



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.

EXECUTIVE ORDER NO. 2002-19

RELATIVE TO ANCESTRAL LAND USE AND
ADMINISTRATION.

WHEREAS, U.S. Public Law 103-339 entitled "An Act to Provide for the Transfer of Excess Lands to the Government of Guam", and U.S. Public Law 101-510 entitled "Defense Base Closure and Realignment Act of 1990" have identified more than six thousand acres of Federal Excess land for conveyance as surplus property on Guam; and

WHEREAS, Guam Ancestral Land Law, including but not limited to Guam Public Law Nos. 22-145, 23-141, 25-45, 25-178, 26-36, and 26-100 collectively express the policy of the government of Guam that excess public lands, surplus by either federal or territorial owners, must be conveyed to the Guam Ancestral Lands Commission (GALC) for return to those who were the owners of such "ancestral lands" at the time of their taking for public use; and

WHEREAS, as of this date, substantial excess land area has been surplus and conveyed to GALC which is now conveying its ownership in these lands to their original owners or heirs as required by Guam Ancestral Land Law; and

WHEREAS, the recipients of the excess lands are obligated to use these lands to promote economic development and public benefit land use, and to achieve the highest and best public benefit use of their land, but cannot meet this obligation when the returned land lacks viable access, utilities, and zoning ordinances; and

WHEREAS, notwithstanding other Guam law providing for land use control by means of zoning and land use planning and the existence of pertinent land use plans which provide useful information and processes for determination of ancestral land use and the effective enforcement and management of land use consistent with these plans, there remains numerous problems which will impede ancestral land owners meeting their deed-hold and master plan obligations to use these lands to promote economic development and generally achieve the required highest and best use of their lands; and

WHEREAS, many of the properties being returned lack viable access, with some parcels being landlocked; and

WHEREAS, recorded lot boundaries bisect existing paved roads that are presently used for access to adjacent properties; and

WHEREAS, recorded lot boundaries bisect existing houses and other structures; and

WHEREAS, the majority of the properties being returned lack utilities including water, power, sewer, and telephone services; and



WHEREAS, there are no statutory provisions, rules, or regulations for solid waste management within ancestral land; and

WHEREAS, the returned properties are not presently zoned and lack of zoning could lead to chaotic development; and

WHEREAS, the need exists for land planning and zoning in order to prevent chaotic development; and

WHEREAS, some of the parcels have recorded land areas, but were not surveyed prior to, nor during, condemnation, and therefore do not have precisely established boundaries; and

WHEREAS, the land returns follow a docket procedure and the return of adjacent and abutting properties will be non-sequential, possible years apart, therefore, it is essential that the lack of viable access be addressed as soon as possible, preferably, although not required, prior to the land return; and

WHEREAS, Public Law No. 25-45 creates the Guam Ancestral Lands Commission and authorizes the Commission to administer the provisions of this law "in order that original landowners, their heirs and their descendants may expeditiously exercise all their fundamental civil rights in the property they own", and these duties are reiterated in Public Law No. 25-178; and

WHEREAS, Public Law No. 25-45 stipulates "The Commission shall promulgate rules and regulations to administer the Commission's functions in a fair, just, economical and expedient way"; and

WHEREAS, Public Law No. 25-178 appoints the Guam Ancestral Lands Commission as the "Facilitator", with the explicate duty, not only to facilitate the return of lands to the original landowners, their heirs and their descendants, but also to facilitate the ancestral landowners accomplishing their ancestral land rights as well as meeting their deed-hold and master plan obligations to use these lands to promote economic development and generally achieve the required highest and best use of their lands; and

WHEREAS, due to decreased budgets and reduced staff, the Guam Ancestral Land Commission is unable to adequately address the issues of viable access, lack of utilities, lack of land use plans, and lack of zoning ordinances "in order that original landowners, their heirs, and their descendants may expeditiously exercise all their fundamental civil rights in the property they own"; and

WHEREAS, due to a lack of resources, the GALC is unable to address the lack of viable access, lack of utilities and lack of land planning and zoning, a cooperative effort among neighboring land claimants as a body, and cooperation between that body and the government of Guam is essential to the resolution of these problems in order that the claimants can meet their obligation of developing the returned lands to their highest and best use, and to do so, the GALC must offer the claimants latitude in resolving these issues; and

