

TENTH LEGISLATURE
OF THE
CHEYENNE AND ARAPAHO TRIBES
REGULAR SESSION
OCTOBER 11, 2025
LCR, CONCHO, OK

RESOLUTION: A Bill to Enact the Cheyenne and Arapaho Tribes Zoning Act.

RESOLUTION NO: 10L-RS-2025-10-007

DATE INTRODUCED: September 8, 2025

SPONSOR:

CO-SPONSOR:

SUBJECT: A Bill to Enact the Cheyenne and Arapaho Tribes Zoning Act.

WHEREAS: The Cheyenne and Arapaho Tribes are duly recognized by the United States Secretary of the Interior as a self-governing, Sovereign Nation, that is a federally recognized Indian Tribe with all rights, privileges, and powers attended thereto as a sovereign government under a constitution approved by the Secretary of Interior; and

WHEREAS: Article VI, Section 5(a) of the Constitution provides that the Legislative power shall be vested in the Legislature, which includes the powers to make laws and resolutions in accordance with the Constitution which are necessary and proper for the good of the Tribes; and

WHEREAS: The Legislature has the Constitutional obligation and public responsibility to the Tribes to oversee the Tribes' operations in order to establish and promote justice, establish guidance and direction for the government and advance the general welfare of the Tribes; and

WHEREAS: This Zoning Act is hereby enacted for the purpose of promoting the health, safety, morals, and general welfare of the members of the Cheyenne and Arapaho Tribes by:

1. Securing safety from fire, panic and other dangers;
2. Providing adequate light and air;
3. Prevent overcrowding of land; and
4. Facilitating the adequate provisions of tribal services, transportation, water, sewage, parks, and other public requirements.

WHEREAS: The Cheyenne and Arapaho Tribes have inherent power, as part of self-governance and civil jurisdiction to impose zoning regulations on tribal lands held

in trust by the United States. The provisions of this Act shall extend to all tribal lands and waters held in trust; all individual trust lands and waters within the present confines of the tribal jurisdiction, and to such other lands as may be hereafter added thereto under any law of the United States, except as otherwise provided by applicable law; and

WHEREAS: This Act encourages the most appropriate use of Cheyenne and Arapaho lands and promotes the development of the community in accordance with the Tribes Comprehensive Plan and Land Use Plan as follows:

1. Establishes a zoning regulation for tribal trust lands; and
2. Regulates the use of land and buildings on lots; and
3. Provides for the administration and enforcement of this Act; and
4. Assists in guiding the future development of tribal lands; and
5. Protects the character and stability of residential, commercial, industrial, agricultural, and other tribal land uses, and assures the orderly and beneficial development of such areas; and
6. Creates contiguous areas of harmonious use and where less intensive uses are favored.

NOW BE IT FURTHER RESOLVED that the Tenth Legislature determines that it is in the best interest of the Cheyenne and Arapaho Tribes to enact the Cheyenne and Arapaho Zoning Act, as attached herewith and shall be codified into law under 13 CAC § 13.600.

Kendricks Sleeper
Speaker of the Tenth Legislature
Cheyenne and Arapaho Tribes



ATTEST:

I, Jodi White Buffalo, Legislative Clerk, hereby certify that the foregoing is a True and Accurate Copy of the Original Bill No. 10L-RS-2025-10-007 which was acted upon by the Legislature of the Cheyenne and Arapaho Tribes in the Tenth Legislature Regular Session, by a roll call vote on the 11th day of October 2025, by a vote.

VOTE RECORD:

DISTRICT	LEGISLATOR	YES	NO	ABSTAIN	ABSENT
A1	Diane Willis				
A2	Kendricks Sleeper				
A3	Travis Ruiz				
A4	Rector Candy				
C1	Bruce Whiteman, Jr.				
C2	George Woods				
C3	Thomas Trout				
C4	Byron Byrd				
TOTAL					
Passes () Fails () Tabled () Allowed to Die () No Action ()					

Jodi White Buffalo, Legislative Clerk
Tenth Legislature, Cheyenne and Arapaho Tribes



ATTEST:

Pursuant to Article VI, Section 7, subsection (a)(iv) of the Tribes Constitution reads in part: “All Bills passed by the Legislature shall be presented to the Governor for signature or veto. All laws shall take effect thirty days after signature by the Governor or veto override by the Legislature unless any Member of the Tribes submits to the Coordinator of the Office of Tribal Council a petition signed by at least one hundred fifty Members of the Tribal Council seeking to repeal the law or resolution at the next Tribal Council meeting. If the Tribal Council fails to repeal such law or resolution at the next Tribal Council where the matter has been properly placed on the agenda for the Tribal Council meeting, such law or resolution shall become effective immediately.”

Pursuant to Article VII, Section 4, subsection (g) of the Tribes Constitution reads: “The Governor shall have the power to sign any enactment passed by the Legislature into law or to veto any enactment passed by the Legislature within ten days of passage with a written explanation of any objections; and if the Governor takes no action within ten days, then the enactment shall become law in accordance with this Constitution.”

{ } APPROVED

{ } VETOED: Attachment ____; Governor’s written explanation of any objections.

On the _____ day of _____, 2025.

Reggie Wassana, Governor
Cheyenne and Arapaho Tribes



TRANSMITTAL OF DOCUMENTS:

From the Legislative Branch to the Office of Records Management

ATTEST:

Pursuant to Article VI, Section 7, subsection (a)(v), of the Tribes Constitution reads, “The Office of Records Management shall compile all Laws and Resolutions into a comprehensive Code in an orderly manner that shall be published annually.”

Office of Records Management Staff, hereby certify that the foregoing is a True and Accurate Original Resolution No. 10L-RS-2025-10-007.

Space below is reserved for Stamp:

Received (Date) Office of Record Management

Signature: _____

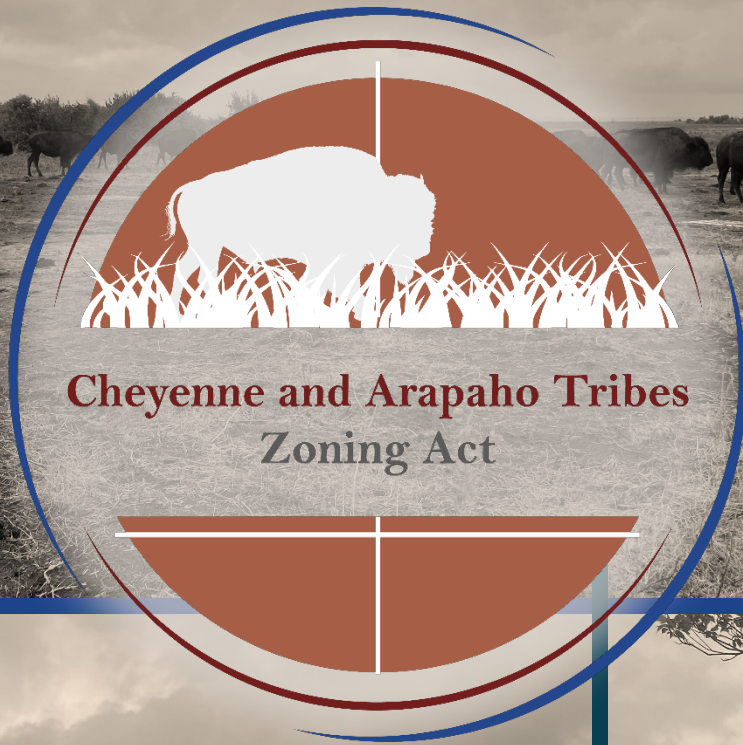
Print Name: _____

Title: _____

Date: _____

Office of Records Management
Department of Administration, Executive Branch
Cheyenne and Arapaho Tribes





Cheyenne and Arapaho Tribes
Zoning Act

Cheyenne and Arapaho Tribes Zoning Act for Tribal Lands

21 February 2025 | Adoption Draft

General Provisions

Organization

This chapter is organized into the following sections:

- 13.601.1 Organization
- 13.601.2 Purpose
- 13.601.3 Applicability
- 13.601.4 Effective Date
- 13.601.5 Interpretation
- 13.601.6 Decision Making Authorities
- 13.601.7 Non-conforming Standards
- 13.601.8 Vested Rights
- 13.601.9 Compliance with Tribal Building Code Required
- 13.601.10 Fees
- 13.601.11 Intergovernmental Agreements
- 13.601.12 Sovereign Immunity
- 13.601.13 Severability
- 13.601.14 Statement of Supersedure
- 13.601.15 Governance Clause

Purpose

This Zoning Act (Act) is hereby enacted for the purpose of promoting the health, safety, morals, and general welfare of the members of the Cheyenne and Arapaho Tribes (Tribes) by:

- Securing safety from fire, panic and other dangers;
- Providing adequate light and air;
- Preventing overcrowding of land; and
- Facilitating the adequate provisions of tribal services, transportation, water, sewerage, parks, and other public requirements.

Applicability

The Cheyenne and Arapaho Tribes have inherent power, as part of self-governance and civil jurisdiction to impose zoning regulations on tribal lands held in trust by the United States. This Act shall apply to all lands (including

allotted Indian lands held in trust for Cheyenne and Arapaho tribal members) within the territorial jurisdiction of the Cheyenne and Arapaho Tribes, to include all Indian Country as defined in 18 U.S.C. Section 1151, within the boundaries of the original 1869 Cheyenne and Arapaho Reservation, through the inherent powers of tribal sovereignty. This Act encourages the most appropriate use of Cheyenne and Arapaho lands and promotes the development of the community in accordance with the Tribes Comprehensive Plan and Land Use Plan as follows:

- Establishes a zoning regulation for tribal trust lands; and
- Regulates the use of land and buildings on lots; and
- Provides for the administration and enforcement of this Act; and
- Assists in guiding the future development of tribal lands; and
- Protects the character and stability of residential, commercial, industrial, agricultural, and other tribal land uses, and assures the orderly and beneficial development of such areas; and
- Creates contiguous areas of harmonious use and where less intensive uses are favored.

The provisions of this Act shall extend to all tribal lands and waters held in trust; all individual trust lands and waters within the present confines of the tribal jurisdiction, and to such other lands as many be hereafter added thereto under any law of the United States, except as otherwise provided by applicable law.

From and after the effective date of this Act, the use of all land and every new building or portion of a building erected, altered in respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, within the tribal jurisdiction shall be in conformity with the provisions of this Act.

Effective Date

This Act was adopted by the Cheyenne and Arapaho Tribes by Resolution on [REDACTED]. This Act may be amended by the Cheyenne and Arapaho Legislature in accordance with the Tribal Constitution, by written law or resolution.

Interpretation

In the event of a conflict between a provision of this Act and a provision of another law, the provisions of this Act shall control. It is not intended by this Act to repeal, abrogate, annul, impair, modify or interfere with any existing easements, covenants, or agreements between parties or with any rules, regulations, laws, ordinances, policies, resolutions, motions or permits previously adopted or issued pursuant to Tribal law; provided, however, that where the conditions imposed by any provision of this law are either more restrictive or less restrictive than comparable conditions imposed by any other applicable

easement, covenant, agreement, law, statute, resolution, or regulation of any kind, the conditions which are more restrictive or which impose higher standards or requirements shall prevail.

Decision Making Authorities

Land Management Officer

Establishment. The Tribal Planner shall serve as the Land Management Officer, and shall report to the Planning and Development Program Director on all associated Land Management matters.

Roles and Responsibilities. The Land Management Officer shall review all development applications for conformance with this Act and the Tribal Comprehensive Plan prior to any action taken on the part of the C&A Tribal Land Commission.

Non-Conforming Standards

Non-Conforming Buildings

Alterations. A non-conforming building shall not be reconstructed or structurally altered unless such building is changed to conform to this Act.

Enlargement. A non-conforming building shall not be added to or enlarged in any manner unless such additions or enlargements are made so as to bring said building into conformity with this Act.

Restoration. A non-conforming building which is damaged to the extent of more than fifty percent (50%) of its total size shall not be restored except in conformity with this Act.

Maintenance. Normal maintenance of a building containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not extend or intensify the nonconforming use.

Non-Conforming Use

Existing Uses Protected.

Grandfathered Lots and Structures. Buildings, structures, or land uses already in existence at the time of the adoption of this Act, or when the land becomes subject to this Act, shall be allowed to remain in the existing condition, and will be considered non-conforming, until such time as the structure or use is abandoned, removed, or altered. Upon alteration, such structures or uses shall first meet the requirements as set forth in this section.

Extension. A non-conforming use shall not be enlarged or extended to occupy a greater area of land than occupied at the time of the effective date of this Act.

The non-conforming use of a structure and/or land shall not be enlarged after passage of this Act except when permitted under the variance procedures contained in this Act, nor shall additional signs be permitted. All changes in non-conforming uses shall conform with the provisions of this Act.

No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the time of the effective date of this Act.

A non-conforming use of land or building shall be considered abandoned if any such non-conforming use of land or building ceases for any reason for a period of more than six (6) months. Any subsequent use of such land or building shall conform to the regulations specified by this Act for the district in which such land is located.

Vested Rights

Establishment of Vested Rights

Pursuant to this Zoning Act, a vested right shall be deemed established for a period of three (3) years with the approval of a Site Development Plan as defined in this Act. When a Site Development Plan is approved, the permit shall confer upon the applicant the right to undertake and complete the development and use of the property under the terms and conditions of the Site Development Plan. If the term of approval for the Site Development Plan is extended pursuant to this Act, the term of vested property rights is extended to conform to the extended approval term.

Development Agreement and Extension of Vested Property Rights

The C&A Tribal Land Commission may enter into a development agreement with a developer or a Cheyenne and Arapaho Individual Allotment owner for the extension of vested rights where, in the discretion of the Commission, an extension is warranted due to project size and/or phasing of the development. The Commission may also consider an extension of vested rights for economic cycles and/or market conditions.

Exceptions to Vested Rights

Once established pursuant to this Zoning Act, a vested right precludes any zoning or land use action by the Land Management Office during the period of time that the right is established to be vested that would alter, impair, prevent, diminish, or otherwise delay the development or use of the land subject to the Site Development Plan consistent with the terms and conditions of the Site Development Plan, except under one or more of the following conditions:

Individual Allotment Landowner's Consent. With the consent of the affected landowner.

Just Compensation Paid to Individual Allotment Landowner. The affected landowner receives just compensation for all costs, expenses, and liabilities incurred by the landowner, including but not limited to all fees paid in consideration for financing and all architectural, planning, marketing, legal and other consultants' fees incurred after approval of the Site Development Plan by the Land Management Office, together with interest at the current market rate until paid. Just compensation shall not include any diminution in the value of the property which is caused by such action.

Hazards. Upon the discovery of natural or man-made hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of the approval of the Site Development Plan, and which hazards, if uncorrected, would pose a serious threat to the public health, safety and welfare.

General Ordinances, Acts, and Regulations. The establishment of a vested right shall not preclude the application of ordinances, acts, resolutions or regulations which are general in nature and are applicable to all property subject to land use regulations by the Land Management Office, including but not limited to building, fire, plumbing, electrical and mechanical codes.

Compliance with Building Codes

No permit shall be issued under this Act unless the applicant's building plans, including the site plan, if applicable, are compliant with the Tribe's adopted Building Code.

No permit shall be issued for any residential structure unless the applicant's building plans are compliant with the International residential Building Codes.

Fees

All fees related to the administration of this Act shall be approved from time to time by the Cheyenne and Arapaho Tribes, upon recommendation of the C&A Tribal Land Commission and shall be on record in the office of the Tax Commission and the Land Management Office.

Intergovernmental Agreements

An intergovernmental agreement with the applicable municipalities and the State of Oklahoma shall be required if necessary to facilitate coordinated land use planning and development on tribal trust lands and individual allotment lands adjacent to a municipality.

Sovereign Immunity

The sovereign immunity of the Cheyenne and Arapaho Tribes is not in any way waived or limited by this Act, or by any civil suit commenced pursuant to this Act. Such sovereign immunity shall extend to the Tribes, the C&A Land Commission, and all tribal officials, employees, staff, and agents, as to all actions taken in, or concerning, the administration or enforcement of this Act, and as to all actions taken pursuant to authority of any Tribal Court order authorized by this Act.

Severability

If any section of this Act, or any part thereof, or the application thereof to any party, person, or entity or in any circumstances, shall be held invalid for any reason whatsoever by a court of competent jurisdiction, the remainder of the section or part of the Act shall not be affected and shall remain in full force and effect as though no section or part has been declared to be invalid.

Statement of Supersedure

This Act shall supersede any law in place before it, which conflicts with its intent and purpose.

Governance Clause

If any provision in the foregoing Act conflicts with the existing rules and regulations drafted by the C&A Land Commission, the provisions enumerated herein shall govern. If any provisions within the existing Rules and Regulations conflict with or otherwise violate the 2006 Constitution of the Cheyenne and Arapaho Tribes, such provisions shall be deemed null and void.

Zoning Districts

Organization

This chapter is organized into the following sections:

- 13.602.1 Organization
- 13.602.2 Purpose
- 13.602.3 Zoning Map
- 13.602.4 Regulations Applicable to All Zone Districts
- 13.602.5 Zone District Table
- 13.602.6 Agricultural Districts
- 13.602.7 Economic Development Districts
- 13.602.8 Tribal Housing (Residential) Districts
- 13.602.9 Tribal Government Services Districts
- 13.602.10 Planned Unit Development Districts
- 13.602.11 Cultural Resource Districts
- 13.602.12 Environmentally Sensitive Overlay Districts
- 13.602.13 Lot Provisions
- 13.602.14 Cumulative Zoning
- 13.602.15 Spot Zoning

Purpose

This chapter describes each zone district and their associated dimensional requirements.

Zoning Map

The zoning district into which each parcel of Cheyenne and Arapaho tribal trust land is placed shall be determined by reference to the zoning maps, which shall consist of one (1) or more maps adopted by and in the custody of the Land Management Department. The zoning maps shall show districts, district overlays, existing and proposed streets, highways, parks, playgrounds and school sites.

Public Examination

The zoning maps or exact copies thereof shall be available for examination by any party of interest during regular business hours, with the exception of any cultural maps that depict cultural resources sensitive to the Tribes. Cultural maps will be considered confidential in matter.

Interpretation

Unless otherwise stated, the zoning map shall conform to the following standards:

Districts follow lot lines, and the center lines of roads, streets and/or alleys, as they existed on the date of the adoption of the zoning map.

The shoreline of a stream, creek, or other body of water shall be construed to follow the center lines of such divisions, streams, creeks, or other bodies of water. Boundaries indicated as approximately parallel to such lines shall be construed as being parallel thereto and at such distances therefrom as indicated on the map.

If no distance is given, each dimension shall be determined by the use of the scale shown on the map.

Whenever any street, alley, or other public way is vacated, the zoning district adjoining that of such vacated street, alley or public way shall automatically be extended to the center of such vacated area and all area included therein shall be then and hence forth subject to all of the regulations of the extended district.

Where application of these rules of interpretation leaves a reasonable doubt as to the boundaries between two (2) areas, the regulations of the more restrictive area shall govern the entire area in question, unless the C&A Tribal Land Commission determines otherwise.

Mapping Disputes

The C&A Tribal Land Commission shall decide mapping disputes.

When the location of a district boundary is established by experience, maps, and/or studies, the elevations, horizontal distances, and reference points (e.g., ordinary high-water mark) so established shall be used to determine the actual location of the district boundary on the land. If such information is not available, the C&A Tribal Land Commission may examine any other available evidence that is relevant to determine the actual location of the district boundary on the land.

In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the C&A Tribal Land Commission and to submit their own technical evidence if they so desire.

The C&A Tribal Land Commission shall not allow deviations from the boundary line as mapped unless the evidence clearly and conclusively establishes that the mapped location of the line is incorrect.

C&A Tribal Land Commission members shall field investigate appeals that involve mapping disputes.

The C&A Tribal Land Commission may request all records of the Land Management Officer which deal with the situation to aid in their decision of the request or appeal.

Rezoning Property and Amending Zoning District Boundary Lines

Any tribal member may request that property be rezoned or district boundary lines be amended in accordance with this Act.

The C&A Tribal Land Commission shall record the amendments on the zoning map within thirty (30) days after they have been approved.

Regulations Applicable to All Zone Districts

The regulations, interpretations, modifications and exceptions set forth in this section shall apply to all districts, unless otherwise specified.

Yards and Open Space

For the purpose of computing front, side, and rear yard dimensions, measurements shall be taken from the nearest point of the wall of the building to the road right-of-way lines, the side lot lines, or the rear lot line, respectively.

No part of a yard or other open space provided around any building for the purpose of complying with the provisions of this Act shall be included as part of a yard or other open space required for another building.

No lot areas shall be reduced so that the yards and open spaces are smaller than required by this Act.

