
Wildlife Refuge: A designated area of land and/or water, the primary objective of which is to enhance efforts to conserve the natural biodiversity of the area. A "wildlife refuge" may protect the fish and wildlife resources; promote intergovernmental cooperation in land use planning for sensitive wildlife areas; enhance wildlife education, research and restoration; facilitate the management of sea turtle feeding and nesting areas; and provide opportunities for public education and increase public enjoyment of the area's natural heritage.

Working Days: Within the framework of this Zoning Code, the term "working days" is used as the unit of measure by which either the applicant/developer or a Government of Guam agency must complete a specified action. "Working days" refer to all days of the week, except Saturday, Sundays, all official Government of Guam holidays and days in which the Territory is officially in Typhoon Conditions 1 or 2, and/or days that the island is officially declared by the Governor to be in a state of emergency.

Yacht Club: A building or other facility, including dockage, used for the organized gathering of members and guests for the purpose of furthering their interest in small sailing or mechanically propelled vessels used for pleasure cruises or racing.

Yard, Front: A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.

Yard, Rear: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

Yard, Side: A yard between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot line, as the case may be, except that on a corner lot the side yard adjacent to a street shall extend the full depth of the lot.

Yard: An open space of generally uniform width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

Zero Lot Line Home: A residential development approach in which a building is sited on one (1) or more lot lines with no yard. Conceivably, three (3) of the four (4) sides of the building could be on the lot lines. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot. Zero lot line homes may only be built within the context of a zero lot line development. It shall be required that a minimum of eight (8) units of zero lot line housing constitute such a development.

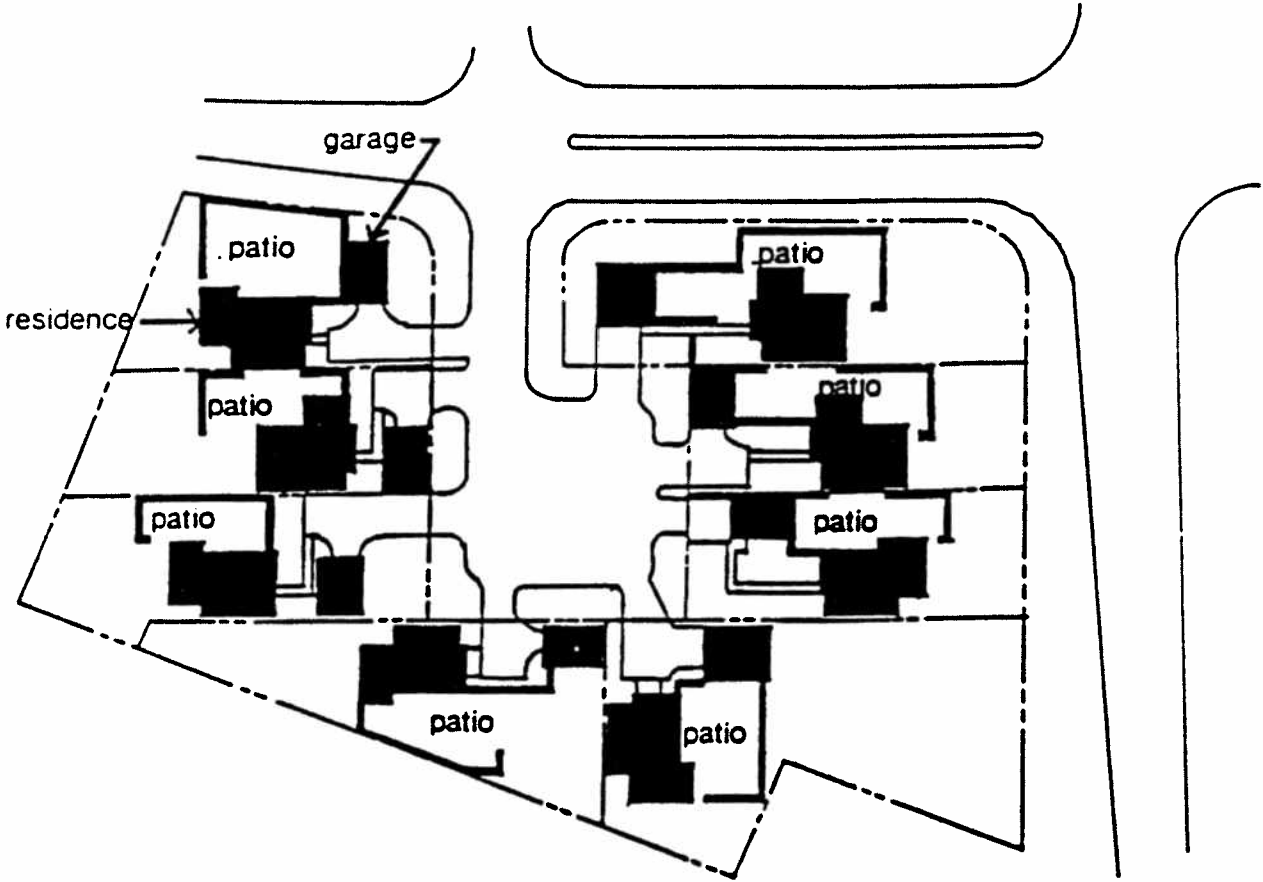
Zone: Area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; and all of the foregoing being identical for the zone in which they apply (see also, "District").

Zoning District: (See District, Zoning or Zone)

Zoning Official: The officer designated by the Department of Land Management of the Government of Guam to enforce and administer this Zoning Code, or his or her duly authorized representative.

Zoological Park (Zoo): A park where wild animals are kept for exhibition or display, including aquariums.

Example of Zero Lot Line Development



CHAPTER VI. GENERAL PROVISIONS

A. Conflict with Other Laws and Other Legal Documents

Where other laws, codes (not including the previously adopted Zoning Code), or private restrictive covenants in recorded deeds, or any other legally binding agreements impose greater requirements, regulations, or restrictions than those contained herein, those other laws, codes, or covenants shall control, regardless of whether such laws or documents have been passed or created prior to or subsequently to the effective date of this Zoning Code.

B. Permitted Uses

No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or structure or land be used, designed, or arranged for any purpose other than is permitted in the district in which the building or structure or land is located, provided that such regulations shall not prohibit the continuance of an existing use.

C. Minimum Requirements

The regulations set forth in this Zoning Code shall be considered to be minimum requirements for the purpose of promoting the general public health, safety and welfare of the people of the Territory of Guam.

D. Permits in Conflict with These Regulations

Permits for the construction of buildings, or for the use of land or buildings issued prior to or within three (3) years from the adoption of this Zoning Code, and that are in violation with the regulations of this Zoning Code shall be declared void, unless evidence is shown to establish that substantial expenditures have been made (see definition of substantial expenditures). Investment in real property shall not be construed as an expenditure toward construction. Unless actual construction work, including grading and excavation, is underway within three (3) years after the adoption of this Zoning Code, and construction is completed within six (6) years from the adoption of this code, such permit(s) shall become void.

E. Construction Begun Prior to the Adoption of the Zoning Code

Nothing in this Zoning Code shall be deemed to require any change in plans, construction, or designated use of any building or structure upon which actual construction was lawfully begun prior to the adoption of this Zoning Code and upon which actual construction has been diligently carried on, and provided further that such building or structure shall be completed within three (3) years from the date of passage of this Zoning Code.

F. Substandard Lots

Any lot in a single ownership, whose ownership was of record at the time of the adoption of this Zoning Code, does not meet the requirements for yards, courts or other open space, may be utilized for single residence purposes, provided the requirements for such yard or court area, width, depth, or open space is within seventy-five (75) percent of that required by the terms of this Zoning Code. The purpose of this provision is to permit utilization of recorded lots that lack adequate width or depth, as long as reasonable living standards can be provided.

G. Erection of More Than One Principal Structure on a Lot

More than one structure containing a permitted or permissible principal use may be erected on a single lot, provided that yard, area, and other requirements of this Zoning Code shall be met for each structure as though it were on an individual lot.

H. Permitted Building Area

The principal buildings on any lot or parcel of land shall be erected within the area bounded by the building lines established by setback or yard requirements. Accessory buildings may be erected within any building area established for the principal building and in required yard areas as may be provided for in this Zoning Code.

I. Exceptions to Height Regulations

The height limitations contained in the Tables of Dimensional and Density Requirements shall not apply to spires, belfries, cupolas, elevator machine rooms, elevator shafts, antennas, water tanks, ventilators, roof mechanical penthouses solely for air handling equipment, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy; however, the heights of these structures or appurtenances thereto shall not exceed any height limits prescribed by airspace height zones. Additionally, the height requirements shall not apply to an elevator shaft as stated above, provided that said elevator shaft does not occupy more than twenty (20) percent of the roof of the building on which it is located.

J. Airspace Height Zones

No structure in the Territory shall exceed any height limitations prescribed by the Federal Aviation Administration within the flight approach zone or departure zone of airports.

K. Exceptions to Required Yard Regulations

In all zoning districts, every part of every required yard shall be open and unobstructed at and above ground level, except as provided for herein or as otherwise permitted in this Zoning Code:

1. Eaves shall not project over forty-eight (48) inches into a required yard where the required side yard is twenty (20) feet or more. Where the required side yard is more than five (5) feet and less than twenty (20) feet, eaves shall not project more than twelve (12) inches into a required yard. Where the required side yard is five (5) feet or less, no eave may project into a required yard.
2. Movable awnings shall not project over two (2) feet into a required yard, provided that where the yard is less than five (5) feet in width the projection shall not exceed one-half (1/2) the width of the yard.
3. In all Zoning Districts, fences, walls, and hedges shall be permitted.

L. Accessory Uses and Structures

No accessory uses or structures shall be located in any required yard except as provided for below:

1. In Zoning Districts 2, 2M, 3, or 3S accessory uses and structures shall not be located in required front yards, but may be located in required side or rear yards, not less than five (5) feet from the side or rear lot line, provided however, that accessory structures for the housing of persons, such as a garage apartment, shall not be located in any required front, rear, or side yard. Additionally, notwithstanding the minimum front yard setback requirement for single family detached dwellings (including affordable) of ten (10) feet, any garage, whether attached or detached, shall have a minimum front yard setback requirement of twenty (20) feet. It shall also be required that any off-street parking space or driveway be at least twenty (20) feet in length.
2. On lots fronting on two (2) or more streets or corner lots, accessory uses and structures shall not be located in any required yard abutting the street, but may be located not less than five (5) feet from the lot lines of one, but not both required yards that abut upon an adjacent lot.
3. In all Zoning Districts, rooftop air conditioning and ventilating units should be so screened as to not be visible from the immediate public right-of-way. This requirement shall not apply to single-family detached dwelling units.

M. Restoration of Unsafe Buildings

Nothing in this Zoning Code shall prevent the strengthening or restoring to a safe condition any part of any building declared unsafe by the Department of Public Works or required by any lawful order.

N. Building Grades

Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building.

O. Drainage Channels

Existing drainage channels are essential for the maintenance of health and general welfare of the people of Guam. Any encroachment upon or filling or destruction of these drainage channels, unless approved by the Department of Public Works, is a violation of this Zoning Code.

P. Buildings to be Moved to New Lots

Any building that has been wholly or partially erected shall not be moved and/or placed upon any premises until a permit for such removal shall have been obtained from the Department of Public Works. When moved onto new premises, such building shall conform to all the provisions of this Zoning Code.

Q. Building Permits Required

No building or other structure shall be erected, moved, added to or structurally altered without a permit therefor issued by the Building Official's Office. No building permit shall be issued except in conformity with the provisions of this Zoning Code, unless a written order in the form of a variance as provided by this Zoning Code has been issued.

R. Continuation of Prior Zoning Designations

Every attempt has been made in the development of this Zoning Code, including the Zoning Maps, to allow every property owner the right to develop his or her property at least to the level that was permitted under the Zoning Code that this one supersedes, or any prior order of the TLUC. If, however, a property owner believes and the Zoning Official, upon inspection of maps and property information, concurs in writing that said property owner could not develop his or her property to the level previously allowed, said property owner, for a period not to exceed three (3) years from the effective date of the adoption of this Zoning Code, shall be allowed to develop said property under the terms of the previous Zoning Code. Within the

aforementioned three (3) year period, substantial development (as defined by this Zoning Code) shall be accomplished. If substantial development has not been achieved within this period, the zoning district designation indicated on the Zoning Maps that are a part of this Zoning Code shall apply to the subject property.

S. Nonconforming Situations

Unless otherwise specifically provided in the Zoning Code, nonconforming situations that were otherwise lawful on the effective date of the Zoning Code may be continued.

