

***Appendix C  
Compatible Land Use Zoning Ordinance***



***Kayenta Airport  
Airport Master Plan***

---

**KAYENTA TOWNSHIP, ARIZONA  
KAYENTA AIRPORT  
AIRPORT OVERLAY ZONING ORDINANCE**

**DRAFT**

An ordinance regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of the Kayenta Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein, referring to the Kayenta Airport FAR Part 77 Airspace Drawing and Off Airport Land Use Drawing which are incorporated in and made a part of this ordinance; providing for enforcement; establishing a board of adjustment; and imposing penalties.

It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Kayenta Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums at the Kayenta Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Kayenta Airport and the public investment therein. Accordingly, it is declared:

1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the Kayenta Airport.
2. That the encroachment of noise sensitive or otherwise incompatible land uses within certain areas as set forth herein below may endanger the health, safety, and welfare of the owners, occupants, or users of the land; and
3. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
4. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation; and
5. That the Kayenta Airport fulfills an essential community purpose.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of construction are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

It is hereby ordained by the Kayenta Township as follows:

**SECTION I  
SHORT TITLE**

This Ordinance shall be known and may be cited as the Kayenta Airport Overlay Zoning Ordinance.

**SECTION II  
DEFINITIONS**

As used in this Ordinance, unless the context otherwise requires:

- 
1. AIRPORT – Kayenta Airport.
  2. AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet from mean sea level.
  3. APPROACH SURFACE - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
  4. APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones are set forth in Section III of this Ordinance.
  5. BOARD OF ADJUSTMENT - A Board consisting of \_\_\_\_\_#\_\_\_\_\_ members appointed by the Kayenta Township.
  6. CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
  7. HAZARD TO AIR NAVIGATION - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
  8. HEIGHT - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
  9. HELIPORT PRIMARY SURFACE - The primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
  10. HORIZONTAL SURFACE - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
  11. LARGER THAN UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
  12. NAVD 88 - North American Vertical Datum 1988. All elevations in this ordinance are referenced to the 1988 North American Vertical Datum.
  13. NONCONFORMING USE - Any pre-existing structure, object of natural growth, or use of and which is inconsistent with the provisions of this Ordinance or an amendment thereto.
  14. NONPRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned. It also means a runway for which a nonprecision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document.

- 
15. OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Ordinance.
  16. PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
  17. PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Precision Approach Radar (PAR) or a Global Positioning System (GPS). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
  18. PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
  19. RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.
  20. STRUCTURE - An object, including mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
  21. TRANSITIONAL SURFACES - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
  22. TREE - Any object of natural growth.
  23. UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
  24. VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures.

### **SECTION III AIRPORT HEIGHT RESTRICTION ZONES**

In order to carry out the provisions of this ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Kayenta Airport. Such zones are shown on the Kayenta Airport Federal Aviation Regulation (FAR) Part 77 Airspace Drawing. Three (3) original, official, and identical copies of the FAR Part 77 Airspace Drawing

---

reflecting the boundaries of the airport height restriction overlay zoning districts of the Kayenta Township, Arizona are hereby adopted, and the President and the Kayenta Township Clerk are hereby authorized to sign and attest each map as the official Kayenta Airport FAR Part 77 Airspace Drawing of the Kayenta Township, Arizona, and such maps shall be filed and maintained as follows:

1. One (1) copy shall be filed for permanent record in the office of the Kayenta Township Clerk and shall be designated as Exhibit 1. This copy shall not be changed in any manner.
2. One (1) copy shall be filed in the office of the Director of Planning and shall be designated as Exhibit 2. This copy shall be maintained by the Planning Department by posting thereon all subsequent changes and amendments.
3. One (1) copy shall be filed in the office of the Airport Manager and shall be designated as Exhibit 3. This copy shall be maintained by the Planning Department by posting thereon all subsequent changes and amendments.

Each portion of an area located in more than one (1) of the following zones shall be evaluated independently according to the zone in which it is located. The various zones are hereby established and defined as follows:

1. PRECISION INSTRUMENT RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY) – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet. Its centerline is the continuation of the centerline of the runway.
2. NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY) - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (UTILITY AIRCRAFT) – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. VISUAL RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY) – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach surface expands uniformly to a width of 1,500 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
5. VISUAL RUNWAY APPROACH ZONE (UTILITY AIRCRAFT) - The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach surface expands uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. The centerline of the approach zone is a continuation of the centerline of the runway.