The required front yard(s) of a corner lot shall not contain any wall, fence, or other structure, tree, shrub, or other growth which may obscure a motorist's vision of traffic.

Height

Height limitations, as set forth in this Act, shall not apply to water towers, observation towers, flag poles, chimneys, belfries, cooling towers, elevator bulkheads, scenery loft towers, ornamental towers; broadcasting towers, masts of aerials, telephone, telegraph and power poles and lines; microwave relay structures and any necessary mechanical apparatus provided that such structures meet the height limitation requirements of the appropriate zoning district.

Airports. Building heights and development around airports, helistops, and helipads shall comply with the Federal Aviation Regulations (FAR) Part 77, Subpart C.

Encroachment

Eaves, sills, belt courses, cornices, gutters and ornamental features may project only three (3) feet into a required yard.

Open fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projection of chimneys and flues into a rear yard for a distance of not more than four (4) feet is permitted when they are so placed as to not obstruct light and ventilation.

Non-Agricultural Leases

Non-agricultural leases of tribal trust lands and Individual Indian Allotted lands will be subject to review by the Land Management Office and the BIA lease requirements as stated in 25 CFR 162 for residential, business, and wind solar resource leasing and per the Hearth Act and Business Site Leasing Ordinance adopted May 11, 2017 5L-SS-2015-1229-009.

Lot Provisions

Rear and side setbacks facing streets, easements, or rights-of-way shall not be less than the front setback requirement.

No portion of any structure shall be closer than 10 feet from any other structure.

No intensive animal breeding or holding structures shall be located less than 20 feet from any residential property line, rights-of-way, or road easements.

Permitted accessory structures not exceeding seven (7) feet in height may be located in the rear and side yard setbacks.

Fences up to six (6) feet high may be located in any required setback space.

Fences in excess of six feet in height may not be erected unless a Conditional Use Permit is first obtained.

The height of any industrial or commercial building or portion thereof abutting a residential zone may not exceed the distance to the property line.

Where commercial and industrial areas abut residential zones there shall be a view-obscuring planting strip of a width sufficient to adequately screen the industrial uses from the residential area.

No single-family residential structure shall exceed 15 feet (1-story building) in height except upon issuance of a variance.

No single family, duplex, or triplex residential structure shall exceed 35 feet in height except upon issuance of a variance.

The overall height of multi-family buildings shall not exceed the distance to any property line.

Unless no other reasonable alternative exists, principal structures shall not be placed closer than 200 feet from forest land.

Zone District Table

The Zoning District Table establishes the Cheyenne and Arapaho Tribes zoning districts for tribal trust lands located within the exterior boundaries of the tribal jurisdiction.

Agricultural Districts	
AG-C	Croplands District
AG-P	Pasturelands District
AG-L	Farming and Grazing Lease District
AG-GEN	General Agriculture District
Economic Development Districts	
COM	Commercial District
IND-1	Industrial District
Tribal Housing/Residential Districts	
RR	Rural Residential District
R-1	Single Family Residential District
R-2	Multi-Family Residential District
R-3	Mixed Residential District
Tribal Government Services District	
TS	Tribal Services District
UTIL	Utilities District
Open Space Districts	
OSR	Open Space and Recreation District
Planned Unit Development (PUD) Districts	
PUD-R	Planned Residential District
PUD-C	Planned Commercial District
PUD-IND	Planned Industrial District
Cultural Resources Districts	
HP	Historic Preservation District
CUL	Cultural District
CEM	Cemetery District
Environmentally Sensitive Overlay Districts	
NR	Natural Resources District
SHO	Shoreline Overlay District
WAT	U.S. Waterway Overlay District

Agricultural Districts

The Agricultural Districts are organized into four (4) main sub-categories: (AG-L) Farming & Grazing Lease Activities, (AG-P) Pastureland, (AG-C) Cropland, and (AG-GEN) General Agriculture. The purpose of the Agricultural Districts is to retain a rural character and low population density and to prevent the occurrence of premature scattered urban development which would be uneconomical in terms of providing municipal services, utilities, and schools.

(AG-C) Croplands

Purpose. The Croplands district is intended to provide land for the production of crops or other agricultural products, including commercial greenhouses.

Permitted Uses. Permitted uses for the Croplands District can be found in Section 19.03.6 Use Table.

(AG-L) Farming and Grazing Lease Activities

Purpose. The Farming and Grazing Activities District is intended to provide the land necessary for agricultural activities and livestock grazing, typically performed in a cyclic manner that allows for the regrowth and replenishment of wild and naturally occurring grasses and forage plants.

Grazing Lease Permitted Uses. Grazing Leasing activities are subject to the terms and conditions as stated within the Cheyenne & Arapaho Grazing Contract and/or Agreement, based on permitted uses of the (AG-P) Pastureland District. The Cheyenne & Arapaho Farming Lease shall state what species (and the number of allowable animals on leased tribal land) the lessee is allowed to raise for livestock operations and determine stocking rates for specific pastures to make sure land is not being overgrazed.

Farming Lease Permitted Uses. Farming Leasing activities are subject to the terms and conditions as stated within the Cheyenne & Arapaho Farming Contract and/or Agreement based on the permitted uses of the (AG-C) Cropland District. The Cheyenne & Arapaho Farming Lease shall state what the lessee is allowed to grow and where this is permitted for example: row crops, and crop rotation; and determine how fertilizer and chemical use is regulated; and determine water usage and buffer zones around water.

(AG-P) Pastureland

Purpose. The Pastureland District is intended to provide the land for livestock to graze on, where enclosed spaces are typically farmed and cultivated to provide forage plants for livestock and animal production.

Permitted Uses. Permitted uses for the Pastureland District can be found in Section 19.03.6 Use Table.

(AG-GEN) General Agriculture

Purpose. The General Agriculture District provides for other types of agricultural activities, including those on smaller lots, in low-density residential areas, and near other low-intensity zone districts. Other agricultural activities include urban agriculture and small traditional plant gardens.

Permitted Uses. Permitted uses for the General Agriculture District can be found in Section 19.03.6 Use Table.

Standards for Agricultural Districts: AG-L, AG-P, and AG-C

Dimensional Standards. The following dimensional standards shall apply to all development within the AG-L, AG-P, and AG-C Zone Districts:

Lot Dimensions	
Minimum Lot Size	1 ½ acres
Minimum Lot Frontage	N/A
Yard Setbacks	
Front Yard Setback	50 ft.
Side and Rear Yard Setback - Adjacent to agricultural or industrial uses	50 ft.
Side and Rear Yard Setback - Adjacent to residential or commercial uses	100 ft.
Building Setbacks	
Front - Arterial Street	25 ft.
Front - Other Street	20 ft.
Side	10 ft.
Rear	10 ft.
Site Development Standards	
Minimum Building Area - For dwellings	950 sq. ft.
Maximum Building Area - For roadside stands	300 sq. ft.
Maximum Lot Coverage by Buildings	35%
Maximum Building Height - Dwellings	2 ½ stories or 30 ft., whichever is less
Maximum Building Height - Farm buildings	60 ft.
Maximum Building Height - Roadside stands	10 ft.
Minimum Distance Between Buildings	10 ft.
Location - The minimum lineal distance between dwellings on the same side of the street	500 ft.

Economic Development Districts

(COM) Commercial District

Purpose. The purpose of the Commercial District is to provide for activity centers offering a wide range of goods and services to be located on tribal trust property that is conducive for retail sales/services, hotel/motels, and all recreational services that are operated for profit.

Permitted Uses. Permitted uses for the Commercial District can be found in Section 19.03.6 Use Table.

Dimensional Standards. The following dimensional standards shall apply to all development within the COM Zone District:

Lot Dimensions	
Minimum Lot Size	7,200 sq. ft.
Minimum Lot Frontage	60 ft.
Yard Setbacks	
Front - Principal Building	40 ft.
Front - Accessory Building	60 ft.
Front ¹ - Conditional Uses	40 ft.
Side - Principal and Accessory Buildings	5 ft.
Side ¹ - Conditional Uses	50 ft.
Rear ¹ - Principal and Accessory Buildings	5 ft.
Rear ¹ - Conditional Uses	50 ft.
Building Setbacks	
Front - Arterial Street	25 ft.
Front - Other Street	15 ft.
Side	15 ft.
Rear	15 ft.
Site Development Standards	
Minimum Building Area Excluding temporary and seasonal facilities	100 sq. ft.
Maximum Building Area	N/A
Maximum Building Height	Two and a half (2 1/2) stories or 30 ft., whichever is less
Minimum Distance Between Buildings	10 ft.
Location	N/A
Maximum Lot Coverage by Buildings Principal and Accessory buildings combined	75%

Except in the cases where the lot is adjacent to a residential district; in such case the rear yard setback requirements shall be the same as the rear yard setback of the adjacent residential district.

Additional Development Standards.

No accessory building shall be located within any yard other than the rear yard, except on a corner lot, where accessory buildings may also be located in a side yard.

Wherever a business establishment stores part of its goods, supplies, merchandise, or returnable containers outside the confines of its building, it shall provide an enclosure of a solid fence or its equivalent not less than six (6) feet high around such storage area.

(IND-1) Industrial District

Purpose. The purpose of the industrial district will be to allow areas reserved for manufacturing and/or related uses that provide employment but are generally non-compatible with other areas with lower intensity use.

Permitted Uses. Permitted uses for the Industrial District can be found in Section 19.03.6 Use Table.

Dimensional Standards. The following dimensional standards shall apply to all development within the IND-1 Zone District:

Lot Dimensions	
Minimum Lot Size	1 acre
Minimum Lot Frontage	60 ft.
Yard Setbacks	
Front	25 ft.
Front - Conditional Uses	No less than 25 ft.
Side	10 ft.
Side - Adjacent to residential districts	50 ft.
Side - Conditional Uses	No less than 10 ft.
Rear - Principal and Accessory Buildings	25 ft.
Rear - Adjacent to residential districts	50 ft.
Rear - Conditional Uses	No less than 25 ft.
Building Setbacks	
Front - Arterial Street	25 ft.
Front - Other Street	15 ft.
Side	15 ft.
Rear	15 ft.
Site Development Standards	
Minimum Building Area - Excluding temporary and seasonal facilities	100 sq. ft.
Maximum Building Area	N/A
Maximum Building Height	3 stories or 45 ft., whichever is less
Minimum Distance Between Buildings	10 ft.
Location	N/A
Maximum Lot Coverage by Buildings Principal and Accessory buildings combined	75%

Tribal Housing (Residential) Districts

(RR) Rural Residential District

Purpose. The Rural Residential District (RR) is designated to retain a rural character that does not require public sewer or fully developed roads. Low density residential areas will be allowed at densities of one unit per acre or less.

Permitted Uses. Permitted uses for the Rural Residential District can be found in Section 19.03.6 Use Table.

Dimensional Standards. The following dimensional standards shall apply to all development within the R-2 Zone District:

Lot Dimensions	
Minimum Lot Size	1.25 acres
Minimum Lot Frontage	150 ft.
Yard Setbacks	
Front	125 ft. to provide a 100 ft. greenbelt along each side of the road
Side	125 ft. to provide a 100 ft. greenbelt along each side of the road
Rear	125 ft. to provide a 100 ft. greenbelt along each side of the road
Building Setbacks	
Fron - Arterial Street	25 ft.
Front - Other Street	15 ft.
Side	10 ft.
Rear	10 ft.
Site Development Standards	
Minimum Lot Area - On-site sewage disposal	1 acre
Maximum Lot Coverage by Buildings	35%

(R-1) Single-Family Residential District

Purpose. The purpose of this district is to allow single-family dwelling units (including duplexes) in those areas most suited for development, where adequate sewer and water services are immediately available.

Permitted Uses. Permitted uses for the Single-Family Residential District can be found in Section 19.03.6 Use Table.

Dimensional Standards.

Lot Dimensions	
Minimum Lot Size - Public Sewer available	15,000 sq. ft.
Minimum Lot Size - Private Sewer available	1.25 acres
Minimum Lot Frontage	100 ft.
Yard Setbacks	
Front	30 ft.
Front - Detached garages and accessory buildings	60 ft.
Front - Conditional Uses	30 ft.
Side - Principal garages and accessory buildings	10 ft.
Side - Conditional Uses	10 ft.
Rear - Principal and Accessory Buildings	30 ft.
Rear - Detached garages and accessory buildings	5 ft.
Rear - Conditional Uses	50 ft.
Building Setbacks	
Front - Arterial Street	25 ft.
Front - Other Street	15 ft.
Side	10 ft.
Rear	10 ft.
Site Development Standards	
Minimum Building Area	950 sq. ft. ¹
Minimum Building Area - Garage and Accessory buildings	1,200 sq. ft. or 30% of the rear yard, whichever is less
Maximum Building Height	Shall not exceed 2 ½ stories or 30 ft., whichever is less
Minimum Distance Between Buildings	10 ft.
Location	N/A
Maximum Lot Coverage by Buildings	35%

If a building plan is provided that allows for expansion of the original building, phased construction, then phase 1 or the initial building may be a minimum of seven hundred fifty (750) square feet.

Additional Development Standards.

No accessory building or use shall be constructed or developed on a lot prior to obtaining a permit.

All accessory buildings and uses shall comply with the regulations of the zoning district in which they are located.

No accessory building, other than a garage, shall be located within any yard other than the rear yard, except on a corner lot, where accessory buildings may also be located in a side yard.

No accessory building shall exceed the height of the principal building.

Setbacks for buildings relating to raising livestock shall be consistent with the setbacks located in the Regulation of Domestic Animals Ordinance.

No access door or other opening of an accessory building shall exceed the height of twelve (12) feet.

Where a garage is entered from an alley, it must be kept ten (10) feet from the alley line.

(R-2) Multi-Family Residential District

Purpose. The purpose of this district is to allow a mix of multi-family dwelling units single-family attached, and traditional single-family detached housing in areas where adequate sewer and water services are immediately available.

Permitted Uses. Permitted uses for the Multi-Family Residential District can be found in Section 19.03.6 Use Table.

Dimensional Standards. The following dimensional standards shall apply to all development within the R-2 Zone District:

Lot Dimensions	
Minimum Lot Size - Public Sewer available	6,000 sq. ft. or 3,000 sq. ft. per unit, or as dictated by the Bureau of Indian Affairs or federal regulation
Minimum Lot Size - Private Sewer available	1.25 acres
Minimum Lot Frontage	150 ft.
Yard Setbacks	
Front	30 ft.
Front - Detached garages and accessory buildings	60 ft.
Front - Conditional Uses	30 ft.
Side - Principal garages and accessory buildings	20 ft.
Side - Conditional Uses	10 ft.
Rear	30 ft.
Rear - Detached garages and accessory buildings	30 ft.
Rear - Conditional Uses	30 ft.
Building Setbacks	
Front - Arterial Street	25 ft.
Front - Other Street	15 ft.
Side	10 ft.
Rear	10 ft.
Site Development Standards	
Minimum Building Area - Dwellings with 3 or more units	600 sq. ft. ¹
Maximum Building Area - Garage and Accessory Buildings	1,200 sq. ft. per dwelling unit, or 30% of rear yard
Maximum Building Height	Shall not exceed 45 ft.
Minimum Distance Between Buildings - One and two-family dwellings	10 ft.
Minimum Distance Between Buildings - Dwellings with 3 or more units	20 ft.
Maximum Lot Coverage by Buildings	35%

Note: If a building plan is provided that allows for expansion of the original building, then phase 1 or the initial building may be a minimum of seven hundred fifty (750) square feet per unit.

(R-3) Mixed Residential District

Purpose. The purpose of this district is to permit development with a variety of different housing types and limited neighborhood-serving retail strategically placed in those where adequate sewer and water supplies are immediately available.

Permitted Uses. Permitted uses for the Mixed Residential District can be found in Section 19.03.6 Use Table.

Dimensional Standards. The following dimensional standards shall apply to all development within the R-3 Zone District:

Lot Dimensions	One and two stories	Three or more stories
Minimum Lot Size	6,000 sq. ft. or 3,000 sq. ft. per dwelling unit, whichever is greater	
Minimum Lot Frontage	100 ft.	
Yard Setbacks ¹		
Front	30 ft.	An additional 5 ft. for each story ¹
Front - Detached accessory buildings	60 ft.	
Side	25 ft.	An additional 3 ft. for each story ¹
Rear	25 ft.	An additional 5 ft. for each story ¹
Rear - Detached accessory buildings less than 800 sq. ft.	5 ft.	
Rear - Detached accessory buildings 800 square feet or greater and adjacent to a residential use	25 ft.	
Building Setbacks ¹		
Front - Arterial Street	25 ft.	
Front - Other Street	10 ft.	
Side	10 ft.	
Rear	10 ft.	
Site Development Standards		
Minimum Building Area	One Unit: 950 sq. ft. Two Units: 1,900 sq. ft. More than two units: 600 sq. ft. per unit	
Maximum Building Area – Detached accessory buildings	30% of the rear yard	
Maximum Building Height	3 stories or 45 ft., whichever is less	
Minimum Distance Between Buildings	One and two units: 10 ft. More than two units: 25 ft.	
Maximum Lot Coverage by Buildings	50%	

Notes: 1. Includes fractional stories over two stories.

2. Conditional uses shall have the same setbacks as the most restrictive use between two adjacent properties.

Tribal Government Services Districts

Purpose

The purpose of the Tribal Government Services Districts is to ensure that the public, and institutional use of tribal trust properties are related to the purposes and policies of the Tribe's Comprehensive Plan and Land Use Plan and to provide standards and guidelines for their continued use and future development; and to ensure that the public institutional structures and developments in this district will be compatible with surrounding districts and uses, in those areas most suited for development, where adequate sewer and water services are immediately available.

Applicability

The requirements of the Tribal Government Services Districts are intended to apply to tribally owned property used or planned to be used for certain institutional facilities. The Tribal Government Districts are organized into two sub-districts: (TS) Tribal Services District, and the (UTIL) Utilities District.

(TS) Tribal Services District

Purpose. The purpose of this district is to allow institutional units on tribal trust lands for civic, tribal community services, and public or semi-public facilities where community sewer and water services are available.

Permitted Uses. Permitted uses for the Tribal Services District can be found in Section 19.03.6 Use Table.

Dimensional Standards.

Lot Dimensions	
Minimum Lot Size	6,000 sq. ft.
Minimum Lot Width	60 ft.
Minimum Lot Depth	100 ft.
Yard Setbacks	
Minimum Setback	To be determined by design review, taking into account surrounding uses and zoning.
Building Setbacks	
Front - Arterial Street	25 ft.
Front - Other Street	15 ft.
Side	15 ft.
Rear	15 ft.
Site Development Standards	
Maximum Lot Coverage by Buildings	75%
Maximum Building Height	To be determined by design review, taking into account surrounding uses and zoning.

(UTIL) Utilities District

Purpose. The purpose of this district is to provide areas appropriate for the placement of public works, dedicated public and private utilities, pipelines, utility lines, water and wastewater facilities, substations, and telephone infrastructure and to ensure the protection of water sources, natural resources, wildlife habitat, and a suitable buffer to ensure safe, sanitary living spaces for tribal members.

Permitted Uses. Permitted uses for the Utilities District can be found in Section 19.03.6 Use Table.

Dimensional Standards.

Lot Dimensions	
Minimum Lot Size	6,000 sq. ft.
Minimum Frontage	200 ft.
Minimum Lot Depth	100 ft.
Yard Setbacks	
Front	35 ft.
Front - Garages and accessory buildings	60 ft.
Side	10 ft.
Rear	30 ft.
Building Setbacks	
Front Arterial Street	25 ft.
Front Other Street	15 ft.
Side	15 ft.
Rear	15 ft.
Site Development Standards	
Minimum Building Area	150 sq. ft.
Minimum Building Area Garage and Accessory Buildings	30% of the lot
Minimum Distance Between Buildings	15 ft.
Maximum Building Height	To be determined by design review, taking into account surrounding uses and zoning
Maximum Lot Coverage by Buildings	75%

Open Space and Recreation District

Purpose

The purpose of this district is to preserve and encourage the establishment of public parklands primarily intended for active and passive recreation uses and parks. This district also applies to areas that are appropriate for designation as public open space to allow for resource protection of the area in an essentially undeveloped state, including natural resources such as grasslands, wetlands, rivers, and streams.

Permitted Uses

Permitted uses for the Open Space and Recreation District can be found in Section 19.03.6 Use Table.

Planned Unit Development Districts

Purpose

Planned Unit Developments (PUDs) provide for a greater variety and choice of design for rural and urban living, gain efficiencies, coordinate design development efforts, conserve and make available open space, utilize new technologies for land development and gain flexibilities over conventional land control regulations.

