following Table of Dimensional and Density Requirements, and those Performance Standards that apply have been observed. The Performance Standards that could apply include those on the following list. The Zoning Official maintains copies of these Performance*

Standards and a list of the Government of Guam agencies or departments administering each standard.

- a. Residential Performance Standards
- b. Nonresidential Performance Standards
- c. Off-Street Parking and Loading Standards
- d. Recreational and Open Space Standards
- e. Environmental Protection Standards
- f. Vegetation Protection Standards
- g. Sign Standards
- h. Historic and Cultural Conservation Standards
- i. Agricultural Land Preservation Standards
- j. Stormwater Management Standards
- k. Floodplain Protection Standards
- l. Wellfield/Groundwater Protection Standards
- m. Hillside Development Standards
- n. Landscape Standards
- o. Supplemental Regulations

D. INTENSITY DISTRICT 3: Moderate Intensity

1. General Description of Character and Intent of District

This District primarily includes areas that are serviced by current or planned public sewer and potable water lines. Larger residential subdivisions and limited commercial development are permitted in these areas. This District accommodates medium-density residential development, limited offices, active and passive recreational facilities, smaller-scale hotels, as well as community- and neighborhood-oriented commercial facilities. This District is served by both public sewer and potable water facilities or have planned expansions thereto programmed within five (5) years from the date of adoption of the Zoning Code.

2. Permitted Uses

a. Agriculture and Aquaculture

Establishments primarily engaged in the production of crops, plants, vines and trees and aquaculture operations.

- Agricultural Uses
- Food Crop Production
- Horticultural Activities
- Botanical Gardens
- Aquaculture

b. Dwellings

Buildings occupied or intended to be occupied for residential purposes and supporting activities.

- Single-Family Detached Dwellings (also Affordable-see definitions)
- Single-Family and Two-Family/Duplex Dwellings
- Attached Dwelling (Townhouses)
- Zero Lot Line Homes
- Multiple-Family Dwellings
- Home Occupations

-
- Accessory Buildings/Structures
 - Residential Treatment Facility
 - Planned Unit Development
 - Planned Affordable Residential Development

c. Hotels & Guest Houses

Any building used, or intended to be used, rented or hired out to be occupied for sleeping purposes by guests. Large resorts are not to be allowed in this District.

- Bed & Breakfast Inns
- Guest Houses
- Boarding/Rooming Houses
- Hotels/Motels

d. Schools

Institutions of learning and their associated uses such as dormitories.

- Primary
- Middle
- Secondary
- Pre-school facilities
- Colleges/Universities
- Other School Facilities

e. Retail Trade

Establishments primarily engaged in providing finished products to individuals. However, no car dealerships, gasoline stations, auto repair facilities, or car washes are to be allowed in this District.

- Apparel & Accessories
- Books & Stationery
- Confectionery
- Dairy Products
- Electrical & Electronic Products
- Groceries
- Retail Food Est.: Restaurants and Catering Services Only

- Household Items
- Home Building Supply
- Camera Shops/Photographic Equipment
- Neighborhood and Community Shopping Centers
- Smaller Supermarkets
- Pharmacies
- Plant Nurseries
- Convenience Stores
- Theaters
- Flea Markets
- Museums/Art Galleries
- Agricultural or Produce Concession Stands

f. Personal Services

Establishments primarily engaged in providing services to individuals.

- Small Boat Repair Facilities and Services (within one mile of Intensity District 5 boundary at Merizo only)
- Barber Shops
- Beauty Salons
- Health Clubs
- Private Clubs
- Funeral Services
- Shoe Repair Shops
- Opticians
- Laundromats/Laundry Services
- Day Care Centers
- Veterinarians/Animal Kennels
- Banks

g. Business or Professional Services

Establishments primarily engaged in rendering services to business establishments and private individuals on a contract or fee basis.

- Advertising Agencies
- Legal Services
- Accounting Services

- Finance, Insurance and Real Estate Services
- Employment Services
- Health Care Facilities
- Tour Wholesale Companies/Travel Agencies
- Professional Consultants

h. Limited Government Services, Public Utilities, and Quasi-Public Facilities

Government agencies and entities (and their satellite offices) that provide administrative and health care services to the community. Auxiliary facilities that provide electricity, sanitary services, water, transportation services, communications, and other related services for public consumption. Quasi-Public Facilities such as Houses of Worship.

- Post Offices or Postal Substations
- Public Safety (Police/Fire) Substations
- Community Centers
- Sewage Lift Stations/Water Wells and Pump Stations
- Electrical Substations
- Houses of Worship
- Hospitals/Sanitarium
- Libraries
- Correctional Facilities
- Electrical Transmission Lines

i. Recreational Facilities

Active or passive recreational areas or establishments engaged in providing amusement or entertainment services.

- Ball Parks
- Urban Parks/Playgrounds
- Amusement Parks
- Swimming Pools
- Horseback Riding
- Marinas/Yacht Club
- Private Concessionaires
- Essential Management Facilities

3. *All of the above uses shall be permitted in Intensity District 3, provided that all of the standards for each use, as specified in the following Table of Dimensional and Density Requirements, and those Performance Standards that apply, have been observed. The Performance Standards that could apply include those on the following list. The Zoning Official maintains copies of these Performance Standards and a list of the Government of Guam agencies or departments administering each standard.*

- a. Residential Performance Standards
- b. Nonresidential Performance Standards
- c. Off-Street Parking and Loading Standards
- d. Recreation and Open Space Standards
- e. Environmental Protection Standards
- f. Vegetation Protection Standards
- g. Sign Standards
- h. Historic and Cultural Conservation Standards
- i. Stormwater Management Standards
- j. Floodplain Protection Standards
- k. Wellfield/Groundwater Protection Standards
- l. Hillside Development Standards
- m. Landscape Standards
- n. Supplemental Regulations

F. INTENSITY DISTRICT 4: High Intensity

1. General Description of Character and Intent of District

This District includes moderately- to densely-developed areas that are located primarily on arterial highways and are comprised of higher intensity residential development and a full-range of commercial activities. These areas are serviced by both public sewer and potable water facilities, or have planned expansions thereto programmed within five (5) years from the date of adoption of the Zoning Code.

2. Permitted Uses

a. Dwellings

Buildings occupied or intended to be occupied exclusively for residential purposes and supporting activities.

- Single-Family Detached Dwellings (Affordable-see definitions)
- Single-Family and Two-Family/Duplex Dwellings
- Attached Dwellings (Townhouses)
- Zero Lot Line Homes
- Multiple-Family Dwellings
- Home Occupations
- Accessory Buildings/Structures
- Boarding/Rooming Houses
- Residential Treatment Facility
- Barracks

b. Hotels and Guesthouses

Any building used, or intended to be used, rented or hired out to be occupied for sleeping purposes by guests.

- Apartment Hotels
- Hotels/Motels
- Bed & Breakfast Inns
- Guesthouses

c. Schools

Institutions of learning and their associated uses such as dormitories.

- Primary
- Middle
- Secondary
- Pre-school facilities
- College/Universities
- Other School Facilities

d. Retail Trade Establishments/Wholesale Trade Establishments

Establishments primarily engaged in providing finished products to individuals and retailers.

- Pawnshops
- Bakeries
- Apparel & Accessories
- Books & Stationery
- Confectionery
- Dairy Products
- Electrical & Electronic Products
- Furniture
- Home Building Supply
- Groceries
- Household Items
- Office Furnishings and Equipment
- Photographic Equipment/Camera Shops
- Sporting Goods
- Automobile Service Stations
- Car Wash
- Shopping Centers
- Automobile Sales and Service
- Automobile Rental
- Supermarkets
- Retail Food Establishments: all types
- Pharmacies
- Bars, Taverns, Cocktail Lounges

-
- Adult Entertainment Facilities
 - Adult Book Stores
 - Flea Markets
 - Theaters/Museums/Art Galleries
 - Bus & Mass Transit Storage and Maintenance Facility
 - Agricultural or Produce Stands
 - Video Rentals and Sales
 - Wholesale/Storage/Distribution Facilities
 - Parking Structures

e. Personal Services

Establishments primarily engaged in providing services to individuals.

