

*Article 4. Temporary Uses*

**5.400 Amusement, Outdoor (Temporary)**

All temporary outdoor commercial amusement enterprises shall be permitted as a special exception by the Board of Adjustment only for a specified number of days. See City Code Chapter 20, Article 2 for additional permit requirements. (Ord. No. 13896, Eff. 10/12/99)

**5.401 Batch Plant, Asphalt or Concrete (Temporary)**

1. A temporary batch plant (concrete or asphalt) for road and highway construction may be located in any zoning district, provided that:
  - a. The time period is no more than six months.
  - b. The site is located 600 feet or more from properties upon which dwellings are constructed; and
  - c. A site plan has been filed in the Planning and Development Department, showing the location of the temporary batch plant, the distance from improved residential properties, and the streets to be paved.
2. A temporary batch plant may be permitted for a period exceeding six months by special exception approved by the Board of Adjustment. (Ord. No. 13896, Eff. 10/12/99; 17522, 04/24/07)

**5.402 Garage or Other Occasional Sale**

In any residential district, occasional sales restricted to garages and patios not to exceed two in number on the same premises in any one calendar year, by a person who does not hold himself out as engaging in, or does not habitually engage in, the business of selling such property at retail are permitted, provided that the following requirements are met.

1. The sale shall be confined to the garage and/or patio of the premises.
2. No new merchandise acquired solely for the purpose of resale on the premises shall be sold at such occasional sale.
3. The duration of each such sale shall not exceed three consecutive calendar days.
4. A permit shall be secured at least 72 hours prior to the sale and shall be prominently posted on such premises during such sale.
5. The permit fee amount shall be as established by the City Council.
6. Only one sign shall be permitted, not to exceed two square feet in area, upon the premises where and when the sale is taking place. All other signs relating to the sale, either on or off the premises, shall be violations of this Section. (Ord. No. 13896, Eff. 10/12/99)

**5.403 Model Home**

In any residential district, model homes used as show homes and/or sales offices are permitted in a new subdivision (as approved by a final plat in the last five years) to which they pertain and subject to the following conditions:

1. No more than five model homes per builder per platted subdivision are permitted.
2. Model homes that are located more than five hundred (500) feet from an arterial or wider street must be at least three hundred (300) feet from any occupied residence within the same subdivision and are subject to a time limit of five years. Model homes that are located five hundred (500) feet or less from an arterial or wider street are not subject to the residential distance requirement or the five-year time limit of this section. (Ord No. 20899, Eff, 09/25/13)
3. Model homes must comply with the bufferyard, screening and fence requirements of Chapter 6, Article 3.
4. In the "MH" District, a manufactured home may be used as a model home. (Ord. No. 13896, Eff. 10/12/99; 14624, 05/15/01; 15825, 01/21/04; 16926, 05/02/06)

**5.404 Residence for Security Purposes, Temporary**

Manufactured housing as a place of residence when required for documented security purposes at commercial and industrial sites or during the construction phase of any permitted use may be permitted as a special exception by the Board of Adjustment in accordance with the use tables in Chapter 4, Articles 6 and 8, provided they are subject to such conditions as may be required by the Board of Adjustment and provided that approval shall be granted for a limited period of time to be specified by the Board of Adjustment, but not to exceed five years. Upon application, time may be extended for successive periods of five years or less, provided there shall be new notice and hearing before each extension. (Ord. No. 13896, Eff. 10/12/99)

**5.405 Trailer, Portable Sales, Construction or Storage**

In any residential district, portable trailers used as sales offices, construction offices or storage trailers are permitted if they are located within a new subdivision (as approved by a preliminary plat in the last two years) to which they pertain and subject to the following conditions:

