



Kayenta Township Zoning Ordinance

COMPREHENSIVE ZONING REGULATION FOR THE TOWNSHIP OF KAYENTA, ARIZONA

ORDINANCE NO. 20110001



Kayenta Old Town Center (Highway 163)



Kayenta Main Street (Highway 163)



Kayenta Four Corners (Highway 163 and Highway 160 Intersection) and Kayenta Gateway Center (Highway 160)

Grow green with us!



Kayenta Township Zoning Ordinance

ORDINANCE NO. 20110001

ORDINANCE ADOPTING A COMPREHENSIVE ZONING REGULATION FOR THE TOWNSHIP OF KAYENTA, ARIZONA

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SECTION 1: TITLE AND INTENT

- 1.1 This Ordinance shall be known as the Kayenta Township Zoning Ordinance (Zoning Ordinance).
- 1.2 It is the intent and purpose of the Kayenta Commission, by adopting this Zoning Ordinance, to promote the health, safety, order, and general welfare of the present and future inhabitants of the Township, and specifically to:
 - 1.2.1 Encourage and facilitate orderly growth and development within the Township in a smart and sustainable manner;
 - 1.2.2 Improve the character, identity and sense of place of the Township and its neighborhoods;
 - 1.2.3 Secure economy in Township expenditures;
 - 1.2.4 Facilitate adequate provision for transportation, water, sewerage, parks, schools, and other community needs;
 - 1.2.5 Lessen congestion in the streets;
 - 1.2.6 Provide adequate light and air;
 - 1.2.7 Secure safety from fires, floods, traffic hazards, and other dangers;
 - 1.2.8 Protect the social and economic stability of existing and future commercial, residential, and other land uses within the Township.
 - 1.2.9 Stabilize and procure adequate housing;
 - 1.2.10 Develop an attractive, wholesome, vibrant, self-sufficient and serviceable destination;
 - 1.2.11 Create conditions favorable to prosperity and civic activities;
 - 1.2.12 Provide quality recreational, educational, and cultural opportunities;
 - 1.2.13 Provide a regulatory mechanism to address the development review process in a clear and straightforward manner;
 - 1.2.14 Prevent the adverse impacts of uncontrolled development on available water, water quality, air quality, roads, and public services within the Township;
 - 1.2.15 Provide opportunities for community living, working, housing, and recreation for all residents of the Township;
 - 1.2.16 Encourage compact development, mixed-use and the efficient use of land and public services;
 - 1.2.17 Define the public realm to encourage walkability;
 - 1.2.18 Meet and achieve those objectives that promote quality of life;



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- 1.2.19 Provide a safe, efficient, and convenient multimodal transportation system that includes access to different mobility needs;
- 1.2.20 Encourage seamless connectivity throughout the Township and all its planning areas; and
- 1.2.21 Support the vision and implement the Kayenta Comprehensive Plan

SECTION 2: AUTHORITY

- 2.1 This Ordinance is adopted pursuant to the Township’s authority as set forth and contained in Navajo Nation Council resolution CJA-3-96 which authorizes the Township to adopt and enforce zoning ordinances.
- 2.2 Whenever any provisions of this Ordinance refers to or cites a section of the Arizona Statutes and that section is hereafter amended or suspended, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

SECTION 3: JURISDICTION AND APPLICATION

- 3.1 This Ordinance is intended to apply to all lands, buildings and structures within the incorporated areas of the Township as such areas now exists or shall exist in the future.
- 3.2 This Ordinance is not applicable to federal activities on federally-owned lands where the Federal Government has retained such right. This Ordinance is also not applicable to Kayenta Chapter boundaries and activities in Chapter governed lands. However, private activities or development for private purposes on such lands shall be subject to this Ordinance.
- 3.3 All property within the Township is governed according to the District in which it is located. Any use in a District is specifically designated for that District, absent from granting of a variance for Conditional Use.
- 3.4 Where a land proposed for development is located in Chapter land, outside of the Township boundary and within the Kayenta Designated Growth Area, such land shall require an annexation process prior to development. Once annexation is completed, such land shall be developed in accordance to the District shown in the Zoning Map.



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- 3.5 Property that is annexed into the corporate limits of the Township for which a Zoning District is provided in the Official Zoning Map (Zoning Map) in conformance with the Kayenta Comprehensive Plan Future Land Use Map (Future Land Use Map) shall be initially included under such zoning district, unless a property owner submits an application for a different District and such different zoning is granted or the Township otherwise chooses to designate the property as a different District.
- 3.6 The approval of an annex, a zone amendment or a specific development does not necessarily obligate the Township to provide water or sewer service to such area.

SECTION 4: INTERPRETATION AND CONFLICT

- 4.1 The regulations set forth in this Zoning Ordinance include the minimum standards necessary to carry out the purposes of this Zoning Ordinance. More stringent provisions may be required if it is demonstrated that different standards are necessary to protect the public health, safety, and general welfare within the Township. This Zoning Ordinance is not intended to interfere with, abrogate or annul any existing easement, right of way or other valid ordinance. However, where the provisions of this Zoning Ordinance conflict with other rules, regulations, easements, right of ways or Township resolutions, the provisions of this Zoning Ordinance shall be controlling unless otherwise provided by specific provision of an ordinance.
- 4.2 Unless a different intent is indicated herein or in an adopted Township plan, uses allowed under the terms of this Zoning Ordinance shall be understood to be allowed within structures only if the structures are constructed according to the International Building Code and any other codes as adopted by the State of Arizona or by the Federal Government as of the date of the structure's construction.
- 4.3 Where uncertainty exists as to the boundaries of any of the Districts as shown on the Official Zoning Map, the following rules of interpretation shall apply.
 - 4.3.1 Lands not included within the boundaries of any District shall be deemed Residential.



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- 4.3.2 Where boundary lines are indicated by a Street and Alley, it shall be construed as following the Centerline thereof.
- 4.3.3 Where District boundaries are indicated by approximating existing lot lines, such lines shall be construed to be such boundaries.
- 4.3.4 Where a District boundary divides a lot, the location of such boundary shall be determined by use of the scale appearing on the Map, unless the boundary is indicated by dimensions.
- 4.3.5 In case of further uncertainty the Development Services Department may determine (subject to Commission review) the specific location of such boundaries.

SECTION 5: RESERVED

SECTION 6: CONFORMITY OF LAND/BUILDINGS USE OR SALE

- 6.1 Subject to the conditions of Section 33 hereof, no person may use, occupy or sell any land or buildings or authorize or permit the use, occupancy or sale of land or buildings under his/her control except in accordance with all of the applicable provisions of this Zoning Ordinance.
 - 6.1.1 The provisions as set forth in Navajo Nation Business Site Lease agreements shall be adhered to during any transfer of lease agreements.
- 6.2 For the purposes of this section, the use or occupancy of a building or land relates to anything and everything that is done to, on, or in that building or land.

SECTION 7: SEVERABILITY

- 7.1 If any section, subsection, sentence, clause or phrase of this Zoning Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Zoning Ordinance.



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SECTION 8: REPEAL OF INCONSISTENT ORDINANCES

8.1 All ordinances and portions of ordinances of the Kayenta Township in conflict with this Zoning Ordinance are hereby expressly repealed.

SECTION 9: RELATIONSHIP TO LAND USE PLANS AND POLICIES

9.1 It is intended that this Zoning Ordinance provide for the implementation over time of the land use and development vision, goals, and policies of the Kayenta Comprehensive Plan.

SECTION 10: REFERENCE TO NATIONAL, GREEN, OR UNIFORM CODES

10.1 Whenever reference is made in this Zoning Ordinance to the Uniform Building Code, Uniform Plumbing Code, Uniform Mechanical Code, National Electrical Code and Uniform Fire Code, Green Code, the edition of that specific Code to be utilized in the enforcement of this Zoning Ordinance shall be the most recent edition of that Code. Upon the adoption of any new editions or revisions in the foregoing Codes, the Building Official shall order not less than three (3) copies of that new edition or revision, which copies shall be maintained in the office of the Township Clerk for public inspection at all times. Any new editions or revisions to the foregoing Codes shall become effective and incorporated into this Zoning Ordinance ten (10) days after three (3) copies of said new editions/revisions are received by the Town Clerk.

SECTION 11-15: RESERVED



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ARTICLE B. DEFINITIONS AND WORD CONSTRUCTION

SECTION 16: WORD CONSTRUCTION

16.1 Unless otherwise expressly stated, the following terms shall, for the purposes of the Zoning Ordinance, have the meaning herein indicated. Words used in the present tense include the future; and words in the singular include the plural. The word “building” includes the word “structure”, and the word “shall” is mandatory while the word “may” is permissive. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual both masculine and feminine.

SECTION 17: DEFINITIONS

Accessory Building- A detached subordinate building, the use of which is incidental to that of the main building on the same lot, or the use of the land of the same lot.

Accessory Dwelling Unit A- second unit on a parcel occupied as a single family residence, equipped with kitchen facilities, attached to the main building and designed for use in conjunction with the main residence.

Advertising- Any announcement, description or presentation calling public attention to goods or services offered as sale, lease or information.

Agriculture- Farming, dairying, pasturage, apiaries, horticulture, floriculture, viticulture and animal or poultry husbandry, but agriculture does not include the commercial feeding of garbage to swine or other animals.

Alley- A public access driveway or lane which provides a secondary means of access to abutting property.

Animal Hospital- A facility providing medical care for small and/or large animals and may include the boarding of animals for such purposes.

Apartments- A multi-family dwelling in which the three (3) or more units of which are available or are rented.



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Bed and Breakfast Establishment- A residential structure used as a lodging establishment in which the manager is an occupant in the structure and receives compensation in exchange for providing overnight or longer but temporary sleeping accommodations which accommodations contain no cooking facilities.

Bill boards- A sign, other than a small directional sign, which directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a place other than on the parcel where the sign is erected.

Buffering-The on-site use of landscaping elements, screening, fencing, open space and landforms for reduction of the potentially adverse impacts of adjoining dissimilar land use.

Buildable Area- The area of a lot excluding the set back areas.

Building- A structure having a roof, walls and intended for housing or shelter for persons, animals or goods.

Building, Government- A building use for governmental functions of the Township or the Navajo Nation.

Building, Modular- Modular buildings or modular homes are sectional prefabricated buildings or houses that consist of multiple modules or sections which are manufactured in a remote facility and then delivered to their intended site of use. The modules are assembled into a single residential building using either a crane or trucks. Off-frame modular dwellings differ from mobile homes largely in their absence of axles or a frame, meaning that they are typically transported to their site by means of flat-bed trucks; however, some modular dwellings are built on a steel frame (on-frame modular), which can be used for transportation to the site. Many modular homes are of multi-level design, and are often set in place using a crane.

Building Height- The vertical distance measured from the average finished soil grade at the base of the exterior wall to the highest point of the roof, ridge, or parapet wall of the Building.

Building Official- The individual designated by the Township to implement and enforce this ordinance.

Building Site- The land area of a Lot, which may be occupied by the permitted Building.



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Business- A commercial entity operating in the Township with an approved business site leasing agreement.

Carport- A shelter for one (1) or more automobiles which is not enclosed.

Centerline- A line halfway between the exterior street lines.

Clinic- A facility occupied by one or more members of the medical or dental or other licensed health service professions for the principal purpose of providing such health services.

Club- Any membership organization catering exclusively to members and their guests and whose facilities are limited to meeting, eating, social and/or recreational uses and further whose activities are not conducted for profit including but not limited to civic, fraternal, charitable, religious, social and patriotic organizations.

Clustering- The practice of grouping residential units within a close proximity and utilizing the surplus land thus saved for common space, landscaping, recreation, or similar uses.

Commercial Garage- Any building or structure where automobiles, trucks, tractors, or other vehicles are stored, painted, repaired, or equipped for a charge, and where the service and sale of gasoline and oil are incidental to their principal building use.

Commission- The Kayenta Township Commission.

Committee- The Planning and Zoning Committee.

Comprehensive Plan- The Kayenta Comprehensive Plan adopted by the Township and guiding the long-range development of the Township.

Conditional Use- A land use specifically identified in this Ordinance as being conditionally acceptable to a given District but which must be first reviewed and approved by the Commission.

Condominium- A distinct unit, under separate ownership, which is a portion of a multi-unit building or development in which individual ownership includes an interest in certain common areas.

Contiguous- Touching or, if not, then separated only by an Alley or Street



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Corner Lot- Any lot located at the intersection of and having frontage on two or more streets.

Day Care Center- A facility in which the primary use is the provision of childcare services done in accordance with applicable laws and regulations of the Navajo Nation.

Development Agreement- A binding agreement reached by the Township and other party(s) which memorializes all the responsible entities for the provision of roadways, drainage, infrastructure, utilities and other public services.

District- Any section of the Township with common regulations governing the type of construction, occupancy, use, lot size, setbacks and area of structures/lands as show on the Zoning Map.

District, School- The Kayenta Unified School District.

Double Frontage Lot- The boundary of a lot bordering on two (2) streets. For the purpose of determining setback requirements on Corner Lot and double frontage lots, all sides bordering on a Street shall be considered as the front.

Drainage- The removal of excess water from the soil, either by a system of surface ditches, or by underground conducts.

Duplex Residential Unit- A building arranged and intended to be occupied by two (2) families living independently of each other separated by a fire rated wall from each dwelling unit.

Equine Boarding Stable- A commercial facility designed to board or to take care of horses for a fee.

Easement, Right-of-Way (ROW) for Infrastructure and Utilities- An **easement** is a certain right to use the real property of another without possessing it. Easements are helpful for providing pathways across two or more pieces of property allowing access for the maintenance of infrastructure and utilities.

Family- Two (2) or more persons related by blood or marriage or a group or not more than five (5) persons who need not be related by blood or marriage, living together as a single housekeeping unit, occupying a dwelling primarily non-transient in nature.



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Farm- An area which is used for the growing of agricultural products such as vegetables, fruit, fodder, trees and grains with the storage of on the same lot.

Fence- any structure made combustible and non-combustible material forming a physical barrier which supports no load other than its own weight, which is designed to delineate, screen or enclose a field, yard, Lot or other land area on a Lot.

Floor Area- the gross horizontal useable area of the total number of floors of a building.

Floor Area Ratio- The relationship of the Floor Area to the lot area computed by dividing the Floor Area by the Lot area.

Front Lot Line- The property line along a Lot's street frontage.

Front Yard- The required setback extending across the front of the Lot between the Side Lot Lines and measured from the Front Lot Line to the front setback line.

Frontage- The distance along a street line from one intersecting street to another or from one intersecting street to the end of a dead-end street. Lot frontage is the width of a Lot measured along a Street.

Future Land Use Map- The land use map adopted as part of the Kayenta Comprehensive Plan delineating designated land uses permitted in Kayenta Township.

Garage- An enclosed structure or portion of which is designated to enclose one (1) or more vehicles.

Grade- the average ground level surrounding a building or structure.

Grazing Permit- The permit conferred by the Nation to a person giving such person access to land for the purpose of livestock grazing.

Home Occupation or Home-based business- A routine accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building that:

- 1) Is conducted primarily by a permanent resident of the dwelling;



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- 2) Meets the definition, standards and limitations of a general home occupation and light home occupation provided in this Zoning Ordinance.
- 3) Only includes uses that are clearly incidental and secondary to the principal residential use;
- 4) Does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use (other than custom crafts and sewing)

Hospital- A facility where sick or injured persons are given medical care and which has the capacity for overnight accommodations.

Hotel- Any Building, portion of a Building, or group of Buildings containing guest rooms which are designed, used or intended for use for the accommodation of overnight or temporary lodging (accessed from an interior corridor).

Junkyard- An area of one hundred (100) square feet or more used for storage or dismantling of materials salvaged from wrecked or demolished buildings, automobiles, machinery or equipment.

Laundromat- An establishment where patrons wash or dry garments in machines operated by the patron.

Livestock- Any domestic livestock including but not limited to horses, cattle, goats, swine, sheep and fowls.

Loft-style or loft - Development where a street-level business occupies the first floor while apartment "lofts" are placed above the first floor.

Lot- A parcel of land platted and placed in record in accordance with state laws and local ordinances, being used or capable of being used under the regulation of this Ordinance.

Lot Area- The total aggregate lot area measured to its property lines.

Lot Depth- The shortest distance between the front and rear lot lines measured along the Side Lot Lines.

Lot Width- The narrowest distance between the two (2) Side Lot Lines.

Manufactured Homes- Multi-section homes assembled off site and transported to location.



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Map- The Official Zoning Map for the Township. Unless amended, the Map as approved when this Zoning Ordinance was adopted shall constitute the Map herein referenced.

Master Plan- A document that describes, in narrative and with maps, an integrated development concept. The *master plan* is used to coordinate the preparation of more detailed plans or may be a collection of detailed plans. The plan may be prepared by the Township to guide private and public development or by a developer on a specific project.

Mini Storage or Self Storage- **Self storage** is an industry in which storage space is rented to tenants, usually on a monthly basis. A self storage business provides rooms, lockers, containers, and/or outdoor space in which tenants can store and access their goods. Self storage tenants include businesses and individuals.

Mixed-use Development- The use of a building, set of buildings, or neighborhood for more than one purpose. Mixed-use development provides a range of commercial and residential unit sizes and options. Any development that includes a combination of residential, commercial, industrial, office, institutional, or other land uses.

Mobile Home- A movable or transportable housing structure.

Mobile Home Park- A parcel of land capable for the continuous accommodation of twelve (12) or more occupied mobile homes and operated directly or indirectly for financial benefit of the owner/lessee of the parcel of land.

Mobile Home Space- A parcel of land within a Mobile Home Park designated by the management to accommodate one (1) Mobile Home and its accessory buildings and to which the required sewer and utility connections are provided by the Mobile Home Park.

Mobile Home Subdivision- A parcel of land, five (5) acres or more in size, which is subdivided into lots individually owned and utilized as the sites for placement of individual mobile homes.

Motel- A building or group of buildings on the same lot, containing guest rooms, used or designed for the accommodation of overnight lodging on a commercial basis, which are each independently accessed from the outside.



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Multiple Family Dwelling- A building or structure designed and intended to be occupied as living quarters by three (3) or more families, living independently of each other separated by a fire rated wall from each dwelling unit.

Non-Conforming Construction- A building or structure existing on the effective date of this Ordinance or amendment to this Ordinance, which must comply with current building codes if structurally altered or if change of Occupancy applies.

Non-Conforming Lot- A lot existing on the effective date of this Ordinance or amendment to this Ordinance whose dimensions does not conform to the District within which it is located.

Non-Conforming Use- A utilization or occupancy of any site utilized or occupied on the effective date of this Ordinance or amendment to this Ordinance, which is not now a permitted use for the District in which it is located.

Park- A playground, swimming pool, athletic field or open space under the control and maintained by the Township.

Parking Lot- An area of land or a lot legally used for and designed for parking by standard motor vehicles.

Parking Space- Space which is intended for and used or designed to be used for a single standing vehicle.

Planned Area Development (PAD) - An integrated residential, commercial, industrial, or mixed-use plan offering an imaginative and flexible design approach to development projects than would otherwise be permitted under the more conventional zoning designations. This flexibility may include such concepts as the flexibility in the location of structures; clustering; variation in yards and setbacks; the reservation of open space; and provision of neighborhood amenities. The flexibility also allows a developer to address geologic, topographical, and environmental factors in a creative, comprehensive, and integrated manner. The PAD district must conform to the requirements of the Kayenta Comprehensive Plan, the PAD requirements, and any other applicable requirements provided in this Zoning Ordinance.

Premises- Any lot or combination of contiguous lots held in single ownership, together with all development thereon.



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Rear Lot Line- The lot boundary line which is opposite and most distant from and not coterminous with the Front Lot Line.

Rear Yard- The required setback area extending across the full width of the Lot and measured between the Rear Lot Line and the Rear Setback Line.

Recreational Vehicle- A vehicle with a camping body that either has its own motive power or is drawn by another vehicle.

Religious Institution- A building which is used primarily for religious worship and/or related religious activities.

Residence- A building used as a residence.

Residential Care Home- A resident occupied dwelling, operated by a licensed person(s) as required by the State of Arizona, in which children and/or adults are cared for on a full-time, live-in basis.

Retaining Wall- A wall designed to contain soil at a higher elevation than that on the other side of the wall.

School- An institution of learning whether public or private.

Setback Line- A line established by this Ordinance to govern the placement of a building or a structure with respect to its Lot boundary lines.

Shopping Center- A commercial complex having at least four (4) distinct business occupants.

Side Lot Line- Any Lot boundary line not a Front/Rear Lot Line.

Side Yard- The area between the side lot line and the Side Setback Line and extending from the Front Lot Line to the Rear Lot Line.

Signs:

Temporary Sign- A sign, constructed of combustible materials, displayed for a total of thirty (30) days or less.



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Area Sign- The entire area of a sign within a single continuous perimeter enclosing the writing, representation, emblem, or any figure of similar characters.

Attached Sign- A sign, which is affixed to and made an integral part of a structure. Attached signs may include wall signs, roof signs, and projecting signs.

Double-faced Sign- A sign designed to be viewed from opposing directions.

Freestanding Sign- A sign which is wholly or partly supported by a structural element which is not an integral part of a structure. Portable signs and sign on fences shall be considered freestanding signs.

Height Sign- The vertical distance from the grade level of the surrounding area to the highest point of the sign or any vertical projection.

Identification Sign- A sign which is limited to the name, address and telephone number of a business, institution, or person and to the activity or product carried of the person(s) as are located therein.

Monument Sign- A low profile, freestanding sign five (5) feet or less in height subject to Township review and right of way (Authorities Having Jurisdiction) approval.

Non-Conforming Sign- A sign, which was lawfully erected but does not comply due to placement prior to this Ordinance or due to an annexation of surrounding property by the Township.

Off-Site Sign- A sign, such as a billboard, which is not located on the same parcel of land as the entity or product it advertises.

Political Sign- A sign intended to influence the vote for the passage or defeat of a measure or the nomination, election, or defeat of a candidate in any government election.

Projecting Sign- A sign erected on the wall of a building or structure, or suspended from an overhang, with display surfaces above the public right of way.

Roof Sign- An attached sign erected on a roof or projecting above the eave of the building.



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Wall Sign- A sign attached to a wall or fascia to a building or structure, the face of which is parallel to the wall or fascia.

Window Sign- A sign which is displayed in or through a window and is visible from a street, walkway, or parking lot.

Single Family Dwelling- A building designed for occupancy by one (1) family.

Sound Wall Fence- A wall fence, constructed of materials designed to reduce the level of nearby sound.

Street- A thoroughfare that is wider than an alley or lane and usually includes sidewalks.

Structural Alterations- Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor joists, ceiling joists or roof rafters.

Structure- Anything constructed or erected upon the ground or attached to such construction having location on the ground, but excluding swimming pools and uncovered areas such as patios and parking lots.

Transfer of Grazing Rights- when a prime development land subject to development pressures is under a Grazing Permit, the Township may work with the holder of the Grazing Permit to transfer the grazing permit or access to land for the purpose of livestock grazing to another land parcel that is not subject to development pressures.

Town Planner- The person or his/her designee charged by the Township with the responsibilities as administrator of this ordinance.

Townhouse- A Condominium dwelling unit, which is the sole dwelling unit on a parcel of land, with no dwelling units above and below.

Township - The Township of Kayenta and when used in the context of requiring action or approval shall mean the Township acting in its official capacity.



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Township Clerk - The administrative officer of the Township and the official who keeps the records of the Township.

Trailer- a vehicle without motive power with dimensions not exceeding any of the following: forty (40) feet in overall length, eight (8) feet in width and twelve (12) feet overall height.

Recreational Vehicle Campground- Any lot, tract, or parcel of land licensed and used or offered for use in whole or part, for the parking of occupied travel trailers, pick up campers, converted buses, recreational vehicles, tent trailers, tents or similar devices used for temporary portable housing and used solely for living and/or sleeping purposes but not to be utilized for more than one hundred and eighty (180) continuous days by any one guest or tenant.

Unit- A single building inclusive of a Single Family Dwelling.

Variance- A relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance may be authorized only for use, area, height, dimension, distance, setback, off-street parking, and off-street loading requirements.

Warehouse- An industry place in which goods or merchandise are stored for later distribution.

Wire Mesh Fencing- Fence material which derives its strength from metal strands crossing in a regular pattern, including, but not limited to, those materials known as chain link or chicken wire, but not including ornamental wrought iron fencing.

Yard- An open space, unoccupied and unobstructed by any structure or portion of on a Lot.

Xeriscapes- A type of landscaping utilizing drought tolerant plants and ground cover which needs little maintenance or water.

SECTION 18-20: RESERVED



Kayenta Township Zoning Ordinance

ARTICLE C. ZONING DISTRICTS AND BOUNDARIES

SECTION 21: DIVISION OF TOWNSHIP INTO DISTRICTS: PURPOSE

- 21.1 Purpose. The Town is hereby zoned and divided into districts. The purpose of establishing these districts is to:
- A. Implement the Kayenta Comprehensive Plan;
 - B. Conserve and promote the public health, safety, and general welfare of the Township;
 - C. Encourage the most appropriate use of land throughout the Township;
 - D. Ensure smart, logical and orderly growth and development of the physical elements of the Township;
 - E. Prevent scattered and haphazard growth and guide orderly transition of urban areas;
 - F. Conserve and enhance economic, cultural, social and aesthetic values;
 - G. Enhance, protect and maintain the integrity and character of existing neighborhoods;
 - H. Facilitate adequate provision of transportation, water, sewage, schools, parks, and other public and commercial facilities and services;
 - I. Promote the development of convenient and beneficial clusters of uses, including business and shopping facilities where satisfactory proof is made that the same are reasonably necessary and desirable for the public convenience and welfare;
 - J. Provide for adequate light and clean air;
 - K. Aid in preventing traffic congestion in the streets and public ways of the Township;
 - L. Prevent unduly noisome and/or injurious substances, conditions and operations; and
 - M. Secure safety from fire, flood and other dangers.

SECTION 22: ZONING DISTRICTS ENUMERATION

- 22.2 Enumeration. The Kayenta Township Commission adopted the following zoning system to meet the needs of Kayenta Township, provide an environment that is vibrant, economically viable, self-sufficient, sustainable, and people friendly, and allow for flexibility in land use. The Zoning System provided in this Zoning Ordinance classifies, regulates, restricts and separates the use of land, buildings and structures. It regulates and limits the type, height and bulk of buildings and structures. It also regulates yards and other open areas around and between buildings and structures and the density of dwelling units. The Township is hereby divided into the following zoning districts:
- 22.3 Specific Plan Zones.
- 22.3.1 Agriculture/Equestrian Districts
 - A. A-1 Agriculture District
 - B. A-2 Equestrian Center District
 - C. A-3 Horse Ranch District



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22.3.2 Residential Districts

- C. R-1 Residential Single-Family District (Low Density)
- D. R-2 Residential Single-Family District (Low Density)
- E. R-3 Residential Single-Family District (Low Density)
- F. R-4 Residential Single-Family District (Medium Density)
- G. R-5 Residential Single-Family District (High Density)

22.3.3 Mixed Use Districts

- A. MU-1 Corridor Development Mixed Use
- B. MU-2 Kayenta Main Street Mixed Use
- C. MU-3 Kayenta Old Town District Mixed Use
- D. MU-4 Kayenta Gateway Center

22.3.4 Transit Oriented Development Districts

- A. TOD-1 Employment Oriented Mixed Use
- B. TOD-2 Entertainment Oriented Mixed Use

22.3.5 Commercial Districts

- A. C-1 Neighborhood Commercial District
- B. C-2 Community Commercial District
- C. C-3 Highway Commercial District
- D. C-4 Truck Service Corridor District
- E. AHC Airport Highway Commercial District
- F. HE Hospitality/Entertainment District
- E. RSG Resort, Spa, and Golf Course District

22.3.6 Employment Districts

- A. E-1 Employment
- B. E-2 Health Support Services District
- C. E-3 Technology and Innovation District

22.3.7 Community Facilities Districts

- A. CF-1 School District
- B. CF-2 Public Utilities and Facilities Districts

22.3.8 Industrial Districts

- A. I-1 General Industry District

22.3.9 Planned Recreation District (PR)

- A. OR-1 Community Parks District
- B. OR-2 Regional Recreation, Parks and Open Space District

22.3.10 PAD (Planned Area Development) Districts

22.4 The Official Zoning Map

The Official Zoning Map delineates the zoning districts and is declared a part of this Zoning Ordinance and shall constitute the official description of the location and boundaries of each District in the Township. The Official Zoning Map is located at the end of this Zoning Ordinance.



Kayenta Township Zoning Ordinance

SECTION 23: AGRICULTURAL DISTRICTS

23.1 A1 - AGRICULTURE DISTRICT



Community gardens, organic hydroponics, green houses, contained farming

23.1.1 Purpose and Permitted Uses

The purpose of the A-1 District is to protect the Township's historical agricultural areas and to increase the Township's self sufficiency by providing space for communal agricultural enterprises including areas for low intensity agricultural operations such as small communal row crop fields, community gardens, green houses, organic hydroponics, permaculture, and contained farming. Community gardens provide fresh produce and plants as well as satisfying labor, neighborhood improvement, sense of community and connection to the environment. Activities supporting such agricultural industries such as community farmers market, small packing plants, olive mills, art gardens, orchards, vineyards, feed stores, tourist-oriented horse stables and opportunities for community gathering, social activities, beautification, education and passive recreation are also permitted. Small structures for the sell of agricultural products are permitted. This District does not permit residential development. The A-1 District implements the *Agriculture/Equestrian Oriented* future land use classification of the Kayenta Township Comprehensive Plan.

23.1.2 Site and Building Requirements

A	Minimum Lot Area:	There is no "standard" community garden plot size. Individual plot sizes vary widely depending on many factors, including location, land available for gardening, demand, and physical and time limitations of the gardeners, among others. Typical lot sizes: 20 ft × 20 ft; 10 ft × 10 ft or 10 ft × 15 ft
B	Minimum Lot Width:	Not applicable
C	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 20 feet Side Yard: 10 feet Rear Yard: 10 feet
	Minimum Required Setbacks for Garden Plots	Front Yard: 5 feet Side Yard: 5 feet Rear Yard: 5 feet
D	Maximum Building Height:	35 Feet



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23.2 A2 – EQUESTRIAN CENTER DISTRICT



Rodeo and Fair Grounds

23.2.1 Purpose and Permitted Uses

The purpose of the A-2 District is to protect the Township’s long history of equestrian functions and to increase the Township’s self sufficiency by providing space for the expansion of equestrian enterprises including rodeo and fair grounds, flea markets, annual equestrian festivals and tourist-oriented equestrian activities. The Equestrian Center serves as an anchor for Kayenta’s Hospitality and Entertainment District and provides activities for all age groups. Activities supporting the equestrian center such as horse stables, training and performing arenas, concession stands, restrooms, tourist-oriented horse functions and opportunities for community gathering, social activities, beautification, equestrian education and passive recreation are also permitted. Structures and buildings designed to provide space for vendors to sell flea market, rodeo and fair ground related products are permitted. Structures and buildings housing functions, classes or training space for horse shows, gymkhana, Omoksee (barrel racing, keyhole race, keg race or down-and-back, flag race and pole bending), cutting, ranch sorting, reining, roping, tie-down roping, breakaway roping, bronc riding, and bull riding are permitted. This District does not permit residential development. The A-2 District implements the *Agriculture/Equestrian Oriented* future land use classification of the Kayenta Township Comprehensive Plan.

23.2.2 Site and Building Requirements:

A	Minimum Lot Area:	As per accepted horse and fair grounds industry standards
B	Minimum Lot Width:	As per accepted horse and fair grounds industry standards
C	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 40 feet Side Yard: 20 feet Rear Yard: 40 feet
	Minimum Required Setbacks for Animal Stables	Front Yard: 60 feet Side Yard: 30 feet Rear Yard: 60 feet
D	Maximum Building Height:	55 feet
E	Required Continuous Buffer Along Hospital/ Medical Support Uses:	100 feet*

* Parking, sidewalks, perimeter fence, and internal drives are permitted within the 100 feet buffer yard.



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23.3 A3 – HORSE RANCH DISTRICT



Horse Raising and Horse Ranching

23.3.1 Purpose and Permitted Uses

The purpose of the A-3 District is to protect the Township’s long history of horse keeping, to increase the Township’s self sufficiency by protecting existing horse ranches along Highway 163, and to provide additional opportunities for horse ranches on these areas to complement the establishment of Mustang Trail. The A-3 District is a low density rural residential district. The A-3 District implements the *Agriculture/Equestrian Oriented* future land use classification of the Kayenta Township Comprehensive Plan.

23.3.2 Permitted Uses (Primary Uses)

- A. Single-family residences (detached), modular homes, and manufactured homes, provided they are attached to a permanent foundation. Mobile homes are not permitted within this District.
- C. Parks, recreation, trails, and open space.
- D. Utility corridors (underground transmission lines).
- E. Satellite dish antennas for private residential use.
- F. Up to 5 horses per acre, or up to five (5) other farm stock or animals, including grazing cattle, sheep, and goats, excluding hogs.
- G. Uses and activities supporting or complementing farm stock, including veterinary facilities.
- H. Tourist-oriented commercial uses including horse tours, horse renting, and horse arenas compatible with the rural residential intent of this area.
- I. The grazing of livestock is permitted within this district.

23.3.3 Accessory Uses

Uses permitted only as an accessory use to a primary use on the same lot or parcel within the A-3 District include:

- A. Home-based occupations.
- B. Barns and stables designed to shelter horses or farm stock, provided these comply with all other applicable requirements included in this Zoning Ordinance for the keeping of animals in residential areas.



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- D. Guest houses.
- E. Swimming pools.
- F. Temporary signs.
- G. Temporary construction uses and signs.
- H. Temporary uses such as Christmas tree, pumpkin and seasonal sale lots.

23.3.4 Conditional Uses

The following conditional uses are permitted within the A-3 District after review and approval of a Conditional Use Permit in accordance with the review procedures provided in this Zoning Ordinance:

- A. All other utilities and transmission lines (above ground).
- B. Convenience retail sales and services.
- C. Campgrounds and camps.
- D. Commercial ranch, commercial stable and outdoor guest ranch.
- E. Cabins and lodges.
- F. Equestrian-oriented outdoor commercial amusement.
- G. Temporary retail sales.

23.3.5 Site and Building Requirements:

- | | | |
|----|---------------------|--|
| A. | Density: | 1 single family unit per acre |
| B. | Minimum Lot Area: | 1 acre |
| C. | Minimum Lot Width: | 100 feet |
| D. | Minimum Required | Front Yard: 60 feet |
| | Setbacks for | Side Yard: 10 feet |
| | Buildings and | Rear Yard: 10 feet |
| | Structures: | |
| | Minimum Required | Front Yard: 60 feet |
| | Setbacks for Animal | Side Yard: 30 feet |
| | Stables | Rear Yard: 10 feet |
| E. | Maximum Building | 35 feet |
| | Height: | |
| F. | Required Continuous | 100 feet* |
| | Buffer Yard Along | |
| | Laguna Creek: | |
| G. | Additional | Appropriate fencing to keep horses and farm stock secured at |
| | Requirements | all times within the parcel is required. |

* Utility easements, trails, horse back riding trails, Township owned and maintained perimeter fence, and Township owned and maintained roads are permitted within the 100 feet buffer yard.



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SECTION 24: RESIDENTIAL DISTRICTS

24.1 R-1 – RESIDENTIAL SINGLE FAMILY DISTRICT (LOW DENSITY)



Variety of Single Family Energy Efficient Homes at Walking Distance to Linear Parks and Neighborhood Parks

24.1.1 Purpose

The purpose of the R-1 District is to provide areas within the Township for single family dwelling and low density clustering. The land uses and development requirements within the R-1 District promote, enhance and protect the Township’s residential neighborhoods while providing opportunities for sustainable practices that increase the Township self-sufficiency, including agriculture and farming. The R-1 District implements the *Low Density Residential* future land use classification of the Kayenta Township Comprehensive Plan.

24.1.2 Permitted Uses (Primary Uses)

The land uses permitted in this District include:

- A. Single-family residences (detached), modular homes, and manufactured homes, provided they are attached to a permanent foundation. Mobile homes are not permitted within this District.
- B. Water works facilities, both public and private, intended primarily for the production and distribution of water for irrigation purposes.
- C. Parks, recreation, trails, and open space.
- D. Utility corridors (underground transmission lines).
- E. Satellite dish antennas for private residential use.
- F. Up to 5 horses per acre, or up to five (5) other farm stock or animals, including grazing cattle, sheep, and goats, and excluding hogs.
- G. Uses and activities supporting or complementing farm stock, including veterinary facilities.
- H. Tourist-oriented commercial uses including horse tours, horse renting, and horse arenas compatible with the rural residential intent of this area.
- I. Cemeteries.
- J. Community services and facilities such as schools, day care (1-6 children).
- K. Community buildings such as police, fire, emergency services



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- L. Houses of worship.
- M. Utility facilities and utility service yards.
- N. Nurseries, general agriculture, agribusiness, greenhouses, contained farming, orchards, aviaries, apiaries, field crop, tree crops, berry and bush crops, vegetables, flowers and herb gardening in a commercial scale, and vegetables gardening used only for purposes of propagation and culture, including the sale thereof from the premises and one unlighted sign that does not exceed two square feet in size pertaining to the sale of products.
- O. The drying, canning, packing, freezing and other accepted methods of processing the produce resulting from such permitted uses, when such processing is primarily in conjunction with a farming operation and further provided that the permanent buildings and structures used in conjunction with such drying, packing and processing operations are not nearer than 20 feet from the boundaries of the premises and 40 feet from any adjacent dwelling unit other than the dwelling unit they are associated with.
- P. The grazing of cattle, horses, sheep, goats or other farm stock or animals, not including hogs, including the supplementary feeding thereof, not to exceed five animals per acre of all the land available
 1. The systematic rotation of animals with more than five animals per acre is permitted so long as the total number of permitted animals is not exceeded.
 2. For the grazing of sheep or goats, the permissible number of animals per acre may be multiplied by three.
 3. There shall be no limit to the permissible number of sheep which may be grazed per acre when the grazing is for the purpose of cleaning up unharvested crops, provided that such grazing is not conducted for more than four weeks in any six month period.