- Barber Shops
- Beauty Salons
- Health Clubs
- Private Clubs
- Funeral Services
- Shoe Repair Shops
- Opticians
- Automobile Repair & Servicing
- Laundromats/Laundry Services
- Day Care Centers
- Veterinarians/Animal Kennels
- Banks

f. Business or Professional Services

Establishments primarily engaged in rendering services to business establishments and private individuals on a contract or fee basis.

- Advertising Agencies
- Legal Services
- Accounting Services
- Finance, Insurance and Real Estate Services
- Employment Services
- Health Care Facilities
- Tour Wholesale Companies/Travel Agencies

- Professional Consultants
- Off-Set Printing/Photocopying/Photo Processing Facilities

g. Limited Government Services, Public Utilities, and Quasi-Public Facilities

Government agencies and entities (and their satellite offices) that provide administrative and health care services to the community. Auxiliary facilities that provide electricity, sanitary services, water, transportation services, communications, and other related services for public consumption. Quasi-Public Facilities such as Houses of Worship.

- Libraries
- Government Offices
- Post Offices or Postal Substations
- Consulates
- Hospital/Sanitariums
- Public Safety (Police/Fire) Substations
- Sewage Lift Stations/Water Wells and Pumping Stations
- Electrical Substations
- Houses of Worship
- Community Centers
- Convention Centers
- Electrical Transmission Lines

h. Recreational and Entertainment Facilities

Active or passive recreational areas or establishments engaged in providing amusement or entertainment services.

- Ball Parks
- Urban Parks
- Playgrounds
- Night Clubs
- Swimming Pools
- Amusement Parks
- Private Concessionaires
- Essential Management Facilities

3. *All of these above uses shall be permitted in Intensity District 4, provided that all of the standards for each use, as specified in the following Table of Dimensional and Density Requirements, and those Performance Standards that apply, have been observed. The Performance Standards that could apply include those on the following list. The Zoning Official maintains copies of these Performance Standards and a list of the Government of Guam agencies or departments administering each standard.*

- a. Residential Performance Standards
- b. Nonresidential Performance Standards
- c. Off-Street Parking and Loading Standards
- d. Recreational and Open Space Standards
- e. Environmental Protection Standards
- f. Vegetation Protection Standards
- g. Sign Standards
- h. Historic and Cultural Conservation Standards
- i. Stormwater Management Standards
- j. Floodplain Protection Standards
- k. Wellfield/Groundwater Protection Standards
- l. Hillside Development Standards
- m. Landscape Standards
- n. Supplemental Regulations

G. INTENSITY DISTRICT 5: Village/Neighborhood Centers

1. General Description of Character and Intent of District

This District encompasses the existing nucleated villages in the southern sector of Guam, as well as proposed new neighborhood center areas. It is characterized by small-scale retail outlets to meet the daily needs of the people residing in its environs. The intent is to enhance the character of the existing villages and to promote the development of new areas that will be of a scale to encourage social interaction. To that end, Attached Dwellings and small-scale multiple-family dwellings developments are to be encouraged. However, projects of this type will have to be especially sensitive to the environment in which they are proposed to be built, so that the existing character and charm are not destroyed. These areas are serviced by both public sewer and potable water facilities or have planned expansions thereto programmed within five (5) years from the date of the adoption of the Zoning Code.

2. Permitted Uses

a. Dwellings

Buildings occupied or intended to be occupied exclusively for residential purposes and supporting activities.

- Single-Family and Two-Family/Duplex Dwellings
- Attached Dwellings (Townhouses)
- Zero Lot Line Homes
- Multiple Family Dwellings
- Home Occupations
- Accessory Buildings/Structures
- Residential Treatment Facility

b. Hotels and Guesthouses

Any building used or intended to be used, rented, or hired out to be occupied for sleeping purposes by guests.

- Bed & Breakfast Inns

- Guesthouses
- Boarding/Rooming Houses

c. Schools

Institutions of learning and their associated uses such as dormitories.

- Pre-school facilities
- Primary
- Middle

d. Retail Trade

Establishments primarily engaged in providing finished products to individuals. However, no car dealerships, auto repair facilities, gasoline stations, car washes, or any drive-in establishment (e.g., banks, restaurants, etc.) shall be allowed in this District.

- Apparel and Accessories
- Books and Stationery
- Confectionery
- Dairy Products
- Groceries
- Retail Food Establishments: All types except Drive-In Restaurants
- Gift Shops
- Pharmacies
- Bars, Taverns, Cocktail Lounges
- Bakeries
- Camera Shops/Photographic Equipment
- Theaters
- Video Sales and Rentals

e. Personal Service Establishments

Establishments primarily engaged in providing services to individuals.

- Barber Shops/Beauty Shops
- Health Clubs
- Private Clubs
- Health Care Facilities
- Veterinarians/Animal Kennels

- Tailors/Shoe Repair Shops
- Laundromats/Laundry Services
- Funeral Services
- Support Services for Marine and Tourism Activities (Merizo only)
- Day Care Centers
- Banks

f. Limited Government Services and Quasi-Public Facilities

Government agencies and entities (and their satellite offices) that provide administrative services to the community. Auxiliary facilities that provide electricity, sanitary services, water, transportation services, communications, and other related services for public consumption. Quasi-Public Facilities such as Houses of Worship.

- Post Offices or Postal Substations
- Public Safety (Police/Fire) Substations
- Houses of Worship
- Community Centers
- Libraries
- Mayor's and Government Services Offices

g. Recreational Facilities

Active or passive recreational areas.

- Urban Parks
- Playgrounds
- Tot-Lots
- Water Sports Centers
- Oceanfront Parks
- Private Concessionaires
- Essential Management Facilities

3. *All of the above uses shall be permitted in Intensity District 5, provided that all of the standards for each use, as specified in the following Table of Dimensional and Density Requirements, and those Performance Standards that apply, have been observed. The Performance Standards that could apply include those on the following list. The Zoning Official maintains a*

copy of these Performance Standards and a list of the Government of Guam agencies or departments administering each standard.

- a. Residential Performance Standards
- b. Nonresidential Performance Standards
- c. Off-Street Parking and Loading Standards
- d. Recreational and Open Space Standards
- e. Environmental Protection Standards
- f. Vegetation Protection Standards
- g. Sign Standards
- h. Historic and Cultural Conservation Standards
- i. Stormwater Management Standards
- j. Floodplain Protection Standards
- k. Landscape Standards
- l. Supplemental Regulations
- m. Wellfield/Groundwater Protection Standards
- n. Hillside Development Standards

H. INTENSITY DISTRICT 5H: Historic Village Centers

1. General Description of Character and Intent of District

The intent in establishing this District is, in part, the same as for Intensity District 5; that is, to enhance these villages' character and promote their development with new building activity that will be on a scale to encourage social interaction. To that end, Attached Dwellings and small-scale multiple-family dwellings and retail stores are encouraged. However, because of the unique historic architectural heritage of these villages, the most sensitive building design treatment will have to be employed in all new construction within these intensity district boundaries. Historically, the lot sizes in these historic areas are often significantly smaller than the required minimum set forth in the Zoning Code. The owners of these lots will be allowed to rebuild a structure of comparable size and setbacks as can be historically documented for that lot. For these reasons, any development proposed to be constructed within the boundaries of this district must receive the written approval of the Architectural Review Committee for the particular historic district in which the development is located, in addition to the other approvals required by Guam's Zoning Code. (Under authority of GCA Title 14, Chapter 13, Section 13985.62, each historic district, as established by the Guam Historic Preservation Review Board and the TLUC, has its own Architectural Review Committee).