T. Building Conversions

No development permit shall be required if an existing building is converted from one use to another, so long as the proposed use is permitted in the Zoning District in which the building is located. Additionally, no development permit shall be required if an existing building containing rental apartments is converted to condominiums (or vice-versa), so long as either the total number of dwelling units within the building does not increase, or if they do increase, they do not exceed the density limits permitted in the Zoning District in which the building is located, and all off-street parking requirements can be met.

U. Supplemental Requirements for Development Proposed in Airport Approach and Take-off Sectors

To carry out the provisions of this Zoning Code, there are hereby created and established certain overlay zones that include all of the land lying beneath the approach, transitional, primary, horizontal, and conical surfaces, as they apply to the Guam International Airport. An area located in more than one (1) of the described height zones is considered to be only in the zone with the most restrictive height limitation. The various zones are hereby established and defined as follows:

1. **Primary Zone.** An area longitudinally centered on a runway, extending two hundred (200) feet beyond each end of the runway approach existing or planned for either end of the runway. The width of the primary zone shall be one thousand (1,000) feet. No structure or obstruction shall be permitted within the primary zone that is not part of the landing and take-off area's operations and is of greater height than the nearest point on the runway centerline.
2. **Horizontal Zone.** The area around the Guam International Airport with an outer boundary, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone or the airport's runways and connecting the adjacent arcs by lines tangent to those arcs. The radius of

each arc is two thousand (2,000) feet. No structure or obstruction shall be permitted in the horizontal zone that has a height greater than one hundred and fifty (150) feet.

3. **Conical Zone.** The area extending outward from the periphery of the horizontal zone for a distance of four thousand (4,000) feet. Height limitations for structures in the conical zone are one hundred and fifty (150) feet at the inner boundary with the permitted height increasing one (1) foot vertically for every fifty (50) feet of horizontal distance measured outward to the outer boundary.
4. **Approach Zone.** An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach zone is designated for each runway based upon the type of approach available for that runway end. The inner edge of the approach zone is the same width as the primary zone. The outer width is one thousand (1,000) feet. The approach zone extends for a horizontal distance of five thousand (5,000) feet. The height limitation for structures shall not exceed the runway end height at the inner edge and shall increase uniformly one (1) foot vertically for every fifty (50) feet of horizontal distance.
5. **Transitional Zone.** The area extending outward from the sides of the primary zones and approach zones connecting them to the horizontal zone or for a horizontal distance of five thousand (5,000) feet from the side of the part of the precision approach zone that extends beyond the conical zone. The height limitations are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one (1) foot vertically for every seven (7) feet horizontally.

Notwithstanding any other provision of this Code, no use may be made of land or water within any zones established by this Code in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

1. All lights or illumination used in conjunction with street, parking, signs or use of land or structures shall be arranged and operated in such a manner that is not misleading to pilots or dangerous to aircraft operating from the Guam International Airport or in the vicinity thereof.
2. No operations of any type shall produce smoke, glare or other visual impairment to pilots within three (3) miles of any usable runway of the Guam International Airport.
3. No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport aircraft, or other air traffic control facility.

-
4. Land within runway clear zones shall be prohibited from any use.
 5. Based on the possibility that landfills may attract birds, any landfill located so that it places the runways and/or approach and departure pattern of the airport between bird feeding, water or roosting areas shall be considered as an incompatible use and is therefore prohibited in and around the Guam International Airport.
 6. Within the areas designated as either Primary Zones or Horizontal Zones, no hotel or multiple-family developments shall be allowed on privately held properties.

CHAPTER VII. PERMITTED USES AND TABLES OF DIMENSIONAL AND DENSITY REQUIREMENTS

A. ZONING DISTRICT 1: Parks

1. General Description of Character and Intent of District

This district includes those areas designated as park lands on parcels owned by the Government of Guam and the National Park Service's War in the Pacific National Historical Park.

2. Permitted Uses

- a. Nature Preserves, Conservation Reserves, Territorial Parks, Community Parks, Territorial Recreation Facilities, Community Recreation Facilities, the War in the Pacific National Historical Park, and Historic Sites.

Land and/or waters that, because of their unique ecological, geological, aesthetic, recreational, prehistoric and historic resources, have been or may be owned and determined by the Government of Guam and/or the Federal Government as areas to be conserved and preserved for future generations.

- National Park Service (War in the Pacific National Historical Park) *
- Natural Preserves, which are to remain unimproved
- Conservation Reserves, which may be improved for the purpose of making them accessible to the public in a manner consistent with the perpetuation of their natural features as well as modification through sound forestry and wildlife practices that will enhance and protect the natural resources
- Territorial Parks or Community Parks, which may be improved for the purpose of providing public recreational facilities in a manner consistent with the preservation of their natural features
- Territorial Recreation Facilities or Community Recreation Facilities, which may be improved for the purpose of providing public recreation facilities
- Sites for the preservation of prehistoric, historic and cultural resources, which shall be administered according to GCA Title 21, Chapter 76.
- Private Concessionaires

- * The *Zoning District 1: Parks* designation within the authorized boundaries of the War in the Pacific National Historical Park are limited to those lands in public ownership. Lands within the National Park in private ownership shall be designated as *Zoning District 2: Low Intensity* until such time as they are acquired by the National Park Service. When such acquisition has

been accomplished, these lands shall then be designated as Zoning District 1.

- b. In delineating those areas designated as Zoning District 1 on the Zoning Map(s), every effort was made to ensure that all of this land was owned by either the Government of Guam or the federal Government. If, in fact, there are privately-owned parcels that have been inadvertently designated as Zoning District 1, and if the property owner can produce legal instruments to show the Zoning Official that he/she owns lands that have been so designated, these lands shall be automatically re-zoned to Zoning District 2 and the Government shall revise the Zoning Map(s) accordingly.
 - c. District 1 lands shall be administered in conformance with Title 21 GCA Chapter 77 - Parks and Recreation, and any adopted Conservation Master Plan for Guam.
3. *All of the above uses shall be permitted in Zoning District 1, 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. Off-Street Parking and Loading Standards
 - b. Environmental Protection Standards
 - c. Vegetation Protection Standards
 - d. Sign Standards
 - e. Historic and Cultural Conservation Standards
 - f. Stormwater Management Standards
 - g. Floodplain Protection Standards
 - h. Wellfield/Groundwater Protection Standards
 - i. Hillside Development Standards
 - j. Supplemental Regulations

**ZONING DISTRICT 1
PARKS
Table of Dimensional and Density Requirements**

| Uses Permitted | Maximum Units/Acre | Minimum Lot Size | | | Minimum Yard Setback (feet) | | | Max. Bldg. Height (feet) | Max. Lot Coverage (Percent) |
|--|-----------------------|------------------|-----------------|-----------------|--------------------------------|--------------|------|--------------------------------|-----------------------------------|
| | | Area (acre) | Width (feet) | Depth (feet) | Front | Each Side | Rear | | |
| War in the Pacific National Historical Park | - | - | - | - | - | - | - | - | - |
| Natural Preserves | - | - | - | - | - | - | - | - | - |
| Conservation Reserves | - | - | - | - | - | - | - | - | - |
| Territorial/Community Parks* | - | - | - | - | - | - | - | - | - |
| Territorial/Community Recreational Facilities* | - | - | - | - | - | - | - | - | - |
| Private Concessionaires* | - | - | - | - | - | - | - | - | - |
| Historic Sites* | - | - | - | - | - | - | - | - | - |

* All area, dimensional and density requirements for Territorial/Community Parks and Territorial/Community Recreational Facilities shall be determined on a case-by-case basis by the Department of Parks and Recreation for Government of Guam lands, the National Park Service for lands within the War in the Pacific National Historical Park, and the appropriate federal agency for other federal lands.

B. ZONING DISTRICT 2: Low Intensity

1. General Description of Character and Intent of District

This District includes undeveloped and sparsely-developed areas and outlying subdivisions that are located outside the service districts for existing sewer and/or water lines. District 2 accommodates low-density residential neighborhoods with active and passive recreational facilities and neighborhood-oriented commercial activities. This District also encourages agriculture and aquaculture activities and provides for a range of public services. Performance Standards 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 will be enforced. The ranges and types of activities that are proposed for inclusion in the District are listed below:

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
- Livestock Production*
- Botanical Gardens
- Aquaculture/Hatcheries

*Note: Within the area contained between Routes 1 and 3 over the Northern Aquifer, no major livestock operations shall be permitted unless the operation is approved by the Guam Environmental Protection Agency in accordance with their regulations for agriculture and livestock practices for this area. "Livestock" within this context shall include poultry, swine, horses, and cattle. More than twenty-five (25) chickens or other poultry species, or more than five (5) head of swine, horses or cattle shall constitute "Major Livestock Operations".

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. Bed & Breakfast Inns/Guest Houses
Any building used, or intended to be used, rented, or hired out to be occupied for sleeping purposes by guests.
- Bed & Breakfast Inns
 - Guest Houses
- d. 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 Wells and Pump Stations
 - Electrical Substations
 - Public Safety (Police/Fire) Substations
 - Houses of Worship
 - Electrical Transmission Lines
 - Libraries
- 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 Zoning 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

ZONING DISTRICT 2 - LOW INTENSITY

Table of Dimensional and Density Requirements

| Uses Permitted | Maximum Units/Acre | Area | Minimum Lot Size | | Minimum Yard Setback (ft) | | | Max. Bldg. Hgh.:(ft) | Max. Lot Coverage (%) |
|---|--------------------|--------------------|------------------|------------|---------------------------|-----------|------|----------------------|-----------------------|
| | | | Width (ft) | Depth (ft) | Front | Each Side | Rear | | |
| Single-Family Detached Dwellings | 5.0 | 8,000 sq.ft.***** | 70 | 80 | 20 | 10 | 20 | 35 | 35 |
| Two-Family Dwellings/Duplexes | 6.0 | 13,000 sq.ft.***** | 80 | 150 | 20 | 10 | 25 | 35 | 35 |
| Bed & Breakfast Inns/Guest Houses***** | 10 Rooms | 0.5 Acres** | 80 | 150 | 25 | 10 | 25 | 35 | 35 |
| Planned Unit Development | 6.0 | 10 Acres | 500 | 500 | 35 | 20 | 50 | 35 | 30 |
| Planned Affordable Residential Dev. | 7.0 | 5 Acres | 300 | 300 | 25 | 15 | 30 | 35 | 35 |
| Houses of Worship | - | 1 Acre | 150 | 225 | 50 | 30 | 60 | 35 | 20 |
| Food Crop Production | - | 1 Acre | 150 | 200 | - | - | - | - | - |
| Livestock Production*** | - | 5 Acres | 300 | 300 | 50 | 50 | 50 | 35 | 10 |
| Horticultural Activities | - | 2 Acres | 200 | 250 | 50 | 30 | 50 | 25 | 25 |
| Plant Nurseries | - | 2 Acres | 200 | 250 | 50 | 30 | 50 | 25 | 25 |
| Aquaculture/Hatcheries | - | 0.5 Acre | 100 | 150 | 30 | 20 | 30 | 25 | 25 |
| Agric. or Produce Concession Stands | - | 8,000 sq.ft. | 70 | 80 | 20 | 10 | 10 | 20 | 25 |
| Recreational Facilities | - | **** | 200 | 250 | 50 | 50 | 50 | 35 | 25 |
| Marinas | - | 1 Acre | 150 | 225 | 50 | 20 | 0* | 35 | 20 |
| Botanical Gardens | - | 2 Acres | 200 | 200 | 75 | 50 | 50 | 35 | 10 |
| Cemeteries | - | 5 Acres | 300 | 300 | 50 | 50 | 50 | 35 | 20 |
| Zoological Parks | - | 10 Acres | 500 | 500 | 100 | 100 | 100 | 35 | 15 |
| Libraries | - | 1 Acre | 100 | 200 | 50 | 30 | 50 | 35 | 25 |
| Sewage Lift Sta./Water Pump Stations | - | 8,000 sq.ft. | 70 | 80 | 25 | 15 | 25 | 20 | 40 |
| Electric Substations | - | 0.5 Acre | 100 | 150 | 25 | 30 | 25 | 35 | 20 |
| Retail Trade Establishments** | - | 8,000 sq.ft.* | 70 | 80 | 25 | 15 | 30 | 35 | 25 |
| Shopping Centers | - | 1 Acre* | 150 | 225 | 50 | 50 | 60 | 35 | 25 |
| Personal Service Establishments | - | 8,000 sq.ft.* | 70 | 80 | 25 | 15 | 30 | 35 | 25 |
| Public Safety (Police/Fire) Substations | - | 1 Acre | 150 | 200 | 50 | 30 | 60 | 35 | 25 |

- * Maximum lot size shall be no more than one (1) acre for Individual Retail Trade and Personal Service Establishments in this District, or two (2) acres in the case of a shopping center.
- ** No automobile-related retail trade facility (new nor used car dealership, service station, gasoline station, car wash, etc.) shall be permitted in this District, nor shall any adult entertainment facility be permitted in this District.
- *** Within the area contained between Routes 1 and 3 over the Northern Aquifer, no major raising of livestock shall be permitted. "Livestock" within this context shall include poultry, swine, horses & cattle.
- **** Minimum lot size requirements for Recreational Facilities shall be determined by the Dept. of Parks & Recreation, based upon the Recreation Performance Standards.
- ***** Notwithstanding the minimum lot size requirement of 8,000 s.f. for single family detached dwellings in this Zoning District, if any such use is proposed to be developed within the area contained between Route 1 and 3 over the Northern Aquifer, the minimum lot size shall be 20,000 s.f., and the density shall be no more than four (4) units per acre. The minimum lot size for Two-Family Dwellings/Duplexes and Bed & Breakfast Inns/Guest Houses shall also be 20,000 s.f., and the density shall be 4 units per acre. "Parental Subdivisions" may be created within this Zoning District with lots as small as 5,000 s.f.; however, no building permit may be issued for such lots until they are directly served by a public sewer system. Where "Parental Subdivisions" are created, the dimensional requirements shall be as stated for single family detached dwellings in Zoning District 3.
- * A minimum setback of five (5) feet from the edge of any pier, wharf, or bulkhead shall be required for any structure.
- ** Bed & Breakfast Inns/Guest Houses may not exceed a total of 10 rooms within an individual development in this District.