The provisions of this paragraph apply to mature breeding stock, maintenance stock and similar farm stock, and shall not apply to the offspring thereof, if such offspring are being kept, fed or maintained solely for sale, marketing or slaughtering at the earliest practical age of maturity. In all cases the permissible number of animals per acre shall be computed upon the basis of the nearest equivalent ratio.
- Q. The noncommercial keeping of horses, cattle, sheep, and goats on lots or parcels over 20,000 square feet in area and 100 feet in width, provided they are kept, fed and maintained not less than 50 feet from any residence existing at the time such use is established. Two such animals may be kept on each 20,000 square feet up to one acre and two such animals for each additional acre.
- R. Antennas or towers on land controlled by the Township and satellite dish antennas for private residential use.



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24.1.3 Accessory Uses

Uses permitted only as an accessory use to a primary use on the same lot or parcel within the R-1 District include all those accessory uses listed in A-3 District.

24.1.4 Conditional Uses

The following conditional uses are permitted within the R-1 District after review and approval of a Conditional Use Permit in accordance with the review procedures provided in this Zoning Ordinance:

- A. Agricultural extension university campus.
- B. All other utilities and transmission lines (above ground).
- C. Convenience retail sales and services.
- D. Campgrounds and camps.
- E. Commercial ranch, commercial stable and outdoor guest ranch.
- F. Cabins and lodges.
- G. Temporary retail sales.
- H. College campus.
- I. Child care (7 or more children).
- J. Bed and breakfast.
- K. Resorts, cabins and lodges.
- L. Temporary retail sales.
- M. Promotional activities involving the display of goods and merchandise; special events and activities; and temporary uses not specified.

24.1.5 Site and Building Requirements:

- | | | |
|----|--|--|
| A. | Maximum Density: | 1 dwelling per acre (farms) 2 dwellings per acre (non-farms) |
| B. | Minimum Lot Area: | 1 acre (farms) 20,000 sq. ft. (non-farms) |
| C. | Minimum Lot Width: | 100 feet |
| | Minimum Lot Depth: | 150 feet |
| D. | Minimum Required Setbacks for Buildings and Structures: | Front Yard: 20 feet
Side Yard: 5 feet
Rear Yard: 10 feet |
| E. | Minimum Required Setbacks for Animal Stables | Front Yard: 30 feet
Side Yard: 15 feet
Rear Yard: 15 feet
And 50 feet from any dwelling unit other than the dwelling unit on the subject lot. |
| F. | Maximum Building Height: | 35 feet for single family residence and 40-55 feet for other buildings or structures |
| G. | Required Continuous Buffer Yard Along Laguna Creek Linear Park and Kayenta Airport Linear Park | 50 feet* |

* Utility easements, trails, horse back riding trails, Township owned and maintained perimeter fence, and Township owned and maintained roads are permitted within the 50 feet buffer yard.



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24.2 R-2 – RESIDENTIAL SINGLE FAMILY DISTRICT (LOW DENSITY)



Variety of Single Family Energy Efficient Homes in Close Proximity to Transit, Linear Parks and Resort Golf Course

24.2.1 Purpose

The purpose of the R-2 District is to provide areas within the Township for single family dwelling and low density clustering. The land uses and development requirements within the R-2 District promote, enhance and protect the Township’s residential neighborhoods. New infill development, redevelopment and expansion of existing residential uses located inside the designated Kayenta Redevelopment/Rehabilitation Planning Area must comply with this section and with all applicable requirements set forth in the Kayenta Comprehensive Plan and in this Zoning Ordinance. The R-2 District implements the *Low Density Residential* future land use classification of the Kayenta Township Comprehensive Plan.

24.2.2 Permitted Uses (Primary Uses)

The land uses permitted in this District include:

- A. Single-family residences (detached), modular homes, and manufactured homes, provided they are attached to a permanent foundation. Mobile homes are not permitted within this District.
- C. Parks, recreation, trails, and open space.
- D. Utility corridors (underground transmission lines).
- E. Satellite dish antennas for private residential use.
- F. Cemeteries.
- G. Community services and facilities such as schools, day care (1-6 children).
- H. Community buildings such as police, fire, emergency services
- I. Houses of worship.
- J. Utility facilities and utility service yards.
- K. Antennas or towers on land controlled by the Township and satellite dish antennas for private residential use.

24.2.3 Accessory Uses

Uses permitted only as an accessory use to a primary use on the same lot or parcel within the R-2 District include:

- A. Home-based occupations.
- B. Guest houses.



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- C. Swimming pools.
- D. Temporary signs.

24.2.4 Conditional Uses

The following conditional uses are permitted within the R-2 District after review and approval of a Conditional Use Permit in accordance with the review procedures provided in this Zoning Ordinance:

- A. All other utilities and transmission lines (above ground).
- B. College or university campus.
- C. Child care (7 or more children).
- D. Bed and breakfast.

24.2.5 Site and Building Requirements:

- A. Maximum Density: 4 dwelling units per acre
- B. Minimum Lot Area: 10,000 sq. ft.
- C. Minimum Lot Width: 100 feet
Minimum Lot Depth: 100 feet
- D. Minimum Required Setbacks for Buildings and Structures: Front Yard: 20 feet
Side Yard: 5 feet
Rear Yard: 10 feet
- F. Maximum Building Height: 30 feet
- G. Required Continuous Buffer Yard Along Kayenta Airport Linear Park: 50 feet*

* Utility easements, trails, horse back riding trails, Township owned and maintained perimeter fence, and Township owned and maintained roads are permitted within the 50 feet buffer yard.



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24.3 R-3 – RESIDENTIAL SINGLE FAMILY DISTRICT



Variety of Single Family Energy Efficient Homes in Close Proximity to Civic Center, Town Center and Kayenta Main Street

24.3.1 Purpose

The purpose of the R-3 District is to provide areas within the Township for single family dwelling and low density clustering. The land uses and development requirements within the R-3 District promote, enhance and protect the Township’s residential neighborhoods. The R-3 District implements the *Low Density Residential* future land use classification of the Kayenta Township Comprehensive Plan.

24.3.2 Permitted Uses (Primary Uses)

All the uses permitted in the R-2 District, including attached single family dwelling units.

24.3.3 Accessory Uses

All the accessory uses permitted in the R-2 District.

24.3.4 Conditional Uses

All the conditional uses permitted within the R-2 District after review and approval of a Conditional Use Permit in accordance with the procedures provided in this Zoning Ordinance.

24.3.5 Site and Building Requirements:

- A. Maximum Density: 8 dwelling units per acre
- B. Minimum Lot Area: 5,000 sq. ft.
- C. Minimum Lot Width: 90 feet
Minimum Lot Depth: 60 feet
- D. Minimum Required Setbacks for Buildings and Structures:
 - Front Yard: 20 feet
 - Side Yard: 5 feet
 - Rear Yard: 10 feet
- F. Maximum Building Height: 30 feet
- G. Required Continuous Buffer Yard Along Laguna Creek Linear 50 feet*

* Utility easements, trails, horse back riding trails, Township owned and maintained perimeter fence, and Township owned and maintained roads are permitted within the 50 feet buffer yard.



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24.4 R-4 – RESIDENTIAL SINGLE FAMILY DISTRICT (MEDIUM DENSITY)



Variety of Single Family Energy Efficient Homes in Close Proximity to Transit, Employment and Civic Center

24.4.1 Purpose

The purpose of the R-4 District is to provide areas within the Township for medium density single family dwelling and medium density clustering. The land uses and development requirements within the R-4 District promote, enhance and protect the Township’s residential neighborhoods. The R-4 District implements the *Medium Density Residential* future land use classification of the Kayenta Township Comprehensive Plan.

24.4.2 Permitted Uses (Primary Uses)

All the uses permitted in the R-2 District, including attached single family dwelling units.

24.4.3 Accessory Uses

All the accessory uses permitted in the R-2 District.

24.4.4 Conditional Uses

All the conditional uses permitted within the R-2 District after review and approval of a Conditional Use Permit in accordance with the review procedures provided in this Zoning Ordinance.



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24.4.5 Site and Building Requirements:

- A. Maximum Density: 10 dwelling units per acre
- B. Minimum Lot Area: 4,000 sq. ft.
- C. Minimum Lot Width: 80 feet
Minimum Lot Depth: 50 feet
- D. Minimum Required Setbacks for Buildings and Structures:
 - Front Yard: 10 feet
 - Side Yard: 5 feet
 - Rear Yard: 5 feet
- F. Maximum Building Height: 30 feet
- G. Required Continuous Buffer Yard Along Laguna Creek Linear Park: 50 feet*

* Utility easements, trails, horse back riding trails, Township owned and maintained perimeter fence, and Township owned and maintained roads are permitted within the 50 feet buffer yard.



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24.5 R-5 – RESIDENTIAL MULTIFAMILY DISTRICT (HIGH DENSITY)



Variety of Single Family Energy Efficient Townhomes and Multifamily Homes in Close to the Old Town Center

24.5.1 Purpose

The purpose of the R-5 District is to provide areas within the Township for high density workforce and student residential development at walking distance to the Old Town Center, schools, parks, Mustang Trail and Kayenta Main Street. The land uses and development requirements within the R-5 District promote, enhance and protect the Township’s residential neighborhoods. The R-5 District implements the *Kayenta Township Core* future land use classification of the Kayenta Township Comprehensive Plan.

24.5.2 Permitted Uses (Primary Uses)

All the uses permitted in the R-2, R3, and R4 District, including townhomes and multifamily apartment units.

24.5.3 Accessory Uses

All the accessory uses permitted in the R-2 District, plus amenities typical of multifamily dwelling such as club house, fitness center, communal swimming pool, open space. Such amenities must be provided in an integrated manner.

24.5.4 Conditional Uses

All the conditional uses permitted within the R-2 District after review and approval of a Conditional Use Permit in accordance with the review procedures provided in this Zoning Ordinance.



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24.5.5 Site and Building Requirements:

- | | | |
|----|---|--|
| A. | Maximum Density: | 12 dwelling units per acre |
| B. | Minimum Lot Area: | 3,500 sq. ft. |
| C. | Minimum Lot Width: | 40 feet |
| | Minimum Lot Depth: | 80 feet |
| D. | Minimum Required Setbacks for Buildings and Structures: | Front Yard: 10 feet
Side Yard: 5 feet
Rear Yard: 10 feet |
| F. | Maximum Building Height: | 40 feet |



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SECTION 25: MIXED USE DISTRICTS

The Kayenta Township Comprehensive Plan promotes mixed-use development in appropriate locations in order to allow people to live, work, learn, play and shop. Mixed-use development provides housing, retail, parks and services within the same neighborhood, either in the same building or in close proximity.

Mixed-use development offers a variety of housing options, including affordable housing. Transportation impacts are minimized by reducing reliance on the automobile to get to commercial areas, and increasing walking, bicycling, and transit opportunities. Mixed-use development is designed to facilitate interaction among people, provide opportunities for social intimacy, and cultivate a sense of community and place.

Kayenta Township has four mixed-use zoning districts. Some of these districts are currently outside of the Township boundary. Lands currently located within the Kayenta Chapter may become part of Kayenta Township through annexation. At such time when annexation occurs, those lands will be regulated by this Zoning Ordinance.

25.1 MU-1 – CORRIDOR DEVELOPMENT MIXED USE



Variety of Single Lofts and Mixed-use Energy Efficient Development in Close Proximity to Transit and Entertainment Center

25.1.1 Purpose

The MU-1 District provides areas within the Township for mixed-use development that is more urban in character. The land uses and development requirements within the MU-1 District promote, enhance and protect the Township’s residential neighborhoods, encourage walkability, support the Township retail revenue base, and offer an integrated environment where residents and visitors can live, work, shop, and play. The MU-1 District implements the *Corridor Development* future land use classification of the Kayenta Township Comprehensive Plan.



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The purpose of the MU-1 District is to:

- A. Accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space;
- B. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
- C. Promote the health and well-being of Kayenta residents by encouraging physical activity, alternative transportation, and greater social interaction.

25.1.2 Permitted Uses (Primary Uses) and Conditional Uses

As provided in Table 1.

25.1.3 Commercial Establishment Size Limits

The MU-1 District is a neighborhood-oriented district. Commercial uses within the MU-1 District are geared toward a neighborhood market area. The gross floor area of commercial establishments in the MU-1 District shall not exceed 15,000 square feet. Commercial establishment exceeding 15,000 square feet require a Conditional Use permit.

25.1.4 Indoor/Outdoor Operations

All permitted uses in the MU-1 District must be conducted within completely enclosed buildings unless otherwise expressly authorized by the Township. This requirement does not apply to off-street parking, loading and service areas, automated teller machines, information kiosks, outdoor sitting areas, parks, courtyards, plazas, or gathering spaces.

The following temporary outdoor operations are permitted in the MU-1 District provided the users acquire all appropriate permits and/or licenses:

- A. Art shows.
- B. Holiday shows.
- C. The exhibit of automobiles for sale in a plaza setting.
- D. Outdoor performances, theater and film festivals.
- E. Cultural events.
- F. Artisans and farmers markets.
- G. Information booths.
- H. Coffee, snacks, and Flower Kiosks.
- I. Newspaper and Magazine Stands.



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25.1.5 Floor-to-Floor Heights and Floor Area of Ground-floor Space

- A. All commercial floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of eleven (11) feet.
- B. All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:
 - 1. At least eight hundred (800) square feet or twenty-five (25) percent of the lot area, which ever is greater, on lots with street frontage of less than fifty (50) feet; or
 - 2. At least twenty (20) percent of the lot area on lots with fifty (50) feet of street frontage or more.

25.1.6 Lot Area per Unit (Density)

Mixed-use buildings are desired and rewarded with more flexible development standards. Higher residential densities are allowed in mixed-use buildings than in single-use buildings in accordance to the following criteria:

- A. The minimum lot area per dwelling unit for mixed-use buildings shall be 1,000 square feet.
- B. The minimum lot area per dwelling unit for single-use buildings shall be 1,500 square feet.

25.1.7 Floor Area Ratio (FAR)

- A. The minimum FAR for mixed-use buildings shall be 2.0.
- B. The minimum FAR for single-use buildings shall be 1.25.

25.1.8 Setbacks

A. **Front Setback:**

Rather than mandating a *zero-foot* “build-to” line for all properties in the MU-1 District, flexibility is allowed to accommodate shallow building setbacks that are sometimes necessary to accommodate features such as outdoor seating/display areas, stoops and sidewalk widening that add interest and make more attractive the street scene. The entire building façade must abut front and side street property lines or be located within ten (10) feet of such property line.

B. **Rear Setback:**

The appropriate rear building setback will depend on lot and development patterns in the area, consistent with the following criteria:

- 1. The minimum rear setback is 0 to 30 percent of the lot depth.
- 2. When alleys abut the rear of the MU-1 District lots, no rear setback may be necessary, except for upper floors.



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3. When MU-1 District abuts the rear property line of residential lots, buildings in the MU-1 District shall set back from the rear property line a distance equivalent to the residential building required rear setback to protect the privacy and open feeling expected within residential rear yards.

C. Interior Setback:

Most pedestrian-oriented shopping streets are lined with buildings that span the entire width of the lot. The standard proposed here helps reinforce that pattern, while also ensuring that if the MU-1 District abuts a residential zoning district, a “typical” residential side yard shall be provided.

1. No interior side setbacks are required in the MU-1 District, except when MU-1-zoned property abuts residential zoned property, in which case the minimum side setback required in the MU-1 District shall be the same as required for a residential use on the abutting residential zoning district.

25.1.9 Building Heights

Regulating building heights by stories rather than feet above grade allow for greater flexibility. The standards below allow greater height for mixed-use buildings than for single-use buildings because mixed-used buildings are required to have taller floor-to-ceiling heights on the ground floor. The standards below accommodate for three- or four-story buildings.

A. Maximum Building Height for Mixed-use Buildings:

The maximum building height for mixed-used buildings in the MU-1 District shall not exceed fifty (50) feet.

B. Maximum Building Height for Single-use Buildings:

The maximum building height for single-used buildings in the MU-1 District shall not exceed forty-seven (47) feet.

25.1.10 Off-Street Parking

Small retail uses are exempted from compliance with the off-street parking requirements to promote walkability and pedestrian-oriented character and to encourage use/reuse of storefront retail space. Shared and off-site parking arrangement options are favored. The following criteria apply:

- A. No off-street parking is required for nonresidential uses in the MU-1 District unless such uses exceed three-thousand (3,000) square feet of gross floor area, in which case, off-street parking shall be provided for the floor area in excess of three-thousand (3,000) feet at the rates provided in the Parking regulations section of this Zoning Ordinance.
- B. Off-street parking spaces shall be located to the rear of the principal building or they shall be screened so that these are not visible from the public right-of-way or residential zoning districts.



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25.1.11 Transparency

Ground-floor windows help make for a more pleasant pedestrian environment or public realm.

- A. A minimum of 60 to 75 percent of the street-facing building façade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas.
- B. The bottom of any window or product display window used to satisfy the transparency standards of paragraph A above shall not be more than 3 to 4.5 feet above the adjacent sidewalk.
- C. Product display windows used to satisfy these requirements must have a minimum height of four (4) feet and be internally lighted.

25.1.12 Doors and Entrances

Sidewalk-facing entrances help make for a more pleasant pedestrian environment or public realm.

- A. Buildings shall have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.
- B. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyards entrances to a cluster of shops or businesses.
- C. Doors and entrances shall be pedestrian-scaled.

25.1.13 Vehicles and Driveway Access

Driveways that cross sidewalks disrupt pedestrian movements and pose safety threats. They should be the rare exception in the neighborhood-oriented MU-1 District.

- A. No curbs are allowed for lots that abut alleys.
- B. Driveways that cross sidewalks require an approved Conditional Permit.

25.1.14 Additional Development Standards and Design Guidelines

Development within the MU-1 District must comply with all development standards and design guidelines included in the Kayenta Comprehensive Plan Urban Design Element and all other applicable design standards and guidelines provided in this Zoning Ordinance.



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25.2 MU-2 – KAYENTA MAIN STREET MIXED USE



Kayenta Main Street Mixed-use Concept, The Planning Center

25.2.1 Purpose

The MU-2 District provides for mixed-use development that is more urban in character along Highway 163, defining a Main Street environment that serves as the spinal chord connecting the Four Corners at the intersection of Highway 160 and Highway 163, the Kayenta Gateway area, and Kayenta Old Town. The land uses and development requirements within the MU-2 District promote, enhance and protect the Township’s residential neighborhoods, encourage walkability, support the Township retail revenue base, offer an integrated environment where residents and visitors can live, work, shop, and play, defines a Main Street for Kayenta Township and serves as a main tool for redevelopment and rehabilitation. The MU-2 District implements the *Kayenta Township Core* future land use classification of the Kayenta Township Comprehensive Plan.

The purpose of the MU-2 District is to:

- A. Accommodate mixed-use buildings with neighborhood/student-serving and visitor-oriented retail, service, and other uses on the ground floor and residential units above the nonresidential space in a Main Street environment;
- B. Support the development of a veteran center as one of the anchor community service facilities along Main Street;



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- C. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets along a Main Street;
- D. Promote the health and well-being of Kayenta residents by encouraging physical activity, alternative transportation, and greater social interaction;
- E. Support the Kayenta Civic Center and the Kayenta Schools located in proximity to this area; and
- F. Define Mustang Trail, a multimodal trail providing multimodal (pedestrian, bicycle, equestrian, transit and vehicular) connectivity to all major planning areas within the Township; and
- G. Contribute to the revitalization of the *Kayenta Township Core* redevelopment/revitalization planning area.

25.2.2 Permitted Uses (Primary Uses) and Conditional Uses

As provided in Table 1.

25.2.3 Commercial Establishment Size Limits

The MU-2 District is a neighborhood-oriented district. Commercial uses within the MU-2 District are geared toward a neighborhood market area that includes employees working at the Kayenta Civic Center and the Kayenta Justice Center, faculty and students attending the surrounding schools. The gross floor area of commercial and community service establishments in the MU-2 District shall not exceed 20,000 square feet. Commercial establishment exceeding 20,000 square feet require a Conditional Use permit.

25.2.4 Indoor/Outdoor Operations

Same as in MU-1 District.

25.2.5 Floor-to-Floor Heights and Floor Area of Ground-floor Space

- A. All commercial floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of eleven (11) feet.
- B. All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:
 - 1. At least eight hundred (800) square feet or twenty-five (25) percent of the lot area, which ever is greater, on lots with street frontage of less than fifty (50) feet; or
 - 2. at least twenty (20) percent of the lot area on lots with fifty (50) feet of street frontage or more.



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25.2.6 Lot Area per Unit (Density)

Mixed-use buildings are desired and rewarded with more flexible development standards. Higher residential densities are allowed in mixed-use buildings than in single-use buildings in accordance to the following criteria:

- A. The minimum lot area per dwelling unit for mixed-use buildings shall be 900 square feet.
- B. The minimum lot area per dwelling unit for single-use buildings shall be 1,000 square feet.
- C. The minimum lot area per dwelling unit for student housing in mixed-use buildings shall be 600 square feet.
- D. The minimum lot area per dwelling unit for student housing in single-use buildings shall be 700 square feet.

25.2.7 Floor Area Ratio (FAR)

Same requirements as in the MU-1 District apply.

25.2.8 Setbacks

A. **Front Setback:**

The entire building façade must abut front and side street property lines or be located within twenty (20) feet of such property lines if there is a promenade, plaza, courtyard or public gathering area built in front of the building.

B. **Rear Setback:**

The appropriate rear building setback will depend on lot and development patterns in the area, consistent with the following criteria:

- 1. The minimum rear setback is 0 to 30 percent of the lot depth.
- 2. When alleys or parking areas abut the rear of the MU-2 District lots, no rear setback may be necessary, except for upper floors.
- 3. The MU-2 District shall provide a landscape amenity that includes pedestrian and writing connectivity along the edge of the District abutting residential lots.
- 4. The MU-2 District shall set back from the rear property line a distance equivalent to the residential building required rear setback to protect the privacy and open feeling expected within residential rear yards.
- 5. Off-street surface parking shall be located on the rear of MU-2 District buildings within the rear setback area. Off-street parking located in the rear setback shall be appropriately screened where abutting residential uses and public right-of-ways.

C. **Interior Setback:**

Where the MU-2 District abuts a residential zoning district, a “typical” residential side yard shall be provided.



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1. No interior side setbacks are required in the MU-2 District, except when MU-2 zoned property abuts residential zoned property, in which case the minimum side setback required in the MU-2 District shall be the same as required for a residential use on the abutting residential zoning district.

25.2.9 Building Heights

Regulating building heights by stories rather than feet above grade allow for greater flexibility. The standards below allow greater height for mixed-use buildings than for single-use buildings because mixed-used buildings are required to have taller floor-to-ceiling heights on the ground floor. The standards below accommodate for two- or three-story buildings.

A. **Maximum Building Height for Mixed-use Buildings:**

The maximum building height for mixed-used buildings in the MU-2 District shall not exceed forty (40) feet.

B. **Maximum Building Height for Single-use Buildings:**

The maximum building height for single-used buildings in the MU-1 District shall not exceed thirty-five (35) feet.

25.2.10 Off-Street Parking

Same requirements as in the MU-1 District apply.

25.2.11 Transparency

Same requirements as in the MU-1 District apply.

25.2.12 Doors and Entrances

Same requirements as in the MU-1 District apply.

25.2.13 Vehicles and Driveway Access

Same requirements as in the MU-1 District apply.

25.2.14 Additional Development Standards and Design Guidelines

Development within the MU-2 District must comply with all development standards and design guidelines included in the Kayenta Comprehensive Plan Urban Design Element and any other applicable requirements of this Zoning Ordinance.



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25.3 MU-3 – KAYENTA OLD TOWN DISTRICT



Kayenta Old Town Mixed-use Concept, The Planning Center

25.3.1 Purpose

The MU-3 District provides for mixed-use development that is more urban in character along Highway 163, defining the historic core of Kayenta. The Kayenta Old Town Center (Old Town) is a mixed-used, walkable urban core where historic preservation, restoration, revitalization and redevelopment play a key role. These combined efforts strengthen Kayenta’s image, enhances its sense of place, defines its identity and increases its revenue generating retail base. This area incorporates opportunities for mixed-use, multifamily residential and for the establishment of a community-oriented Navajo Artisans village offering lofts to Navajo artist studios located on the ground floor and residential areas on the second floor. The area incorporates community arts center and market space.

The land uses and development requirements within the MU-3 District promote, enhance and protect the Township’s residential neighborhoods, encourage walkability, support the Township retail revenue base, offer an integrated environment where residents can live, work, shop, and play, defines the northern most activity center along Kayenta Main Street and serves as a main tool for redevelopment and rehabilitation. The MU-3 District implements the *Kayenta Township Core* future land use classification of the Kayenta Township Comprehensive Plan.



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The purpose of the MU-3 District is to:

- A. Accommodate mixed-use buildings with neighborhood, Navajo artisans, student, and visitor services and retail focus, providing gallery space, artisans work space, community services and other uses on the ground floor and residential units above the nonresidential space in a town core environment;
- B. Provide a window into the Navajo arts and cultures with space for workshops, art center and multi-media space;
- C. Promote development of a compact, pedestrian-oriented town center consisting of a employment, library, arts center, vibrant and dynamic boutique style mixed-use areas, and residential living environments that provide a broad range of housing types for an array of housing needs;
- D. Promote a diverse mix of residential, business, commercial, office, institutional, educational, and cultural and entertainment activities for workers, visitors, and residents;
- E. Encourage development that exhibits the physical design characteristics of pedestrian-oriented and pedestrian scaled old town;
- F. Promote the health and well-being of Kayenta residents by encouraging physical activity, alternative transportation, and greater social interaction;
- G. Support the Kayenta Civic Center and the Kayenta Schools located in proximity to this area;
- H. Define Mustang Trail, a multimodal trail providing multimodal (pedestrian, bicycle, equestrian, transit and vehicular) connectivity to all major planning areas within the Township;
- I. Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help support transit usage and town center businesses;
- J. Create a place that represents a unique, attractive, and memorable destination for visitors and residents;
- K. Enhance the community's character through the promotion of high-quality urban design.
- L. Provide stables for visitors to have the option to experience the old ways by riding horses from the different equestrian destinations throughout the Township to Old Town; and
- M. Contribute to the revitalization of the *Kayenta Township Core* redevelopment and revitalization planning area.

25.3.2 Permitted Uses (Primary Uses) and Conditional Uses

As provided in Table 1.



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25.3.3 Commercial Establishment Size Limits

The MU-3 District is a neighborhood-oriented district. Commercial uses within the MU-3 District are geared toward a neighborhood market area that includes employees working at the Kayenta Civic Center, Kayenta Justice and Detention Center, the Kayenta Public Library, the Kayenta Arts Center and the faculty and students attending the surrounding schools. The gross floor area of commercial and community service establishments in the MU-3 District shall not exceed 10,000 square feet. Commercial establishment exceeding 10,000 square feet require a Conditional Use permit.

25.3.4 Indoor/Outdoor Operations

Old Town celebrates the horse keeping tradition of Navajo people by being a focal point along Mustang Trail and providing opportunities for the creation of horse stables in proximity to the existing feed house, placing emphasis of outdoor amenities and features. The multifamily uses within this area provide housing opportunities for employees of the Kayenta Justice and Detention Center at walking distance to adjacent schools. This dynamic and vibrant focal point exudes civic pride, and functions as a mixed-use art district with an integrated work force, adequate affordable housing and thriving revenue generating businesses. Old Town serves as the historic and cultural heart of Kayenta from which Kayenta Main Street radiates.

This core includes a vital retail base, services, courtyards and plazas with outdoor performance space, art galleries, art studios, residences, parks, small family-owned restaurants, outdoor cafés, showcasing Navajo arts, culinary arts and traditions and creating an atmosphere that attracts visitors and residents. Old Town offers well-defined pedestrian-scaled streets and places to live, work, play, shop, learn rest, celebrate, and perform. Boutique style mixed-use where buildings are arranged around courtyards and plazas, providing ample opportunities for public art and gathering is the preferred option for the Old Town area.

25.3.5 Floor-to-Floor Heights and Floor Area of Ground-floor Space

Same requirements as in the MU-1 District apply.

25.3.6 Lot Area per Unit (Density)

Same requirements as in the MU-1 District apply.



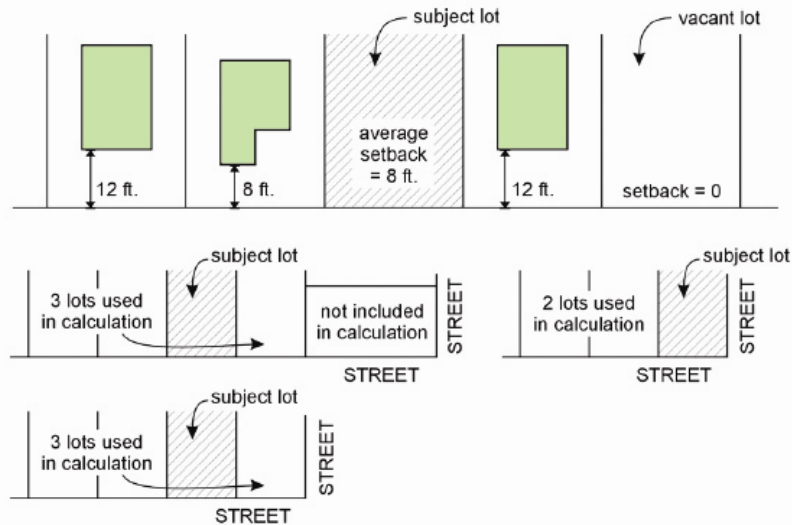
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25.3.7 Setbacks

A. **Front and Side Setback:**

1. No minimum front or street side building setback is required.
2. The maximum front and street side building setback may not exceed the average front yard depth of the nearest two lots on either side of the subject lot or 12 feet, whichever is less.
3. If one or more of the lots required to be included in the averaging calculation are vacant, such vacant lots will be deemed to have a yard depth of 0 feet. (See Figure 1)
4. Lots fronting a different street than the subject lot or separated from the subject lot by a street or alley may not be used in computing the average. (See Figure 1)
5. When the subject lot is a corner lot, the average setback will be computed on the basis of the 2 adjacent lots that front on the same street as the subject lot. (See Figure 1)
6. When the subject lot abuts a corner lot fronting on the same street, the average setback will be computed on the basis of the abutting corner lot and the nearest two lots that front on the same street as the subject lot. (See Figure 1)

Figure 1: Calculating Setbacks



Example: $(12 \text{ ft.} + 8 \text{ ft.} + 12 \text{ ft.} + 0 \text{ ft.}) / 4 = 8 \text{ ft.}$



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7. The following exceptions to the maximum front and street side building setbacks apply:
 - a. A portion of the building may be set back from the maximum setback line in order to provide an articulated façade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one square foot for every linear foot of building frontage.
 - b. A building may be set back farther than the maximum setback in order to accommodate an outdoor eating area. In order to preserve the continuity of the street wall, the building may be set back no more than 12 feet from the front or street side property line or at least 40 percent of the building façade must be located at the maximum setback line. The total area of an outdoor eating area that is located between a public sidewalk and the building façade may not exceed 12 times the building's street frontage in linear feet.

B. Rear Setback:

The appropriate rear building setback will depend on lot and development patterns in the area, consistent with the following criteria:

1. The minimum rear setback is 0 to 30 percent of the lot depth.
2. When alleys or parking areas abut the rear of the MU-3 District lots, no rear setback may be necessary, except for upper floors.
3. The MU-3 District shall provide a landscape amenity that includes pedestrian and writing connectivity along the edge of the District abutting residential lots.
4. When abutting lower density residential development, the MU-3 District shall set back from the rear property line a distance equivalent to the lower density residential building required rear setback to protect the privacy and open feeling expected within residential rear yards.
5. Off-street surface parking within the MU-3 District shall be located on the rear or internally, serving several uses. Off-street surface parking is permitted within the rear setback area. Off-street parking located in the rear setback shall be appropriately screened where abutting lower density residential uses and public right-of-ways.

C. Interior Setback:

Where the MU-3 District abuts a residential zoning district, a "typical" residential side yard shall be provided.

1. No interior side setbacks are required in the MU-3 District, except when MU-3 zoned property abuts lower density residential zoned property, in which case the minimum side setback required in the MU-3 District shall be the same as that required for a residential use on the abutting residential zoning district.



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25.3.8 Building Heights

Regulating building heights by stories rather than feet above grade allow for greater flexibility. The standards below allow greater height for mixed-use buildings than for single-use buildings because mixed-used buildings are required to have taller floor-to-ceiling heights on the ground floor. The standards below accommodate for two- or three-story buildings. Building height within the Old Town shall not exceed 3 stories.

A. **Maximum Building Height for Mixed-use Buildings:**

The maximum building height for mixed-used buildings in the MU-3 District shall not exceed forty (40) feet.

B. **Maximum Building Height for Single-use Buildings:**

The maximum building height for single-used buildings in the MU-3 District shall not exceed thirty-five (35) feet.

25.3.9 Off-Street Parking

- A. One off-street parking space must be provided for each dwelling unit.
- B. Off-street parking spaces for nonresidential uses must comply with the ratios and standards provided in the Parking Regulations included in this Zoning Ordinance.
- C. All off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.

25.3.10 Transparency

Same requirements as in the MU-1 District apply.

25.3.11 Doors and Entrances

Same requirements as in the MU-1 District apply.

25.3.12 Vehicles and Driveway Access

Same requirements as in the MU-1 District apply.

25.3.13 Additional Development Standards and Design Guidelines

Development within the MU-2 District must comply with all development standards and design guidelines included in the Kayenta Comprehensive Plan and any other applicable standards included in this Zoning Ordinance.

25.3.14 Drive-through Facilities

Drive-through facilities are not permitted in the MU-3 District.



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25.4 MU-4 – KAYENTA GATEWAY CENTER



Kayenta Gateway Center and Mixed-use Artisan Village Concept along Highway 160, The Planning Center

25.4.1 Purpose

The MU-4 District includes the Kayenta Gateway Center. This center functions as the main gateway into Kayenta and Monument Valley. It includes the Kayenta Visitors Center, the Kayenta Convention Center, the Navajo Center for the Performing Arts, tourist and visitor oriented retail and services, the Navajo Artisans Courtyard incorporating a variety of activities and mixed-use live/work.

The Navajo Artisans Courtyard offers opportunities for Navajo Artist as well as artists from around the world for long term residency programs that allows them to rent space for art studio and living quarters in a layout that is inspiring and at walking distance from a variety of entertainment and art venues aimed at enliven visitors' experience. The Artisans Courtyard offers common space for resident artist to teach their art media to visitors and to the community, creating a center for arts and crafts that teaches and showcases Navajo Arts to the world and brings art from the world into the Navajo Nation. The MU-4 District implements the *Highway Oriented Corridor* future land use classification of the Kayenta Township Comprehensive Plan.



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The purpose of the MU-4 District is to:

- A. Serve as the world’s main gateway into Monument Valley, offering the design synergies necessary to attract visitors from around the world;
- B. Accommodate mixed-use buildings that incorporate high-end artists lofts for professional Navajo artists as well as world artists, and the services and retail necessary to attract and retain these two groups, including high-end gallery space, artists studio space, and other complementary retail and service uses on the ground floor and residential units above the nonresidential space in a main gateway environment;
- C. Promote development of a destination gateway including convention center, art museums and a vibrant and dynamic mixed-use area;
- D. Promote a diverse mix of business, commercial, cultural and large scale entertainment activities for the Navajo Nation, visitors, and residents;
- E. Encourage development that exhibits the physical design characteristics of a destination gateway;
- F. Support the Hospitality and Entertainment District located in proximity to this area;
- G. Benefit from the proximity to the Transit Oriented Development District abutting the gateway area;
- H. Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help support transit usage and gateway oriented businesses;
- I. Create a focal point that represents a unique, attractive, and memorable placemaking destination for the Navajo Nation, world visitors and area residents;
- J. Enhance the community’s character through the promotion of high-quality urban design that reflects Navajo traditions and iconography.