2. Permitted Uses

a. Dwellings

Buildings occupied or intended to be occupied exclusively for residential purposes and supporting activities.

- Single Family and Two Family/Duplex Dwellings
- Attached Dwellings (Townhouses)
- Multiple Family Dwellings
- Home Occupations
- Accessory Buildings/Structures
- Boarding/Rooming Houses
- Residential Treatment Facility

b. Hotels and Guesthouses

Any building used, or intended to be used, rented or hired out to be occupied for sleeping purposes by guests.

- Bed & Breakfast Inns
- Guesthouses

c. Schools

Institutions of learning and their associated uses such as dormitories.

- Pre-School Facilities
- Primary Schools

d. Retail Trade

Establishments primarily engaged in providing finished products to individuals. However, no car dealerships, auto repair facilities, gasoline stations, car washes, or any drive-in establishment (e.g., banks, restaurants, etc.) shall be allowed in this District.

- Apparel & Accessories
- Books & Stationery
- Confectionery
- Dairy Products
- Groceries
- Retail Food Establishments: All types except Drive-In Restaurants
- Gift Shops
- Pharmacies
- Bars, Taverns, Cocktail Lounges
- Bakeries
- Camera Shops

e. Personal Service Establishments

Establishments primarily engaged in providing services to individuals.

- Barber Shops/Beauty Salons
- Private Clubs
- Veterinarians/Animal Kennels
- Tailors/Shoe Repair Shops
- Health Care Facilities

- Laundromats/Laundry Services
- Funeral Services
- Day Care Centers
- Banks
- Support Services for Marine and Tourism Activities

f. Limited Government Services and Quasi-Public Facilities

Government agencies and entities (and their satellite offices) that provide administrative services to the community. Auxiliary facilities that provide electricity, sanitary services, water, transportation services, communications, and other related services for public consumption, as well as the interpretation of historic buildings and the cultural background of the villages. Quasi-Public Facilities such as Houses of Worship.

- Post Offices or Postal Substations
- Public Safety (Police/Fire) Substations
- Houses of Worship
- Community Centers
- Libraries
- Museums & Other Historical Interpretive Facilities

g. Recreational Facilities

Active or passive recreational areas

- Urban Parks
- Playgrounds
- Tot-Lots
- Private Concessionaires
- Essential Management Facilities

3. *All of these uses shall be permitted in Intensity District 5H, provided that all of the standards for each use, as specified in the following Table of Dimensional and Density Requirement, and those Performance Standards that apply, have been observed. The Performance Standards that could apply include those on the following list. The Zoning Official maintains*

copies of these Performance Standards and the Government of Guam agencies or departments administering each standard.

- a. Residential Performance Standards
- b. Nonresidential Performance Standards
- c. Off-Street Parking and Loading Standards
- d. Recreational and Open Space Standards
- e. Environmental Protection Standards
- f. Vegetation Protection Standards
- g. Sign Standards
- h. Historic and Cultural Conservation Standards
- i. Stormwater Management Standards
- j. Floodplain Protection Standards
- k. Landscape Standards
- l. Supplemental Regulations
- m. Wellfield/Groundwater Protection Standards
- n. Hillside Development Standards

I. INTENSITY DISTRICT 6: Urban/District Center

1. General Description of Character and Intent of District

This District includes downtown Agana and is characterized by high-intensity residential, commercial and other central business district functions that provide a full range of pedestrian-oriented commercial activities and urban services. This District does not include highway-oriented commercial activities such as supermarkets and shopping centers, which would be counter-productive in terms of trying to establish a pedestrian-oriented, close-knit urban center.

2. Permitted Uses

a. Dwellings

Buildings occupied or intended to be occupied exclusively for residential purposes and supporting activities.

- Attached Dwellings (Townhouses)
- Multiple-Family Dwellings
- Home Occupations
- Accessory Buildings/Structures
- Boarding/Rooming Houses
- Residential Treatment Facility

b. Hotels and Guesthouses

Any building used, or intended to be used, rented or hired out to be occupied for sleeping purposes by guests.

- Apartment Hotels
- Hotels
- Bed & Breakfast Inns
- Guesthouses

c. Retail Trade

Establishments primarily engaged in providing finished products to individuals. However, no automobile-related retail trade facility, nor

any drive-in establishment (e.g., banks, restaurants, etc.) shall be allowed in this District.

- Apparel & Accessories
- Books & Stationery
- Confectionery
- Dairy Products
- Electrical & Electronic Products
- Furniture
- Groceries
- Household Items
- Office Furnishings and Equipment
- Photographic Equipment/Camera Shops
- Sporting Goods
- Retail Food Establishments: All types except Drive-in Restaurants
- Jewelry
- Pharmacies
- Pawnshops
- Theaters/Art Galleries/Museums
- Boutiques
- Bars, Taverns, Cocktail Lounges
- Bakeries
- Parking Structures

d. Personal Services

Establishments primarily engaged in providing services to individuals.

- Barber Shops/Beauty Salons
- Private Clubs
- Shoe Repair Shops/Tailors
- Opticians
- Laundromats/Laundry Services
- Day Care Centers
- Veterinarians/Animal Kennels
- Banks

e. Business or Professional Services

Establishments primarily engaged in rendering services to business establishments or private individuals on a contract or fee basis.

- Advertising Agencies
- Legal Services
- Accounting Services
- Finance, Insurance and Real Estate Services
- Employment Services
- Health Care Facilities
- Tour Wholesale Companies/Travel Agencies
- Professional Consultants
- Off-Set Printing/Photo Copying/Photo Processing Services

f. Government Services, Limited Public Utilities, and Quasi-Public Facilities

Government agencies and entities (and their satellite offices) that provide executive, legislative, judicial, regulatory and administrative functions to the community. Auxiliary facilities that provide electricity, sanitary services, water, transportation services, communications, and other related services for public consumption. Quasi-Public Facilities such as Houses of Worship.

- Post Offices or Postal Substations
- Courthouses
- Government Offices
- Public Safety
- Consulates
- Libraries
- Electrical Substations
- Houses of Worship
- Electrical Transmission Lines
- Convention Centers
- Mass Transit Terminals

g. Recreational Facilities

Active or passive recreational areas or establishments engaged in providing amusement or entertainment services.

-
- Urban Parks
 - Playgrounds
 - Tot-Lots
 - Night Clubs
 - Health Clubs
 - Swimming Pools
 - Private Concessionaires
 - Essential Management Facilities

3. *All of these uses shall be permitted in Intensity District 6, provided that all of the standards for each use, as specified in the following Table of Dimensional and Density Requirement, and those Performance Standards that apply, have been observed. The Performance Standards that could apply include those on the following list. The Zoning Official maintains copies of these Performance Standards and a list of the Government of Guam agencies or departments administering each standard.*

- a. Residential Performance Standards
- b. Nonresidential Performance Standards
- c. Off-Street Parking and Loading Standards
- d. Recreational and Open Space Standards
- e. Environmental Protection Standards
- f. Vegetation Protection Standards
- g. Sign Standards
- h. Historic and Cultural Conservation Standards
- i. Stormwater Management Standards
- j. Floodplain Protection Standards
- k. Landscape Standards
- l. Supplemental Regulations
- m. Hillside Development Standards

J. INTENSITY DISTRICT 7: Hotel/Resort

1. General Description of Character and Intent of District

This District is intended to encompass the primary tourism areas in the Territory. The major hotels and resorts are proposed to be located in this District, as well as all of the normal supporting retail and recreational services and facilities associated with major tourism areas.

2. Permitted Uses

a. Dwellings

Buildings occupied or intended to be occupied exclusively for residential purposes and supporting activities.