WHEREAS, the purpose of Public Law No. 14-76, entitled "Improvement District Law", is to "provide a method of cooperation among landowners and the government of Guam. . ." as a means of resolving problems and issues which are associated with land such as access to land, lack of utilities, establishing boundaries where properties are condemned without surveys, and therefore sets a precedent for



neighboring landowners to resolve problems and issues associated with the return of lands to the original landowners or heirs as a cooperative effort between claimants and the government of Guam, rather than depending solely on the government of Guam to initiate solutions to these problems and issues; and

WHEREAS, Public Law No. 25-45 stipulates: "Nothing in this Act shall be interpreted to eliminate in whole or in part any remedy or procedure which may be utilized to further the just claim of any party to land";

NOW, THEREFORE, I, CARL T.C. GUTIERREZ, I Maga'Lahen Guåhan, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, and for the purpose of administering Guam Public Law Nos. 25-45, 25-178, and 26-36, do order:

1. **Definition of "land claim"**. The term "land claim" shall mean any valid claim to an ancestral property right lodged with the Guam Ancestral Lands Commission (GALC), including, but not limited to, a claim to determine title to an ancestral land lot, a claim to secure access to an ancestral land lot, a claim to secure utility services to an ancestral land lot, and a claim to secure measurable boundary lines, land use control, and land use rights without which harm done to claimants of ancestral lands would not be remedied as required by law.
2. **Authorization of GALC to issue interim licenses**. In order that original landowners, their heirs and their descendants may expeditiously exercise all of their fundamental civil rights in the property that they own, the GALC is hereby authorized and ordered to grant and administer interim licenses as may be required to enable the claimant to prepare for probate of property and resolution of any access, utility, or boundary problems impeding or inhibiting improvements of the land and ultimately required for achieving the highest and best use of the land. The attached license template labeled Attachment 1 shall be used for this purpose and is hereby incorporated by reference. Likewise incorporated herein and attached as Attachment 2 are authorized specifications for allowable land uses defined as Intensity Districts 5, 6, and 7 as first set forth in "I-Tano'-Ta", The Land Use Plan for Guam, dated November, 1994.
3. **Encouragement of the creation of Improvement Districts**. The provisions of Public Law No. 14-76, as amended, apply to the Federal Excess Lands to be returned to the original landowners or heirs and the land claimants are encouraged to create Improvement Districts. In the spirit of §69102 of Title 21 of the Guam Code Annotated, and Public Law No. 22-145, and "in order that original landowners, their heirs, and their descendants may expeditiously exercise all their fundamental civil rights in the property they own", the Improvement District may:
 - a) Prepare land use plans for approval and adoption by the government of Guam in accordance with Chapter 69 of Division 2 of Title 21 of the Guam Code Annotated (District Improvement Law).
 - b) Prepare zoning ordinances for approval and adoption by the government of Guam in accordance with Chapter 69 of Division 2 of Title 21 of the Guam Code Annotated (District Improvement Law).
 - c) Create utility easements.



- d) Address the need for public parks and other public facilities such as playgrounds, aquariums and zoological parks, amusement parks, and so forth.
 - e) Create easements or rights of way to serve land parcels that otherwise would not have viable access.
 - f) Provide for the construction of paved roads and utilities to serve the various land parcels.
 - g) Prepare, or cause to be prepared, survey maps for the approval of the GALC and the government of Guam Department of Land Management (DLM) that:
 - I. Relocate recorded boundaries to create access and utility easements, public parks and other public facilities.
 - II. Fix boundaries of unsurveyed lands in a manner to provide maximum benefit to the landowners or heirs and to the people of Guam.
4. **Preparation of survey maps.** Rather than depending solely on the government of Guam to resolve the issues of lack of planning, zoning, utilities, and viable access, land claimants are, in accordance with Chapter 69 of Division 2 of Title 21 of the Guam Code Annotated (District Improvement Law), Public Law No. 22-145, and this Executive Order, encouraged, but not required, to create Improvement Districts, both prior to and after the return of the land to the original landowners or heirs, in order to address these issues at the earliest possible time, and, as a joint effort between the land claimants, the GALC, and the government of Guam:
- a) Proposed survey maps prepared by and for Improvement Districts shall be prepared by a surveyor registered on Guam.
 - b) The land area of each parcel of land shall be the recorded area at the time of condemnation based on written records, including condemnation records.
 - c) Survey maps prepared by and for Improvement Districts will list the areas of land parcels at the time of condemnation, and will list the proposed lot boundaries and lot areas of all lots shown on the proposed survey map.
 - d) To the extent practicable, mutually agreed boundary relocations would make existing paved roads accessible to the maximum number of land claimants.
 - e) That the setting corner monuments be done only after approval of the Survey Map by DLM.
 - f) That DLM and GALC are authorized to accept and implement survey maps approved by the claimants and other cognizant government of Guam agencies.
 - g) That access and utility easements and other public areas shall be the property of the government of Guam.



