

**ORDINANCE NO. (O)18-14**

**AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 25, USE REGULATIONS, SECTION 25.1.B.21, MOBILE FOOD VENDORS AND FOOD TRUCKS, TABLE 23-1, PERMITTED USES AND CHAPTER 31, DEFINITIONS, OF THE ORO VALLEY ZONING CODE REVISED; REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER**

**WHEREAS**, on March 13, 1981, the Mayor and Council approved Ordinance (O)81-58, which adopted that certain document entitled “Oro Valley Zoning Code Revised (OVZCR); and

**WHEREAS**, it is necessary to amend Chapter 25, Use Regulations, Section 25.1.B.23, Mobile Food Vendors and Food Trucks, Table 23-1 Permitted Uses and Chapter 31, Definitions, to bring the zoning into compliance with the recently amended Arizona Revised Statutes regarding Mobile Food Unit regulations; and

**WHEREAS**, House Bill 2371 recently amended the Arizona Revised Statutes regarding Mobile Food Unit operations and the OVZCR needs to be brought into compliance with new state law; and

**WHEREAS**, the Planning and Zoning Commission held a meeting on September 4, 2018v and voted to recommend approval of amending Chapter 25, Use Regulations, Section 25.1.B.23, Mobile Food Vendors and Food Trucks, Table 23-1 Permitted Uses and Chapter 31, Definitions; and

**WHEREAS**, the Mayor and Council have considered the proposed amendments and the Planning and Zoning Commission’s recommendation and finds that they are consistent with the Town's General Plan and other Town ordinances and are in the best interest of the Town.

**NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Oro Valley that:**


**SECTION 1.** that certain document entitled Chapter 25, Chapter 25, Use Regulations, Section 25.1.B.23, Mobile Food Vendors and Food Trucks, Table 23-1 Permitted Uses and Chapter 31, Definitions, of the Oro Valley Zoning Code Revised, attached hereto as Exhibit “A” and incorporated herein by this reference, and declared a public record on October 3, 2018 is hereby adopted

**SECTION 2.** All Oro Valley ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.


**SECTION 3.** If any section, subsection, sentence, clause, phrase, or portion of the resolution or any part of the General Plan Amendment adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Oro Valley, Arizona, this 3<sup>rd</sup> day of October, 2018.

**TOWN OF ORO VALLEY**

  
\_\_\_\_\_  
Dr. Satish I. Hiremath, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Michael Standish, Town Clerk

Date: 10/4/18

PUBLISH: DAILY TERRITORIAL  
OCTOBER 9, 10, 11, 12, 2018

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Tobin Sidles, Legal Services Director

Date: 10/4/18

POSTED: 10/9/18 - 11/8/18

# EXHIBIT “A”

**AMEND the following in Table 23-1, Section 25.1.B.21, and Chapter 31 of the Zoning Code. Additions shown in ALL CAPS, Deletions shown in ~~striketrough~~**

**Table 23-1: Permitted Uses**

COMMERCIAL USES																						
Food and Beverage	Bars																	P	P	P	25.1.B.3	
	Distillery																			C		
	Entertainment at Bars or Restaurants																		C	C	25.1.B.9	
	Food Processing, Artisanal																		P	P	25.1.B.12	
	Microbrewery																		A	A	C	25.1.B.20
	Mobile Food <del>Vendors</del> UNITS, Including Food Trucks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	25.1.B.21

## Chapter 25.1.B.21

### 21. Mobile Food ~~Vendors~~ UNITS or Food Trucks

- a. Mobile food ~~vendors~~ UNITS may be permitted as a service to specific clientele on private property as follows:
  - i. As an invited service to employees or guests of a temporary private function, not to exceed four (4) hours.
  - ii. As an invited service to employees or customers of a single commercial establishment, for a period not to exceed four (4) hours.

- b. Mobile food ~~vendors~~ UNITS may be permitted as a service to the general public as a ~~vendor~~ UNIT participating in an organized event through a special use permit or special event permit.
- c. Location requirements
  - ~~i. Mobile food vendors must be located a minimum of two hundred (200) feet from any restaurant, unless otherwise permitted as part of a special use or special event.~~
  - i. MOBILE FOOD UNITS MAY NOT OPERATE AT A PUBLIC TRANSIT FACILITY INCLUDING BUS STOPS AND PUBLIC "PARK AND RIDE" AREAS.
  - ii. Mobile food ~~vendors~~ UNITS must be located outside of any required setbacks.
  - iii. Mobile food ~~vendors~~ UNITS must not present a traffic safety hazard as determined by the town engineer.
- d. All external lighting must be affixed to the exterior of the mobile food ~~vendor~~ UNIT. All lighting is subject to the requirements of Section 27.5.C, Prohibitions, but shall otherwise be exempt from the requirements of Section 27.5, Outdoor Lighting.
- e. No drive-thru components are permitted.
- f. Signage must be affixed to the exterior of the mobile food ~~vendor~~ unit. All signage is subject to the requirements of Section 28.9.A.1 through 28.9.A.18, Prohibited Signs, but shall otherwise be exempt from the requirements of Chapter 28, signs.

## Chapter 31

### Mobile Food ~~Vendor~~ UNIT

~~A readily movable vehicle equipped with facilities to prepare, serve, and sell food.~~

A FOOD ESTABLISHMENT THAT IS LICENSED BY THIS STATE, THAT IS READILY MOVABLE AND THAT DISPENSES FOOD OR BEVERAGES FOR IMMEDIATE SERVICE AND CONSUMPTION AND OTHER INCIDENTAL RETAIL ITEMS AS DEFINED IN THIS SECTION.

**INCIDENTAL RETAIL ITEM**

AN ITEM CUSTOMARILY SUBORDINATE OR DIRECTLY RELATED TO THE OPERATION OF A MOBILE FOOD UNIT.

**FOOD TRUCK**

See Mobile Food ~~Vendor~~ UNIT