- Attached Dwellings (Townhouses)
- Zero Lot Line Homes
- Multiple Family Dwellings
- Home Occupations
- Accessory Buildings/Structures

b. Hotels and Guesthouses

- Hotels/Apartment Hotels
- Bed and Breakfast Inns
- Guesthouses

c. Retail Trade

Establishments primarily engaged in providing finished products to individuals, with special emphasis on the tourism market. While new or used car dealerships are not to be allowed in this District, gasoline stations and automobile rental agencies are considered to be appropriate uses.

- Retail Food Establishments: all types
- Gift Shops/Jewelry Stores
- Bars/Taverns/Cocktail Lounges
- Amusement Arcades (including shooting galleries)

- Duty-Free Shops
- Apparel and Accessories
- Shopping Centers
- Camera Shops/Photographic Equipment
- Pharmacies
- Adult Entertainment Facilities
- Automobile Sales/Service/Rental Facilities
- Pharmacies
- Museum/Art Galleries
- Theaters/Performing Arts Centers
- Parking Structures

d. Personal Services

Establishments primarily engaged in providing services to individuals.

- Barber Shop/Beauty Salons
- Private Clubs
- Shoe Repair Shops/Tailors
- Laundromats/Laundry Services
- Day Care Centers

e. Business or Professional Services

Establishment primarily engaged in rendering services to business establishments on a contract or fee basis.

- Advertising Agencies
- Health Care Facilities
- Legal Services
- Accounting Services
- Finance, Insurance, and Real Estate Services
- Tour Wholesale Companies/Travel Agencies
- Employment Services

f. Limited Government Services, Public Utilities, and Quasi-Public Facilities

Government agencies and entities (and their satellite offices) that provide administrative services to the community. Auxiliary facilities that provide electricity, sanitary services, water, transportation services, communications, and other related services for public consumption. Quasi-Public Facilities such as Houses of Worship.

- Public Safety Substations
- Sewage Lift Stations/Water Pump Stations
- Water Pump Stations
- Electrical Substations
- Electrical Transmission Lines
- Convention Centers
- Houses of Worship

g. Recreational Facilities

- Urban Parks
- Playgrounds
- Oceanfront Parks
- Night Clubs
- Health Clubs
- Golf Courses
- Tennis Courts
- Water Sports Centers
- Horseback Riding Facilities
- Amusement Parks
- Marinas/Yacht Clubs
- Private Concessionaires
- Essential Management Facilities

3. *All of the above uses shall be permitted in Intensity District 7, provided that all of the standards for each use, as specified in the following Table of Dimensional and Density Requirements, and those Performance Standards that apply, have been observed. The Performance Standards that could apply include those on the following list. The Zoning Official maintains copies of these Performance Standards and a list of the Government of Guam agencies or departments administering each standard.*

-
- a. Residential Performance Standards
 - b. Nonresidential Performance Standards
 - c. Off-Street Parking and Loading Standards
 - d. Recreation and Open Space Standards
 - e. Environmental Protection Standards
 - f. Vegetation Protection Standards
 - g. Sign Standards
 - h. Historic and Cultural Conservation Standards
 - i. Stormwater Management Standards
 - j. Floodplain Protection Standards
 - k. Hillside Development Standards
 - l. Landscape Standards
 - m. Supplemental Regulations

K. INTENSITY DISTRICT 8: Industrial/Port Facilities

1. General Description of Character and Intent of District

This District includes the industrial, warehousing, port-oriented, and major utility areas of the Territory.

2. Permitted Uses

a. Manufacturing/Mining

The processing or assembling of materials or substances into a finished product and the extraction of naturally occurring solids, liquids or gases.

- Bakeries
- Canvas Goods Manufacturing
- Consumer Products/Manufacturing
- Clothing Assembly/Manufacturing
- Cement/Concrete Products Manufacturing, Storing, and Retailing
- Dyeing & Finishing of Textiles
- Bottling Plants (including Distilleries and Breweries)
- Leather Goods Manufacture
- Jewelry & Precious Metals Manufacture
- Pharmaceutical Products Manufacture
- Plastic, Glass, and Tile Products Manufacturing
- Food Processing
- Seafood Process/Packing Facilities
- Marine Industrial Fabricating Facilities
- Watch Assembly
- Quarries and Associated Extractive and Processing Activities
- Petroleum Products Manufacture and Storage
- Freezer Plants/Cold Storage/Food Mills/Fertilizer Production and Storage

b. Wholesale/Storage/Distribution

Establishments engaged in the storage, trucking or transfer of household or commercial goods of any nature; or establishments engaged in the sale of large quantities of goods.

- Wholesale Commercial Operations
- Equipment and Machinery
- Home Building Supply
- Junk Yards
- Warehousing Operations
- Freight Distribution Centers
- Janitorial Supplies
- Health Supplies
- Harbor and Marine Supplies and Service
- Boat Storage Facilities
- Automobile Sales/Service

c. Industrial Services

Establishments engaged in mechanized personal, business and repair services.

- Automobile Repair Shops (Minor, Major, Paint and Body Shops)
- Bus & Mass Transit Storage and Maintenance Facility
- Towing & Wrecking Services
- Laundry Plant
- Electrical & Electronic Equipment
- Construction Services
- Janitorial Services
- Septic Cleaning & Installation
- Marine/Boat Repair Facilities
- Marine Construction and Salvage Operations
- Airport and Associated Uses
- Aviation related activities

d. Public Utilities

Activities which provide electricity, sanitary services, water and other related services for public consumption.

- Electrical Substations/Generating Plants

- Marine Pollution Control Facilities
- Sewage Treatment Plants
- Solid Waste Disposal/Incineration Facilities/Recycling Centers
- Propane/Gasoline/Other Petroleum Products Storage and Distribution Centers
- Sea Port and Associated Uses
- Electrical Transmission Lines

e. Miscellaneous Associated Uses

- Support Services for Marine Activities
- Yacht Clubs/Marinas
- Marine Research Center
- Aquaculture Facilities/Hatcheries
- Any uses approved under the Commercial Port or Airport Master Plans

f. Recreational Facilities

- Water Related Sports Activities

3. *All of the above shall be permitted in Intensity District 8 provided that all of the standards for each use, as specified in the following table of Dimensional and density Requirements, and those Performance Standards that apply, have been observed. The Performance Standards that could apply include those on the following list. The Zoning Official maintains copies of these Performance Standards and a list of the Government of Guam agencies or departments administering each standard.*

- a. Nonresidential Performance Standards
- b. Off-Street Parking and Loading Standards
- c. Environmental Protection Standards
- d. Vegetation Protection Standards
- e. Sign Standards
- f. Historic and Cultural Conservation Standards
- g. Stormwater Management Standards
- h. Floodplain Protection Standards

- i. Hillside Development Standards
- j. Landscape Standards
- k. Supplemental Regulations

PLAN RATIONALE

With the above listing of the Intensity Districts and the representative cataloging of the uses that are proposed to be contained therein for reference, it is time to address the Land Use Plan for Guam. How the various Intensity Districts have been arranged, and an explanation of the rationale behind this arrangement, is presented in the following paragraphs.

One of the basic premises of this Plan is that the federal military lands will be incorporated into the overall process to accommodate possible transfer of lands to the Territorial Government. At the present time 3,150 acres of surplus Department of Defense lands that are located at 19 sites around the island, as well as over 1,800 acres of the Naval Air Station lands, are slated to be returned to the Government of Guam. The return of these lands to the Territorial Government is reflected in the proposed land use allocations. Additionally, the Government of Guam has been discussing with the Federal Government the possible release of over 20,000 more acres of land.

Another basic premise is that the Government of Guam will need to develop a more efficient and coordinated "game plan" to fund and construct a wide range of public works and facilities projects to meet the demands that arise with the doubling of the population. This may include the concept of increased private participation in the planning and funding of these projects to provide public services. Public/Private partnership is a relatively new concept to the island, but serves as an ideal alternative to the heavily reliance on government funding. As we learned, the government is unable to bear all costs for basic government services especially during austere times.