Applicability

A PUD shall be employed in instances where there is truly some benefit to be derived from its use for the community. A PUD allows for flexibility not available under normal zoning district requirements and may include a combination of land uses.

Procedure

Application for a PUD may be made for land located in any zoning district. Applicants will be subject to a pre-submittal or pre-construction meeting with the Land management Officer and will be subject to the SDP Process as defined in this Act.

Application of Zone District Dimensional Standards

The requirements for setback, lot width and percentage of lot coverage stated in individual zoning classifications shall not apply to PUDs. In specific cases, the requirements for off-street parking and minimum area as stated in individual zoning classifications may be reduced. These requirements shall be controlled by the criteria and standards of this section and as shown on the approved PUD plan. Requirements of this section shall apply to all PUDs. All actions of the C&A Tribal Land Commission relative to a PUD shall be made after recommendations by the Land Management Officer.

Types of PUDs

The following types of PUDs may be established by approval on any existing zoning district or districts as noted below. The area included in each approved PUD shall be indicated on the zoning map. The options for use are as follows:

(PUD-R) Planned Residential Districts in RR, R-1, R-2, and R-3

Purpose. It is the intent of this section that any residential property which is under single ownership (for example the C&A Housing Authority) and contains three (3) or more acres may be developed as a PUD-R. Within the PUD-R District the following uses and densities may be permitted subject to the approval of the C&A Land Commission.

Permitted Uses. Permitted uses for Planned Residential Districts can be found in Section 19.03.6 Use Table.

Within the PUD-R District the following uses and densities may be permitted subject to the approval of the C&A Land Commission.

Commercial centers may be permitted in a PUD-R if the PUD contains fifty (50) or more dwelling units. Such commercial centers shall be subject to the following requirements:

Commercial centers, including parking, shall be included as an integral part of the PUD and shall not occupy more than five percent (5%) of the total area of the PUD.

Commercial uses in any development shall not be open for use prior to issuance of the certificates of occupancy for fifty percent (50%) of the dwelling units.

All restrictions applicable to the C-1 District are applicable in a commercial center in a PUD-R District.

Such establishments shall be located, designed, and operated primarily to serve the needs of the persons within the PUD. These buildings shall be architecturally compatible using similar materials, geometry, topographic relationships, color and lighting to minimize its effects

on the environment of existing or future residential uses adjacent to it.

Density. The total number of dwellings permitted in the PUD-R shall be determined by dividing the total project acreage (not including public rights-of-way) by the area required per unit in that zoning district.

Density Alterations. Upon review of a PUD-R proposal, if special circumstances exist in regard to land usability, topographical characteristics, or natural assets of the site to be preserved, the C&A Tribal Land Commission may authorize up to a twenty percent (20%) increase in density over the district requirement if the following criteria are met:

The architecture utilizes existing topography, recognizing the character of the area and reflecting it in the materials and layout.

Unique natural features are preserved, pedestrian and vehicular circulation is separated, and open space is integrated.

Design is unified with cohesive development of pedestrian features such as cluster of seating, art forms, or water feature for interaction and a variety of scale.

Open Space. Common open space amenities developed with a PUD, even if for public use, shall not be considered as partial or total fulfillment of park and open space dedication.

(PUD-C) Planned Commercial District in COM, and TS

Purpose. The PUD-C district is created to provide for the development of planned business and shopping centers and mixtures thereof. It is intended to promote the grouping of professional offices and retail commercial uses and to provide areas of sufficient size to establish harmonious relationships between structures, people, and vehicles through the use of well-planned parking access, pedestrian walkways, courtyards, walls, and other open spaces. This district should offer a wide variety of goods and services. Any commercially zoned area three (3) acres or more in size may be developed as a PUD-C district. Uses permitted in the commercial zoning districts are permitted in the PUD-C district.

(PUD-IND) Planned Industrial District in IND-1

Purpose. The PUD-IND district is created to provide for the development of planned industrial areas. It is intended to promote the grouping of industrial uses and to group these uses in such a manner that they provide well-planned parking and access, landscaped open areas, and harmonious relationships between structures. Any industrial area over five (5) acres not included in existing industrial parks may be developed as a

PUD-IND. Uses permitted in industrial zoning districts are permitted in the PUD-IND district.

General PUD Development Standards

The following provisions apply to all PUD districts:

The setback, lot width and lot coverage requirements as stated in individual zoning districts shall not apply to PUDs, rather PUDs shall be governed by individual site limitations as approved by the C&A Land Commission.

The number of off-street parking spaces in each PUD shall not be less than the requirements as stated except that the C&A Tribal Land Commission may increase or decrease the required number of off-street parking spaces in consideration of the following factors:

Probable number of cars owned by occupants of dwellings in the PUD.

Parking needs of any non-dwelling uses.

Varying time periods of use, or joint use of common parking areas. Whenever the number of off-street parking spaces is reduced because of the nature of the occupancy, the Tribes shall obtain assurance that the nature of the occupancy will not change.

In any PUD involving residential uses that receives a density bonus and has lot sizes that are reduced below the minimum required within the residential district, an amount of land equal to that created through the reduction in required lot sizes shall be reserved, to be held for the mutual use of the residents of the PUD. This shall be accomplished by holding, developing and/or maintaining the land as common open space, which shall be administered by dedicating the land for public use, with the Tribe's acceptance. Land amassed as open space through the reduction of lot sizes shall not be considered as part of any land dedication requirement of the Tribes.

Signs shall be regulated pursuant to the Signage Standards, 19.04.5.

Cultural Resource Districts

The Cultural Resource Districts are organized into three categories of districts: the (HP) Historic Preservation District, the (CEM) Cemetery District, and the (CUL) Cultural Significance District.

(HP) Historic Preservation District

Purpose. The Historic Preservation District is established to preserve and protect the heritage of our community.

Applicability. The Historical Preservation District shall apply to all zoning districts on tribal trust lands located within the tribal jurisdiction that are of historical significance to the Tribes; and will be applicable to buildings, structures, and sites,

Indian Health Services buildings, or Bureau of Indian (BIA) buildings that are located in Cheyenne and Arapaho tribal lands that are fifty (50) years and older. This overlay district is subject to the provisions established in the Cheyenne and Arapaho Tribal Historic Preservation Plan and the 2014 Tribal Historic Preservation Policies and Procedures Manual. No development shall occur in this overlay district until the Tribes are assured that the proposed project will not affect the historic, religious or cultural use of the site or area.

Permitted Uses. Permitted uses for the Historic Preservation District can be found in Section 19.03.6 Use Table.

National or Tribal Register of Historic Places. The historic preservation overlay district shall relate to areas that have been designated (either on the national register or tribal register of historic preservation) as a historic site, historic property, and historic landmark, an archaeological site, and a culturally-sensitive area.

Buildings and Structures. A 100 to 600-foot buffer requirement may be established by the Land Management Office, after consultation with the Tribal Historic Preservation Officer (THPO), for all development proposals adjacent to historically significant buildings or structures.

Archaeological Sites. Significant archaeological sites shall be protected by a buffer to be established by the Land Management Office after consultation with the Tribal Historical Preservation Office, which buffer shall not exceed 500 feet minimum.

Variance. Variances to buffer requirements established in this section may be granted only after a formal review and recommendation by the C&A Tribal Land Commission and issuance of a variance by the Land Management Office.

(CUL) Cultural Significance District

Purpose. The Cultural Significance District shall be established at all sites that have cultural significance to the Tribes or are used in religious or cultural activities with the purpose to preserve and protect those archaeological, historic, and spiritual sites important to the continuance of the Cheyenne and Arapaho Tribes identity, culture, and the practice of traditional religious or spiritual beliefs.

Applicability. The Cultural District shall be established and will be applicable to all zoning districts. Consistent with the provisions of the Tribes' Constitution and Bylaws, and with the Tribes' desire to preserve the tradition and culture of the Tribes, nothing in this Act shall prohibit tribal members from using their lands in a manner that is consistent with the Tribes' tradition, culture, and history.

Permitted Uses. Permitted uses for the Cultural Significance District can be found in Section 19.03.6 Use Table.

Development. No development shall occur in these districts until the Tribes are assured that the proposed project will not affect the historic, religious or cultural use of the site or area. The Culture and Heritage Department and the Tribal Historic Preservation Office have the ability to designate areas as cultural property. In the event of a dispute as to whether a site is cultural property or of historical significance to the Cheyenne and Arapaho Tribes, the matter shall be referred to the Land Management Office for its final determination.

Identification of Cultural Resources. The Land Management Office, after consultation with the Tribes Culture and Heritage Department and Tribal Historic Preservation Office, shall have the authority to map and designate lands as culturally sensitive. Currently identified culturally sensitive lands are listed in the Tribe's Comprehensive Plan and Land Use Plan, but may also include those areas that are confidential and known only to Tribal members. The Land Management Office may designate and treat a site as culturally sensitive consistent regardless of whether it has been previously mapped and designated as such.

Confidentiality. A "Map of Culturally Sensitive Lands" shall be held by the Cheyenne and Arapaho Tribes. A map indicating the location of sites that are confidential and known only to Tribal members shall also be held by the Cheyenne and Arapaho Tribes, subject only to review by the C&A Tribal Land Commission or Trial Court in the event of appeals.

Natural Areas. Those cultural areas that derive their special significance from their natural character or pristine state shall be protected from adverse impacts by a buffer to be established by the Land Management Office, after consultation with the THPO, which buffer shall not exceed 500 feet.

Variance. Variances to buffer requirements established in this section may be granted only after a formal review and recommendation by the C&A Tribal Land Commission and issuance of a variance by the Land Management Office.

Environmentally Sensitive Overlay Districts

Purpose

This Zoning Act has established base zoning districts which regulate the types of uses and development within each zoning district. Zoning Overlay Districts have been established to further support each base zoning district. Each overlay district is subject to the standards of the base zone districts as well as the standards established in the Environmentally Sensitive Overlay Districts, pursuant to this Zoning Act.

Applicability

The provisions of this Section relate to natural or special features that may occur in any Cheyenne and Arapaho tribal trust land district. The customary uses of these districts will be permitted within an overlay district pursuant to the procedures established under this section

and any rules or regulations promulgated thereunder. Development will only be approved when the preservation of desirable social, cultural, historical and environmental characteristics of the Cheyenne and Arapaho Tribes is assured.

Overlay District Overview.

The Environmentally Sensitive Districts are organized into three (3) main sub-categories: the (NR) Natural Resources Overlay District, (SHO) Shoreline Overlay District, and the (WAT) U.S. Waterway Overlay District.

(NR) Natural Resources Overlay District

Purpose. The purpose of the Natural Resources District is to protect and preserve the health and integrity of natural systems located on tribal lands such: wildlife habitat, traditional plant habitat, natural forested areas, delineated wetlands, protected natural habitat and ecosystems, floodplain protection buffers, public fish hatcheries, soil and water conservation; potable water sources, sustained yield forestry, and stream bank and lakeshore protection.

Applicability. This district overlay shall extend over:

- All sites exhibiting potable high-water tables, places of known aquifers or ponding of fresh water;

- All navigable waters, waterways, drainage ways, shore land areas, and floodplains;

- Habitats of endangered or threatened species as defined by federal or state law; and

- Historical, cultural or archeological resources, as defined by Tribal law.

(SHO) Shoreline Overlay District

Purpose. The Shoreline Overlay district is intended to permit the gainful use of the shoreline areas which are considered to be in the path of potential flood waters in areas designated by the flowage easement under the jurisdiction of the U.S. Corps of Engineers. This area includes potential flood waters caused by a breach of a flood water retarding or retention structures or erosion control structures and to minimize the impact of such a breach on buildings, structures, infrastructure, or other valuable property.

(WAT) U.S. Waterway Overlay District

Purpose. The U.S. Waterway Overlay District is intended to permit the gainful use of the jurisdiction waters of the United States, subject to Section 404 of the Clean Water Act that are located on Cheyenne and Arapaho tribal lands located within the tribal jurisdiction.

Cumulative Zoning

This Act recognizes the cumulative zoning concept of allowing less intense uses to exist in areas designated for more intense uses. For example, under cumulative zoning, agricultural uses may be allowed in areas zoned industrial, or single family residences may be constructed in an area zoned for multi-unit housing. Except where specifically excluded, cumulative zoning uses may be permitted by the C&A Land Commission.

Spot Zoning

This Act does not allow Spot Zoning. The C&A Tribal Land Commission may not award a use classification to an isolated parcel of land which is detrimental or incompatible with the use of the surrounding area, particularly when such an Act favors a Tribal member. However, a general plan or special circumstance such as historical value, environmental importance, or scientific value could justify special zoning for a small area.

Use Standards

Organization

This chapter is organized into the following sections:

13.603.1 Purpose

13.603.2 Organization

13.603.6 Use Table

13.603.4 Specific Use Standards

13.603.5 Nuisance Use Standards

Purpose

The purpose of this Chapter is to define the uses allowed within all zoning districts. All uses are defined in Chapter 6, Definitions. Approval of a use listed in this chapter, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in this chapter and approved under the appropriate process is prohibited.

Use Table Key

The uses permitted in each of the zoning districts established in the Use Table are defined as follows:

Table 4.01-1 Use Table Legend		
Symbol	Meaning	Description
P	Permitted by-Right	A " P " in a zoning district column indicates that a use is permitted by-right, provided that it meets the specific use standards referenced in Section 19.03.7 These uses are subject to all other applicable regulations of this Act.
C	Conditional Use	A " C " in a zoning district column indicates that a use requires conditional use review and approval by the C&A Tribal Land Commission
	Use not Permitted	A "blank cell" in a zoning district column indicates that a use is not permitted as a primary use in the zoning district.

Classification of New and Unlisted Uses

When application is made for a use category or use type that is not specifically listed in the Table of Allowed Uses, the C&A Tribal Land Commission shall determine the appropriate classification of any new or unlisted form of land use in the following manner:

The nature of the use and whether it involves dwelling activity; sales; processing; type of product, storage and amount; enclosed or open storage; anticipated employment; transportation requirements;

The amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and

The general requirements for public utilities such as water and sanitary sewer. Standards for new and unlisted uses may be interpreted as those of a similar use. If it is determined that a proposed use does not fit within a given use type and is not functionally the same as a permitted, accessory, or conditional use, then the use is a prohibited use.

Table Organization

In the Table of Allowed Uses, land uses and activities are classified into general “use categories” and specific “use types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories, and specific uses may be listed in one (1) category when they may reasonably have been listed in one (1) or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

Use Table

Use/Category	Agriculture				Economic Development		Tribal Housing				Tribal Government Services		Open Space	PUD			Cultural Resources		
	AG-C	AG-P	AG-L	AG-GEN	COM	IND-1	RR	R-1	R-2	R-3	TS	UTIL	OSR	PUD-R	PUD-C	PUD-IND	HP	CUL	CEM
Residential																			
Dwelling, Single-Family Attached Duplex								P	P	P									
Dwelling, Single-Family Attached Townhome									P	P									
Dwelling, Single-Family Detached	C	C	C	C			P	P	P	P				P	P	P			
Dwelling, Multi-Family									P	P				P	P	P			
Mixed Use										P				P	P	P			
Group Living/Lodging																			
Bed and Breakfast							C	C	C	C				P	P				
Care Facility																			
Elder Village					P			P	P	P									
Group Home							C	C	C	C									
Hotel and Motel					P									C	P				
Commercial																			
Animal Services																			
Animal Hospital		P			P										P				
Kennel					P			C							P				
Eating and Drinking																			
Drive-Through Restaurant					P										P				
Food Trucks, Permanent															P				

Use/Category	Agriculture				Economic Development		Tribal Housing				Tribal Government Services		Open Space	PUD			Cultural Resources		
	AG-C	AG-P	AG-L	AG-GEN	COM	IND-1	RR	R-1	R-2	R-3	TS	UTIL	OSR	PUD-R	PUD-C	PUD-IND	HP	CUL	CEM
Sit-Down Restaurant					P										P				
Entertainment/Recreation																			
Adult Entertainment						P													
Convention and Exhibition Hall					P										P				
Gaming Casino Facilities and Operations					P										P				
Recreational Entertainment, Indoor					P										P				
Recreational Entertainment, Outdoor					P								P		P				
Retail/Personal Services																			
Convenience Store					P					C					P				
Child Care Facility					P		C	C	C	C					P				
Financial Institution					P										P				
General Retail					P	P				C					P				
Grocery Store					P					C					P				
Personal Services					P										P				
Pharmacy					P					C					P				
Trading Post					P										P				
Truck Stop						P									P	P			
Wholesale Market						P									P				
Automobile Services and Repair																			

Use/Category	Agriculture				Economic Development		Tribal Housing				Tribal Government Services		Open Space	PUD			Cultural Resources		
	AG-C	AG-P	AG-L	AG-GEN	COM	IND-1	RR	R-1	R-2	R-3	TS	UTIL	OSR	PUD-R	PUD-C	PUD-IND	HP	CUL	CEM
Appliance and Furniture Repair Services						P										P			
Automobile Repair, Heavy						P										P			
Automobile Repair, Light					P	P									P	P			
Automobile Washes					P	P									P	P			
Automobile Dealership						P										P			
Truck Wash						P										P			
Office/Professional Services																			
Office					P	P				C					P				
Civic/Institutional Uses																			
Medical																			
Medical Care Facility					P										P				
Government																			
Cemetery																			P
Civic Space											P		P						
Correctional Facility																			
Government Use											P	P							
Public Safety Facilities	P	P	P	P	P	P	P	P	P	P	P	P					P	P	C
Public Utility Facilities												P							
Religious Use											P								
School, Primary					P		P	P	P	P	P								
School, Secondary					P						P								

Use/Category	Agriculture				Economic Development		Tribal Housing				Tribal Government Services		Open Space	PUD			Cultural Resources		
	AG-C	AG-P	AG-L	AG-GEN	COM	IND-1	RR	R-1	R-2	R-3	TS	UTIL	OSR	PUD-R	PUD-C	PUD-IND	HP	CUL	CEM
School, Technical					P	P					P								
School, Tribal					P			P	P	P	P								
Ceremonial/ Sacred																			
Powwow Grounds	C	C	C	C													P	P	
Sweat Lodge																		C	
Tribal Sundance Grounds																		P	
Tribal Culture and Heritage Events																		P	
Industrial																			
Agricultural Processing	P	P	P	P												P			
CNG pumps and Co-Generation						P										P			
Contractor and Contractor Storage						P										P			
Equipment Repair Services						P										P			
Fuel storage (flammable or explosive)						C										P			
Fuel Storage (non-flammable, non-explosive)						P										P			
Hazardous or toxic material storage, manufacture, sales						C										P			
Industrial and Manufacturing, Heavy						P										P			
Industrial and Manufacturing, Light						P										P			

Use/Category	Agriculture				Economic Development		Tribal Housing				Tribal Government Services		Open Space	PUD			Cultural Resources		
	AG-C	AG-P	AG-L	AG-GEN	COM	IND-1	RR	R-1	R-2	R-3	TS	UTIL	OSR	PUD-R	PUD-C	PUD-IND	HP	CUL	CEM
Manufacture or Storage of Explosives																P			
Mini-storage Facility																P			
Radio and television broadcasting studios																P			
Research and development						P										P			
Resource/Mineral Extractions and Mining Activities																P			
Vehicle fleet yards						P										P			
Warehouse						P										P			
Infrastructure																			
Transportation																			
Airport/Heliport/Helistop																P			
Electric Charging Station					P	P								P	P				
Transportation Facilities, Private															P	P			
Transportation Facilities, Public															P	P			
Energy/Utility																			
Geothermal Energy																P			
Telephone Infrastructure																P			
Power Plants																P			

Use/Category	Agriculture				Economic Development		Tribal Housing				Tribal Government Services		Open Space	PUD			Cultural Resources		
	AG-C	AG-P	AG-L	AG-GEN	COM	IND-1	RR	R-1	R-2	R-3	TS	UTIL	OSR	PUD-R	PUD-C	PUD-IND	HP	CUL	CEM
Wind Energy Facility																P			
Solar Energy																P			
Waste Related																			
Lagoon																P			
Recycling Facility						P					C	P				P			
Salvage Yard																P			
Solid Waste Facility						C						C				P			
Agricultural																			
Agriculture	P	P	P	P										P	P	P			
Exterior storage of any wrecked or untitled vehicle, farm implements, equipment, furniture, etc.																			
Farming and Grazing Leasing			P											P					
Grazing		P	P											P	P	P		P	
Greenhouse, Commercial	P															P			
Stable		P	P																
Traditional Medicine/Herb Crops & Harvesting				P										P	P	P			
Recreational																			
Active Recreation Space													P						
Campground													P						
Golf Course													C						

Use/Category	Agriculture				Economic Development		Tribal Housing				Tribal Government Services		Open Space	PUD			Cultural Resources		
	AG-C	AG-P	AG-L	AG-GEN	COM	IND-1	RR	R-1	R-2	R-3	TS	UTIL	OSR	PUD-R	PUD-C	PUD-IND	HP	CUL	CEM
Passive Recreation Space													P						
Marina Facilities													P						
Tribal Recreational Space													P						
Nature Preserve													P						
Accessory																			
Accessory Structure																			
Accessory Use																			
Home Occupation	P	P	P	P	P	P	P	P	P	P				P					
Parking Facility					P										P				
Produce Stand, Permanent	P	P	P	P															
Temporary																			
Farmer's Market	P	P	P	P	P					P	P			P	P				
Special Event	P	P	P	P	P								P	P	P				

Specific Use Standards

Adult Entertainment

Adult Entertainment uses may not be located or conducted within the following distances on Tribal Lands:

- Within 1,000 ft. of any residential zone or residential use;

- Within 1,000 ft. of any public park;

- Within 1,000 ft. of any library;

- With 1,000 ft. of any day care center for children, nursery, or school;

- Within 1,000 ft. of any church or other facility or institution used primarily for religious purposes;

- Within 500 ft. of any other adult uses.