- 
6. TRANSITIONAL ZONE - The transitional zones are the areas beneath the transitional surfaces.
  7. HORIZONTAL ZONE - The horizontal zone is established by swinging arcs of 5,000 or 10,000 feet radii from the center of each end of the primary surface of the primary runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones. The horizontal zone was constructed with 10,000 feet radii.
  8. CONICAL ZONE - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

#### **SECTION IV AIRPORT ZONE HEIGHT LIMITATIONS**

Except as otherwise provided in this ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. PRECISION INSTRUMENT RUNWAY APPROACH ZONE – Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline. Then slopes forty (40) feet outward for each foot upward beginning at the end of and at the same elevation as the first 10,000 feet and extending to a horizontal distance of 40,000 feet along the extended runway centerline.
2. NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (LARGER THAN UTILITY RUNWAY) - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
3. NONPRECISION INSTRUMENT RUNWAY APPROACH ZONE (UTILITY AIRCRAFT) – Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
4. VISUAL RUNWAY APPROACH ZONE - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
5. TRANSITIONAL ZONE - Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot

---

upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

6. HORIZONTAL ZONE - Established at 150 feet above the airport elevation.
7. CONICAL ZONE - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

**SECTION V  
COMPATIBLE LAND USE REGULATIONS**

1. AIRPORT COMPATIBLE LAND USE OVERLAY ZONING DISTRICTS - For the purpose of regulating the development of noise sensitive land uses to promote compatibility between the Airport and the surrounding land uses, to protect the Airport from incompatible development and to promote the health, safety, and general welfare of property users, the controlled area of Kayenta Airport is divided into Airport Compatible Land Use Overlay Zoning districts. The Airport Compatible Land Use Overlay Zoning districts established herein shall be known as:

| <u>Off Airport Land Use<br/>Zone Number</u> | <u>Zoning<br/>District Name</u> |
|---|---------------------------------|
| 1   | Airport Influence Zone (AIZ)    |
| 2   | Traffic Pattern Zone (TPZ)      |
| 3   | Sideline Safety Zone (SSZ)      |
| 4   | Approach Zone (AZ)              |

2. OFF AIRPORT LAND USE DRAWING

- A. The boundaries of the Airport Compatible Land Use Overlay Zoning Districts set out herein are delineated upon the Kayenta Airport Off Airport Land Use Drawing of the Kayenta Township, Arizona, said Off Airport Land Use Drawing being adopted by reference and made a part of this chapter as fully as if the same were set forth herein in detail.

- B. Three (3) original, official, and identical copies of the Off Airport Land Use Drawing reflecting the boundaries of the Airport Compatible Land Use Overlay Zoning districts of the Kayenta Township, Arizona are hereby adopted, and the Kayenta Township manager and the Kayenta Township Clerk are hereby authorized to sign and attest each map as the official Off Airport Land Use Drawing of the Kayenta Township, Arizona, and such maps shall be filed and maintained as follows:

- 1) One (1) copy shall be filed for permanent record in the office of the Kayenta Township Clerk and shall be designated as Exhibit 1. This copy shall not be changed in any manner.
- 2) One (1) copy shall be filed in the office of the Director of Planning and shall be designated as Exhibit 2. This copy shall be maintained by the Planning Department by posting thereon all subsequent changes and amendments.
- 3) One (1) copy shall be filed in the office of the Airport Manager and shall be

---

designated as Exhibit 3. This copy shall be maintained by the Planning Department by posting thereon all subsequent changes and amendments.