25.4.2 Permitted Uses (Primary Uses) and Conditional Uses

As provided in Table 1.

25.4.3 Commercial Establishment Size Limits

The MU-4 District is a destination gateway-oriented district. Commercial uses within the MU-4 District are geared toward an eco-destination market area that includes world visitors, Navajo people and regional residents. The gross floor area of commercial establishments in the MU-4 District shall not exceed 15,000 square feet. Commercial establishment exceeding 15,000 square feet require a Conditional Use permit. Theaters, convention centers, visitor centers, Navajo Center for the Performing Arts and museums are exempted.



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25.4.4 Indoor/Outdoor Operations

This destination gateway celebrates the arts, culture and traditions of the Dine people and has such it provides opportunities for a rich outdoor fabric that mirrors the indoor qualities of the gateway. Such reach outdoor fabric articulates the role of water, earth, wind, sun, moon and seasons, providing ample opportunities for public art that is interpretative and reflects the magic of Monument Valley, one of the wonders of the world. An outdoor amphitheater serves as a venue for concerts and story telling under the moon and the stars. The gateway is designed in an integrative manner placing close attention to walkways and wayfinding. Cascading waterfalls utilize recycled water and are powered by solar and wind energy. These features coalesce to bridge the past, the present, and the future in the same manner that Monument Valley does. Outdoor spaces are vibrant and lush reminiscence of the Dine people beautiful ways. The passage from outdoor to indoor spaces is ceremonial with the main entrance to convention center and the Navajo Center for the Performing Arts facing the east.

25.4.5 Additional Development Standards and Design Guidelines

- A. The MU-4 District shall be designed in an integrated manner and requires the preparation of a Planned Area Development in accordance with all applicable requirements included in the Planned Area Development and any other applicable regulations included in this Zoning Ordinance.
- B Development within the MU-4 District must comply with all development standards and design guidelines included in the Kayenta Comprehensive Plan.

25.4.6 Drive-through Facilities

Drive-through facilities are not permitted in the MU-4 District.



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25.5 Mixed-Use District Permitted Uses (Primary Uses) and Conditional Uses (Table 1)

USE GROUP/CATEGORY	MU-1	MU-2	MU-3	MU-4
RESIDENTIAL				
Artist Live/Work Space Located above the ground floor	P	P	P	P
Artist Live/Work Space, ground floor	C	C	P	C
Dwelling Units located above the ground floor	P	P	P	P
Multifamily Residential (More than 4 units)	P	C	P	C
Single-Room Occupancy	C	C	C	C
GROUP LIVING FACILITIES				
Assisted Living	C	C	P	N
Group Home	P	C	C	N
Nursing Home	C	C	P	N
Temporary Overnight Shelter and Hostels	C	P	N	N
Transitional Shelters/Transition Residences	C	C	C	N
Veterans Centers	N	P	C	N
PUBLIC AND CIVIC				
Colleges and Universities Art Extensions	N	C	C	C
Cultural Exhibits and Libraries	C	P	P	C
Day Care	P	C	C	C
Parks and Recreation (including courtyards, plazas, and gathering spaces)	P	P	P	P
Postal Service	P	P	C	C
Public Safety Services	P	P	P	C
School	C	C	C	C
Utilities and Services, Minor	P	P	P	N
Utilities and Services, Mayor	C	N	N	N
COMMERCIAL				
Artisan (hand tools, jewelry, ceramics, etc.)	C	P	P	P
Animal Services – Sales and Grooming	P	N	N	N
Veterinary	P	N	N	N
Artist Work or Sales Space	P	P	P	P
Drive-Through Facilities	C	N	N	N
Retail Sales - General	P	P	P	P
EATING AND EATING ESTABLISHMENTS				
Restaurant, Café, Bakery, Eatery, Ice Cream, etc.	P	P	P	P
Food and Beverage Retail	P	P	P	P
ENTERTAINMENT AND SPECTATOR SPORTS				
Small (1-149 seats)	P	C	C	C
OFFICE AND SERVICES				
Financial Services	P	P	P	C
Medical Services (Professional offices, drug stores and other similar uses)	P	P	P	C
Office	P	P	P	C
Personal Services, Including Health Clubs, Gyms and Fitness Centers	P	C	C	C
Repair Services, Consumer, including bicycle repair	P	C	N	N
Tourist Oriented Services	P	P	C	P
WIRELESS COMMUNICATION FACILITIES				
Co-located	P	P	P	P
Freestanding Towers	C	C	C	C
LODGING				
Small (1-16 guest rooms)	P	P	P	P
Large (17 + guest rooms)	C	C	C	P
PARKING				
Parking, Accessory (Serving the Primary Use and including loading and service areas)	P	P	P	P
Parking, Commercial (Non-accessory, parking garages or structures)	C	C	C	P
TOURIST ORIENTED				
Visitor Center	N	C	N	P
Navajo Performing Arts Center and Convention Center	N	N	N	P

Key: P = Permitted By-Right; C = Requires a Conditional Use Permit in accordance with the review procedures provided in this Zoning Ordinance; N = Not Permitted.



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SECTION 26: TRANSIT ORIENTED DEVELOPMENT DISTRICTS



Transit Oriented Mixed-Use Including Commercial and Residential in Close Proximity to Transit Station

26.1 TOD DISTRICTS PURPOSE

Transit Oriented Development (TOD) refers to mixed-use residential and commercial centers designed to maximize access by transit and non-motorized transportation, and with other features to encourage transit ridership. The typical TOD has a rail or bus station at its center, surrounded by relatively high-density development, with progressively lower-density spreading outwards one-quarter to one-half mile, which represents pedestrian scale distances. Kayenta TOD Districts include these design features:

- 26.1.1 The neighborhood is designed for cycling and walking, with adequate facilities and attractive street conditions.
- 26.1.2 Streets have good connectivity and traffic calming features to control vehicle traffic speeds.
- 26.1.3 Mixed-use development that includes shops, schools and other public services, and a variety of housing types and prices, within each neighborhood.
- 26.1.4 Parking management reduces the amount of land devoted to parking compared with conventional development, and takes advantage of the parking cost savings associated with reduced automobile use.
- 26.1.5 Transit stops and stations are convenient, comfortable and safe with features such as comfortable waiting areas, vendors selling refreshments and periodicals, washrooms, wayfinding and multi-modal navigation tools.

Transit Oriented Development is a particular category of *Smart Growth*, *New Urbanism* and *Location Efficient Development*. It can do more than simply shift some car trips to transit: it also increases accessibility and transportation options through land use clustering, mixed-use, and non-motorized transportation improvements.



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This reduces the distance required for car trips, allows a greater portion of trips to be made by walking, cycling, and transit and allows some households to reduce their car ownership, which together can result in large reductions in vehicle travel. This decreases total transportation costs and helps create a more livable and self-sufficient community.

The purpose of the Transit Oriented Development (TOD) zoning districts is to create a compact and higher density mix of residential, office, retail, institutional, and civic uses to promote the creation and retention of uses in areas with high potential for enhanced transit and pedestrian activity. Pedestrian circulation and transit access are especially important and have an increased emphasis in the TOD zoning districts. The development standards provided in this Zoning Ordinance are designed to require compact urban growth, opportunities for increased choice of transportation modes, and a safe and pleasant pedestrian environment by ensuring an attractive streetscape, a functional mix of complementary uses, and the provision of facilities that support transit use, bicycling, and walking. The TOD Districts implement the *Transit Oriented Development* future land use classification of the Kayenta Township Comprehensive Plan.

These zoning districts are meant to create higher density transit supportive development around transit stations typically the area within one-half (1/2) mile walking distance from the transit station, which represents a 7 to 10-minute walk.

There are two (2) Transit Oriented Development zoning districts in Kayenta: Employment-oriented TOD District (TOD-1); and Entertainment-oriented TOD District (TOD-2).



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26.2 TOD-1 EMPLOYMENT-ORIENTED TOD DISTRICT



Employment TOD District is a Mixed-Use TOD District Located in Close Proximity to the Kayenta Employment Uses and Includes a Transit station for the Internal Transit Circulator of the Township Connecting all Planning Areas

26.2.1 Purpose

This mixed-use district is established to support higher-density residential land uses that also accommodate a limited amount of retail, institutional, civic, restaurant, service, and small employment uses in a pedestrian friendly environment along the Kayenta Local Transit Loop Route. The TOD-1 District is located at walking distance from the major employment center and at a short distance from the Kayenta Airport. The TOD-1 District is located on Highway 160 at the east gateway of Kayenta inside of the Township boundary.

This TOD District serves a multiple function. It includes a transit service station and a park-and-ride facility for employees who live outside of the Township with shuttle service to the different employment centers and destinations within the Township. The residential component serves Kayenta residents employed at major employment centers located in proximity to this district and provides them with bus and shuttle ridership to the different entertainment and shopping areas within the Township.

Large scale park-and-ride facilities tend to conflict with Transit Oriented Development, since a transit station surrounded by large parking lots and arterials with heavy traffic is unlikely to provide a good environment for residential development or pedestrian access. Such facilities must be properly located, designed and managed to minimize such conflicts. The park-and-ride facility can be a parking structure, depending on park-and-ride parking volumes and it should include spaces for commuter vans and at least two electric car recharge spaces.



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The purpose of the TOD-1 District is to:

- A. Provide compact, higher density residential development at a walking distance from the transit station and the adjacent employment center;
- B. Include bus and/or shuttle service to all the employment and entertainment areas of the Township via the Kayenta Transit Loop Road;
- D. Promote a diverse mix of service, business, commercial, and retail uses at walking distance from home and employment;
- E. Encourage development that exhibits the physical design characteristics of a TOD district;
- F. Support the Employment and Airport land uses located in proximity to this area;
- H. Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help support transit usage and minimize dependence on automobile;
- I. Provide park-and-ride facility for those commuting to Kayenta for work; and
- J. Enhance the community's character through the promotion of high-quality urban design.

26.2.3 Permitted Uses (Primary Uses) and Conditional Uses

An approved station area plan shall classify parcels according to whether they are within the ¼ mile walking distance or between the ¼ mile to ½ mile walking distance. The following uses are permitted:

- A. Mixed housing types, including multi-family;
- B. Horizontal (side-by-side) and vertical (within the same building) mixed use;
- C. Office and retail, particularly on main streets; and
- D. Institutional, civic, service and office uses.

All permitted uses shall comply with the following characteristics:

- A. Grid street pattern;
- B. Higher densities;
- C. Limited surface parking and efficient parking management; and
- D. Pedestrian- and bicycle-oriented design.

26.2.4 Densities and Intensities within the TOD-1 District

Residential developments and residential components located in this TOD-1 District shall comply with the following density requirements:

- A. Development located within ¼ mile walking distance from the transit station:
 - 1. **Minimum Density:** Twelve (12) dwelling units per acre



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- 2. **Maximum Density:** Twenty (20) dwelling units per acre
- B. Development located between ¼ mile and ½ mile walking distance from the transit station:
 - 1. **Minimum Density:** ten (10) units per acre
 - 2. **Maximum Density:** fifteen (15) dwelling units per acre.
- C. The density calculations shall be based on the residential portion of the site.

26.2.5 Commercial Establishment Size Limits

The TOD-1 District is a residential/employment-oriented district. Commercial uses within the TOD-1 District are geared toward uses that provide services to employment centers and to the residents of the District. These include a variety of small service shops, coffee houses, cafes, restaurants, professional services, and banking and financial institutions. The gross floor area of commercial establishments in the TOD-1 District shall not exceed 3,000 square feet. Commercial establishment exceeding 3,000 square feet require a Conditional Use permit.

26.2.6 Indoor/Outdoor Operations

All permitted uses in the TOD-1 District must be conducted within completely enclosed buildings unless otherwise expressly authorized by the Township. This requirement does not apply to off-street parking, loading and service areas, automated teller machines, information kiosks, outdoor sitting areas, parks, courtyards, plazas, or gathering spaces.

The following temporary outdoor operations are permitted in the TOD-1 District provided the users acquire all appropriate permits and/or licenses:

- A. Information booths.
- B. Coffee, snacks, and Flower Kiosks.
- C. Newspaper and Magazine Stands.

26.2.7 Floor-to-Floor Heights and Floor Area of Ground-floor Space

Same requirements as in the MU-1 District apply.

26.2.8 Setbacks

A. **Front and Side Setback:**

Same setback standards as in the MU-3 District Apply

B. **Rear Setback:**

The appropriate rear building setback will depend on lot and development patterns in the area, consistent with the following criteria:

- 1. The minimum rear setback is 0 to 30 percent of the lot depth.



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2. When alleys or parking areas abut the rear of the TOD-1 District lots, no rear setback may be necessary.
3. The TOD-1 District shall provide a landscape amenity that includes pedestrian and writing connectivity along the edge of the District and into the core of the District.
5. Off-street surface parking within the TOD-1 District shall be located on the rear or internally, serving several uses. Off-street surface parking is permitted within the rear setback area.
6. Park-and-ride structure parking or facility located in the rear setback shall be appropriately screened where abutting residential uses and public right-of-ways.

C. Interior Setback:

No interior side setbacks are required in the TOD-1 District, except when transit station abuts residential or mixed-use zoned property, in which case the minimum side setback required in the TOD-1 District shall be the same as that required for a residential or commercial use on the abutting residential or commercial zoning district.

26.2.9 Building Heights

Building height within the TOD-1 District shall not exceed 4 stories from grade, including mechanical equipment and screening parapets.

A. Maximum Building Height for Mixed-use Buildings:

The maximum building height for mixed-used buildings in the TOD-1 District shall not exceed forty (45) feet.

B. Maximum Building Height for Single-use Buildings:

The maximum building height for single-used buildings in the TOD-1 District shall not exceed thirty-five (35) feet.

26.2.10 Off-Street Parking

- A. One off-street parking space must be provided for each dwelling unit.
- B. Off-street parking spaces for nonresidential uses must comply with the ratios and standards provided in the Parking Regulations included in this Zoning Ordinance.
- C. All off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way.



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26.2.11 Parking Reduction Strategies within the TOD-1 District

By increasing transit accessibility and combining a mixture of land uses, the TOD-1 District offers significant opportunities to reduce the number of parking spaces below conventional parking requirements for retail, office and residential land uses. TODs should have less parking than conventional development.

Increased densities in the TOD-1 District coupled with the goal of improving pedestrian accessibility to the transit or shuttle stations may require building a structured parking garage to serve this District and the employment center across the street.

Parking spaces in structures can cost from \$10,000 to \$25,000 each, compared to \$5,000 per space for surface parking. These increased costs can negatively affect the financial feasibility of the TOD District if parking is not programmed taking into consideration employment center needs and regional needs. The design and location of the TOD-1 District can enable a reduction in the number of parking spaces needed. This can result in significant cost savings.

- A. **Parking Reduction Strategies for the TOD-1 District:**
Kayenta's TOD-1 Districts reduces parking requirements to reflect the availability and proximity to transit. Parking can be reduced utilizing the following parking reduction strategies.
- B. **Shared Parking:** Shared parking is publicly and/or privately-owned parking that is used by two or more separate land uses without conflict. The success of shared parking depends on the specific uses on the site and the interaction of uses. In particular, shared parking works best when adjacent land uses have different peak activity periods (e.g., an office building and cinema).
- C. **District Parking:** District parking is a large-scale application of shared parking, and is usually implemented in urban commercial and retail areas using multiple parking facilities. District parking can be particularly beneficial to new development, as it can reduce the marginal costs of new construction. Many districts allow developers to contribute cash in lieu of providing parking themselves.
- D. **Satellite Parking:** This strategy has single employers, groups of employers, or a transportation management association (TMA) providing dedicated off-site parking for employees, which is then served by specialized transportation (e.g., direct shuttle van service) or public transportation. This replaces expensive on-site parking with lower cost



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off-site parking, and is primarily a means to manage on-site supply and demand.

- E. **Carpool Parking:** With this strategy, employers or TMAs convert a significant share of preferentially located single occupant vehicle (SOV) parking to preferentially-priced high occupancy vehicle (HOV) parking. The effectiveness of this strategy will be greater in regions with a robust system of HOV lanes.
- F. **Transit Pass Programs:** The TOD-1 District offers a good opportunity to implement transit pass programs to attract residents and workers to transit (and transit passes are tax-deductible for employers and tax-free for employees).
- G. **Unbundling housing and parking:** Housing and parking can be unbundled and sold through separate markets. In this case, vehicles are parked off the street in parking garages independent of housing units, creating a direct incentive to reduce car ownership and use.
- H. **Car sharing:** This is an alternative to owning a personal car for people who do not need to drive often. Car sharing groups (i.e., TODs) give car sharing members access to a car on a reservation basis, and members only pay for the time and miles they drive.
- I. **Intent of Parking Reduction Programs:**
Reduce parking requirements to:
 - 1. Reflect increased transit use. Both Kayenta residents and employees commuting to Kayenta's employment centers will be able to increase transit ridership reducing parking needs.
 - 2. Reduced vehicle use. Residents and commuters to the site will live and work close enough to a variety of uses to be able to walk, bike or use transit to satisfy many of their daily needs, thus reducing auto use and demand for vehicle ownership.
 - 3. Reduce off-street parking by crediting adjacent on-street parking towards fulfilling on-site parking requirements. This strategy makes on-street parking critical to meeting both parking supply and urban design goals (such as calming traffic).
 - 4. Establish a station area-wide parking entity to integrate and manage all parking recommended by the TOD strategy. The entity's responsibilities could include:
 - a. Ensuring that each phase of development takes advantage of underutilized, excess parking in the station area. Excess parking could be used by adjacent new development, could be leased by other users or could be additional commuter parking.
 - b. Enforcing a residential permit program.
 - c. Establishing a parking meter program to regulate on-street commercial parking.



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- d. Allocating parking revenues to ensure that the established parking management program is successful.
- e. Administering a transit pass program for station area residents.
- f. Executing “car-sharing” agreements with providers, and reserving spaces for “car-sharing” vehicles.
- g. Coordinate a transit shuttle bus service linking the station area to Township neighborhoods and different destinations within Kayenta.

J. Range of Parking Configuration:

The complete range of parking configurations may include a combination of the following strategies:

- 1. Parking structures;
- 2. Tuck under parking;
- 3. Private garages;
- 4. Car sharing (flex car) spaces;
- 5. Alley spaces;
- 6. Well-designed off street surface lots, and
- 7. On-street spaces.

26.2.12 Parking Structures or Park-and-Ride Facilities in TOD-1 District

Parking structures and park-and-ride facilities within the TOD-1 District shall comply with the following requirements:

- A. Require the preparation of a Planned Area Development for the TOD-1 District that:
 - 1. Includes safe, convenient, multimodal and integrated circulation system that promotes pedestrian, bicycle, and transit use and minimizes conflicts among different travel modes.
 - 2. Locates access (ingress and egress) to parking structures and park-and-ride facilities in a manner that does not conflict with transit and shuttle station operation, and overall circulation of the TOD-1 District.
 - 3. Manages access points to Highway 160 in compliance with all applicable access management requirements of the Arizona Department of Transportation for ADOT maintained roadways and highway system.
 - 4. Complies with all applicable requirements and standards provided in the Parking Regulations section of this Zoning Ordinance.

26.2.13 Transparency

Same requirements as in the MU-1 District apply.



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26.2.14 Doors and Entrances

Same requirements as in the MU-1 District apply.

26.2.15 Additional Development Standards and Design Guidelines

- A. The TOD-1 District shall be designed in an integrative manner with close attention to walkability and connectivity and it requires the preparation of a Planned Area Development in accordance with all applicable requirements included in the Planned Area Development section of this Zoning Ordinance and any other applicable regulations included in this Zoning Ordinance.
- B Development within the TOD-1 District must comply with all development standards and design guidelines included in the Kayenta Comprehensive Plan.

26.2.16 Drive-through Facilities

Drive-through facilities are not permitted in the TOD-1 District.



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26.3 TOD-2 ENTERTAINMENT-ORIENTED TOD DISTRICT



2.6.3.1 Purpose

This mixed-use district is established to support higher-density residential land uses that also accommodate a limited amount of tourist-oriented retail, lodging, restaurant, service, and small employment uses in a pedestrian friendly environment along the Kayenta Local Transit Loop Route in proximity to the Kayenta Gateway Center and the Kayenta Entertainment districts. The TOD-2 District is located at walking distance from the convention center, the visitor center, the Navajo Center for the Performing Arts, the Four Corners Center and at a short distance from the Kayenta Airport. The TOD-2 District is located on Highway 160 at the west gateway of Kayenta outside of the Township boundary. This TOD District serves as a destination for visitors to Monument Valley and is tourist and visitor oriented.

This TOD District serves a multiple function. It includes a transit service station and a park-and-ride facility for visitors with shuttle service to the different destinations within the Township. The residential component serves Kayenta residents employed at major entertainment centers located in proximity to this district and provides them with bus and shuttle ridership to the different entertainment and shopping areas within the Township.

Large scale park-and-ride facilities tend to conflict with Transit Oriented Development, since a transit station surrounded by large parking lots and arterials with heavy traffic is unlikely to provide a good environment for residential development or pedestrian access. Such facilities must be properly located, designed and managed to minimize such conflicts. The park-and-ride facility can be a parking structure, depending on park-and-ride parking volumes and it shall include spaces for commuter vans and at least two electric car recharge spaces.



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The purpose of the TOD-2 District is to:

- A. Provide compact, higher density residential development at a walking distance from the transit station and the adjacent entertainment and gateway employment areas;
- B. Include bus and/or shuttle service to all major destinations within the Township via the Kayenta Transit Loop Road;
- D. Promote a diverse mix of service, business, commercial, and retail uses at walking distance from home, employment and entertainment district;
- E. Encourage development that exhibits the physical design characteristics of a TOD district;
- F. Support the Kayenta Gateway Center, the Four Corners Center, the Kayenta Entertainment Center, the Old Town Center, Kayenta Main Street, and Airport land uses located in proximity to this area;
- H. Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help support transit usage and minimize dependence on automobile;
- I. Provide park-and-ride facility for road travelers;
- J. Include a Grey Hound Station for visitors traveling via bus;
- K. Provide easy, convenient, efficient, and safe access to the Kayenta Recreational Vehicles (RV) Park and to adjacent campgrounds;
- J. Enhance the community's character through the promotion of high-quality urban design.

26.3.2 TOD-2 District Applicability and Restrictions

The TOD-2 District is located outside of the Kayenta Township boundary, which is under the Kayenta Chapter jurisdiction. This section shall apply only if:

- A. Annexation takes place;
- B. Kayenta Township and Kayenta Chapter enter a partnership memorialized via a Development Agreement (DA) or a Memorandum of Understanding (MOU); or
- C. Kayenta Township and Kayenta Chapter establish an Intergovernmental Agreement (IGA).

Shall any of the above occur, development within the TOD-2 District shall comply with all applicable requirements within this section of the Zoning Ordinance.



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26.3.3 Permitted Uses (Primary Uses) and Conditional Uses

An approved station area plan shall classify parcels according to whether they are within the ¼ mile walking distance or between the ¼ mile to ½ mile walking distance. The following uses are permitted:

- A. Mixed housing types, including multi-family;
- B. Horizontal (side-by-side) and vertical (within the same building) mixed use;
- C. Office and retail, particularly on main streets; and
- D. Tourist-oriented, service and office uses.

All permitted uses shall comply with the following characteristics:

- A. Grid street pattern;
- B. Higher densities;
- C. Limited surface parking and efficient parking management; and
- D. Pedestrian- and bicycle-oriented design.

26.3.4 Densities and Intensities within the TOD-2 District

Residential developments and residential components located in this TOD-2 District shall comply with the following density requirements:

- A. Development located within ¼ mile walking distance from the transit station:
- B. **Minimum Density:** ten (10) dwelling units per acre
- C. **Maximum Density:** Twenty (20) dwelling units per acre
- D. Development located between ¼ mile and ½ mile walking distance from the transit station:
- E. **Minimum Density:** eight (8) units per acre
- F. **Maximum Density:** fifteen (15) dwelling units per acre.
- G. The density calculations shall be based on the residential portion of the site.

26.3.5 Commercial Establishment Size Limits

The TOD-2 District is an entertainment-oriented district. Commercial uses within the TOD-2 District are geared toward uses that provide services to tourists and visitors on their way to Monument Valley. These include a variety of small service shops, coffee houses, cafes, restaurants, professional services, bed and breakfasts, lodging, and banking and financial institutions. The gross floor area of commercial establishments in the TOD-2 District shall not exceed 4,000 square feet. Commercial establishment exceeding 4,000 square feet require a Conditional Use permit.



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26.3.6 Indoor/Outdoor Operations

All permitted uses in the TOD-2 District must be conducted within completely enclosed buildings unless otherwise expressly authorized by the Township. This requirement does not apply to off-street parking, loading and service areas, automated teller machines, information kiosks, outdoor sitting areas, parks, courtyards, plazas, or gathering spaces.

The following temporary outdoor operations are permitted in the TOD-2 District provided the users acquire all appropriate permits and/or licenses:

- A. Information booths.
- B. Coffee, snacks, and Flower Kiosks.
- C. Newspaper and Magazine Stands.
- D. Souvenir Kiosks
- E. Navajo Artist Kiosks



26.3.7 Floor-to-Floor Heights and Floor Area of Ground-floor Space

Same requirements as in the MU-1 District apply.

26.3.8 Setbacks

A. **Front and Side Setback:**

Same setback standards as in the MU-3 District Apply

B. **Rear Setback:**

The appropriate rear building setback will depend on lot and development patterns in the area, consistent with the following criteria:

1. The minimum rear setback is 0 to 30 percent of the lot depth.
2. When alleys or parking areas abut the rear of the TOD-2 District lots, no rear setback may be necessary.
3. The TOD-2 District shall provide a landscape amenity that includes pedestrian and walking connectivity along the edge of the District and into the core of the District.
5. Off-street surface parking within the TOD-2 District shall be located on the rear or internally, serving several uses. Off-street surface parking is permitted within the rear setback area.



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6. Park-and-ride facility or structure parking located in the rear setback shall be appropriately screened where abutting residential uses and public right-of-ways.

C. Interior Setback:

No interior side setbacks are required in the TOD-2 District, except when transit station abuts residential or mixed-use zoned districts, in which case the minimum side setback required in the TOD-2 District shall be the same as that required for a residential or commercial use on the abutting residential or commercial zoning district.

26.3.9 Building Heights

Same standards as in the TOD-1 District apply.

26.3.10 Off-Street Parking

Same standards as in the TOD-1 District apply.

26.3.11 Parking Reduction Strategies within the TOD-2 District

Same standards as in the TOD-1 District apply.

26.3.12 Parking Structures or Park-and-Ride Facilities in TOD-1 District

Same standards as in the TOD-1 District apply.

26.3.13 Transparency

Same requirements as in the MU-1 District apply.

26.3.14 Doors and Entrances

Same requirements as in the MU-1 District apply.

26.3.15 Additional Development Standards and Design Guidelines

Same standards as in the TOD-1 District apply.

26.3.16 Drive-through Facilities

Drive-through facilities are not permitted in the TOD-2 District.



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SECTION 27: COMMERCIAL DISTRICTS

27.1 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

27.1.1 Purpose

The purpose of the C-1 District is to serve adjacent neighborhoods. This District is designed to accommodate the development of small-scale retail stores and professional offices within close proximity to residential neighborhoods, along with those appropriate related facilities necessary to serve such an area. This zoning district encourages development that is pedestrian-oriented and blends harmoniously with surrounding housing units. The C-1 District implements the *Neighborhood Commercial* future land use classification of the Kayenta Township Comprehensive Plan.

27.1.2 Permitted Uses (Primary Uses)

The C-1 District allows a variety of low impact activities such as small-scale retail and personal service establishments. Examples include, bakeries, coffee shops, small restaurants, dry cleaning, jewelry stores, shoe and apparel stores, fitness center, neighborhood center, tailor, barber and hair styling salons, toy stores, and health food stores, professional uses such as small offices (chiropractors, massage, and therapy), childcare, and recreation.

27.1.3 Conditional Uses

Neighborhood-scaled power centers require review and approval of a Conditional Use Permit in accordance with the review procedures provided in this Zoning Ordinance. Minimum building footprint does not apply to this type of development.

27.1.4 Site and Building Requirements:

A.	Minimum Site Area:	10,000 square feet
B.	Minimum Building Footprint:	2,500 square feet on the ground level for retail and service establishments only
C.	Minimum Lot Width:	None
	Minimum Lot Depth:	None
D.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: Varied 10 to 20 feet Side Yard: 5 feet on regular lot, 10 feet on corner lot along street side Rear Yard: 10 feet
F.	Maximum Building Height:	35 feet
G.	Maximum Impervious Surface Ratio:	65 percent
H.	Minimum Open Space Ratio:	20 percent



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27.1.5 Additional Requirements and Design Criteria

The design of the neighborhood center should incorporate pedestrian and bicycle accessibility for neighborhood residents and have a small town square or plaza feel to create an active, all-seasons neighborhood gathering place. A smaller commercial area with a convenience center/gas station may be located at the edge of the neighborhoods along the Kayenta Transit Bus Loop arterial street. Guidelines to address these neighborhood commercial goals are listed below:

- A. Incorporate direct access to the uses within the District from a side or frontage street, not from the arterial street.
- B. Design the area facing the arterial road with a pedestrian orientation and a “main street” feel that incorporates features, such as:
 - 1. On-street parking;
 - 2. Sidewalk;
 - 3. Shading trees and accent plants;
 - 4. Hardscape features such as benches;
 - 5. Bicycle lane access;
 - 6. Minimal or no building setback from the sidewalk adjacent to the arterial street;
 - 7. Traffic calming pavement and pedestrian crosswalk; and
 - 8. Bus stop.
- C. Locate off street surface parking lots internally, behind or between buildings. Surface parking shall not be visible from adjacent residential areas or public right-of-ways.
- D. Include public spaces, plazas or courtyards in the design
- E. Provide connectivity to adjacent neighborhoods and trail system.
- F. Develop the neighborhood commercial at a smaller scale on a site that is seven to ten acres in size, and include a mix of small businesses as well as civic and institutional uses to serve the day to day needs of the adjacent neighborhoods.
- G. Encourage small-scaled commercial and institutional uses, including light retail businesses, pharmacy, a transit stop, a branch bank, small restaurants, outpatient medical/dental clinics, adult and child daycare centers, a postal substation, a convenience store, a neighborhood center, a recreation center, or neighborhood-scaled grocery stores.
- H. Incorporate a green space or plaza into the design to provide opportunities for neighborhood gatherings and recreation.
- I. Connect the neighborhood center to the loop trail system and open spaces in the South District through the use of bicycle/pedestrian trails.
- J. Locate a small convenience commercial area of approximately one-half acre, containing a gas station/convenience store, at the edge of the neighborhoods,
- K. Provide adequate separation from the C-1 District (one-half mile minimum) and direct access to an arterial street.



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- L. Provide adequate buffering and minimize paving for the convenience commercial area to ensure compatibility with adjacent residential districts.

27.2 C-2 COMMUNITY COMMERCIAL DISTRICT

27.2.1 PURPOSE

The C-2 zoning district applies to commercial areas of the Township where retail goods and services are available to serve neighborhood and community-wide needs. Typical land uses include larger shopping centers, specialty shopping centers, tourism-oriented retail and services and other retail establishments that serve the community at large and its visitors. The purpose of the C-2 District is to allow for locations to conduct commercial activities that serve the community and its visitors on a regular basis. This is a walkable general shopping center zone district, which is intended to encourage organized concentration of a wide variety of retail goods and services for the community and its visitors. Pedestrian oriented development is encouraged to facilitate more opportunities for community interaction and social intimacy. Residential districts border this District, encouraging a mix of land uses in this area. The C-2 District complements the *Highway Oriented Corridor* future land use and implements the *Kayenta Township Core* future land use adopted in the Kayenta Comprehensive Plan.

27.2.2 Permitted Uses (Primary Uses)

As provided in Table 2.

27.2.3 Conditional Uses

As provided in Table 2.

27.2.4 Site and Building Requirements:

- | | | |
|----|---|----------------------------------|
| A. | Minimum Lot Size: | None |
| B. | Minimum Lot Width: | None |
| | Minimum Lot Depth: | None |
| C. | Minimum Required Setbacks for Buildings and Structures: | Five (5) around entire perimeter |
| D. | Maximum Building Height: | 45 feet |



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27.2.5 Additional Requirements and Design Criteria

New development as well as redevelopment in the C-2 District shall incorporate pedestrian and bicycle connectivity to adjacent neighborhood and include gathering spaces. The following requirements apply:

- A. Incorporate direct access to the uses within the District from a secondary street, minimizing access points to Highway 160.
- B. Design the area facing Highway 160 with a pedestrian orientation that incorporates features, such as:
 - 1. Sidewalk;
 - 2. Shading trees and accent plants;
 - 3. Hardscape features such as benches;
 - 4. Bicycle lane access; and
 - 5. Shaded bus stop.
- C. Locate off street surface parking lots internally, behind or between buildings. Surface parking shall not be visible from adjacent residential areas.
- D. Include gathering spaces in the design
- E. Provide connectivity to adjacent neighborhoods and trail system.
- F. Revitalize this area by planning redevelopment and new development in an unified manner to prevent disjointed uses, incorporate safe and convenient pedestrian, bicycle, and vehicular circulation.
- G. Incorporate gathering spaces into the design.
- H. Provide adequate separation between access points (one-half mile minimum) providing direct access (ingress/egress to Highway 160).
- I. Provide adequate buffering and along areas adjacent to residential districts.

27.3 C-3 HIGHWAY COMMERCIAL DISTRICT

27.3.1 PURPOSE

The purpose of the C-3 District is to provide opportunities for regional scale highway-oriented commercial uses designed to serve Kayenta as well as the traveling public. The District located on the southeast corner at the intersection of Highway 160 and Highway 163. The C-3 District is intended to deliver an interactive shopping, dining and entertainment experience in a vibrant pedestrian-oriented outdoor setting that highlights a destination atmosphere. The C-3 District will serve as a regional power center, providing easy access from Highway 160 and Highway 163. The C-3 District implements the *Highway Oriented Corridor* future land use of the Kayenta Township Comprehensive Plan.



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27.3.2 Permitted Uses (Primary Uses)

Permitted uses in this area include power center anchors, national retailers, specialty stores, restaurants, boutiques, theaters and entertainment venues and mixed-use developments in conformance with Table 2.

27.3.3 Conditional Uses

As provided in Table 2.

27.3.4 Site and Building Requirements

A.	Minimum Lot Site:	None
B.	Minimum Lot Width:	None
C.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: Twenty (20) feet if adjacent to a street, if the property is contiguous with another District, the front, side and rear yard depths shall match the setback required for the adjacent District (if the requirements for such Districts are greater)
D.	Maximum Building Height:	65 feet
E.	Minimum Open Space Ratio:	20 percent

27.3.5 Additional Requirements and Design Criteria

The portion of the C-3 District closest to the Highway 160/Highway 163 intersection shall incorporate the design features of The Four Corners Center, in conformance with the direction provided in the Kayenta Comprehensive Plan. The design of this corner shall complement the adjacent Kayenta Gateway Center and the Kayenta Main Street. The design should be that of a placemaking destination and entice travelers to visit the Township. Parking, landscaping and creative design must be programmed in an integrated manner in this District.



Four Corners Center Concept, Kayenta Comprehensive Plan



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The regional commercial uses within this area must reflect the quality and character of a major gateway. The following guidelines apply:

- A. Incorporate direct access to the uses within the District from a secondary street, minimizing access points to Highway 160.
- B. Design the area facing Highway 160 with a pedestrian orientation that incorporates features, such as:
 1. Sidewalk;
 2. Shading trees and accent plants;
 3. Hardscape features such as benches;
 4. Bicycle lane access; and
 5. Shaded bus stop.
- C. Incorporate pedestrian and bicycle connectivity to adjacent uses.
- D. Include well designed gathering spaces.
- E. Locate off street surface parking lots internally, behind or between buildings. Surface parking shall not be visible from adjacent residential areas.
- F. Include gathering spaces in the design
- G. Provide connectivity to adjacent neighborhoods and trail system.
- H. Revitalize this area by planning redevelopment and new development in an unified manner to prevent disjointed uses, incorporate safe and convenient pedestrian, bicycle, and vehicular circulation.
- I. Power centers located behind the Four Corners Center must be designed using placemaking standards of design.



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27.4 C-4 TRUCK SERVICE CORRIDOR

27.4.1 PURPOSE

The C-4 District provides opportunities for highway-oriented/truck service commercial uses and for warehousing and distribution and other light industrial services designed to serve and support the truck service industry. The C-4 District is located along the proposed Truck Alternate Route, which bypasses the Kayenta Main Street business route.

27.4.2 Permitted Uses (Primary Uses)

As provided in Table 2.

27.4.3 Conditional Uses

As provided in Table 2.