The distances between adult entertainment facilities and other uses or buildings shall be measured by following a straight line without regard to intervening buildings from the nearest point of the property parcel upon which the proposed use is to be located to the nearest point of the parcel of property or the zone classification boundary line from which the proposed land use is to be separated.

In addition to all on-premise sign requirements of Section 19.04.7, Signage Standards, following signing provisions shall be followed:

- There shall be no electronic reader boards or changing message center signs;

- All adult entertainment facilities shall have facades, exteriors, and exits which must be indistinguishable from surrounding buildings; and

- Illustrations depicting partially or totally nude males and/or females shall not be posted or painted on any exterior wall of the building used for such businesses or on any door or apparatus attached to such building.

Camping and Recreational Vehicles (RVs)

All camping and use of RVs on Tribal Land shall require a permit from the Land Management Officer for use for a specified amount of time as noted on the permit.

Cemetery

Purpose. All tribally-owned cemeteries located on tribal trust land and held in trust by BIA; individual cemeteries on allotments (i.e., private cemeteries); and cemeteries owned and maintained by religious uses; and shall be subject to this Zoning Act.

- Tribally-owned cemeteries can only be used for the burial, entombment or inurnment of human remains and shall only be used as such in perpetuity.

No cemetery space shall be used for any purposes other than the burial of the human dead.

No human body shall be buried within the other areas of tribal trust land except in designated tribally owned cemeteries (or in designated family cemeteries on individual Indian Allotments located within the tribal jurisdiction).

Assurances must be provided that water supplies for surrounding properties will not be contaminated by burial activity. This assurance shall include a report on the soil types, geology and drainage of the site; and

No burial plots or facilities are permitted in the 100-year floodplain; and

A cemetery must conform to all applicable tribal regulations.

General Maintenance of Cemetery Grounds. The Tribes designated burial office (Burial Program or Cemetery Supervisor) shall endeavor to provide general maintenance and care to each tribally-owned cemetery in keeping with the reminder that it is sacredly devoted to the interment, entombment or inurnment of the dead.

Disclaimer of Liability. The Cheyenne and Arapaho Tribes disclaim all responsibility for loss or damage caused by flooding, fire, windstorm or other causes deemed an act of God, a common enemy, thieves, vandals, strikes, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots or order of any military or civil authority, whether the damage be direct or collateral. The Tribes have the right without prior approval of the space owner or his or her legal representative to correct errors made in good faith, in any phase of cemetery administration, operation or maintenance without incurring liability of any kind whatsoever.

Access. All cemeteries shall be accessed by foot only by way of established vehicle or foot paths. All tribally-owned cemeteries shall be open to public access only from 6:00 a.m. to 9:00 p.m. throughout the year. No person shall drive any vehicle within the cemetery, except upon the driveways prepared and designated for that purpose.

Grave Decorations. Grave decorations of all kinds shall be removed when, in the judgment of the cemetery supervisor, they do not conform to the decorum of the cemetery. Decorations shall be permitted for major holidays and be allowed to remain for twenty-one (21) days but must be removed within thirty (30) days after the holiday or sooner. Decorations not removed by the owner within the specified time shall be removed by the cemetery supervisor or his authorized personnel. The requirements of this subsection do not apply to urns placed on a grave, tomb, or monument. The cemetery shall not be responsible for the loss of any plantings or decorations by any cause whatsoever.

Cemetery Clean-up. Food and flower offerings placed on any grave, tomb, gravestone or monument shall be removed no more four (4) days after they were initially placed for a chief or veteran and on the following day after they were placed for any other tribal member. Members of the family of the deceased need not be responsible for clean-up of food and flower offerings, and may instead assign a friend(s) of the family.

Desecration or Injury to Cemetery, Graves, Markers. It shall be unlawful for any person to desecrate or injure the cemetery, or any grave, tomb, gravestone, monument, fence, tree or shrubbery therein; or to break, cut, injure or disturb any natural vegetation; or to harm in any manner any wildlife within the cemetery.

Plantings. No person shall plant or place any shrubbery, plants, flowers, grass or trees without the approval of the Land Management Officer.

Interference with Funerals. It shall be unlawful for any person to interfere, without legal cause, with the proper conduct of a funeral or with the burying or exhuming of a body in a tribally-owned cemetery.

Communication Towers

All cell, radio, or other communication towers shall be located such that there is a clear space around the base of the tower equal to or greater than the height of the tower to provide for a safe fall zone in case a tower falls over.

Farmers Market

A Temporary Use Permit shall be submitted for all Farmer's Markets to ensure consistency with all Tribal regulations and ensure proposed locations have adequate access.

Food Trucks and Produce Stands, Permanent

Permanent Produce Stands and Food Trucks may operate year-round, however, when a produce stand is not in use, it must be removed from the front yard of the property. Produce stands must not be located within any street right-of-way.

Highway Oriented Uses

The following commercial uses shall be conditional uses and may be permitted as specified:

Vehicle sales, service, gasoline sales, electricity sales, natural and propane gas sales, washing and repair stations, garages, taxi stands and public parking lots in the COM Commercial District, provided all gas pumps are not less than 30' from any side or rear lot line and 20' from any existing or proposed street line.

Any development within 660' of the existing or proposed rights-of-way of freeways, expressways, interstate and controlled access traffic ways and within 1,500' of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be conditional uses. No structures shall be erected closer than 100' to their rights-of-way.

Home Occupations

Any home occupation in existence at the time of the adoption of this Act shall be allowed to remain in operation in its existing condition until such time as the operation is declared a public health hazard or a public nuisance or until such time as the occupation is expanded, at which time the following standards shall apply. All home occupations in all zoning districts shall conform to the following standards:

Home occupations shall not include the employment of any persons not residing on the premises;

There shall be no exterior indication other than a sign, as regulated in this Act, that the premises is used for something other than a dwelling unit;

Any manufacturing business, equipment or activity which produces a fire hazard, noxious matter, or perceptible noise beyond the lot line is prohibited;

Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes; and

Clinics, convalescent homes, hospitals, automobile body shops, tea rooms and animal hospitals are examples that shall not be deemed to be home occupations.

Hunting and Fishing Standards

In accordance with Tribal Resolution #110495R241, passed on November 4, 1995, which regulates non-Indian hunting activity on tribal trust land and allotted land under the jurisdiction of the Cheyenne and Arapaho Tribes; and 18 U.S. C. 1165, enforcement of the law for willfully and knowingly hunting, trapping or fishing without lawful authority or permission on tribal land or on Indian Allotments; these tribal laws will be strictly adhered to in this Zoning Act.

Cheyenne and Arapaho tribal members retain all right and privileges to hunt and fish on tribal and individual allotted lands, with a legal hunting and fishing license issued by the Cheyenne and Arapaho Tribes. Hunting and Fishing will be allowed only in designated areas, during open seasons determined by the Tribes.

This District will strictly adhere to the Conservation Code of Cheyenne and Arapaho Tribes in its entirety; also known as the Fish and Wildlife Code, or Fish,

Wildlife and Recreation Code of the Tribes. The provisions set forth in the Conservation Code are such:

For the purpose of this code, all hunting, fishing, trapping, gathering of plants, wood cutting and parts thereof is closed within the exterior boundaries of trust lands of the Cheyenne and Arapaho Tribes unless authorized by the Tribes Natural Resources Committee or Tribal Business Committee.

Unless and except as permitted by regulation made hereinafter provided by this code, it shall be unlawful at any time, by any means or manner to pursue, hunt, take, capture, kill, harass, waste, or attempt to take, capture, or kill, possess, offer for sale, harass, waste, sell, offer for barter, barter, offer to purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, imported, deliver for transportation, transport, or cause to be transported, carried, or cause to be carried, or receive shipment, transportation, carriage, or export any fish, wildlife, plant, any part or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such fish, wildlife, plant or any part included in the terms of this code.

The Director is authorized, subject to the approval of the Tribal Council, to enter into reciprocal and cooperative agreements with the State of Oklahoma or any Federal, County, Local government agency for the purpose of promoting and implementing fish, wildlife, vegetative and recreational management programs and activities.

Solid Waste Facility

Solid waste facilities shall not be located adjacent to residential zone districts. Dust, noise, and other nuisances shall be mitigated to meet the requirements of this section.

Special Event Standards

Special events may take place on public or private land and require a special event permit to be issued at least two weeks prior to the event.

If an event is to be conducted in a permanent facility that was constructed and approved for such events, and the operation of the event complies with the conditions of the approval, then a special event permit is not required.

An event that is reasonably considered to be a private social event (such as a graduation party, holiday family gathering, picnic, or similar) or private event, has fewer than one hundred fifty (150) attendees, and maintains amplified sound at or below 70 decibels at the property line, is exempt from the special event requirements.

Mitigation of Nuisance

Lighting. All outdoor lighting for a special event must direct light downward. Light shall not directly trespass past the property line and onto adjacent properties. Illumination is prohibited after 10:00 p.m.

Noise. Noise shall not exceed eighty 70 decibels at the property boundaries.

Traffic. A facility operation plan shall be submitted with the special event permit to depict the plan for traffic control, access, parking, and dust mitigation, as applicable.

Waste. Sanitary and solid waste services shall be provided for participants and spectators.

Emergency Services. Emergency management providers shall be notified prior to the event and shall submit letter of intent to serve the event in case of emergency.

Sweat Lodges

Sweat lodges shall only take place on public or private land used for ceremonial or powwow purposes and shall be associated with ceremonial purposes or medicinal treatments.

Sweat lodges intended for temporary use in association with a ceremonial event require a special event permit that must be reviewed by the Culture and Heritage Department and issued by the Land Management Officer at least two weeks prior to the event.

Sweat lodges intended for long-term use shall apply for a Conditional Use Permit to allow one sweat lodge for the duration of one (1) year.

The following general standards shall apply to all sweat lodges:

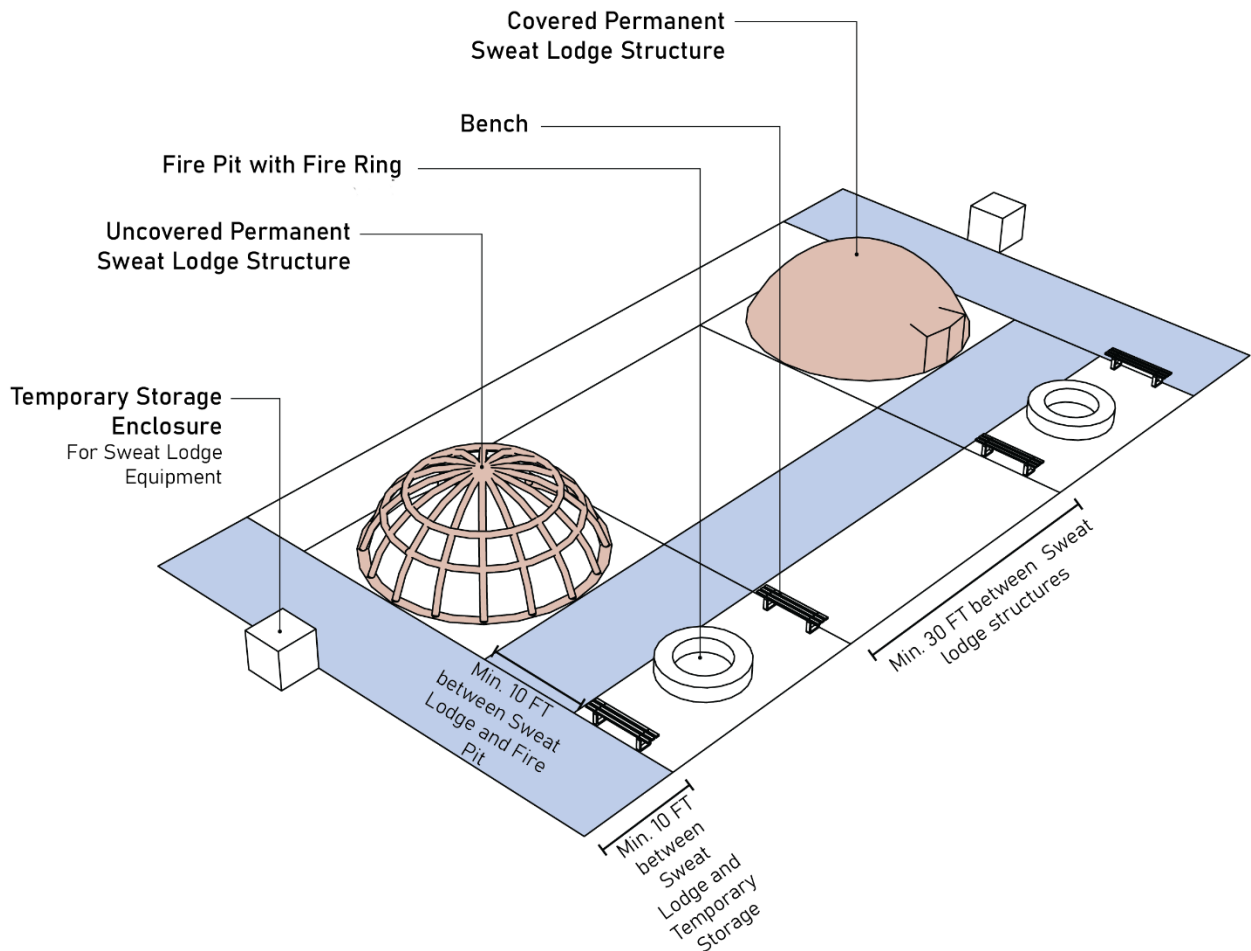
The minimum separation distance between sweat lodges shall be thirty (30) feet measured from the outer perimeter of the sweat lodge structure.

Sweat lodge shall be designed and constructed as permanent structures and shall comply with the Cheyenne and Arapaho Tribes Design Guidelines for ceremonial/sacred spaces.

The fire used to heat the rocks must be located no closer than ten (10) feet to any sweat lodge structure and a minimum of thirty (30) feet from the nearest sweat lodge fire.

All equipment associated with the sweat lodge including fabric, wood, seating, buckets, etc. that remain on the sweat lodge site shall be stored in an enclosure.

Fire suppression materials shall be kept on the sweat lodge site at all times in case of emergency.

Illustration of Sweat Lodge Standards

Sweat lodges and the immediate surrounding area shall be kept clean and maintained with all equipment, including sweat lodge covers, stored out of site when not in use.

Nuisance Use Standards

Purpose. It is the intent of this section to prevent persons from using or maintaining their property in any manner which endangers the public's health, safety or welfare; limits the use or enjoyment of neighboring property; or causes or tends to cause diminution of the value of the property of others in the area in which such property is located.

Determining Whether a Public Nuisance Exists

The Land Management Officer shall determine whether a public nuisance exists and shall consider the following in making that determination:

- The zoning district the lot is located on;
- Whether the lot is developed or undeveloped;

Whether the lot is located within a city boundary or tribal zoning district; and
The effect of the potential nuisance on the public and the surrounding property.

Storage of Chemicals

All commercial and industrial uses associated with the storage of oil, gasoline, liquid fertilizer or other hazardous materials, shall require a conditional use permit to ensure that fire, explosion, or water or soil contamination hazards are not present that would be detrimental to the public health, safety, and welfare. A certificate of insurance shall be required at the time of application.

Outdoor Storage and Waste Disposal

All raw materials and products shall be stored indoors whenever possible. Outdoor storage facilities for fuel or other bulk materials shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers. Waste shall be disposed of in a manner which complies with Tribal regulations.

Noise

It shall be unlawful to make, continue or cause to be made or continued, any noise in excess of the noise levels set forth below unless such noise is reasonably necessary for the preservation of life, health, safety or property.

Measurement of Noise

Any activity which creates or produces sound regardless of frequency exceeding the ambient noise levels at the property line of any property by more than six (6) decibels above the ambient noise levels as designated in the table below, shall be a violation of this Act.

Noise Level Table

	I	II	III
Duration of Sound	7:00 a.m. – 6:00 p.m.	6:00 p.m. – 7:00 a.m.	6:00 p.m. – 7:00 a.m.
	All Zoning Districts		Residential Districts
Less than 10 minutes	75 db	70 db	60 db
Between 10 minutes and 2 hours	70 db	60 db	50 db
In excess of 2 hours	60 db	50 db	40 db

Sounds emanating from the operation of motor vehicles on public highways, aircraft, outdoor implements, such as lawnmowers, snow blowers, hedge clippers, and power saws, pile drivers or jackhammers and other construction equipment, are exempt from the provisions of this section. Sounds emanating from lawful and proper activities at school grounds, playgrounds, parks or places where athletic contests take place, are exempt from the provisions of this section.

Emission Smoke

No person owning, or in charge of, or operating any fuel burning, refuse burning, combustion, or process equipment, process device, portable boiler, stacks vents or premises, shall cause, suffer, or allow emission or discharge of smoke from any single such source into the atmosphere, the appearance, density, or shade of which is darker than number one and one-half of the Ringelmann Chart, except for one and two family dwellings.

Emission of Particulate Matter, Heat and Glare

Every use shall be so operated that it does not emit heat, particulate matter, or glare in such quantities or degree as to be readily detectable on any boundary line of the lot on which the use is located.

Toxic and Noxious Matter

No use shall discharge toxic, odorous or noxious matter across the boundaries of the lot where it is located in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause appreciable injury or damage to property or business.

Radioactivity or Electrical Disturbance

Devices which radiate radio frequency energy shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located.

Oil and Gas Exploration

Nothing in this Act shall affect exploration, development, production, or transportation of oil and gas under any mineral lease or other contract approved by the Secretary of Interior or by the Cheyenne and Arapaho Tribes.

Location of Oil, Gas and Disposal Wells

No oil or gas wells, or other method of mineral extraction shall be placed within 500 feet of a residential zoning district or an existing residence. No saltwater disposal well or other well for the disposal of deleterious substances shall be located within any of the following zoning districts:

- All Residential Districts
- Planned Districts
- All Economic Development Districts
- All Environmentally Sensitive Districts
- Tribal Government Service Districts

Enhanced recovery by use of injection wells shall be allowed only where freshwater or non-toxic gases are used. Use of saltwater for injection recovery is specifically prohibited.

Mud pits and other similar excavation necessary for the production of oil and gas shall be covered and the surface restored within six (6) months of digging. All lines, hoses, and related equipment shall be moved prior to restoration. Upon application, an extension of not more than six (6) months may be afforded.

Vibration

Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments at any point on any boundary line of the lot on which the use is located.

Other Public Nuisances

No liquid, nor solid wastes, or other adverse influences shall be permitted that will in any way have an objectionable effect upon adjacent or nearby property.

Weeds and Rank Growth

All noxious weeds and other rank growth of vegetation are a public nuisance. The Land Management Officer shall also consider the type of weed or growth and the height of the weed or growth when determining whether noxious weeds or rank growth exist.

Exterior Storage of Supplies

Exterior storage of scrap lumber, junk, trash, or other debris, including, but not limited to: discarded objects or equipment such as vehicles, furniture, appliances, farm or manufacturing equipment, building materials or litter may be declared a public nuisance.

Building Exteriors

Exterior patchwork, repair or reconstruction which results in a multi-textured or multi-colored effect or appearance not consistent with the décor, architectural design or aesthetics of the rest of such building may be declared a public nuisance.

Storage of Vehicles

A motor vehicle, boat, trailer, recreational vehicle or camping vehicle parked in a front, side and/or rear yard may be declared a public nuisance if: (1) it obscures a motorist's vision of traffic.

It shall be unlawful for any person to store or keep any vehicle of any type requiring a license to operate on a public highway without a current license attached, whether such vehicles be dismantled or not, outside of any enclosed building, except in junkyards.

