



PLANNING COMMISSION MEMORANDUM

Date: October 11, 2023 for October 18, 2023 scheduled meeting
To: Planning Commission
From: Kristina Swallow, Director of Planning and Development Services,
and Executive Secretary
Subject: C8-23-03 Food Truck Courts Unified Development Code (UDC)
Amendment (Citywide)

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Issue – This is a public hearing to take public comment and discuss a proposed code amendment to establish new regulations for food truck courts (or food courts) in the Unified Development Code (UDC) This proposed amendment was initiated by Mayor and Council during the January 11, 2023 meeting. At that meeting Mayor and Council requested that City staff work to develop a proposed code amendment to allow the development of congregate food truck courts.

Per the direction of Mayor and Council from the January 11, 2023 meeting, PDSO worked with food truck owners, restaurant owners, and other community stakeholders to develop this Food Truck Court amendment (see Attachment A for the draft redline UDC Amendments). Community engagement was conducted in person and virtually, allowing for both verbal and written community feedback and dialogue to inform the proposed language in this UDC Amendment.

The proposed amendment would create a new land use classification for food courts and establish activities that may be conducted within food courts, as well as minimum standards for infrastructure. For the purposes of this memorandum “food courts” and “food truck courts” will be used interchangeably. This is not a proposal to change any existing regulations for peddlers, mobile food trucks, or other similar vendors.

Staff Recommendation – Staff recommends the Planning Commission recommend adoption of the Food Truck Court UDC Amendment to the City of Tucson Mayor and Council.

Background – On January 11, 2023, Mayor and Council directed staff to develop an ordinance to regulate the location of food truck courts as well as development standards to ensure health and safety. This request followed a discussion of an existing food truck court use in the City, and the absence of language within the UDC to address this use. The discussion of food truck courts can be viewed at the [Mayor & Council meeting video](#), beginning at 3:37:40. In this discussion, Mayor and Council identified the need for food truck court standards which permitted the congregation of food trucks while providing for health and safety, including requirements for adequate parking and restrooms.

Based on feedback from Mayor and Council, staff from Planning and Development Services Department (PDSO) held multiple stakeholder engagements to solicit feedback on the proposed

code amendments. Staff met with the food truck owners, the Tucson Metro Chamber Restaurant Advisory Council, and the owners of the Pit Food Truck Park and Market. Staff also reviewed existing relevant codes within other jurisdictions. PDS staff then hosted two virtual public food truck community engagement meetings and provided a mechanism for submitting written comments.

The food truck community engagement meetings were publicized via the PDS web page and notice was emailed to existing PDS stakeholder contact lists. Additionally, a PDS direct mailing was sent to food truck owners with City of Tucson business licenses, and PDS undertook engagement across multiple social media platforms.

At the stakeholder meeting PDS staff provided background and an overview of the proposed amendment, including a definition of “food courts” and potential requirements for commissaries, infrastructure, the use of generators, seating areas, and on-site parking.

Comments and areas of feedback included:

- The potential financial implications for food truck operators due to the new regulations, considering that congregating food trucks could require additional infrastructure.
- This proposal might not align with the cost-effective nature of food truck operations.
- Discussion around the use of two-stroke gas generators versus inverter generators and mitigating concerns of poor air quality and noise. It was noted that trucks must have adequate and reliable power supply.

Summaries of the two public meetings are included as Attachments B and C. Additionally, the presentation materials for the meetings are contained in Attachment E.

On September 13, 2023, the City of Tucson Planning Commission held a study session to review the proposed amendment (See Attachment F for the Legal Action Report from the September 13, 2023 Planning Commission Study Session). At that meeting, staff presented an overview on the proposed amendment. Commissioners then provided feedback and requested that staff review a number of suggestions and set the public hearing date for October 18, 2023. These suggestions included language changes to add clarity, such as removing redundancies for outdoor lighting and waste collection, which are covered elsewhere in the UDC.

Present Consideration(s) – Currently food trucks are regulated under the Tucson code as Peddlers under T.C. Article II, Section 7-26 through 7-37. These sections provide that a peddler is a “person selling merchandise or food products from a temporary, fixed location by means of a motor vehicle, towed vehicle, pushcart, or apparatus that displays merchandise or food for sale that can be removed on a daily basis...”. As such, peddlers are required to be licensed by the City. The peddler regulations for mobile food trucks are not being changed as part of this code amendment.