27.4.4 Site and Building Requirements

A.	Minimum Site Area:	10,000 square feet
B.	Minimum Lot Width:	Two hundred (200) feet
	Minimum Lot Depth:	None
C.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 30 feet Side Yard: 10 feet Adjacent to Street (Side Yard): 20 feet Rear Yard: 10 feet Residential Districts: 50 feet landscape buffer required
D.	Maximum Building Height:	45 feet

27.4.5 C-4 District Applicability and Restrictions

The C-4 District is located outside of the Kayenta Township boundary and is under the Kayenta Chapter jurisdiction. This section shall apply only if:

- A. Annexation takes place; or
- B. Kayenta Township and Kayenta Chapter enter a partnership memorialized via a Development Agreement (DA) or a Memorandum of Understanding (MOU); or
- C. Kayenta Township and Kayenta Chapter establish an Intergovernmental Agreement (IGA).

Shall any of the above occur, development within the C-4 District shall comply with all applicable requirements within this section of the Zoning Ordinance.

27.4.6 Additional Requirements and Design Criteria

The C-4 District shall incorporate truck service and lodging uses. The following guidelines apply:

- A. Incorporate direct access to the uses within the District from a secondary street, minimizing access points to the Alternate Truck Route.



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- B. Locate off street surface parking lots internally, behind or between buildings. Surface parking shall not be visible from adjacent residential areas.
- C. Include truck rest areas in the design.
- D. Provide a landscape buffer and linear park along the east side of the C-4 District adjacent to residential districts that includes walking and bicycle connectivity to adjacent neighborhoods, Kayenta Old Town, the Kayenta Civic Center, and the Kayenta Main Street.
- E. Planned the infrastructure and roadway system of this area in an unified manner to prevent disjointed uses, incorporate safe and convenient pedestrian, bicycle, and vehicular circulation, and minimize access points to the Alternate Truck Route.
- F. Lodging within this area must be geared to the truck service industry and offer low cost lodging opportunities to incidental travelers (motels and roadway-oriented lodging).

27.5 AHC AIRPORT HIGHWAY COMMERCIAL DISTRICT

27.5.1 PURPOSE

The AHC District includes the strip of the Kayenta Airport extending along the north side of Highway 160. This District shall further the intent of the Kayenta Airport Master Plan, comply with the Compatible Land Use Zoning Ordinance provided in Appendix C of the Kayenta Airport Master Plan, and conform to all applicable requirements included in Part 77 Air Space of the Federal Aviation Regulations (FAR). The AHC District implements the *Kayenta Airport* future land use of the Kayenta Comprehensive Plan.

27.5.2 Permitted Uses (Primary Uses)

As provided in Table 2.

27.5.3 Conditional Uses

As provided in Table 2.

27.5.4 Site and Building Requirements

- | | | |
|----|---|---|
| A. | Minimum Lot Size: | None |
| B. | Minimum Lot Width: | None |
| C. | Minimum Required Setbacks for Buildings and Structures: | Front Yard: 20 feet
Side Yard: 5 feet
Rear Yard: 5 feet |
| D. | Maximum Building Height: | 50 feet in accordance with FAR airspace requirements |



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27.5.5 Additional Requirements and Design Criteria

Development within the AHC District shall comply with the following guidelines:

- A. Incorporate direct access to the uses within the District from a secondary street or entry driveway, minimizing access points to Highway 160.
- B. Provide vehicular and pedestrian connectivity to the adjacent Employment District.
- C. Locate off street surface parking lots internally, behind or between buildings. Surface parking shall not be visible from the public right-of-way.
- D. Provide connectivity to the Kayenta Main Street.
- E. Planned the infrastructure and roadway system of this area in a unified manner to prevent disjointed uses, incorporate safe and convenient pedestrian and vehicular circulation, and minimize access points to Highway 160.
- F. Encourage airport support uses such as shuttle services, taxi services, car rental services and commercial hangars.
- G. Include opportunities for highway-oriented uses such as automobile sales, automobile repair and service.
- H. Provide opportunities for airport oriented lodging.

27.6 HE HOSPITALITY/ENTERTAINMENT DISTRICT

27.6.1 PURPOSE

The HE District supports the development of destination business-class hotel, with executive training conference center, hospitality casitas or villages, and support retail facilities in close proximity to the Kayenta Gateway Center, the Kayenta Four Corners Center and the Kayenta Rodeo and Fair Grounds, providing a variety of amenities. The HE District also includes boutique hotels designed to convey Navajo arts, iconography and traditions in an integrative setting that offers intimate, usually luxurious or unique environments. Boutique hotels differ from larger chain/branded hotels by providing personalized accommodation and services/facilities with a variety of onsite 24-hour amenities. Sometimes known as "design hotels" or "lifestyle hotels", boutique hotels are furnished in a themed, stylish manner reflecting Navajo traditions, art and iconography. The area of the HE District located adjacent from the Kayenta Rodeo and Fair Grounds offers opportunities for equestrian type entertainment and include space for a Recreational Vehicle (RV) Park. Development within this area must be programmed carefully and provide equestrian and pedestrian connectivity in a safe, convenient and efficient manner.

27.6.2 Permitted Uses (Primary Uses)

As provided in Table 2.



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27.6.3 Conditional Uses

As provided in Table 2.

27.6.4 Site and Building Requirements

A.	Minimum Site Area:	None
B.	Minimum Lot Width:	None
D.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 20 feet Side Yard: 5 feet Rear Yard: 10 feet 50 feet setback if adjacent to residential uses 20 feet setback from regional linear park
E.	Maximum Building Height:	65 feet

27.6.5 Additional Requirements and Design Criteria

Development within the HE District shall comply with the following guidelines:

- A. Incorporate direct access to the uses within the District from a secondary street or loop road, minimizing access points to Highway 160.
- B. Provide safe, convenient and efficient equestrian and pedestrian connectivity to the adjacent Kayenta Rodeo and Fair Grounds, the Kayenta Horse Pass Linear Park and Mustang Trail along Kayenta Main Street.
- C. Locate off street surface parking lots internally, behind or between buildings. Surface parking shall not be visible from the public right-of-way.
- D. Provide connectivity to the Kayenta Main Street.
- E. Planned the infrastructure and roadway system of this area in a unified manner to prevent disjointed uses, incorporate safe, convenient, and efficient pedestrian, equestrian and vehicular circulation, and minimize access points to Highway 160 and the Alternate Route.
- F. Include shuttle services, taxi services, and transit service to the different destinations within the Township.

27.7 **RESSORT, SPA, AND GOLF COURSE DISTRICT (RSG)**

27.7.1 PURPOSE

The RSG District offers space for healing, mind/body relaxation, rejuvenation, and recreation in a destination resort atmosphere, attracting visitors for holidays and vacations. The resort is a self-contained commercial establishment providing food, drink, lodging, sports, entertainment, spa, shopping, equestrian center, and golf course in a well-integrated setting that offers an array of amenities, entertainment and recreational activities. The destination resort is designed to contain the necessary guest attraction capabilities to attract its public. Strategically located along Highway 163 and adjacent to Laguna Creek Linear Park, the destination resort,



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spa and golf course is designed in a setting that offers spectacular views at the Gateway to Monument Valley. Equestrian center, a recreational area including a golf course, jeep and equestrian tours to Monument Valley, a healing spa, scenic views, equestrian theme park with connection to the Laguna Creek Linear Park and Mustang Trail, and other tourist attractions makes the RDG District a destination.

27.7.2 Permitted Uses (Primary Uses)

As provided in Table 2.

27.7.3 Conditional Uses

As provided in Table 2.

27.7.4 Site and Building Requirements

A.	Minimum Site Area:	None
B.	Minimum Lot Width:	None
C.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 20 feet from streets and a 20 feet setback along the perimeter Horse Center and Horse Stables: 50 feet setback from any residential zone
D.	Maximum Building Height:	75 feet
E.	Open Space Requirement:	20 percent (in addition of golf course)
F.	Laguna Creek Linear Park:	50 feet setback (setback can include active and passive recreation, trail head and trail connectors, open space and utility easements)

27.7.5 Additional Requirements and Design Criteria

Development within the RSG District shall comply with the following guidelines:

- A. Incorporate direct access to the destination resort from signature entry road connecting to the Kayenta Transit Loop road.
- B. Provide safe, convenient and efficient equestrian, pedestrian and bicycle pedestrian connectivity to Laguna Creek Linear Park, Mustang Trail, Kayenta Old Town, and Kayenta Main Street.
- C. Locate off street surface parking lots internally, behind or between buildings, serving the different lodging, restaurant, and recreational areas. Surface parking shall not be visible from the public right-of-way or from adjacent neighborhoods.
- D. Require the preparation of a Planned Area Development in conformance with criteria provided in the Planned Area Development section of this Zoning Ordinance.
- E. Include shuttle services, taxi services, and transit service to the different destinations within the Township.



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27.8 PERMITTED AND CONDITIONAL USES IN COMMERCIAL DISTRICTS (Table 2)

Use	C-1	C-2	C-3	C-4	AHC	HE	RSG	Additional Regulations
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General Retail

New merchandise sales-less than 5,000 square feet	P	P	P	C	C	P	P	Note 1,11
New merchandise sales-greater than 5,000 square feet	-	P	P	C	C	C	-	
Antique and collectibles shop	-	P	C	-	-	P	C	
Building and landscape material sales	-	-	-	C	C	-	-	
Department store, less than 80,000 square feet	-	-	P	C	-	-	-	
Department store, more than 80,000 square feet	-	-	P	C	-	-	-	
Furniture, fixtures, and appliance sales	-	P	C	C	-	-	-	Note 11
Market, convenience	C	C	C	P	C	C	C	Note 2
Market, Neighborhood-scale grocery or supermarket	P	P	P	C	-	C	-	
Market, Power Center	-	P	P	C	-	-	-	
Market, specialty food and beverage	P	P	P	C	C	P	P	
Pawn shop	-	C	-	-	-	-	-	
Plant nursery - landscape	C	-	-	-	C	C	-	
Tobacco Sales (Specialty) and Smoke Shops	C	C	-	C		-	-	
Used merchandise sales	C	C	-	-	-	-	-	

Education and Training

Child daycare center	C	-	-	-	-	C	C	
Museum, library, or gallery	-	-	-	-	-	P	C	
Personal instruction studio	C	C	C	-	C	P	P	
Reading room	-	-	C	-	-	C	-	
School, business	-	-	-	-	-	C	C	
School, college or university (private)	-	-	-	-	-	C	C	
School, Personal and Social Development	-	-	-	-	-	C	C	
School, elementary and secondary (private)	-	-	-	-	-	-	-	
School, vocational	-	-	-	-	C	C	C	



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Use	C-1	C-2	C-3	C-4	AHC	HE	RSG	Additional Regulations
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Entertainment and Recreation Related

Adult entertainment business	-	-	-	-	C	P	P	
Equestrian Center	-	-	-	-	-	C	P	
Resort and Golf Club	-	-	-	-	-	P	P	
Campground	-	-	-	-	C	-	-	
Commercial recreation	C	C	C	-	C	P	P	
Stadium or arena	-	-	-	-	-	C	C	
Theater (indoor)	-	P	P	-	-	P	-	
Theater (outdoor)	-	-	-	-	-	P	-	

Food Service

Bar and Sports Bar	-	C	C	C	C	P	P	
Catering services	-	P	C	-	C	P	P	
Food and beverage sales	P	P	P	P	P	P	P	
Restaurant, counter service	P	P	P	P	P	P	P	
Restaurant, table service	P	P	P	P	P	P	P	
Drive-through sales (with any food service)	-	P	C	P	C	C	C	
Entertainment (with any food service)	C	C	C	C	C	C	C	

Health and Veterinary Services

Ambulance service	-	-	-	-	P	C	-	
Animal clinic or grooming	C	P	P	C	P	C	-	
Animal hospital	-	P	C	C	C	P	-	
Animal kennel	-	C	C	-	C	C	C	
Emergency medical care	-	-	-	C	C	-	-	
Hospital	-	-	-	C	C	-	-	
Nursing home	C	-	-	-	-	-	-	
Spa, Massage, Holistic Healing in a Resort Setting	-	-	-	-	-	P	P	



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Use	C-1	C-2	C-3	C-4	AHC	HE	RSG	Additional Regulations
General Services								
Auction (indoor)	-	-	-	-	P	P	P	
Auction (outdoor)	-	-	-	-	P	C	C	
Bed and breakfast inn	C	-	-	-	-	C	-	
Business support services	-	C	P	C	C	C	C	
Equipment rental (indoor)	-	C	C	-	C	C	-	
Equipment rental (outdoor)	-	C	C	-	C	C	-	
Funeral and internment services	-	-	-	C	C	-	-	
Hotel/motel	-	-	-	P	P	P	P	
Hotel/motel, Extended Stay	-	-	-	P	C	P	P	
Hotel/Destination Resort and Golf Course	-	-	-	-	-	-	P	
Maintenance & repair, machinery & small engine	-	C	-	P	P	-	-	
Maintenance & repair, personal and household items	C	P	C	-	-	-	-	
Mini-storage	-	-	-	P	P	C	-	
Personal care and domestic services	P	P	P	-	-	C	-	Note 13
Personal care and domestic services - Limited	C	C	C	-	-	C	-	
Recycling collection facility - small	-	-	-	P	P	-	-	

Offices and Financial Services

Banks	C	P	P	P	P	P	C	
Bail bond service	-	-	-	P	-	-	-	
Check cashing service	-	P	-	P	-	-	-	
Offices, Administrative, business, and professional	-	-	C	P	C	C	C	
Offices, Government	C	C	C	P	P	C	-	
Offices, Medical and dental	-	-	C	-	-	-	-	

Industry

Aquaculture	-	-	-	C	-	-	-	
Contractor's yard	-	-	-	-	P	-	-	



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Use	C-1	C-2	C-3	C-4	AHC	HE	RSG	Additional Regulations
Industrial services	-	-	-	-	P	-	-	
Laboratory, processing	-	-	-	C	C	-	-	
Manufacturing and assembly - light	-	-	-	P	C	-	-	
Wholesale, distribution, and storage - light	-	-	-	P	P	-	-	

Public, Quasi-public, and Assembly (see Note 5)

Auditorium or exhibition hall, public	-	-	C	-	-	C	C	
Church or other place of worship	-	-	-	-	-	C	-	Note 3,
Club, lodge, or meeting hall	-	-	-	C	-	C	P	
Community Center/Banquet Hall	C	C	C	-	-	C	-	
Public safety facility	C	C	-	P	P	C	C	
Utilities, Public or quasi-public - major	C	C	C	C	C	C	C	Note 4
Utilities, Public or quasi-public - minor	P	P	P	P	P	P	P	Note 4

Residential

Duplex	-	-	C	-	-	C	C	Note 5
Dwelling, multi-family	-	-	C	-	-	P	P	
Dwelling, single family detached	-	-	-	-	-	C	P	Note 5

Transportation and Communication

Antenna or communication facility	-	C	C	C	C	C	C	
Helipad	-	-	-	-	C	-	-	
Heliport	-	-	-	-	C	-	-	
Moving and Storage Services	-	-	-	P	C	-	-	
Parking garage, non-residential	-	-	C	-	-	P	P	
Private transportation service	-	C	-	P	P	C	C	
Truck stop/Truck Service	-	-	-	P	C	-	-	

Vehicle Sales and Service

Automobile and truck rental	-	-	-	P	P	C	C	Note 6
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Use	C-1	C-2	C-3	C-4	AHC	HE	RSG	Additional Regulations
Automobile and vehicle major repair	-	-	-	P	P	-	-	Note 7, Note 12
Automobile maintenance and minor repair	C	-	-	P	P	-	-	Note 12
Large truck and machinery - sales and leasing	-	-	-	P	P	-	-	
Recreational vehicle, boats, trailer sales	-	-	-	P	P	-	-	
Service station	C	P	C	P	P	C	C	Note 8
Vehicle, accessory equipment sales	-	-	-	P	P	-	-	
Vehicle sales - antique and collector	-	-	-	P	P	-	-	Note 6, Note 9
Vehicle sales (greater than one acre)	-	-	-	P	C	-	-	Note 6, Note 9
Vehicle sales (less than one acre)	-	-	-	P	P	-	-	Note 6, Note 9
Vehicle storage or impound yard	-	-	-	P	C	-	-	

Key: P=Permitted; C= Conditional; and - = Not Permitted.

Notes:

1. In the C-1 district, a Conditional Use Permit is required for retail sales when the sale of products is a primary use. A CUP is not required for retail sales that occur as an ancillary or accessory use, such as the sale of items associated with a repair or service business, or the sale of products produced, repaired, or refurbished on-site.
2. A Conditional Use Permit shall be required for any convenience market located within 1,000 feet of any elementary or secondary school or any publicly owned park or open space (this requirement shall be measured from property line of convenience market to property line of school, park, or open space) or any convenience market in which the sale of alcoholic beverages, i.e., beer, wine, or distilled spirits, is proposed.
3. Houses of worship are only permitted as a conditional use as indicated in this table.
4. Township regulations, standards, and design guidelines shall apply to Public and quasi-public utility facilities only to the extent that the Township is not preempted by Federal and State law.



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5. Residential land uses shall only be allowed in conjunction with a commercial land use where permitted.
6. Conditional Use Permit approval shall be required for any automobile or vehicle sales or leasing in any multi-tenant building.
7. Major repair use is also permitted as an ancillary use to vehicle sales dealerships which occupy sites of greater than one acre.
8. A Conditional Use Permit shall be required for any service station in which the sale of alcoholic beverages, i.e., beer, wine, or distilled spirits, is proposed as part of the convenience market associated with the service station use.
9. No vehicle may be stored or displayed on any vacant site or at any vacant commercial/industrial location except when approved as part of an auto dealership.
10. Only office uses open to foot traffic and with regular walk-in customers shall be permitted.
11. Business spaces shall incorporate more than 70% of the floor area for retail display with no more than 30% of the area devoted to warehousing or storage of merchandise. The business shall be open to foot traffic during periods of typical business hours.
12. All auto repair shall be conducted within an enclosed building or in a rear or side yard behind a solid masonry wall. No work shall occur in parking lots or driveways.
13. Spa and massage therapy facilities shall comply with all required industry certification standards.



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SECTION 28: EMPLOMENT DISTRICTS

28.1 E-1 EMPLOYMENT DISTRICT



Employment District Providing Opportunities for Single-tenant and Multi-tenant Facilities in an Integrated Campus Atmosphere

28.1.1 PURPOSE

The employment E-1 District primarily provides land uses that function as the major employment center in Kayenta, attracting major employers to the area. The E-1 District is suitable for the development of single- or multi-tenant typical class A and/or B facilities. These stand-alone/single-tenant and multi-tenant structures may serve as corporate headquarters. The entire E-1 Employment District shall be master planned to provide an integrated circulation system that incorporates usable open space. Business support uses are allowed within this land District. The E-1 District implements the *Employment* land use designation of the Kayenta Future Land Use Plan. The purpose of the E-1 District is to promote, encourage, and accommodate innovatively designed, master-planned office employment core with an open space framework that incorporates attractive streetscapes, functional pedestrian spaces, enhanced view corridors and other community environmental amenities. The E-1 District shall:

- A. Serve as the major employment core of Kayenta.
- B. Attract high wage industry.
- C. Accommodate mixed-use commerce and employment center in a campus-style, incorporating service and retail in ground floors and office/commerce on subsequent floors.



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- D. Provide a dynamic complement to the TOD-1 District, the Kayenta Health Support Services District and to the Kayenta Technology and Innovation District and their ancillary retail and residential uses.
- E. Promote an integrated, efficient, convenient, and safe circulation system, including separate travel modes for vehicles, pedestrians, and bicycle and incorporating access of all travel modes.
- F. Reduce the trip generation of the site through the provision of transit connections to the adjacent TOD-1 District and park-and-ride facility.
- G. Provide one gateway access point to I-160 and one gateway access point to the Kayenta Transit Loop.
- H. Promote architectural excellence and creative design through aesthetically oriented development standards to create a character for structures, site plans, and streetscapes that reflects the values of the Navajo culture, heritage and traditions.
- I. Protect adjacent development by encouraging innovative site planning and environmental sensitivity through more flexible interior development standards.
- J. Utilize green building materials and attain a Platinum LEED standard to create a sustainable campus that serves as a model.
- K. Provide connectivity and take advantage of the proximity to the Kayenta Airport.
- L. Incorporate water and energy conservation.

28.1.2 General Provisions

- A. The E-1 District shall be developed under an approved overall site development master plan and other master plans listed in this subsection.
- B. All development within the E-1 District shall comply with a master development plan for the entire area.
- C. Submittal Requirements. Submittal package shall include:
 - 1. Site development master plan
 - 2. Circulation master plan
 - 3. Phasing master plan
 - 4. Open space master plan
 - 5. Parking master plan
 - 6. Drainage master plan
 - 7. Infrastructure master plan
 - 8. Landscaping and buffers master plan
 - 9. Master design guidelines
 - 10. Master sign program based on best principles of wayfinding.



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- D. The master development plan, and each required part of the plan, shall be prepared, submitted, and approved in accordance with this section and shall comply with Kayenta Comprehensive Plan and all other applicable guidelines and standards included in this Zoning Ordinance.
- E. Additional Requirements: The Town Planner may require additional information deemed necessary to review any applications.
- F. Timing of Submittals.
 - 1. Site Plan Approval: a development plan shall be accompanied by the site development, circulation, phasing, and open space master plans for the entire area.
 - 2. Permits and Plats: Prior to any grading, plant relocation or removal, infrastructure construction, applications for preliminary plat approval, or the construction of on-site or off-site improvements, the following master plans shall be submitted for the entire development:
 - a. Parking master plan.
 - b. Drainage master plan.
 - c. Infrastructure master plan.
 - d. Landscaping and buffers master plan.
 - 3. Development Review: Prior to submitting any applications for development for individual parcels, structures or buildings, the developer shall submit master design guidelines and master sign program for the entire area to the Town Planner. Such master design guidelines shall be reviewed by the Planning and Zoning Committee and approved by the Township Commission.
- G. Required Approvals:
 - 1. Site plan shall not be approved without the concurrent approval by the Township Commission of the site development, circulation, phasing, and open space master plans for the entire area.
 - 2. No on-site or off-site development associated with an approved site plan shall began until the parking, drainage, infrastructure, and landscaping and buffers master plans for the entire development have been approved by the Township Commission.
 - 3. Development approvals for individual buildings or pads shall not be granted until the master development plan, including all the required parts of the plan, is approved by the Township Commission.
 - 4. No structure, building, or landscaping shall be built, installed in the E-1 prior to obtaining Township Commission approval. The landscaping and buffers master plan, master design guidelines, and master sign program for the



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entire development shall be reviewed by the Planning and Zoning Committee.

H. Modifications to Approved Master Development Plans.

1. Minor changes, defined as changes to master development plan or other required master plans affecting less than ten (10) percent of the entire land area or gross square footage, may be approved by the Town Planner. Modifications shall comply with the development and other requirements of the E-1 District and any other applicable requirements set forth in this Zoning Ordinance.
2. Major changes to the required master plans or to the permitted uses shall be approved by the Township Commission.

28.1.3 Use Regulations and Permitted Uses

A. General Provisions:

1. Primary uses include regional and corporate headquarters and are those uses that generate high wage employment. Table 3 includes permitted and conditional uses.
2. Service and commercial uses within the E-1 District are ancillary uses and support the employment core.
3. All uses permitted shall be established by the approved site development master plan based upon the list of permitted uses provided in Table 3.
4. All uses shall be determined by the compatibility of such uses with each other and with the surrounding land uses.
5. Buildings, structures or premises shall be developed, altered, or enlarged, only within the provisions of this section.

B. Permitted Uses: See Table 3.

C. Additional Standards for Permitted Uses:

1. Commercial Uses: Commercial uses shall be of an ancillary nature, support the development master plan, and shall be predominantly integrated into the building masses and design theme and conform to the following:
 - a. Freestanding pads for individual commercial uses shall not be located along street frontages on the perimeter of the site unless integrated into the overall site design and design theme.
 - b. The commercial floor areas shall not exceed twenty (20) percent of the total floor area of the development master plan.



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- c. If the development is constructed in phases, the commercial floor areas shall not exceed twenty (20) percent of the total floor area of the corresponding phase of the development master plan.
2. Residential Uses: Residential uses in the E-1 District shall be workforce dwelling and provide housing to employees working on the District.
 - a. Residential dwelling types and densities shall be established by the site development master plan.
 - b. Residential development shall not be permitted within the fifty-five (55) LDN noise contour as defined by the Kayenta Airport Master Plan.
 - c. If the noise contours are not defined in the Kayenta Airport Master Plan, a noise compatibility program will need to be prepared prior to the approval of any residential uses within the E-1 District.
 - d. Residential development shall not exceed twenty-five (25) dwelling units per acre on the land designated residential use on the site development master plan.
 - e. Residential uses shall be designated on the site plan in gross floor area and shall not exceed thirty (30) percent of the total floor area of the development master plan.

28.1.4 Development Standards

- A. Maximum Permitted Heights:
 1. No building or parking structure in this District shall exceed fifty-six (56) feet.
 2. A site development master plan in the E-1 District shall have an average height of thirty-eight (38) feet or less.
 3. Height shall be the vertical distance measured from grade to top of the rood or structure.
 4. Mechanical equipment, utility penthouses, elevator penthouses and similar structures, including screening shall be set back a minimum of ten (10) feet from the outside edge of the roof on which they are located. The structures and the screening themselves shall not cover more than twenty-five (25) percent of the lot coverage of the building on which they are accessory.
 5. Building heights shall meet all applicable requirements of Part II of the Federal Aviation Regulations (FAR) as applicable.
- B. Floor to Floor Height: Sixteen (16) feet typical. Eighteen (18) feet on loading dock level.
- C. Lot Coverage: Lot coverage is limited to sixty-five (65) percent of the net lot area if the maximum building height of any building is equal to or less than thirty-



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eight (38) feet. For each additional two (2) feet of maximum building height above thirty-eight (38) feet the lot coverage shall be reduced by one (1) percent.

D. Maximum Building Intensity:

1. Industrial/Office Uses: Not to exceed 20,000 square feet/acre
2. Commercial Uses: Not to exceed 15,000 square feet/acre
3. Greater intensities can be permitted if multi-story buildings and multi-level parking are utilized and the amount of functional open space can be shown to increase.
4. Necessary infrastructure, including fire protection must be adequately provided.

E. Open Space: The following standards apply:

1. The net open space area shall be twenty (20) percent of the net lot area up to thirty-eight (38) feet of height and twenty-five (25) percent of the net lot area for buildings thirty-nine (39) feet of height or higher.
2. Open space shall include setback areas with the exception of any parking or driveway areas.
3. Open space calculations shall be based upon the highest building height and not the average building height.
4. Open space shall be programmed in an integrative manner providing connectivity to building entrances, plazas, courtyards and parks, adjacent uses, pedestrian, bicycle, transit and vehicular traffic networks, creating a campus-like atmosphere.

F. Setbacks: The following setbacks apply:

1. Front Yards:

- a. Along Street Frontages: Buildings and parking structure shall be setback forty (40) feet from the planned right-of-way line of a major collector or higher functional classification street.
- b. All areas between a building and a street frontage, except for access drives and walks, shall be meaningful open space or space that can be enjoyed by people. This could include landscaped areas, plazas, grass and trees, fountains, sitting areas, etc., and it is meant to provide an open garden atmosphere. Open space does not include parking areas or any other space that does not contribute to the quality of the built environment.
- c. Parking Areas: There shall be a minimum of forty (40) feet between any parking area and the planned right-of-way.



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2. Side and Rear Yards:

- a. Adjacent to Residential Uses: Office and commercial buildings that are thirty-eight (38) feet or less in height shall be set back sixty (60) feet. An additional two (2) feet of setback shall be provided for buildings for every one (1) foot of additional building height above thirty-eight (38) feet. Surface parking shall be setback a minimum of twenty (20) feet.
- b. Adjacent to Non-residential Uses: Buildings and parking structure that are thirty-eight (38) feet or less in height shall be set back not less than thirty (30) feet. An additional one (1) foot of setback shall be provided for individual buildings for every one (1) foot of additional building height above thirty-eight (38) feet.
- c. Measuring Setbacks: All setbacks are measured from the parcel line or planned right-of-way to the building wall.

G. Required Screening:

- 1. All mechanical structures and appurtenances shall be screened.
- 2. All storage and refuse areas shall be screened from public right-of-way.

H. Parking Requirements: See Parking Regulations.

I. Additional Requirements: Development within this area must comply with all applicable design guidelines included in the Urban Design Element of the Kayenta Comprehensive Plan.

28.1.5 Master Development Plan Contents

A. Performance Standards: The site master development master plan shall clearly depict and demonstrate:

- 1. Related uses shall be located in close proximity. Larger separations and/or buffers shall be used when one (1) activity may have an adverse impact on the health, safety and welfare of the users of an adjacent activity, either within or adjacent to the development.
- 2. Uses shall be located where they are most compatible and have least negative impacts on the surrounding uses. Negative impacts of a proposed land use include those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict, pose an obstruction to navigable flight operation of the airport, or otherwise be deemed incompatible with surrounding development.
- 3. The massing of buildings shall be designed to provide outdoor pedestrian areas, adequate light and circulation, few obstructions to important views, and a similar scale to adjacent uses.



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4. Scenic views and environmental features shall be incorporated into the plan. The plan shall preserve and capitalize upon the amenities of the location. Physical amenities include: natural features which, if disturbed, may cause hazards or stress to the life and property, e.g., floodplains; vegetation performing beneficial microclimatic functions such as abating noise and glare, entrapping dust, and reducing energy costs; and land or water resource areas such as washes, groundwater recharge zones, and prime wildlife habitats.
 5. The site plan shall reflect Navajo character, heritage, and sense of place, incorporate green principles of development, and use local materials as appropriate.
- B. Plan Elements: The site development master plan shall include detailed information on the following:
1. Site dimensions and the size of all proposed parcels.
 2. Buildings and structures location and the uses proposed for each building and structure.
 3. Setbacks between buildings and other structures, and setbacks from planned right-of-way, and district boundaries.
 4. Building heights, building footprints, square footage of buildings for each building or structure.
 5. Total acreage of the site broken into acreage for each land use proposed.
 6. Total gross square footage on the site broken into the gross square feet for each building or structure proposed.
 7. A three-dimensional model, photomontage, or perspective drawings depicting the relationship between proposed buildings and existing buildings within three hundred (300) feet of the proposed E-1 District boundaries.
 8. Any additional information necessary to process the application.
- C. Circulation Master Plan:
1. Provide coherent and integrated internal and external circulation system that includes safe, efficient, and convenient mobility and access needs for all travel modes.
 2. Assure safe, efficient and convenient ingress and egress.
 3. In no case shall the development result in traffic levels of service (LOS) less than D on any street or intersections impacted by the development.
 4. The construction of circulation facilities, including traffic signals, shall be concurrent with the creation of traffic demands by the development and



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with the maintenance of planned traffic operational conditions and proper safety.

5. Follow the standards and guidelines included in the ADOT Multimodal Transportation Plan.
 6. Plan Elements: The circulation master plan shall include the following:
 - a. A detailed traffic impact study to determine the need for internal and external street and circulation improvements. The study shall be conducted by a qualified traffic consultant. The study shall comply with the Transportation Element in the Kayenta Comprehensive Plan and with the ADOT Multimodal Transportation Plan.
 - b. Programs for pedestrian, bicycle and transit circulation and connectivity.
 - c. Locations, typical dimensions, and design capacity for all external and internal streets and major driveways, bus bays, transit routes, bikeways, trails, pedestrian paths, intersection signalization, grade separations, park-and-ride lots and other such facility.
 - d. Any plans for phasing the improvements or any plans for interim or major planned circulation improvements needed to accommodate the proposed development and the planned construction schedule.
 - e. Any other additional information necessary to process the application.
- D. Phasing Master Plan: The phasing master plan shall clearly depict and demonstrate:
1. That the development shall proceed along with provisions for adequate capacity in the infrastructure systems.
 2. The development of the ancillary commercial and residential uses shall occur on a percentage based on the needs of the primary uses.
 3. Internal and external improvements shall be timed to be available before, or concurrently with, the phased development.
 4. The phasing master plan shall be consistent with the phasing described in traffic studies and other studies.
 5. Each phase of the development shall be in compliance with all the applicable district requirements including open space, parking, landscaping, and lot coverage.
 6. Plan Elements: The phasing master plan shall include the following:
 - a. Location and conceptual size of the land uses.
 - b. The phasing and capacity needs of the local infrastructure necessary to serve each sequence.
 - c. A timetable for required dedications shall be submitted.



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- d. Any additional information as necessary to process the master plan.
- E. Open Space Master Plan: The open space master plan shall clearly depict and demonstrate:
 1. Open spaces such as scenic corridors, vista corridors, major buffers, etc., shall be coordinated as an integral component of the campus-like development.
 2. The defined open spaces along roadways, pedestrian walkways, or between buildings shall capitalize on mountain views or other scenic views.
 3. The choice of open space location should consider the vertical and horizontal dimensions of structures in meeting the objective of creating usable open space areas in a campus-style environment.
 4. Avoid allocating very generous quantities of open space to one (1) parcel or building while providing little or no open space for other parcels or buildings. Open space shall be evenly distributed throughout the master plan.
 5. Plan Elements: The open space plan shall include the following:
 - a. Typical locations and dimensions for open space areas.
 - b. A detailed description of the relationship between open space areas to proposed parcels or buildings. Calculations should demonstrate that the opens space proximity to individual buildings is adequate for that portion of the site.
 - c. A chart including acreage and types of open space.
 - d. Plan view illustrating the open space concept and the circulation concept
 - e. Any additional information as necessary to process the master plan.
- F. Parking Master Plan: The parking master plan shall clearly depict and demonstrate:
 1. Conform to all parking requirements included in the parking regulations provided in this Zoning Ordinance.
 2. Provide sufficient number and types of spaces to serve the uses identified on the site.
 3. Include adequate provisions for the safety of all parking facility users, including motorists, transit users, bicyclists and pedestrians.
 4. Design to minimize or alleviate traffic problems.
 5. Locate parking spaces near the uses they are intended to serve.
 6. Adequate on-site parking shall be provided during each phase of development of the district.
 7. The plan shall provide opportunities for shared parking and for other reductions in trip generation through the adoption of Transportation



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Demand Management (TDM) techniques to reduce trip generation, such as car pools, van pools, bicycles, employer transit subsidies, compressed work hours, and High Occupancy Vehicle (HOV) parking preference.

8. Include connectivity to the transit station located in the TOD-1 and shuttle service to the E-1 District.
9. Include at least (2) electric vehicle charge stations.
10. Surfacing of the parking lot shall be dust-proof.
11. The parking master plan shall attempt to reduce environmental problems and to further Kayenta Township's compliance with the federal Clean Air Act amendments of 1990 through appropriate site planning techniques, such as but not limited to reduced impervious surfaces and pedestrian connections.
12. Reduction in the number of parking spaces shall be related to significant factors such as, but not limited to:
 - a. Share parking opportunities;
 - b. Hours of operation;
 - c. The availability and incorporation of transit services and facilities;
 - d. Opportunities for reduced trip generation through pedestrian circulation between mixed uses;
 - e. Off-site traffic mitigation measures;
 - f. Recognized variations in standards due to the scale of the facilities;
 - g. Parking demand for a specific use; and
 - h. The provision of accessible parking spaces beyond those required in the parking regulations included in this Zoning Ordinance.
13. Reduction in the number of parking spaces for neighborhood-oriented uses may be granted at a rate of one (1) space for every existing or planned residential unit located within two (2) blocks from a transit or shuttle stop and one-half (0.5) spaces for every existing or planned residential unit located within four (4) blocks of the proposed use.
14. Plan Elements: the parking master plan shall include the following:
 - a. A plan which graphically depicts where the spaces and parking structure are to be located.
 - b. A report, which demonstrates how everything shown on the plan complies with or varies from applicable standards and procedures included in this Zoning Ordinance.
 - c. Show all entrances and exits for any structured parking and the relationship between parking lots or structures and circulation master plan.



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- d. The plan, supported by the report, shall show the use, number, location, and typical dimensions of parking for various vehicle types including passenger vehicles, trucks, vehicles for mobility impaired persons, buses, shuttles, other transit vehicles, pedestrian and bicycles.
 - e. The plan, supported by the report, shall include phasing plans for the construction of parking facilities and any interim facilities planned.
 - f. Whenever the applicant requests any reductions in the number of required parking spaces as provided for in this Zoning Ordinance, the required report shall be prepared by a registered civil engineer licensed to practiced in the State of Arizona and shall document how any reductions were calculated and upon what assumptions such calculations were based.
 - g. Provide a table including all scheduled parking ratios per land use designation and per phase. Parking ratios used within the report shall be based upon uses or categories of uses listed in the parking regulations included in this Zoning Ordinance.
 - h. Such other information necessary to process the parking master plan.
- G. Drainage Master Plan: The drainage master plan shall clearly depict and demonstrate:
- 1. The development shall provide drainage facilities which protect the site and adjacent sites from excessive storm flows and associated erosion and sedimentation.
 - 2. Whenever a community-wide drainage solution is required, the drainage master plan for the development shall provide for participation in a community drainage facility. The plan shall comply with any Township approved drainage plans for the area.
 - 3. Ensure that stormwater management and site drainage are designed to utilize naturally occurring drainage patterns on the site and to minimize downstream impacts.
 - 4. Keep washes in their natural state or enhanced them with natural vegetation where applicable.
 - 5. Where modifications to natural drainage facilities are either necessary or desirable, design such facilities to be visually appealing and include recreational amenities such as natural trails.
 - 6. Provide a building setback of at least fifty (50) feet from washes.
 - 7. Control stormwater runoff from individual building sites through the utilization of detention/retention facilities.