- h) The Guam Ancestral Land Commission, as the Facilitator, shall cooperate with Improvement Districts, and shall expedite review and approval of proposals made by the Improvement Districts.
 - i) The GALC Claims Facilitator is hereby authorized and ordered to facilitate any and all claims lodged with the GALC which seek remedy for harm done to ancestral property rights, as defined in Guam Public Law No. 24-45, which is further interpreted herein to include claims to title, claims to viable access, claims to utility service, claims to determination of boundary, claims to public benefit land use controls or general land improvements necessary to achieve the highest and best use of ancestral lands.
 - j) The DLM shall have One Hundred Twenty (120) calendar days to review survey maps prepared by and for Improvement Districts. Any survey map not reviewed by the DLM within this time frame shall be deemed to have been approved by the DLM, subject only to final approval upon the placement of corner monuments and submittal of the final certified survey map.
5. **DLM to provide legal and viable access to contiguous parcels if Improvement Districts are unable to do so.** It is the intent of this Executive Order that all land returned shall have legal and viable access. If the landowners, through formation of Improvement Districts, cannot provide legal and viable access to all contiguous parcels, the DLM is hereby ordered to establish access and utility easements to ensure legal and viable access to individual parcels, and to prepare maps delineating the necessary easements for the approval of the Guam Ancestral Land Commission and the Governor of Guam.
6. **Deeds to include the following language.** Deeds used by the Guam Ancestral Land Commission for the purpose of conveying ancestral land to original owners and their heirs shall include the following language:
- “Claimants agree to, and do hereby indemnify and hold the Guam Ancestral Land Commission, its officers, directors, employees, consultants, and attorneys, free and harmless from any and all liability, claims, loss, damages, or expenses resulting from the return of the land to the original landowners, or lawful heirs, in the ‘as is’ condition, including, but not limited to, claims, loss, damages, or expenses due to the land being returned without viable or legal access, without utilities, and without zoning.”
7. **This Executive Order to be referenced in licenses and deeds.** It is further ordered that this Executive Order be referenced in licenses and deeds issued to the original landowners or lawful heirs.

SIGNED AND PROMULGATED at Hagåtña, Guam this 13th day of August, 2002.

CARL T. C. GUTIERREZ
I Maga'Lahen Guåhan
Governor of Guam



ATTACHMENT 1

License

The Guam Ancestral Land Commission (GALC), acting through and represented herein by the Executive Director of the GALC, hereby grants a license to the licensee for the use of the property described below. The temporary use of the land described below is in anticipation of the transfer of this land to the original landowners or their lawful heirs in accordance with the provisions of Guam Public Law No. 22-145 and Guam Public Law No. 23-141. This license is also in accordance with Executive Order No. 2002-19 relative to ancestral land use and administration.

The GALC desires to license to the original landowners or their lawful heirs, on the terms and conditions stated in this license, the property described below. Therefore, in consideration of the mutual covenants, terms, and conditions contained in this license, GALC and licensee agree and covenant as follows:

The property licensed herein consists of:

1. all; or
2. a portion of
(circle item 1 or item 2)

3. Lot No. _____,
4. with an area of approximately ___ square meters,
5. being a portion of the excess federal lands described in _____ (deed) _____
which the United States transferred by quitclaim deed to the government of Guam,
6. which in turn transferred the lands by quitclaim deed to the GALC.

The licensee does hereby acknowledge and agree that the:

1. Use of the land described in this license is temporary only, and is not to be construed to grant or confer any property right or interest in the property beyond the terms and conditions of this license. This license may be revoked by the GALC at any time for reasonable cause.