### 3. AIRPORT COMPATIBLE LAND USE OVERLAY ZONING DISTRICT BOUNDARIES

- A. The Airport Compatible Land Use Overlay Zoning District boundary lines shown on the official Off Airport Land Use Drawing shall be located and delineated along contour lines established for Kayenta Airport. Where uncertainty exists as to the boundaries of the Airport Compatible Land Use Overlay Zoning Districts as shown on the official Map, the following rules shall apply:
  - 1) Boundaries shall be scaled from the nearest runway end shown on the map.
  - 2) Boundaries shall be scaled from the nearest physical feature shown on the map.
  - 3) Boundaries may be scaled from the nearest platted lot line as shown on the map.
  - 4) Distances not specifically indicated on the original Off Airport Land Use Drawing shall be determined by a scaled measurement on the map.
- B. Where physical features on the ground differ from the information shown on the official Off Airport Land Use Drawing or when there arises a question as to how or where a parcel of property is zoned and such questions cannot be resolved by the application of Section V-3A, the property shall be considered to be classified as the most restrictive Airport Compatible Land Use Overlay Zoning District.
- C. Where a parcel of land lies within more than one (1) Airport Compatible Land Use Overlay Zoning District, the zone within which each portion of the property is located shall apply individually to each portion of the development.

### 4. USE OF LAND AND BUILDINGS

- A. Within the Airport Compatible Land Use Overlay Zoning Districts as defined herein, no land shall hereafter be used and no structure or other object shall hereafter be erected, altered, converted, or modified other than for those compatible land uses permitted by underlying comprehensive zoning districts, as specified in the Kayenta Township Land Use Code. Additional land uses are prohibited in the Airport Compatible Land Use Overlay Zoning Districts, regardless of underlying zoning, as set forth in the Land Use Compatibility Table included in Attachment A.
- B. Where any use of prohibited land and buildings set forth in Section V-4A conflicts with any use of land and buildings set forth in the Kayenta Township Land Use Code, as an allowed use on the Zoning District Map, this chapter shall apply.
- C. Section V-4 does not apply to property within the official boundaries of the airport.
- D. Where specified on the Airport Compatible Land Use Table, the property owner shall dedicate, in advance of receiving a building permit, an aviation clear zone easement to the Kayenta Township, Arizona. The purpose of this easement shall be to establish a maximum height restriction on the use of property and to hold the public harmless for any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft landing at,

---

taking off from, or operating on, or at, public airport facilities.

## 5. ADDITIONAL LAND USE REGULATIONS

- A. Within the Kayenta Township, Arizona the more restrictive of the Kayenta Township Land Use Code or Section V-4A, shall apply to the development of all property covered by the Off Airport Land Use Drawing.
- B. On property within the Off Airport Land Use Drawing jurisdiction, but outside the jurisdictional limits of the Kayenta Township, Arizona, Section V-4A shall apply to formulate land use recommendations or responses to land use comment requests from other jurisdictions.
- C. When a provision of this section conflicts with any airport height hazard restrictions, the most restrictive provision shall apply.
- D. Notwithstanding any other provisions of this chapter or other chapter of the Kayenta Township Land Use Code, no use may be made of land, water, or structures within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, or result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off, or flight operations of aircraft utilizing the airport.
- E. When a subdivision plat is required for any property within an Airport Compatible Land Use Overlay Zoning District or within an area shown on the FAR Part 77 Airspace Drawing for Kayenta Airport, the property owner shall dedicate an aviation hazard easement to the Kayenta Township over and across that property. This easement shall establish a height restriction on the use of the property and hold the public harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near the Kayenta Airport.

## SECTION VI NONCONFORMING USES

- 1. **REGULATIONS NOT RETROACTIVE** - The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted. Nonconforming land uses existing as of the effective date of this ordinance may be modified such that 1) only existing structures may be enlarged or expanded; 2) that they do not result in any greater violation of height restrictions; and 3) a variance in accordance with Section VII-4 is obtained.
- 2. **MARKING AND LIGHTING** - Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Kayenta Township to indicate to the operators of aircraft in the

---

vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Kayenta Airport.

## SECTION VII PERMITS

1. **FUTURE USES** - Except as specifically provided in A and B hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the regulating use, structure, or tree would conform to the regulations herein prescribed. An FAA Form 7460-1, *Notice of Proposed Construction or Alteration*, shall accompany each application. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this ordinance shall be granted unless a variance has been approved in accordance with Section VII, 4.
  - A. In the area lying within the limits of the approach zone, transition zone, horizontal zone, and conical zone, no permit shall be required by this ordinance for any tree or structure less than 200 feet above ground level which is also lower than an imaginary surface extending outward and upward at a slope of 100 feet horizontal for each 1 foot vertical beginning at the closest point of the closest runway.
  - B. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this ordinance.
2. **EXISTING USES** - No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
3. **NONCONFORMING USES ABANDONED OR DESTROYED** - Whenever the Kayenta Township determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
4. **VARIANCES** - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of a proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this ordinance.