From a zoning standpoint, permanent food truck courts do not have a separate land use classification in the UDC and are not currently permitted by the Code. This creates a need for a new separate land use class of Food Courts, which includes both food and merchandise sales. This new land use class allows the use to be regulated through the creation of congregate sites with

seating areas, designated parking, and infrastructure such as restrooms and electrical service. The regulation of food courts also requires some minor changes to the Tucson Code to ensure consistency between City documents.

Based on the direction from Mayor & Council, feedback from stakeholders and the public, and research conducted, staff recommends amending the UDC Commercial Services Use Group (4.9.4) to create a new Food Court land use classification and establish development standards for the classification.

The new Food Court land use classification is as follows:

A unified establishment which serves food for consumption on or off the premises from multiple eateries or vendors. Food Courts may be developed to include any combination of indoor or outdoor operations. A commercial kitchen, exclusively for use by the vendors on location at the food court, is permitted provided it meets all applicable state and local health and standards, as well as all relevant requirements of the UDC.

The following use specific standards are proposed for the new Food Court land use. This use is intended to provide for permanent food truck court uses within the City. The goal of these standards is to create safe and adequately developed sites through implementation of the standards below:

- Activities may be conducted outdoors. Loudspeakers or music, live or recorded, shall not be permitted within 600 feet of a residentially zoned property.
- A business license is required to be held for the entire facility and on-site management is required to be present during all hours of operation to ensure compliance with the required standards.
- Retail sales vendors are permitted as an accessory use to the Food Court but shall not exceed 50% of the designated vendor stalls.
- Canopies, awnings, or shade structures designed to shield operators or patrons must meet the UDC and adopted Building Code requirements and must be permanently affixed to the ground.
- If all, or part, of the food courts operate outdoors, those outdoor portions shall also comply with the following standards:
 - All vendors shall be located within a developed stall. The number of vendors will be limited by the number of stalls.
 - Permanent power pedestals for each vendor stall are required. A central grease interceptor to serve all vendors is also required.
 - Temporary or permanent accessible restrooms and a parking area with delineated parking spaces with a dust-proof surface may be permitted as exceptions to the standard requirements.
 - If located within an existing developed site, such as a shopping center parking area, excess available parking may be allocated to the requirements for the food court. Parking spaces utilized for vendor parking and patron access may continue to be counted towards the parking provided on-site. On-site circulation standards and fire

- routes must be maintained. Additional landscaping (UDC Article 7.6) and stormwater retention and detention standards (*TSM Sect 4-03.0.0*) are not required.
- If located within an undeveloped site and permanent paving is not provided, landscaping (UDC Article 7.6) and stormwater retention and detention standards (*TSM Sect 4-03.0.0*) do not apply.
- The outdoor hours of operation are limited to 7 a.m. to 10 p.m. and the use of outdoor internal combustion generators is prohibited.

Staff also recommends amending the *Tucson Code*, Section 7-26 Definitions, to align with the new Food Court land use class and update existing language for consistency with the UDC. This amendment will clarify that a peddler license would not apply to vendors operating within food court uses allowed by the UDC. The requirements of the Tucson Code are not in the purview of the Planning Commission but this information has been included for informational purposes.

Plan Tucson Consideration(s) – This item is related to the Elements of *Tourism and Quality of Life, Social Environment, Public Health, and Urban Agriculture*. Specifically, this item is supported by the following:

- Tourism and Quality of Life** Policy TQ7 - Promote Tucson as a destination for epicurean adventure capitalizing on the diversity of locally owned restaurants, authentic Mexican food, local wineries and breweries, farmers markets, and culinary expertise and events.
- Social Environment** Goal 6 - The City strives for a sustainable urban food system.
- Public Health** Policy PH2 - Improve access to healthy, affordable food particularly in underserved areas of the City.
- Urban Agriculture** Policy AG2 - Adopt zoning and land use regulations that promote and facilitate the safe, equitable growth and distribution of locally produced food.

Attachments:

- A - Draft Redline of UDC Amendments for Food Courts
- B – Summary August 15, 2023 Morning Food Court Stakeholder Meeting
- C – Summary August 15, 2023 Evening Food Court Stakeholder Meeting
- D – Written Food Court Stakeholder Comments
- E – Public Meeting Presentation August 15, 2023
- F – Planning Commission Legal Action Report September 13, 2023