1. No more than one (1) portable sales trailer and one portable construction trailer per builder per platted subdivision is permitted.
  2. Portable construction trailers must be at least 300 feet from any occupied residence and subject to a time limit of two (2) years.
  3. Portable sales trailers that are located more than three hundred (300) feet from an arterial or wider street must be at least three hundred (300) feet from any occupied residence within the same subdivision and are subject to a time limit of three (3) years. Portable sales trailers that are located three hundred (300) feet or less from an arterial or wider street are not subject to the residential distance requirement or the three-year time limit of this section.
  4. Portable construction and sales trailers must be skirted on the front and sides, provide foundation landscape planting consisting of one (1) five-gallon shrub per four (4) linear feet around the skirting. (excluding entrances) and must comply with the bufferyard, screening and fence requirements of Chapter 6, Article 3.
  5. Each construction trailer shall have at least four (4) paved parking spaces (two deep tandem parking is allowed). Each sales trailer shall have at least two (2) paved parking places (two (2) deep tandem parking is not permitted).
  6. A manufactured home is not allowed as a portable trailer.
- (Ord. No. 13896, Eff. 10/12/; 15825, 01/21/04)

## 5.406 Mobile Vendors

### A. Required Permits

1. Vendor Certificate of Occupancy.
  - a. All Food and Merchandise Vendors shall obtain a Vendor Certificate of Occupancy for each specified location where sales are to take place from a Mobile Vending Unit. Except as otherwise provided herein; a Vendor Certificate of Occupancy is valid for one (1) year from the date of issuance.
  - b. No Vendor Certificate of Occupancy will be issued without written authorization from the owner or person in control of the premises stating that the mobile vending unit has permission to occupy the premises where the Mobile Vending Unit is located to sell merchandise, or sell or serve food.
  - c. No Vendor Certificate of Occupancy will be issued without written authorization from the owner or person in control of each premises stating that the Mobile Vending Unit has permission to use a commercially plumbed restroom.
  - d. Vendor Certificate of Occupancy permits issued to Mobile Vending Units located between 50 feet and 100 feet from any single family or multifamily residential use are valid for six months from the date of its issuance.
  - e. No Vendor Certificate of Occupancy will be issued to a Food Vendor without a Health Permit.
2. Health Permit.
  - a. Food Vendors must obtain a permit from the Code Compliance Department to operate as a Mobile Vending Unit.
  - b. Merchandise vendors are not required to obtain a health permit.
3. General Provisions
  - a. A Vendor Certificate of Occupancy may be denied if the mobile vendor fails to provide a valid vehicle registration, motor vehicle operator's license, proof of vehicle liability insurance, and a Texas Sales Tax Permit.
  - b. A Vendor Certificate of Occupancy is not transferable.
  - c. The Vendor Certificate of Occupancy sticker must be displayed on the upper left rear area of the Mobile Vending Unit in a conspicuous location. If such location is not practicable, the permit shall be located in a location approved by the Director of the Planning and Development Department or his assignee.

### B. Hours of Operation

1. No Mobile Vending Unit shall operate at any time between the hours of 2:00 a.m. and 7:00 a.m.
2. Transient Food Vendors may not stop for more than 60 consecutive minutes at any one location to sell or serve food provided however this shall not apply to Mobile Vendor Food Courts.

### C. Operational Requirements

1. Mobile Vending Units may only operate in locations as allowed by the Fort Worth Zoning Ordinance.
2. No Mobile Vending Unit may operate within 50 feet from a single-family or multifamily residential use, provided however, a Fresh Market Mobile Vendor shall be permitted to operate within such 50 foot setback and on a lot with an existing nonresidential use, such as but not limited to a church or school. A Fresh Market Mobile Vendor shall not operate on a lot used for residential purposes. Single-family or multifamily residential use shall not include a residence that is part of a business or a mixed-use structure.
3. All Mobile Vending Units must park on an improved surface.
4. No Mobile Vending Unit may operate on a vacant lot, provided however, a Fresh Market Mobile Vendor may operate on a vacant lot in nonresidential districts (e.g. commercial, industrial, mixed-use) with a valid Vendor Certificate of Occupancy. A Fresh Market Mobile Vendor shall not be permitted to operate on a vacant lot that is residentially zoned.