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8. Design drainage concept comprehensively for all phases of development.
 9. Incorporate onsite detention and water harvesting into the site design.
 10. Design onsite drainage to minimize water collection at building foundations, entrances and service areas.
 11. Prohibit the use of dry wells.
 12. Use Detention and retention ponds to drain sites, buildings and parking lots.
 13. Design detention areas with natural appearance and seed them with native vegetation.
 14. Incorporate natural trails adjacent to drainage pathways along riparian areas.
 15. Incorporate principles of habitat integration along riparian areas.
 16. Plan Elements: The drainage master plan shall contain the following:
 - a. A plan which graphically depicts the location and capacity of all retention, detention, or other drainage facilities and the proposed design and character of drainage facilities.
 - b. A narrative technical report which shall demonstrate that everything shown on the plan complies with the performance standard included in this section.
 - c. Both the plan and report elements of the drainage master plan shall be prepared by a registered civil engineer licensed to practice in the State of Arizona.
 - d. Any additional information necessary to process the master plan.
- H. Infrastructure Master Plan: The infrastructure master plan shall clearly depict and describe:
1. The development provides sufficient water, wastewater, and utility systems capacity to serve the demands of the development.
 2. The infrastructure systems shall be consistent and compatible with the master plans of Kayenta Township.
 3. The infrastructure master plan shall be consistent with the policies to conserve water, to recharge the groundwater supply, and to reuse wastewater.
 4. Plan Elements: The infrastructure master plan for water, wastewater, and utility systems shall include:
 - a. A plan which graphically depicts the locations and sizes of each system, supported by a narrative technical report which shall demonstrate that everything shown on the plan complies with the Township performance standards and current administrative procedures.



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- b. Both the plan and report elements of the infrastructure master plan shall be prepared by a registered civil engineer licensed to practice in the State of Arizona.
- c. Any additional information as necessary to process the master plan.
- I. Landscaping and Buffers Master Plan: The landscaping and buffers master plan shall clearly depict and demonstrate:
 1. Landscaping shall provide a lush well-screened setting, which includes the timely maturity of plant materials, strong consideration of water conservation, and the needs for shade and/or functional landscaping of the different uses, facilities, or spaces.
 2. Landscaping shall be compatible with the urban design intent and character of the planning area and with the themes and character provided in the Urban Design Element of the Kayenta Comprehensive Plan.
 3. Landscape themes shall show sensitivity to local vegetation characteristics and environmental conditions.
 4. Landscape buffers shall apply to buildings and above-ground parking deck structures.
 5. Plan Elements: The landscape buffers master plan shall indicate or show:
 - a. Typical locations, dimensions, and treatments for any washes, retention areas, or utility corridors.
 - b. The uses, typical locations and dimensions of any common recreation, pedestrian, or service open space areas.
 - c. Plan view and elevation drawings illustrating proposed plant palettes and landscape design along streetscapes, buffers, trail system, recreation, plazas, courtyards, bus stops, and open space areas, showing connectivity with pedestrian, bicycle, transit and motorist systems.
 - d. The type of buffer being used, the location of the buffer zone, any setback and height limits, and the location of adjacent land use categories.
 - e. Maintenance provisions for all landscaping materials installed as part of the development.
- J. Master Design Guidelines: The master design guidelines shall clearly depict and demonstrate:
 1. Architectural Character: architectural character shall reflect:
 - a. An overall mixed-use development campus park theme to the various uses and facilities.



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- b. The character area intent and urban design qualities established in the Kayenta Comprehensive Plan.
 - c. Aesthetically-oriented design standards to create a definitive character for structures, site plans, and streetscapes.
 - d. Plan Elements: The master design guidelines shall include the following:
 - (1) Typical architectural design themes, styles, unifying elements, and materials.
 - (2) Typical design treatments and materials for details such as windows, entries, roofs, parapets and building forms.
 - (3) Typical walkway design and treatments.
 - (4) Any additional information as necessary to process the master plan.
- K. Master Sign Program:
- 1. The master sign program shall comply with the sign provisions included in this Zoning Ordinance and reflect the character area intent defined in the Kayenta Comprehensive Plan.
 - 2. Plan Elements: The master sign program shall be consistent with the current guidelines and shall include such additional information as necessary to process the master sign program.



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28.2 E-2 HEALTH SUPPORT SERVICES DISTRICT

28.2.1 PURPOSE

The E-2 Health Support Services District campus is envisioned to be a mixed-use healthcare workforce development campus supporting the full-service hospital located south of this District. The E-2 campus will provide a one-of-a-kind setting in the Navajo Nation for training workers in the higher paying healthcare fields, as well as address the critical existing (and growing) shortage of trained workers needed at every level throughout the continuum of care. This district will also include health care support services, long-term care facilities, alternative healing facilities, long-term residence housing for extended-care patients and their families, workforce housing and commercial uses, and other support services.

This District calls for public-private collaboration to develop a health care workforce plan designed to meet the needs of the 21st Century Arizona. The district essentially consolidates the community's major healthcare-related workforce training at one large campus. The academic and clinical resources will allow for a great expansion in the number of healthcare students, which in turn will result in a major increase in the number of healthcare-related employees throughout the community and the Navajo Nation.

The E-2 District functions as a major employment center in Kayenta, attracting health care professionals to the area. It is suitable for the development of single- or multi-tenant typical facilities. These stand-alone/single-tenant and multi-tenant structures may serve as outpatient clinics, private practice medical offices, insurance offices and any other related service. The entire E-2 Employment District shall be master planned to provide an integrated circulation system that incorporates usable open space. Business support uses are allowed within this District. The E-2 District implements the *Medical Service* land use designation of the Kayenta Future Land Use Plan. The purpose of the E-2 District is to promote, encourage, and accommodate innovatively designed, master-planned health care and medical service employment core with an open space framework that incorporates attractive streetscapes, functional pedestrian spaces, enhanced view corridors and other community environmental amenities. The E-2 District shall:

- A. Serve as a major employment center.
- B. Attract health care and medical service industry.
- C. Accommodate mixed-use commerce and medical service in a campus-style, incorporating service and retail in ground floors and service/commerce on subsequent floors.



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- D. Provide a dynamic complement to the adjacent Kayenta Health Care Center and its ancillary retail and residential uses.
- E. Promote an integrated, efficient, convenient, and safe circulation system, including separate travel modes for vehicles, pedestrians, electric cart for patient mobility, and bicycle and incorporating access to all travel modes.
- F. Reduce the trip generation of the site through the provision of transit connections.
- G. Provide one gateway access point to I-160 and one gateway access point to the Kayenta Transit Loop south of the parcel.
- H. Promote architectural excellence and creative design through aesthetically oriented development standards to create a character for structures, site plans, and streetscapes that reflects the values of the Navajo culture, heritage and traditions.
- I. Protect adjacent development by encouraging innovative site planning and environmental sensitivity through more flexible interior development standards.
- J. Utilize green building materials and attain a Platinum LEED standard to create a sustainable campus that serves as a model.
- K. Provide connectivity to the Kayenta Emergency Hangar and take advantage of the proximity to the Kayenta Airport for emergency service.
- L. Incorporate water and energy conservation.

28.2.2 General Provisions

The same provisions of the E-1 District apply.

28.2.3 Use Regulations and Permitted Uses

A. General Provisions:

1. Primary uses include health care and medical support service. Table 3 includes permitted and conditional uses.
2. Service and commercial uses within the E-2 District are ancillary uses and support the medical service core.
3. All uses permitted shall be established by the approved site development master plan based upon the list of permitted uses provided in Table 3.
4. All uses shall be determined by the compatibility of such uses with each other and with the surrounding land uses.
5. Buildings, structures or premises shall be developed, altered, or enlarged, only within the provisions of this section.

B. Permitted Uses: See Table 3.



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C. Additional Standards for Permitted Uses:

All applicable standards for commercial, service and residential uses provided in the E-1 District apply with a focus on health care and medical service.

28.2.4 Development Standards

All applicable development standards provided in the E-1 District apply with a focus on health care and medical service.

28.2.5 Master Development Plan Contents

All master development plan contents requirements listed in the E-1 District apply with a focus on health care and medical service.

28.3 E-3 TECHNOLOGY AND INNOVATION DISTRICT

28.3.1 PURPOSE

The E-3 technology and Innovation District campus is envisioned to be a mixed-use technology and bio-industry cluster campus supporting research and development of new technologies facilitating the transfer of new technology from the laboratory to the market place and providing opportunities for the commercialization of new technologies. This district supports higher education extensions and facilities needed to feed these synergies.

The E-3 campus will provide a one-of-a-kind setting in the Navajo Nation for training workers in the higher paying optics/photonics, information technology, aerospace, environmental technology, solar, wind and alternative clean energy production, advance materials, life sciences. This District supports the type of business incubators that benefit from proximity to laboratory space and higher education research. Medical research and medical new technologies are encouraged in this District as well as residential, commercial, support services and hospitality uses geared at serving this industry cluster. The E-3 District is currently located in the Kayenta Designated Growth Area outside of the current Township boundary. Development within this area requires either annexation into Kayenta prior to development or coordination with Kayenta Chapter.

Research Park land uses are suitable for offices, science and laboratory space, educational facilities, and research facilities for high technology companies. These single-tenant and multi-tenant facilities accommodate the sophisticated needs and demands of a large variety of scientific and technology-based disciplines.



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Employers locating within this area must be involved in the development or enhancement of technologies related to one of the following industry clusters:

- Optics/Photonics
- Information Technology
- Aerospace
- Environmental Technology
- Advanced Materials
- Life Sciences
- Solar/Wind Energy Production and Research

In addition, companies must be willing to develop a working relationship with Northern Arizona University (NAU), NATIVE and DINE College. This relationship may include, but is not limited to:

- Joint research projects
- Vocational training and certification
- Use of NAU, Native and Dine students as interns or employees,
- Participation of company personnel in teaching programs and activities, boards or committees, and
- Use of university facilities.

The E-3 District functions as a major employment center in Kayenta, attracting high technology professionals to the area. It is suitable for the development of single- or multi-tenant typical facilities. The entire E-3 District shall be master planned to provide an integrated circulation system that incorporates usable open space. Business support uses are allowed within this District. The E-3 District implements the *Technology and Innovation* land use designation of the Kayenta Future Land Use Plan.

The purpose of the E-3 District is to promote, encourage, and accommodate innovatively designed, master-planned research and development campus with an open space framework that incorporates attractive streetscapes, functional pedestrian spaces, enhanced view corridors and other community environmental amenities. The E-3 District shall:

- A. Serve as a major employment center.
- B. Attract technology, innovation, research and development, business incubators, and research facilities.



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- C. Accommodate mixed-use research and development and other support services in a campus-style, incorporating service and retail in ground floors and service/commerce on subsequent floors.
- D. Provide a dynamic complement to the adjacent Kayenta Health Care Center and its ancillary retail and residential uses and to other major employment centers.
- E. Include space for additional civic uses and for the location of Navajo agencies.
- F. Promote an integrated, efficient, convenient, and safe circulation system, including separate travel modes for vehicles, pedestrians, and bicycle and incorporating access to all travel modes.
- G. Reduce the trip generation of the site through the provision of transit connections.
- H. Provide one gateway access point to I-160 and one gateway access point to the Kayenta Transit Loop northwest of the parcel.
- I. Promote architectural excellence and creative design through aesthetically oriented development standards to create a character for structures, site plans, and streetscapes that reflects the values of the Navajo culture, heritage and traditions.
- J. Protect adjacent development by encouraging innovative site planning and environmental sensitivity through more flexible interior development standards.
- K. Utilize green building materials and attain a Platinum LEED standard to create a sustainable campus that serves as a model.
- L. Incorporate water and energy conservation.

28.3.2 General Provisions

The same provisions of the E-1 District apply.

28.3.3 Use Regulations and Permitted Uses

A. General Provisions:

1. Primary uses include research, development, laboratory, energy distribution and generation and education. Table 3 includes permitted and conditional uses.
2. Research and development uses shall consist of uses engaged in the study, testing, design, analysis and experiment of products, processes, or services to others.
3. Research and development shall include business incubators and manufacturing (limited to the development of prototypes), and ancillary administrative offices.



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4. Service and commercial uses within the E-3 District are ancillary uses and support the research and development core.
5. All uses permitted shall be established by the approved site development master plan based upon the list of permitted uses provided in Table 3.
6. All uses shall be determined by the compatibility of such uses with each other and with the surrounding land uses.
7. Buildings, structures or premises shall be developed, altered, or enlarged, only within the provisions of this section.

B. Permitted Uses: See Table 3.

C. Additional Standards for Permitted Uses:

All applicable standards for commercial, service and residential uses provided in the E-1 District apply with a focus on technology and innovation.

28.3.4 Development Standards

All applicable development standards provided in the E-1 District apply with a focus on technology and innovation.

28.3.5 Master Development Plan Contents

All master development plan contents requirements listed in the E-1 District apply with a focus on technology and innovation.



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28.4 PERMITTED AND CONDITIONAL USES IN EMPLOYMENT DISTRICTS (Table 3)

USE	E-1	E-2	E-3	Additional Regulations
Alternative Healing	N	P	N	
Art gallery	P	N	N	
Bakery	P	P	P	
Blueprinting, reprographics, printing, lithograph, publishing, photography	P	P	P	
Camera/computer store	P	C	P	
Candy shop	P	P	P	
Day care center	P	P	P	
College extension	C	P	P	Note 1
Dry cleaners	P	P	P	
Financial service/institutions	P	P	P	
Florist	C	P	C	
Gasoline sales (integrated)	P	N	P	Note 2
Government uses	P	P	P	Note 3
Convenience, small market (integrated)	P	P	P	Note 2
Gift shop	C	P	C	Note 4
Health and fitness	P	P	P	
Ice cream parlor	P	P	P	
Jewelry store	C	P	C	
Hotels and motels	P	P	P	Note 4
Manufacturing uses (electronic assembly, instrument and electronic devices manufacturing, pharmaceuticals compounding, solar equipment assembling and manufacturing, and other similar biomedical and/or high-technology fabrication, assembly or manufacture.	N	N	P	
Minor automobile repair and servicing including oil changes, tune-ups, brake or muffler repair, detailing, hand washing, and window tinting, excluding body and paint shops, and major engine or transmission repair (uses must be integrated with other facilities)	P	N	P	Note 2
Music store and video rental stores	P	C	N	
Office, major (corporate headquarters)	P	C	C	Note 5
Office, minor (smaller scale)	P	P	P	Note 5
Optical store	N	P	N	
Out-patient clinics	N	P	N	
Pharmacy	N	P	N	
Research and Development (educational facilities dedicated to research, laboratories)	N	N	P	
Residential uses in a mixed-use or multi-family context	P	P	P	Note 4
Residential uses assisted living	N	P	N	
Residential uses long-term care	N	P	N	
Restaurant or café	P	P	P	Note 4

P= Permitted; C=Conditional; N=Not Permitted

See notes at the end of this table.



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28.4 PERMITTED AND CONDITIONAL USES IN EMPLOYMENT DISTRICTS (Table 3) - Continued

USE	E-1	E-2	E-3	Additional Regulations
Schools (Higher education)	P	P	P	Note 1
Schools (Laboratory and Science Focus)	N	P	P	Note 1
Schools (Medical Focus)	N	P	N	
Stationary store	C	C	C	
Solar power and wind power generating facilities	N	N	P	Note 6

P= Permitted; C=Conditional; N=Not Permitted

Notes:

1. Education program must focus on the intent of the area:
 - a. E-1 District: Business and workforce development focus
 - b. E-2 District: Health care, alternative/integrative medicine, and medical training focus.
 - c. E-3 District: Technology and innovation focus.
2. Gas stations, gas stations including convenience, and minor automobile repair and services are permitted ancillary uses provided that they serve the primary uses and are designed in an integrated manner as part of the overall campus development. These uses must be located in close proximity to the main gateways to the campus with direct access to Highway 160. Stand-alone gas stations, convenience and minor automobile repair and services shall not be permitted.
3. Government uses and Navajo agencies must be located in accordance to focus area intent to support the economic development intent of the District, enhance programmatic functions, increase walkability, and decrease dependency on motorized vehicles.
4. Ancillary to and supporting the focus of the respective employment district.
5. Must support the overall intent of the respective District in which the use is located.
6. Solar features incorporated on roofs, covered parking, streetlights, irrigation systems and such are not considered power generating. These features are permitted and encouraged everywhere within the Township.

28.5 CF-1 SCHOOL DISTRICT

The CF-1 District is a major employer in Kayenta. This District includes a variety of existing educational institutions serving both Kayenta and the Navajo Nation. Development of new schools must comply with all applicable school construction standards and the adopted Green Code for Kayenta. New Schools shall obtain LEED certification of Gold or above and be energy efficient.



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28.6 CF-2 PUBLIC UTILITIES AND PUBLIC FACILITIES SYSTEM

The CF-2 District is also major employer in Kayenta. This District includes a variety of utilities and facilities regulated by Navajo Nation agencies. Development of new utilities and public facilities must comply with all applicable Navajo regulations. New public facilities shall obtain LEED certification of Gold or above and be energy efficient.

SECTION 29: I-1 INDUSTRIAL DISTRICT

29.1 PURPOSE

The purpose of the I-1 District is to provide areas in the Township suitable for manufacturing, assembly, storage, distribution and wholesaling of materials. Because of its potential environmental impacts, it is intended that this District be located in areas which will avoid conflict with more sensitive land uses. Good transportation access is required to serve this area. This District implements the *Industrial* land use on the Kayenta Future Land Use map. The land uses permitted in this District are those enumerated in Table 1 of this Ordinance.

29.2 SITE AND BUILDING REQUIREMENTS

29.2.1 Minimum Requirements:

- | | | |
|----|---|--|
| A. | Minimum Lot Size: | 10,000 Square feet |
| C. | Minimum Lot Width: | 200 feet |
| D. | Minimum Required Setbacks for Buildings and Structures: | Front Yard: 30 feet
Side Yard: 10 feet
Adjacent to Street Side Yard: 20 Feet
Rear Yard: 10 feet |
| E. | Maximum Building Height: | 45 feet |
| F. | Required Continuous Landscape Buffer Along Southern Boundary: | 25 feet |

29.3 ACTIVITY STANDARDS

All activities shall be conducted as follows:

29.3.1 Noise, smoke, dust, odors, and waste of any kind are confined and/or purified so as to control pollution of air, soil, or water to eliminate any detrimental effect to the public health, safety, welfare and to be otherwise in harmony with the objectives of this Zoning Ordinance.



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- 29.3.2 Illumination of sign, facades, buildings, parking areas and loading facilities shall be arranged or shielded so as to eliminate glare to roadways and streets and shall be directed away from properties lying outside the District.
- 29.3.3 All manufacturing and fabrication operations shall be conducted entirely within buildings.
- 29.3.4 All equipment and material storage areas shall be screened by solid walls, fences or adequate landscaping not less than six (6) feet in height.
- 29.3.5 Whenever a lot is contiguous to another District, a five (5) foot in height and full width landscaped buffering shall be permanently maintained.

SECTION 30: MHD - MOBILE HOME DISTRICT

30.1 PURPOSE

The purpose of the MH District is to provide a lot with utilities in place ready to receive connections from a mobile or transportable dwelling unit. For the purpose of conformity the mobile home must be certified under the National Manufactured Home Construction and Safety Act of 1974 and anchored to the ground in accordance with manufacture’s specifications.

There is only one mobile home district in Kayenta Township. This district is permitted as a non-conforming use in the R-3 Residential District located east of Kayenta Main Street within the Kayenta Township Core. Construction of new mobile homes, mobile home accessory buildings and/or expansions on current uses shall conform to the following requirements.

30.2 SITE AND BUILDING REQUIREMENTS

30.2.1 Minimum Requirements:

- | | | |
|----|---|---|
| A. | Minimum Lot Area: | 2,800 square feet |
| B. | Minimum Lot Width: | 35 feet |
| C. | Minimum Lot Depth: | 80 feet |
| D. | Minimum Required Setbacks for Buildings and Structures: | 5 feet around entire perimeter, except on corner lot where it shall be 10 feet. |
| E. | Maximum Building Height: | 35 feet |
| F. | Required Continuous Buffer Yard Along Laguna Creek: | 100 feet |



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SECTION 31: PRD - PLANNED RECREATION DISTRICT, OR-1 DISTRICT AND OR-2 DISTRICT

31.1 PURPOSE

The PRD is a floating district. Its purpose is to provide for the future development of tracts of land that will allow flexible designs intended for recreational use. This overlay zone shall not be confused with the OR-1 and OR-2 Districts.

31.2 INTENT

The intent of the PRD is to locate enough community and neighborhood parks throughout the Township as development occurs to serve the needs of the current and projected population and to ensure the even distribution of recreation, parks and open space.

31.1.1 The PRD shall:

- A. Implement the vision, goals and policies of the Parks, Recreation and Open Space Element of the Kayenta Comprehensive Plan;
 - B. Implements the Recreation, Parks, Trails and Open Space Standards provided in Table 3 of the Parks, Recreation and Open Space Element of the Kayenta Comprehensive Plan;
 - C. Encourage recreational variety and amenities;
 - D. Conserve desirable natural and historical features;
 - E. Provide connectivity to existing and planned parks, recreation, trails and open space system;
 - F. Reduce, when appropriate, the degree of public and private improvements normally required by developments;
 - G. Provide appropriate public and private open spaces; and
- Reflect the Hierarchy of parks established in the Kayenta Comprehensive Plan.

31.3 LOCATION AND SITE AREA:

A PRD may be located in any area of the Township provided that the site area is of sufficient size, but in no case shall it be less than the recommended space requirements provided in Table 3: Recreation, Parks, Trails and Open Space, included in the Kayenta Comprehensive Plan Policy Volume.

31.4 PRD REQUIREMENTS

As an overlay zone, the PRD does not require a re-zoning application. A PRD can be processed administratively by the Building Official. Once approved by the Commission, the



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PRD shall comply with all applicable requirements and development standards contained herein.

31.4.1 The PRD shall:

- A. Result in a significantly better environment;
- B. Be compatible with and have meaningful relationship to the District in which it is located;
- C. Not result in significantly adverse environmental impacts;
- D. Be integrated with and provide connectivity to the Regional Recreation, Parks and Open Space system; and
- E. Further the vision and intent of the Kayenta Comprehensive Plan.

31.4.2 If the preceding requirements are met, the following elements shall be considered:

- A. Quantity and quality of natural open space areas, retention of significant natural areas, prominent features of the land and existing vegetation.
- B. Quantity and quality of usable open space areas.
- C. Site design factors such as the building orientation and clustering building coverage, balance between individual buildings and overall variety design of pedestrian and vehicular circulation, design of parking and landscape design.

31.5 DEDICATION OF OPEN SPACE AND STREET

Open space areas and/or street to be preserved or created in the PRD may be required to be dedicated to the Township as a permanent open space and as a public right-of-way or may be required to be permanently reserved by dedication of a visual open space easement across certain portions of the property.

31.6 OR-1 COMMUNITY PARK DISTRICT

The purpose of the OR-1 District is to provide for a community park serving the recreation needs of east Kayenta as this area develops. The OR-1 District shall provide a diverse range of active and passive recreation opportunities. Connectivity to the OR-2 District Regional Park District is required. This District implements the *Regional Recreation, Parks and Open Space* future land use adopted in the Kayenta Comprehensive Plan. Development of this community part shall comply with the standards provided in Table 3: Recreation, Parks, Trails and Open Space Standards and with all other applicable guidelines and standards provided in the Parks, Recreation, Trails and Open Space System Element of the Kayenta Comprehensive Plan and with all applicable requirements set forth in this Zoning Ordinance.



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31.7 OR-2 REGIONAL RECREATION, PARKS AND OPEN SPACE

The purpose of the OR-2 District is to provide for a system of interconnected regional system of linear parks serving all the planning areas of Kayenta and providing pedestrian, equestrian and bicycle connectivity. This District implements the *Regional Recreation, Parks and Open Space* future land use adopted in the Kayenta Comprehensive Plan. Development of the regional linear park system shall comply with the standards provided in Table 2: Mustang Trail Character Areas by Trail Segment and Table 3: Recreation, Parks, Trails and Open Space Standards and with all other applicable guidelines and standards provided in the Parks, Recreation, Trails and Open Space System Element of provided in the Kayenta Comprehensive Plan and with all applicable requirements set forth in this Zoning Ordinance.

SECTION 32: OVERLAY ZONES

32.1 RV – RECREATIONAL VEHICLE OVERLAY ZONE

32.1.1 Purpose:

The purpose of the Recreational Vehicle Park Overlay Zone is to accommodate recreational vehicle park development at higher residential densities with sufficient open space provided for park users. This overlay zone is designed to allow for an economical use of land while creating an attractive, functional and safe environment that is compatible with surrounding properties. This RV Overlay Zone overlays the Hospitality and Entertainment District and features accessibility from an arterial street, available utilities, and close proximity to services which will meet the needs of anticipated users.

32.1.2 Intent:

This zone is intended to:

- A. Provide adequate sites for temporary parking of recreational vehicles whose occupants are visiting or passing through Kayenta.
- B. Support the Kayenta Rodeo, the Kayenta Gateway Center and the Hospitality and Entertainment District.
- C. Minimize the adverse impacts between a recreational vehicle park and surrounding land uses.
- D. Provide health and safety standards to protect both the users of the park and the community.
- E. Include horse for the temporary upkeep of horses traveling with visitors attending the Kayenta Rodeo.



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32.1.3 Definitions:

The following definitions apply to this section only:

- A. "Recreational vehicle" is a motor home, travel trailer, truck camper, or camping trailer with or without motive power designed for human habitation for recreational or emergency occupancy.
- B. "Recreational vehicle park" is any property where one or more lots are rented to users of recreational vehicles and which are occupied for temporary purposes.
- C. "Recreational vehicle site" is a plot of ground within a recreational vehicle park for one recreational vehicle, automobile and camping party.
- D. "Camping party" is a person or group of not more than ten persons occupying any site within a park for not more than thirty (30) days annually.

32.1.4. PERMITTED USES

Recreational vehicle parks and accessory uses limited to a permanent residence for the manager, vending machines, horse stables, and recreational facilities for the exclusive use of the park occupants.

32.1.5 CONDITIONAL USES

Any commercial activity necessary for the operation of the park may be established only by first securing a Conditional Use Permit in conformance with this Zoning Ordinance. No signs advertising the presence of such commercial activity shall be visible from a public street.

32.1.6 OCCUPANCY

Occupancy of each site is limited to one recreational vehicle, one motorcycle, one horse trailer, and one automobile or truck, accommodating one camping party. The length of stay is limited to a maximum of thirty (30) days in any twelve (12)-month period. No buildings or storage sheds are permitted on the recreational vehicle sites.

32.1.7 RECREATIONAL VEHICLE PARK DESIGN STANDARDS

The following standards apply:

- A. Minimum Lot Area: 3 acres
- B. Minimum Lot Width: 100 feet
- C. Minimum Required Setbacks for Buildings and Structures:
 - Front Yard: 15 feet
 - Street Side Yard: 15 feet
 - Side Yard: 5 feet
 - Interior Yard Adjacent to any Residential Property: 30 feet, including 5 feet of landscaping adjacent to property line and 25 foot drive.
- D. Maximum Building Height: 35 feet



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- E. Landscaping: A five (5) foot strip landscaped buffer along the perimeter of the RV Park planted with a native tree species that will form a screen.
- F. Fences: A six (6) foot high Design Review Board-approved fence is required on all interior property lines and on the front and street side yard setback lines. On property lines adjacent to any R district the fence shall be masonry.
- G. Parking: One (1) visitor parking space shall be provided for every fifteen (15) recreational vehicle sites or fraction thereof.

32.1.8 Standards for Facilities:

- A. Recreation: A recreation area of at least five thousand (5,000) square feet shall be provided in addition to the required landscaping. Recreation equipment, such as a pool, playground, and picnic tables, and a service building, including toilets, showers, and laundry, can be located within the recreation area.
- B. Sanitation:
 - 1. A minimum of one toilet and one lavatory for each sex shall be provided for the exclusive use of the park occupants.
 - 2. An additional toilet and lavatory for each sex shall be provided for each fifteen (15) sites or fraction thereof which is not provided with a water connection and a three-inch drain inlet for connection to a vehicle equipped with a toilet.
 - 3. A minimum of one shower for each sex and one washer and dryer is required.
 - 4. Trailer sanitation stations designed to receive the discharge of sewage holding tanks for self-contained vehicles shall be installed in an accessible location in every recreational vehicle park in which there are sites not provided with drain inlets designed to receive the discharge of toilets. Trailer sanitation stations shall be provided on the basis of one station for each one hundred (100) such sites or fraction thereof.
 - 5. Trash containers shall be located within three hundred (300) feet of every recreational vehicle site and enclosed with a solid wood or masonry fence six (6) feet in height and properly screened from the public right-of-way.

32.1.9 Site Design Standards:

- A. Minimum site size: one thousand two hundred (1,200) square feet.
- B. Separation. Recreational vehicle parking pads shall be located to maintain a ten-foot separation between recreational vehicles.
- C. Landscaping. At least twenty-five percent (25%) of each site shall be landscaped and shall include a native tree of at least fifteen (15)-gallon size.
- D. Parking. Each site shall include parking space for one automobile.
- E. Access. Each site shall have direct access to a driveway.



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32.2: PLANNED AREA DEVELOPMENT OVERLAY ZONE

32.2.1 Purpose

The purpose of the Planned Area Development (PAD) District is to promote the development of mixed use developments and/or residential subdivisions that include residential, commercial or business park development according to an overall plan. It is the intent of the PAD District to:

- A. Encourage creative and innovative planning principles by providing greater flexibility in design.
- B. Establish mixed use developments or residential neighborhoods that have a distinct character and an established sense of place.
- C. Create residential communities with a mix of lot sizes and complementary uses.
- D. Provide a process which relates the architecture, urban design and scale of the project to the unique characteristics of the site.
- E. Require the nature and intensity of development to be supported by adequate utilities, transportation, drainage and open spaces to serve the development and to minimize impact on existing or future adjacent development.
- F. Encourage the provision of open space within the development.
- G. Encourage development that is consistent with the policies and the guidelines established in the Kayenta Comprehensive Plan.

32.2.2 General Provisions

The following general provisions apply to all PAD Districts:

- A. PAD Uses and Development Standards. All uses and development standards in a PAD District shall be established through the zoning approval process. All uses and development standards of a PAD District shall conform, to the extent possible, to a comparable zoning district, or districts.
- B. Comparable Zoning District(s) Definition: Wherever used in this section, the phrase "comparable zoning district" shall mean to the most closely similar zoning district based upon the land use designation provided in the Kayenta Comprehensive Plan Land Use Element, the Kayenta Comprehensive Plan Future Land Use Map, and the zoning districts, proposed uses, densities, lot sizes, and development standards included in this Zoning Ordinance.
- C. Comparable Zoning District(s) Determination. The Town Planner and/or his/her designee shall determine the comparable zoning district(s) based on conformance with the Kayenta Comprehensive Plan and with this Zoning Ordinance in compliance with B above.
- D. Modification of Development Standards. The approved PAD Narrative clearly delineates the uses and development standards and shall provide justification and mitigation for development standards that deviate from the standard Zoning Ordinance requirements for the comparable zoning district. Based upon a recommendation of the Planning and Zoning Commission, the Township



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Commission may eliminate otherwise permitted uses in any comparable zoning district and may specify modification of the regulations, requirements and standards than might be otherwise permitted by the comparable zoning district. No modification of development standards shall be permitted unless the applicant provides substantial evidence indicating that the modifications will produce an environment superior to that which could have been produced

- E. Coordination with Subdivision regulations. It is the intent of these PAD regulations that the review of the requirements of the Township Subdivision Regulations be carried out simultaneously with the review of the PAD, when and if those regulations are adopted by the Township.
- F. Conformance. All approved plans, documents and permits shall conform to the approved PAD Narrative.
- G. Design standards. Site layout, architecture and landscaping shall be consistent with the with all applicable design guidelines provided in the Kayenta Comprehensive Plan and with all applicable development standards included in this Zoning Ordinance and with any other applicable design manuals adopted by the Township and as maintained by the Zoning Administrator or his designee.
- H. Phasing. The PAD may provide for certain on-site and off-site infrastructure to be constructed in phases, subject to the following limitations.
 - 1. The first phase infrastructure improvements shall commence prior to expiration of the PAD zoning as set forth in this Zoning Ordinance.
 - 2. Complete construction of all public infrastructure improvements within the public right-of-way on the exterior of the PAD site shall be included within the first phase of development, unless the Township Commission, in its sole discretion, allows for an alternate infrastructure improvement schedule as part of a development agreement adopted pursuant to Ariz. Rev. Stat. § 9-500.05, as amended.
 - 3. Prior to commencement of the first phase infrastructure improvements, the owner/applicant shall provide financial assurances in the amount determined by the Township Engineer and in the form approved by the Township Attorney, for construction of such portions of the infrastructure improvements located within the public right-of-way on the exterior of the PAD.

32.2.3 Establishment of a PAD District:

The following requirements apply:

- A. Approvals; required findings. The applicant shall address each of the required findings (set forth below) individually, and shall demonstrate with sufficient, objective information, how the proposed PAD complies with each. The City Township Commission, following a recommendation from the Planning and Zoning Commission, may approve an amendment of the Kayenta Township



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Zoning Map to reflect establishment of the PAD on the subject property upon determining that all of the following findings have been met:

1. The proposed PAD is in conformance with the Kayenta Comprehensive Plan and any applicable area plan(s).
 2. The proposed PAD meets the PAD requirements of the Zoning Ordinance, subdivision regulations, design manuals and other applicable regulations and requirements, unless otherwise modified by the PAD Narrative.
 3. That either there exist adequate public infrastructure and services to serve the proposed development or all necessary public infrastructure and services to serve the proposed development will be completed in connection with development within the PAD.
 4. The proposed PAD will result in compatible land use relationships within the proposed development and with adjacent properties.
 5. The development standards of the proposed PAD are consistent with or exceed the desired character and development intent of development for the area.
- B. Conditions and Stipulations of Approval. The Township Commission may, in its sole discretion, approve a PAD subject to conditions or stipulations. Conditions and stipulations included in the Township Commission action establishing a PAD District shall become part of the regulations governing the use and development of the PAD.
- C. PAD Regulations. The PAD Narrative, site plan, design standards and any other documents, exhibits or plans associated with the PAD, in the form approved by the Township Commission, shall become part of the regulations governing the use and development of the PAD and the Zoning Map shall be amended to reflect adoption of the PAD and the related documents and plans.
- D. Expiration. Approval of any PAD zoning is conditioned on development of the first phase of the project commencing within three (3) years of the effective date of the ordinance approving the PAD zoning on the property. Prior to the expiration of the three (3) year time condition, the property owner or authorized representative may submit an application for an extension to the city. A submittal of an application for extension of the three (3) year time condition does not toll the running of the time condition. Should the three (3) year time condition expire between the submittal of an application for a time extension and the public hearing on the requested extension, the PAD shall be subject to reversion as set forth in this Zoning Ordinance.
1. Upon receipt of a request for extension, the Zoning Administrator shall submit the request to the Township Commission for consideration at a public hearing held pursuant to this Zoning Ordinance.
 2. The Township Commission shall, after notices via certified mail to the property owner and authorized representative have been provided at least fifteen (15) days prior to the date of the scheduled hearing, hold a public



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hearing on the extension request. The Township Commission may, in its sole discretion, grant an extension of the time condition, subject to the limitation on the number of extensions set forth in this Zoning Ordinance. If the public hearing is held after expiration of the time condition, the Township Commission may also, at that public hearing, take action to revert the zoning on the property to its prior zoning classification.