2. This license is subject to all public access and utility easements.

3. The GALC anticipates that at a future date it will make a final determination with respect to the rightful landowner or lawful heirs of the property, at which time this license is terminated, unless the GALC determines the licensee is the rightful landowner or lawful heirs of the property.

4. Any and all improvements to the property shall be in accordance with the laws and applicable codes of Guam, and with the terms and conditions of this license.

5. Any and all improvements to the property shall be considered part of the property, shall, on termination of this license, remain a part of property, and shall remain on the property unless otherwise directed or authorized in writing by the GALC.



6. This license neither authorizes, envisions, nor permits any use that will or could interfere with the expeditious final transfer of the property under Public Law No. 22-145 or Public Law No. 23-141.
7. This license neither authorizes, envisions, nor permits any use not in conformance with government of Guam laws, statutes, and codes.
8. Licensee shall assume full administrative control and responsibility for all prevention or removal of all trespassers, squatters, and other unauthorized users.
9. Licensee shall, at licensee's own cost and expense, keep and maintain the property and all improvements, landscaping and facilities in good order, repair, and in a safe, clean, and attractive condition. All garbage, trash, and other waste materials shall be removed from the property and disposed in compliance with the laws, of Guam. Use of burn barrels, open fires, waste pits and trenches for trash disposal are expressly prohibited.
10. The intent of this license is that the property is to be used for activities commonly associated with the Dimensional and Density Requirements listed for Districts 5, 6 and 7 as defined in I Tano'-Ta (The Land Use Plan for Guam), dated November 1994. The property is not to be used for any activities commonly associated with industrial areas or industrial zones. The following uses are expressly prohibited:
 - a) Repair/Storage of Automobiles and Appliances.
 - b) Flea Markets.
 - c) Agricultural or Produce Concession Stands.
 - d) Animal Kennels.
 - e) Slaughterhouses.
 - f) Propane/Gasoline/Other Petroleum Products Storage and Distribution Centers.
 - g) Solid Waste Disposal/Incineration Facilities/Recycling Centers.
 - h) Manufacturing of Canvas Goods, Textiles, Consumer Products, Clothing, Cement, Leather Goods, Plastic, Glass, Tile, Fertilizer, and Petroleum Products.
 - i) Automobile and Vehicular Sales and Storage.
 - j) Dyeing and Finishing of Textiles.
 - k) Food Processing.
 - l) Welding Shops.
 - m) Storage of Construction Materials.
 - n) Bottling Plants.
 - o) Any other uses commonly associated with industrial areas.
11. Subject to application and approval of utility agencies, licensee may make service utility connections in support of authorized uses. Licensees shall be fully responsible for the maintenance of these utilities. If this license expires or is terminated, the licensee shall remove the utility connections only if directed or authorized by the GALC.
12. The licensee shall, at its sole cost and expense, promptly repair or replace any property of the GALC damaged or destroyed during the term of this license.



- 13. The GALC shall not be responsible for damages to property or injuries to the licensee or licensee's agents, or any other persons, which may arise from or be incidental to the exercise of the privileges herein granted. The licensee shall hold the GALC harmless from any and all such claims.
- 14. All required business, utility, tax, environmental, sanitary, health, and other permits shall be secured and maintained by the licensee during the life of this licensee.
- 15. The storage and disposal of hazardous or toxic materials is prohibited.
- 16. Licensee is authorized by this license to issue sublicenses. Any and all terms, conditions, limitations, duties, and obligations that the licensee has under this license shall apply to any sublicensee. The licensee shall bear sole responsibility for ensuring any and all sublicensees comply with the provisions of this license.
- 17. This license is issued without charge.

I, _____, hereby acknowledge that I have read
(print name)
the contents of this license, that I fully understand all of the conditions pertaining to this license, and I agree to abide by all of the conditions. I understand and agree that violation of any of the conditions of this license constitutes reasonable cause for revocation of this license.

SIGNED: _____

GUAM)
) ss.
CITY OF HAGÁTÑA)
_____)

On this _____ day of _____, 2002, before me, a Notary Public of Guam, duly commissioned and sworn, personally appeared _____, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that she executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal the day and year last above written.