5. Neither the Mobile Vending Unit nor any related displays of merchandise, seating, or temporary shelters may obscure traffic.
6. No Mobile Vending Unit shall be allowed to sell merchandise, sell, or serve food on any public street, sidewalk, or other public right-of-way, provided however, a Fresh Market Mobile Vendor may operate as a Mobile Vending Vehicle in accordance with Chapter 22 Motor Vehicles and Traffic, Article XI: Mobile Vending Vehicles.
7. All Mobile Vending Units shall be equipped with a self-closing lidded trash receptacle. The trash receptacle must be placed outside next to the mobile vending unit for use by the patrons of the unit. The area around the Mobile Vending Unit shall be kept clean and free from litter, garbage, and debris.
8. The connection of a Mobile Vending Unit to a source of electricity, water, and sewer at a mobile vending site is prohibited unless a permit has been obtained from the Development Department for each connection and the connection has been inspected and found to comply with city codes. Each permit shall be maintained in the Mobile Vending Unit at all times and made available upon request by city personnel.
9. Merchandise and Food vendors shall remove the Mobile Vending Unit daily from the property provided however this shall not apply to Mobile Vendor Food Courts.
10. All Food Vendors and Transient Food Vendors handling potentially hazardous food products shall report the Mobile Vending Unit at least once a day to its designated commissary for food, supplies, cleaning and servicing as required by Chapter 16, "Health and Sanitation" of the City Code of the City of Fort Worth.
11. Except as otherwise limited by this ordinance or other city codes, a vendor may utilize outside seating consisting of a portable table and a seating capacity of four, provided however this shall not apply to Mobile Vendor Food Courts.
12. All Mobile Vending Units handling or selling potentially hazardous food products must be a Commercially Manufactured Vehicle as defined in Section 9.101, "Definitions" of the Zoning Ordinance and in Chapter 16, "Health and Sanitation" of the Fort Worth City Code.
13. No more than one (1) Mobile Vending Unit per individual tract, parcel or platted lot shall be allowed, provided however this shall not apply to Mobile Vendor Food Courts. A maximum of three (3) Mobile Vending Units shall be allowed on an individual tract, parcel or platted on which a grocery store with a footprint exceeding 60,000 square feet is located as a special exception by the Board of Adjustment, provided, however, that in granting any such special exception, the Board shall consider the following:
  - a. The number of available parking spaces on the lot;
  - b. Whether an increase number of Mobile Vending Units would be compatible with the existing use and permitted development of adjacent properties, and
  - c. Any other issues the Board of Adjustment considers to be relevant.

**D. Additional Requirements for Mobile Vending Units Located Within 100 feet from a Single-Family or Multifamily Residential Use**

1. No Mobile Vending Unit may operate within 50 feet from a single-family or multifamily residential use. Single-family or multifamily residential use shall not include a residence that is part of a business or a mixed-use structure.
2. All Mobile Vending Units between 50 feet and 100 feet from a single-family or multifamily residential use must obtain the unanimous consent of all the owners of the single-family or multifamily residential property within a one hundred (100) foot radius around the Mobile Vending Unit.

Consent from the property owners must be signed within 30 days from the date the vendor submits an application for a Vendor Certificate of Occupancy. Measurement shall be determined in a straight line (ignoring intervening structures) from closest point of the Mobile Vending Unit to the closest point of the property line of the single-family or multifamily residential use.
3. No amplified music is allowed after 10:00 p.m.
4. No portable chairs and tables are allowed after 10:00 p.m.
5. The use of portable or vehicle mounted generators to supply electricity to a Mobile Vending Unit is prohibited.

**E. Exemptions**

The provisions and requirements of Section 5.406 do not apply to:

1. All events/activities/festivals approved by the Board of Adjustment under Section 5.400 of the Zoning Ordinance entitled "Amusement, Outdoor (Temporary)";
2. All events/activities/festivals approved by City Council.
3. All events/activities/festivals lasting no longer than fourteen consecutive days that are open to the public for the purpose of providing entertainment/food and/or sales of merchandise and are in conjunction with a single event or celebration.