3. In the event the project's first phase has not commenced within the three (3) year time period and no request for time extension has been received, the Zoning Administrator may submit the PAD to the Township Commission for consideration of reversion, pursuant to the hearing procedure set forth in this section.
4. The Zoning Administrator shall notify the property owner and authorized representative by certified mail of the Township Commission's intention to hold a hearing to determine compliance with the three (3) year time condition, and to revert the zoning on the property to its former classification if the condition is determined by the Township Commission to have not been met. All such notices shall be made at least fifteen (15) days prior to the date of the scheduled hearing. The Township Commission may, in its sole discretion, either grant an extension of the time condition, subject to the limitation on the number of extensions, or revert the zoning on the property to its prior zoning classification.
5. The Township Commission may grant up to four (4) one-year extensions of the time condition.
6. Following the commencement of the first phase of the project, the Zoning Administrator shall monitor the project to ensure compliance with the approved PAD phasing schedule. Upon the Zoning Administrator's initial determination that the phasing schedule is not being met, no further review or approval of any project site plan or plat shall occur until it is determined that good cause exists for delay in the construction of the project. Should the project fail to proceed as scheduled, a public hearing shall be held by the Township Commission to determine the cause of the delay. At the public hearing on the matter, if the Township Commission determines that there is not good cause for the delay, it may impose additional conditions on the PAD to ensure compliance with the phasing schedule. If such additional conditions and the phasing schedule are not met, the Zoning Administrator may set the matter for public hearing, according to the process set forth above, on a possible reversion of the PAD zoning. If the Township Commission determines that good cause exists, it may amend the PAD development phasing schedule.
7. For purposes of this section, the terms "commence," "commencing" and "commencement" shall mean:



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- a. For a PAD smaller than five (5) acres, physical vertical construction activity in accordance with a valid building permit issued by the Township; and
 - b. For a PAD five (5) acres and larger, beginning of construction of on-site and off-site infrastructure including streets, sidewalks, water and wastewater, so long as such infrastructure is completed prior to expiration of the Township-issued development permit issued therefore.
8. The provisions of this subsection shall apply to all PADs, including those PADs approved prior to the adoption of this Zoning Ordinance.
- E. Amendment. The Zoning Administrator or designee shall determine whether a proposed deviation from the approved PAD District is a major or minor amendment. Major amendments shall require Township Commission approval with the advice and recommendation of the Planning and Zoning Commission. Minor amendments shall require administrative approval by the Zoning Administrator or designee only. No amendment to a PAD will be approved without concurrent revision of its development plan.
1. Major amendment. Any one of the following shall be considered a major amendment of a PAD:
 - a. A ten (10) percent or more increase in the number of dwelling units or in the acreages devoted to commercial or industrial uses.
 - b. A significant change in boundary lines of development units.
 - c. Any change which could have significant impact on areas adjoining the PAD.
 - d. Any change which could have a significant traffic impact on roadways adjacent or external to the PAD.
 - e. Amending the uses allowed by adding a permitted use, a use permitted with conditions or a use requiring a conditional use permit, unless the Zoning Administrator has determined that the use to be added is analogous to a permitted use.
 - f. Changes to, or addition of, phasing for a PAD when such changes impact twenty-five (25) percent or more of the land area contained within the PAD district.
 2. Minor amendment. All amendments of a PAD District not determined by the Zoning Administrator to be a major amendment shall be a minor amendment.



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32.2.4 PAD Narrative and Development Plan

The narrative text shall provide uses and development standards for the PAD District. The PAD Narrative shall be both prescriptive and concise. The PAD Narrative shall conform in formatting and organization to the PAD application maintained by the Zoning Administrator or designee. The PAD Narrative shall sufficiently address all of the following as individual sections:

32.2.5 Introduction and Opening Statements

- A. Describe the general location within the Township, the property boundaries and the surrounding properties.
- B. Identify the land use designation(s) of the subject property in the Kayenta Comprehensive Plan and the Kayenta Comprehensive Future Land Use Map and the current zoning and the improvements existing on the subject property (for example, vacant or buildings to be demolished).
- C. Provide the following statement - "The requirements of the Zoning Ordinance, as amended, and Kayenta Subdivision Regulations, as amended, shall apply except where explicitly stated otherwise herein by this PAD."

32.2.6 Proposed Uses.

- A. List permitted uses.
- B. List uses permitted with conditions.
- C. List uses permitted with a conditional use permit.
- D. Provide the following statement - "All uses not specifically provided for herein are prohibited, unless a subsequent determination by the Zoning Administrator finds a specific use to be an analogous use to a permitted use."

32.2.7 Density (residential only). State the density for the overall project as well as the densities of each specific development subsection or neighborhood.

- A. The density shall not exceed the target density identified in this Zoning Ordinance for a comparable zoning district unless justification and mitigation are provided.
- B. Providing open space in excess of the minimum amount may be used as justification and mitigation for exceeding the target density. The density bonus should be in proportion to the amount of open space provided.

32.2.8 Development Standards. State development standards that deviate from the Zoning Ordinance. In the case where no development standard is provided in the PAD Narrative, the Zoning Administrator shall determine the applicable development standard to apply. Residential developments shall provide different sizes of lots. The size differentials and their respective quantities shall compliment the character of the area and demonstrate superior design and a unique housing product mixture.



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32.2.9 Open Space. Open space shall be an integral part of a PAD development, shall be provided in an amount commensurate to the size of the development, in minimum amounts not less than set forth below and shall, to the extent possible, be designed central to the internal functions of the site.

A. Single Family Residential Open Space.

1. A minimum of fifteen (15) percent of the net development area shall be provided as open space.
2. The following areas shall count as open space:
 - a. Dedicated park sites, provided that the location, size and geometry are acceptable to the Township.
 - b. Dedicated tracts for bicycle, equestrian, hiking or multi-use trails.
 - c. Private park and recreation areas dedicated to, and maintained by, an Owners' Association that meets the park improvement standards as determined by the Zoning Administrator or designee.
 - d. Reserved or dedicated steep slope areas.
 - e. Up to a maximum of fifty (50) percent of an area identified as a golf course.
 - f. Basketball, tennis or other sport courts, baseball, softball and soccer fields, tot lots and ramadas with barbeque areas.
 - g. Stormwater detention and floodway areas, but only those proportions containing un-sloped turf areas.
 - h. Any other areas deemed acceptable as determined by the Zoning Administrator or designee.
3. The following areas that shall not count as open space:
 - a. Areas less than five thousand (5,000) contiguous square feet, unless such areas either are part of a larger trail system or contain significant project amenities, as determined by the Zoning Administrator.
 - b. Public rights-of-way, dedicated streets and alleys, vehicular drives, parking, parking landscape areas, loading and storage areas.
 - c. Required setback areas unless such areas contain significant project amenities, as determined by the Zoning Administrator.
 - d. Reserved school and park sites.
 - e. Concrete or rock-lined areas or drainage channels designated primarily for the conveyance of water.
 - f. Utility corridor easements, unless substantially improved to make the area usable for outdoor activities. Only that proportion substantially improved shall be counted as open space. "Substantially improved" shall include any of the improvements listed in residential open space above, or any other improvements deemed substantial by the Zoning Administrator.



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- g. Meaningful open space areas shall be included within all phases of a PAD project and such open space shall be provided proportional to the amount of development related to each phase, unless otherwise permitted by the Zoning Administrator and included in the phasing schedule.
 - A. Commercial/Industrial/Multi-family Residential Open Space.
 - 1. Open space shall be provided in consistent with the planning area character and development intent established in the Kayenta Comprehensive Plan.
 - 2. Open space shall be provided in the form of pedestrian refuge areas with shaded seating, landscaped and hardscape plaza areas and public art features when appropriate.
- 32.2.10 Architectural Design. Architectural design shall conform to the Urban Design Element of the Kayenta Comprehensive Plan and articulate the Navajo arts, culture and traditions, particularly on those character areas that are considered destinations in the Kayenta Comprehensive Plan.
- 32.2.11 Landscaping. Landscaping provided along street frontages, around the property perimeter, internal to the site and in parking areas shall conform to the standards set forth in this Zoning Ordinance for the most closely comparable zoning district and conform to the Urban Design and Land Use elements of the Kayenta Comprehensive Plan.
- 32.2.12 Perimeter and Internal Walls, Gates and Entry Feature Designs and Materials. All perimeter and internal walls, gates and entry feature designs and materials shall conform to all the requirements set forth in this Zoning Ordinance and to the Urban Design element of the Kayenta Comprehensive Plan. In areas with mixed uses, the intent of the planning area and character area shall be taken into consideration.
- 32.2.13 Signage. Unless signage is approved as part of a comprehensive sign package, signage shall conform to the comparable zoning category and comply with all signage requirements included in the Kayenta Comprehensive Plan and in this Zoning Ordinance.
- 32.2.14 Maintenance of Common Areas and Adjacent Rights-of-way.
- A. Open space areas shall be identified and reserved as tracts or parcels on a plat, or as easements when no plat is necessary. Maintenance of these areas shall be provided for by an Owners' Association.
 - B. A statement shall also be placed on the approved site plan or plat, as appropriate, stating that landscaping in adjacent rights-of-way areas shall be maintained by the Owners' Association.



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- 32.2.15 Justification and Mitigation. Substantial justification and mitigation is required for proposed PAD standards that do not meet the standards of the comparable zoning district.
- 32.2.16 Exhibits. The following exhibits shall be provided with the Development Plan for a PAD:
- A. Property boundary and legal description.
 - B. Areas designating lot sizes, densities and land use(s).
 - C. Circulation plan to include arterial and collector streets, and vehicular and pedestrian circulation routes as well as:
 - 1. Access Points (ingress and egress)
 - 2. Driveways and internal circulations.
 - 3. Transit stops.
 - 4. Connectivity to adjacent uses depicted on the Future Land Use Map.
 - D. Phasing schedule, which shall include all of the following:
 - 1. Type of development.
 - 2. Density.
 - 3. Floor area ratios for each phase.
 - 4. Map of the development designating the phases and sequence of development. The map shall include a schedule of development with action dates. All infrastructure improvements shall be shown and scheduled for the entire development.
 - E. The applicant shall document the location and acreage of open space as well as listing amenities to be provided at each location and include trail connectivity to the regional trail system.

ARTICLE D: REGULATIONS APPLYING TO ALL DISTRICTS

SECTION 33: NON-CONFORMING USES, BUILDINGS AND PARCELS

- 33.1 Any use of land lawfully existing on the effective date of this Zoning Ordinance, or its subsequent amendments, that does not conform to the regulations herein shall be deemed to be a non-conforming use and may be continued, until alterations of structures on such land are initiated or as deemed by the Building Official to protect public safety.
- 33.2 Any building or structure lawfully existing on the effective date of this Zoning Ordinance, or its subsequent amendments, that is wholly or partially used, or designed for use, contrary to the regulations of this Zoning Ordinance, shall be deemed as non-conforming building or structure and may continue in such use.
- 33.2.1 Any Structure, for which a permit has been lawfully granted prior to the effective date of the Ordinance, or of subsequent amendment to it, must be completed in



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accordance with the approved plans; provided that construction has not seized for a period exceeding six (6) months.

- 33.2.2 The term construction for the purposes of this Section is intended and shall be construed to mean the performance of any meaningful work or labor on the construction of the Structure.
- 33.3 A variance will be granted to permit the continuation of any building, structure or improvement, existing immediately prior to the time this Ordinance or any amendment to this Ordinance, if such existing building, structure or improvement too, has been constructed with the acknowledgment of a nationally recognized building code or standard.
- 33.4 This Section does not authorize the extension, expansion or enlargement of existing non-conforming use/construction except as provided below.
- 33.3.1 The proposed extension, expansion or enlargement is limited to a maximum of twenty-five percent (25%) of the gross floor area of the non-conforming structure;
- 33.3.2 The proposed extension, expansion or enlargement will not adversely impact adjoining properties; and
- 33.3.3 The proposed extension, expansion or enlargement will comply with all applicable building codes requirements and other applicable State and/or Federal requirements.
- 33.5 Nothing in this Ordinance shall be construed to prevent the restoration and resumption of a formerly lawful use of any Building that is damaged or partially destroyed by fire or other calamity, or by an act of God, to the extent it requires seventy-five (75%) percent or less in restoration; provided that such restoration is started within one (1) year after such damage and construction does not seize for a period exceeding six (6) months.
- 33.5.1 A non-conforming structure that is completely destroyed or damaged or partially destroyed in any of the above manner to a greater extent than seventy-five (75%) percent, or voluntarily demolished or required by law to be demolished, shall not thereafter be restored except in full conformity with all the provisions of this Ordinance and to current Building Code standards.
- 33.6 Pre-existing, non-conforming uses as otherwise permitted herein are permitted to continue. No change in the type, scale or intensity of the use is permitted.



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- 33.7 A non-conforming use which has been abandoned or discontinued for one (1) year or longer shall not be allowed to resume except in conformity with the applicable requirements of this Zoning Ordinance.
- 33.8 A parcel which has less area or width than required in the zone applicable to the parcel may be used as a separate parcel for a use permitted within the zone if:
 - 33.8.1 The parcel was legally created and placed on the records of the Kayenta Chapter prior to the effective date of this Zoning Ordinance and complies with any ordinances, regulations or requirements then applicable;
 - 33.8.2 The use and structure have previously been permitted or are legally non-conforming, or if it is a new use or a new construction, it will have a use which is the use, which most nearly meets lot and width requirements.
 - 33.8.4 The use or construction is approved by the Development Services Department.

SECTION 34: HOME OCCUPATIONS

- 34.1 The purpose of this section is to facilitate businesses conducted in the home, also regulating these businesses to be compatible with other homes on the adjacent properties.
- 34.2 Businesses conducted within homes shall qualify as permissible home occupations if they meet the following standards:
 - 34.2.1 Primary sale of goods or services in connection with such home occupation shall generally be that which is prepared, performed, produced or grown on the premises;
 - 34.2.2 The goods, stock-in-trade, or other commodities are not displayed outside the residence in high volume;
 - 34.2.3 The home occupation shall not be of a nature likely to generate traffic in larger numbers than would normally be expected in just such a dwelling;
 - 34.2.4 No more than two (2) other persons, in addition to the members of the family, are employed in connection with the home occupation;
 - 34.2.5 No objectionable operational characteristics or effect, including noise, odor, fumes, dust, lighting, vibration, electrical disturbance, and smoke discernible from the exterior boundaries of the lot site which would identify the premises as serving a non-residential purpose shall be allowed;



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- 34.2.6 No more than twenty-five percent (25%) of the total gross floor area of the dwelling be used for home occupation purposes nor more than six hundred (600) feet for any Accessory Building shall be so utilized;
- 34.2.7 No change is made in the outside appearance of the building or premises, which is not of a residential character other than one (1) sign so stating the name and nature of the business which is not more than four (12) square feet and is not illuminated.
- 34.2.8 No show windows, window displays or advertising on signs, structures or vehicles on or near the site designed to attract customers, clients or the general public to the premises; and
- 34.2.9 Adequate off-street parking consistent with the nature of the business conducted is included, provided that such parking is contained within the parcel or lot, does not overflow into adjacent parcels, and does not create adverse traffic.
- 34.3 An application for a home occupation may be submitted to the Township and subsequently administratively reviewed by the Development Services Department to ensure it satisfies the standards contained herein. The Building Official shall issue a Home Occupation Permit to the applicant, if the application is approved, upon payment of the applicable business license fees. No such permit shall be required for a child care service if five (5) or fewer children are cared for in total.
- 34.3.1 If the application does not satisfy the standards contained herein, the Development Services Department shall deny the application for a home occupation permit.

SECTION 35: TEMPORARY USE PERMITS

- 35.1 Certain temporary uses of property may be permitted in any District, and the permit may be made contingent upon such conditions and reasonable time limitations are necessary to protect the public welfare. The violation of any such conditions imposed shall be grounds for the revocation of the permit. The Building Official may require an additional guarantee to assure removal of any debris, refuse, or structures as to restore the premises to prior condition of the temporary use permit.
- 35.2 Temporary structures and uses incidental to the construction of a building or group of buildings on the same or adjacent premises may be permitted in any District, where the use of such temporary structures conforms to uses permitted in such District.



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- 35.3 Permits for outdoor yard or garage sales may be granted, merchandise shall not be displayed on any sidewalk, right of way, or adjacent property. Such sales shall be restricted to dawn and dusk hours.
- 35.4 In addition, any of the following uses may be permitted, subject to a specific time limit not to exceed thirty (30) days;
 - 35.4.1 Neighborhood bazaar, celebration or festival in any district, when sponsored by an organized group;
 - 35.4.2 Open-air sale of Christmas trees or
 - 35.4.3 Other temporary outdoor sales that meet all other conditions of this Zoning Ordinance and where the Building Official determines that no safety or health hazards will result from the proposed temporary use.

SECTION 36: LANDSCAPING, BUFFERING AND SCREENING

36.1 INTENT

The intent of this Section is to address the advantages and need for landscaped parcels in relation to aesthetics and to improve adverse impacts between potentially incompatible uses including uses of different districts which may border or be generally adjacent, by requiring buffering and screening.

36.1.1 The contents of this Section include the obligation to:

- H. Reduce irrigation water consumption with no decline in landscape quality;
- I. Reduce the heat and glare absorbed and radiated by any development and improvements;
- J. Control soil erosion;
- K. Utilize water harvesting techniques and methods;
- L. Preserve property values and the character of neighborhoods; and
- M. Encourage the use of Xeriscapes or drought tolerant planting materials.

36.2 LANDSCAPING STANDARDS

36.2.1 The following landscaping standards apply:

- A. Preservation of native, on-site vegetation shall be a primary objective of site planning for development.
- B. New planting materials shall be drought-tolerant and appropriate to the semi-desert environment of the Township.
- C. The following requirements apply to turf:
 - 1. The use of turf is prohibited unless reclaimed water is available for the maintenance of such turf.



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2. If reclaimed water is available, the use of turf shall not exceed 20% of the landscaped area and shall be located, when used, to mitigate glare and reduce heat near buildings and to enhance pedestrian ways.
3. Turf may be used in golf course area within gold tees.

36.2.2 Earth beams shall be designed for transition to existing grades, shall not exceed a slope of 2:1, and shall be adequately covered with plant materials, ground cover or riprap.

36.2.3 Natural drainage ways and existing natural vegetation may be used for screening.

36.4 LANDSCAPING REQUIREMENTS

3.6.4.1 The following landscaping requirements apply:

- A. All new construction within non-residential Districts shall require an area of not less than ten (10) percent of the site's parking area to be landscaped.
- B. All commercial development shall provide landscaping at equal intervals within the areas of the development most visible from the adjacent streets and public rights-of-way.
- C. All industrial developments shall landscape the front and side yard areas adjacent to streets which are not specifically used for parking, driveways, walkways, or similar purposes. Additional landscaping may be required to fully screen exposed storage when abutting less intense uses and/or at the discretion of the Development Services Department.
- D. All new construction within residential Districts shall provide one (1) two (2) inch caliper tree every one-hundred (100) feet along the street frontage within the front yard setback, except when on corner lots where it must be 10 feet setback from the corner of the lot.

36.5 PLANTING SIZES, BOULDERS, AND TURF:

36.5.1 The following planting sizes are required:

- A. **Trees:** Trees may not be less than fifteen (15) gallon size, with a two (2) inch caliper trunk measured from two (2) feet above grade. A minimum of two (2) live trees shall be provided for every one thousand (1000) square feet of required landscaped area.
- B. **Shrubs:** Shrubs not less than five (5) gallon size, which are one (1) foot in height and one (1) foot in width at the time of planting. A minimum of ten (10) live shrubs shall be provided for every one thousand (1000) square feet of required landscaped area.
- C.

36.5.2 EXCEPTION: Large boulders indigenous to the Kayenta area may substitute for up to half (1/2), of the required shrubbery. Size of boulders shall be a minimum of three (3) feet by four (4) feet.



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36.5.3 Irrigated turf shall comply with all applicable requirements provided in 36.2.1.C.

SECTION 37: FENCE REQUIREMENTS

37.1 REQUIRED FENCING

37.1.1 Commercial and industrial development abutting any residential zone shall install a sound wall fence six (6) feet high. However, such fencing shall not extend into the required front yard area if the property is adjacent to a residential zone.

37.1.2 Other than short-term storage, all storage of building materials, junk, scrap, or waste shall be screened from public view with a solid fence six (6) feet high or landscaped buffering.

37.2 LOCATION AND HEIGHT

37.2.1 Residential Districts. Fences and hedges in residential districts are permitted up to six (6) feet in height, measured from the finished grade on the higher grade side of the fence. The following exceptions apply:

- A. Fences or walls shall not be higher than four (4) feet above the street elevation along the front yard.
- B. On a corner lot, fences, hedges, or visual obstructions over three (3) feet above grade shall be set back at least ten (10) feet from the corner of the lot.
- C. Fences or walls within the Buildable Area are permitted up to eight (8) feet in height; and
- D. Fences immediately adjacent to alleys are permitted up to seven (7) feet in height.
- E. Fences or walls shall not be higher than four (4) feet along a driveway to a point ten (10) feet from the street.

37.2.2 Commercial and Industrial Districts. Fences, and hedges in commercial or industrial districts are permitted up to six (6) feet in height, measured from the finished grade on the higher grade side of the fence. The following exceptions apply:

- A. Fences or walls higher than four (4) feet shall not be built within any required front setback.
- B. Fences, hedges or other visual obstructions shall not be over three (3) feet high above the curb on a corner lot and a line connecting those lines from points thereon which lie twenty (20) feet from the intersection.
- C. Fences or walls within the building areas as required for a main building are permitted up to ten (12) feet in height, except when property is abutting any residential zone.



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37.3 PROHIBITED MATERIALS

37.3.1 Barbed wire, razor wire or similar fences shall not be installed within the Township except for security fences in the I-1 District which are not visible from any public street and placed six (6) feet above grade;

37.3.2 EXCEPTION: Right-of-way fence materials shall be selected at the discretion of the Authority having Jurisdiction.

37.3.3 Electrified fences of any kind shall not be permitted within the Township.

37.3.4. Petroleum based materials shall not be used as fencing within the Township.

SECTION 38: OFF-STREET PARKING

38.1 INTENT

It is the intent of this Section to require and provide for adequate off-street parking and loading spaces on each parcel or lot sufficient in size and number to reasonably accommodate all vehicles of residents, employees, customers, clients, and others, which may congregate at any point in time in order to reduce on-street parking and improve traffic and pedestrian flow and safety.

38.2 PARKING RATIOS

At the time any activity is established or any building or structure is erected, enlarged, or otherwise increased in capacity, or whenever there is a substitution of activities or a change in the nature of an existing activity likely to increase traffic and/or parking need, off-street parking for vehicles shall be provided in conformance with this Section:

38.2.1 Residential

Type of Use	Parking Requirements
A. Single Family Dwelling and Duplex Residential Unit	Two (2) parking spaces per dwelling unit, one (1) of which may be covered carport or garage.
B. Accessory Dwelling Units	One (1) Parking Space per unit.
C. Multiple Family Dwellings (3 units or greater)	<ol style="list-style-type: none">1. One and one-half (1 ½) parking spaces per dwelling unit having two (2) or less bedrooms.2. Two (2) parking spaces per dwelling unit having three (3) or more bedrooms.3. Plus one (1) parking space for every four (4) dwelling units for Guests.4. One (1) parking space for each unit shall be a garage or carport.



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- D. Bed and Breakfast Establishments
- In addition to those required for the owner or manager of the premises, require:
1. Two (2) parking spaces, one of which may be a covered carport or garage.
 2. Plus one(1) additional parking space for every additional guest room beyond two (2) guest rooms.

38.2.2 RECREATIONAL USE OFF-STREET PARKING REQUIREMENTS

Type of Use	Parking Requirements
A. Theaters and Auditoriums (with fixed seats)	One (1) parking space for every four (4) seats.
B. Auditoriums and Exhibit Halls (without fixed seats)	One (1) parking space per hundred (100) gross feet of bench.
C. Dance Halls	One (1) parking space for each five (5) seats or per fifty (50) square feet of dance floor, whichever is greater.
D. Bowling Center	<ol style="list-style-type: none"> 1. Six (6) parking spaces per alley 2. Plus one (1) parking space for each shift employee.
E. Commercial Swimming Pools	One (1) parking space per one hundred (100) square feet of floor.
F. Tennis and Racket Courts	<ol style="list-style-type: none"> 1. Two (2) parking spaces per court 2. Plus one (1) parking space for each shift employee.
G. Private clubs Without Overnight Accommodations	<ol style="list-style-type: none"> 1. One (1) Parking Space for every four (4) persons of maximum occupancy of the facility 2. Plus one (1) Parking Space for each regular employee.

38.2.3 INSTITUTIONAL USE OFF-STREET PARKING REQUIREMENTS

Type of Use	Parking Requirements
A. Hospitals	<ol style="list-style-type: none"> 1. One (1) parking space per doctor, 2. One (1) parking space for every three (3) employees, and 3. One (1) parking space for each three (3) beds.
B. Convalescent homes, nursing homes	<ol style="list-style-type: none"> 1. One (1) parking space for each visiting doctor, 2. One (1) parking space for every two (2) employees, and



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- | | |
|--|---|
| <ul style="list-style-type: none"> C. Day care center and nursery schools | <ul style="list-style-type: none"> 3. One (1) parking space for each four (4) beds. |
| <ul style="list-style-type: none"> D. Churches and Mortuaries | <ul style="list-style-type: none"> 1. One (1) parking space for each employee 2. Two (2) parking spaces for every five (5) children, and 3. One (1) loading space. |
| <ul style="list-style-type: none"> E. Public or Private High Schools | <p>One (1) parking space every four (4) seats or for every seven (7) linear feet of bench.</p> <ul style="list-style-type: none"> 1. One (1) parking space for each employee 2. One (1) parking space for every ten (10) students of planned capacity or one (1) parking space for each four (4) auditorium seats, whichever is greater 3. Plus one (1) bus loading area |

38.2.4 OFFICE, MEDICAL AND FINANCIAL OFFICES

Type of Use	Parking Requirements
<ul style="list-style-type: none"> A. Medical, Dental, Optometry, Chiropractor, Acupuncture and other Healing Practitioners Office 	<p>One (1) parking space per every hundred and fifty (150) square feet of gross area, or six (6) parking spaces per doctor or practitioner, whichever is greater.</p>
<ul style="list-style-type: none"> B. Veterinarian Offices or Clinics 	<p>One (1) parking space per every hundred and fifty (150) square feet of gross area, or six (6) parking spaces per veterinarian, whichever is greater.</p>
<ul style="list-style-type: none"> C. Banks, Lending Agencies, Financial Institutions, Governmental Institutions, Public Facilities and Utility Companies 	<p>One (1) parking space per every three hundred (300) square feet of gross floor area.</p>
<ul style="list-style-type: none"> D. All Other Professional Offices (other than those listed in A, B and C above) 	<p>One (1) parking space per every three hundred (300) square feet of gross floor area.</p>

38.2.5 RETAIL AND COMMERCIAL

Type of Use	Parking Requirements
<ul style="list-style-type: none"> A. General Retail Sales, Repair and Service. 	<p>One (1) parking space per every two fifty (250) square feet of gross floor area.</p>
<ul style="list-style-type: none"> B. Retail Sales of Large Appliances, Automobiles, Furniture, and Other 	<p>One (1) parking space per every four hundred (400) square feet of gross floor area.</p>



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Similar Bulky Merchandise.

- C. Restaurants, Bars, Taverns, Night Clubs, Cocktail Lounges.
 - 1. One (1) parking space per every three (3) seats or one hundred (100) square feet of gross floor area devoted to dining, whichever is greater
 - 2. Plus one (1) parking space for each shift employee.

- D. Restaurants and Other Retail Establishments with Take-out Service, Walk-up, Drive-up Windows and Roadside Stands
 - 1. One (1) parking space per every three (3) seats or one hundred (100) square feet of gross floor area devoted to dining, whichever is greater
 - 2. One (1) parking space for each shift employee.
 - 3. Plus eight (8) parking spaces for each exterior service window.

- E. Barber and Beauty Shops
 - 1. One (1) parking space per every one hundred (100) square feet of gross floor area.

- F. Uncovered Retail Sales Area for Landscaping Nurseries, Vehicles and Construction Materials
 - One (1) parking space per every four thousand (4,000) square feet of gross area, plus one (1) parking space per employee, but not less than four (4) parking spaces in total.

- G. Service Stations and Vehicle Repair Garages
 - 1. One (1) parking space per every four hundred (400) square feet of gross floor area.
 - 2. Plus one (1) parking space per employee, but not less than three (3) parking spaces in total.
 - 3. Service bays shall not count as part of the required parking.

- H. Restaurants, Bars, Taverns, Night Clubs, Cocktail Lounges.
 - 1. One (1) parking space per every three (3) seats or one hundred (100) square feet of gross floor area devoted to dining, whichever is greater
 - 2. Plus one (1) parking space for each shift employee.

- I. Hotels and Motels
 - 1. One (1) parking space per each guest room or key.
 - 2. One (1) additional parking space per every staff.
 - 3. Plus six (6) additional parking spaces

- J. Power Shopping Centers
 - Four (4) parking spaces per every one thousand (1000) square feet of gross floor area.



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38.2.6 INDUSTRIAL

Type of Use	Parking Requirements
A. Warehouses under ten thousand (10,000) square feet of gross area	One (1) parking space per every six hundred (600) square feet of gross floor area with a minimum of ten (10) parking spaces.
B. Warehouses over ten thousand (10,000) square feet of gross area	One (1) parking space per every five thousand (5000) square feet of gross floor area with a minimum of ten (10) parking spaces.
C. Wholesale sales (with only limited retail)	One (1) parking space per every six hundred (600) Square feet of gross floor area.
D. Manufacturing plants, light industrial uses, and wholesales service establishments	One (1) Parking Space per three hundred fifty (350) square feet of gross floor area.

38.2 Where there is a combination of uses for one facility on a parcel, the total required off-street parking shall be the sum of the requirements for the various uses calculated separately.

38.3.1 The parking provided for one use may not be used to satisfy the parking requirements for another use on the same site, unless all of the following conditions are met:

- A. Structures on the site clearly can be used only during limited time periods;
- B. Uses occur during completely different periods of time;
- C. The Town Planner determines there will be no conflicts or safety hazards between the proposed uses; and
- D. A Conditional Use Permit is obtained.

38.4 The parking ratio shall be determined by the Town Planner for uses that are not specifically included herein.

38.5 Proposed commercial buildings without identified uses specified shall provide one (1) parking space for every two hundred fifty (250) square feet of gross floor area subject to adjustment once an intended use is identified.

38.6 Every use shall provide the required parking on the same parcel except that the owners of adjoining properties may provide parking space in common if said parking area is secured by easement or other sufficient legal document, and provided the total number of parking spaces provided is equal to the sum of the individual needs.



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38.7 All residential parking spaces shall be at least ten (10) feet wide, twenty (20) feet long, with a minimum of twenty-four (24) feet if back-up space is required. Parking spaces shall not be permitted within the back-up space needed to exit from another parking space.

38.8 SPECIAL PARKING REQUIREMENTS

38.8.1 Compact car parking spaces may be provided in commercial or industrial developments for up to thirty percent (30%) of the required off-street parking spaces where at least fifteen (15) parking spaces are to be provided or required.

38.8.2 Handicap parking shall comply with all applicable requirements of the Township Building Code.

38.8.3 Each handicap parking space shall be delineated by blue painted curb and boundary lines and shall also be clearly labeled with the standard handicap symbol or clearly labeled for "handicapped only." Each compact car parking space shall be clearly labeled for "compact car only." Each electrical charging station shall be labeled for "electrical vehicles only." Employee parking spaces shall clearly be labeled for "employee only."

38.8.4 All retail and wholesale stores, warehouses, supply houses, buildings devoted to manufacturing, trade, hotel, hospitality, entertainment, hospitals or other buildings where large amounts of goods are received or shipped shall provide loading and unloading space adequate to handle the volume and frequency of actual or anticipated truck traffic. The number and minimum dimensions of loading spaces shall be as determined by the Town Planner.

38.8.5 All parking spaces abutting sidewalks, planters, buildings and landscapes shall be provided with a permanent curb, bumper, wheel stop or similar device. The stopping edge of such protective wheel stops shall be placed two (2) feet from the edge of sidewalks, planters or landscaped areas and from any buildings.

38.8.6 All off-street parking for all uses, except single family uses, shall be designed such that vehicles need not back out of the parking area into a public street. Utilizing a public alley for back-up space is acceptable.

38.8.7 Required off-street for any residential use may not be located in the required front yard setback area or required side yard setback area if adjacent to a street.

38.8.8 All required parking areas shall be of an impervious surface except for parking spaces adjacent to an alley or street for single family residential uses, which may be surfaced with crushed rock.



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38.8.9 Any building or use whose parking becomes in effect substandard by the adoption of this Section but which were lawful prior to the adoption of this Section, shall be considered a non-conforming use. Such non-conforming use may continue. Any enlargement or expansion of such non-conforming use shall provide the required number of parking spaces or parking area for the entire building or use as specified in this Section. Any change in occupancy or use in an existing building or lot which requires more parking spaces shall provide the additional parking area as required by this Section.

SECTION 39: ACCESSORY BUILDINGS, DWELLINGS, AND USES

39.1 Intent

The intent of this Section is to provide regulations for buildings or structures which are not the main or primary buildings on parcels, and in which the principal use for the land does not occur.

39.2 Accessory buildings if permitted in any district are so permitted whether constructed or located at the same time as the main building on the parcel or subsequent thereto.

39.3 Accessory buildings in any non-residential zone shall be built subject to the same restrictions as apply to the main building.

39.4 Adequate buffering is required to screen all accessory buildings from the public right-of-way.

39.5 Accessory dwelling units are permitted in residential zones only when they comply with the following restrictions:

39.5.1 The unit is not for sale but may be rented;

39.5.2 The lot contains an existing single family detached unit;

39.5.3 The second unit is located within the Buildable Area of the existing dwelling;

39.5.4 The unit shall not exceed twenty-five percent (25%) of the living area of the existing dwelling;

39.5.5 Any construction shall conform to height, setback, lot coverage and other zoning requirements generally applicable to residential construction in the District in which the property is located; and



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39.5.6 The accessory unit shall be serviced by existing sewer and utility connections, and no separate water, gas or electric meters shall be permitted.

SECTION 40: WATER AND SEWER CONNECTIONS

40.1 Water and Sewer Connection

Any structure requiring water and sewer shall be connected to the public water and sewer system. Individual septic systems are not permitted.

SECTION 41: SIGNS

41.1 **Intent.** The intent of this Section is to provide the minimum standards to safeguard life, health, property and public welfare by regulating and controlling the location, placement, size, numbers, surface area, illumination, materials, and maintenance of signs and sign structures. The intent of this Section is also to maintain and improve the aesthetics of the Township's appearance.

41.2 **Permitted Signs.** No sign permit shall be required for the signs listed below. In no case shall a sign be deemed to be exempt if it is listed as a prohibited sign herein.

41.2.1 One name plate less than four (4) square feet in area and located adjacent to one entryway, for each business or occupant in any District.

41.2.2 Memorial signs, names of buildings and dates of the building's construction which do not exceed four (4) square feet in area.

41.2.3 Traffic or other municipal signs, legal notices, railroad crossing signs, temporary or emergency non-advertising signs and signs identifying the existence or location of public utility facilities.

41.2.4 Temporary Signs of a directional nature, on-site directional signs, including no trespassing and no dumping signs, up to four (4) square feet in area and not exceeding four (4) feet in height.

41.2.5 Temporary Signs and banners of a civic, charitable, educational or municipal nature including public events and parades.

41.2.6 Up to four (4) on-site temporary garage and yard sale signs not to exceed a total of sixteen (16) square feet.



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- 41.2.7 Temporary Signs on windows of commercial buildings, provided no more than twenty-five (25%) percent of the window surface is covered, for a time period not exceeding fifteen (15) days.
- 41.2.8 One (1) on-site construction sign not to exceed six (6) feet in height erected by a building contractor, subcontractor, architect or engineer while actually engaged in construction of the building.
- 41.2.9 One (1) on-site real estate sign pertaining to the sale, lease, rental or display of a structure or of a land which shall not exceed four (4) square feet in area.
- 41.2.10 Political Signs shall not be placed on any portion of a street, sidewalk, or other public right of way.

41.3 PROHIBITED SIGNS

Except as otherwise provided in this Zoning Ordinance, the following signs shall be prohibited throughout the Kayenta Township.

- 41.3.1 Signs on or projecting above the roof or the canopy of a structure, or signs, which appear to be roof signs from the public right-of-way.
- 41.3.2 Lighted signs that flash on or off and any sign feature which moves or is designed to move.
- 41.3.3 Lighted signs whose surface brightness is a detriment to surrounding properties, signs which prevent the peaceful enjoyment of surrounding property or that conflict with safe traffic movement or advertising displays which emit audible sound, odor or visible matter.
- 41.3.4 Signs located in such a manner as to obstruct free and clear vision or the view of any authorized traffic sign, signal or device.
- 41.3.5 Any sign, which because of its location, would prevent free ingress to or egress from any door, window, fire escape, driveway, sidewalk or would obstruct an outward view from any living or occupied area.
- 41.3.6 Signs placed on any portion of a street, sidewalk, or public right-of-way excluding signs on a newspaper vending machines.
- 41.3.7 Abandoned signs or signs which no longer identify a bonafide business entity.
- 41.3.7 Any signs placed on traffic signs or pedestals.



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41.4 SIGNS IN RESIDENTIAL DISTRICTS:

Only signs which are permissible in Section 41.2 or which meet the following Standards will be permitted in any residential district.

41.4.1 Only one (1) Freestanding Sign or one (1) Wall Sign, located flat against a wall, shall be permitted for each Multiple Family Dwelling or Mobile Home Park. The Freestanding Sign shall not exceed six (6) square feet in area, shall not be illuminated nor rotating, shall not exceed five (5) feet in height, and shall be set back at least five (5) feet from Lot Line. The Wall Sign shall not exceed sixteen (16) square feet in area, and shall not be illuminated.