Development Standards

Organization

This chapter is organized into the following sections:

- 13.604.1 Organization
- 13.604.2 Purpose
- 13.604.3 Landscape Standards
- 13.604.4 Exterior Lighting Standards
- 13.604.5 Signage Standards
- 13.604.6 Architectural Standards
- 13.604.7 Fences
- 13.604.8 Construction

Purpose

This article establishes uniform standards for the development and improvement of property to ensure quality development that is consistent throughout tribal lands.

Parking and Driveways

Parking Standards

All parking spaces required herein shall be located on the same lot with the building or use served, except in the Commercial and Tribal Services Districts and where an increase in the number of spaces is required by a change or enlargement of use or where the parking spaces are provided collectively or used jointly by two (2) or more buildings or establishments. In these cases, the required parking space may be located up to three hundred (300) feet from any non-residential building served.

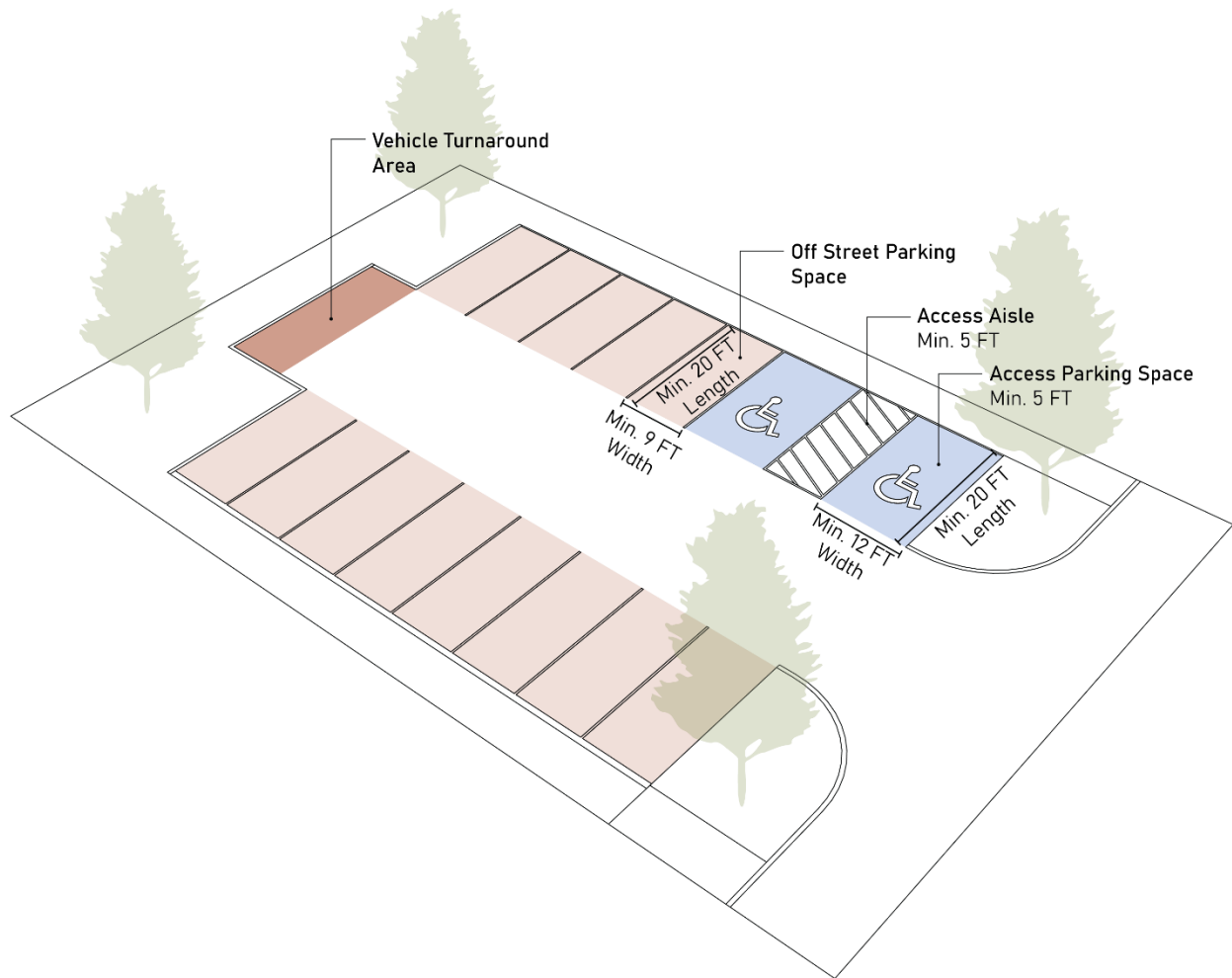
In any case, where the required parking spaces are not located on the same lot with the building or use serviced, or where such spaces are collectively or jointly provided and used, a written agreement to assure their retention for such purposes shall be properly drawn and executed by the parties concerned and shall be filed with the application for a zoning permit.

Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

Except as otherwise provided, a required off-street parking space shall be at least nine (9) feet in width and twenty (20) feet in length, exclusive of access drives, aisles, ramps and columns.

A required off-street accessible parking space shall be at least twelve (12) feet in width and twenty (20) feet in length, exclusive of access driveways, ramps, and columns.

Illustration of Parking Lot Layout



The minimum number of required off-street accessible parking spaces shall be based on the total number of parking spaces in the lot as follows:

Total Number of Spaces	Total Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5

Total Number of Spaces	Total Number of Accessible Spaces
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of the total

A parking area plan with stall layout shall be submitted with the application for a Site Development Plan in any district, excluding an RR District or an R-1 District.

Dust free parking surfaces shall be striped.

Any off-street parking area, other than that provided for residents, shall provide a suitable fence, wall or evergreen shrub border at least five (5) feet high along all property lines abutting a residential district, except in the required front yard.

Exterior lighting provided in any parking area shall be arranged and shielded so that it is deflected away from adjacent properties.

Whenever a building or use constructed or established after the adoption date of this Act is changed or enlarged, in floor area, number of employees, seating capacity or otherwise, to create a need for increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

Parking may be allowed in designated front and side yard setback areas provided that landscaped buffer of at least ten (10) feet in width from the property line is maintained, unless the applicant can demonstrate that the buffer is impractical.

No motor vehicle repair work of any kind shall be permitted in parking lots.

Required Parking Spaces

The following is a list of parking space requirements for specific buildings and land uses. For a use not specifically mentioned herein, the parking space requirements shall be the same as required for a use of a similar nature, as stated in the zoning district, or as stated in a parking plan of a planned district.

Type of Use	Parking Spaces Required
Automobile service stations	One (1) off-street parking space for each employee on the maximum working shift (minimum of two (2) spaces) plus two (2) off-street parking spaces for each service bay, plus space to accommodate all trucks and other vehicles used in connection therewith.

Type of Use	Parking Spaces Required
Boarding houses	At least two (2) off-street parking spaces, plus one (1) off-street parking space for each three (3) persons for whom living accommodations are provided.
Bowling alleys	At least 5 off-street parking spaces for each alley, plus such additional spaces as may be required for affiliated uses.
Business or professional office, studio, bank, medical or dental clinic	Five (5) off-street parking spaces plus one (1) additional off-street parking space for each three hundred (300) square feet or floor area over one thousand (1,000) square feet.
Churches	At least one (1) off-street parking space for each four (4) seats in accordance with design capacity of the main auditorium.
Single-family and two-family dwellings	Two (2) off-street parking spaces for each dwelling unit. Houses without an attached garage shall have at least two (2) off-street parking spaces per unit.
Multiple-family dwelling and Mixed Residential	Two (2) off-street parking spaces for each dwelling unit except elderly, disabled, and/or handicapped housing project (tenants limited to persons with physical disabilities or handicapped as defined by the Social Security Administration or over fifty-five (55) years of age), one (1) off-street parking space for each dwelling unit.
Hospital, sanitarium, convalescent home, or similar institutions	One (1) off-street parking space for each two (2) beds plus one (1) off-street parking space for each employee on maximum work shift.
Motel, hotel, or bed and breakfast	One (1) off-street parking space for each sleeping room or suite, plus one (1) off-street parking space for each employee on the maximum working shift.
Restaurant, night club, café, dance hall or similar recreational or amusement establishment, or an assembly or exhibition hall without fixed seats	One (1) off-street parking space for every two (2) seats.
Retail store or personal service established not otherwise specified herein	Ten thousand (10,000) square feet or less- one (1) off-street parking space every one hundred fifty (150) square feet and one (1) off-street parking space for every employee on the maximum work shift. Over ten thousand (10,000) square feet- one (1) off-street parking space for every two hundred (200) square feet, and one (1) off-street parking space for each employee on the maximum work shift.

Type of Use	Parking Spaces Required
Schools	At least one (1) off-street parking space for each faculty member and other full time employees, plus adequate off-street parking for students who are permitted to drive.
Theaters or auditoriums	At least one (1) off-street parking space for every two (2) seats in the theater plus one (1) off-street parking space per employee on the maximum work shift.
Day care	One (1) off-street parking space for every seven (7) students and one (1) off-street parking space per employee.
Warehouse	One (1) off-street parking space for every three hundred (300) square feet, one (1) off-street parking space per employee, and space for trucks. All access driveways of less than fifty (50) feet, and service areas, and all off-street parking areas for more than five (5) vehicles required herein shall be graded and surfaced so as to be dust free and properly drained. All other areas of the lot shall be landscaped.

Driveways

Access driveways shall not be placed closer than five (5) feet to any lot line:

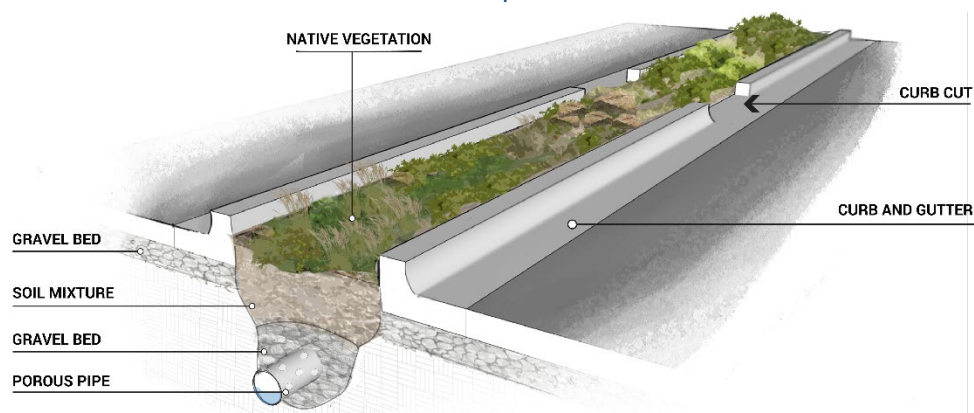
The distance between two (2) driveways on the same lot shall be a minimum of fifteen (15) feet.

The maximum width of a single driveway shall not exceed twelve (12) feet at the property line and sixteen (16) feet at the curb. The maximum width of a double driveway shall not exceed twenty (20) feet at the property line and twenty-four (24) feet at the curb.

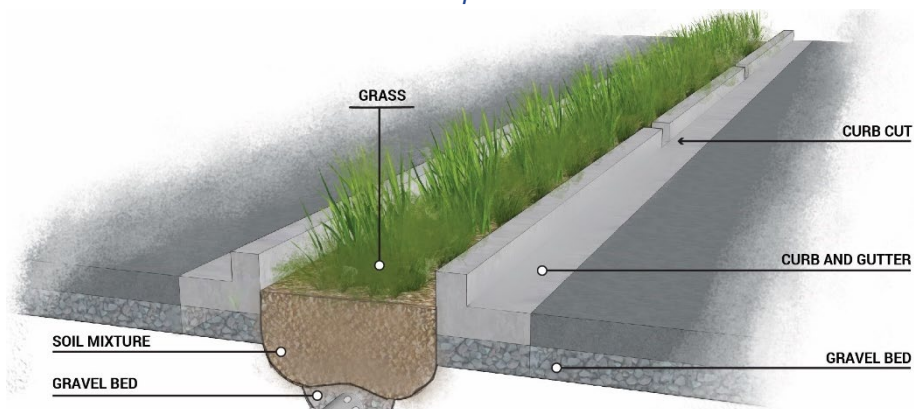
Stormwater Management

All parking areas that exceed the maximum number of parking spaces required per [Section 19.04.3.2](#) shall incorporate low impact development (LID) techniques, such as bioswales, vegetative filter strips, and rain gardens, to maximize and offset the on-site infiltration of stormwater for the area in which there are excess spaces. Structured parking shall be exempt from this requirement.

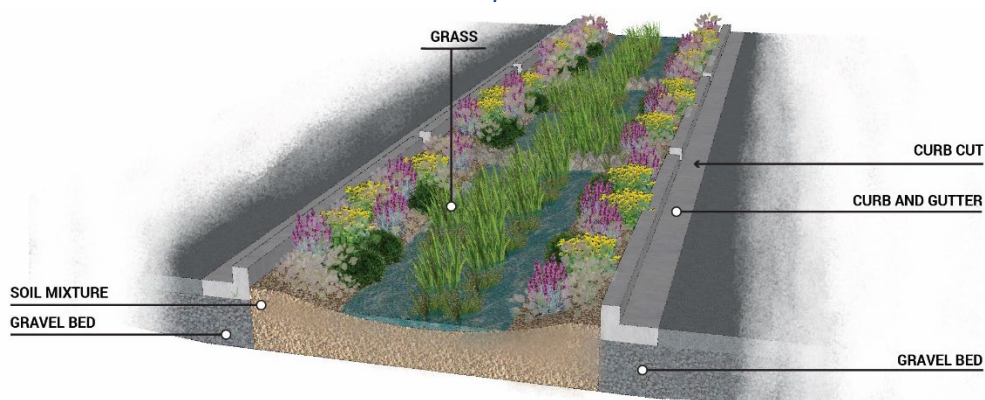
Bioswales. Bioswales are vegetated swales planted with a variety of plant species that can tolerate occasional water inundation and serve to transport, store, and allow infiltration of water.

Illustration of Biowale

Grassed swales: Grassed swales are designed to convey water over the surface of the ground to a point of disposal and serve to slow the flow of water allowing some particulates to drop out before the water reaches the disposal point.

Illustration of Grassed Swale

Rain Gardens. Rain gardens are small shallow, depressions planted with a variety of native or ornamental plants that can treat small amounts of runoff to improve water quality.

Illustration of Rain Garden

Landscape Standards

Purpose and Applicability

Purpose. The purpose of this section is to provide minimum landscape standards that prevent unnecessary spread of noxious weeds, reduce water usage, and emphasize native plant usage, prevent erosion, and maintain water quality.

Applicability. All new development in or on the Cheyenne and Arapaho Tribal lands are required to meet the provisions of this Section.

General Development Standards

A Landscape Plan shall be submitted with all Site Development Plans.

All open areas of any lot not used for buildings, parking, driveways, or storage shall be covered in plant material to stabilize slopes, prevent soil erosion, and prevent invasion of weeds and hereinto referred as landscape area.

All landscape areas shall contain plant material in conformance with the Cheyenne and Arapaho Tribes' Design Guidelines.

Rocks, boulders, logs, fountains, water features, and similar elements may be integrated with vegetation but may not comprise more than 50% of any landscape area.

All plant material shall be placed so as to accommodate the anticipated mature growth of the particular species without providing a health or safety hazard.

It is the responsibility of landowners and developers to control invasive and noxious weeds on their site. Where noxious or invasive weeds exist on the site, they must be removed prior to beginning construction, and then re-vegetated with appropriate vegetation within one (1) year.

Plant Material Specifications

Plant material shall consist of a mix of native, regionally adaptive, and drought tolerant grasses, ground covers, trees, and/or shrubs per the suggested plant list in the C&A Tribes' Design Guidelines.

Prohibited Plant Species.

The following plant species are prohibited on all Cheyenne and Arapaho Tribal lands.

Plants listed on the [Oklahoma Noxious Weed Law](#) are prohibited.

Plants listed as [invasive species](#) by the Oklahoma State University Extension Service are prohibited.

Landscape areas shall consist of a variety of species to enhance biodiversity. No one (1) species may make up more than twenty-five percent (25%) of the total non-grass plant materials on one (1) site.

Exterior Lighting Standards

Purpose and Applicability

Purpose. To set forth lighting standards for outdoor uses that serve to create a safe and comfortable nighttime environment, while protecting the public's ability to view the night sky. These lighting standards are designed to ensure personal safety and prevent motor vehicle and pedestrian conflicts by reducing the negative effects of glare, light pollution and trespass.

Applicability. The outdoor lighting regulations contained herein shall apply to all exterior lighting and to interior lighting to the extent that it impacts the outdoor environment, including lighted signs but excluding public roadway lighting.

Exceptions

This Section does not apply to the following:

- Lighting required by the FAA for air traffic control and warning purposes;
- Lighting in the public right-of-way installed by the controlling jurisdiction;
- Lighting required temporarily for emergency purposes or repairs in the right-of-way, which must comply with applicable Tribal and State regulations;
- Temporary use of low-wattage lighting for powwows, public cultural events, and the observance of holidays provided they do not create disability glare;
- Single-family residential lighting, except as prohibited herein; and
- Lighting installed by the Tribes or a governmental entity for the benefit of public health, safety, and welfare per the Manual of Uniform Traffic Devices (MUTCD).

Prohibited Lighting

The following are prohibited from being installed on all Cheyenne and Arapaho Tribal lands:

- Blinking, flashing or changing intensity lights including those proposed for signage;
- Lighting that could be confused with a traffic control device;
- Lighting of a type, style or intensity determined to interfere with the safe flow of traffic;
- Strobe lights, searchlights, beacons and laser light, or similar upward or outward oriented lighting;
- Exposed neon, exposed LED, or similar exposed lighting, except when used for illuminating window signs and the display area of electronic message signs;

Lighting creating a public hazard, including lighting that creates disability glare particularly where such disability glare has a detrimental effect on motor vehicle traffic;

High intensity floodlighting except as approved for a powwow ground or sports facility lighting; and

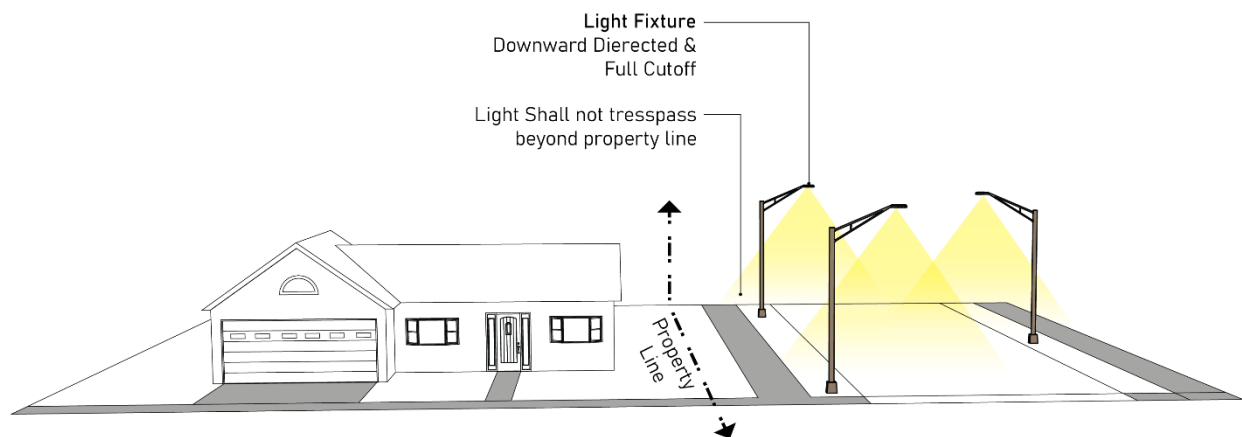
Wall pack light fixtures that are not classified as full cutoff.

General Development Standards

General outdoor lighting design standards:

Light fixtures, except as otherwise permitted herein, are required to be downward directed and full cutoff as defined by the Illuminating Engineers Society of North America (IESNA). Full cutoff light fixtures result in a light distribution pattern where no light is permitted at or above a horizontal plane at the bottom of the fixture.

Illustration of Lighting Standards



Light fixtures shall be installed and maintained in a manner consistent with the intended application and as approved in the Site Development Plan. Full cut-off fixtures may not be tilted or aimed in a manner that results in light distribution above the horizontal plane.

Light fixtures associated with canopies, including but not limited to fuel islands, seasonal outdoor sales areas, shopping malls, theaters, and hotels shall be full cutoff or mounted so that the bottom of the lens is recessed or flush with the bottom surface of the canopy.

