



Please follow all instructions below to ensure the application packet is complete and to avoid any delays in the variance and plan review process.

SUBMIT (Please refer to the construction guideline for assistance.)

- ✓ One (1) complete set of plans (minimum size 8.5" x 11" or larger) for the outdoor food operation.
- ✓ Variance request fee of \$200.00. The fee is non-refundable and must be paid at time of submittal.
- ✓ Plan Review Fee(s) for the review of the outdoor food location.
- ✓ Include one (1) plumbing site plan (including wells & septic systems if project is not in any city).

ENCLOSE THE FOLLOWING DOCUMENTS:

- ✓ Proposed menu (Including the cooking style, number of customers expected, and frequency of operation)
- ✓ Submit photos of the permitted fixed support establishment, premises and the proposed outdoor food operation location.
- ✓ Finish schedule of outdoor food operation finishes.
- ✓ Plumbing schedule.
- ✓ Plumbing layout showing type and location of equipment with drains.
- ✓ Equipment schedule showing type, manufacturer, and model numbers.
- ✓ Floor plan and equipment layout of the permitted support establishment.
- ✓ Floor plan layout of the outdoor food operation.
- ✓ All equipment shall be clearly labeled on the plans with their common name.
- ✓ Manufacturer specification sheets (cut sheets) for each piece of equipment shown on the plan.
- ✓ Shop drawings of all custom-built equipment.
- ✓ Complete exhaust ventilation plans (HVAC) if required.
- ✓ Lighting plan.
- ✓ Definitions of all existing equipment and finishes.
- ✓ Site location plan showing the location of restrooms, mop basin, alleys, streets, vacant lots, adjacent businesses, and outside equipment (dumpsters, well, septic system, etc.).

VARIANCE REQUIREMENTS:

- ✓ The facility owner/operator shall prove the Maricopa County Environmental Health Code (MCEHC) variance modification will not cause a public nuisance, health hazard, or safety risk.
- ✓ The facility owner/operator may inform the Department of any perceived hardship pertaining to an item found by the Department to be out of compliance, when an alternative method or work offered conforms to the general intent of the MCEHC, and the literal code interpretation for that item creates an unusual or unreasonable burden.
- ✓ The facility owner/operator must submit a separate request for each variance issue and the facility owner/operator must pay the variance processing fee pursuant to the MCEHC fee schedule.
- ✓ Per MCEHC Chapter 1 Section 5, Maricopa County collects a fee for each variance application review. The fee is non-refundable and must be submitted prior to variance application review. Failure to provide the fee will result in a variance denial.
- ✓ Facility owners/operators shall not initiate a variance required food process pursuant to the Maricopa County Environmental Health Code (MCEHC) Chapter VIII, Section 2, Regulation 1, § 3-502.11 or any other affected MCEHC section prior to acquiring Department variance approval. The MCEHC is available online at <http://www.maricopa.gov/envsvc/envhlth.asp>.



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 permitted 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.

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

No establishment shall commence construction or operation of the outdoor food operations unless the required plans and variance request have been approved. It shall be the full responsibility of said establishment that construction and variance requirements shall be in conformance with the approved plans and specifications.

The approval of plans and specifications shall lapse and become invalid one year from the date of approval unless a substantial portion of the work described in the plans and specifications has commenced by such anniversary date. An approval of plans and specifications can be renewed for one year if an application for renewal is submitted within 180 days of expiration. A fee equal to one-half (1/2) of the initial plan review fee is paid. The approval will be effective for one year from the date of expiration.

Should it be necessary or desirable to make any material change in the approved plans and specifications, revised plans and specifications shall be submitted to the Department for review, and approval shall be obtained before the work affected by the change is undertaken.

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.

A Notice of Deficiencies is a request from the Department to provide more information about the variance request. This application will be considered withdrawn if this additional information is not received by the Department within 180 calendar days from the date of the request.

For questions, please contact us at (602)506-6824 and a Development Services Technician can assist you. Additional information may be obtained from at www.maricopa.gov/envsvc



PERMIT/APPROVAL APPLICATION PROCESS

1. Steps required to obtain a Food or Non-Food permit/approval are included in this application packet.
2. Applicable licensing time frames are defined in A.A.C. R9-8-104.

Once submitted, the Department has up to 30 days to determine if the application and supporting information is administratively complete. If determined the application is incomplete, a notice of deficiency will be sent to the applicant requesting additional information. At this time, the timeframe clock will be suspended until the applicant provides the Department with the requested information.

Once administratively complete, the Department will evaluate the submittal for compliance with applicable codes. The Department has up to 60 additional days to make a final determination on the status of the permit. If a comprehensive request for additional information is made by the Department, the timeframe clock will be suspended until the applicant provides the Department with the requested information.