41.4.2 Residential subdivision signs, advertising a tract having five (5) or more units for sale, and may include one (1) Freestanding or Wall Sign on-site which does not exceed thirty-two (32) square feet in area. If otherwise permissible hereunder, the subdivision may also locate up to three (3) off-site Directional Signs, up to thirty-two (32) square feet each. Such signs shall be removed immediately after completion of sales or after one (1) year, whichever occurs first, unless granted an extension by the Town Planner.

41.4.3 Bed and Breakfast establishments shall be allowed one (1) sign as described in Section 41.2.1.

41.5 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

Only signs meeting the following standards will be permitted in commercial or industrial districts, provided that there is compliance with all other applicable provisions of this Zoning Ordinance.

41.5.1 Signs shall be located and erected only upon the premises occupied by the person or business to be identified or advertised by such signs. The location of all signs shall also be in compliance with the building, electrical and fire prevention codes of the Kayenta Township.



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41.5.2 The maximum permissible total sign area for all signs including free standing signs (but excluding highway signs) for all commercial or industrial uses shall not exceed the maximum total sign area for each business, according to the following table.

Zoning District	Maximum Total Sign Area Permitted (in square feet) for Each Lineal Foot of Building Frontage	Maximum Total Sign Area Permitted (in square feet) Regardless of Building Frontage
C-1 Neighborhood Commercial	1	50
C-2 Community Commercial	1 1/2	75
C-3 Highway Commercial	2	150
I-1 General Industry	1	350

41.5.3 The permitted signs may be mounted freestanding or located on any side of a building. The lineal footage of a building shall be that distance of building frontage facing a public street. The maximum sign area for buildings which front on more than one (1) street shall be calculated by using the longest of any such one such frontage.

41.5.4 The maximum number of freestanding signs shall be one (1) per business, building or parcel, whichever is most restrictive. The area of the freestanding signs shall be included in the maximum area allowed. The maximum height for any freestanding sign shall be eight (8) feet, except for highway-oriented signs.

41.5.5 The maximum allowable sign area for all service station signs shall be one hundred (100) square feet. All service station freestanding signs shall meet the requirements as listed in Section 41.6.2 for the district in which it is located, except that one (1) ground sign per station for price display is permitted up to fifteen (15) square feet in area. Such ground signs shall not exceed five (5) feet in height and shall be located so as not to obstruct free and clear vision of traffic. Price signs that comply with these regulations will be permitted in addition to the maximum allowable sign area. A maximum of two (2) square feet of signs and information mounted directly to the top of gasoline pumps will be permitted in addition to the total allowable sign area.

41.6 One (1) on-site highway-oriented sign may be permitted in addition to one (1) monument sign. The highway-oriented sign shall not exceed sixty (60) feet in height and shall not exceed one hundred (100) square feet in sign area.

41.7 Every sign and all parts and materials together with the frame, background, supports or anchorage shall be maintained in proper repair. The display surface of all signs shall be kept



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neatly painted and/or posted. Failure to maintain signs shall constitute a violation of this Zoning Ordinance, and removal may be ordered.

- 41.8 A variance will be granted to permit the continuation of the use of any sign which existed immediately prior to the effective date of this Zoning Ordinance if such sign was not in violation of any other existing Ordinance or law.
- 41.9 All signs on corner lots in any District shall not be higher than three (3) feet above grade and a line connecting those points thereon would lie twenty (20) feet from the intersection, to preserve corner lot sight clearance.

SECTION 42: TRAILERS AND RECREATIONAL VEHICLES

42.1 INTENT

It is the intent of this Section of the Zoning Ordinance to establish regulations that apply to the storage and parking of Trailers and Recreational Vehicles in the Township. For Recreational Vehicle Park Design Standards see Section 32.7 of this Zoning Ordinance.

- 42.2 An operable Recreational Vehicle or Trailer may be parked for storage in all zones as follows.

- 42.2.1 Enclosed Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zone where it is located;

- 42.2.2 Uncovered parking is permitted in a side yard or in a rear yard, provided such parking has a minimum setback of five (5) feet from the lot line. Recreational Vehicle may be parked temporarily anywhere on the property during active loading and unloading.

- 42.2.3 A setback of five (5) feet from the lot line is required for the duration of parking. Such parking shall not exceed thirty (30) days and shall comply with Section 42.2.4.

- 42.2.4 Parking is for storage purposes only, and any Recreational Vehicle or Trailer shall not be:

- A. Used for dwelling purposes;
 - B. Permanently connected to sewer lines, water lines, or electricity except for a temporary electrical connection for the charging batteries and other related purposes; or
 - C. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential to its immediate use.



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- 42.2.5 In residential zones, Recreational Vehicles shall be parked for storage only on property on which the vehicle's owner resides. Such parking is permitted outside a structure in the Rear or Side Yard. Recreational Vehicles can only be parked in the Front Yard if on a paved or graveled driveway and provided that all of the following conditions exist:
- A. Space is not available in the Rear Yard or Side Yard, or the Lot is not on a corner and has no reasonable access to either the Side Yard or Rear Yard;
 - B. Inside parking is not possible;
 - C. The vehicle is parked perpendicular to the Front Lot Line;
 - D. No part of the vehicle extends over the public sidewalk or public thoroughfare (right-of-way)
 - E. No more than one (1) recreational vehicle or trailer is parked in the Front Yard of each residential unit;
 - F. The vehicle is parked at least five (f) feet from the Side Lot Line.

SECTION 43: YARDS

- 43.1 It is the intent of this Section of the Ordinance to establish regulations which apply to yard areas of parcels within the Township.
- 43.2 Every building hereafter constructed upon a building site shall be located on the site so as to provide for the yards specified in the regulations for the district in which the site is located.
- 43.2.1 Every Front or Rear Yard shall extend along a lot line the full width of the Lot, and every Side Yard shall extend along a lot line from the Front Yard or the Front Lot line to the Rear Yard. A required yard shall be open and unobstructed, except as otherwise provided herein. The required minimum depth or width of any yard shall be measured generally at the right angles to the lot line and from the nearest point of the building.
- 43.2.2 Where the building wall is not parallel to a Side or a Rear Lot Line that required least dimension of the Side Yard or the Rear Yard along such line may be applied to the average, provided that no Side Yard shall be less than three (3) feet width at any point, and no Rear Yard shall be less than ten (10) feet in depth at any point.
- 43.3 The following exceptions shall apply to all required yards:
- 43.3.1 In any residential district where twenty-five (25%) percent or more of the lots in any block, with the exception of the frontage along the side of a corner lot, have been improved with at least six (6) buildings at the time of the passage of this Zoning Ordinance (or any prior Ordinance) and the Front Yards on such lots vary in depth to



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an extent not greater than six (6) feet, then the required Front Yard depth for such district shall be disregarded in such block and in lieu thereof the Front Yard required on each lot in such block shall be of a depth not less than the average depth of the Front Yards on the lots on which such existing buildings are located.

SECTION 44: HAZARDOUS MATERIALS STORAGE

44.1 Hazardous materials and wastes shall not be released into a sewer, on-site liquid waste disposal system, storm drain, ditch, drainage canal, lake or river or upon the ground, sidewalk, street, highway or into the subsurface or atmosphere.

44.1.1 Exceptions

The following exceptions apply:

- A. Pesticide products and materials intended for use in weed abatement, pest control, erosion control, soil amendment or similar applications when applied in accordance with the manufacturer's instructions, and in accordance with nationally recognized standards.
- B. Materials released in accordance with Federal, State or local governing regulations with a National Pollutant Discharge Elimination System Permit, with waste discharge requirements established by the Navajo Nation Water Quality Control Commission or with local sewer pretreatment requirements.

44.2 Hazardous materials and wastes are those chemicals or substances classified as hazardous materials in Article 80 of the 1991 Uniform Fire Code that pose physical hazards or health hazards, regardless of whether the materials are in usable or waste condition.

44.3 Conditional Use Permits shall be required to manufacture, store, dispense, use, or handle hazardous materials and wastes at facilities within the Township.

44.3.1 The following conditions apply:

- A. The facility is located within an appropriate district; and
- B. Hazardous materials and wastes are present in excess of quantities listed in Article 80 of the 1991 Uniform Fire Code. Such permit shall not take the place of any license as otherwise required by law.

44.4 The Development Services Department shall review and approve plans and issue a permit prior to issuance of building permits for new construction and major remodeling for those seeking the issuance of such Conditional Use Permits. Permits shall also be issued prior to commencement of new business activities in existing facilities.

44.5 Permits shall not be transferable and any change in use, occupancy, operation, or ownership shall require a new permit. Permits shall be renewed annually.



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- 44.6 The Development Services Department is authorized to suspend or revoke a permit when it is determined after review that:
- 44.6.1 The permit has been used by a person other than the person to whom the permit was issued;
 - 44.6.2 The permit has been used for a location other than that for which it was issued;
 - 44.6.3 Any of the conditions or limitations set forth in the permit, have been violated;
 - 44.6.4 The permit failed, refused, or neglected to comply with orders or notices duly served;
 - 44.6.5 There has been a false statement or misrepresentation to a material fact in the application or plans on which the permit or application was based; or
 - 44.6.6 The permit has caused an unabated release of hazardous materials to the environment.
- 44.7 No quantity greater than fifty-five (55) gallons of any material listed in Article 80 of the 1991 Uniform Fire Code shall be stored within four hundred (400) feet of any residential district or water well in the Township.

SECTION 45: DEVELOPMENT STANDARDS FOR NON-RESIDENTIAL USES

45.1 INTENT

It is the intent of this Section of the Zoning Ordinance to establish development standards for non-residential uses within the Kayenta's Employment Districts. The development standards and guidelines provided in this section are required in addition to all applicable guidelines and standards provided in the Kayenta Comprehensive Plan Urban Design Element and in the respective zoning districts included in this Zoning Ordinance.

45.2 SETBACK AND LANDSCAPE AMENITY REQUIREMENTS

Setbacks are established to create variation in the placement of buildings and parking lots along street frontages and to provide adequate spatial separation between adjoining uses.

44.2.1 Setback distances of non-residential buildings will differ depending on the land use intensity, the type of building, and the location within the Township. This section includes setbacks for non-residential development.

44.2.2 Set back all non-residential buildings from interior and perimeter roads to create areas for landscape, sidewalks and other pedestrian pathways, entry features,



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monumentation, water features, signage and buffering between buildings, parking areas and streets in conformance with development standards and guidelines provided in this section.

- 44.2.3 Except for designated pedestrian routes and multiuse paths, non-residential development should convey a cohesive character from all major roadways.
- 44.2.4 All buildings should be set back from interior and perimeter roads in sufficient dimensions to create a landscape zone between buildings, parking and the street.
- 44.2.5 Varying building setbacks should be encouraged to enhance visual interest.

Building Setback Including Landscaped Areas, Parkway, and Sidewalk



- 45.3 **Interior Setbacks.** Establish appropriate interior setbacks as follows.
 - 44.3.1 Convey an urban, pedestrian-friendly character where the street sidewalks are inviting routes for pedestrian access between employment uses, residential, retail and support services, and educational facilities.
 - 44.3.2 Require a minimal front setback with street-side entries and parking on the side or in the rear of buildings along designated pedestrian routes and buildings.

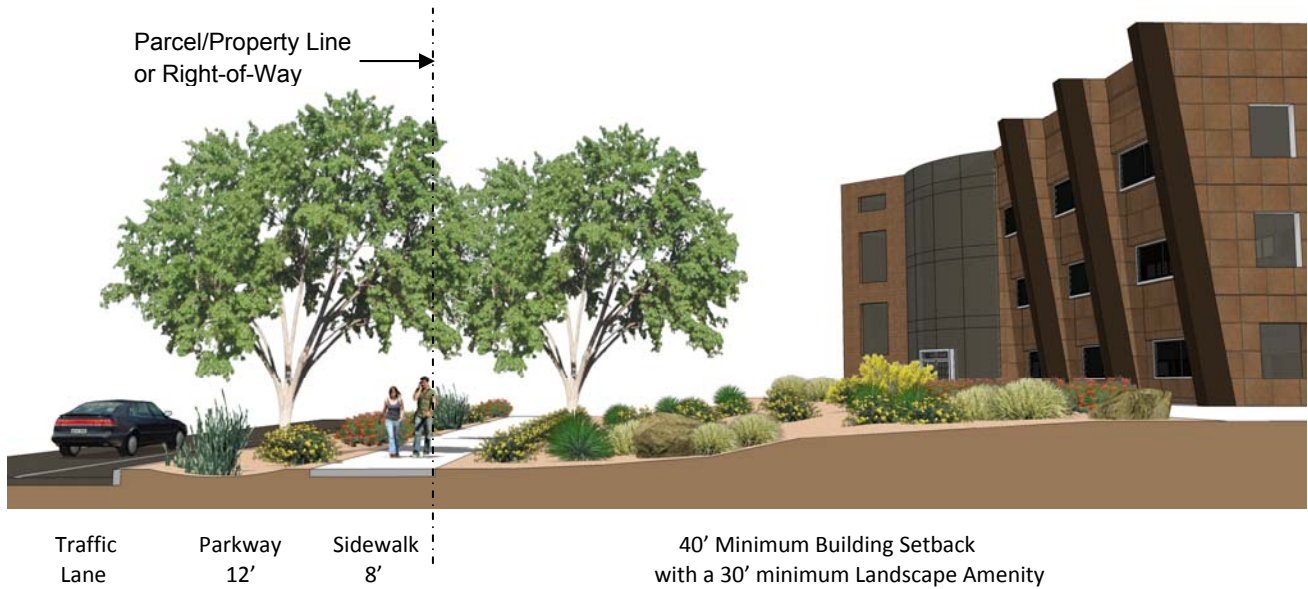


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44.3.3 Primary and Secondary Street Setbacks and Landscape Amenities. Primary and secondary streets include major arterials and collectors roadways. Establish appropriate setbacks for primary and secondary streets as follows:

- A. Provide a minimum thirty feet (30') landscape amenity area within the forty feet (40') building setback.
- B. The parkway area shall be a minimum of twelve (12') feet in width. The parkway area is defined as the landscaped area separating the sidewalk from a vehicular lane.
- C. The sidewalk area shall be a minimum of eight (8') feet.
- D. Traffic lanes, parkway area and sidewalk are parts of the right-of-way. The right-of-way begins at the property/parcel line.

Building Setback and Landscape Amenity for Primary and Secondary Streets



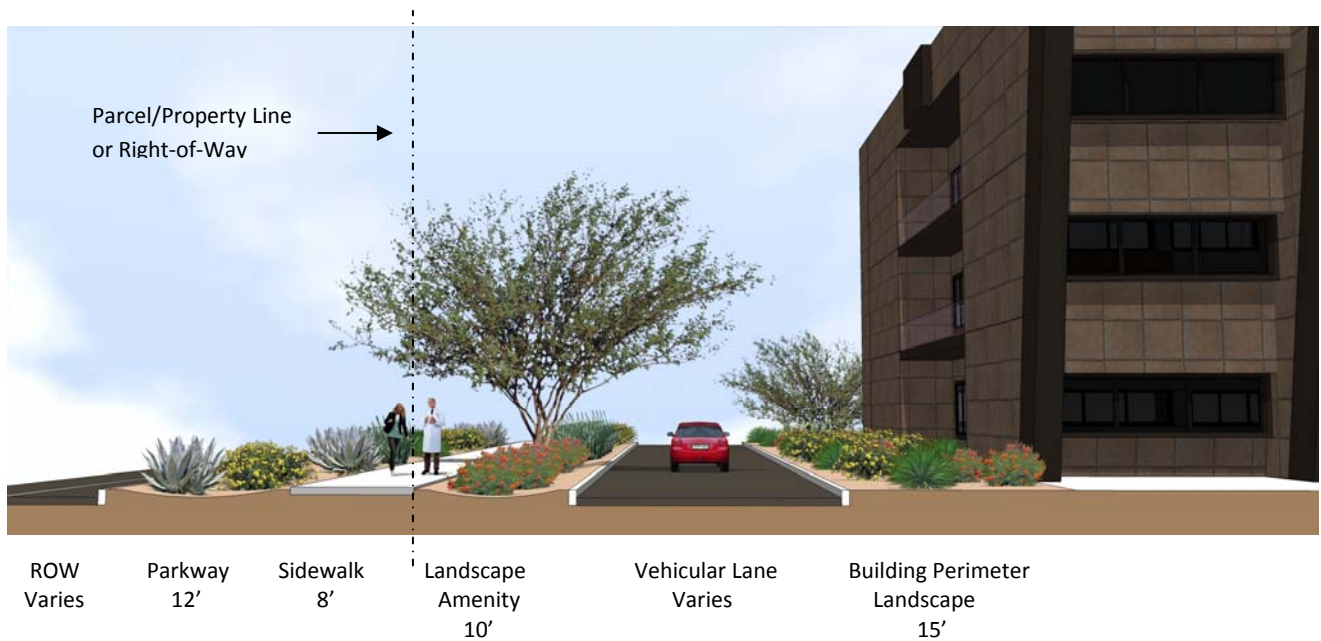


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44.3.4 **Internal Drive Frontage Building Setback and Landscape Amenity.** Require internal drives frontage building minimum setbacks for all buildings as follows:

- A. Set back all buildings a minimum of one foot (1.0') for every one foot (1.0') of building height, but not less than forty feet (40') from the property/parcel line or right-of-way line.
- B. Landscape amenity areas within this setback shall be a minimum of ten feet (10') in width with a fifteen feet (15') minimum building perimeter landscape.
- C. The sidewalk area shall be a minimum of eight (8') feet in employment and commercial districts and six (6') feet industrial districts.

Internal Drive Frontage Building Setback and Landscape Amenity



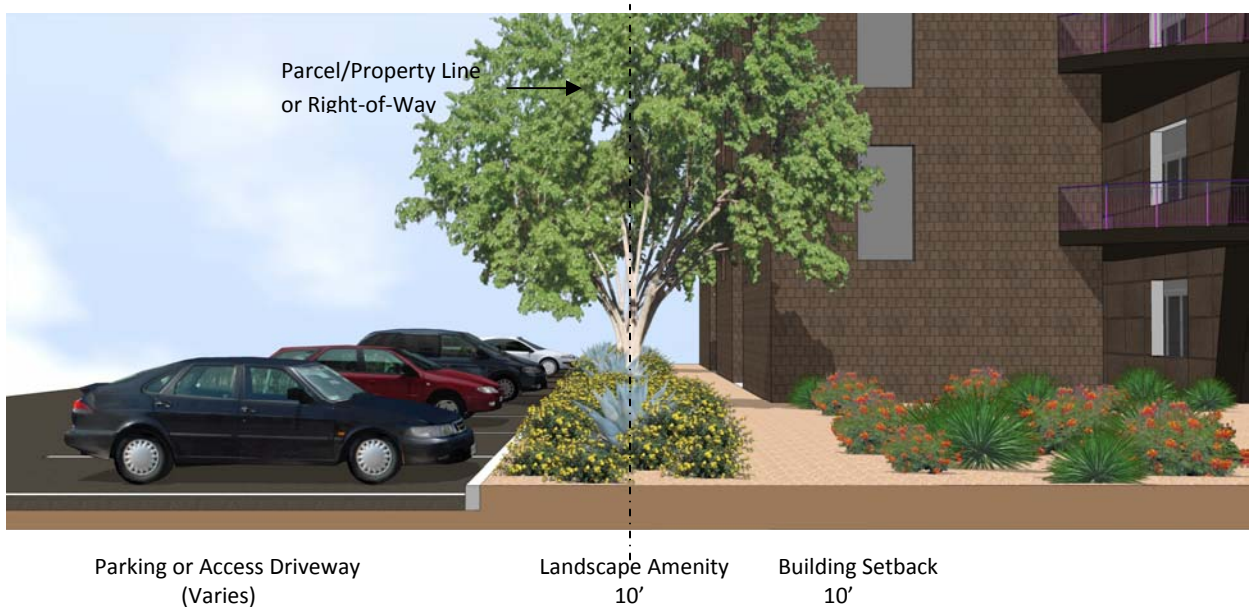


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44.3.5 **Internal Drive Side and Rear Building Setback and Landscape Amenity.** Require internal drives side and rear building minimum setbacks for all buildings as follows:

- A. Set back all buildings a minimum of ten feet (10') from the property/parcel line.
- B. Set back all buildings a minimum of fifteen feet (15') from the parking or access driveway curb, and ten feet (10') from the property/parcel or right-of-way line.
- C. Landscape amenity areas within this setback shall be a minimum of five feet (5') in width on either side of the property/parcel line, or a total of ten feet (10) with a minimum of five feet (5') building perimeter landscape area.

Side and Rear Building Setback and Landscape Amenity for Internal Drive.





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44.3.6 **Sidewalks, Crosswalks and Pedestrian Pathways within Setbacks.** The following apply:

- A. Sidewalks and other pathways shall be provided throughout Kayenta Township and along public roadways.
- B. Crosswalks shall be provided at every major intersection and wherever appropriate (i.e., between integrated uses, between parking areas and buildings, and at all entrances/exits to major employment areas).

44.3.7 **Interior Setbacks in Major Pedestrian Routes (Kayenta Main Street/Mustang Trail).** The following apply:

- A. Front setbacks should be established at a maximum of five feet (5') from the edge of the sidewalk. Larger setbacks are allowed for arcades, patios, parks and plazas.
- B. Parking should be located in the rear or on the side of buildings. If located in the side of the building, front setbacks should be established at a minimum of five feet (5') with adequate screening and buffering including berms and landscaping.

45.4 **Utilities and Communication Devices.** All exterior on-site utilities such as water lines, gas lines, sewer and drainage systems, electrical and telephone wires and equipment must be installed and maintained underground, trenched, be in a spine, or be in a truss as indicated in the following guidelines.

44.4.1 All permanent utility lines should be installed underground.

44.4.2 Design and install utilities to minimize disruption of off-site activity during construction and maintenance.

44.4.3 Permit temporary overhead power and telephone facilities during construction only.

44.4.4 The developer should locate all data transmission and receiving telecommunication service in a central location. Individual roof-mounted or ground mounted data transmission and receiving installations are not permitted on individual parcels. Exceptions may be allowed where special user security or technical needs cannot be met with a central facility. In such a case, the following guidelines apply:

- A. Screen from view any devices for transmission or reception of communication signals.
- B. Maintain rooftop devices, to include, but not limited to, mechanical equipment, satellite dishes, platforms, and antennas below the building's highest architectural elements so they are not visible within a horizontal line of sight.
- C. Screen ground-mounted devices from view from adjacent streets and properties and design them to integrate with the site with subdued use of colors that blend in with their surroundings.



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- 44.4.5 Sound levels from transformers, air condenser units and other equipment should not exceed 5db at the property/parcel line.
- 44.4.6 All structures at ground level, such as manhole covers and grates, should be flush with the pavement to avoid tripping pedestrians. Grates should be spaced ½” or less to allow passage of bicycle and wheelchair tires.
- 45.5 **Service, Deliver and Storage Areas Screening.** Screenings are such things as vegetation, walls or other such structures that are used to conceal or minimize negative visual and auditory impacts of on-site activities and land uses from adjacent streets or development. The visual and auditory impact of utilities, data transmission dishes, transformers, and related facilities should be minimized in all development.
- 44.5.1 To ensure a clean and orderly image, locate and screen exterior elements such as utilities and communication devices, storage areas, loading/service areas, data transmission dishes, transformers, and related facilities that could cause undesirable visual and audio impacts to the environment in accordance to the following guidelines.
- A. Screen all transformers, switching boxes and other utility cabinets from view.
 - B. Use plant materials or architectural screens.
 - C. Avoid leaving meters exposed where visible to the public.
 - D. Locate transformers away from major pedestrian routes and outdoor seating areas, and screen them when feasible.
 - E. Accommodate all loading docks and service areas so that their impact to views from adjacent streets, properties, pedestrian pathways, and open space corridors are minimized.
 - F. Locate loading docks and service and delivery areas on the side or rear of a building or underground.
 - G. Locate loading docks and service and delivery areas so that they do not encroach into any setback area.
 - H. Locate parking areas for equipment trucks, research trailers and service vehicles away from public parking lots and major pedestrian circulation routes and screen them architecturally and with landscaping:
 - 1. Screening for loading docks and service areas should be a minimum of six feet (6’) high, noncombustible, and constructed of materials and finishes that harmonize with the main building.
 - 2. Store all materials, supplies, trucks and equipment inside a building or behind a visual barrier screen such that they are not visible from streets and adjacent properties. Visual barriers can be dense landscape screen or a combination of a wall with landscape materials.



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3. Clearly identify service entrances with signs to discourage use of the main entrances for deliveries.
4. Locate air intakes away from loading docks or other areas where exhaust fumes from vehicles may be drawn into the building.
5. Screen service entrances, air intakes, and loading decks as to prevent looking down into these areas from building windows.
6. Contain all refuse generated on-site in enclosures hidden from street frontages and adjacent properties. Located such enclosures in areas with convenient access for refuse vehicles.
7. Construct refuse enclosure walls with a minimum 6 feet in height, and of material and color similar or complementary to the adjacent buildings.
8. Locate necessary aboveground utilities, such as double detection check assemblies, behind the street hedge.

Service, Deliver and Storage Area Screening



- 45.6 **Noise Mitigation Areas.** Uses located within the noise contours of the Kayenta Airport, except assembly, manufacturing, maintenance and public facilities, shall be provided with appropriate noise insulation or otherwise designed to reduce the interior noise level to 40 DNL or less.
- 45.7 **Childcare and School Facilities.** Child care and school facilities are allowed in residential, commercial and employment districts, provided that such facilities are located outside of airport noise contours incompatible with this type of use.



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SECTIONS 46-50: RESERVED

ARTICLE E. ADMINISTRATION

SECTION 51: Kayenta Township Commission

51.1 In addition to the responsibilities conferred by Navajo Nation Statutes upon the Commission as the governing body of the Township, the Commission shall have the following powers and duties under the provisions of this Ordinance:

51.1.1 To approve members of the Planning and Zoning Committee as nominated by the Development Services Department and to assign appropriate planning-related projects to the Commission for review and advice;

51.1.2 To hire the Building Official and review his/her performance and duties in conformance with the personnel regulations of the Township;

51.1.3 To hire the Town Planner and review his/her performance and duties in conformance with the personnel regulations of the Township;

51.1.4 To accept and enforce written decisions of the Development Services Department unless an appeal is timely filed;

51.1.5 To hear and decide appeals of decisions of the Development Services Department;

51.1.6 To enact amendments to this Zoning Ordinance and the Official Zoning Map as appropriate;

51.1.7 To interpret the provisions of this Zoning Ordinance and the Official Zoning Map;
and

51.1.8 To establish from time to time such policies and rules as it may deem necessary to assure the proper administration and enforcement of this Zoning Ordinance.



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SECTION 52: PLANNING AND ZONING COMMITTEE

- 52.1 The Committee shall consist of five (5) members, all but one (1) of whom shall be residents of the Township. The one (1) exception may be an individual residing in a residence receiving water service from the Township. All members shall be nominated by the Development Services Department with the consent of the Commission. Initially three (3) members will be appointed for a three (3) year term and two members will be appointed for a two (2) year term. Members may be re-appointed by Township for unlimited terms. Members shall generally be appointed during the month of June.
- 52.2 Annually, in July, or more frequently at the discretion of the commission, the members of the Committee shall elect a chairperson, a Vice Chairperson and any other officials which seem appropriate by a majority vote. The Chairperson or Vice Chairperson may form subcommittees of the members of the Committee in order to expedite the planning process and to carry out the duties and the responsibilities of the Committee.
- 52.3 The Committee shall adopt rules and regulations for the conduct of business as seem appropriate to its members and make available for review by the public such rules and regulations. A quorum of three (3) members of the Committee shall be required to take any action or make any decisions. All actions may be decided by a simple majority of those present.
- 52.4 Any member of the Committee who has a financial interest in the outcome of any policy, decision or determination before the Committee on which he/she serves shall, as soon as possible after such interest becomes apparent, disclose to each of the other members of the nature of his/her financial interest in the issue and shall be disqualified from participating in any debate, decision or vote relating to the matter.
- 52.5 The Committee shall hold its meetings in conformance with the Open Meetings Act and shall meet at least quarterly. The Committee may hold additional meetings as may be called by the Chairperson or Vice Chairperson. All meetings will be open to the public unless closed as allowed by applicable provisions of the Open Meeting Act.
- 52.6 The Town Planner or his/her designee shall keep minutes of all meetings of the Committee. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted. The minutes shall be kept available for public inspection at reasonable times. The minutes must be presented to members of the Committee within ten (10) working days after the meeting.
- 52.7 In addition to its general duties and responsibilities, the Committee shall specifically undertake the following:



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- 52.7.1 Initiate, review and make recommendations to the Commission concerning the preparation, update and/or amendments to the Kayenta Comprehensive Plan;
 - 52.7.2 Administer and enforce the provisions of this Zoning Ordinance as provided herein;
 - 52.7.3 Review and make recommendations to the Commission concerning amendments to the Official Zoning Map and to the text of this Zoning Ordinance;
 - 52.7.4 Review and make recommendations on requests for annexation;
 - 52.7.5 Promote understanding among public officials as well as the residents of the Township on matters as set forth in this Zoning Ordinance;
 - 52.7.6 Review and recommend approval, conditional approval or denial of applications for development according to the requirements of this Zoning Ordinance;
 - 52.7.7 Hold a public hearing on any appeal to an administrative decision of the Town Planner or Building Official when it is alleged that there is an error in the order, requirement, or determination made by the Town Planner or Building Official, and to reverse, affirm or modify the administrative decision of the Town Planner or Building Official; and
 - 52.7.8 To decide any question involving the interpretation of any provision of this Zoning Ordinance. The decision of the Committee shall be final unless an appeal is taken to the Commission.
- 52.8 The Committee shall have the authority to recommend from time to time such policies and rules not in conflict with other laws as it may deem necessary to assure the proper administration and enforcement of this Ordinance. Such policies and/or rules shall be forwarded to the Commission for final consideration and adoption.

SECTION 53: BUILDING OFFICIAL

- 53.1 The Building Official shall assist the Commission with the enforcement of this Zoning Ordinance and shall have the following duties and responsibilities:
 - 53.1.1 Receive applications for processing pursuant to the terms of this Zoning Ordinance and to determine if such applications are complete;



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- 53.1.2 Review and make administrative decisions for the disposition of applications for home occupation permits, sign permits, mobile home installation permits and site plan review certifications;
- 53.1.3 Review and make recommendations to the Committee regarding applications for conditional use permits, variances, beneficial use determinations and amendments to the Official Zoning Map and to the text of this Zoning Ordinance.
- 53.1.4 Ensure that adequate public notice is provided pursuant to the terms of this Zoning Ordinance;
- 53.1.5 Maintain the permanent files of each application and for each enforcement action undertaken pursuant to the provisions of this Zoning Ordinance;
- 53.1.6 Maintain the Official Zoning Map;
- 53.1.7 Initiate requests to the Township Legal representatives through the Township Manager to institute proceedings against violators of this Zoning Ordinance;
- 53.1.8 Review, as necessary, but at least annually, the Kayenta Comprehensive Plan (as it exists) and this Zoning Ordinance and recommend amendments to the Commission as appropriate;
- 53.1.9 Inspect buildings, uses, developments or other activities for compliance with this Zoning Ordinance;
- 53.2.0 Make such investigations and written reports as the Commission, and/or the Town Planner may direct;
- 53.2.1 Enforce all laws relating to the construction, alternation, repair, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures;
- 53.2.2 Issue such notices and orders as may be deemed necessary for the purpose of enforcing compliance with the provisions of this Zoning Ordinance.



Kayenta Township Zoning Ordinance

SECTION 54: RESERVED

SECTION 55: APPLICATIONS AND FEES

55.1 Applications shall be made on forms provided by the Township.

55.1.1 When the applicant is not the owner of record, the application shall be accompanied by an owner's affidavit approving the application and authorizing the agent to act on the owner's behalf in processing the application. When the owner of record reside out-of-state, the affidavit shall designate a local agent capable of receiving notices and service of process.

55.2 The applicant may request an informal pre-application conference with the Building Official.

55.2.1 The purpose of the pre-application conference is to expedite the application process, to reduce design and development costs and to assist that applicant in understanding the requirements and procedures of this Ordinance.

55.2.2 No fee shall be required at the pre-application stage.

55.2.3 Neither the applicant, Township Staff, nor the Commission, shall be necessarily bound by any statements or determinations made during the pre-application conference.

55.3 Applications shall be submitted to the Building Official, who shall have responsibility for determining whether the submitted application is complete.

55.3.1 If the Building Official deems the application complete, the time frames herein for review and action will begin.

55.3.2 If the Building Official determines that the application is not complete, he/she will mail the applicant with a written statement within ten (10) days of submission of the application of the additional items required to complete the application.

55.3.3 No review or hearings shall be conducted for incomplete applications.

55.4 Reasonable fees sufficient to cover the cost of administration, inspection, publication of notice and similar matter may be charged to applicants.

55.4.1 Applications shall not be deemed complete unless the applicable fee is paid.



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- 55.4.2 Reasonable fees for consultants (planners, architects, engineers, and other qualified professionals) may be charged in those cases where the proposed development is complex and necessitates a higher level of review beyond the scope of expertise and resources of Township Staff.
- 55.4.3 The amount of the fees shall be established from time to time by resolution to the Commission and as filed in the office of the Township Clerk.
- 55.4.4 The following criteria apply for withdrawn and denied applications:
- A. Applications Withdrawn Prior to the Commission Public Hearing. Fees for applications that are withdrawn prior to the Commission public hearing shall be returned with eighty (80) percent retention.
 - B. Denied Applications: Fees for applications that are denied by the Commission during the public hearing shall not be returned.
 - C. Abandoned Applications: Fees for applications that are abandoned shall not be returned
- 55.5 All applications filed pursuant to this Zoning Ordinance shall be numbered consecutively in the order of their filing and shall become a part of the permanent records of the Building Official.
- 55.5.1 The permanent record shall include copies of all notices and actions with certificates and affidavits of posting, mailing or publications pertaining to the application.
- 55.5.2 All mailings pertaining to the application shall be sent via certified mail with a return receipt to be filed in conjunction with the application.
- 55.5.2 A summary of all pertinent testimony offered at public hearing held in connection with an application filed pursuant to this Zoning Ordinance, and the names of persons testifying at the hearing, shall be part of the permanent records.
- 55.6 Applications for permits or approvals, pursuant to this Zoning Ordinance, shall be deemed to have been abandoned when information and/or fees necessary for the completion of the application have been requested in writing and not received by the Building Official within ninety (90) days of notification.
- 55.6.1 The applicant may request (within the 90 day time period) an extension of up to one hundred eighty (180) days.
- 55.6.2 No further action shall be taken on an application, and no fees will be refunded once the application is abandoned.



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SECTION 56: COMPUTATION OF TIME

56.1 Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday or legal holiday, deadline shall be extended to the next regular business day. When the period time prescribed is less than seven (7) days, intermediate Saturdays, Sundays, and Holidays shall be excluded. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him/her and the notice of paper is served by mail, three (3) days shall be added to the prescribed period.

SECTION 57: NOTICE REQUIREMENTS

57.1 Notices required pursuant to this Zoning Ordinance shall conform to the requirements this Section in order to afford the applicant, the public and interested citizens the opportunity to fully participate in the process required hereunder.

57.2 The Building Official, upon certifying that the application is deemed complete shall place the application on the agenda for the Commission for a public hearing which permits sufficient time for fifteen (15) days notice to all appropriate.

57.3 The Building Official shall prepare a summary of the application, the permanent record and his/her recommendation. This summary shall be provided to both the Commission and the applicant no later than five (5) days prior to the public hearing at which the application will be considered.

57.4 All notices required by this Section shall include the date, time and place of the public hearing, a brief description of the application to be considered and the place where copies of the application may be examined.

57.5 The Building Official shall give notice of a public hearing as follows:

57.5.1 Notice of any public hearing required by this Zoning Ordinance shall be given to the applicant and any other person who makes a written request by mailing a notice to such persons at least seven (7) days prior to the public hearing.

57.5.2 In addition to the other notices required by this Section, notice for amendments to the Official Zoning Map shall be given to all owners of property within the area proposed to be changed and to all owners of property within 100 feet of the exterior boundaries of the area proposed to be changed, using for this purpose the last known name and address of the owners as shown in the current records of the Navajo County Assessor.



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- 57.5.3 Notice shall also be given in a newspaper of general circulation in the Township at least fifteen (15) days before the date of the hearing.
- 57.5.4 Reasonable effort shall be made to give notice to all persons who have made a written request to the Building Official for advance notice of the hearings.
- 57.6 The applicant shall post one (1) or more signs regarding the public hearing as provided by the Building Official at least fifteen (15) days before the date of the hearing. The sign(s) shall be posted in a location visible from the nearest public right-of-way. The applicant shall be responsible for removing the sign(s) within five (5) days following the hearing. Failure to properly post signs is grounds for deferral or denial of the application.
- 57.7 An advertised hearing may be continued to a time and place announced at the hearing without re-advertising or reposting of signs.
- 57.8 Amendments to the Official Zoning Map or this Zoning Ordinance shall be by ordinance. Following approval of the amendments, the Building Official shall publish the title and general summary as otherwise required for ordinances. Such ordinance shall be effective as provided by law of ordinances.

