



Yuma County, Arizona
DEPARTMENT OF DEVELOPMENT SERVICES

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Monty M. Stansbury, AICP
Director

MEMORANDUM

TO: Monty Stansbury, DDS Director

FROM: Paul Melcher, Planning Director *PM*

CC: Interpretation File; Planning Division Staff

SUBJECT: Interpretation of the term *Sketch* and its application within the Yuma County Zoning Ordinance

DATE: September 8, 2008

This interpretation is written in response to a request from the Director of Development Services dated August 21, 2008 to provide an interpretation of the term *sketch* in relation to **Section 1201.01—Zoning Inspector, A.R.S. §11-808, Permits** and to describe how the term is used or applied. For the purposes of clarity, this interpretation is divided into two sections, one dealing with the term's definition and the other dealing with its application.

A) Definition of Sketch

Section 1201.01 of the Yuma County Zoning Ordinance (hereinafter Ordinance) which deals with the term *sketch* is based specifically on a portion of A.R.S. §11-808(B) which states:

From and after the establishment and filling of the position, it shall be unlawful to erect, construct, reconstruct, alter or use any building or other structure within a zoning district covered by the ordinance without first obtaining a building permit from the inspector and for that purpose the applicant shall provide the zoning inspector with a sketch of the proposed construction containing sufficient information for the enforcement of the zoning ordinance [emphasis added].

As a result, the entire text of **Section 1201.01** of the Ordinance was drafted to include the additional language from A.R.S. §11-808(B) so as to create the following:

1201.01--Zoning Inspector, A.R.S. § 11-808, Permits

It is unlawful to erect, construct, reconstruct, alter or change the use of any building or other structure within a zoning district covered by the ordinance without first obtaining a building permit from the inspector and, for that purpose, the applicant shall provide the zoning inspector with a sketch of the proposed construction containing sufficient information for the enforcement of the zoning ordinance [emphasis added]. No permit shall be required for repairs or improvements of a value not exceeding five hundred (500) dollars. The inspector shall issue the permit when it appears that the proposed erection, construction, reconstruction, alteration or use fully conforms to the zoning ordinance. In any other case, the inspector shall withhold the permit.

The term *sketch* itself is not defined by the Arizona Revised Statutes, nor is it defined in the Ordinance or in the Yuma County Building Code. **Article II, Section 201.00(F)** of the Ordinance states that terms not defined within this Ordinance or the Yuma County Building Code shall have the meaning customarily assigned to them as defined in the Merriam-Webster Collegiate Dictionary, Eleventh Edition. Accordingly, the term *sketch* is defined for the purposes of this interpretation as, 1a: *a rough drawing representing the chief features of an object or scene and often made as a preliminary study.*

Both statute and Ordinance text specify what the sketch must provide the Zoning Inspector in order to determine compliance with the Ordinance. Specifically, A.R.S. § 11-808(B) requires that...*the sketch of the proposed construction contain sufficient information for the enforcement of the zoning ordinance.* In the Ordinance, **Section 309.00(B)(1)(a-h)** provides the minimum list of what sketch should accompany the permit application with subsection **(B)(1)(i)** providing an allowance for the Planning Director to request any other data deemed necessary to determine compliance. A copy of this section is attached.

In conclusion, the *sketch* included in Section 1201.01 of the Ordinance must accurately describe the current state of the property as specifically as necessary for the Zoning Inspector to verify that the property for which a permit or license has been applied is in compliance with the Ordinance prior to the Zoning Inspector issuing a permit.

B) Application within the Ordinance

Different activities within the Ordinance require an applicant to provide different levels of detail relating to a property's existing condition. For the purposes of determining compliance with the Ordinance in most permit activities, a *sketch* is required, while other application activities require the applicant to submit a **site plan**. Thus, the terms *sketch* and *site plan* are not synonymous even though in practice Yuma County Development Services applications do not distinguish between the two, as all applications require the applicant to submit a site plan for staff review.