Additionally, no application for variance to the requirements of this ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished

---

to the Kayenta Township for advice as to the aeronautical effects of the variance. If the Kayenta Township does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

5. OBSTRUCTION MARKING AND LIGHTING - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as condition may require in accordance with FAA provisions.

#### **SECTION VIII ENFORCEMENT**

It shall be the duty of the Kayenta Township to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Kayenta Township upon a form published for that purpose. Applications required by this ordinance to be submitted to the Kayenta Township shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Kayenta Township.

#### **SECTION IX BOARD OF ADJUSTMENT**

1. There is hereby created a Board of Adjustment to have and exercise the following powers: (1) to hear and decide appeals from any order, requirements, decision, or determination made by the Kayenta Township in the enforcement of this ordinance; (2) to hear and decide special exceptions to the terms of this ordinance upon which such Board of Adjustment under such regulations may be required to pass; and (3) to hear and decide specific variances.
2. The Board of Adjustment shall consist of members appointed by the Kayenta Township and each shall serve for a term of   #   years until a successor is duly appointed and qualified. Of the members first appointed one shall be appointed for a term of   #   years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.
3. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this ordinance. Meetings of the Board of adjustment shall be held at the call of the chairperson and at such other times as the Board of Adjustment may determine. The chairperson or, in the absence of the chairperson, the acting chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each questions; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall immediately be filed in the office of the Kayenta Township Planning and Zoning Department and on due cause shown.
4. The Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order requirement, decision, or determination which comes before it under the provisions of this ordinance.
5. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Kayenta

---

Township or decide in favor of the application on any matter upon which it is required to pass under this ordinance, or to effect variation to this ordinance.

**SECTION X  
APPEALS**

1. Any person aggrieved, or any taxpayer affected, by any decision of the Kayenta Township made in the administration of the ordinance, may appeal to the Board of Adjustment.
2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Kayenta Township a notice of appeal specifying the grounds thereof. The Kayenta Township shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Kayenta Township certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the Kayenta Township cause imminent peril to life or property. In such case, proceedings shall not be stayed except by the order of the Board of Adjustment on notice to the Kayenta Township and on due cause shown.
4. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
5. The Board of Adjustment may, in conformity with the provisions of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

**SECTION XI  
JUDICIAL REVIEW**

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the Court of \_\_\_\_\_ a provided in Section \_\_\_\_\_ of Chapter \_\_\_\_\_ of the Public Laws of \_\_\_\_\_.

**SECTION XII  
PENALTIES**

Each violation of this ordinance or of any regulations, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable by a fine of not more than \_\_\_\_\_ dollars or imprisonment for not more than \_\_\_\_\_ days or both; and each day a violation continues to exist shall constitute a separate offense.

**SECTION XIII  
CONFLICTING REGULATIONS**

Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirements shall govern and prevail.

**SECTION XIV**

---

**SEVERABILITY**

If any of the provisions of this ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

**SECTION XV  
EFFECTIVE DATE**

WHEREAS, the immediate operation of the provisions of this ordinance is necessary for the preservation of the public health, public safety, and general welfare, and emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the Kayenta Township and publication and posting as required by law. Adopted by this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**ATTACHMENT A**  
**LAND USE COMPATIBILITY TABLE**