All light emitted from the canopy shall be substantially confined to the ground directly beneath the perimeter of the canopy. No lighting of any kind, except as permitted by sign regulations, shall be allowed on the top or sides of a canopy.

The design of the canopy in terms of height above grade, and the spacing between the fixtures within the canopy, shall be such that the illuminance level under the canopy does not exceed 20 foot-candles.

All light fixtures mounted within 15' of any residential property line of the site shall be classified as IES Type II or Type III, or fixture demonstrated to provide similar distribution patterns and shielding properties. Fixtures shall be fitted with "house side shield" reflectors on the sides facing the residential property line.

Light levels shall not exceed 0.1 foot-candles at any property line as a direct result of the on-site lighting.

Illuminance levels shall not exceed 10 foot-candles measured as initial horizontal illuminance except as otherwise permitted herein.

The initial illuminance level is measured following 100 hours of operation.

The illuminance levels at building entrances and window may exceed 10 foot candles by 100% up to a distance of 5 feet from the building only in order to accommodate light spillage from within the building and light from signage.

At a distance of 10' from the building or use, the illuminance level must be less than or equal to 10 foot-candles.

Building facades may be illuminated to a maximum of 20 foot-candles as measured on the façade.

Illumination of a flag on a flagpole is permitted provided a narrow spread 39-watt par metal halide or 50-watt par-halogen lamp, or an equivalent lamp with a similar narrow spread, is used and aimed to only illuminate the top of the flagpole. The source of illuminance (lamp) must be shielded in a manner so as not to be visible from adjacent property.

The source of illuminance (lamp) from any fixture, including interior fixtures visible through windows, shall not create disability glare on adjacent properties.

Parking lot and trail head lighting design standards

Maximum parking lot and trail head pole heights shall be as follows:

24' when fixture is located within 75' of the site's boundary; and

40' when the fixture is located beyond 75' from the site's boundary provided that for mounting heights in excess of 24', the distance of the fixture to the site's boundary be not less than three times the mounting height.

Perimeter lighting must be classified by IES as Type II, or Type III, or a fixture demonstrated to provide similar distribution patterns and shielding properties.

Bollards, or similar light fixtures that do not exceed 4 feet in height, intended to illuminate landscape features or walkways, may be permitted as part of the overall lighting plan upon approval of the Site Development Plan.

Lamps shall not exceed 900 lumens for any single lamp.

A maximum of 2 fixtures per bollard and 1 lamp per fixture is recommended.

Trail lighting standards

Lighting along trails for general or multi-purpose use, and boardwalks, shall be a minimum of 8' in height and a maximum of 14' in height with full cut-off fixtures.

Maintenance and operation standards

All lights, except those required for security as provided herein, shall be reduced to security levels within one hour after the end of business until one hour prior to the commencement of business.

Security lighting at entrances, stairways and loading docks, as well as limited parking lot lighting, is permitted.

The use of motion sensors for security lighting is strongly encouraged.

Security lighting shall comply with all applicable provisions contained herein and may not exceed the maximum foot-candle level permitted on the site.

All stadium and all other exterior arena lights used for the purpose of illuminance of the area shall be turned off following the conclusion of the final event of the night.

The remainder of the facility lighting including scoreboards, except for reasons of security, shall be turned off within one hour after the event, and remain extinguished until one hour prior to the commencement of the next event.

All signage lighting shall be turned off within one hour of the end of business and remain turned off until one hour prior to commencement of business.

Verification of the ability to control the signage lighting shall be required as part of the sign permit application.

Sign Lighting

All signage must comply with this Act. Signs may be internally illuminated, backlit or illuminated by down-lighting or by ground-mounted light fixtures that illuminate the sign face and base only.

Internally illuminated signs shall be limited to a maximum of 1,000 nits. Once the ground-mounted light fixtures are positioned and aimed in accordance with these requirements, they shall be permanently secured to prevent inadvertent or accidental misalignment.

Illuminance of the sign face by ground mounted light fixtures shall not exceed 50 foot-candles as measured on the sign face. No sign may be illuminated with fixtures that allow for the unshielded upward transmission of light.

Signage Standards

Purpose. The purpose of this section is to provide a comprehensive and balanced system to regulate signs by physical dimension and placement on all Tribal lands. Signs not in conformance with the standards and limitations contained in this section shall be prohibited in all zones.

Signs Allowances

Commercial and Industrial Zone Districts:

One free-standing sign not to exceed 350 square feet in size and no more than two signs attached to the principal structure may be erected for each use or individual site within a commercial or industrial zone.

One free-standing sign identifying an on-premises complex of commercial, industrial, or business park buildings and uses such as a shopping center may be erected at each major entrance to the complex of uses, not to exceed 500 square feet in size.

Free-standing signs shall not exceed 16 feet in height and.

All other Zone Districts:

One free standing sign and two signs attached to the principal structure maybe erected provided each sign does not exceed 32 square feet in size.

Free-standing signs shall not exceed 16 feet in height.

Billboards

No free-standing billboards advertising products, off-tribal land business, use, or activity shall be permitted on Cheyenne and Arapaho tribal lands unless the billboard is leased from the Tribes.

Obstruction of Vision

No sign shall be placed in a position that obstructs the vision of any motorist traveling or entering a public or private right-of-way; or in any way that constitutes a traffic hazard.

Temporary Signs

All properties are allowed to place temporary signs for a period of sixty (60) days and must be removed at the end of its display period.

Temporary signs shall not exceed six (6) square feet in size.

Prohibition of Signs on Utility Poles

No signs, temporary or otherwise, shall be allowed on utility poles on Cheyenne and Arapaho tribal lands.

Architectural Standards

Purpose. To encourage innovative, quality site planning and architecture.

Applicability. These standards are applicable to any and all new development on Tribal lands.

Design Principles.

Design Harmony. Buildings and structures should be designed to complement and respect the character of the surrounding area, the scale, style, and architectural features of neighboring properties.

Sustainability. Emphasis should be placed on environmentally responsible design, utilizing sustainable materials, energy-efficient technologies, and green building practices.

Exterior Building Design.

Architectural Styles. Architectural styles shall reflect those in the C&A Tribes' Design Guidelines.

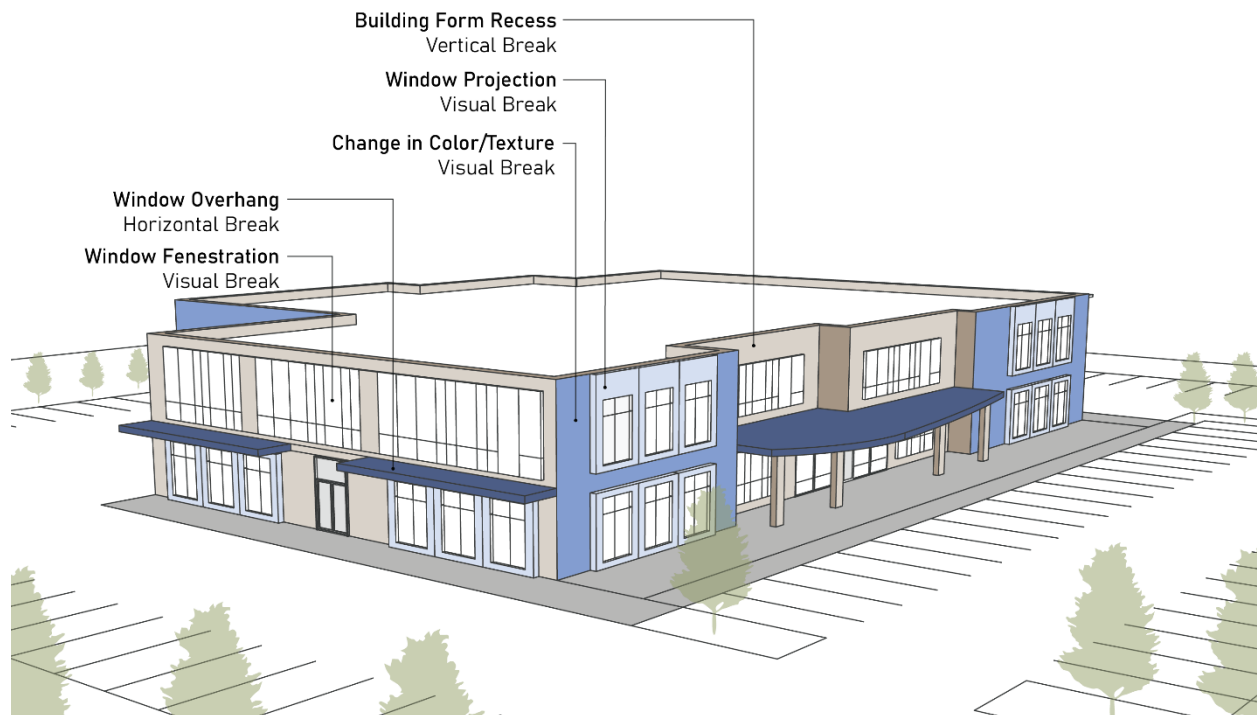
Building Materials. Building materials are encouraged to be derived from natural sources, have a minimal environmental footprint, and contribute to a cohesive and earthy aesthetic in building design. Examples of building materials that reflect these characteristics can be found in the C&A Tribes' Design Guidelines.

Building Height. The height of buildings on all Tribal lands shall take into account and conform to surrounding building heights and not adversely impact scenic views or vistas. Most development is encouraged to stay at or under two stories in height.

Building Form. The design of all buildings shall employ textured surfaces, projections, recesses, shadow lines, colors, window patterns, overhangs, reveals, changes in parapet heights and similar architectural features to avoid monolithic shapes and surfaces and to emphasize building entries. Designs shall not contain unbroken flat walls of greater than fifty (50) feet in length. Buildings having single walls exceeding fifty (50) feet in length shall incorporate one (1) or more of the following at a minimum of every fifty (50) feet:

Changes in color, graphical patterning, texture or material;
Projections, recesses and reveals;
Windows and fenestration;
Arcades and pergolas;
Towers;
Gable projections;
Horizontal/vertical breaks; or
Other similar techniques.

Illustration of Building Form Requirements



Roof Design. Roofs are encouraged to be designed to maximize natural light entering a building using features such as large windows, light stories, or skylights.

Façade Treatment.

Materials and Colors: The selection of materials and colors shall contribute to a coherent appearance and utilize materials identified within the C&A Tribes' Design Guidelines.

Texture and Relief. The use of textures, patterns, and relief is required on all walls facing the public right-of-way to enhance the overall building's character and create a three-dimensional quality.

Outdoor storage shall be permitted inn side and rear yards only. Said storage shall be screened from view of any adjacent residential use.

Accessibility. Ensure that entrances and exits are accessible to all, including individuals with disabilities.

Modular and Manufactured Building Design Standards

The manufactured building must be set on an excavated, backfilled, engineered foundation enclosed at the perimeter so that the top of the perimeter wall sits no more than twelve (12) inches above finish grade. The foundation shall be similar in appearance and durability to a masonry foundation of a site-built dwelling. The foundation shall provide an anchoring system for the manufactured building that is totally concealed under the structure.

The exterior siding of the manufactured building must have the same appearance as materials commonly used on residential dwellings.

Metal siding must be painted or anodized.

The bottom three feet of all front and side facades shall consist of stone, masonry, or similar material to differentiate the base from the rest of the structure.

The manufactured building must have a pitched roof with a pitch of at least a nominal three (3) in twelve (12). The roof must be covered with shingles, shakes or tile. Eaves of the roof must extend at least one (1) foot from the intersection of the roof and the exterior walls.

The manufactured building must have color-coordinated body and trim.

The main entrance to the manufactured building must face or be oriented toward an adjacent street and include a covered front porch a minimum of 20 square feet in size.

Any transportation mechanisms, including the wheels, axles and hitch, must be removed.

No manufactured building shall be occupied for dwelling purposes unless it is properly placed in a manufactured building space and connected to water, sewer, electric and gas utilities, as appropriate.

All manufactured buildings shall be certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. § 5401 et seq., or shall be certified by the Colorado Division of Housing pursuant to Section 24-32-701 et seq., C.R.S.

All manufactured buildings shall meet or exceed equivalent engineering standards for other single-family residences.

Prior to occupancy, the Building Inspector shall inspect each manufactured building to determine compliance with this Code. No occupancy shall be permitted or certificate of occupancy issued until said inspection and all connections to public utilities have been made.

All additions shall comply with minimum yard requirements, and a building permit shall be required in advance for any such addition.

Sustainability.

Energy Efficiency. Energy efficiency building practices should include but are not limited to the following:

- Incorporate passive design strategies, such as optimizing building orientation and using natural ventilation and daylight to reduce energy consumption;

- Use high-performance building envelopes with well-insulated walls, roofs, and windows;

- Integrate energy-efficient HVAC systems; and

- Install energy-efficient lighting fixtures, including LEDs, and design buildings for the capture of natural light.

Water Conservation. Utilize water efficiency practices throughout interior and exterior design, such as:

- Low-flow fixtures to minimize water consumption;

- Smart Irrigation Systems;

- Permeable Pavement; and

- Water-efficient appliances

Sustainable Materials. Building materials should be chosen for their low-environmental impact, including recycled materials or locally sourced materials.

Fences

Purpose. The purposes of this Section are to:

- Ensure that walls and fences are attractive and in character with the neighborhood.

- Maintain fences, recognizing that they are used to create privacy.

Applicability. This Section applies to all fences on Tribal lands. All fences installed after the effective date of this Zoning Act will comply with this Section.

Design. Fences shall be located in such a way that the entire fence (including posts and framework) shall be on the property of the owner.

Fencing material, such as wire, lumber, and/or pickets, shall be placed on the side of the fence which faces the street or the adjacent property.

No fence shall be:

- Erected or substantially altered without securing a permit from the Land Management Officer;

- Allowed or constructed on a road right-of-way;

Permitted to remain in a condition that would constitute a public nuisance or dangerous condition, as determined by the Land Management Officer;

Except as provided in this Act, fences and hedges less than four (4) feet high may be located on any part of a lot and fences less than six (6) feet high may be erected behind the front façade of the main building;

No fence or hedge more than thirty (30) percent solid or more than thirty (30) inches high may be located within a vision triangle; and

If the Land Management Officer determines that a public nuisance or dangerous condition exists, they shall notify the owner(s) of the condition and their duty to raze, repair, or remove and replace said fence. Should the condition of the fence not be improved within thirty (30) days of notification, the Land Management Officer may raze said fence, with cost of razing to be billed to the property owner.

Trails

Purpose. The purpose of this section is to provide trail design concepts and to serve as minimum development standards for trail facility development. These standards are not all inclusive. Neighborhood, County, City and regional trails shall be connected wherever possible to create an alternate transportation network.

Applicability. These provisions can apply to any zone district where trails are either required or proposed for development

Improved Multi-Purpose Trail

An improved multi-purpose trail provides opportunities for walking, running, cycling and in-line skating. It also accommodates strollers.

These trails are typically a minimum of 8-10 feet wide to accommodate pedestrians and bicyclists at the same time. The width may increase depending on the intensity of use and trail location.

Trails should be set back a minimum of 10 feet from any road right-of-way or edge of pavement.

Asphalt, concrete, brick, pavers or an equivalent material, such as a stabilizer solution that can be mixed with crushed aggregate that is considered acceptable for a pedestrian accessible path, are the preferred materials for these types of trails.

Trails shall be designed to drain properly so that standing water does not decrease the stability or life of the trail.

A shoulder should be provided at the edge of the improved surface.

To the greatest extent possible, trails shall comply with Cheyenne and Arapaho Tribes adopted Building Code for Accessibility and The Americans with Disabilities Act as it relates to Outdoor Developed Areas.

All parking areas shall be constructed with proper drainage and storm water systems.

Signage should be located along trail systems to inform users of distance, location and next available take out area.

General Purpose Trail

A general purpose trail provides opportunities for walking, hiking, and biking. These trails are typically 4-8 feet in width but may vary depending on the intensity of use and trail location.

Trails should be set back a minimum of 10 feet from any road right-of-way or edge of pavement.

In natural areas, underbrush should be trimmed so that it does not hang over the trail or obstruct the travel way.

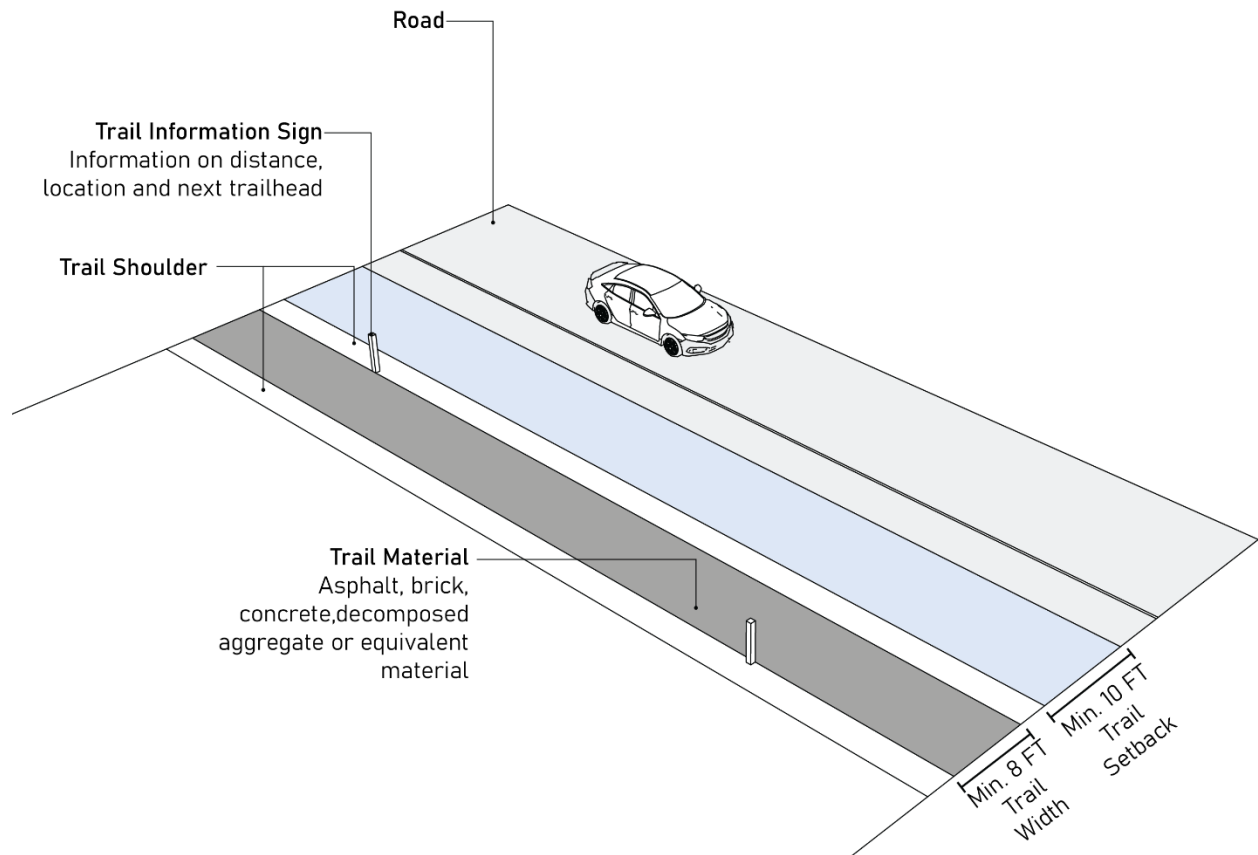
These trails may be surfaced with asphalt, concrete, brick, pavers, crushed stone, compacted earth or an equivalent material, such as a stabilizer solution that can be mixed with crushed aggregate that is considered acceptable for a pedestrian accessible path. Trail surfaces should be firm and stable.

To the greatest extent possible, trails should comply with the American with Disabilities Act as it relates to Outdoor Developed Areas.

All parking areas shall be constructed with proper drainage and storm water systems.

Signage should be located along trail systems to inform users of distance, location and next available take out area.