C. ZONING 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 Zoning District 2 M 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 Zoning District 2 M, 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 Zoning 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

ZONING DISTRICT 2M - LOW INTENSITY
Table of Dimensional and Density Requirements

| Uses Permitted | Maximum Units/Acre | Area | Minimum Lot Size | | Minimum Yard Setback (ft) | | | Max. Bldg. Hght.(ft) | Max. Lot Coverage (%) |
|---|--------------------|------------------|------------------|------------|---------------------------|-----------|------|----------------------|-----------------------|
| | | | Width (ft) | Depth (ft) | Front | Each Side | Rear | | |
| Single-Family Detached Dwellings | 5.0 | 8,000 sq.ft.**** | 70 | 80 | 20 | 10 | 20 | 35 | 35 |
| Two-Family Dwellings/Duplexes | 6.0 | 13,000 sq.ft. | 80 | 150 | 20 | 10 | 25 | 35 | 35 |
| Planned Unit Development | 6.0 | 10 Acres | 500 | 500 | 35 | 20 | 50 | 35 | 30 |
| Planned Affordable Residential Dev. | 7.0 | 5 Acres | 300 | 300 | 25 | 15 | 30 | 35 | 35 |
| Houses of Worship | - | 1 Acre | 150 | 225 | 50 | 30 | 60 | 35 | 20 |
| Horticultural Activities | - | 2 Acres | 200 | 250 | 50 | 30 | 50 | 25 | 25 |
| Aquaculture/Hatcheries | - | 0.5 Acre | 100 | 150 | 30 | 20 | 30 | 25 | 25 |
| Agric. or Produce Concession Stands | - | 8,000 sq.ft. | 70 | 80 | 20 | 10 | 10 | 20 | 25 |
| Recreational Facilities | - | *** | 200 | 250 | 50 | 50 | 50 | 35 | 25 |
| Botanical Gardens | - | 2 Acres | 200 | 200 | 75 | 50 | 50 | 35 | 10 |
| Zoological Parks | - | 10 Acres | 500 | 500 | 100 | 100 | 100 | 35 | 15 |
| Libraries | - | 1 Acre | 100 | 200 | 50 | 30 | 50 | 35 | 25 |
| Sewage Lift Sta./Water Pump Stations | - | 8,000 sq.ft. | 70 | 80 | 25 | 15 | 25 | 20 | 40 |
| Electric Substations | - | 0.5 Acre | 100 | 150 | 25 | 30 | 25 | 35 | 20 |
| Retail Trade Establishments** | - | 8,000 sq.ft.* | 70 | 80 | 25 | 15 | 30 | 35 | 25 |
| Technical Training Centers | - | 5 Acres | 500 | 500 | 50 | 50 | 50 | 60 | 25 |
| Biotechnology Centers - Marine Natural Products | - | 2 Acres | 200 | 200 | 50 | 50 | 50 | 60 | 25 |
| Marine Research Centers | - | 5 Acres | 500 | 500 | 50 | 50 | 50 | 60 | 25 |

* Maximum lot size shall be no more than one (1) acre for individual retail trade establishments in this district.

** No automobile-related retail trade facility (new nor used car dealership, service station, gasoline station, car wash, etc.) shall be permitted in this District, nor shall any adult entertainment facility be permitted in this District.

*** Minimum lot size requirements for Recreational Facilities shall be determined by the Dept. of Parks & Recreation, based upon the Recreation Performance Standards.

**** "Parental Subdivisions" may be created within this Zoning District with lots as small as 5,000 s.f.; however, no building permit may be issued for such lots until they are directly served by a public sewer system. Where "Parental Subdivisions" are created, the dimensional requirements shall be as stated for single family detached dwellings in Zoning District 3.

D. ZONING 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 this 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 Zoning 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 Zoning 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

**ZONING DISTRICT 3
MODERATE INTENSITY
Table of Dimensional and Density Requirements**

| Uses Permitted | Maximum Units/Acre | Minimum Lot Size | | | Minimum Yard Setback (feet) | | | Max. Bldg. Height (feet) | Max. Lot Coverage (Percent) |
|---|--------------------|------------------|------------|------------|-----------------------------|-----------|------|--------------------------|-----------------------------|
| | | Area | Width (ft) | Depth (ft) | Front | Each Side | Rear | | |
| Single-Family Detached Dwellings | 8.0 | 5,000 sq.ft. | 50 | 75 | 10** | 5 | 10 | 35 | 50 |
| Single-Family Detached Dwellings (Affordable) | 10.0 | 4,000 sq.ft. | 40 | 75 | 10** | 5 | 10 | 35 | 60 |
| Two-Family Dwellings/Duplexes | 8.0 | 8,000 sq.ft. | 70 | 80 | 20 | 10 | 25 | 35 | 45 |
| Attached Dwellings (Townhouses)* | 12.0 | 20,000 sq.ft. | 100 | 100 | 15 | 15 | 35 | 35 | 35 |
| Zero Lot Line Homes | 12.0 | 20,000 sq.ft. | 100 | 100 | 15 | 15 | 25 | 35 | 35 |
| Multiple-Family Dwellings | 20.0 | 20,000 sq.ft.** | 100 | 100 | 25 | 25 | 25 | 35 | 40 |
| Planned Unit Development | 8.0 | 10 Acres | 500 | 500 | 25 | 15 | 35 | 35 | 35 |
| Planned Affordable Residential Dev. | 10.0 | 5 Acres | 300 | 300 | 25 | 15 | 30 | 35 | 45 |
| Boarding/Rooming Houses***** | 16 Rooms | 0.5 Acre | 100 | 150 | 25 | 15 | 25 | 35 | 25 |
| Residential Treatment Facility | 10 Rooms | 1 Acre | 125 | 200 | 25 | 25 | 40 | 35 | 25 |
| Bed & Breakfast Inns/Guesthouses***** | 16 Rooms | 0.5 Acre | 100 | 150 | 25 | 15 | 25 | 35 | 25 |
| Hotels/Motels | 32 Rooms | 1 Acre**** | 125 | 200 | 25 | 25 | 25 | 35 | 35 |
| Houses of Worship | - | 0.5 Acre | 100 | 150 | 25 | 15 | 25 | 35 | 35 |
| Community Centers | - | 0.5 Acre | 100 | 150 | 25 | 15 | 25 | 35 | 25 |
| Pre-School Facilities | - | 8,000 sq.ft. | 70 | 80 | 20 | 20 | 25 | 35 | 35 |
| Primary Schools | - | 2 Acres | 200 | 200 | 25 | 25 | 25 | 35 | 40 |
| Middle Schools | - | 5 Acres | 300 | 300 | 25 | 25 | 25 | 35 | 25 |
| Secondary Schools | - | 10 Acres | 500 | 500 | 50 | 50 | 50 | 50 | 30 |
| Other School Facilities | - | 2 Acres | 200 | 200 | 25 | 25 | 25 | 35 | 30 |
| Recreational Facilities | - | ***** | 100 | 100 | 25 | 25 | 25 | 35 | 20 |
| Marinas | - | 1 Acre | 150 | 225 | 50 | 20 | 0* | 35 | 20 |
| Correctional Facilities | - | 10 Acres | 500 | 500 | 100 | 100 | 200 | 50 | 25 |
| Hospitals/Sanitariums | - | 2 Acres | 300 | 300 | 50 | 50 | 50 | 65 | 25 |
| Health Care Facilities | - | 0.5 Acre | 100 | 150 | 25 | 15 | 25 | 35 | 25 |
| Public Safety (Police/Fire) Substations | - | 1 Acre | 150 | 200 | 50 | 30 | 60 | 35 | 25 |
| Sewage Lift Stations/Water Pump Stations | - | 0.5 Acre | 100 | 150 | 25 | 30 | 25 | 20 | 25 |
| Electric Substations | - | 0.5 Acre | 100 | 150 | 25 | 30 | 25 | 35 | 25 |
| Retail Trade Establishments***** | - | 8,000 sq.ft.*** | 70 | 80 | 25 | 15 | 25 | 35 | 25 |
| Home Building Supply | - | 1 Acre | 150 | 225 | 50 | 25 | 50 | 60 | 50 |
| Plant Nurseries | - | 2 Acres | 200 | 250 | 50 | 30 | 50 | 25 | 25 |
| Food Crop Production | - | 1 Acre | 150 | 200 | - | - | - | - | - |
| Horticultural Activities | - | 2 Acres | 200 | 250 | 50 | 30 | 50 | 25 | 25 |
| Botanical Gardens | - | 2 Acres | 200 | 200 | 75 | 50 | 50 | 35 | 10 |
| Aquaculture | - | 0.5 Acre | 100 | 150 | 30 | 20 | 30 | 25 | 25 |
| Agricultural or Produce Concession Stands | - | 8,000 sq.ft. | 70 | 80 | 20 | 10 | 20 | 20 | 25 |
| Veterinarians/Animal Kennels | - | 0.5 Acre | 100 | 100 | 25 | 25 | 25 | 35 | 25 |
| Personal Service Establishments | - | 8,000 sq.ft.*** | 70 | 80 | 25 | 15 | 25 | 35 | 25 |
| Shopping Centers | - | 1 Acre***** | 150 | 225 | 50 | 30 | 60 | 35 | 25 |
| Postal Substations | - | 8,000 sq.ft. | 70 | 80 | 25 | 15 | 25 | 35 | 25 |
| Business or Professional Service Establishments | - | 8,000 sq.ft.*** | 70 | 80 | 25 | 15 | 25 | 35 | 25 |
| Office Buildings | - | 1 Acre***** | 150 | 225 | 50 | 30 | 60 | 35 | 25 |
| Colleges/Universities | - | 25 Acres | 500 | 500 | 50 | 50 | 50 | 60 | 25 |

- * The lot area, width, and depth requirements, as well as the front, side, and rear yard setbacks for attached housing are not intended to be applied to individual dwelling units. Rather, they are meant to be used to establish the minimum dimensional and density requirements for an attached housing development. For example, if a townhouse development is proposed to be built on a ten thousand (10,000) square foot lot, four (4) units can be built. Each unit would not be required to have any side yard adjacent to another proposed townhouse unit. The side yard dimensional requirement of ten (10) feet indicated in the above table shall apply to the perimeter of the entire property proposed for townhouse.
- ** Maximum lot size shall be no more than five (5) acres for Multiple-Family Dwelling Development in this District.
- *** Maximum lot size shall be no more than one (1) acre for Individual Retail Trade, Personal Service, and Business Service Establishments in this District.
- **** Maximum lot size shall be no more than two (2) acres for Shopping Centers, Office Buildings and Hotels/Motels in this District.
- ***** No automobile-related retail trade facility (new or used car dealership, service station, gasoline station, car wash, etc.) shall be permitted in this District, nor shall any adult entertainment facility be allowed in this District.
- ***** Bed and Breakfast Inns/Guesthouses and Boarding/Rooming houses may not exceed a total of sixteen (16) rooms within an individual development in this District.
- ***** Minimum lot size requirements for Recreational Facilities shall be determined by the Department of Parks and Recreation, based upon the Recreation Performance Standards.
- * A minimum setback of five (5) feet from the edge of any pier, wharf, or bulkhead shall be required for any structure.
- ** The front yard setback of ten (10) feet for Single Family Detached Dwellings and Single Family Detached Dwellings (affordable) shall apply to the principal structure. Any garage or carport built in conjunction with these residential types, either attached to the principal structure or detached, shall have a minimum front yard setback of twenty (20) feet.