Finally, the development of the Land Use Plan must be based on some economic direction established by local leaders. This direction or policy statements are usually outlined in an economic plan for the Territory defining the types and levels of economic growth the island plans to promote, direct and achieve. This can be tied to some requirement of land through the Land Use Plan.

Although an economic plan does not exist at this point, unwritten policies continue to promote tourism as the island's primary economic component. The Territory is continuing to promote economic diversity, however, that level of change from the norm has not yet been clearly established. Ultimately, this planning process incorporates the existing focus of the island's economy and bases its planning decisions on this focus. This is obvious in the estimation of population growth and the types of uses allowed in the new "Intensity District" system.

An overriding aim of this Land Use Plan is to begin to reorganize the development pattern of the island. This must be achieved for several reasons. First, as has been said many times before in this document, an island has such a finite supply of land. The freedom to make mistakes in this type of environment is simply not there, as exists in larger communities. Second, to enhance the quality of life for the current residents and to ensure that there will be land available for future generations to enjoy, a different approach to growth management is required. Mainland United States planning models and concepts which promote sprawling land development patterns threaten the rich cultural heritage of Guam.

Therefore, the Land Use Plan that is being proposed is one that can accommodate more than 130,000 additional residents, but in doing so, will require less land to meet the needs of the people than is the case today with the existing 132,000 people. This Plan promotes more compact settlements. If this can be achieved, two positive results are likely to occur. First, people will be able to conduct some of their shopping, recreation, travel to school and possibly even to some jobs without having to use a car. Additionally, a doubling of the resident population could conceivably create a "critical mass" of people large enough to justify a meaningful mass transit system. However, for this latter idea to have any hope of fulfillment will require a strict adherence to the concept of compact settlements. The promotion of this type of development pattern will maximize the use of existing infrastructure and require the least amount of expenditure of public monies for expansion or the construction of new roadways, utilities, etc.

SPATIAL DISTRIBUTION OF INTENSITY DISTRICTS

The distribution of future land use activities is shown on Figure 14. There are Intensity District designations given to the military lands including the federal releasable lands. These areas are anticipated to be turned over to the Government of Guam as excess or releasable land. It is assumed that military non-releasable lands will continue to function in more or less their current capacity through the year

2015. Therefore, the entire north side of the island, including Andersen Air Force Base and the Naval Communications Master Station Area are also indicated as military land and, the relative intensity of military uses on these lands have been illustrated on the land use map.

The majority of the area within Routes 1 and 3, incorporating portions of Dededo and Yigo, is proposed as Intensity District 2 (Low Intensity), except for the southwest sector. This latter area has been indicated as Intensity District 3 (Moderate Intensity), recognizing the development that already exists in Dededo as well as a certain amount of infilling that is occurring and should continue, to establish an efficient development pattern. The Intensity District 2 designation for the bulk of this sector has been proposed to restrict urban-level development and, thereby, protect the water lens in this area that constitutes one of the island's main potable water sources as well as provide for continued agricultural opportunities.

In addition to restricting the amount of housing and other associated uses in this area, it is vitally important to either restrict the building of golf courses, or to require that devices be used to hinder the flow of irrigated water back into the aquifer (with such devices as liners). The reason for this is that the soil and rock conditions are extremely porous in this area, so much so that water filtering into the aquifer from a golf course would be carrying large quantities of nutrients and fertilizers that could contaminate the water supply.

A large portion of the releasable federal land is located off Marine Drive in an area known as the Harmon Cliffline. Portions of these lands have been designated Intensity District 2 due to a lack of infrastructure and need for open space. Other portions of these properties have been designated Intensity District 3 to reflect the plan's attempts to promote more affordable housing opportunities. These lands are also located next to developed areas and have the services and mix of uses necessary in a new residential community.

The lands in the Yigo area, especially between Route 1 and 15 are proposed for moderate intensity development (Intensity District 3) with a nucleated neighborhood center (Intensity District 5) in the village core. The neighborhood center could contain small stores and shops to meet the residents' daily needs, and might contain a police substation, fire substation, a church, or elementary school to give the neighborhood a focal point, a central gathering place, a means of identity. This could strengthen the identification of Yigo as a community and, if carefully planned and executed, done in such a way so as not to destroy the integrity of the area that already exists.

This village center is proposed to provide a wider range of shopping opportunities for residents of the area without having to make a long car trip. The development of Yigo in this manner will take advantage of the infrastructure that already exists in the area in terms of roads, water, and sewer facilities.

However, care must be taken to protect and not encroach upon the limestone forests that abut this area immediately to the east of Route 15.

The Artero Urunao Property located on Guam's Northwestern shoreline adjacent to the Navy's Ritidian Complex, has an existing H-Resort Hotel zone and is designated Intensity District 7 (Hotel/Resort). Within the Five-Year Zoning period, there are no plans for infrastructure development in the area. Public access to the area is limited and has yet to be fully resolved. This 420 acre property is incorporated into the Five Year Map to recognize the existing H zone, the need for additional areas to accommodate growth for Guam's tourism industry and the desire to expand the industry into this area.

The Tumon Bay area has been designated as Intensity District 7 (Hotel/Resort). Many of the residents in the first two rounds of village meetings indicated a desire to continue to focus tourism facilities in this area. Given the existing development and proposed expansions, Tumon Bay should remain the focal point for hotels and resorts on Guam. However, it is envisioned that high-rise condominiums would also be an appropriate use of the land in this District. Other activities that are compatible with and supportive of tourism development and that would be allowed in this area include restaurants, gift shops, indoor amusement arcades, and night clubs. These may be either an integral component of a large hotel or resort complex or might be free-standing activities. Other types of uses that have an affinity with the basic aims of this District include car rental agencies, auto service stations (limited to the retail sale of gas and oil) and health clubs.

Just east of Tumon Bay lies the Guam International Airport. Due to the significant amount of airport facility investment and proposed expansion, the airport site has been designated Intensity District 8 (Industrial) to reflect the long term plans of the airport facilities. As the turnover of Naval Air Station to the local government progresses, the lands abutting the airport site have been designated to reflect the existing and planned uses for these tracts. The old Navy housing for example has been designated Intensity District 8, due to its close proximity to existing airport operations. The sports facilities located on the eastern section of NAS has been designated Intensity District 2 to promote continued recreational use of the site and to buffer the airport from non-airport uses.

The Tamuning area and the land straddling both sides north along Marine Drive (Route 1) in this sector are proposed, in the main, to be designated for Intensity District 4 (High Intensity). Off the main roads in Tamuning (Routes 1, 14, 14b, 30 and 30a), a slightly lower intensity is proposed.

These interior parcels are recommended to be in Intensity District 3 (Moderate Intensity), which would reflect the lower density pattern of development that is establishing itself in the area today. The rest of this sector - from immediately east of downtown Agana and east along Route 1 to the Micronesia Mall area and the lands fronting on Routes 14, 14b, 30 and 30a - are proposed for Intensity District 4. This is a reflection of the type of activity that is already occurring in these areas. However, this is not to say that the manner in which the development has been carried out in the past is being condoned.

Everyone - residents, developers, shopkeepers, and government officials - must realize that as Guam becomes increasingly popular as destination resort, what it has to "sell" is its physical beauty, be it natural or man-made. As competition for the tourist dollar grows, tourists become more discriminating. The argument that "we must approve all development in any form or we will be looked at as being anti-development", ignores the strong market appeal of quality design considerations and the equally strong visitors perception of poor design.

Bad development is not good for anyone - the tourist, the hotelier trying to attract more tourists, or the residents who are increasingly dependent on tourist dollars (or yen) to maintain a certain standard of living. The standard that all must strive for is a higher level of quality as far as the built environment is concerned. This is where Performance Standards become effective.

