

ORDINANCE NO. (O)24-03

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING ORO VALLEY ZONING CODE CHAPTER 23, ZONING DISTRICTS, CHAPTER 25, USE REGULATIONS, CHAPTER 31, DEFINITIONS, AND OTHER RELATED SECTIONS TO ENABLE MOBILE FOOD UNIT COURTS AS A CONDITIONAL USE IN COMMERCIAL ZONING DISTRICTS C-N, C-1 AND C-2, AND ESTABLISH ASSOCIATED DEVELOPMENT STANDARDS

WHEREAS, on March 31, 1981, the Mayor and Council approved Ordinance (O) 81-58, which adopted that certain document entitled “Oro Valley Zoning Code Revised” (OVZCR); and

WHEREAS, In March of 2023, the Town received a pre-application request for a proposed Food Truck Court on a vacant property within the Mercado del Rio shopping center, which is not allowed in the current Zoning Code; and

WHEREAS, it is necessary to amend OVZCR Chapter 23, Zoning Districts, and Chapter 25, Use Regulations, Chapter 31, Definitions, and other related sections to enable Mobile Food Unit Courts as a conditional use in commercial districts (C-N, C-1, C-2) and establish associated development standards; and

WHEREAS, the Planning and Zoning Commission held a meeting on December 5, 2023, and voted to recommend approval of the amendments to OVZCR Chapter 23, Zoning Districts, and Chapter 25, Use Regulations, Chapter 31, Definitions, and other related sections; and

WHEREAS, the Mayor and Council have considered the proposed amendments and the Planning and Zoning Commission’s recommendation regarding the changes to OVZCR Chapter 23, Zoning Districts, and Chapter 25, Use Regulations, Chapter 31, Definitions, and other related sections, and finds that they are in the best interest of the Town.

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

SECTION 1. Oro Valley Zoning Code Revised, Chapter 23, Zoning Districts, and Chapter 25, Use Regulations, Chapter 31, Definitions, and other related sections, are hereby amended to enable Mobile Food Unit Courts as a Conditional Use in commercial zoning districts C-N, C-1 and C-2, and establish associated development standards as shown in the “Food Truck Park Code Amendments” attached hereto as Exhibit “A”.

SECTION 2. All Oro Valley Ordinances, Resolutions, or Motions and part of Ordinances, Resolutions or Motions of the Council in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance 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.

SECTION 4. In compliance with ARS § 9-802, the exhibits to this Ordinance are on file at the Town Clerk's Office.

PASSED AND ADOPTED by Mayor and Town Council of the Town of Oro Valley, Arizona, this 10th day of January, 2024.

TOWN OF ORO VALLEY

E-SIGNED by Joseph C. Winfield
on 2024-01-30 11:00:30 GMT

Joseph C. Winfield, Mayor

ATTEST:

E-SIGNED by Michael Standish
on 2024-01-30 15:17:04 GMT

Michael Standish, Town Clerk

APPROVED AS TO FORM:

E-SIGNED by Tobin Sidles
on 2024-01-30 14:15:20 GMT

Tobin Sidles, Legal Services Director

EXHIBIT "A"

Section 25.1 Requirements for Specific Uses

B. Requirements for Specific Nonresidential Uses

21. Mobile Food Units ~~or Food Trucks~~

A. STANDARDS FOR INDIVIDUAL UNITS OUTSIDE OF A MOBILE FOOD UNIT COURT:

- I. ~~a.~~ Mobile food units may be UNITS ARE permitted as a service to specific clientele on private property ~~as follows~~ SUBJECT TO THE FOLLOWING:
 - A) ~~i.~~ As an invited service to employees or guests of a temporary private function, not to exceed four (4) hours.
 - B) ~~ii.~~ As an invited service to employees or customers of a single commercial establishment, for a period not to exceed four (4) hours.
- II. ~~b.~~ Mobile food units UNITS may be permitted as a service to the general public as a unit participating in an organized event through a special use permit or special event permit.
- III. ~~c.~~ Location Requirements
 - A) ~~i.~~ Mobile food units UNITS may not operate at a public transit facility including bus stops and public "park and ride" areas.
 - B) ~~ii.~~ Mobile food units ~~m~~Must be located outside of any required setbacks.
 - C) ~~iii.~~ Mobile food units ~~m~~Must not present a traffic safety hazard as determined by the Town Engineer.
- IV. ~~d.~~ All external lighting must be affixed to the exterior of the mobile food 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.
- V. ~~e.~~ No drive-thru components are permitted.
- VI. ~~f.~~ Signage must be affixed to the exterior of the mobile food unit. All signage is subject to the requirements of Section ~~28.10~~ 28.9, Prohibited Signs, but shall otherwise be exempt from the requirements of Chapter 28, signs.

B. MOBILE FOOD UNIT COURTS

I. GENERAL STANDARDS

- A) MINIMUM PROPERTY SIZE OF ONE (1) ACRE.
- B) THERE MUST BE A DESIGNATED ON-SITE MANAGER DURING WORK HOURS.
- C) THE PROPERTY, INCLUDING ALL MOBILE FOOD UNIT PADS, MUST BE MAINTAINED FREE OF TRASH, WEEDS, AND DEBRIS.

D) EVERY MOBILE FOOD UNIT MUST BE CLEAN, OPERABLE, AND CAPABLE OF MOVING ON AND OFF THE PREMISES SAFELY ON ITS WHEELS.

E) A COMMISSARY MUST BE PROVIDED ON-SITE, AND SHALL NOT PROVIDE MOBILE FOOD UNIT MAINTENANCE.

F) GREASE COLLECTION AND DISPOSAL MUST BE PROVIDED ON-SITE, EITHER AT INDIVIDUAL MOBILE FOOD UNIT PADS OR WITHIN A COMMISSARY.