NOTARY

(SEAL)

1 **G. INTENSITY DISTRICT 5: Village/Neighborhood Centers**

2 1. General Description of Character and Intent of District

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

16 2. Permitted Uses

17 a. Dwellings

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

- 20 • Single-Family Detached Dwellings
- 21 • Duplexes/Two-Family Dwellings
- 22 • Attached Dwellings (Townhouses)
- 23 • Zero Lot Line Homes
- 24 • Multiple Family Dwellings
- 25 • Home Occupations
- 26 • Accessory Buildings/Structures
- 27 • Residential Treatment Facility

28 b. Hotels and Guesthouses

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

- 31 • Bed & Breakfast Inns

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- Guesthouses
 - Boarding/Rooming Houses

3 c. Schools

4 Institutions of learning and their associated uses such as
5 dormitories.

- 6 • Pre-school facilities
- 7 • Primary
- 8 • Middle

9 d. Retail Trade Establishments

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

- 15 • Apparel and Accessories
- 16 • Books and Stationery
- 17 • Confectionery
- 18 • Dairy Products
- 19 • Groceries
- 20 • Retail Food Establishments: All types except Drive-In
- 21 • Restaurants
- 22 • Gift Shops
- 23 • Pharmacies
- 24 • Bars, Taverns, Cocktail Lounges
- 25 • Bakeries
- 26 • Camera Shops/Photographic Equipment
- 27 • Theaters
- 28 • Video Sales and Rentals
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30 e. Personal Service Establishments

31 Establishments primarily engaged in providing services to
32 individuals.

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- 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 (including Boat Repair)
 - 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.

- Postal Offices or Postal Substations
- Public Safety (Police/Fire) Substations
- Community Centers
- Public 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

h. Private Facilities

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- Houses of Worship
 - Private Libraries

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3. *All of the above uses shall be permitted in Intensity District 5, provided that all of the standards for each use, as specified in the Zoning Code's 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 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 (ft.)			Minimum Yard Setback (ft.)			Max. Bldg. Height (ft.)	Max. Lot Coverage (%)	Floor Area Ratio
		Area	Width	Depth	Front	Each Side	Rear			
Single-Family Detached Dwellings	10.0	4,000 sq.ft.	40	80	10*****	8	15	35	50	-
Duplexes/Two-Family Dwellings	16.0	5,000 sq.ft.	40	80	10	10	20	35	50	0.60
Attached Dwellings (Townhouses)*	16.0	8,000 sq.ft.	70	80	10	10	20	35	60	0.60
Zero Lot Line Homes	12.0	3,500 sq.ft.	40	60	10	3	10	35	60	0.60
Multiple-Family Dwellings	20.0	1 Acre	100	100	10	15	20	35	60	0.60
Residential Treatment Facility	10 (rooms)	0.5 Acre	100	100	25	25	25	35	50	0.50
Bed & Breakfast Inns/ Guesthouses****	12 (rooms)	8,000 sq.ft.	70	80	15	15	25	35	50	1.00
Boarding/Rooming Houses****	12 (rooms)	8,000 sq.ft.	70	80	15	15	25	35	50	1.00
Pre-School Facilities	-	8,000 sq.ft.	70	80	15	15	25	25	35	0.60
Primary Schools	-	2 Acres	200	200	25	25	25	35	50	0.60
Middle Schools	-	5 Acres	300	300	25	25	25	35	30	0.60
Retail Trade Establishments***	-	5,000 sq.ft.	40	75	0	0	15	35	75	0.60
Personal Service Establishments***	-	5,000 sq.ft.	40	75	0	0	15	35	75	0.60
Health Care Facilities	-	8,000 sq.ft.	70	80	15	15	25	35	40	0.60
Post Offices/Postal Substations	-	5,000 sq.ft.	50	75	15	0	25	35	75	0.60
Public Safety (Police/Fire) Substations	-	0.5 Acre	100	150	15	15	30	35	40	0.60
Houses of Worship	-	1 Acre	125	225	25	20	25	45	25	0.50
Community Centers	-	8,000 sq.ft.	70	80	15	15	25	35	60	0.60
Libraries	-	8,000 sq.ft.	70	80	15	15	25	35	35	0.60
Recreational Facilities	-	8,000 sq.ft.	70	80	15	15	15	35	30	-

* 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.

