



Maricopa County

Environmental Services Department

Environmental Health Division
Plan Review Program
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www.maricopa.gov/envsvc

PLAN REVIEW AND VARIANCE SUBMITTAL - Outdoor Food Operations 4-8-11

Introduction

Establishments seeking approval for outdoor food operations shall apply for a variance request by submitting an application and one (1) complete set of plans to the Department for plan review, consistent with the criteria defined in the Maricopa County Environmental Health Code Chapter VIII, Section 2, and Regulation 1, subsections §8-201.11 and §8-201.12 and §8-103.10.

An outdoor food operation means and refers to the cooking, grilling, roasting and hot/cold holding and/or limited service of foods outside the fully enclosed establishment that does not meet the definitions of a “food caterer, mobile food unit, pushcart, food peddler, temporary, promotional or seasonal-food type establishment” and operates in conjunction with a fixed permitted food establishment located within 50-feet of the outdoor food operation site location that will provide support to the outdoor location.

The outdoor food site shall be located on the “physical premises” of the fixed permitted support food establishment as defined in the Maricopa County Environmental Health Code. Approved exterior bars and beverage stations at permitted establishments typically do not meet the definition of an outdoor food operation and the variance process is not applicable.

All outdoor food operations shall be operated in compliance with applicable provisions of the Maricopa County Environmental Health Code. The fixed permitted food establishment must be adequately equipped, of sufficient size and have the capability to accommodate its own operation, as well as the support needs of the outdoor food location in order to conduct outdoor food operations in a safe and sanitary manner. The final site selected and the method of outdoor food operations shall be approved by this Department.

The Maricopa County Environmental Health Code (MCEHC) requires the issuance of a variance prior to the initiation of particular processes as defined in MCEHC §3-502.11. The establishment shall prove that modification(s) to provisions of the Environmental Health Code will not cause a public nuisance, health hazard, or safety risk. Variance request applications will be reviewed and evaluated on a case-by-case basis to determine the needs of the outdoor food service operation.

An Outdoor Food Operations Plan Review Guideline is available as a reference to the requirements and limitations to conduct outdoor food operations and to assist in obtaining a variance. The document is not all inclusive and facilities and menus will be evaluated on a case-by-case basis to determine the limitations of the outdoor food operation. The regulations and requirements adopted and contained in the guideline provide the minimum standards for the protection of the health of the people of Maricopa County and to prevent the creation, or maintenance of unhealthful, unsanitary conditions to public health.

Submit applications and plans to 1001 N. Central Ave. Ste. 300, Phoenix, Arizona 85004. The Plan Review Program phone number is 602-506-6980. The Variance/HACCP Program Coordinator phone number is 602-506-6972.

Applications, fees, plan review process, the Maricopa County Environmental Health Code, food handler information and additional information may be obtained from our web site at www.maricopa.gov/envsvc.

NOTICE: An establishment may not begin or resume outdoor food operations until the review and approval process is completed. Once final approval has been given, the establishment may conduct outdoor food operations within the approved parameters.

Plan Review Submittal and Variance Request Application

The procedure for obtaining a variance is comprised of the following components:

- a) Variance Application Review. A review of the intended menu and food operations will be conducted by the Variance/HACCP Program to determine if an establishment meets the criteria for outdoor food operation variance approval. If the initial review of the menu and food operations meets the criteria for approval, then the Variance/ HACCP Program will make a written recommendation to the Plan Review Program to begin the second component of the variance review process.
- b) Plan Review Application. An assessment of the support kitchen, outdoor cooking site, food service operation and premises to determine if the establishment meets the minimum physical facilities requirements for an outdoor food operation variance to be issued. This component is conducted by Plan Review Program and requires a plan and fee submittal.
- c) Official Written Approval. Once the Plan Review Program determines that an establishment meets all the minimum criteria to conduct outdoor food operations, the Department will issue official written approval. Within this official notification will be stipulations that the establishment shall abide by. Failure to abide by these requirements may lead to the variance being withdrawn and violations being documented.

The procedure for plan submittal shall include the following criteria:

- 1) Submit a properly completed application with all applicable documents.
- 2) Submit one (1) complete set of plans (minimum size 8.5" x 11" or larger) for the outdoor food operation including the interior and exterior equipment layouts of the support establishment. Include an establishment site location plan.
- 3) A variance request fee of \$200.00 is required.
- 4) A plan review submittal fee is required for the review of the outdoor food location.
- 5) Submit photos of the permitted fixed support establishment, premises and the proposed outdoor food operation location.
- 6) A copy of the intended menu is required including all types of food, cooking style, consumer advisory if necessary, the number of customers expected, and the time and frequency of the outdoor food operations.

Maricopa County Environmental Services Department follows the review time frames outlined in the Arizona Administrative Code Title 9, R9-8-104. Variance requests may take up to the maximum time frame allowed under the code.

Please refer to the application, step by step plan review process and flow chart found at the end of the [Outdoor Food Operations-A Plan Review Guideline](#) for additional variance procedure details. Please call (602)506-6980 if you have any questions regarding the variance submittal process.