E. **ZONING DISTRICT 3S: Moderate Special**

1. General Description of Character and Intent of District

This District has been created to allow for certain automobile service functions, adjacent to specific villages. Most of the permitted uses identified in District 3 are also allowed in this District.

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

c. Hotels & Guesthouses

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
- Guesthouses
- 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

e. Retail Trade

Establishments primarily engaged in providing finished products to individuals. Automobile Service Stations as defined in this Zoning Code will be allowed in this District.

- Apparel & Accessories
- Books & Stationery
- Confectionery
- Dairy Products
- Electrical & Electronic Products
- Groceries
- Retail Food Establishments: all types
- Household Items
- Camera Shops/Photographic Equipment
- Neighborhood and Community Shopping Centers
- Smaller Supermarkets
- Pharmacies
- Convenience Stores
- Theaters
- Agricultural or Produce Concession Stands
- Museums/Art Galleries
- Flea Markets
- Automobile Service Station

f. Personal Services

Establishments primarily engaged in providing services to individuals.

- Small Boat Repair Facilities and Services (within one mile of Zoning 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 Pump Stations
- Electrical Substations
- Houses of Worship
- Correctional Facilities
- Hospitals/Sanitariums
- 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
- Swimming Pools
- Marinas/Yacht Clubs
- Private Concessionaires
- Essential Management Facilities

3. *All of the above uses shall be permitted in Zoning District 3S, 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

**ZONING DISTRICT 3S
MODERATE INTENSITY SPECIAL
Table of Dimensional and Density Requirements**

| Uses Permitted | Maximum Units/Acre | Minimum Lot Size | | | Minimum Yard Setback (feet) | | | Max. Bldg. Height (feet) | Max. Lot Coverage (Percent) |
|---|--------------------|------------------|------------|------------|-----------------------------|-----------|------|--------------------------|-----------------------------|
| | | Area | Width (ft) | Depth (ft) | Front | Each Side | Rear | | |
| Single-Family Detached Dwellings | 8.0 | 5,000 sq.ft. | 50 | 75 | 10** | 5 | 10 | 35 | 50 |
| Single-Family Detached Dwellings (Affordable) | 10.0 | 4,000 sq.ft. | 40 | 75 | 10** | 5 | 10 | 35 | 60 |
| Two-Family Dwellings/Duplexes | 8.0 | 8,000 sq.ft. | 70 | 80 | 20 | 10 | 25 | 35 | 45 |
| Attached Dwellings (Townhouses) * | 12.0 | 20,000 sq.ft. | 100 | 100 | 15 | 15 | 35 | 35 | 35 |
| Zero Lot Line Homes | 12.0 | 20,000 sq.ft. | 100 | 100 | 25 | 25 | 25 | 35 | 40 |
| Multiple-Family Dwellings | 20.0 | 20,000 sq.ft.** | 100 | 100 | 25 | 25 | 25 | 35 | 40 |
| Boarding/Rooming Houses***** | 16 Rooms | 0.5 Acre | 100 | 150 | 25 | 15 | 25 | 35 | 25 |
| Residential Treatment Facility | 10 Rooms | 1 Acre | 125 | 200 | 25 | 25 | 40 | 35 | 25 |
| Bed & Breakfast Inns/Guesthouses***** | 16 Rooms | 0.5 Acre | 100 | 150 | 25 | 15 | 25 | 35 | 25 |
| Hotels/Motels | 32 Rooms | 1 Acre**** | 125 | 200 | 25 | 25 | 25 | 35 | 35 |
| Houses of Worship | - | 0.5 Acre | 100 | 150 | 25 | 15 | 25 | 35 | 35 |
| Community Centers | - | 0.5 Acre | 100 | 150 | 25 | 15 | 25 | 35 | 25 |
| Pre-School Facilities | - | 8,000 sq.ft. | 70 | 80 | 20 | 20 | 25 | 35 | 35 |
| Primary Schools | - | 2 Acres | 200 | 200 | 25 | 25 | 25 | 35 | 40 |
| Middle Schools | - | 5 Acres | 300 | 300 | 25 | 25 | 25 | 35 | 25 |
| Secondary Schools | - | 10 Acres | 500 | 500 | 50 | 50 | 50 | 50 | 30 |
| Recreational Facilities | - | ***** | 100 | 100 | 25 | 25 | 25 | 35 | 20 |
| Marinas | - | 1 Acre | 150 | 225 | 50 | 20 | 0* | 35 | 20 |
| Correctional Facilities | - | 10 Acres | 500 | 500 | 100 | 100 | 200 | 50 | 25 |
| Hospitals/Sanitariums | - | 2 Acres | 300 | 300 | 50 | 50 | 50 | 65 | 25 |
| Health Care Facilities | - | 0.5 Acre | 100 | 150 | 25 | 15 | 25 | 35 | 25 |
| Public Safety (Police/Fire) Substations | - | 1 Acre | 150 | 200 | 50 | 30 | 60 | 35 | 25 |
| Sewage Lift Stations/Water Pump Stations | - | 0.5 Acre | 100 | 150 | 25 | 30 | 25 | 20 | 25 |
| Electric Substations | - | 0.5 Acre | 100 | 150 | 25 | 30 | 25 | 35 | 25 |
| Retail Trade Establishments***** | - | 8,000 sq.ft.*** | 70 | 80 | 25 | 15 | 25 | 35 | 25 |
| Automobile Service Stations | - | 0.5 Acre | 100 | 150 | 25 | 20 | 25 | 35 | 30 |
| Food Crop Production | - | 1 Acre | 150 | 200 | - | - | - | - | - |
| Horticultural Activities | - | 2 Acres | 200 | 250 | 50 | 30 | 50 | 25 | 25 |
| Botanical Gardens | - | 2 Acres | 200 | 200 | 75 | 50 | 50 | 35 | 10 |
| Aquaculture | - | 0.5 Acre | 100 | 150 | 30 | 20 | 30 | 25 | 25 |
| Agricultural or Produce Concession Stands | - | 8,000 sq.ft. | 70 | 80 | 20 | 10 | 20 | 20 | 25 |
| Veterinarians/Animal Kennels | - | 0.5 Acre | 100 | 100 | 25 | 25 | 25 | 35 | 25 |
| Personal Service Establishments | - | 8,000 sq.ft.*** | 70 | 80 | 25 | 15 | 25 | 35 | 25 |
| Shopping Centers | - | 1 Acre**** | 150 | 225 | 50 | 30 | 60 | 35 | 25 |
| Postal Substations | - | 8,000 sq.ft. | 70 | 80 | 25 | 15 | 25 | 35 | 25 |
| Business or Professional Service Establishments | - | 8,000 sq.ft.*** | 70 | 80 | 25 | 15 | 25 | 35 | 25 |
| Office Buildings | - | 1 Acre**** | 150 | 225 | 50 | 30 | 60 | 35 | 25 |
| Colleges/Universities | - | 25 Acres | 500 | 500 | 100 | 100 | 100 | 60 | 20 |

- * The lot area, width, and depth requirements, as well as the front, side, and rear yard setbacks for attached housing are not intended to be applied to individual dwelling units. Rather, they are meant to be used to establish the minimum dimensional and density requirements for an attached housing development. For example, if a townhouse development is proposed to be built on a ten thousand (10,000) square foot lot, four (4) units can be built. Each unit would not be required to have any side yard adjacent to another proposed townhouse unit. The side yard dimensional requirement of ten (10) feet indicated in the above table shall apply to the perimeter of the entire property proposed for townhouse.
- ** Maximum lot size shall be no more than five (5) acres for Multiple-Family Dwelling Development in this District.
- *** Maximum lot size shall be no more than one (1) acre for Individual Retail Trade, Personal Service, and Business Service Establishments in this District.
- **** Maximum lot size shall be no more than two (2) acres for Shopping Centers, Office Buildings and Hotels/Motels in this District.
- ***** Automobile service stations will be limited to gasoline service stations. There will be no adult facility be allowed in this District.
- ***** Bed and Breakfast Inns/Guesthouses and Boarding/Rooming houses may not exceed a total of sixteen (16) rooms within an individual development in this District.
- ***** Minimum lot size requirements for Recreational Facilities shall be determined by the Department of Parks and Recreation, based upon the Recreation Performance Standards.
- * A minimum setback of five (5) feet from the edge of any pier, wharf, or bulkhead shall be required for any structure.
- ** The front yard setback of ten (10) feet for single Detached Dwellings and Single Family Detached Dwellings (affordable) shall apply to the principal structure. Any garage or carport built in conjunction with these residential types, either attached to the principal structure or detached, shall have a minimum front yard setback of twenty (20) feet.

F. ZONING 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 this 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 Zoning 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

ZONING DISTRICT 4 - HIGH INTENSITY
Table of Dimensional and Density Requirements

| Uses Permitted | Maximum Units/Acre | Minimum Lot Size | | | Minimum Yard Setback | | | Max. Bldg. Height (feet) | Max. Lot Coverage (Percent) |
|--|-----------------------|------------------|------------|------------|----------------------|--------------|------|--------------------------------|-----------------------------------|
| | | Area | Width (ft) | Depth (ft) | Front | Each Side | Rear | | |
| Single-Family Detached Dwellings | 9.5 | 4,500 sq.ft. | 45 | 75 | 10**** | 5 | 10 | 35 | 55 |
| Single-Family Detached Dwellings (Affordable) | 12.0 | 3,500 sq.ft. | 40 | 60 | 10**** | 3 | 10 | 35 | 60 |
| Two-Family Dwellings/Duplexes | 14.0 | 6,000 sq.ft. | 50 | 75 | 15 | 10 | 25 | 35 | 35 |
| Attached Dwellings (Townhouses)* | 16.0 | 0.5 Acre | 100 | 100 | 15 | 15 | 35 | 35 | 40 |
| Zero Lot Line Homes | 10.0 | 0.5 Acre | 100 | 100 | 15 | 15 | 15 | 35 | 45 |
| Multiple-Family Dwellings | 32.0 | 0.5 Acre | 100 | 100 | 25 | 25 | 25 | 60 | 50 |
| Boarding/Rooming Houses | 16 (rooms) | 1 Acre | 125 | 225 | 25 | 15 | 30 | 35 | 25 |
| Residential Treatment Facility | 10 (rooms) | 1 Acre | 125 | 225 | 25 | 25 | 40 | 35 | 25 |
| Bed & Breakfast Inns/Guesthouses | 16 rooms | 0.5 Acre | 100 | 150 | 25 | 15 | 25 | 35 | 25 |
| Hotels/Motels/Apartment Hotels** | 40 (rooms) | 1 Acre | 125 | 225 | 25 | 20 | 50 | 60 | 50 |
| Barracks | 300 (persons) | 1 Acre | 100 | 150 | 25 | 25 | 25 | 35 | 60 |
| Houses of Worship | - | 1 Acre | 125 | 225 | 25 | 20 | 50 | 35 | 25 |
| Community Centers | - | 0.5 Acre | 100 | 150 | 25 | 15 | 25 | 35 | 30 |
| Pre-School Facilities | - | 8,000 sq.ft. | 70 | 80 | 20 | 20 | 25 | 35 | 35 |
| Primary Schools | - | 2 Acres | 200 | 200 | 25 | 25 | 25 | 35 | 40 |
| Middle Schools | - | 5 Acres | 300 | 300 | 25 | 25 | 25 | 35 | 30 |
| Secondary Schools | - | 10 Acres | 500 | 500 | 50 | 50 | 50 | 50 | 30 |
| Other School Facilities | - | 2 Acres | 200 | 200 | 25 | 25 | 25 | 35 | 30 |
| Recreational Facilities | - | *** | 100 | 100 | 25 | 25 | 25 | 35 | 20 |
| Hospitals/Sanitariums | - | 2 Acres | 200 | 200 | 25 | 25 | 50 | 100 | 40 |
| Health Care Facilities | - | 0.5 Acre | 100 | 150 | 25 | 15 | 25 | 35 | 25 |
| Public Safety (Police/Fire) Substations | - | 0.5 Acre | 100 | 150 | 25 | 20 | 30 | 35 | 40 |
| Sewage Lift Stations/Water Pump Stations | - | 0.5 Acre | 100 | 150 | 25 | 30 | 25 | 20 | 25 |
| Electric Substations | - | 8,000 sq.ft. | 70 | 80 | 25 | 15 | 25 | 35 | 40 |
| Home Building Supply | - | 1 Acre | 150 | 225 | 60 | 25 | 50 | 60 | 50 |
| Retail Trade Establishments | - | 8,000 sq.ft. | 70 | 80 | 25 | 10 | 25 | 35 | 30 |
| Agricultural or Produce Concession Stands | - | 8,000 sq.ft. | 70 | 80 | 20 | 10 | 10 | 20 | 25 |
| Theaters/Museums/Art Galleries | - | 0.5 Acre | 100 | 100 | 25 | 10 | 25 | 60 | 40 |
| Convention Centers | - | 2 Acres | 200 | 300 | 25 | 25 | 50 | 60 | 25 |
| Adult Entertainment Facilities | - | 8,000 sq.ft. | 70 | 80 | 25 | 10 | 25 | 35 | 25 |
| Flea Markets | - | 1 Acre | 100 | 225 | 25 | 25 | 25 | 35 | 25 |
| New & Used Car Sales & Service Facilities | - | 1 Acre | 125 | 225 | 25 | 25 | 25 | 35 | 15 |
| Automobile Service Stations | - | 0.5 Acre | 100 | 150 | 25 | 20 | 25 | 35 | 30 |
| Automobile Rental Agencies | - | 0.5 Acre | 100 | 150 | 25 | 25 | 25 | 35 | 20 |
| Personal Service Establishments | - | 8,000 sq.ft. | 70 | 80 | 25 | 15 | 25 | 35 | 40 |
| Shopping Centers | - | 2 Acres | 200 | 200 | 50 | 30 | 60 | 35 | 30 |
| Business or Professional Service Establishments | - | 8,000 sq.ft. | 70 | 80 | 25 | 15 | 25 | 35 | 40 |
| Consulates | - | 8,000 sq.ft. | 70 | 80 | 25 | 15 | 25 | 35 | 40 |
| Office Buildings | - | 1 Acre | 150 | 225 | 25 | 30 | 60 | 60 | 40 |
| Post Offices | - | 1 Acre | 150 | 200 | 25 | 25 | 50 | 35 | 25 |
| Parking Structures | - | 0.50 Acre | 100 | 150 | 10 | 10 | 10 | 60 | 85 |
| Warehousing/Storage/Distribution Facilities | - | 1 Acre | 150 | 225 | 50 | 25 | 50 | 60 | 50 |
| Libraries | - | 1 Acre | 100 | 200 | 50 | 25 | 25 | 35 | 25 |
| Night Clubs | - | 1 Acre | 150 | 225 | 25 | 30 | 60 | 35 | 25 |
| Bus & Mass Transit Storage and Maint. Facilities | - | 2 Acres | 200 | 200 | 50 | 25 | 25 | 35 | 20 |
| Amusement Parks | - | 1 Acre | 125 | 225 | 25 | 25 | 35 | 35 | 25 |
| Veterinarians/Animal Kennels | - | 0.5 Acre | 100 | 150 | 25 | 30 | 25 | 35 | 25 |