These Standards will require that all new development meet certain requirements with respect to the provision of landscaping, installing curb cuts to control access to and from the property, protecting existing vegetation, etc. It is in Intensity District 4 where the opportunity for the greatest mix of uses occurs. In order for the development of all proposed Intensity District 4 areas to be carried out successfully, strict adherence to all applicable Performance Standards will be critical.

Immediately east of this area in Tamuning lies the Harmon Industrial Area. While this site has evolved into one of the larger warehousing/manufacturing areas on the island, it also provides an example of the practical limits on the mixing of land use types.

Intermingled with the more industrial type of activities in the area are higher density housing. While this Plan espouses a mixing of land uses, there are limits to this concept. The placement of housing next to industrial or warehousing activities goes beyond these limits. On the one hand, the intrusion of residential development can have an adverse effect on the efficiency of industrial operations. And, on the other, the net effect of placing housing in this type of area is likely to result in a steady degradation of the residential structures in the not-too-distant future. Therefore, while this area is proposed to be designated as Intensity District 8 (Industrial/Port), residential development is no longer one of the uses that should occur here.

The Downtown Agana area has been designated as Intensity District 6 (Urban/District Center). Agana is proposed to be the business, financial, and governmental center of the island. If this can be achieved, then an expansion in retail trade can be anticipated in this area.

The dynamic interaction of a successfully functioning downtown is envisioned for Agana. If a critical mass of people are working in banks and Government and private offices, a "captive audience" is established who will patronize restaurants and other retail outlets in the area - without having to use their cars. This "captive audience" concept should be expanded to include the provision of medium to high density housing in the area as well. For, if this effort is successful, people will be able to work and shop in Agana with little or no need for their automobiles.

To the extent that all of this can be achieved will reduce the need to provide much of the off-street parking that is currently envisioned as being necessary to support Agana's redevelopment efforts. This is not to say that off-street parking needs will go away if what is proposed and envisioned comes to pass; rather, the massive amounts that would be needed (if current trends were to continue) can be reduced significantly.

Surrounding Agana, in the Maite, Mongmong, and a portion of the Agana Heights areas, the lands are proposed for inclusion in the Intensity District 4 (High Intensity). The development of higher density housing in these areas would reinforce the redevelopment and revitalization of Agana.

Moving further east and south, along Route 8 encompassing Toto, Barrigada, and Mangilao, these areas are proposed as Moderate Intensity Districts (Intensity District 3). They are envisioned to be primarily residential areas built to moderate density standards, with churches, schools, clinics, and some limited commercial development being allowed. This District also permits colleges and universities, including the University of Guam and Guam Community College. At the intersection of Routes 8, 10 and 16, a high intensity node (Intensity District 4) is proposed to recognize this growing educational / residential / and commercial centers, and taking into account traffic volumes and a natural tendency to look at these types of intersections for more intensive development.

From Fadian Point to Togcha, along the east coast of Mangilao, Chalan Pago, and Yona, is established a low intensity Marine District, 2M. This is situated below the cliff lines along the shore. It is intended to continue the activities of the Guam Aquaculture Development and Training Center and the University of Guam Marine Lab in this area, as well as promoting the planned aquarium, recreational fisheries, aquaculture and marine biotechnology in this zone, maintaining and utilizing its pristine sources of water.

Southeast of Agana, along Route 4, including the western portion of Agana Heights and all of Sinajana,

these communities are proposed to be designated as Intensity District 3 (Moderate Intensity). Medium density housing, including possibly some townhomes, patio homes, zero-lot line homes, and low-rise (two to three stories) could be developed in these areas, as well as churches, clinics, schools, some limited retail outlets, and recreational facilities.

Further south and east along Route 4, in Chalan Pago Ordot, an area of Intensity District 2 (Low Intensity) has been proposed. Low density single family homes, planned unit developments, educational and recreational facilities, clinics, houses of worship, and very limited retail operations would be permitted in these areas.

The Asan and Piti communities have been designated primarily as Intensity District 3 (Moderate Intensity). Asan will face development constraints in the future until the GHURA redevelopment efforts have been completed.

The civilian and military portion of the port facilities at Apra Harbor should carry the designation of Intensity District 8 (Industrial/Port) to promote the development of the marine industry. Warehousing and distribution facilities, harbor and marine support operations, and seafood processing/packing facilities are activities that would be appropriate in this area.

The area immediately west of the Village of Yona, as well as Yona itself, are proposed to be designated as Intensity District 3 (Moderate Intensity). For the area west of Yona, this is to take into account the Manengon Hills/Leo Palace currently being developed. This project, when it is completed, will likely have a synergistic effect on Yona itself, creating greater pressures for development in the area. By recognizing this eventuality now and calling for a land intensity designation that is realistic will make it easier to deal with growth management issues in the future.

The Agat/Santa Rita area is proposed for a mix of moderate to high intensity development (Intensity Districts 3 and 4) in the future. Straddling Route 2 in this sector, Intensity District 4 is designated, that would allow multi-family housing, motels/hotels, clinics, commercial development, and offices. Off the main road, moderate intensity development is considered more appropriate. Limited multi-family housing, single family homes on small lots, townhouses, neighborhood retail facilities, churches, schools, and clinics are envisioned here.

The southern Villages, including Umatac, Merizo, Inarajan, and Talofofu are proposed to retain their village character to the greatest extent possible. The hearts of these communities are proposed to have an Intensity District 5 (Village/Neighborhood Center) designation. This would allow limited commercial development; churches; community centers; nursery and elementary schools; police, fire, and postal substations; some townhouse and low rise multi-family housing; and bed and breakfast type

accommodations. Surrounding these nodes are suggested areas of moderate intensity development (Intensity District 3).

Within the legally recognized historic district of old Inarajan village, an intensity district of 5H (Historic Village Center) has been designated.

These areas could be built to a high-enough intensity to help to sustain the village centers, but would not be so great as to either overwhelm them or to generate such a demand for commercial development as to destroy their integrity. In some rural areas reflecting approved golf course projects, Intensity District 3 (Low Intensity) is proposed. These are either areas where existing development of this magnitude already exists, or where the land configuration is such that it can be supported with minimal impacts on the region.

The majority of the island's rural areas, especially in the southern and northwestern parts of the island which are not owned by the federal or territorial government, have been designated as Intensity District 2 (Low Intensity). Due to natural feature constraints (steep slopes, floodplains, wetlands, etc.); ownership designations (National or Territorial Park lands); the desire of the island's residents; the need to retain the Territory's best agricultural land; and the need to prepare a rational, defensible, and balanced Land Use Plan, these areas have been designated for low intensity uses such as agriculture, single-family homes, duplexes, small-scale commercial operations to support rural development and public facilities. However, there is flexibility for landowners in these areas to accommodate planned unit developments and larger projects. However, these projects must be designed and approved by the TLUC consistent with strict new performance standards to warrant protection of rural areas.

IMPLEMENTATION

INTRODUCTION

The goal of planning for future development in any comprehensive planning process is to achieve in the future, a society that is more equitable, efficient, and less harmful to the environment than the present situation. Usually, the process involved mirrors the rational planning process:

- Develop an inventory of existing conditions;*
- Identify problems and opportunities;*
- Develop alternative plans;*
- Evaluate alternative plans;*
- Select the appropriate alternative;*
- Develop final plans;*

-
- Develop implementation programs; and
 - Continue to review.

The planning process is not entirely rational and, in many cases, is irrational if viewed exclusively through the rubric of the rational planning process. Such influences as monetary limitations, natural occurrences (i.e. typhoons), and political realities, affect the process. Its mechanistic steps are unrealistic. Plans that do not take into consideration factors other than technical issues are bound to sit on the shelf and collect dust, never to be implemented. The process used in the preparation of this Plan has sought to overcome and pre-empt some of the problems that traditionally have plagued the planning process. This has been done to improve the implementation mechanisms.

The planning process used was one that involved considerable public participation at all levels. Citizen meetings were held at all critical times in the preparation of the Plan to insure that the public interest was being served.