1 **I. INTENSITY DISTRICT 6: Urban/District Center**

2 1. General Description of Character and Intent of District

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

10 2. Permitted Uses

11 a. Dwellings

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

- 14 • Attached Dwellings (Townhouses)
- 15 • Multiple-Family Dwellings
- 16 • Home Occupations
- 17 • Accessory Buildings/Structures
- 18 • Boarding/Rooming Houses
- 19 • Residential Treatment Facility

20 b. Hotels and Guesthouses

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

- 23 • Apartment Hotels
- 24 • Hotels
- 25 • Bed & Breakfast Inns
- 26 • Guesthouses

27 c. Retail Trade Establishments

28 Establishments primarily engaged in providing finished
29 products to individuals. However, no automobile-related retail

1 trade facility, nor any drive-in establishment (e.g., banks,
2 restaurants, etc.) shall be allowed in this District.

- 3 • Apparel & Accessories
- 4 • Books & Stationery
- 5 • Confectionery
- 6 • Dairy Products
- 7 • Electrical & Electronic Products
- 8 • Furniture
- 9 • Groceries
- 10 • Household Items
- 11 • Office Furnishings and Equipment
- 12 • Photographic Equipment/Camera Shops
- 13 • Sporting Goods
- 14 • Retail Food Establishments: All types except Drive-In
- 15 Restaurants
- 16 • Jewelry
- 17 • Pharmacies
- 18 • Pawnshops
- 19 • Theaters/Art Galleries/Museums
- 20 • Boutiques
- 21 • Bars, Taverns, Cocktail Lounges
- 22 • Bakeries
- 23 • Parking Structures

24 d. Personal Service Establishments

25 Establishments primarily engaged in providing services to
26 individuals.

- 27 • Barber Shops/Beauty Salons
- 28 • Private Clubs
- 29 • Tailor/Shoe Repair Shops
- 30 • Opticians
- 31 • Laundromats/Laundry Services
- 32 • Day Care Centers
- 33 • Veterinarians/Animal Kennels
- 34 • Banks

35 e. Business Services or Professional Services

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

- 4 • Advertising Agencies
- 5 • Legal Services
- 6 • Accounting Services
- 7 • Finance, Insurance and Real Estate Services
- 8 • Employment Services
- 9 • Health Care Facilities
- 10 • Tour Wholesale Companies/Travel Agencies
- 11 • Professional Consultants
- 12 • Off-Set Printing/Photo Copying/Photo Processing
- 13 Services
- 14 • Office Buildings

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

17 Government agencies and entities (and their satellite offices)
18 that provide executive, legislative, judicial, regulatory and
19 administrative functions to the community. Auxiliary facilities
20 that provide electricity, sanitary services, water, transportation
21 services, communications, and other related services for public
22 consumption.

- 23 • Postal Offices or Postal Substations
- 24 • Courthouses
- 25 • Government Offices
- 26 • Public Safety (Police/Fire) Substations
- 27 • Consulates
- 28 • Public Libraries
- 29 • Electrical Substations
- 30 • Electrical Transmission Lines
- 31 • Convention Centers
- 32 • Mass Transit Terminals

33 g. Recreational Facilities

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

- 3 • Urban Parks
- 4 • Playgrounds
- 5 • Tot-Lots
- 6 • Night Clubs
- 7 • Health Clubs
- 8 • Swimming Pools
- 9 • Private Concessionaires
- 10 • Essential Management Facilities

11 h. Private Facilities

- 12 • Houses of Worship
- 13 • Private Libraries

14
15 3. *All of these uses shall be permitted in Intensity District 6, provided that*
16 *all of the standards for each use, as specified in the Zoning Code's Table of*
17 *Dimensional and Density Requirement, and those Performance Standards*
18 *that apply, have been observed. The Performance Standards that could*
19 *apply include those on the following list. The Zoning Official maintains*
20 *copies of these Performance Standards and a list of the Government of*
21 *Guam agencies or departments administering each standard.*

- 22 a. Residential Performance Standards
- 23 b. Nonresidential Performance Standards
- 24 c. Off-Street Parking and Loading Standards
- 25 d. Recreational and Open Space Standards
- 26 e. Environmental Protection Standards
- 27 f. Vegetation Protection Standards
- 28 g. Sign Standards
- 29 h. Historic and Cultural Conservation Standards
- 30 i. Stormwater Management Standards
- 31 j. Floodplain Protection Standards
- 32 k. Landscape Standards
- 33 l. Supplemental Regulations
- 34 m. Hillside Development Standards