* The lot area, width, and depth requirements, as well as the front, side, and rear yard setbacks for attached housing are not intended to be applied to individual dwelling units. Rather, they are meant to be used to establish the minimum dimensional and density requirements for an attached housing development. For example, if a townhouse development is proposed to be built on a ten thousand (10,000) square foot lot, four (4) units can be built. Each unit would not be required to have any side yard adjacent to another proposed townhouse unit. The side yard dimensional requirement of ten (10) feet indicated in the above table shall apply to the perimeter of the entire property proposed for townhouses.

** Hotels/Motels/Apartment Hotels may not exceed a total of two-hundred (200) units within an individual development in this District.

*** Minimum lot size requirements for Recreational Facilities shall be determined by the Department of Parks and Recreation, based upon the Recreation Performance Standards.

**** The front yard setback of ten (10) feet for Single Family Detached Dwellings and Single Family Detached Dwellings (Affordable) shall apply to the principal structure. Any garage or carport built in conjunction with these residential types, either attached to the principal structure or detached, shall have a minimum front yard setback of twenty (20) feet.

G. ZONING 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 this 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 Zoning 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

ZONING DISTRICT 5 - VILLAGE/NEIGHBORHOOD CENTERS
Table of Dimensional and Density Requirements

| Uses Permitted | Maximum Units/Acre | Minimum Lot Size | | | Minimum Yard Setback (feet) | | | Max. Bldg. Height (feet) | Max. Lot Coverage (Percent) |
|---|--------------------|------------------|------------|------------|-----------------------------|-----------|------|--------------------------|-----------------------------|
| | | Area | Width (ft) | Depth (ft) | Front | Each Side | Rear | | |
| Single-Family Detached Dwellings | 10.0 | 4,000 sq.ft. | 40 | 80 | 10**** | 5 | 15 | 35 | 50 |
| Two-Family Detached Dwellings/Duplexes | 16.0 | 5,000 sq.ft. | 40 | 80 | 10 | 10 | 20 | 35 | 50 |
| Attached Dwellings (Townhouses)* | 16.0 | 8,000 sq.ft. | 70 | 80 | 10 | 10 | 20 | 35 | 60 |
| Zero Lot Line Homes | 12.0 | 3,500 sq.ft. | 40 | 60 | 10 | 3 | 10 | 35 | 60 |
| Multiple-Family Dwellings | 20.0 | 1 Acre | 100 | 100 | 25 | 25 | 25 | 35 | 50 |
| Residential Treatment Facility | 10 (rooms) | 0.5 Acre | 100 | 100 | 25 | 25 | 25 | 35 | 50 |
| Boarding/Rooming Houses**** | 12 (rooms) | 8,000 sq.ft. | 70 | 80 | 15 | 15 | 25 | 35 | 50 |
| Bed & Breakfast Inns/Guesthouses**** | 12 (rooms) | 8,000 sq.ft. | 70 | 80 | 15 | 15 | 25 | 35 | 50 |
| Houses of Worship | - | 1 Acre | 125 | 225 | 25 | 20 | 25 | 35 | 25 |
| Community Centers | - | 8,000 sq.ft. | 70 | 80 | 15 | 15 | 25 | 35 | 60 |
| Libraries | - | 8,000 sq.ft. | 70 | 80 | 20 | 20 | 25 | 35 | 35 |
| Pre-School Facilities | - | 8,000 sq.ft. | 70 | 80 | 20 | 20 | 25 | 35 | 35 |
| Primary Schools | - | 2 Acres | 200 | 200 | 25 | 25 | 25 | 35 | 50 |
| Middle Schools | - | 5 Acres | 300 | 300 | 25 | 25 | 25 | 35 | 30 |
| Recreational Facilities | - | 8,000 sq.ft. | 70 | 80 | 15 | 15 | 15 | 35 | 30 |
| Health Care Facilities | - | 8,000 sq.ft. | 70 | 80 | 15 | 15 | 25 | 35 | 40 |
| Public Safety (Police/Fire) Substations | - | 0.5 Acre | 100 | 150 | 25 | 20 | 30 | 35 | 40 |
| Retail Trade Establishments*** | - | 5,000 sq.ft. | 20 | 75 | 0 | 0 | 15 | 35 | 90 |
| Personal Service Establishments*** | - | 5,000 sq.ft. | 20 | 75 | 0 | 0 | 15 | 35 | 90 |
| Postal Substations | - | 5,000 sq.ft. | 50 | 75 | 0 | 0 | 25 | 35 | 75 |

- * The lot area, width, and depth requirements, as well as the front, side, and rear yard setbacks for attached housing are not intended to be applied to individual dwelling units. Rather, they are meant to be used to establish the minimum dimensional and density requirements for an attached housing development. For example, if a townhouse development is proposed to be built on a ten thousand (10,000) square foot lot, four (4) units can be built. Each unit would not be required to have any side yard adjacent to another proposed townhouse unit. The side yard dimensional requirement of ten (10) feet indicated in the above table shall apply to the perimeter of the entire property proposed for townhouses.
- ** No Regional Park shall be permitted in this District.
- *** Maximum lot size shall be no more than one-half (0.5) acre for individual Retail Trade and Personal Service Establishments in this District. Additionally, no automobile-related retail trade facility (new or used car dealership, service station, gasoline station, car wash, etc.), nor any drive-in establishment shall be permitted in this District, nor shall any adult entertainment facility be permitted.
- **** Bed and Breakfast Inns/Guesthouses and Boarding/Rooming Houses may not exceed a total of twenty-four (24) units within an individual development in this District.
- ***** The front yard setback of ten (10) feet for Single Family Detached Dwellings shall apply to the principal structure. Any garage or carport built in conjunction with this residential type, either attached to the principal structure or detached, shall have a minimum front yard setback of twenty (20) feet.

H. ZONING 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 Zoning 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 zoning district boundaries. Historically, the lot sizes in these historic areas are often significantly smaller than the required minimum set forth in this 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 Zoning 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

ZONING DISTRICT 5H - HISTORIC VILLAGE CENTERS
Table of Dimensional and Density Requirements

| Uses Permitted | Maximum Units/Acre | Minimum Lot Size | | Minimum Yard Setback (feet) | | | Max. Bldg. Height (feet) | Max. Lot Coverage (Percent) | |
|--|--------------------|------------------|------------|-----------------------------|-------|-----------|--------------------------|-----------------------------|------|
| | | Area | Width (ft) | Depth (ft) | Front | Each Side | | | Rear |
| Single-Family Detached Dwellings | 10.0 | 4,000 sq.ft. | 40 | 80 | 10 | 5 | 15 | 35 | 50 |
| Two-Family Detached Dwellings/Duplexes | 16.0 | 5,000 sq.ft. | 40 | 80 | 10 | 5 | 15 | 35 | 60 |
| Attached Dwellings (Townhouses)* | 16.0 | 8,000 sq.ft. | 60 | 80 | 5 | 5 | 10 | 35 | 80 |
| Multiple-Family Dwellings** | 20.0 | 0.5 Acre | 80 | 100 | 15 | 15 | 25 | 35 | 50 |
| Residential Treatment Facility | 10 (rooms) | 0.5 Acre | 100 | 100 | 25 | 25 | 25 | 35 | 50 |
| Boarding/Rooming Houses*** | 12 (rooms) | 8000 sq.ft. | 70 | 80 | 15 | 15 | 25 | 35 | 50 |
| Bed & Breakfast Inns/Guesthouses**** | 12 (rooms) | 8,000 sq.ft. | 70 | 80 | 15 | 15 | 25 | 35 | 50 |
| Houses of Worship | - | 0.5 Acre | 80 | 100 | 15 | 15 | 20 | 35 | 50 |
| Community Centers | - | 8,000 sq.ft. | 70 | 80 | 15 | 15 | 20 | 35 | 60 |
| Pre-school Facilities | - | 8,000 sq.ft. | 70 | 80 | 20 | 20 | 20 | 35 | 35 |
| Primary Schools | - | 2 Acres | 200 | 200 | 25 | 25 | 25 | 35 | 50 |
| Recreational Facilities | - | 8,000 sq.ft. | 70 | 80 | 15 | 15 | 15 | 35 | 30 |
| Health Care Facilities | - | 8,000 sq.ft. | 70 | 80 | 15 | 15 | 25 | 35 | 40 |
| Public Safety (Police/Fire) Substations | - | 8,000 sq.ft. | 70 | 80 | 25 | 15 | 15 | 35 | 50 |
| Museums & Other Historical Interpretive Fac. | - | 8,000 sq.ft. | 70 | 80 | 15 | 15 | 15 | 35 | 30 |
| Retail Trade Establishments**** | - | 5,000 sq.ft. | 20 | 75 | 0 | 0 | 15 | 35 | 90 |
| Libraries | - | 5,000 sq.ft. | 20 | 75 | 0 | 0 | 15 | 35 | 90 |
| Personal Service Establishments**** | - | 5,000 sq.ft. | 20 | 75 | 0 | 0 | 15 | 35 | 90 |
| Postal Substations | - | 5,000 sq.ft. | 20 | 75 | 0 | 0 | 25 | 35 | 75 |

* The lot area, width, and depth requirements, as well as the front, side, and rear yard setbacks for attached housing are not intended to be applied to individual dwelling units. Rather, they are meant to be used to establish the minimum dimensional and density requirements for an attached housing development. For example, if a townhouse development is proposed to be built on a ten thousand (10,000) square foot lot, four (4) units can be built. Each unit would not be required to have any side yard adjacent to another proposed townhouse unit. The side yard dimensional requirement of ten (10) feet indicated in the above table shall apply to the perimeter of the entire property proposed for the attached housing project.

- ** The maximum lot size shall be no more than one (1) acre for any Multiple-Family Development proposed in this District.
- *** Bed & Breakfast Inns/Guesthouses, Group Homes and Boarding/Rooming Houses may not exceed a total of twenty-four (24) units or rooms within an individual development in this District.
- **** Maximum lot size shall not exceed one-half (0.5) acre for individual Retail Trade and Personal Service Establishments in this District. Additionally, no automobile-related retail trade facility (new or used car dealership, service station, gasoline station, car wash, etc.), nor any drive-in establishment or adult entertainment facility shall be permitted in this District.