The critical questions involved in the process are: *where are we now?, where do we want to be?, and how will we get there?* These questions have allowed the Government of Guam and its citizens to gain a clear picture of the present status of development, the desired future conditions (given acceptance of the Plan), and a means of making these desired conditions a reality.

Various documents and research efforts have been focused on answering the questions posed in the preceding paragraph. The Inventory and Analysis of Existing Conditions Report details the present conditions, environmental and man-made, in the Territory. The Alternative Concept Plans Report described the alternative future development scenarios available to Guam. The Land Use Plan describes the scenario that best suits the desires of the residents of Guam. The Zoning Plan, in conjunction with the new Zoning Code, answers the third question; *how will we get there?*

ZONING PLAN

A living community is not static. A place cannot be frozen in time. Thus, as communities evolve, so too should efforts to ensure their success. Similarly, observations on what ingredients work to make a community an alive and thriving organism continually change in response to changing needs, opportunities, and circumstances. Successful communities continually experiment with a wide range of growth management techniques to retain distinctiveness and protect key natural and cultural assets.













In virtually every American community, planners, elected officials, and citizens look to zoning to control their destiny. Zoning has long reigned as the major tool in the planner's arsenal. This has been the case since 1916, when New York City enacted the first comprehensive zoning ordinance. By 1926, the

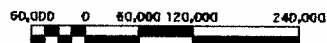
GUAM 2015 GENERALIZED LAND USE PLAN

PHILIPPINE SEA

PACIFIC OCEAN

LEGEND

-  I. D. 1 : PARKS
-  I. D. 2 : LOW INTENSITY
-  I. D. 2M : LOW INTENSITY, MARINE
-  I. D. 3 : MODERATE INTENSITY
-  I. D. 4 : HIGH INTENSITY
-  I. D. 5 : VILLAGE/NEIGHBORHOOD CENTERS
-  I. D. 5H : HISTORIC VILLAGE CENTERS
-  I. D. 6 : URBAN/DISTRICT CENTERS
-  I. D. 7 : HOTEL/RESORT
-  I. D. 8 : INDUSTRIAL/PORT FACILITIES
-  MILITARY LANDS
-  FEDERAL RELEASABLE LANDS



1:96,000

MAY 1994

Source: W.B.F. / S.P.G., Joint Venture

Supreme Court put to rest any doubt that zoning laws, which restricted an individual's right to develop his property in any way that he saw fit, were constitutional exercises of a community's police power.

In the landmark case known as the *Village of Euclid (Ohio) vs. Ambler Realty Company*, the high court upheld the validity of an ordinance (or law) that divided all of the community's area into separate zoning districts, and prescribed minimum dimensional and density requirements for all permitted uses. Today, "Euclidean Zoning" (as it has come to be known) exists in virtually every community in the country, including Guam. The theory of this approach is that the separation of land into distinct districts allows for the sorting of uses based on their compatibility.

Although the history of Euclidean zoning spans approximately 65 years now, its promise as an effective land regulatory measure has not been fulfilled. Zoning, in and of itself, has failed to protect the environment: forests have been felled, floodplains and coastal areas have been filled, and agricultural lands have been destroyed. While public opinion often casts developers in the role as villains, the truth is that zoning laws have failed to prohibit such activities and has, as a matter of fact, encouraged them. The nemesis of planners - "urban sprawl" - is not due to any absence of planning or zoning; it is zoned to achieve precisely this land development pattern.

The zoning map that was enacted as part of the Zoning Law that the Territory uses was based upon continental United States models. While some mainland communities might be quite receptive to low-density land development patterns, it is often inappropriate in Guam, with its finite land resources and mountainous terrain.

The existing Guam Land Use Plan was created in 1966 and subsequently adopted by the Legislature. A zoning ordinance was adopted the same year in accordance with the Land Use Plan. Since that time, the Territory has experienced significant growth pressures. GovGuam undertook a series of land use planning efforts in the 1970's and 1980's to respond to the changing economic market forces on the island. However, updated land use plans were never adopted by the Legislature.

Escalation of land values (primarily from foreign investment) and frequent rezonings to accommodate new tourism-oriented development (and the off-island job immigration which followed) quickly outpaced the ability of the Land Use Plan and zoning ordinance to act as adequate "guides" in the land use decision-making process. Today, land development remains largely regulated and guided by the same zoning originally established in 1966. The reliance on this Zoning Code to foresee future development directions and infrastructure capabilities in the 1990's and beyond creates severe limitations on the decision-making process for today's development proposals.

The land development regulatory process in Guam is based on traditional zoning and subdivision regulations. While these techniques have been successful in preventing extremely harmful growth patterns, it has been found that several weaknesses exist which, if combined with a continued strong market demand for growth, pose several problems for future development management in the Territory. These findings are highlighted in the following paragraphs.

- Changes in zoning are occurring on a site-by-site basis independent of the eventual design which would ultimately determine the compatibility of the proposed land use with the surrounding neighborhood. Under the existing Zoning Law, some uses are not allowed in districts where similar uses are permitted with no logical basis for such differentiation. Instead, conditional uses are allowed in many districts. These land uses are often approved without meeting the "conditions" required as a part of the Law. This indicates that the regulations may inadequately address the impacts generated by certain uses. The use of variances is also widespread both in "bulk" type (e.g., setbacks, lot coverages) and "use" variances. The latter are an illegal "relief" mechanism for which the "hardship test" is better met through a more thorough rezoning (amendment) process.
- Too often, "what it takes to get by" is the standard level of creativity fostered by traditional development regulations. The existing regulations, (especially the subdivision regulations) offer little opportunity i.e., incentives, for creative design. In fact, it is not uncommon for developers to request and be granted waivers of very basic improvements for sidewalks, curb and gutters and other improvements. This leads to the development of more rural type development patterns, e.g., dirt road subdivisions, in otherwise urban or developing areas. These practices have subsequently led to the expenditure of massive public funds to correct these problems after a subdivision has been occupied and residents demand paved roads and sidewalks. Furthermore, no mechanism exists to relate zone changes or other similar requests to be consistent with the Land Use Plan. In essence, the "guiding" ability of the Plan is lost upon the process.
- The existing approach to development evaluation often overlooks some significant adverse impacts. Conventional zoning does not always contain necessary standards for the protection of landowners and the environment. Frequently, such potential impacts are brought to light through the technical review of proposed development by the Development Review Committee. However, too often, such recommended actions to correct adverse impacts are not included as a part of the final action taken by decision-making bodies. At the same time, there are few guidelines and criteria for the review of proposed development, and statutory authority to enforce mitigating measures is largely lacking. The increasing use of Executive Orders in the land regulatory process is indicative of the growing need to respond

more clearly to the needs and requirements of new development. Yet, a more comprehensive approach is still needed which should include enabling legislation to provide the statutory authority necessary to adequately enforce the land use regulatory process. There have been, for example, instances of substantial violation of wetland preservation requirements on the island which could have been avoided with a stronger enforcement presence.

- Conventional zoning regulations are often labelled as being unpredictable. Zoning has always involved two conflicting interests--the neighboring landowner who wants the property to remain vacant or at a lower or identical use, and a developer who desires a higher intensity use. In the case of Guam, the TLUC and the Legislature must determine whose interests prevail. One must win, the other must lose. The rules of zoning do not allow much latitude. Interestingly enough, the process is often viewed as being too predictable in the Territory insofar as the TLUC is perceived by the public as "always granting approval" to proposed projects. Citizen input into the development review process is often too late to have any positive effect. This underscores the shortcomings within the existing regulations to consider public input and the lack of explicit criteria to evaluate development. Limited public input is further evidenced by the lack of challenges to many land use decisions and a relatively low level of public participation and intervention in the development review process.
- The ever-changing commercial and residential market place has responded to the need for flexibility far more quickly than have traditional zoning and subdivision regulations. As development pressures increase, so to do the demands on public staff time to review large-scale projects. The limited review time, staff size, and large amount of technical review required often creates unrealistic deadlines and creates problems for enforcement of actions or conditions attached to actions. Catch-all enforcement of development approvals is usually the responsibility of the DPW in terms of checking conditions which may have been attached to development approvals by other agencies through the permitting process. Other agencies may be responsible for certain other permitting functions, such as GEPA. Yet, poor feedback mechanisms in the review process, compounded by increasing work loads and the lack of statutory authority, often mean that performance conditions are not strictly enforced.