Illustration of General Purpose Trail Design Standards

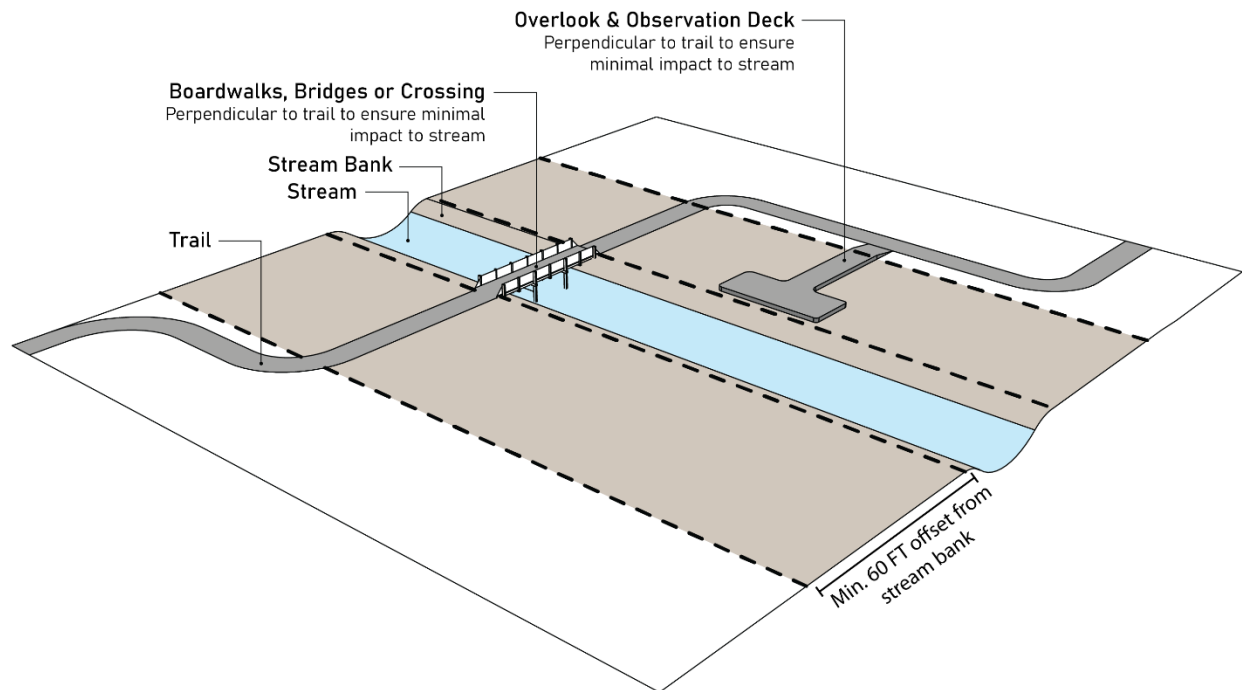


Boardwalks

Where appropriate, other materials, such as treated wood or composite lumber, may be used for boardwalks.

All trails shall be located a minimum of 60 feet from the top of the stream bank.

Overlooks, observation decks, boardwalks, bridges or crossings should be located as close to perpendicular as possible from the primary trail to the river, stream or natural feature to minimize impact to a natural stream.

Illustration of Boardwalk Design Standards**Trail Head**

Trail heads and access points refer to parcels or areas specifically designed as a primary means of accessing a trail. They may include restrooms, maps of the trails, parking areas, picnic areas, play areas or other recreational amenities.

Trail heads should be located where a trail begins or terminates or where an access point is located.

Trail heads may be areas designed specifically for accessing trails or may be incorporated into parks, civic properties, schools, neighborhoods or commercial areas.

Standalone trail head parking areas shall be no more than 60,000 square feet and shall be located a minimum of 20 feet from any adjacent property line.

Standalone trail heads for equestrian trails shall be designed to accommodate trailers and provide turn around areas.

Trail head parking areas may use alternate materials, such as a stabilizer solution that can be mixed with crushed aggregate considered acceptable for a pedestrian accessible path for the surface of the lot, instead of pavement. However, the minimum requirements of the Cheyenne and Arapaho Tribes adopted Building Code for Accessibility, The American with Disabilities Act and for Fire Prevention must be met.

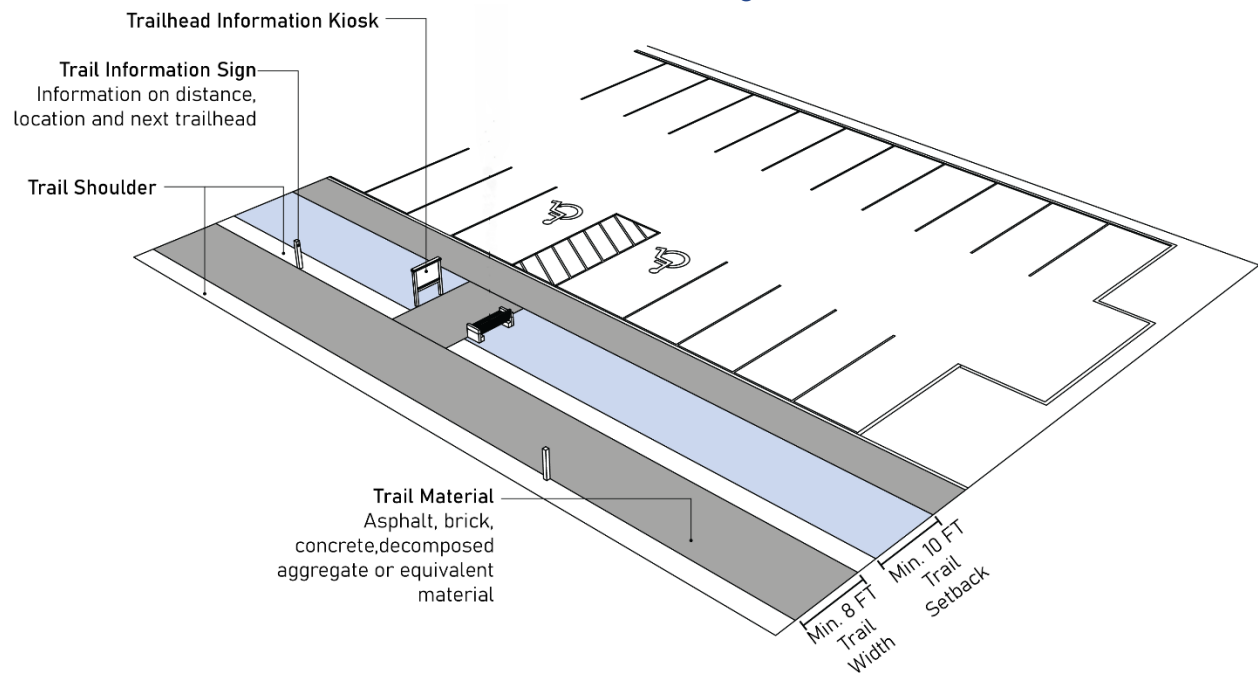
Trail head parking areas shall be designed so that parking spaces are clearly marked and that circulation is maintained for Emergency Services.

Amenity areas located at trail heads, such as play areas, picnic areas, restroom facilities, etc. shall meet the Cheyenne and Arapaho Tribes adopted Building Code for Accessibility, The American with Disabilities Act and Fire Prevention.

All parking areas shall be constructed with proper drainage and storm water systems.

Signage should be located along trail systems to inform users of distance, location and next available take out area.

Illustration of Trail Head Design Standards



Trail Signage

Signage along trails is important to help increase safety and user comfort on the trails. Signs assist in the navigation of trails, warn of road crossings or hazards and may educate users about natural features or wildlife along the trail.

Directional signs should be provided at access points and include trail names, mileage to point of interest or distance traveled, and general direction.

Signs providing descriptions of the trail as required by the Cheyenne and Arapaho Tribes adopted Building Code for Accessibility and The American with Disabilities Act shall also be provided at access points and along the trail as needed.

Caution signs should be provided to warn of road crossings, grades, curves or other potential hazards.

Regulatory signs should be provided at access points and trailheads that include the "Rules of Use" for the trail and should also include the address of the site and Emergency Contact information.

Interpretative signs should be provided where educational opportunities are available.

All signs should be located in places where they will be clearly visible.

Signs should be placed at a constant edge along the trail for consistency, but should be a minimum of 2 feet from the improved trail surface.

All other signage shall be in conformance with the Signage section of this Zoning Act.

Trail and Trail Head Lighting

All trail and trail head lighting shall comply with Section 13.604.6.

Use Conflict Avoidance

Trails shall be designed to minimize conflicts of use. This includes designing trails to accommodate novice and experienced users, protecting sensitive natural habitat areas and preserving historical areas. Restricted access by users in habitat and historical areas should be considered and incorporated into the trail design.

Open Space

Purpose. The purpose of this section is to establish standards for the provision of open space to provide opportunities for outdoor recreational activities, to preserve scenic qualities and resources of tribal lands, and to protect environmentally sensitive areas.

All development in COM, IND-1, and multi-family development in R-2, and R-3 shall provide a minimum of 15% of the site in dedicated open space.

All development in PUD zone districts shall provide a minimum of 30% of the site in dedicated open space.

Dedicated open space may consist of pedestrian plazas, trails, playgrounds, open fields for native vegetation preservation, ponds, or similar features that are to remain open to the public and integrated into the overall site design.

Construction

This Act shall be liberally construed to carry out its purpose. The effectiveness and enforceability of this Act shall not be dependent upon the adoption of any regulations unless otherwise required by law. Nothing contained in this Act or regulations promulgated hereunder shall be constructed to diminish, limit or

otherwise adversely affect any right, remedy held or available to the Cheyenne and Arapaho Tribes.

Storm Shelters

Storm shelters will be required for all new developments and a map that shows the location of the storm shelter facility, type (indoor or outdoor facility) shall be placed on file in the Land Management Office. Storm shelters cannot be placed in a utility or drainage easement. The shelter will not be allowed to be placed in any designated flood plain areas. Prior to installation of a storm shelter, the applicant shall provide proof from the supplier that the storm shelter complies with the ICC 500 Manufacturing requirements and the FEMA 320 recommendations.

Application Procedures

Organization

This chapter is organized into the following sections:

- 13.605.1 Organization
- 13.605.2 Purpose
- 13.605.3 Land Use Zone Amendments
- 13.605.4 Variances
- 13.605.5 Site Development Plans

Purpose

This chapter describes the review procedures for land use applications and development activity. This article ensures consistency and efficiency in the administration of the Tribes' land use regulations.

Land Use Zone Amendments

Land use zone amendments may be made through application to the C&A Land Commission, pursuant to this Act.

Variances

Generally

A variance from the terms of this Act may be issued by the C&A Tribal Land Commission for a specific structure or land use in cases where there are practical difficulties or unnecessary hardships in the way of strict application of this Act.

Application Procedure

The applicant shall present a statement and adequate evidence, in such form as the C&A Tribal Land Commission may require, showing that:

There are special circumstances or conditions applying to the land, building, or use referred to in the application; and that due to these special circumstances or conditions, a literal enforcement of the law will result in practical difficulty or unnecessary hardship.

The granting of the variance is necessary for the preservation and enjoyment of substantial property rights.

The granting of the variance will not materially affect adversely the health or safety of persons residing or working within the vicinity of the proposed use and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The Land Commission may require that the applicant submit additional materials, including any effects of the proposed use upon any of the overlay districts.

A variance may only be issued subsequent to notification to neighbors located within one thousand two hundred (1,200) feet of the outer boundaries of the property and the approval of the C&A Land Commission.

The notification shall be mailed to all applicable neighbors and shall include the time, place and date when the Land Commission will determine whether to approve the variance.

Review and Determination

A variance shall be applicable solely to the project described or the issue in question and shall not amend this Act nor establish precedence for lesser restrictions. Where a variance does not continue in conformity with the conditions of the original approval, the variance shall be terminated by the C&A Land Commission.

Approval of variances from the terms of this Act shall not be in conflict with the public interest.

The C&A Tribal Land Commission may attach conditions to variances to further the purposes of this law. These conditions would be in addition to those required elsewhere in this law. Non-conformance with any of these conditions shall be deemed a non-conformance with the provisions of this Act.

The determination of the C&A Tribal Land Commission on each variance shall be based on the effect of the proposed project with respect to this Act. The Commission shall state in writing the grounds for refusing a variance. In every case where a variance from the regulations of this law has been granted by the Commission, the minutes of the Commission shall affirmatively show that an unnecessary hardship exists, and the records of the Commission shall clearly show in what particular and specific respects an unnecessary hardship is created. In addition, the record shall show any recommendations made by parties of interest.

Variances shall only be granted when strict conformity with the regulations of this Act are unnecessarily burdensome or unreasonable in light of the special circumstances of a specific location or use, and of the purposes and intent of this Act.

Appeals

Generally

A person may file a written appeal with the C&A Tribal Land Commission within ten (10) business days after the Land Management Officer denies a permit, revokes a permit, or decides any question involving the interpretation of a provision of this Act, including the location of a district boundary if there is uncertainty with respect thereto.

Application Procedure

In cases where an appeal is filed, the Land Management Office shall submit a written statement to the C&A Tribal Land Commission which:

- Outlines the facts involved;

- Describes the relationship of the facts to this Act, including planning, land use, and administrative practices;

- Suggests a course of action which the C&A Tribal Land Commission may take, including conditions to be met by the applicant prior to the issuance of the zoning permit.

Review and Determination

The C&A Tribal Land Commission may review, revise, or reverse the decision of the Land Management Office.

The C&A Tribal Land Commission shall state the specific facts which are the basis for the Commission's determination and shall either affirm or dismiss the appeal in whole or in part. The final disposition shall be posted and published, including sending the disposition and justification thereof to the applicant and parties of interest.

Site Development Plans

Generally

The Site Development Plan (SDP) process is required to ensure development will be consistent with the Tribe's Building Permit Site Plan Checklist, the Tribe's Comprehensive Plan; the Tribe's adopted Building Codes, the Tribe's Construction Management Plan Checklist, the Land Use Plan, and all applicable federal, State, and tribal standards.

All SDP revisions or modifications shall comply with this Act, and the Cheyenne and Arapaho Building Permit Site Plan Checklist, and Construction Management Plan Checklist.

Use and development of a site shall conform to an approved SDP.

Application Procedure

All new development shall submit a Site Development Plan application prior to any site disturbance or construction taking place.

Application shall be made to the Land Management Officer who shall review for general conformance with this Act and other guiding policy documents such as the Comprehensive Plan and C&A Tribe's Design Guidelines.

Following initial review, the application shall be reviewed by the C&A Tribal Land Commission at a public hearing.

Landowners within 600' of the subject property shall be notified of the application hearing.

Review and Determination

Approval Criteria. The Land Management Officer and C&A Tribal Land Commission shall consider the following criteria in the review of all Major Development Plan applications:

The details of the use, site design, building location, scale, and orientation are compatible and harmonious with the surrounding, buildings, and uses;

The project meets dimensional standards applicable to the zone district, such as building setbacks, building height, and building area, or any applicable requirement;

The project preserves, protects, integrates, or mitigates impacts to any identified sensitive or hazardous natural features associated with the site;

The project connects to or extends adequate public utilities to the site as required;

If necessary to address increased impacts on existing roadways and intersections, the project includes roadway and intersection improvements to provide for safe and efficient movement of multi-modal traffic and pedestrians and meets public safety needs for; and

Significant off-site impacts reasonably anticipated as a result of the project are mitigated or offset to the extent proportional and practicable. Impacts may include, but are not limited to scale, shadowing, parking, light, odor, and noise.

Approval and Effective Date

A Site Development Plan shall be deemed approved upon the effective date of the C&A Tribal Land Commissioners' approval action, following a public hearing conducted in accordance with this Zoning Act. The Commission's approval of a Site Development Plan may include such terms and conditions as may be reasonably necessary to protect the public health, safety and general welfare.

The approval shall result in a vested right, although failure to abide by such terms and conditions will result in forfeiture of the vested right.

Within fourteen (14) days of approval of the Site Development Plan by the C&A Tribal Land Commission, the Permittee (Applicant) shall publish a notice of Site Development Plan approval and creation of a vested right in a newspaper of general circulation in the tribal jurisdiction. The period of time for exercise of vested rights shall not begin to run until the date of publication of the notice.

Special Event Permit

Generally

The purpose of a Special Event Permit is to review the configuration, density, and intensity of a special event as defined herein.

Any event with more than 150 people that is not considered a private event per the standards in Section 19.03 shall be required to have a special event permit approved at least two weeks prior to the event.

Application Procedure

All special events shall submit an application to the Land Management Officer a minimum of 30 days prior to the anticipated event.

The Land Management Officer who shall review the use for general conformance with this Act and other guiding policy documents such as the Comprehensive Plan and C&A Tribe's Design Guidelines.

Temporary Use Permits do not require approval by the C&A Tribal Land Commission.

Review and Determination

The Land Management Officer shall consider the following criteria when reviewing Temporary Use Permits:

- Granting the Special Even Permit will not contribute to an overburdening of Tribal services;

- Granting the Special Event Permit will not cause undue traffic, parking, population density, or environmental problems;

- Granting the Special Event Permit will not detrimentally affect the public health, safety and welfare, or nullify the intent of this Act;

- The Event complies with the use specific standards and the zone district; and

- The Event complies with all other relevant standards of this Act and all other Tribal regulations.

Temporary Use Permit

Generally

The purpose of a Temporary Use Permit is to review the configuration, density, and intensity of a temporary use which is generally compatible with the character of a zone and will only be in use for a set amount of time.

A Temporary Use Permit may be sought for any temporary use as listed in Section 19.03.6 – Use Table.

Temporary Use Permits do not require approval by the C&A Tribal Land Commission.

Application Procedure

All temporary uses shall submit an application to the Land Management Officer a minimum of 30 days prior to the anticipated temporary activity.

The Land Management Officer who shall review the use for general conformance with this Act and other guiding policy documents such as the Comprehensive Plan and C&A Tribe's Design Guidelines.

If food service is to be considered with the application, the Land Management Officer shall receive written approval from the local or Tribal food safety authority ensuring that all health and safety requirements are being met by the applicant and all required permits have been received.

Temporary Use Permits do not require approval by the C&A Tribal Land Commission.

Review and Determination

The Land Management Officer shall consider the following criteria when reviewing Temporary Use Permits:

- Granting the Temporary Use Permit will not contribute to an overburdening of Tribal services;

- Granting the Temporary Use Permit will not cause undue traffic, parking, population density, or environmental problems;

- Granting the Temporary Use Permit will not impair the use of adjacent property or alter the character of the neighborhood;

- Granting the Temporary Use Permit will not detrimentally affect the public health, safety and welfare, or nullify the intent of this Act;

- The temporary use complies with the use specific standards and the zone district; and

- The temporary use complies with all other relevant standards of this Act and all other Tribal regulations.

Expiration. A Temporary Use Permit shall be limited to a maximum duration of one hundred eighty (180) consecutive calendar days per year, unless otherwise specifically authorized in the terms of the temporary use approval.

Sign Permit

Generally

Purpose. The purpose of a sign permit is to certify that all proposed signs and structures used for advertising are in compliance with this Zoning Act.

No sign or structure used for advertising shall be erected or altered until a sign permit has been issued by the Land Management Officer.

Application Procedure

All new and altered permanent and temporary signs shall submit an application to the Land Management Officer prior to construction or alteration.

The Land Management Officer who shall review the permit application for general conformance with this Act and other guiding policy documents such as the Comprehensive Plan and C&A Tribe's Design Guidelines.

Review and Determination

The Land Management Officer shall consider the following criteria when reviewing Sign Permits:

- Complies with the sign standards of this Act;
- Complies with all other relevant standards of this Act and all other Tribal regulations; and
- Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals.

Definitions

A

Accessory Structure means a structure naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or buildings. Accessory buildings shall not be larger than the main or principal building; otherwise, they shall be considered a main or principal building. Accessory buildings shall be constructed only if construction of the principal building has commenced. No accessory building shall be placed in a front yard.

Accessory Use means a use subordinate to the principal use and located on the same lot or parcel or an adjacent lot or parcel serving a purpose that is incidental to the principal use.

Active Recreation Space means recreational uses requiring constructed facilities for activities, including but not limited to playing fields, ball courts, skate parks, and playground. May provide a variety of recreational amenities for dogs and persons that may include benches, parking, restrooms, and water fountains. If dogs are to be unleashed, the area must be fenced.

Adult Entertainment means and includes all adult-oriented businesses including adult arcades, adult bookstores, adult novelty stores, adult video stores, similar adult uses and adult live entertainment facilities.

Agricultural Processing means the act of changing an agricultural crop after harvest from its natural state to the initial stage of processing in order to prepare it for market and for further processing at an off-site location.

Agriculture means the use of land for the production of crops and animals useful to humans, including, to a variable extent, the preparation of these products for human use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products and farm production. This includes accessory uses for treating or storing farm products and equipment.

Airport / Heliport / Helistop means any area of land, water, or portion of a structure which is used or intended for the landing and taking off of aircraft and helicopters. Includes any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, as well as areas for parking, maintenance, fueling, and repair of helicopters. This includes all necessary runways, taxiways, aircraft storage and tie-down areas, hangars, public terminal buildings and parking, helicopter pads, support activities such as airport operations and air traffic control, and other necessary buildings and open spaces.

Animal Hospital means a facility where animals or pets are given medical or surgical treatment and the boarding of animals, typically dogs or cats, is limited to short-term care associated with the hospital.