I. **ZONING 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 Zoning 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

ZONING DISTRICT 6 - URBAN/DISTRICT CENTERS
Table of Dimensional and Density Requirements

| Uses Permitted | Maximum Units/Acre | Area | Minimum Lot Size | | Minimum Yard Setback (feet) | | | Max. Bldg. Height (feet) | Max. Lot Coverage (Percent) |
|--|--------------------|---------------|------------------|------------|-----------------------------|-----------|------|--------------------------|-----------------------------|
| | | | Width (ft) | Depth (ft) | Front | Each Side | Rear | | |
| Attached Dwellings (Townhouses) * | 16.0 | 8,000 sq.ft. | 70 | 80 | 10 | 10 | 35 | 60 | |
| Multiple-Family Dwellings | 32.0 | 1 Acre | 100 | 200 | 25 | 10 | 25 | 50 | |
| Boarding/Rooming Houses | 12 (rooms) | 8,000 sq.ft. | 70 | 80 | 25 | 10 | 25 | 60 | |
| Residential Treatment Facility | 10 (rooms) | 0.5 Acre | 100 | 100 | 25 | 25 | 35 | 50 | |
| Bed & Breakfast Inns/Guesthouses | 12 (rooms) | 8,000 sq.ft. | 70 | 80 | 25 | 10 | 25 | 60 | |
| Hotels/Apartment Hotels | 50 (rooms) | 1 Acre | 100 | 200 | 25 | 15 | 30 | 75 | |
| Houses of Worship | - | 20,000 sq.ft. | 100 | 125 | 25 | 25 | 25 | 35 | |
| Retail Trade Establishments ** | - | 2,500 sq.ft. | 20 | 75 | 0 | 0 | 15 | 90 | |
| Personal Service Establishments ** | - | 2,500 sq.ft. | 20 | 75 | 0 | 0 | 15 | 90 | |
| Business or Professional Service Est. ** | - | 2,500 sq.ft. | 20 | 75 | 0 | 0 | 15 | 90 | |
| Health Care Facilities | - | 2,500 sq.ft. | 20 | 75 | 0 | 0 | 15 | 90 | |
| Post Offices | - | 1 Acre | 150 | 200 | 0 | 15 | 40 | 25 | |
| Court Houses/Government Offices | - | 20,000 sq.ft. | 75 | 125 | 0 | 15 | 25 | 50 | |
| Office Buildings | - | 20,000 sq.ft. | 75 | 125 | 0 | 15 | 25 | 75 | |
| Public Safety (Police/Fire) Substations | - | 1 Acre | 125 | 225 | 25 | 25 | 50 | 40 | |
| Libraries | - | 20,000 sq.ft. | 100 | 150 | 25 | 25 | 50 | 30 | |
| Night Clubs | - | 5,000 sq.ft. | 40 | 80 | 0 | 0 | 20 | 75 | |
| Health Clubs | - | 5,000 sq.ft. | 40 | 80 | 0 | 0 | 20 | 75 | |
| Recreation Facilities | - | 5,000 sq.ft. | 40 | 80 | 10 | 10 | 15 | 30 | |
| Consulates | - | 5,000 sq.ft. | 40 | 80 | 0 | 0 | 15 | 90 | |
| Convention Centers | - | 2 Acres | 200 | 300 | 0 | 0 | 15 | 90 | |
| Theaters | - | 1 Acre | 100 | 200 | 0 | 0 | 15 | 90 | |
| Museums/Art Galleries | - | 0.5 Acre | 100 | 100 | 0 | 0 | 15 | 90 | |
| Electric Substations | - | 8,000 sq.ft. | 70 | 80 | 25 | 15 | 25 | 40 | |
| Mass Transit Terminal | - | 2 Acres | 200 | 200 | 50 | 25 | 25 | 20 | |
| Parking Structures | - | 5,000 sq.ft. | 40 | 80 | 5 | 0 | 0 | 100 | |

- * The lot area, width, and depth requirements, as well as the front, side, and rear yard setbacks for attached housing are not intended to be applied to individual dwelling units. Rather, they are meant to be used to establish the minimum dimensional and density requirements for an attached housing development. For example, if a townhouse development is proposed to be built on a ten thousand (10,000) square foot lot, four (4) units can be built. Each unit would not be required to have any side yard adjacent to another proposed townhouse unit. The side yard dimensional requirement of ten (10) feet indicated in the above shall apply to the perimeter of the entire property proposed for townhouse.
- ** Maximum lot size shall be no more than one-half (0.5) acre for individual Retail Trade, Business Service and Personal Service Establishments in this District. Additionally, no automobile-related retail trade facility (new or used car dealership, service station, gasoline station, car wash, etc.), nor any drive-in establishment shall be permitted in this District, nor shall any adult entertainment facility be permitted.
- *** A minimum setback of five (5) feet from the edge of any pier, wharf, or bulkhead shall be required for any structure. The setback area may be utilized for activities related to the marina, but shall not be used for off-street parking. The edge of any pier, wharf, or bulkhead shall include any attached apron(s).

J. ZONING 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 Zoning 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

ZONING DISTRICT 7 - HOTEL/RESORT DEVELOPMENT
Table of Dimensional and Density Requirements

| Uses Permitted | Maximum Units/Acre | Minimum Lot Size | | | Minimum Yard Setback (feet) | | | Max. Bldg. Height (feet) | Max. Lot Coverage (Percent) |
|--|-----------------------|------------------|------------|------------|-----------------------------|-----------|---------------|-----------------------------------|-----------------------------------|
| | | Area | Width (ft) | Depth (ft) | Front | Each Side | Rear ***** | | |
| Attached Dwellings (Townhouses) * | 16.0 | 2 Acres | 200 | 200 | 15 | 15 | 35 | 35 | 40 |
| Multiple-Family Dwellings | 32.0 | 2 Acres | 200 | 200 | 25 | 25 | 35 | *** | 35 |
| Bed & Breakfast Inns/Guesthouses | 12 (rooms) | 1 Acre | 125 | 225 | 25 | 15 | 25 | 35 | 35 |
| Hotels/Apartment Hotels | 50 (rooms) | 2 Acres | 200 | 300 | 25 | 25 | 25 | *** | 35 |
| Houses of Worship | - | 1 Acre | 125 | 225 | 25 | 20 | 25 | 35 | 25 |
| Retail Trade Establishments ** | - | 20,000 sq.ft. | 100 | 150 | 25 | 25 | 25 | 35 | 35 |
| Personal Service Establishments | - | 20,000 sq.ft. | 100 | 150 | 25 | 25 | 25 | 35 | 35 |
| Business or Professional Service Establishments | - | 20,000 sq.ft. | 100 | 150 | 25 | 25 | 25 | 35 | 35 |
| Shopping Centers | - | 2 Acres | 200 | 200 | 50 | 30 | 60 | 35 | 25 |
| Automobile Rental Agencies | - | 20,000 sq.ft. | 100 | 150 | 25 | 25 | 25 | 35 | 20 |
| Night Clubs | - | 20,000 sq.ft. | 100 | 150 | 25 | 20 | 25 | 35 | 30 |
| Public Safety (Police/Fire) Substations | - | 20,000 sq.ft. | 100 | 150 | 25 | 20 | 30 | 35 | 40 |
| Sewage Lift Stations/Water Pump Stations | - | 20,000 sq.ft. | 100 | 150 | 25 | 30 | 25 | 20 | 25 |
| Electric Substations | - | 20,000 sq.ft. | 100 | 150 | 25 | 30 | 25 | 35 | 25 |
| Recreational Facilities | - | 10,000 sq.ft. | 80 | 100 | 15 | 10 | 15 | 35 | 25 |
| Horseback Riding Facilities | - | 2 Acres | 200 | 300 | 25 | 50 | 50 | 35 | 10 |
| Amusement Parks | - | 1 Acre | 125 | 225 | 25 | 25 | 35 | 35 | 25 |
| Museums/Art Galleries/Theaters/Performing Arts Centers | - | 20,000 sq.ft. | 100 | 100 | 25 | 30 | 25 | 60 | 25 |
| Convention Centers | - | 2 Acres | 200 | 300 | 25 | 25 | 50 | 60 | 25 |
| Marinas | - | 1 Acre | 150 | 225 | 50 | 20 | 0**** | 35 | 20 |
| Parking Structures | - | 20,000 sq.ft. | 100 | 150 | 10 | 10 | 10 | 60 | 85 |

* The lot area, width, and depth requirements, as well as the front, side, and rear yard setbacks for attached housing are not intended to be applied to individual dwelling units. Rather, they are meant to be used to establish the minimum dimensional and density requirements for an attached housing development. For example, if a townhouse development is proposed to be built on a ten thousand (10,000) square foot lot, four (4) units can be built. Each unit would not be required to have any side yard adjacent to another proposed townhouse unit. The side yard dimensional requirement of ten (10) feet indicated in the above table shall apply to the perimeter of the entire property proposed for townhouse.

** No new or used car dealership shall be permitted in this District.

*** The maximum building height allowed for hotels/motels or multiple-family dwellings shall be related to the amount of side yard setback distance available on any given site proposed for such development within this District. An absolute minimum of twenty-five (25) feet of side yard setback shall be required for the first three (3) stories of any hotel/motel or multiple-family development. For each succeeding story over three (3) stories, an additional two (2) feet of side yard setback shall be required on each side. For example, if a new hotel is proposed for development within this District thirty (30) stories tall, twenty-five (25) feet of side yard shall be required for the first three (3) stories on each side. For the remaining twenty-seven (27) stories, an additional fifty-four (54) feet of side yard for each side must be provided (27 stories X 2 feet per story = 54 feet). Therefore, the total side yard requirement for a thirty (30) story hotel shall be 54 feet + 25 feet, or 79 feet of side yard setback on each side of the building.

**** A minimum setback of five (5) feet from the edge of any pier, wharf, or bulkhead shall be required for any structure.

***** A considerable portion of property within this Zoning District is bounded by the Pacific Ocean or Philippine Sea. For those properties that are so bounded, their rear yard setback shall be measured from the mean high water line.

K. ZONING 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. Uses allowed also include those allowed in the Airport and Commercial Port Master Plans.

2. Permitted Uses

a. Manufacturing/Quarrying

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 Zoning 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

**ZONING DISTRICT 8
INDUSTRIAL/PORT FACILITIES
Table of Dimensional and Density Requirements**

| Uses Permitted | Maximum Units/Acre | Minimum Lot Size | | | Minimum Yard Setback (feet) | | | Max. Bldg. Height (feet) | Max. Lot Coverage (Percent) |
|---|--------------------|------------------|--------------|--------------|-----------------------------|-----------|------|--------------------------|-----------------------------|
| | | Area | Width (feet) | Depth (feet) | Front | Each Side | Rear | | |
| Airports and Associated Uses | - | 50 Acres | 5,000 | 5,000 | 100 | 200 | 500 | 100 | 20 |
| Sea Port and Associated Uses | - | 20 Acres | 1,000 | 1,000 | 100 | 200 | 0* | 100 | 20 |
| Food Processing Facilities | - | 2 Acres | 200 | 200 | 50 | 25 | 25 | 50 | 35 |
| Other Manufacturing Operations | - | 1 Acre | 100 | 200 | 25 | 25 | 25 | 35 | 25 |
| Warehousing & Distribution Facilities | - | 1 Acre | 100 | 200 | 25 | 25 | 0* | 50 | 40 |
| Wholesale Operations | - | 1 Acre | 100 | 200 | 25 | 25 | 25 | 50 | 25 |
| Freight Distribution Facilities | - | 2 Acres | 200 | 200 | 50 | 25 | 25 | 50 | 30 |
| Auto Repair Shops <small>(minor, major, paint and body shops)</small> | - | 20,000 sq.ft. | 100 | 100 | 25 | 25 | 25 | 35 | 25 |
| Yacht Clubs/Marinas | - | 1 Acre | 100 | 100 | 25 | 25 | 0* | 35 | 25 |
| Recreational Facilities | - | 20,000 sq.ft. | 100 | 100 | 25 | 25 | 25 | 35 | 25 |
| Marine/Boat Repair Facilities | - | 1 Acre | 100 | 100 | 25 | 25 | 0* | 45 | 50 |
| Harbor & Marine Supplies & Service | - | 20,000 sq.ft. | 100 | 100 | 25 | 25 | 25 | 35 | 35 |
| Marine Industrial Fabricating Facilities | - | 2 Acres | 200 | 200 | 50 | 25 | 0* | 35 | 25 |
| Boat Repair Yards | - | 1 Acre | 100 | 200 | 25 | 25 | 0* | 35 | 35 |
| Boat Storage Facilities | - | 2 Acres | 200 | 200 | 25 | 25 | 0* | 50 | 50 |
| Seafood Processing/Packaging Facilities | - | 2 Acres | 200 | 200 | 50 | 25 | 0* | 50 | 35 |
| Marine Construction & Salvage Facilities | - | 2 Acres | 200 | 200 | 50 | 25 | 0* | 50 | 35 |
| Marine Pollution Control Facilities | - | 2 Acres | 200 | 200 | 50 | 25 | 0* | 35 | 35 |
| Sewage Treatment Plants | - | 2 Acres | 200 | 200 | 50 | 25 | 0* | 35 | 35 |
| Quarrying and Associated Extractive/Processing Activities | - | 5 Acres | 300 | 500 | 100 | 25 | 100 | 35 | 5 |
| Solid Waste Disposal/Recycling Centers/Incinerators* ** | - | 20 Acres | 1,000 | 1,000 | 100 | 200 | 500 | 50 | 5 |
| Junk Yards* ** | - | 1 Acre | 100 | 200 | 40 | 20 | 20 | 35 | 60 |
| Bus & Mass Transit Storage and Maintenance Fac. | - | 2 Acres | 200 | 200 | 50 | 25 | 25 | 50 | 20 |
| Automobile Sales & Service Establishments | - | 0.5 Acre | 100 | 150 | 25 | 20 | 25 | 35 | 25 |
| Automobile Service Stations | - | 0.5 Acre | 100 | 150 | 25 | 20 | 25 | 35 | 25 |
| Automobile Rental Agencies | - | 0.5 Acre | 100 | 150 | 25 | 25 | 25 | 35 | 20 |
| Electrical Generating Plants | - | 25 Acres | 500 | 500 | 100 | 100 | 100 | 100 | 50 |