G) THE FOLLOWING MUST BE PROVIDED WITHIN A CENTRALIZED COMMON AREA THAT IS ACCESSIBLE TO ALL CUSTOMERS AND VENDORS:

1) PERMANENT RESTROOMS

2) ADEQUATE SEATING TO ACCOMMODATE PATRONS

3) ALL SEATING AND ACTIVITY AREAS MUST BE SHADED WITH NATURAL VEGETATION, BUILT STRUCTURES, OR A COMBINATION THEREOF

4) TRASH RECEPTACLES

5) A MINIMUM OF 25% OF THE ENTIRE CENTRALIZED COMMON AREA MUST BE LANDSCAPED. THIS REQUIREMENT MAY BE MODIFIED BY TOWN COUNCIL AS PART OF THE CONDITIONAL USE PERMIT APPLICATION.

6) HARDSCAPE SHALL BE MINIMIZED TO THE GREATEST EXTENT POSSIBLE.

H) UNSHIELDED STRING LIGHTS ARE PROHIBITED WITHIN A MOBILE FOOD UNIT COURT.

I) SIGNAGE ON INDIVIDUAL MOBILE FOOD UNITS SHALL BE EXCLUDED FROM ANY SECTION 28.4.B SIGNAGE CALCULATIONS FOR THE MOBILE FOOD UNIT COURT.

II. STANDARDS FOR INDIVIDUAL UNITS WITHIN A MOBILE FOOD UNIT COURT:

A) EACH UNIT MUST BE PARKED UPON A DEDICATED PARKING PAD CONSISTING OF AN IMPROVED SURFACE, SUCH AS ASPHALT OR CONCRETE.

B) MOBILE FOOD UNITS PARKED UPON A DEDICATED PAD MAY REMAIN IN PLACE OUTSIDE THE COURT'S HOURS OF OPERATION, FOR THE DURATION OF THEIR TENURE AT THE MOBILE FOOD UNIT COURT.

C) MOBILE FOOD UNIT PADS MUST BE LOCATED IN COMPLIANCE WITH ALL BUILDING RELATED REQUIREMENTS SUCH AS SETBACKS.

D) EACH PAD MUST HAVE DEDICATED POTABLE WATER AND ELECTRICAL SERVICE.

1) ELECTRICAL SERVICE SHALL INCLUDE CAPACITY FOR ALL MOBILE FOOD PADS TO BE IN SIMULTANEOUS OPERATION AT ALL TIMES.

2) USE OF GENERATORS IS PROHIBITED WITHIN MOBILE FOOD UNIT COURTS, EXCEPT DURING A REGIONAL ELECTRICAL OUTAGE.

3) MOBILE FOOD UNIT IDLING IS NOT ALLOWED.

E) A MINIMUM FIFTEEN (15) GALLON TRASH RECEPTACLE SHALL BE LOCATED WITHIN FIFTEEN (15) FEET OF EACH UNIT, ACCESSIBLE TO CUSTOMERS AND EMPLOYEES.

F) THE UNIT APPEARANCE SHALL BE PROFESSIONAL AND FREE OF DAMAGE, SUCH AS PEELING PAINT OR TORN VINYL WRAPPING.

G) ALL GRAPHICS AND SIGNAGE ON THE UNIT SHALL BE NEAT AND LEGIBLE.

H) THE SIGNAGE STANDARDS OF SUBSECTION 25.B.21.A.VI SHALL APPLY.

I) THE LIGHTING STANDARDS OF SUBSECTION 25.B.21.A.IV SHALL APPLY.

Section 27.7 Off-Street Parking

B. Parking Lots – Required Number of Spaces for Type of Use

2. Nonresidential Parking Requirements: The table below sets forth the number of required parking spaces for nonresidential uses within the Town.

Deletions shown with ~~striketrough~~ and ADDITIONS shown in red in all CAPS.

Table 27-14. Required Parking Spaces	
Permitted Use	Parking Spaces/Square Feet (Unless Otherwise Noted)
Accessory Buildings and Uses	Not Applicable
Commercial Stables	0.75/employee and 0.75/horse stall
Farms and Ranches	1 per 2 employees
Marketing of Products Raised on the Premises	4/1,000
Plant Nursery	4/1,000
Bars	20/1,000
Distillery	0.75/employee and 20/1,000 for bar
Entertainment at Bars or Restaurants	Not Applicable
Microbrewery	10/1,000
Mobile Food Units, Including Food Trucks	Not Applicable
MOBILE FOOD UNIT COURT	6 PER MOBILE FOOD UNIT PAD
Restaurant	10/1,000
Restaurant With Drive-in/Drive-thru	See Table 27-15

Chapter 31 Definitions

For the purpose of this code, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural shall include the singular; the word "building" shall include the word "structure," the word "lot" shall include the word "plot"; the word "may" is permissive and the word "shall" is mandatory, further, the word "or" shall mean "either" and the word "and" shall mean "in conjunction with." "Zone" shall mean "district."

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COMMISSARY

A SERVICE AREA FOR MOBILE FOOD UNITS, WHERE FOOD, CONTAINERS, OR SUPPLIES ARE STORED; FOOD IS PREPARED OR PREPACKAGED; UTENSILS ARE CLEANED AND SANITIZED; OR LIQUID WASTES ARE DISPOSED AND POTABLE WATER IS OBTAINED.

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MOBILE FOOD UNIT COURT

A SITE SPECIFICALLY DESIGNED TO ACCOMMODATE MULTIPLE MOBILE FOOD UNITS SERVING CUSTOMERS AS THE PRINCIPAL USE OF THE LAND.