SECTION 58: CONDUCT OF PUBLIC HEARINGS

- 58.1 The Building Official shall prepare summary minutes of all public hearings conducted pursuant to this ordinance and they shall be kept available for public inspection. A copy of the summary minutes shall be kept in the permanent file for the application.
- 58.2 The Commission shall neither:
- 58.2.1 Communicate, directly or indirectly, outside of a hearing with any party (excluding the Building Official) or his representatives in connection with the merits of any issue involved;
 - 58.2.2 Use nor rely upon any communication, reports, staff memos or other materials, (excluding Building Official), prepared in connection with the particular case unless it is made part of the record.
- 58.3 The Commission may impose reasonable limitations on the number of witnesses heard and on the nature and length of their testimony. All testimony at the hearing shall be under oath or affirmation. Reasonable cross-examination shall be permitted.



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58.4 The Commission may either render a decision following the close of public testimony or take the matter under advisement and render a decision at the next regularly scheduled meeting.

SECTION 59: RESERVED

ARTICLE F: PERMITS AND PROCESSES

SECTION 60: BUILDING PERMITS

- 60.1 A building permit shall be required for all construction within the Township as specified in the International Building Code. Applications for building permits shall be reviewed and approved or denied by the Building Official.
- 60.2 Applicants for a building permit shall be required to present a Site Plan to the Development Services Department prior to issuance of a building permit and prior to the commencement of any construction activities.

SECTION 61: MOBILE HOME INSTALLATION PERMITS

- 61.1 A mobile home installation permit shall be required prior to the placement of any mobile home in the Township. An application of a mobile home installation permit shall be submitted to the Building Official on the form(s) prescribed by the Township.
- 61.2 Prior to issuance of a mobile home installation permit, the applicant shall provide a copy of the Manufacture Certification to the Building Official.
- 61.3 The Building Official shall have the responsibility to review the application and to issue a Township mobile home installation permit if the application meets the requirements of this Zoning Ordinance.

SECTION 62: SITE PLAN REVIEW

- 62.1 For the purpose of ensuring that land use or construction activities are compatible with the requirements of this Zoning Ordinance, a Site Plan Review shall be required prior to the commencement of any land use or construction within the Township.
- 62.2 An application for Site Plan Review shall be presented to the Development Services Department on the form(s) prescribed by the Township. The Town Planner shall have the responsibility to review the application and to issue Site Plan Review Approval if the application meets the requirements of this Zoning Ordinance.



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62.3 The decision of the Town Planner is final unless an appeal is taken to the Commission, as provided herein.

62.4 Site Plan Approval Process and Requirements. Site Plan approval is required for small commercial, mixed-use, and multi-family projects of less than one (1) acre in size unless otherwise specified in the respective zoning district. When site plan approval is required by this Zoning Ordinance, an application will be submitted to the Development Services Department for Town Planner review and will be accompanied by a non-refundable fee per the Kayenta Township Fee Schedule. No separate site plan application is required when a site plan is filed with a Special Use Permit. The Town Planner shall approve the Site Plan only after determining the following:

62.4.1 The proposed use is permitted by this Zoning Ordinance;

62.4.2 The proposed use and development conforms to the Kayenta Comprehensive Plan;

62.4.2 The dimensional arrangement of the buildings and structures within the lot for which the site plan is prepared conform with the development standards of this Zoning Ordinance; and

62.4.3 The lot, which is the requested location for the proposed use, has been created in compliance with State and Local subdivision requirements as well as this Zoning Ordinance.

62.4.3 The application shall be accompanied by the following information for the proposed development:

A. Site Plan, drawn to scale showing:

1. Name of applicant and agent.
2. Scale. Not greater than 1"=100"
3. Date, title and any required notations.
4. Legal Description.
5. Lot dimensions.
6. All existing and proposed building and structures: location, size, height and materials.
7. Yards, setbacks and space between buildings.
8. Walls, fences, and landscaping: location, height and materials.
9. Off Street parking: location, number of spaces and/or dimensions of parking area, arrangement of spaces, internal circulation pattern, and landscaping.
10. Pedestrian, bicycle, vehicular, transit, and service access: points of ingress and egress.
11. Loading: Location, dimensions, number of spaces, internal circulation.
12. Signs: Location, dimensions, materials.
13. Lighting: location and general nature, hooding devices.
14. Existing streets;
15. Proposed streets and street improvements, showing the proposed circulation and including all proposed rights-of-ways.
16. Landscaping, where required by or relevant to the provisions of this Zoning Ordinance.



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17. Outdoor storage and activities, where permitted in the district: type, location, height of screening devices.
 18. Drainage and Grading.
 19. Waste disposal facilities.
 20. Traffic Impact Analysis.
 21. Renderings (elevations and cross-sections) and other data as may be required to permit the staff to make the required findings.
- B. The applicant shall ten (10) prints of the site plan and all relevant documentation and studies to the Town Planner for any applicable agency review.

SECTION 63: SIGN PERMITS

- 63.1 Permits shall be required for all signs in the Kayenta Township, except those signs specifically exempted in Section 41. No sign, outdoor advertising structure, billboard or display shall be erected, installed, located and maintained in any District, except in conformance with these regulations and the approved sign permit. Additional sign and relocations or alternations of existing signs after the sign permit has been issued must conform to and be approved in the same manner as the original application. A building permit from the Building Safety Division may also be required.
- 63.2 All applications for sign permits shall be accompanied by sketches and diagrams of suitable scale and clarity to fully describe the design, materials, colors, dimensions, proposed placement, structural and electrical characteristics and appearance of the sign or signs.
- 63.3 An application for a sign permit shall be presented to the Building Official on the form(s) prescribed by the Township. The Building Official shall have the responsibility to review the application and to issue a sign permit if the applications meets the requirements of this Zoning Ordinance.
- 63.4 The decision of the Building Official is final unless an appeal is taken to the Commission, as provided herein.
- 63.5 Signs, which are not constructed in conformance with the permit application and drawings and diagrams shall be deemed not to have been issued a valid sign permit.
- 63.6 If the work as authorized under the approved sign permit has not been completed within six (6) months after the date of its issuance, such permit shall become null and void.



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SECTION 64: HOME OCCUPATION PERMITS

- 64.1 For the purpose of ensuring that businesses and occupations conducted within the home are compatible with the requirements of this Zoning Ordinance, a Home Occupation permit shall be required prior to the commencement of any home occupation.
- 64.2 An application for a Home Occupation Permit shall be submitted to the Town Planner on the form(s) prescribed by the Township. The Town Planner shall have the responsibility to review the application and to issue a Home Occupation Permit if the application meets the requirements of this Ordinance.
- 64.3 The decision of the Town Planner is final unless an appeal is taken to the Commission as provided herein.

SECTION 65: CONDITIONAL USE PERMITS

The requirements and procedures specified below shall apply to all requests for conditional use permits:

- 65.1 Limitations and Grounds for Conditional Use Permits:
 - 65.1.1 Authority to Grant. Conditional use permits shall only be granted for a conditional use which the Township is specifically authorized to pass judgment on by virtue of the use being listed as conditional for that particular District. Since conditional uses may only be appropriate at certain locations within a particular zoning district and with additional safeguards, it is the Development Services Departments' responsibility to exercise proper discretion in granting permits for such uses.
 - 65.1.2 Grounds for Requesting and Granting. Acceptable grounds for requesting and granting a conditional use permit are if the requested use at the specific location proposed would meet the following criteria:
 - A. The use will not have significant adverse effect on the character and value of adjacent properties or the surrounding neighborhood.
 - B. The use furthers the intent of the character area in which is located.
 - C. The use will not create a hazard, a public nuisance or be injurious to individuals or to the public.
 - D. The use will not generate undue traffic congestion.
 - E. The use will not cause noise which is excessive for the particular area.
 - F. The use will not have a significant adverse effect on the natural environment and attractiveness of an area.
 - G. The use will not be contrary to the public interest.



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- H. The applicant will be able to meet any particular requirements specified for such a use in this title and any additional conditions that the Commission may impose.
- I. The applicant will be able to meet all requirements imposed by applicable state and federal laws and regulations.
- J. The use is consistent with the policies and recommendations of the Kayenta Comprehensive Plan.

65.2 Initiation of Requests: Any property owner who believes he/she has acceptable grounds for a conditional use permit may submit an application for such a permit for his own property.

65.3 Procedures for Filing:

65.3.1 Application Form: A written application for a conditional use permit shall be submitted to the Development Services Department on a form prescribed by the Township.

65.3.2 Required Information: The application shall include the following information:

- A. The name and address of the applicant.
- B. The legal description of the property involved in the request.
- C. The District designation of the property.
- D. A full and exact description of the use which is being requested and under which named use listed in this title the request is being made.
- E. A written discussion statement demonstrating the likelihood of being able to meet the acceptable grounds for a conditional use permit as provided in this Zoning Ordinance.
- F. A preliminary site plan, drawn to scale, with enough detail to allow a generalized assessment of the effects of the proposed development. The site plan should show the proposed placement of buildings and structures on the property, provisions for vehicular ingress or egress, off street parking and loading areas, proposed utility and storm drainage ways, screening and landscaped buffers.
- G. Any additional information deemed necessary by the Town Planner.

65.3.3 Transmittal to Committee: The Town Planner shall be responsible for transmitting to the Planning and Zoning Committee the application materials, any written protests or comments by interested persons relating to the application and his/her written advisory recommendation no later than five (5) days prior to the hearing. The Committee shall submit their recommend of granting of disapproving to the Commission.

65.4 Charges: The charges for conditional use permits shall be as fixed from time to time by the Township through resolution with due public notice. Such charges shall be paid by the applicant to the Township at the time of filing the application. Application charges are non-refundable.



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- 65.5 Time of Hearing, Public Notice: A public hearing before the Commission shall be scheduled for considering an application for a conditional use permit within a reasonable time but no later than sixty (60) days after the filing of the application, unless the applicant agrees otherwise, in writing. Due public notice shall be given of the hearing. An advertised hearing may be continued to a time and place announced at the hearing without re-advertising.
- 65.6 Public Hearing: At the public hearing, the applicant may appear in person or be represented by this agent or attorney. The Commission shall give due consideration to the application materials, the recommendation of Township staff, any written protests or comments by interested persons and any public testimony by interested persons before making a decision on the application at its final hearing. A decision shall be rendered within a reasonable period of time but at no later than sixty (60) days after filing of the application, unless the applicant agrees otherwise, in writing.
- 65.7 Action Taken:
- 65.7.1 Authority to Grant Or Disapprove: The Commission shall either grant or disapprove the request for the conditional use permit.
- 65.7.2 Conditions For Approval: However, the Commission may grant a conditional use in a particular case only if it finds, and so states in the minutes of the hearing, that the following conditions have been met:
- A. The granting of the conditional use permit would be consistent with the acceptable grounds for conditional use permits as specified in this Zoning Ordinance.
 - B. The applicant demonstrates an ability to meet any particular requirements specified for such a use in this Zoning Ordinance.
 - C. The applicant agrees to meet any additional safeguards and conditions which may be imposed by the Commission and which are in conformity with the intent and purpose of this Zoning Ordinance and which are necessary to protect the public interest. Additional conditions may involve, but are not limited to, such matters as special screening and landscaped buffering, lot and yard areas larger than the minimum required in the zoning district, noise control measures, special restrictions regarding hours of operation, special restrictions on the maximum building floor area and lot area which may be devoted to the use, and special restrictions on signs. Violation of such conditions or safeguards as may be imposed by the Commission may result in a revocation of any conditional use permit in addition to any other remedy for such violations provided for in this title. The Commission may revoke a conditional use permit subject to such violations only after a public hearing where the alleged violator is given the opportunity to be heard.



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SECTIONS 66-70: RESERVED

ARTICLE G: VARIANCES AND BENEFICIAL USE DETERMINATIONS

SECTION 71: VARIANCES

- 71.1 The Commission shall have the power to grant variances from the requirements of this Zoning Ordinance as may be reasonable and within the general purpose and intent of this Zoning Ordinance. Variances shall be granted sparingly because this Zoning Ordinance is designed to provide the maximum amount of flexibility in the development process while ensuring that the public health, safety and general welfare are preserved.
- 71.2 Application for variances shall be filed with the Town Planner on the form(s) provided for such purpose. The application shall state the specific provision of this Zoning Ordinance for which a variance is sought.
- 71.3 The Town Planner, upon certifying that the requirements of subsection 71.2 above have been met, shall place the request on the Commission's agenda for a public hearing, which permits sufficient time for fifteen (15) days notice.
- 71.4 The Town Planner shall prepare a staff report containing his recommendation regarding the appeal. This report shall be provided to the Commission and the applicant no later than five (5) days prior to the public hearing at which the application for a variance will be considered.
- 71.5 A variance may be granted if strict enforcement of the Zoning Ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of this Zoning Ordinance will be observed and public safety and welfare secured. This conclusion may be reached if any one (1) or more of the following findings can be made:
- 71.5.1 If the applicant complies strictly with the provisions of this Zoning Ordinance but can make no reasonable use of his/her property.
- 71.5.2 The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public.
- 71.5.3 The hardship relates to the applicant's land rather than personal circumstances.



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- 71.5.4 The hardship is unique, or nearly so, rather than one shared by many surrounding properties.
- 71.5.5 The hardship is not the result of the applicant's own actions;
- 71.5.6 The variance:
- A. Shall not result in the extension of a non conforming use, building or structure in violation with this Zoning Ordinance; and
 - B. Shall not initiate a nonconforming use of land, building or structure.
- 71.5.7 The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Zoning Ordinance and shall not be injurious to the neighboring property owners or otherwise detrimental to the public welfare;
- 71.5.8 The granting of the variance shall not confer on the applicant any special privilege that is denied by this Zoning Ordinance to other lands, structures, or buildings; and
- 71.5.9 Financial gain or loss to the applicant shall not be a determining factor in granting or denying a variance request.
- 71.6 Within thirty (30) days following the public hearing, the Commission shall make a written decision, setting forth the reasons for the decision, which shall be accompanied by findings of fact(s) specifying the reason(s) for such decision.
- 71.6.1 In granting variances, the Commission may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties and furthers the character of the area in conformance to the Kayenta Comprehensive Plan. A variance may be issued for an identified period of time or for a specified period of time. The nature of the variance and any conditions attached to it shall be entered on the conditional use permit. All such conditions are enforceable in the same manner as any other applicable requirement of this Zoning Ordinance.
- 71.7 The decision of the Commission to approve or deny the application for a variance shall be final.



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SECTION 72: BENEFICIAL USE DETERMINATIONS

- 72.1 In the event that a property owner in the Township believes that all beneficial use of his/her property has been denied, or taken by the application of this Zoning Ordinance, then he/she shall submit an application for a beneficial use determination under the provisions of this Section. The procedures provided herein shall be used prior to seeking any other relief in order that any denial of beneficial use of property may be possibly so remedied.
- 72.2 The purpose and intent of this section of the Zoning Ordinance is that every property owner in the Township should enjoy a beneficial use of his property. A beneficial use determination will be a process by which the Township evaluates all allegations that there is no beneficial use, and can provide relief from the regulation by granting additional development potential to permit a beneficial use of the property. However, it is also the intent of this Section that such relief shall not increase the potential for damaging the health, safety, or welfare of future users of the property or neighbors that might reasonably be anticipated if the property owner was permitted to build.
- 72.3 The notice requirements and public hearing procedures for a beneficial use determination shall be the same as that provided for variances as herein.
- 72.4 The nature of this request requires detailed financial information on the property that is not required or desired in normal applications. The following data shall accompany all application for a beneficial use determination:
 - 72.4.1 Documentation of the date of purchase and the purchase price of the property;
 - 72.4.2 A description of the physical features present on the property, the property's total acreage, and the present use of the property, and the use of the property at the time of the adoption of this Zoning Ordinance.
 - 72.4.3 A description of the specific portions of the regulations which are alleged to result in an elimination of all beneficial use of the property together with all appraisals, studies, any other supporting evidence, and any actions taken by the Township related to the property; and
 - 72.4.4 A description of the use which the property owner believes represents the minimum beneficial use of the property and all documentation, studies, and other evidence supporting that position.
- 72.5 In determining if a property owner has been deprived of beneficial use of his property, the Commission shall take into account the following factors:



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- 72.5.1 The value of the property prior to adoption of this Zoning Ordinance which caused the property owner to apply for relief shall be compared to the value of the property with the regulations as applied. A mere diminution in value does not deprive the property owner of a beneficial use; the diminution must be so drastic that it effectively deprives the property owner of any significant use or enjoyment of the property.
- 72.5.2 A use common to the Township and/or the area of the subject site, although it may not involve further development of the land, is considered a beneficial use. Attention shall also be given to land uses that are considered to be the lowest intensity to the Township or adjoining areas but which uses still provide for occupation and living by the property owner. These land uses shall be considered beneficial uses.
- 72.5.3 Whether the property is being singled out for different treatment than similarly situated properties under this Zoning Ordinance.
- 72.5.4 If such a governmental subsidy exists for the property, then it should be reflected in considering minimum beneficial use on a valuation basis. The public costs of a subsidy should be considered as a payment to the property owner for the restriction on the property if there is an annual subsidy that enhances the economic return of the existing use to the property owner.
- 72.5.5 The extent to which the regulations protect users or neighbors from threats to health or safety shall be fully accounted for. A use that seriously threatens the health of future residents or neighbors is not a beneficial use.
- 72.5.6 Pure expectations, in general, shall not be considered. Only expectations backed by investments made prior to the adoption of the restrictions in question that are substantially above the cost of the land and normal planning investments shall be considered.
- 72.5.7 In no case shall a use that is a nuisance per se or a use that in its particular location constitutes a nuisance be granted relief. Such uses are not legal uses of the land, and thus no taking of the beneficial use of the land would occur.
- 72.6 If the Commission finds the property owner has been denied all beneficial use of his property, then the following relief may be granted:
- 72.6.1 The property owner shall be given the minimum increase in development intensity or other possible concessions from this Zoning Ordinance in order to permit a beneficial use of the land. The highest use, or even an average reasonable



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expectation, is not required or intended as the appropriate remedy. The following guidelines shall be used for determining the minimum beneficial use of property and, therefore, the amount of relief to be granted a property owner.

- A. The limited development potential, given the natural condition of the property, shall not be attributed to the regulations applied to the property. If the property is such that it cannot safely accommodate development with normal grading and clearing practices, this fact shall be taken into account in identifying the best site for development that minimizes cost of development.
- B. The potential for damage to either residents or property shall be assessed in determining a beneficial use. Conditions shall be placed on sites where damage from building or hazardous conditions is likely. The conditions may include location restrictions, size limitation, and construction practices and shall require a building to be built so it will not be damaged.

72.7 The Commission shall make its decision by resolution. The decision of the commission shall be final and conclusive.

SECTIONS 73-74: RESERVED

ARTICLE H. AMENDMENTS AND APPEALS

SECTION 75: AMENDMENT TO THIS ORDINANCE

75.1 Boundaries of the zoning districts established by this Zoning Ordinance, the classifications of property use therein or other provisions of this Zoning Ordinance may be amended whenever public necessity, convenience and general welfare require.

75.2 Amendments to this Zoning Ordinance or the Official Zoning Map may be initiated by:

75.2.1 The verified application of one (1) or more property owners proposing to be rezoned
or

75.2.2 Motion of the Commission

75.3 The Commission shall conduct at least one work session on the application to amend this Ordinance or the Official Zoning Map.

75.4 The Commission shall announce its findings not later than the next regular meeting following the closing of the public hearing unless this time limit is extended by agreement of the parties having an interest in the proceedings. The resolution shall recite the facts and reasons which, in the opinion of the Commission, make the approval or denial of the amendment necessary to carry out the general purpose of this Zoning Ordinance, and the



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relationship of the proposed zone change or amendment to applicable Township plans and policies.

75.4.1 Within fifteen (15) days from the date of their action, the Commission shall notify the applicant by forwarding a copy of the resolution to the applicant.

75.5 The Township shall conduct at least one (1) public hearing on the application to amend this Zoning Ordinance or the Official Zoning Map following receipt of the resolution from the Commission.

75.5.1 The Commission may approve, modify or disapprove the recommendation of the Town Planner, provided that the Commission may, because of a desire for additional information, or due to the submission of significant new material or evidence, refer any modification of the application back to the Town Planner for further study and report.

75.5.2 The Commission shall announce its findings and make its decision by ordinance. The ordinance shall recite the facts and reasons which, in the opinion of the Commission, make the approval or denial of the application necessary to carry out the general purposes of this Zoning Ordinance and the Kayenta Comprehensive Plan.

75.5.3 The action by the Commission on the application for a zone change or Zoning Ordinance amendment shall be final and conclusive.

75.5.4 If an application of a zone change is denied by the Commission, another request for the same rezoning on the same property shall not be accepted within one (1) year of the denial.

SECTION 76: APPEALS

76.1 No permit, certificate or other form of authorization shall be issued for any applications approved pursuant to this Zoning Ordinance until period to file an appeal has expired.

76.2 Any aggrieved person may file an appeal of a decision of the Development Services Department to the Commission within twenty (20) days of the decision being appealed. The following persons may be considered aggrieved and deemed to have a personal or monetary interest or property right adversely affected by the decision, which right or interest is more than merely nominal or remote:



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- 76.2.1 The applicant;
- 76.2.2 Persons who were parties or could have been parties at the public hearing before the Commission;
- 76.2.3 Persons who own a property interest within 100 feet of the subject-site;
- 76.2.4 Organized neighborhood association, if the boundaries of the organization include any part of the subject parcel or any land within 100 feet thereof or;
- 76.2.5 The Commission by its motion.
- 76.3 Applications for an appeal shall be filed with the Township Clerk and shall state the reasons for the appeal. The reasons shall specifically cite and explain one or more alleged errors:
 - 76.3.1 In applying adopted Township plans, policies, and ordinances in arriving at the decision;
 - 76.3.2 In the facts considered at the public hearing; or
 - 76.3.3 In acting arbitrarily or capriciously or abusive of discretion.
 - 76.3.4 The Commission if taking on an appeal on its own motion need not specify an error.
- 76.4 The Commission may hold a public hearing and reserve, affirm, or modify the decision appealed.
 - 76.4.1 If it appears to the Commission that some additional evidence is necessary for the proper disposition of the matter, it may allow evidence to be taken.
 - 76.4.2 The Commission may remand the matter to the Development Services Department for reconsideration. If the matter is remanded, the Commission shall state specifically the matters to be reconsidered and the reasons for the remand on which the action is based.
- 76.5 The Commission may state its decision and adopt findings of fact at the conclusion of the public hearing at which the appeal is considered, or the Commission may postpone its decision until its next scheduled meeting.
 - 76.5.1 The Commission may reverse any order, requirement, decision or determination of the Building Official, Town Planner or Town Manager;



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76.5.2 The Commission may decide in favor of the appellant; or

76.5.3 The Commission may make any change in order, requirement, decision or determination of the Building Official, Town Planner or Town Manager.

76.6 Within fifteen (15) days from the date of the decision of the Commission, the Town Planner shall notify the applicant of the decision in writing.

76.7 Action by the Commission on any appeal shall be final and conclusive.

SECTION 77: RESERVED

ARTICLE I. ENFORCEMENT AND VIOLATIONS

SECTION 78: ENFORCEMENT

78.1 All departments, officials and public employees of the Township who are vested with the duty or authority to issue permits or undertake enforcement actions pursuant to the terms of this Zoning Ordinance shall conform to the provisions of this Zoning Ordinance and shall issue no permits or undertake such enforcement actions where the same would conflict with the provisions of this Zoning Ordinance.

78.2 It shall be the duty of the Town Planner, the Building Official or their designated agents to enforce or cause to be enforced the provisions of this Zoning Ordinance.

78.3 Complaints alleging a violation of this Zoning Ordinance shall be in writing and presented to the Building Official.

78.3.1 The Building Official shall make a preliminary investigation of the complaint and inform the complainant in writing what actions have been or will be taken.

78.3.2 The Building Official may request the assistance of the Town Planner and/or the Town Legal Representatives (through the Town Manager) during the investigation.

78.3.3 The Building Official shall make written report to the Town Planner concerning all complaints he has received and all actions taken in response to those complaints.

78.4 If the Building Official determines that any provision of this Zoning Ordinance is being violated, he/she will send a written notice (by certified mail, return receipt requested) to the property owner, indicating the nature of the violation and ordering the action necessary to correct it. Actual receipt of the notice by the property owner is not required.



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- 78.4.1 The notice shall establish a reasonable time limit for abatement of the violation, which limit shall not be less than two (2) days of more than fifteen (15) days. The first notice shall be in the form of a violation notice.
- 78.4.2 The property owner may request an extension of time within which to comply. The request shall be in writing and the decision to grant or deny an extension shall be within the discretion of the Building Official. His/her decision will be in writing.
- 78.4.3 Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Zoning Ordinance or pose a danger to the public health, safety or general welfare, the Building Official may seek enforcement without prior written notice.
- 78.5 An inspection will be conducted by the Building Official or his designee following the expiration of the time specified above. If compliance is still not met, the Building Official will either proceed with the abatement of the nuisance or with the filing of a complaint in the local Municipal Court.
- 78.6 Within the scope of this authority, the Building Official or his authorized inspector(s) may conduct an inspectorial search, with the voluntary consent of an occupant or custodian of the premises, who reasonably appears to the Building Official to be in control of the places to be inspected or otherwise authorized to give such consent.
- 78.6.1 Before requesting consent for an inspectorial search, the Building Official shall inform the person to whom the request is directed of the authority under and purposes for which the inspection is to be made and shall, upon demand, exhibit an identification card or document evidencing his authority to make such inspections.
- 78.6.2 Inspections undertaken pursuant to this section shall be carried out with due regard for the convenience and privacy of the occupants, and during the daytime unless, because of the nature of the premises, the convenience of the occupants, the nature of the possible violation or other circumstances, there is a reasonable basis for carrying out the inspection after business hours (5 pm).
- 78.6.3 Unless advance notice would be likely to cause the suspected violation to be temporarily eliminated so as to frustrate enforcement, notice of the purpose and approximate time of an inspectorial search of an area not open to the general public shall be sent to the occupants or custodians of the premises not less than seven (7) days before the inspection is undertaken.
- 78.7 Upon sufficient showing that required consent to an inspectorial search has been refused or is otherwise unobtainable within a reasonable period of time, the Building Official may



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make application for an inspection order/search warrant. Such application shall be made to the district court having jurisdiction over the premises to be searched.

78.7.1 Such application shall set forth:

- A. The particular premises or portion thereof sought to be inspected;
- B. That the owner or occupant of the premises has refused entry;
- C. That inspection of the premises is necessary to determine whether they comply with the requirements of this Zoning Ordinance;
- D. Any other reason necessitating the inspection, including knowledge or belief that a particular condition; and
- E. That the Building Official or his/her inspector is authorized by the Township to make the inspection.

78.7.2 The application may be granted and the inspection order/search warrant issued upon a sufficient showing that inspection of the particular premises is in accordance with reasonable legislative or administrative standards, and that the circumstances of the particular inspection for which application is made are otherwise reasonable.

78.7.3 The Building Official executing the inspection order/search warrant shall, if the premises in question are unoccupied at the time of execution, be authorized to use such force as is reasonably necessary to affect entry and make the inspection.

78.7.4 The Building Official conducting the search shall, if authorized by the district court on proper showing, be accompanied by one or more law enforcement officers authorized to serve search warrants.

78.7.5 After execution of the order or after unsuccessful efforts to execute the order, as the case may be, the Building Official shall return the order to the district court with a sworn report authorized to serve search warrants.

78.8 If compliance is not met by the stated date, a second and final notice will be served in as another other legal process may be served pursuant to law. This second notice will be a Pending Prosecution Notice and/or Notice to Abate.

SECTION 79: VIOLATIONS

79.1 In the event a building or structure is erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this Zoning Ordinance. The Building Official in addition to other remedies may institute an appropriate action or proceeding to prevent the unlawful action, to restrain, correct, or abate the violation; to prevent the occupation of the building, structure or land; or to prevent an illegal act, conduct, business, or use in or about the premises. Violations of this Ordinance shall be prosecuted in the manner



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provided by law in order to ensure the health, safety and welfare of the citizens of the Township. The remedies provided for herein shall be cumulative and not exclusive.

- 79.2 Declaration of Nuisance. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Ordinance and/or any use of any land, building or premises conducted, operated or maintained contrary to the provisions of this Zoning Ordinance shall be and the same is hereby declared to be unlawful and public nuisance and the Township attorney shall, upon order of the Commission, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law and shall apply to such court as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using any property contrary to the provisions of this Zoning Ordinance.
- 79.3 Abatement. The Notice to Abate shall include the following:
- 79.3.1 An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances.
 - 79.3.2 The location of the nuisance.
 - 79.3.3 A description of what constitutes the nuisance.
 - 79.3.4 A statement that if the nuisance is not abated as directed and no request of hearing is made within the prescribed time, the Township will abate the nuisance and assess the cost thereof against the property owner and any applicable property.
- 79.4 Upon the failure of the person upon whom the notice to abate a nuisance was served, the Building Official or his/her designee shall proceed to secure abatement of the same and shall prepare a statement of costs incurred in the abatement action.
- 79.5 Any and all costs incurred by the Township in the abatement of a nuisance under the provisions of this Zoning Ordinance shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided by law. Such lien shall be notice to all persons from the time of the recording, and shall bear interest at the legal rate thereafter until satisfied.
- 79.6 Except as herein provided, an action for the abatement of a public nuisance shall be governed by the general rules of civil procedure.



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- 79.6.1 A civil action to abate a public nuisance may be brought, by verified complaint in the name of the Township without cost, by any public officer or private citizen, in the local Municipal Court against any person who shall create, perform or maintain a public nuisance.
- 79.6.2 When judgment is against the defendant in an action to abate a public nuisance, he shall be adjudged to pay all court costs and a reasonable fee for the complaint's attorney.
- 79.6.3 If the Municipal Judge places a person violating this Zoning Ordinance on probation, one of the conditions of probation shall be the abatement of the nuisance within the time period of the probation.
- 79.7 Prosecution: Violation of the provisions of this Ordinance may be enforced by prosecution in Municipal court. Prosecution of violations under this Section may be commenced by the issuance of a citation charging the violation as provided herein.
- 79.8 Permit Revocation: Any discretionary permits issued by the Township pursuant to the provisions of this Zoning Ordinance may be revoked if the permit recipient fails to develop or maintain the property in accordance with the approved plans, the requirements of this Zoning Ordinance, or any additional conditions or requirements lawfully imposed upon the permit.
- 79.8.1 Before a permit may be revoked, the permit recipient shall receive notice of a hearing before the Commission to consider revocation of a permit. The notice shall inform the permit recipient of the date, time and place of the hearing as well as the alleged grounds for revocation.
- 79.8.2 A decision to revoke the permit shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the decision.
- 79.8.3 No person may continue to make use of land or buildings in the manner authorized by the permit after such permit has been revoked in accordance with this Section.

This ordinance is passed, adopted and approved by the Kayenta Township Commission on December 30, 2011 and is effective on January 30, 2012.

Kayenta Township Commission, Chairperson



ARTICLE J. OFFICIAL ZONING MAP

Section 80: Kayenta Official Zoning Map



Zoning Districts:

Agricultural Districts:

- A-1 Agriculture District
- A-2 Equestrian Center District
- A-3 Horse Ranch District

Residential Districts:

- R-1 Residential Single Family District (Very Low Density)
- R-2 Residential Single Family District (Low Density)
- R-3 Residential Single Family District (Low Density)
- R-4 Residential Single Family District (Medium Density)
- R-5 Residential Multifamily District (High Density)

Mixed Use Districts

- MU-1 Corridor Development Mixed Use District
- MU-2 Kayenta Main Street Mixed Use District
- MU-3 Kayenta Old Town District
- MU-4 Kayenta Gateway Center District

Transit Oriented Development (TOD) Mixed Use Districts

- TOD-1 Employment-oriented TOD District
- TOD-2 Entertainment-oriented TOD District

Commercial Districts

- C-1 Neighborhood Commercial District
- C-2 Community Commercial District
- C-3 Highway Commercial District
- C-4 Truck Service Corridor District
- AHC Airport Highway Commercial District
- HE Hospitality/Entertainment District
- RSG Resort, Spa, and Golf Course District

Employment Districts

- E-1 Employment District
- E-2 Health Support Services District
- E-3 Technology and Innovation District

Open Space, Parks and Planned Recreation Districts

- OR-1 Community Parks
- OR-2 Regional Recreation, Parks and Open Space

Community Facilities Districts

- CF-1 School District
- CF-2 Public Utilities and Facilities Districts



Appendix A: Kayenta Zoning District Acreages



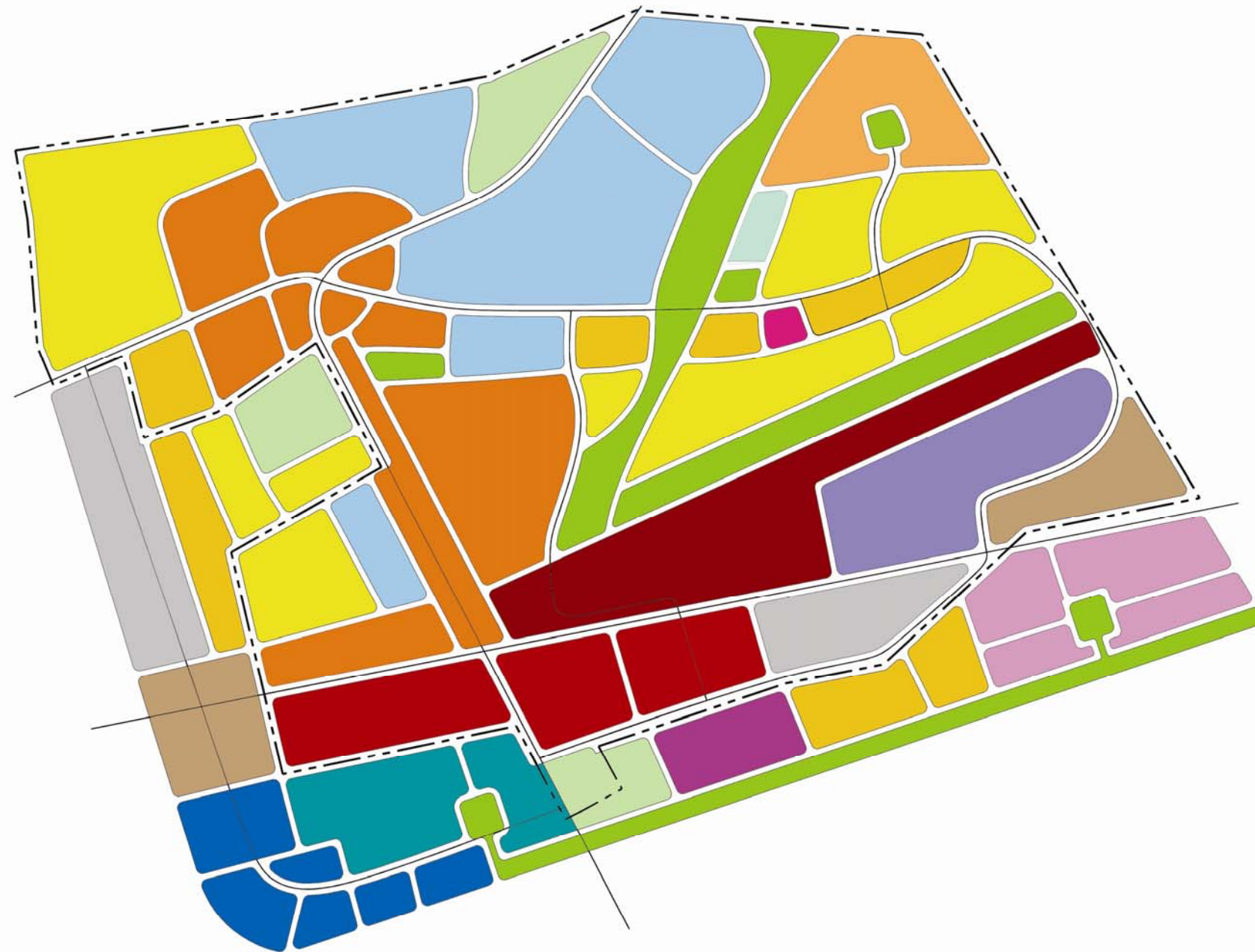
Legend

- Designated Open Space, Regional and Community Parks
- Rodeo and Fair Grounds



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Appendix B: Kayenta Future Land Use Map (As Adopted in the Kayenta Comprehensive Plan)



Land Use Legend

- Regional Recreation, Parks and Open Space
- Kayenta Cemetery
- Agriculture/Equestrian Oriented
- Low Density Residential
- Medium Density Residential
- Kayenta Township Core
- Civic/Institutional/Public Facilities
- Kayenta Airport
- Neighborhood Commercial
- Resort/Golf Club
- Highway Oriented Corridor
- Employment
- Corridor Development
- Medical Service
- Technology and Innovation
- Hospitality/Entertainment
- Transit Oriented Development
- Industrial