* A minimum setback of five (5) feet from the edge of any pier, wharf, or bulkhead shall be required for any structure. The setback area may be utilized for activities related to the permitted uses, but shall not be used for off-street parking. The edge of any pier, wharf, or bulkhead shall include any attached apron(s).

** Solid Waste Disposal/Recycling Centers and Junk Yards in this district shall be enclosed entirely by an opaque fence not less than eight feet in height. The enclosure (fence) shall meet the setback requirements as outlined in the table above.

CHAPTER VIII. ADMINISTRATION

A. Zoning Official, Department of Land Management

1. The Director of the Department of Land Management shall designate an officer within his department to act as the Zoning Official for the Territory to enforce and administer this Zoning Code.
2. Regulations: The Zoning Official shall, in the manner required by law and after public hearings, adopt such rules and regulations pertaining to the issuance of permits as it deems necessary. The Zoning Official may thereafter, in the manner required by law, and from time to time, after public hearings, modify or adopt additional rules and regulations as deemed necessary to carry out the provisions of this Zoning Code; provided any such rules and regulations issued by the Zoning Official pursuant to this Zoning Code may be amended or repealed by the Legislature in accordance with the appropriate provisions of the Territory of Guam Code. Such regulations shall include but are not limited to the following:
 - (1) The payment of reasonable application, processing, permit and other fees necessary for the proper administration of the permitting process;
 - (2) Establishment of the standards in accordance with the Territorial Seashore Protection Act for development to be conducted completely or substantially seaward of the line of mean high water, including but not limited to swimming or navigation buoys, moorings for vessels, anchored rafts for swimmers, or channel marker buoys;
 - (3) Standards, in addition to those set out in this Zoning Code, for determining whether a project requires a major or super-major project permit;
 - (4) Modification and revocation of permits;
3. The Zoning Official may adopt from time to time processing documents and standard forms for administration of this Zoning Code, including, but not limited to, the performance standards design standards, design criteria, check-lists, development review manual, application forms, permits, and notices.

B. Continuation of Territorial Land Use Commission/Territorial Seashore Protection Commission and Municipal Planning Councils

1. Territorial Land Use Commission/Territorial Seashore Protection Commission
 - a. There is hereby continued a Territorial Land Use Commission/Territorial Seashore Protection Commission comprised of seven (7) members appointed

by the Governor with the advice and consent of the Legislature. No youth member shall be appointed because of the fiduciary responsibilities of the Commission.

- b. The professional composition of the Commission shall include one member each from the following disciplines:
 - (1) Farming, ranching, or fishing;
 - (2) Social sciences (sociology, geography, political science, anthropology, education, health, etc.);
 - (3) Physical or natural sciences (geology, ecology, resource management, etc.);
 - (4) Business community (including engineers or architects);
 - (5) Guam's history or culture; and
 - (6) two (2) members of the general public.

- c. Members of the Commission shall serve a term of four (4) years and may be reappointed for only one (1) second four (4) year term. Upon the conclusion of the term of any member of the Commission, such person may continue to serve for up to six (6) months, until a new member has been confirmed. Any person appointed by the Governor as an acting member of the Commission may serve until the Legislature acts on his or her appointment. Every member of the Commission shall be reimbursed for necessary travel, subsistence, and other expenses actually incurred in the discharge of his or her duties as a member of the Commission. Members of the Commission may be removed by the Governor only for cause (criminal conviction, serious conflict of interest, etc.).

- d. No member shall sit on the Commission or vote when the Commission discusses an application that the Commission member or the Commission member's immediate family, business partner, employer, employee, lessor, lessee, corporate officer, consultant, or an individual or corporation that has a financial relationship with, has ownership, an interest, or has business transactions currently or has had during the previous one (1) year. Such a conflict of interest will administratively render the application as being withdrawn and the applicant shall be required to resubmit a new application.

- e. Additionally, no member of the TLUC may be an employee of the Government of Guam's Department of Parks and Recreation, Commerce, Agriculture, Land Management, Public Works, Fire Department, or the Guam Environmental Protection Agency, Bureau of Planning, Public Utility Agency of Guam, Guam Power Authority, or the Guam Airport Authority.

- f. Members of the Commission, on the effective date of this chapter, shall continue to serve until the expiration of their respective terms.

2. The Commission shall prepare and submit to the Legislature for adoption any additional plans and undertake any plans and studies it deems necessary and appropriate to better accomplish the objectives, intent, purpose, scope, goals, and policies of this Zoning Code.

a. **Specific Powers of the Territorial Land Use Commission to Grant Variances**
The Territorial Land Use Commission may grant variances from the following dimensions and regulations: Minimum lot area, minimum lot width, minimum lot depth, minimum front, side, and rear yard setbacks, maximum building height, maximum lot coverage, Residential Performance Standards, Nonresidential Performance Standards, Off-Street Parking and Loading Standards, Sign Standards, and Supplemental Regulations, when by reason of exceptional narrowness, shallowness, shape, or substandard size of specific parcels of property, or by reason of exceptional topographic conditions or other extraordinary situations or conditions of specific parcels of property, the strict application of this Zoning Code or amendment thereto would result in a practical difficulty or unnecessary hardship upon the owner of said property, provided:

- (1) That such variance can be granted without substantial impairment of the intent, purpose, and integrity of this Section and of the Comprehensive Land Use Plan of Guam;
- (2) That this variance shall not permit a use of land not authorized within the Zoning District, as established by this Zoning Code, or an increase in the volume of a building or structure, or an increase in the density of development beyond that permitted in the Zoning District.
- (3) That there must be a finding by the Commission that all of the following conditions exist:
 - (a) That, if the owner or lessor complied with the provisions of this Zoning Code, he or she would not be able to make any reasonable use of his or her property;
 - (b) That the difficulties or hardship are peculiar to the property in question in contrast with those of other properties in the same district;
 - (c) That the hardship was not the result of the applicant's own action (applicant's own action shall not include the purchase of the property); and
 - (d) That the hardship is not merely financial or pecuniary.

(4) The TLUC shall, in addition to the duties and responsibilities enumerated above, continue to function as the Territorial Seashore Protection Commission and have all of duties and responsibilities enumerated in the Guam Territorial Seashore Protection Act of 1974.

b. **Specific Powers of the Territorial Land Use Commission to Act on Appeals of Any Decision By the Zoning Official**

The TLUC shall have the power to act on an appeal by any aggrieved person on a decision that is rendered by the Zoning Official, pursuant to this Zoning Code. Any such appeal shall be made within forty-five (45) working days of the decision and shall be governed solely by the provisions of this section.

c. **Specific Powers of the Territorial Land Use Commission to Grant Zoning Amendments**

The TLUC shall have the power to grant changes to the zoning district maps, or boundaries, as outlined under Chapter IX. AMENDMENTS.

3. **Municipal Planning Councils**

a. There are hereby continued Municipal Planning Councils pursuant to 1 GCA, Chapter 4, Section 403.

b. The purpose of these Municipal Planning Councils is to provide a mechanism through which local concerns, input, and response can be received on projects requiring major and super-major permits as defined in this Section, in the villages where such activities are proposed. It is intended that the Municipal Planning Councils shall conduct the public hearings for projects requiring major and super-major permits, establish the agenda and format for such hearings, record the proceedings of these hearings, and submit the minutes and their recommendations to the Zoning Official as hereinafter described.

C. **Development Permit Requirements**

1. **Super-Major, Major and Minor Permits, When Required.**

a. On or after the effective date of this Zoning Code; any person wishing to undertake a development, except as provided in Subsection 3. of this Subsection, shall obtain a development permit, in addition to obtaining any other permit required by law, prior to performing or undertaking any such development project.

b. Major and super-major development permits shall be issued by the Zoning Official, only after the Zoning Official has notified the Building Official, in writing, that all requirements of the Zoning Code have been met for all approved applications for major development projects in accordance with the

Major or Super-Major Project Review Requirements in Subsection 4. of this Section.

- c. Minor development permits shall be issued by the Zoning Official, only after the Zoning Official has notified the Building Official, in writing, that all requirements of the Zoning Code have been met for all approved applications for minor development projects in accordance with this Section.
- d. No person shall develop or occupy the Public Trust lands or other submerged or filled lands of the Territory of Guam without securing a super-major project permit and a lease from the Department of Land Management that includes, in addition to the elements of such a permit, a permit or lease for the development or occupancy of the Public Trust lands, or other submerged or filled lands. The provisions of this Subsection shall be in addition to all other requirements of the Territorial Seashore Protection Commission, as well as this Zoning Code, and shall apply to all applications for, and issuance of, permits for development or occupancy of the Public Trust lands or other submerged or filled lands, and from modifications or renewals of permits or leases for such development or occupancy issued prior to the effective date of this Zoning Code.
- e. A land development project shall be deemed to be a major project and subject to any of the requirements (the requirements are to be considered singularly, not cumulatively) of Subsection B.4 of this Section if it exceeds any of the following criteria of Table 1.
- f. The following uses or activities shall also be subject to all major permit requirements, if they:
 - (1) cause the demolition without replacement of more than ten (10) units of affordable housing as defined by this Zoning Code;
 - (2) involve the addition of fifty (50) or more units of transient housing;
 - (3) involve the proposed development of a parcel exceeding five (5) acres where the average gradient of the parcel exceeds twenty-five (25) percent; and
 - (4) involve the proposed development of a parcel exceeding ten (10) acres and for which there exists no public potable water and sewer facilities.
 - (5) involve the proposed development of any parcel in "Zoning District 1: Parks" which the Department of Parks and Recreation deems to be a major development.

**Table 1
Major Permit Threshold Table**

| <i>Zoning District</i> | <i>Acreege</i> | <i>Non-Residential Floor Area</i> | <i>Dwelling Units</i> | <i>Subdivision of Lots</i> |
|------------------------|----------------|-----------------------------------|-----------------------|----------------------------|
| 1 | * | * | * | * |
| 2 | 10 Acres | 10,000 S.F. | 20 | 20 |
| 2M | 10 Acres | 10,000 S.F. | 20 | 20 |
| 3 | 10 Acres | 25,000 S.F. | 50 | 50 |
| 3S | 10 Acres | 25,000 S.F. | 50 | 50 |
| 4 | N/A | 60,000 S.F.** | 70** | N/A |
| 5 | N/A | 10,000 S.F. | 30 | N/A |
| 5H | N/A | 10,000 S.F. | 30 | N/A |
| 6 | N/A | 20,000 S.F. | 60 | N/A |
| 7 | 2 Acres | 20,000 S.F. | 32 | N/A |
| 8 | *** | *** | N/A | *** |

Note: N/A = Not Applicable.

* Any proposed development in "Zoning District 1: Parks" which the Department of Parks and Recreation deems to be a major development.

** Any application for Construction Workers (Barracks) Housing shall be automatically deemed to be a major project, regardless of the number of units.

*** Heavy manufacturing uses in Zoning District 8 shall be subject to major project review, no matter their proposed size.

