



*Town of Oro Valley
Development and Infrastructure Services*

Date: December 3, 2015

Subject: Interpretation – Food Truck and Mobile Food Vendors
OV1501947

APPLICABLE REFERENCES

Chapter 31 of the Zoning Code provides the following applicable definitions:

Accessory Use

Shall mean a use customarily subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or building or adversely affect other properties in the district.

Special Use

Shall mean a temporary use of a property for a special event, which may, or may not, be in compliance with the standards of the zoning district in which it is to be located. Said uses, which may be public or private, may include, but are not limited to, civic, philanthropic, educational, religious, sporting, and/or social events, fund-raisers, or holiday sales, or any other special temporary use, as may be deemed analogous to these examples by the Planning and Zoning Administrator.

Section 25.3.A. of the Zoning Code provides the following:

Special Use Permits

a. The Planning and Zoning Administrator may approve permits for special uses for any temporary use of property, developed or undeveloped, within the Town of Oro Valley.

Table 23-1 of the Zoning Code provides a list of allowed food and beverage related uses in specific non-residential zoning districts. No permanent food truck or mobile food vendor uses are provided in that table.

INTERPRETATION

For the purpose of this interpretation a food truck or mobile food vendor will be considered to be any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand, display or other device designed to be portable and not permanently attached to the ground from which food is peddled, vended, sold, displayed, offered for sale or given away.

Oro Valley, it's in our nature.

A food truck or mobile food vendor may be allowed on a temporary basis under the following:

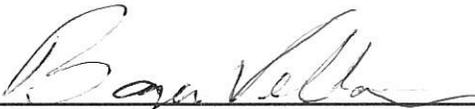
1. Based on the definition of Accessory Use, a food truck or mobile food vendor is a customary use allowed on private property as an invited mobile catering service to the employees or invited guests of a temporary private function such as a birthday or office party or on a construction site, etc. Typically these events do not exceed four hours in duration and include only one food truck or mobile food vendor.
2. A food truck or mobile food vendor(s) providing temporary service to the general public on private property for a period of time less than 60 days may only be allowed as a vendor participating in an organized event through a special use permit or special event permit in accordance with Section 25.3.A of the Zoning Code.

A food truck or mobile food vendor is prohibited as follows:

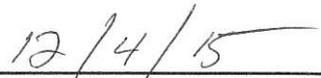
3. A food truck or mobile food vendor is not permitted as a temporary or permanent use on private property and open to the general public except as provided in number 2 above. Prohibition is based on the following:
 - a. Table 23-1 of the Zoning Code does not allow food trucks or mobile food vendor. Table 23-1 of the Zoning Code allows concession facilities only in Parks and Open Space (POS) zoning districts.
4. A food vendor is not allowed within a street right-of-way as provided by the Town Code Section 8-1-8.

APPEALS

Persons aggrieved by a Zoning Interpretation may file an appeal to the Board of Adjustment within twenty (20) days from the date it is published on the Town's website, in accordance with Section 21.6.G of the Town of Oro Valley Zoning Code.



Bayer Vella, LEED –AP, AICP
Planning and Zoning Administrator



Date