Appliance and Furniture Repair Services means repair services including furniture and major appliance repairer, home improvement company, interior decorator, upholsterer, carpentry, cabinet making, and similar business, with all processing and product and storage of goods and materials kept within a completely enclosed building.

Automobile Dealership means a facility for the sale or rental of automobiles, trucks, motorcycles, ATVs, boats, or recreational vehicles. This includes incidental vehicular services and repair.

Automobile Repair, Heavy means an establishment that offers mechanical and body work on motor vehicles including straightening of body parts, body repairs, battery rebuilding, painting, welding, short term storage of automobiles not in operating condition, outdoor similar work on motor vehicles that may involve noise, glare, fumes, smoke, or similar impacts.

Automobile Repair, Light means an establishment that offers only general maintenance activities for motor vehicles, including engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing, replacement of filters, fluids, light bulbs, belts, fuses, oil, and tires, emissions testing, and similar activities.

Automobile Washes means a building or premises or portion thereof primarily used on a commercial basis for washing motor vehicles.

B

Bed and Breakfast means a residence used primarily as a private residence which offers sleeping accommodations to guests for a fee. The number of guest rooms is not to exceed ten, with breakfast included in the room fee and no cooking facilities in individual rooms.

C

Campground means a parcel of land where spaces are used for occupancy by tents, recreational vehicles, or cabin sites for nightly or short-term rental.

Care Facility means any facility which is maintained and operated to provide residential care or rehabilitation services for elderly adults in need of personal assistance essential for sustaining the activities of daily life or for the protection of the individual, but which for any reason cannot be furnished in the person's own home. This use includes common types of facilities such as nursing homes, convalescent homes, rest homes, and senior homes.

Cemetery means a place dedicated to, used and intended to be used for the permanent interment of the human dead, and shall include burial plots for earth interments, mausoleums for vault or crypt interments, columbarium for cinerary interments, or a combination of one or more of the above.

Child Care Facility means any public or private child care residential facility, child-placing agency, foster family home, child care center, part-day program, out-of-school time program, day camp, drop-in program, program for sick children, family child care home, or large family

child care home providing either full-time or part-time care for children away from their own homes.

Civic Space means any public land available for recreational, educational, cultural, or aesthetic use, such as public parks, libraries, museums, and playground facilities.

CNG Pumps and Co-Generation means a facility designed to dispense compressed natural gas (CNG) as a transportation fuel or a facility or energy system designed for the simultaneous generation of electricity and useful thermal energy, typically utilizing natural gas or other fuels as a primary energy source. CNG pumps are used for refueling CNG-powered vehicles, including buses, trucks, and certain passenger cars. These facilities include equipment for gas compression, pressure regulation, and fuel dispensing.

Contractor and Contractor Storage means the offices and/or storage facilities for a specialized trade related to construction, electric, glass, painting and decorating, welding, water well drilling, sign making, or similar items. Includes storage yards (for equipment, materials [including sand, road-building aggregate or lumber], supplies and/or vehicles owned or rented by the establishment), roofing and sheet metal, fabrication of cabinetry and related millwork and carpentry, elevator maintenance and service, and venetian blind and metal awning fabrication and cleaning. Incidental sales of materials are included within this definition.

Convenience Store means any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads. Also, may or may not include the sale of motor fuels.

Convention and Exhibition Hall means a facility designed for hosting a diverse range of large-scale events, including conventions, conferences, trade shows, exhibitions, cultural performances, and entertainment shows. This use can include event spaces, such as meeting rooms, ballrooms, and auditoriums to accommodate various types and sizes of gatherings.

Correctional Facility means a private or public facility that houses individuals participating in work release or similar programs from state institutions and under the supervision of a court, state or local agency.

D

Drive-Through Restaurant means an establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer either in-store or in a drive-through. Food will be in a ready-to-consume state for consumption either within the restaurant building, in cars on the premises, or off the premises.

Dwelling, Single-Family Attached Duplex means two separate living units that are attached in a single structure, where each is designed to be occupied as a separate permanent residence for one family.

Dwelling, Single-Family Attached Townhome means a building designed as a single structure, containing separate living units in a row of two units, each of which is designed to be occupied as a separate permanent residence for one family. Each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Dwelling, Single-Family Detached means a building containing only one dwelling unit, located on a single platted lot which is not attached to any other dwelling unit by any means.

Dwelling, Multi-Family means a building on a single lot containing more than two attached dwelling units.

E

Elder Village means a residential community or housing development created to accommodate and support older adults, typically those aged fifty-five (55) years or older. Elder Villages can include a variety of housing options, such as apartments, condominiums, townhomes, single-family homes, and assisted living units.

Electric Charging Station means a public or private parking space that is served by Electric Charging Station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an Electric Vehicle.

Equipment Repair Services means the maintenance, repair, and/or overhaul for large construction equipment, including high-capacity mechanical devices such as earth movers, dump trucks, tractors, augers, bulldozers, concrete mixers and similar type devices, when out of order or broken. Includes performing routine actions which keep the machines in working order or to prevent issues. All actions which have the objective of retaining or restoring an item in or to a state in which the item can perform the required function. The actions include the combination of all technical and corresponding administrative, managerial, and supervision actions.

Exterior storage of any wrecked or untitled vehicle, farm implements, equipment, furniture, etc. means the temporary or long-term storage of various types of equipment, machinery, vehicles, or materials in outdoor areas on a property. This equipment may include but is not limited to construction machinery, agricultural implements, industrial vehicles, shipping containers, recreational vehicles, furniture, and other related items.

F

Farmer's Market means a seasonal open-air market where local fresh fruits, produce, flowers and value-added food products like jams, jellies, pickles, sauces or baked goods, in addition to arts and craft items are sold directly to consumers. Farmers markets are intended to provide a venue for food producers and artisans to sell directly to consumers. The sale of second hand or any commercially produced goods is prohibited.

Farming and Grazing Leasing means a legal agreement between a landowner or the Cheyenne and Arapaho Tribes and a lessee (tenant or rancher) that grants the lessee the right to use a specific piece of land for the purpose of grazing livestock.

Financial Institution means a business where the primary occupation is financial services such as banks, brokerage companies, mortgage companies, credit bureaus, and other financial services.

Food Trucks, Permanent means food service establishments situated in a specific and unchanging location for extended periods or year-round.

Fuel Storage (flammable or explosive) means the storage of flammable or combustible liquid, in an approved underground or outside above ground storage tank(s) as defined by the Uniform Fire Code, and not for sale to the public. This definition does not regulate the storage of heating oil which is used on-site for residential heating.

Fuel Storage (nonflammable, nonexplosive) means the secure containment and management of substances that are classified as nonflammable and nonexplosive under normal conditions. These fuels do not pose inherent fire or explosion risks and include substances such as natural gas, liquid nitrogen, carbon dioxide, and compressed air.

G

Gaming Casino Facilities and Operations means establishments that provide a venue for patrons to engage in various forms of wagering, games of chance, and skill-based gaming activities. Casinos and gaming facilities may also provide amenities such as restaurants, bars, live entertainment, and lodging accommodations.

General Retail includes but is not limited to apparel and accessories stores; book, computer, and music stores; electronics and appliances; florists; furniture and home furnishings; general merchandise stores; health and personal care stores; hobby; office supplies; stationery and gift stores; specialty stores; sporting goods; used merchandise stores, and similar types of stores selling merchandise.

Geothermal Energy means energy production involving the utilization of heat from the Earth's interior for various energy production purposes, including electricity generation, direct heating, and industrial applications. Geothermal energy may include power plants, well fields, heat exchangers, and related infrastructure, with land dedicated to the exploration, extraction, and utilization of geothermal resources.

Golf Course means a designated land area designed and maintained for the sport of golf and may include facilities such as clubhouses, pro shops, driving ranges, and practice areas.

Government Use means any area, building, or structure held, used, or controlled exclusively for public purposes by any department or branch of the Federal Government, State of Oklahoma, or the Cheyenne and Arapaho Tribes.

Grazing means the use of allowing herbivorous animals, primarily livestock, to feed on vegetation, including grasses and other forage, within designated pastures, rangelands, or grazing areas.

Greenhouse, Commercial means a structure largely made of glass, plastic or a similar substance which uses solar heating or some form of temperature control for the purposes of protecting and/or cultivating plants, trees, flowering and decorative plants, and shrubs for sale on either a retail or wholesale basis.

Grocery Store means a food service establishment for the sale of food and associated goods. May include pharmacies, retail bakery, and other retail outlets selling food, beverages, drugs, and associated goods.

Group Home means a community-based residential facility located in a single-family zoning area that admits not more than six persons with developmental or physical disabilities who require specialized living arrangements, and that provides for such persons a home that is subject to the care and supervision of a responsible adult and which is licensed by or which has a contract with the Department of Human Services.

H

Hazardous or toxic material storage, manufacture, sales means the storage, sales, or manufacture of hazardous materials in accordance with the Oklahoma Hazardous Waste Management Act.

Height shall be measured as the vertical distance from grade plane to the average height of the highest roof surface.

Home Occupation means any occupation carried on solely by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory building; provided that no trading and merchandising is carried on and in connection with which there is no display of merchandise or advertising sign other than one nonilluminated nameplate, not more than two square feet in area, attached to the main accessory building, and no mechanical equipment is used except such as is customarily used in purely domestic or household purposes.

Hotel and Motel means a facility under single management offering transient lodging to the general public and may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational.

I

Industrial and Manufacturing, Heavy means the manufacturing of paper, chemicals, plastics, rubber, cosmetics, drugs, nonmetallic mineral products (such as concrete and concrete products, glass), primary metals, acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive

acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, electrical equipment, appliances, batteries, and machinery. This group also includes asphalt mixing plants, concrete mixing plants, smelting, animal slaughtering, oil refining, and magazine contained explosives facilities.

Industrial and Manufacturing, Light means manufacturing of products, from extracted, raw, recycled, or secondary materials, including bulk storage and handling of those products and materials, or crushing, treating, washing, and/or processing of materials. It also includes incidental finishing and storage. Goods or products manufactured or processed on-site may be sold at retail or wholesale on or off the premises.

J

There are no terms to define for this letter.

K

Kennel means a facility licensed to house dogs, cats or other household pets and/or where grooming, breeding, boarding or training or selling of animals is conducted as business.

L

Lagoon means a facility designed for the treatment and management of domestic, industrial, or municipal wastewater through natural biological processes.

M

Manufacture or Storage of Explosives means a place where explosive materials are stored, consisting of one or more approved magazines, conforming to the requirements of 27 CFR, Part 555, Subpart K.

Marina Facilities means the buildings and facilities such as dockyards where boats, yachts, and ships are kept and maintained and may include ground facilities such as parking lots for vehicles and boat trailers. A marina may have refueling, washing and repair facilities, stores and restaurants.

Medical Care Facility means a hospital or an institution providing health services and medical, dental, or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices. Medical Care Facilities may include ambulance services as an accessory use.

Mini-Storage means a business or facility providing enclosed structures used for the storage of personal property. Commercial warehouses are not considered as storage facilities for the purpose of this definition.

Mixed Use means a building or lot containing residential and non-residential uses, as allowed by the applicable zone district. Long-term occupancy lodging in hotels shall not be considered as a type of residential use that is permitted under this definition.

N

Nature Preserve means wildlife sanctuaries, conservation areas, and game preserves.

O

Office means an establishment engaged in professional, semi-professional, business, government, philanthropic institutions, or client-oriented services. Offices do not include retail or wholesale activities which require the receiving, stocking, storing, displaying, manufacturing, selling, or renting of merchandise or equipment, except where specifically permitted as an accessory use.

P

Parking Facility means a structure, either publicly or privately owned, that is enclosed or open, with a hard surfaced area (other than a public street or private road), designed, arranged, and made available for parking vehicles, where such use may be operated as a business enterprise with a service charge or fee being paid by the vehicle operator. Off street parking facilities may include, but not be limited to, a commercial parking lot and public garage.

Passive Recreation Space means nature and recreation trails that do not require infrastructure such as roads or utility services.

Personal Services means establishments primarily engaged in providing services involving the care of a person or personal goods or apparel. Examples of these types of services may include barber or beauty shop, shoe repair shop, interior decorator, photographic studio, dance or music studio, self-service laundry or dry cleaner, laundry and dry-cleaning pick-up station, tailor or dressmaker, artist studio, picture framing, caterers, and other services of a similar nature, as well as repairs or adjustments to bicycles, small appliances, watches, locks, musical instrument, and similar personal goods.

Pharmacy means a place where drugs and medicines are prepared and dispensed.

Power Plant means a facility or site dedicated to the generation of electricity or other forms of energy for distribution and consumption and may consist of structures and equipment for energy conversion, such as turbines, generators, and cooling systems, as well as supporting infrastructure like substations, fuel storage, and emission control systems.

Powwow Grounds means sacred land where powwows occur, including but not limited to activities such as dancing, music, and singing.

Produce Stand, Permanent means a permanent structure where local food producers and artisans sell fresh fruits, produce, flowers and value-added food products like jams, jellies,

pickles, sauces or baked goods, in addition to arts and craft items; provided that no commercially produced or packaged goods are available for sale.

Public Safety Facilities means services provided by a governmental entity for the health, safety, and welfare of the community, such as public works, police, fire, or other similar services.

Public Utility Facilities means an electricity substation, a gas regulator station, a telephone exchange, a water or sewer pump station, a water reservoir, water and sewer main lines, stormwater facilities, and the accessories used to provide the service.

Q

There are no terms to define for this letter.

R

Radio and Television Broadcasting Studios means broadcasting and other communication services accomplished through wired or wireless electronic mechanisms. Examples include radio and television recording studios; radio, radar and/or television towers (defined as structures for the transmission of broadcasting of radio, TV, or radar signals); switching centers; and cable transmitting stations.

Radio Frequency Energy means electromagnetic energy at any frequency in the radio spectrum between ten (10) kilocycles and three (3) million megacycles.

Recreational Entertainment, Indoor means a place where recreation activities occur completely within an enclosed structure, including but not limited to bowling alleys, cart tracts, gyms, vehicle racing or amusement, miniature golf, jump centers, skating rinks, pool halls, dance halls, game arcades, video and pinball parlors, and similar uses.

Recreational Entertainment, Outdoor means a place where recreation activities (including miniature golf, batting cages, water slides, skateboard parks, driving ranges and go-cart tracks) occur outdoors.

Recycling Facility means a facility used for the collection and/or processing of recyclable material. Processing means the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.

Religious Use means churches, synagogues, and other places of worship including residential structures for religious personnel and accessory buildings.

Research and Development means a facility (such as a laboratory) for general research, scientific research, development and/or training where assembly, integration, and testing of products in a completely enclosed building is incidental to the principal use of scientific research, development, and training.

Resource/Mineral Extractions and Mining Activities means any facility, land, or portion thereof, removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances, other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged.

S

Salvage Yard means a building or structure or parcel of land or a portion thereof used for the collecting, storage, or sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery, or other materials and including the sale of whole or parts thereof.

School, Primary means a K-12, public or private school which meets State of Oklahoma standards for providing instruction for students between five (5) and twenty-one (21) years of age.

School, Secondary means a school providing higher education beyond grade 12, which offers either a two-year or four-year degree in specific disciplines.

School, Technical means an establishment such as a trade school, where instruction is offered in secretarial, computer and data processing, drafting, electronic repair including radio/TV repair, commercial art, allied health care, real estate, banking, restaurant operation, or similar trades, or vocational training such as automobile body and engine repair, construction equipment operation, building trades, truck driving, and mechanical and electrical equipment/appliance repair.

School, Tribal means a school providing either online or in-person instruction for tribally enrolled students between five (5) and twenty-one (21) years of age.

Sit-Down Restaurant means an establishment that generally provides a full-service menu and that prepares food after menu items are ordered and serves food and beverages primarily to persons seated within a building for consumption on-site. These uses may not include drive-in food service as part of their operations.

Solar Energy refers to any or all of the following terms:

1. Array. A group or arrangement of individual modules or panels.
2. Nameplate Capacity. The maximum amount of electric energy that a generator can produce under specific conditions, as rated by the manufacturer
3. Photovoltaic (PV) System. A system composed of one or more solar panels combined with an inverter and other electrical and mechanical hardware that uses energy from the Sun to generate electricity.
4. Solar Module. Also called solar panels, a solar module is a single photovoltaic panel that is an assembly of connected solar cells. The solar cells absorb sunlight as a source of energy to generate electricity. An array of modules is used to supply power to buildings.

5. **Utility Scale Solar System.** A commercial facility whose primary purpose is to supply electricity and consists of one (1) or more solar arrays and other accessory structures, equipment, including substations, switchyards, battery storage, electrical infrastructure, generators, transmission lines, communications infrastructure, and other appurtenant structures and/or facilities.

Solid Waste Facility means a facility where non-hazardous waste is taken from collection vehicles, temporarily stored, and ultimately relocated to a permanent disposal site. This includes any facility, incinerator, landfill, materials recovery facility, municipal solid waste landfill, private or public solid waste management facility, recovered materials processing facility, sanitary landfill, or solid waste management facility.

Special Event means temporary use of land, structures, or a combination thereof for gathering of persons. Special events are open to the public, whether by general access, ticketed access, or registration fee and may occur on public or private land for commercial or nonprofit purposes. Examples include but are not limited to: carnivals, corn mazes, fairs, concerts, music festivals, shows, plays, vehicle or foot races, agricultural competitions, or cultural events.

Stable means a building and/or area for the purpose of using, housing, or feeding horses, donkeys, llamas, or other similar type animals and for the storage of equipment relating to the care, feeding, maintenance, and operation of these animals; further, any building and/or area where such animals are boarded and owned by the occupants of the premises and are not kept for remuneration, sale, or hire.

Sweat Lodge means a dome-shaped structure made from natural materials, heated by steam from water poured on hot stones and used for ritual or therapeutic sweating.

T

Telephone Infrastructure means the physical and network components that make up the system required for the provision of telephone services and encompasses a range of elements, including telephone lines, switching equipment, central offices, cellular towers, base stations, fiber optic networks, satellite communication facilities, and subscriber equipment.

Trading Post means an establishment designed for the buying, selling, or exchange of goods, commodities, or cultural items. Trading posts may operate using various transaction methods, including barter, currency, or trade tokens. They may be of cultural significance, preserved as historical landmarks or museums.

Traditional Medicine/Herb Crops & Harvesting means a controlled environment structure or garden of limited size, designed for the cultivation of traditional plant species that are of cultural significance to the Cheyenne and Arapaho Tribes.

Transportation Facilities, Private means privately owned establishments primarily engaged in furnishing local and suburban passenger transportation, including taxicabs, passenger

transportation charter service, school buses, and terminal and service facilities for motor vehicle passenger transportation.

Transportation Facilities, Public means publicly owned establishments primarily engaged in furnishing local and suburban passenger transportation, including taxicabs, passenger transportation charter service, school buses, and terminal and service facilities for motor vehicle passenger transportation.

Tribal Sundance Grounds means sacred land where ceremonial activities are conducted by the Cheyenne and Arapaho Tribes, specifically the Sun Dance.

Tribal Culture and Heritage Events means the use of a building or land, or a portion of a building or land, for the purpose of holding a tribal ceremonial or cultural event.

Tribal Recreational Space means culturally or ceremonially significant recreational areas, such as parks, walking trails, fishing, and wildlife preserves.

Truck Stop an establishment primarily designed for the purpose of selling and dispensing vehicle engine fuels, kerosene or motor oil and lubricants or grease and minor vehicle repair on a full and some self-service basis to commercial trucks and may include similar service for automobiles. May also include restaurant facilities, convenience store facilities and/or overnight sleeping facilities.

Truck Wash means a permanent, drive-through, self-service, and/or attended truck washing and detailing establishment, including fully mechanized facilities.

U

There are no terms to define for this letter.

V

Vehicle Fleet Yards means a designated area or facility used for the parking, maintenance, and management of a collection of vehicles, owned and operated by an organization or business.

Vested Rights means the right to undertake and complete a development and use of property under the terms and conditions of an approved site-specific development plan or an approved phased development plan.

W

Warehouse means a building used primarily for the storage of goods and materials for business use.

Wholesale Market means establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wind Energy Facility means an electrical generation facility consisting of one or more wind turbines under common ownership or operating control, and includes substations, meteorological data towers, aboveground and underground electrical transmission lines, transformers, control systems, and other buildings or facilities used to support the operation of the facility, and whose primary purpose is to supply electricity to an off-site customer or customers. Wind energy facility shall not include a wind energy facility located entirely on property held in fee simple absolute estate by the owner of the wind energy facility.

X

There are no terms to define for this letter.

Y

There are no terms to define for this letter.

Z

There are no terms to define for this letter.