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

Uses Permitted	Maximum Units/Acre	Minimum Lot Size ^a			Minimum Yard Setback (ft.)			Max. Bldg. Height ^{****} (ft.)	Max. Lot Coverage (%)	Floor Area Ratio
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear			
Attached Dwellings (Townhouses)*	16.0	8,000 sq.ft.	70	80	10	10	35	35	60	-
Multiple-Family Dwellings	100.0	1 Acre	100	200	0	10	25	150	50	6.00
Boarding/Rooming Houses	12 (rooms)	8,000 sq.ft.	70	80	25	10	25	35	60	1.00
Residential Treatment Facility	10 (rooms)	0.5 Acre	100	100	25	25	25	35	50	3.00
Apartment Hotels/Hotels	50 (rooms)	1 Acre	100	200	0	15	30	150	75	6.00
Bed & Breakfast Inns/Guesthouses	12 (rooms)	8,000 sq.ft.	70	80	25	10	25	35	60	1.00
Retail Trade Establishments**	-	2,500 sq.ft.	20	75	0	0	15	35	90	0.75
Theaters	-	1 Acre	100	200	0	0	15	60	90	0.75
Museums/Art Galleries	-	0.5 Acre	100	100	0	0	15	60	90	0.75
Parking Structures	-	5,000 sq.ft.	40	80	5	0	0	60	100	3.00
Personal Service Establishments**	-	2,500 sq.ft.	20	75	0	0	15	35	90	0.75
Business or Professional Service Est.**	-	2,500 sq.ft.	20	75	0	0	15	35	90	0.75
Health Care Facilities	-	2,500 sq.ft.	20	75	0	0	15	35	90	0.75
Office Buildings	-	20,000 sq.ft.	75	125	0	15	25	150	75	6.00
Post Offices/Postal Substations	-	1 Acre	150	200	0	15	40	35	25	3.00
Court Houses/Government Offices	-	20,000 sq.ft.	75	125	0	15	25	150	50	6.00
Public Safety (Police/Fire) Substations	-	1 Acre	125	225	25	25	50	35	40	3.00
Consulates	-	5,000 sq.ft.	40	80	0	0	15	35	90	0.75
Libraries	-	20,000 sq.ft.	100	150	25	25	50	35	30	3.00
Electrical Substations	-	8,000 sq.ft.	70	80	25	15	25	35	40	-
Houses of Worship	-	20,000 sq.ft.	100	125	25	25	25	45	35	3.00
Convention Centers	-	2 Acres	200	300	0	0	15	60	90	3.00
Mass Transit Terminal	-	2 Acres	200	200	50	25	25	50	20	3.00
Recreational Facilities	-	5,000 sq.ft.	40	80	10	10	15	35	30	-
Night Clubs	-	5,000 sq.ft.	40	80	0	0	20	35	75	0.75
Health Clubs	-	5,000 sq.ft.	40	80	0	0	20	35	75	0.75

- * 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 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).
- **** No building or portion thereof shall be higher than three (3) stories or thirty-six (36) feet within a 200 foot radius of the Agana Basilica's steeple.

1 **J. INTENSITY DISTRICT 7: Hotel/Resort**

2 1. General Description of Character and Intent of District

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

7 2. Permitted Uses

8 a. Dwellings

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

- 11 • Attached Dwellings (Townhouses)
- 12 • Multiple-Family Dwellings
- 13 • Home Occupations
- 14 • Accessory Buildings/Structures

15 b. Hotels and Guesthouses

- 16 • Hotels/Apartment Hotels
- 17 • Bed and Breakfast Inns
- 18 • Guesthouses

19 c. Retail Trade Establishments

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

- 25 • Retail Food Establishments: All types
- 26 • Gift Shops/Jewelry Stores
- 27 • Bars/Taverns/Cocktail Lounges
- 28 • Amusement Arcades (including shooting galleries)
- 29 • Duty-Free Shops

-
- 1 • Apparel and Accessories
2 • Shopping Centers
3 • Camera Shops/Photographic Equipment
4 • Pharmacies
5 • Adult Entertainment Facilities
6 • Automobile Sales/Service/Rental Facilities
7 • Museum/Art Galleries
8 • Theaters/Performing Arts Centers
9 • Parking Structures