- g. The following types of development to be conducted completely or substantially seaward of the line of mean high water shall be subject to the minor permit application process: swimming or navigation buoys, anchored swimmers' rafts or channel markers, and moorings for buoys. All other development proposed to be conducted completely or substantially seaward of the line of mean high water shall be subject to the major or super-major permit process. All proposed development to which this paragraph applies must be reviewed and approved by the Territorial Seashore Protection Commission and in certain cases, will also require U.S. Army Corps of Engineers and federal consistency review.
- h. Activities that, under other laws, codes and regulations of the Territory or the federal government require an Environmental Impact Statement shall be deemed a major or super-major project for permit processing purposes.
- i. A land project shall be deemed to be a super-major project and subject to any of the requirements (the requirements are to be considered singularly, not cumulatively) of Subsection B.4. of this Section if it exceeds any of the following criteria of Table 2.

**Table 2
Super-Major Threshold Table**

| Zoning District | Acreage | Non-Residential Floor Area | Dwelling Units | Subdivision of Lots |
|-----------------|-----------|----------------------------|----------------|---------------------|
| 1 | * | * | * | * |
| 2 | 100 Acres | 100,000 S.F. | 500 | 500 |
| 2M | 100 Acres | 100,000 S.F. | 500 | 500 |
| 3 | 100 Acres | 250,000 S.F. | 800 | 800 |
| 3S | 100 Acres | 250,000 S.F. | 800 | 800 |
| 4 | N/A | 250,000 S.F. | 800 | 800 |
| 5 | N/A | 100,000 S.F. | 200 | N/A |
| 5H | N/A | 100,000 S.F. | 200 | N/A |
| 6 | N/A | 100,000 S.F. | 200 | N/A |
| 7 | 25 Acres | 250,000 S.F. | 300 | N/A |
| 8 | ** | ** | N/A | ** |

Note: N/A = Not Applicable

- * Any proposed development in "Zoning District 1: Parks" which will, in the opinion of the Guam Environmental Protection Agency, cause disturbance to any sensitive ecosystem.
- ** Quarrying/mining, solid waste disposal facilities and sewage treatment plants are the uses in Zoning District 8 that shall be subject to a super-major project review, no matter their proposed size.

j. The following uses or activities shall also be subject to super-major permit requirements, no matter their size or what Zoning District in which they are proposed to be developed:

- (1) Golf courses, whether they are part of a Planned Unit Development or to be built as a free-standing facility.
- (2) Any development that would, in the opinion of the Guam Environmental Protection Agency, cause disturbance to any sensitive ecosystem.

2. Permits, Terms and Conditions

- a. Any development permit that is issued shall be subject to the terms and conditions imposed by the Zoning Official to ensure that such development will be in accordance with the provisions of this Zoning Code.
- b. Reapplication: If an application for a permit is denied by the Zoning Official or in the case of an applicant's appeal, the applicant may not submit another application for development of the same property sooner than one hundred-twenty (120) calendar days after the date of such denial.
- c. Permit Commencement and Expiration: Any development approved pursuant to this Zoning Code shall be commenced, performed, and completed in compliance with the provisions of the permits for such development stipulated by the Zoning Official. Any development, approved by a permit, shall be commenced within thirty-six (36) months from the date such permit is issued. Failure to complete substantial development within

such period shall cause the permit to lapse and render it null and void. No extensions shall be granted. For purposes of this Section, a permit shall be considered issued on the date it is signed by the Zoning Official.

- d. Evidence of Ownership or Legal Interest: Upon filing an application, the applicant shall be required to show evidence in writing of his or her legal interest in and the right to perform development upon all property on which work would be performed if the application is approved, including submission of all relevant legal documents. Where the applicant is not the owner of the property, the owner must co-sign the application before it will be accepted for filing. The applicant shall have the burden of demonstrating to the satisfaction of the Zoning Official the current validity of the legal interest upon which he or she bases any part of the application before such application can be deemed to be complete.

3. When Permit Is Not Required or May Be Waived

- a. Notwithstanding any provision in this Zoning Code to the contrary, no minor development permit shall be required pursuant to this Zoning Code for activities related to the repair or maintenance of an object or facility, where such activities shall not result in an addition to or enlargement or expansion of such object or facility. However, this does not preclude the requirement for a building permit for such activity.
- b. Where immediate action by a person is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster (such as a typhoon) or serious accident, or in other cases of emergency, the requirement of obtaining a development permit prior to initiating such action under this Section may be waived by the Zoning Official. The applicant shall notify the Zoning Official in writing, of the type and location of the work, the length of time necessary to complete the work, and the name of the person or public agency conducting the work. This shall be done within thirty (30) days following the disaster, accident, or other emergency. However, this shall not preclude the requirement for building permits for such activity.

4. Major and Super-Major Project Procedures

- a. Permit Required: Any person wishing to undertake a major or super-major project as defined in the Table found in Subsections B.1.e. and B.1.i. of this Section, shall obtain a major or super-major project permit, in addition to obtaining any other permit required by law from any public agency prior to performing or undertaking any development, in accordance with the procedures of this Section:

- (1) Prior to the submission of any application for a major or super-major project permit, the applicant shall attend preapplication meeting(s) scheduled by the Department of Land Management and shall include, as determined to be appropriate by the Zoning Official, all other relevant government agencies. The purpose of this meeting shall be to afford the applicant an opportunity to discuss the proposed development's conceptual plans with the Zoning Official and the other relevant agencies and receive guidance with regard to required submittals, including an Environmental Impact Statement if required (See section B.4.f. of this chapter entitled Environmental Impact Assessment or Environmental Impact Statement).
- (2) Upon submission of any application for a major or super-major project permit, including an applicants preliminary development plans and an EIS, if applicable, the Zoning Official will determine whether such application is complete. If the Zoning Official determines that such application is not complete, he shall promptly, in no event more than ten (10) working days after receipt of the application, notify the applicant in writing of the deficiencies in such application. The applicant must address the deficiencies prior to resubmittal of an application (The *Performance Standards Checklist Manual* contains a complete list of all data and information that must be submitted for a major or super-major permit application).
- (3) Upon determination that an application for a major or super-major permit is complete, a meeting shall be set within ten (10) working days of said determination between the applicant, the Zoning Official and all of the relevant agencies involved in the review process for such application. The purpose of the meeting shall be for the applicant to answer any questions that any agency may have with regard to the request for the development permit, as well as to discuss any other issues dealing with the development application.
- (4) Upon determination by the Zoning Official that an application for a major or super-major project permit is complete, the Zoning Official shall promptly transmit (within twenty-four [24] hours of such determination) a copy thereof to all relevant public agencies including, but not necessarily limited to the Guam Environmental Protection Agency, Bureau of Planning, Parks and Recreation Department, the Department of Commerce, the Public Utility Agency of Guam, Guam Power Authority, the Department of Education, Department of Agriculture, the Division of Aquatic and Wildlife Resources, Department of Public Works, the Guam Airport Authority, and any other department deemed appropriate by the Zoning Official for review and comment. Such agencies shall review and submit their comments on the application to the Zoning Official within ninety (90) working

- days of the receipt thereof for a major project and one hundred and fifty (150) working days for a super-major project.
- (5) If, at any time during the first forty-five (45) working days following the official receipt of an application for a major or super-major permit, any designated review agency listed above finds that it needs additional time beyond these ninety (90) working days, or additional information is necessary to perform a proper review, it may be granted a one (1) time only extension of up to sixty (60) working days, provided that such agency submits its request to the Zoning Official and the applicant in writing, stating the specific reason(s) for such request.
 - (6) In determining whether or not an extension request may be granted, the Zoning Official shall examine said request with regard to the Performance Standards to which it pertains. If the request will aid the agency to complete its review of the proposed development within the framework of the Performance Standards.
 - (7) At the time that the Zoning Official grants the extension, it shall notify the applicant and all other Government of Guam agencies that said extension has been granted. Only one (1) extension shall be granted on any project review; it shall not be interpreted that there may be one (1) extension per project per agency.
 - (8) The Department of Land Management shall schedule a public hearing to be conducted by the appropriate Municipal Planning Council on such application, said hearing to be commenced within twenty (20) working days of the receipt of such completed application. At the time that this public hearing is advertised, the EIA or EIS shall be available for public inspection at the Department of Land Management office and the appropriate village mayor's office.
 - (9) The Department of Land Management shall prepare a staff review, based on the information provided by the applicant and such additional investigation as the Zoning Official deems necessary, apprising the appropriate Municipal Planning Council and the Guam Environmental Protection Agency of the general intent of the proposed development, including the type of project that is contemplated (i.e., residential, commercial, resort, planned unit development, etc.), the location of the project, its size (i.e., number of dwelling units, height of structures, square feet of non-residential space, etc.), and any other information deemed to be relevant. In preparing this review the Department of Land Management shall take into consideration the cumulative impacts of the proposed development and related projects. This staff review shall be completed and be available for review no later than the date of the second public hearing before the appropriate Municipal Planning Council. This second public hearing shall be held not more than thirty (30) working days prior to the date that the

-
- Zoning Official must render final decision on the application for development.
- (10) The Zoning Official may request, at any time through out the development review process, that the applicant provide such additional information as is necessary to meet the requirements in the Zoning Code or Performance Standards. If additional information is required, the time limitations for review of an application for a major or super-major permit shall stop as of the date of the letter requesting the additional information and shall not resume until the requested additional information has been received.
 - (11) Whenever the review process on a proposed major or super-major project has stopped because of a request for additional information, the applicant shall have up to one-hundred eighty (180) calendar days to supply the information. If said information is not supplied within this time, the application for development of the project shall be deemed to be null and void. Any further consideration of such a project shall require a new submittal of an application for development.
 - (12) The appropriate Municipal Planning Council shall submit its findings and recommendations for a major or super-major project permit application within ten (10) working days after the conclusion of the first public hearing required by this Subsection to the Zoning Official, or, in the event that a variance is required to be in conformance with this Code, the Territorial Land Use Commission.

If no variance is required, a final review shall be performed by the Zoning Official. This final review shall take into account the testimony that was presented at the public hearing before the Municipal Planning Council. It shall also consider the written reviews provided by all other designated governmental agencies. All of these written reviews shall be retained in the files of the Department of Land Management on the particular project in question. Such review shall be completed within sixty (60) working days of the Municipal Planning Council's first public hearing for a major project and one-hundred and twenty (120) working days for a super-major project.

- (13) Any decision to approve or deny a major or super-major project permit by the Zoning Official shall become final after the forty-fifth (45th) working day following a decision, unless an appeal by any aggrieved party or any government agency is filed within such time. If such an appeal is filed, the operation and effect of the Zoning Official's action shall be stayed pending a decision on appeal.

-
- (14) Failure of the Zoning Official to act within such time limits shall constitute an action taken and shall be deemed an approval of such application. If the Zoning Official fails to make a decision to approve or disapprove an application for a major or super major permit within the mandated time allotted and there is, therefore, a default to approval on the application, The Department of Land Management shall inform the applicant, in writing, within five (5) working days of the date on which a decision had to be rendered, that the application is approved as submitted, and the applicant may apply for a building permit at any time. A copy of the decision of The Zoning Official on an application for a major or super major development permit shall be transmitted in writing to the applicant and to any person who has requested a copy thereof.
- (15) If an application for a permit is denied by the Zoning Official, the applicant may submit another application for a permit no sooner than one hundred and twenty (120) working days after the date of such denial. However, such new application may not be submitted in the same form as the one that was denied. The burden to show that any new application is substantially different than the one that was denied shall lie with the applicant.
- b. The applicant has the burden of proof to demonstrate compliance with these requirements. Any application that does not comply with all of the requirements shall be denied.
- c. Transfer or Assignment of Permits: Development Permits may be transferred or assigned by the Zoning Official, provided that such action is in compliance with other sections of this Zoning Code.
- d. Transporting of Sand or Other Aggregate
Every transporter of sand, gravel, coral, aggregate, minerals or other natural products of the sea, excepting fish and wildlife, from the trust lands or other submerged or filled lands, shall display a major project permit and a lease as proof of authorization for such transport. The contents of such permit or lease and the manner of its display shall be prescribed by the Guam Environmental Protection Agency by regulation. To enforce this requirement, the Guam Environmental Protection Agency or the Division of Aquatic and Wildlife Resources or their duly authorized representative or any Police Officer shall have the right to stop any motor vehicle transporting sand, gravel, coral, aggregate, minerals or other natural products of the sea, on the public roads and highways of the Territory of Guam for the purpose of ascertaining whether the material being transported has been taken from the trust lands or other submerged or filled lands and whether a major or super-major project permit and a lease has been issued authorizing its removal pursuant to this Zoning Code.