**F. Mobile Vendor Food Courts**

1. Generally Mobile Vending Food Courts may be permitted in accordance with the use tables in Chapter 4, Article 8 and 12, subject to the following conditions:

- a. Each individual Mobile Vendor Food Court shall comply with all regulations of Chapter 16, "Health and sanitation" of the Fort Worth City Code and Section 5.406 except as noted above in Subsection C.
  - b. If a commissary is provided on site and the Mobile Vending Unit is approved to use the site's commissary, then the Mobile Vending Unit will not have to be removed from the site each day.
  - c. The Mobile Vendor Food Court shall not operate between the hours of 2 a.m. to 7 a.m.
  - d. On-Site Manager: There must be a designated manager of the site that is responsible for the orderly organization of Mobile Vending Units, the cleanliness of the site, and the site's compliance with all rules and regulations during working hours.
  - e. Restrooms: Permanent restrooms must be provided within the boundaries of the Mobile Vendor Food Court. The number of water closets and lavatories required shall be based on the occupant load for fixed seating of the Court, and Table 403.1 of the Fort Worth Plumbing Code. At a minimum at least one restroom for each sex shall be provided within five hundred feet from each Mobile Vending Unit.
  - f. Water and Electrical requirements: Each site is required to provide water hookups and electricity access for each individual Mobile Vending Unit that operates at the site. Each Mobile Vending Unit is not allowed to operate a generator at the site unless emergency circumstances necessitate the need for use of a generator.
2. A site plan shall be provided for review showing:
- a. The land area included within the site, the zoning classification of adjacent sites, and all public and private rights-of-way and easements bounding and intersecting the site;
  - b. A legal description of the platted lots of the proposed site and the boundaries thereof;
  - c. The location of each proposed permanent structure on the site and pads for Mobile Vending Units, and identification of any proposed outdoor entertainment locations;
  - d. The location, width, and surface material, including all curb cuts of driving lanes and Mobile Vending Unit pads, including a 20 foot fire lane where required by the Fire Department, fire hydrants and including paving, turf or gravel to be used;
  - e. The location of fire hydrants;
  - f. The dimensions and capacities of parking areas and loading areas;
  - g. Landscaping of all street frontages;
  - h. All pedestrian walks, patios and open areas for use by tenants or the public;
  - i. The location and height of all walls, fences and screen planting and landscaping;
  - j. The location, size, height, foot candle level and orientation of all lighting and signs;
  - k. Location and screening of refuse containers, air conditioners and outside storage or display;
    - l. Location and number of provided seating and eating areas, including number of fixed seats and tables;
  - m. A schedule of the phasing of all improvements shown in the plan; and
  - n. Location, height, separation of buildings, including location of restrooms, and open space.
  - o. Location and type of water supply and electrical outlet(s) provided for each corresponding pad site.
3. Mobile Vending Units shall be placed on, at a minimum, compacted gravel base. Mobile Vending Units shall not be parked on unimproved surfaces.

4. Signs. One on-premise sign is permitted at the entrance identifying the Mobile Food Court. Each Mobile Vending Unit may have attached signage. One temporary sandwich board sign is permitted per Mobile Vending Unit to be displayed within 10 feet of the unit and within the boundaries of the Mobile Vending Food Court. Only one banner or temporary inflatable sign may be permitted at one time per Mobile Vendor Food Court, in accordance with Section 6.404.
5. The Mobile Vendor Food Court must be located at least 500 feet from a one or two family residential zoning district, as measured at the property line of the Mobile Vendor Food Court to the zoning district boundary, are permitted only by Special Exception.
6. The Board of Adjustment may grant a Special Exception for a period of up to five (5) years. The Board shall consider the following:
  - a. The impact of adjacent properties.
  - b. The number of available parking spaces on the lot and other pertinent parking areas within a ¼ mile walking distance.
  - c. Whether the operation of a Mobile Vendor Food Court would be compatible with the surrounding uses and zoning of adjacent properties, and
  - d. Any other issues the Board of Adjustment considers to be relevant.
7. Minimum parking shall be required if the Board of Adjustment grants a Special Exception that permits a Mobile Vendor Food Court to be located within 250 feet of a one or two family residential district in accordance with the table located in Article 6.201.

(Ord. No. 13896, Eff. 10/12/99; 14872, 12/07/01; 15249, 10/18/02; 15912, 03/18/04; 20510, Eff. 12/11/12; 22154, 04/21/16)