**LAND USE CATEGORY**

|  | AIRPORT<br>INFLUENCE<br>ZONE (AIZ) | TRAFFIC<br>PATTERN<br>ZONE (TPZ) | SIDLINE<br>SAFETY<br>ZONE<br>(SSZ) | APPROACH<br>ZONE (AZ) |
|--|------------------------------------|----------------------------------|------------------------------------|-----------------------|
| <b>RESIDENTIAL</b>   |                                    |                                  |                                    |                       |
| Single-Family, Nursing Homes, Mobile Homes, Multi-Family, Apartments, condominiums | +                                  | o <sup>(3)</sup>                 | -(1,3)                             | -(1,3)                |
| <b>PUBLIC</b>  |                                    |                                  |                                    |                       |
| Schools, Libraries, Hospitals  | +                                  | o <sup>(3)</sup>                 | -(3)                               | -(3)                  |
| Churches, Auditoriums, Concert Halls   | +                                  | o <sup>(3)</sup>                 | -(3)                               | -(3)                  |
| Transportation, Parking, Cemeteries  | ++                                 | ++                               | ++                                 | ++                    |
| <b>COMMERCIAL &amp; INDUSTRIAL</b>   |                                    |                                  |                                    |                       |
| Offices, Retail Trade  | ++                                 | +                                | o <sup>(3)</sup>                   | o <sup>(3)</sup>      |
| Service Commercial, Wholesale Trade, Warehousing, Light Industrial                 | ++                                 | +                                | o <sup>(3)</sup>                   | o <sup>(3)</sup>      |
| General Manufacturing, Utilities, Extractive industry                              | ++                                 | ++                               | o <sup>(3)</sup>                   | o <sup>(3)</sup>      |
| <b>AGRICULTURAL &amp; RECREATIONAL</b>   |                                    |                                  |                                    |                       |
| Cropland   | ++                                 | ++                               | ++                                 | ++                    |
| Livestock Breeding   | ++                                 | ++                               | ++                                 | ++                    |
| Parks, Playgrounds, Zoos, Golf Courses, Riding Stables, Water Recreation           | ++                                 | ++                               | ++                                 | ++                    |
| Outdoor Spectator Sports,  | ++                                 | +                                | -(3)                               | -(3)                  |
| Amphitheaters  | o                                  | -(4)                             | --                                 | --                    |
| Open Space   | ++                                 | ++                               | ++                                 | ++                    |

++ Clearly Acceptable + Normally Acceptable o Marginally Acceptable - Normally Unacceptable - Clearly Unacceptable

Note: Development projects which are wildlife attractant, including sewerage ponds and landfills, within 10,000 feet of the airport are unacceptable. (Ref.: FAA AC 150/5200-33)

**Conditions:**

- (1) If allowed, avigation easements and disclosure must be required as a condition of development.
- (2) Any structures associated with uses allowed in the RPZ must be located outside the RPZ.
- (3) If no reasonable alternative exists, use should be located as far from extended centerline as possible.
- (4) If no reasonable alternative exists, use should be located as far from extended runway centerline and traffic patterns as possible.
- (5) Transportation facilities in the RPZ (i.e. roads, railroads, waterways) must be configured to comply with Part 77 requirements.

---

**AVIGATION EASEMENT**

**DRAFT**

WHEREAS, \_\_\_\_\_, hereinafter called the Grantor, is the owner in fee of that certain parcel of land situated in the Township of Kayenta, State of Arizona, more particularly described as follows and hereinafter called "Grantor's Property":

NOW, THEREFORE, in consideration of the sum of \_\_\_\_\_ dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor, for himself, his heirs, administrators, executors, successors and assigns, does hereby grant, bargain, sell, and convey unto the Kayenta Township hereinafter called the Grantee, its successors and assigns, for the use and benefit of the public, as easement and right-of-way, appurtenant to Kayenta Airport for the unobstructed use and passage of all types of aircraft by whomsoever owned and operated.

Said easement shall be appurtenant to and for the benefit of the real property now known as Kayenta Airport including any additions thereto wherever located, thereafter made by the Kayenta Airport or its successors and assigns, guests, and invites, including any and all persons, firms, or corporations operating aircraft to or from the airport.

Said easement and burden, together with all things which may be alleged to be incident to or resulting from the use and enjoyment of said easement, including, but not limited to the right to cause in all air space above or in the vicinity of the surface of Grantor's property such noise, vibrations, fumes, deposits of dust or other particulate matter, fuel particles (which are incidental to the normal operation of said aircraft), fear, interference with sleep and communication and any and all other effects that may be alleged to be incident to or caused by the operation of aircraft over or in the vicinity of Grantor's property or in landing at or taking off from, or operating at or on said Kayenta Airport, and Grantor does hereby fully waive, remise, and release any right or cause of action which he may now have or which he may have in the future against Grantee, its successor and assigns, due to such noise, vibrations, fumes, dust, fuel particles and all other effects that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operating at or on said Kayenta Airport.