10 d. Personal Service Establishments

11 Establishments primarily engaged in providing services to
12 individuals.

- 13 • Barber Shop/Beauty Salons
14 • Private Clubs
15 • Tailor/Shoe Repair Shops
16 • Laundromats/Laundry Services
17 • Day Care Centers

18 e. Business or Professional Service Establishments

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

- 21 • Advertising Agencies
22 • Health Care Facilities
23 • Legal Services
24 • Accounting Services
25 • Finance, Insurance, and Real Estate Services
26 • Tour Wholesale Companies/Travel Agencies
27 • Employment Services

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

30 Government agencies and entities (and their satellite offices)
31 that provide administrative services to the community.
32 Auxiliary facilities that provide electricity, sanitary services,

1 water, transportation services, communications, and other
2 related services for public consumption.

- 3 • Public Safety (Police/Fire) Substations
- 4 • Sewage Lift Stations/Water Pump Stations
- 5 • Water Pump Stations
- 6 • Electrical Substations
- 7 • Electrical Transmission Lines
- 8 • Convention Center

9 g. Recreational Facilities

- 10 • Urban Parks
- 11 • Playgrounds
- 12 • Oceanfront Parks
- 13 • Night Clubs
- 14 • Health Clubs
- 15 • Golf Courses
- 16 • Tennis Courts
- 17 • Water Sports Centers
- 18 • Horseback Riding Facilities
- 19 • Amusement Parks
- 20 • Marinas/Yacht Clubs
- 21 • Private Concessionaires
- 22 • Essential Management Facilities
- 23 • Aquariums and Zoological Parks

24 h. Private Facilities

- 25 • Houses of Worship

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

- 33 a. Residential Performance Standards
- 34 b. Nonresidential Performance Standards

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- 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)	Floor Area Ratio
		Area	Width (ft)	Depth (ft)	Front	Each Side	Rear *****			
Attached Dwellings (Townhouses)*	16.0	2 Acres	200	200	15	15	35	36	40	-
Multiple-Family Dwellings	32.0	2 Acres	200	200	25	25	35	***	35	3.00
Hotels/ Apartment Hotels	50 (rooms)	2 Acres	200	300	25	25	35	***	35	2.00
Bed & Breakfast Inns/Guesthouses	12 (rooms)	1 Acre	125	225	25	15	25	36	35	0.35
Retail Trade Establishments**	-	20,000 sq.ft.	100	150	10	25	15	36	35	0.60
Shopping Centers	-	1 Acre	100	150	10	25	25	48	35	0.75
Museums, Art Galleries, Theaters, Performing Arts Centers	-	20,000 sq.ft.	100	100	25	30	25	60	25	0.35
Parking Structures	-	20,000 sq.ft.	100	150	40****	15	15	36	85	2.00
Personal Service Establishments	-	20,000 sq.ft.	100	150	10	25	25	36	35	0.60
Business or Professional Service Est.	-	20,000 sq.ft.	100	150	10	25	25	36	35	0.60
Public Safety (Police/Fire) Substations	-	20,000 sq.ft.	100	150	10	20	30	36	40	0.40
Sewage Lift Stations/Water Pump Stations	-	20,000 sq.ft.	100	150	25	30	25	20	25	-
Electrical Substations	-	20,000 sq.ft.	100	150	25	30	25	36	25	-
Convention Centers	-	2 Acres	200	300	25	25	50	60	25	0.40
Houses of Worship	-	1 Acre	125	225	25	20	25	45	25	0.40
Recreational Facilities	-	10,000 sq.ft.	80	100	10	10	10	36	25	-
Night Clubs	-	20,000 sq.ft.	100	150	25	25	25	36	30	0.35
Horseback Riding Facilities	-	2 Acres	200	300	25	50	50	36	10	-
Amusement Parks	-	1 Acre	125	225	25	25	35	36	25	-
Aquariums and Zoological Parks	-	1 Acre	100	150	25	25	35	36	35	-
Marinas	-	1 Acre	150	225	15	20	0****	36	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.
- ** 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 established in conformance with Chapter VI, Section J. of this zoning code.
- *****The front setback requirement for this use may be reduced to fifteen (15) feet for those structures located fronting a "local street".