Administrative Review Time (working days)	Substantive Review Time (working days)	Overall Time (working days)
30	60	90

3. If there are questions about the application process or assistance is needed please contact a Development Services Technician at 602-506-6824.
4. The Department’s website is located at <http://maricopa.gov/EnvSvc/>
5. You may receive clarification from the Department of its interpretation or application of a statute, ordinance, regulation, delegation agreement or authorized substantive policy statement as provided in A.R.S. §11-1609.



A.R.S. §11-1602: REGULATORY BILL OF RIGHTS

A. TO ENSURE FAIR AND OPEN REGULATION BY COUNTIES, A PERSON:

1. IS ELIGIBLE FOR REIMBURSEMENT OF FEES AND OTHER EXPENSES IF THE PERSON PREVAILS BY ADJUDICATION ON THE MERITS AGAINST A COUNTY IN A COURT PROCEEDING REGARDING A COUNTY DECISION AS PROVIDED IN A.R.S. §12-348.
2. IS ENTITLED TO RECEIVE INFORMATION AND NOTICE REGARDING INSPECTIONS AS PROVIDED IN A.R.S. §11-1603.
3. IS ENTITLED TO HAVE A COUNTY NOT BASE A LICENSING DECISION IN WHOLE OR IN PART ON LICENSING CONDITIONS OR REQUIREMENTS THAT ARE NOT SPECIFICALLY AUTHORIZED AS PROVIDED IN A.R.S. §11-1604.
4. MAY HAVE A COUNTY APPROVE OR DENY THE PERSON'S LICENSE APPLICATION WITHIN A PREDETERMINED PERIOD OF TIME AS PROVIDED IN A.R.S. §11-1605.
5. IS ENTITLED TO RECEIVE WRITTEN OR ELECTRONIC NOTICE FROM A COUNTY ON DENIAL OF A LICENSE APPLICATION THAT:
 - (A) JUSTIFIES THE DENIAL WITH REFERENCES TO THE STATUTE, ORDINANCE, REGULATION, DELEGATION AGREEMENT OR AUTHORIZED SUBSTANTIVE POLICY STATEMENTS ON WHICH THE DENIAL IS BASED AS PROVIDED IN A.R.S. §11-1605.
 - (B) EXPLAINS THE APPLICANT'S RIGHT TO APPEAL THE DENIAL AS PROVIDED IN A.R.S. §11-1605.
6. IS ENTITLED TO RECEIVE INFORMATION REGARDING THE LICENSE APPLICATION PROCESS AT THE TIME THE PERSON OBTAINS AN APPLICATION FOR A LICENSE AS PROVIDED IN A.R.S. §11-1606.
7. MAY INSPECT ALL ORDINANCES, REGULATIONS AND SUBSTANTIVE POLICY STATEMENTS OF A COUNTY, INCLUDING A DIRECTORY OF DOCUMENTS, AT THE OFFICE OF THE COUNTY OR ON THE COUNTY'S WEBSITE AS PROVIDED IN A.R.S. §11-1607.
8. UNLESS SPECIFICALLY AUTHORIZED, MAY EXPECT COUNTIES TO AVOID DUPLICATION OF OTHER LAWS THAT DO NOT ENHANCE REGULATORY CLARITY AND TO AVOID DUAL PERMITTING TO THE MAXIMUM EXTENT PRACTICABLE AS PROVIDED IN A.R.S. §11-1604.
9. MAY FILE A COMPLAINT WITH THE BOARD OF SUPERVISORS CONCERNING AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT FAILS TO COMPLY WITH A.R.S. §11-1602.
10. AS PROVIDED IN A.R.S. §11-1604, IS ENTITLED TO HAVE A COUNTY NOT REQUEST OR INITIATE DISCUSSIONS ABOUT WAIVING ANY OF THE RIGHTS PRESCRIBED IN A.R.S. §11-1602.



Maricopa County Environmental Services Department
Environmental Health Division

1001 N. Central Ave. #150 Phoenix, AZ 85004 phone: (602)506-6824

<http://esd.maricopa.gov>



Environmental Services
Department

Notice

A.R.S § 11-1604. Prohibited acts by county and employees; enforcement; notice

- A county shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or delegation agreement. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- Unless specifically authorized, a county shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- This section does not prohibit county flexibility to issue licenses or adopt ordinances or codes.
- A county shall not request or initiate discussions with a person about waiving that person's rights.
- THIS SECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND RELIEF MAY BE AWARDED AGAINST A COUNTY. THE COURT MAY AWARD REASONABLE ATTORNEY FEES, DAMAGES AND ALL FEES ASSOCIATED WITH THE LICENSE APPLICATION TO A PARTY THAT PREVAILS IN AN ACTION AGAINST A COUNTY FOR A VIOLATION OF THIS SECTION.
- A COUNTY EMPLOYEE MAY NOT INTENTIONALLY OR KNOWINGLY VIOLATE THIS SECTION. A VIOLATION OF THIS SECTION IS CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO THE COUNTY'S ADOPTED PERSONNEL POLICY.
- THIS SECTION DOES NOT ABROGATE THE IMMUNITY PROVIDED BY SECTION 12-820.01 OR 12-820.02.