As used herein, the term "aircraft" shall mean any and all types of aircraft, whether now in existence or thereafter manufactured and developed, to include, but not limited to, jet aircraft, propeller driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters and all

---

types of aircraft or vehicles now in existence or hereafter developed, regardless of existing or future noise levels, for the purpose of transporting persons or property through the air, by whomsoever owned or operated.

The easement and right-of-way hereby granted includes the continuing right in the grantee to prevent the erection or growth upon Grantor's property of any building, structure, tree, or other object which constitutes an obstruction to navigable airspace, and to remove from said air space, or at the sole option of the Grantee, as an alternative, to mark and light as obstructions to air navigation, any such building, structure, tree or other objects now upon, or which in the future may be upon Grantor's property, together with the right of ingress to, egress from, and passage over Grantor's property for the above purpose.

TO HAVE AND TO HOLD said easement and right-of-way, and all rights appertaining thereto unto the Grantee, its successors and assigns, until said Kayenta Airport shall be abandoned and shall cease to be used for public airport purposes.

AND for the consideration hereinabove set forth, the Grantor, for himself, his heirs, administrators, executors, successors, and assigns, does hereby agree that for and during the life of said easement and right-of-way, he will not hereafter erect, park, permit the erection or growth of, or permit or suffer to remain upon Grantor's property, any building, structure, tree or other object such that it creates an obstruction to navigable airspace, and that he shall not hereafter use or permit or suffer the use of Grantor's property in such a manner as to create electrical interference with radio communication between any installation upon said airport and aircraft, or as to make it difficult for flyers to distinguish between airport lights and other, or to permit any use of the Grantor's property that causes a discharge of fumes, dust or smoke so as to impair visibility in the vicinity of the airport or as otherwise to endanger the landing, taking off or maneuvering of aircraft. Grantor furthermore waives all damages and claims for damages caused or alleged to be caused by or incidental to such activities.

It being understood and agreed that aforesaid covenants and agreements shall run with the land and shall be forever binding upon the heirs, administrators, executors, successors, and assigns of the Grantor.

---

IN WITNESS WHEREOF the Grantor has hereunto set his hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Grantor

Signed, sealed and delivered in the presence of:

STATE OF ARIZONA            )  
  )SS  
TOWNSHIP OF KAYENTA    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_  
by \_\_\_\_\_(Grantor).

WITNESS my hand and official seal.

My Commission expires:

Notary Public \_\_\_\_\_

**DRAFT**

**DISCLOSURES BY (OWNER) (BUYER)  
OF REAL PROPERTY IN THE KAYENTA, ARIZONA**

This is a notification, disclosure, and acknowledgement by (Owner) (Buyer) of real property located in the vicinity of the Kayenta Airport in the Kayenta Township, Arizona.

(Owner) (Buyer) hereby acknowledges the following:

**AIRPORT**

**1. Proximity to the Airport**

The subject parcel, located in Section \_\_\_ Township \_\_\_ Range \_\_\_, is less than \_\_\_ mile(s) from the Kayenta Airport. The parcel is also located within the airport flight pattern area. Airplanes may fly at low elevations over the parcel as they operate to, from, or at the airport. The airport is operational 24 hours per day. Flights may occur at all hours of the day or night.

**2. Disclosure of Noise Impacts**

Due to the proximity of the parcel to the Kayenta Airport, and the airport's associated flight patterns; owner(s) / buyer(s) should expect varying degrees of noise from these aircraft, which some persons may find intrusive.

**3. Future Improvements and Aircraft Operations**

The airport plans to expand its facilities and operations in the future. The plans include, but are not limited to those shown on the approved Airport Layout Plan. These improvements may result in increased aircraft operations, operations by larger aircraft, and increased nighttime operations which could increase the noise levels within the vicinity of the airport.

**CERTIFICATION**

This undersigned owner(s) / purchaser(s) of said parcel of land certify(ies) that (he/she) (they) (has) (have) read the above disclosure statement and acknowledge(s) the pre or planned existence of the airport named above and the noise exposure due to the operation of said airport.

\_\_\_\_\_  
(SIGNED)

\_\_\_\_\_  
Date