-
- The legislative rezoning process is a notoriously poor "predictor" of demands in the market place. Speculative rezoning often results in erratic fluctuations of market value and often times results in poor locational choices for land uses which might be best suited for other uses in terms of the island's overall needs. This process also undermines the validity of the existing Zoning Law and the development review process. Further, it erodes public confidence in the process and exhibits little consideration for impact evaluation.
 - Finally, a major reason conventional zoning often fails as a tool of land use planning is the requirement that all land be zoned. What has occurred as a result, is that the majority of the island has been zoned for agricultural or very low intensity uses in spite of both the developer's and the Government's knowledge that significant changes in zoning will be required as development pressures increase. This has a tendency to bring doubt as to the true intent of the agricultural zone. The zone functions more as a "holding zone" in reserving land for some, as yet undetermined, higher intensity future land use. At the same time, as low intensity (A and R-1) zones are developed in these areas, it creates pressure to maintain those densities, despite what that particular area might be best suited for in terms of the island's overall needs.

Based on the review of existing regulatory and zoning mechanisms, a new "performance-based" approach to land development regulations is incorporated in the Land Use Plan and embodied in the new Zoning Code to correct these deficiencies. However, in order to implement the 25 year planning horizon of I Tano'-ta, and achieve the desired future land use patterns on the island, new zoning maps have been prepared based on development steps that should be taken in the short-term (the next five years) to maintain an adequate level of public services discussed in the Plan.

The Zoning Code provides for the orderly timing of growth consistent with the availability of public services and facilities and planned capital improvements during the next five years. The Zoning Code is intended to prevent premature development from occurring in areas where public facilities are not yet provided or planned to be provided within the next five years, and therefore cause further degradation to environmental and quality of life conditions.

The zoning maps that accompany the new Zoning Code will largely coincide with the Land Use Plan map for the island. The Zoning Code itself will regulate all permitted uses and structures as a function of the particular impacts that are inherent in each use. These impacts will vary for the same use, depending on the intensity of that use proposed by the developer and where that use is planned to be located.

Because performance-based zoning districts are carefully designed on the basis of intensity distinctions, geographic considerations, and community fiscal and planning policy, they must be mapped with special care. Thereafter, re-zoning cases should be minimal because the initial zoning will have already been designed to accommodate development expected over the next five years.

THE ZONING CODE

The failures of traditional zoning indicate a need to explore alternative ways of dealing with land development control mechanisms. As was mentioned earlier, a performance-based approach has been recommended. It is felt that this technique will enable Guam to better plan for its future population while safeguarding the natural, social, and economic qualities that have made it an attractive place to live. This system employs minimum levels of "performance" by setting standards that must be met by each land use type.

It has been the primary intent to allow for greater flexibility by permitting a greater variety of uses to occur in any given intensity district. The difference from the existing regulatory system is that strict adherence to a series of performance standards is required. The premise of the system is that it is not the use that is so important to regulate (although there are obvious incongruities to be avoided, such as mixing warehousing and storage activities with residential development), as it is the intensity of the use. Also important to consider and control is the intensity of any use, given the physical constraints (or opportunities) that exist in the area where the activity is proposed. For example, although multi-family housing is allowed in a number of different intensity districts, the degree to which this development may occur will depend on how steeply the land is sloped, whether stormwater runoff can be controlled on the site, if there are any floodplains that must be dealt with, if protection of groundwater resources is an issue in the area, etc.

APPENDIX A
COMMUNITY ADVISORY COMMITTEE (CAC)

| NAME | AFFILIATION |
|--------------------------|--|
| John Vega/Alvin Olivarez | Filipino Community of Guam |
| Luchie Jones | Soroptimist International |
| Mo Cotton/Carl Dominguez | Guam Board of Realtors |
| Fred Estabrook | Tumon Bay Rotary Club |
| Cynthia Jackson | Northern Rotary Club |
| Dr. Lynn Raulerson | Marianas Audubon Society |
| Felix Benavente | Micronesia Association of Planners |
| Tony Artero | Artero Realty |
| Milton Franke | Baba Corporation |
| Joseph T. Duenas | Guam Rotary |
| Dr. Lawrence Kasperbauer | Board of Education |
| Karen Storts | Guam Contractor's Association |
| Ben Toves | Association of Life Underwriters |
| Evan Montel-Cohen | Comm. on Guam's Future |
| Dr. Judith Gutherz | University of Guam |
| Juan Tenorio | Professional Engineer/Architect/Surveyor |
| Benit Camacho | Nasion Chamoru |
| Robert Kao | Chinese Association of Guam |
| Jack Cross | Money Resources, Inc. |
| Reggie Reyes | Lions |
| John Blanthorne | Guam Banking Association |
| Mary Louis Anderson | Box 7175, Tamuning 96931 |
| Various Members | Am. Institute of Architects Guam Chapter |

APPENDIX A

(Continuation...)

TECHNICAL ADVISORY COMMITTEE (TAC)

| NAME | AFFILIATION |
|-----------------------------------|--|
| Richard Davis | Department of Parks and Recreation |
| David Lotz | Department of Parks and Recreation |
| Pete Toves | COMNAVMAR |
| Keith Spencer | COMNAVMAR |
| Tom Jones | GAA |
| Dr. O.V. Natarajan | PH & SS |
| Joan B. Perry/James Kocsis | Soil Conservation Service |
| Greg Yamanaka | Soil Conservation Service |
| Lt. Col. Ronald T. Rand | 13 AF/63 3rd ABW |
| Captain Blair Lecker | 633 CES/DEEP |
| Paul T. Salencia | 633 CES/DEEP |
| Gary Hiles/Cathy Cruz | Department of Labor |
| Bob Anderson | DAG Div. of Aquatic & Wildlife Resources |
| Bart Lawrence | DAG Div. of Forestry |
| Mike Wilder/Ron Strong | Pacific Basin Environmental Consultants |
| Greg Hartkoptf | Pacific Basin Environmental Consultants |
| Linda Sablan/Martha Rubic | Department of Commerce |
| Bill FitzGerald | Department of Commerce |
| Carl Petersen | Territorial Land Use Commission |
| Alex Chan/Frank Cabrera | PUAG |
| Rose S.N. Manibusan | National Park Service |
| Joe Santos | Department of Land Management |
| Gary Stillberger | GEPA |
| Tom Marler | UOG-CALS |
| Kimbley S.A. Lujan | GEDA |
| Vicente Blas | GEDA |
| Jesus Q. Ninete, Sr./Tony Quinata | Department of Public Works |
| Jesus Ramirez/Dionisio DeLeon | Department of Public Works |
| Mike Cruz/Mike Ham | Bureau of Planning |
| Dr. Bob Richmond | UOG Marine Lab |
| Larry Iriarte | GPA |
| Frank Dayton | Army Corps of Engineers |
| Rufo Lujan | Department of Agriculture |
| Dr. Sharam Khosrowpanah | WERI |
| Fred F. Blas | Guam Fire Department |
| Ray Torres | DPW Highway Planning |
| John Anderson | Department of Land Management |
| Felix Dungca | Department of Land Management |
| Mike Gawel | Territorial Planning Council |
| Manny Leon Guerrero | Territorial Planning Council |
| Marcel G. Camacho | Territorial Planning Council |