Provide all requested information below (please print)

Business Name (e.g. Name on the building):

Business Address:

City:

Zip Code:

Business Phone:

Business Fax:

Business Owner Name (e.g. LLC, Corp, or Sole Proprietor – must provide photo ID at time of submittal):

Business Owner Address:

City:

State:

Zip Code:

Business Owner Phone:

Business Owner Fax:

Business Owner Email:

Billing Name:

Billing Address:

City:

State:

Zip Code:

Billing Phone:

Billing Fax:

Billing Email:

Start Date of the Project:

Projected completion Date:

Please provide contact information for variance and plan review response letters:

Name:

Address:

City:

State:

Zip Code:

Phone:

Fax:

Email:

Preferred
Method:

Email

Fax

U.S. Mail



Provide all requested information below (please print)

All Permit Types				
Hours of Operation:				
Type of Water Service (<i>check one</i>):	Public	Private	Well	Other
Name of Water Service Provider:				
Type of Sewer Service (<i>check one</i>):	Public	Private	Septic System	Other
Name of Sewer Service Provider:				
Provide a detailed description of the cooking and service style. Include an intended menu for review.				
Cooking (<i>check</i>):	Indoor	Outdoor	Service:	Indoor Outdoor
Please check if applicable:				
Hot holding of food outdoors				
Cold holding of food outdoors				
Beverage service outdoors				
Condiments and toppings outdoors (<i>please specify</i>):				
Menu Items (<i>limited to 5</i>)				
1)				
2)				
3)				
4)				
5)				



Maricopa County Environmental Services Department
Environmental Health Division
Outdoor Food Operations - Plan Review & Variance Application
 1001 N. Central Ave. #150 Phoenix, AZ 85004 phone: (602)506-6824
<http://esd.maricopa.gov>



Environmental Services
Department

Delivery of Inspection Reports

Pursuant to A.R.S. § 41-1009, the Department may enter your establishment to conduct inspections. You have the right to receive a copy of the Department’s inspection report at the time of the inspection, within thirty (30) days after the inspection, or as otherwise provided by federal law. By signing below, I agree that the Department may send me a copy of its inspection report by e-mail to the following email address or by facsimile transmission to the following fax number. It is the responsibility of the permit holder to update the Department if there is a change in contact information.

Email Address:	
Fax Number:	Signature:

I hereby certify that the above information in the application is correct and these documents comply with the Maricopa County Environmental Health Code (MCEHC), and I fully understand that any deviation from the above without prior permission from these Environmental Health Regulatory Programs may nullify final approval.

I understand until such time as this variance is granted, I must cease operations that require a variance. I understand that by submitting this application and the fee in no way guarantees my variance will be approved. Also, the Department may initiate action to withdraw my variance if it is granted and an unforeseen health hazard occurs as a result of the variance. A violation associated with an approved variance may result in action being initiated by the Department to withdraw any granted variance, at which time a hearing may be requested pursuant to the MCEHC. Upon a withdrawal, the variance operation will immediately cease and desist until another variance is obtained.

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Signature

Printed Name

Date

Notice: Approval of these plans and specifications by this Regulatory Authority does not indicate compliance with any other code, law or regulation that may be required - federal, state, or local. It further does not constitute endorsement or acceptance of the completed establishment (structure or equipment). Multiple construction inspections and a final inspection of the establishment with equipment in place and operating will be necessary to determine if it complies with the Maricopa County Environmental Health Code governing establishments. 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.



Application Addendum:

Agreement to Extend Licensing Time Frame

Arizona law, A.R.S. § 11-1605(I), allows Maricopa County Environmental Services Department (MCESD) and the applicant for a license to mutually agree to extend the plan review time frame by 50 percent of the substantive time frame and overall time frame.

MCESD will agree to any applicant’s request for an 50 percent extension of the substantive review time frame and overall time frame when submitted to MCESD by written or electronic means.

Applicant Request:

- I agree to an extension of 50 percent of the substantive review time frame and overall licensing timeframe for the license application listed below.

Project Name/Location: _____

Applicant Name: _____ Title: _____

Signature _____ Date _____

Department Receipt:

Name _____ Title _____

Signature _____ Date _____

Project Number: _____



Office Use Only

Application Fees (Fees are subject to change)

Quantity	Application Type	Fee	As-Built	Expedite	Total Fee
	Outdoor Food Operations	\$245.00	\$245.00	n/a	\$
	Variance Request	\$200.00	\$200.00	n/a	\$
	Plan Review Permit Extension	½ Original plan review fee			\$

Total Fees Due	\$
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Business Name:		
Business Address:		
Submittal Date:		Site Location:
Plan Review District:		
Permit Number	Establishment Type	Related Permit