1) Application of the Term *Sketch*

The term *sketch* is limited in its application to the following sections of the Ordinance that pertain to permits as detailed below.

Section 301.00--Conformance Mandatory

Section 309.0--Permits

Section 1201.00--Permits

Section 1201.01--Zoning Inspector, A.R.S. §11-808, Permits

Section 1201.02--Building Safety, A.R.S. §11-861, Permits

Section 1204.00--Enforcement of Regulations

Section 1205.00--Violation and Offense

Section 1208.00--Withholding of Permits

Moreover, the compliance review of an application triggers other requirements within the Ordinance describing the Planning Director and Zoning Inspector's authoritative requirements and limitations. In the Ordinance, **Section 309.00(B)(2)** prevents the Planning Director and the Chief Building Official from issuing a certificate of occupancy until the standards of the Ordinance are met, and **Section 309.00(E)** provides that the Planning Director may revoke a permit or other authorizations granted under the Ordinance in accordance with subsections (A)(2-5). Furthermore, **Section 1201.01** compels the Zoning Inspector to issue the permit when the activity proposed therein fully conforms to the Ordinance. Finally, **Section 1204.00—Enforcement of Regulations** states that the County Zoning Inspector and any other county officials with the authority to issue permits or licenses shall not do so where the issuance would be in conflict with the provisions of the Ordinance.

2) Application of the Term *Site Plan*

The term *site plan* is defined in the Ordinance as: *A graphic depiction (map) of land(s) to scale indicating the boundary of a property(ies) including various geographic and physical features or improvements related to the property and its surroundings, including adjoining streets and roads.*

Site plans are required by activities in the sections of the Ordinance listed below.

Section 302.01--Transitional Buffer Yards and Screening

Section 302.01(D)(2)

Section 302.03--Cluster Development Standards

- Section 302.03(A)(2) and (G)(2)

Section 302.04--Sanitary Landfills

- Section 302.04(B)(1)

Section 302.05--Land Clearing Landfills and Construction and Demolition Landfills

- Section 302.05(B)(2)

Section 306.03--Certificate of Exemption

Section 401.01--Manufactured Home Placement Permits

- Section 401.01(A)

Section 402.02--Procedures for Reviewing Special Use Permit Applications

- Section 402.02(B)(1)

Section 404.01--Application for Amendment or Change

- Section 404.01(D)(1)

Section 507.01--Procedures for Review of Land Division Proposals

- Section 507.01(D)(2)(b)(1)

Section 708.01--Criteria for Amendments

Section 800.07--Application

Section 902.00--Number of Parking Spaces Required

When comparing the term *site plan* with that of *sketch*, the definition of a site plan implies higher minimum design requirements and requirements for offsite improvements where necessary. In fact, each section listed above provides specific requirements that a site plan must contain in order to be accepted as part of each separate application and review process.

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Monty M. Stansbury, AICP
Director

MEMORANDUM

TO: Paul Melcher, Planning Director

FROM: Monty M. Stansbury, Director *MS*

SUBJECT: Request for Zoning Ordinance Interpretation; section 1201.01

DATE: August 21, 2008

Yuma County Zoning Ordinance section 1201.01--Zoning Inspector reads, "It is unlawful to erect, construct, reconstruct, alter or change the use of any building or other structure within a zoning district covered by the ordinance without first obtaining a building permit from the inspector and, for that purpose, the applicant shall provide the zoning inspector with a sketch of the proposed construction containing sufficient information for the enforcement of the zoning ordinance. No permit shall be required for repairs or improvements of a value not exceeding five hundred (500) dollars. The inspector shall issue the permit when it appears that the proposed erection, construction, reconstruction, alteration or use fully conforms to the zoning ordinance. In any other case, the inspector shall withhold the permit."

Please provide your interpretation of the term "sketch" as applied herein. Please include how is it used and what does it apply toward?

Your soonest response will be appreciated.

cc: File

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