



CITY OF McALLEN, TEXAS
1300 HOUSTON AVENUE, McALLEN, TX 78501

Permit No. _____

P. O. BOX 220, McALLEN, TEXAS 78505-0220 • (956) 681-1250 • FAX (956) 681-1279
**BARS, COCKTAIL LOUNGES, TAVERNS, CANTINAS, SALOONS
DANCEHALLS, DISCOTHEQUES, DISCOS OR NIGHTCLUBS**

.....CONDITIONAL USE PERMIT APPLICATION

(Please print or type)

Application Date ____ / ____ / ____

PHONE NO.: _____

Applicant (first) (initial) (last)

Mailing Address (city) (state) (zip)

PHONE NO.: _____

Property Owner (first) (initial) (last)

Mailing Address (city) (state) (zip)

Property Location (street address)

Property Legal Description (if metes and bounds, attach survey of the property) (subdivision) (block) (lot)

Current use of property

Proposed use of property

TERM OF PERMIT: ____ 1 YEAR ____ MORE THAN 1 YEAR (requires City Commission approval)

DAYS AND HOURS OF OPERATION: _____

FLOOR PLAN & SITE PLAN (attach a drawing of the property showing the following)

- | | |
|--|--|
| _____ Scale, north arrow, legal description of property | _____ Landscaping and fencing of yard |
| _____ Location and height of all structures | _____ Off-street parking and loading |
| _____ Setback from property lines and between structures | _____ Driveway location & design |
| _____ Proposed changes and uses | _____ Location, type, height and lighting of all signs |

(Applicant signature)

(date)

(Property owner signature)

(date)

GENERAL INFORMATION

NOTIFICATION AND PUBLIC HEARING: Property owners within 600' of the subject property shall be notified within at least 10 working days of the Planning and Zoning Commission public hearing. Upon considering the recommendation of the Director of Planning, the Planning and Zoning Commission shall approve or disapprove the application.

APPEALS PROCEDURE: Any decision of the Planning and Zoning Commission may be appealed to the City Commission by presenting a petition to the City Commission within 10 days after the decision of the Planning and Zoning Commission and specifying the grounds for the appeal. A vote of 3/4 of the City Commission is required to overrule a vote of the Planning and Zoning Commission denying a conditional use permit.

CANCELLATION: A conditional use permit is automatically cancelled if not used within 6 months.

REVOCAION: A conditional use permit may be revoked by the Planning and Zoning Commission at a public hearing upon failure of the applicant to remedy a violation of the conditions of the permit within a specified time period (10 to 30 days) as specified in a written notice to the applicant by the Code Enforcement Officer or Building Inspector.

RENEWAL PERIOD: A conditional use permit shall expire within 1 year unless otherwise specified by the Planning and Zoning Commission. Application for renewal of a permit shall be made prior to 20 days before permit expiration. A permit for more than 1 year shall be approved by the City Commission.

DEFINITIONS

Bar, Cocktail Lounge, Tavern, Cantina, Saloon - An establishment where alcoholic beverages are sold for on-premise consumption other than a restaurant. A restaurant is defined as a building where the primary business is the on-premise sale of prepared food, with adequate kitchen facilities and where at least 51% of the gross income is derived from the sale of food.

Dancehall, Discotheque, Disco, Nightclub - An establishment whose primary activity is the provision of facilities for dancing including a dance floor and live entertainment or amplified music. Such establishments may or may not provide on-premise consumption of alcoholic beverages. Schools of dance are exempted from this definition.

APPLICATION FILING FEE: (\$150.00)

cash/check # _____

Amount paid _____

ZONING DISTRICT REQUIREMENTS

REQUIRED ZONING DISTRICT: C-3, C-4

CURRENT ZONING DISTRICT:

REZONING REQUIRED: NO

YES, attach rezoning application

SETBACKS: FRONT SIDE REAR

MAXIMUM HEIGHT: _____

MINIMUM LOT SIZE: _____

CONDITIONAL USE REQUIREMENTS

The proposed use meets all the minimum standards established in applicable city ordinances; and will not be detrimental to the health, welfare and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring properties.

GENERAL REQUIREMENTS:

1. No form of pollution shall emanate beyond the immediate property line of the permitted use.
2. Additional reasonable restrictions or conditions such as increased open space, loading and parking requirements, suitable landscaping, curbing, sidewalks or other similar improvements may be imposed in order to carry out the spirit of the Zoning Ordinance or mitigate adverse effects of the proposed use.

SPECIFIC REQUIREMENTS:

1. The property line shall be at least 600' from the nearest residence, church, school or publicly-owned property; or provide sufficient buffering of the building such that the business is not visible or audible from residential areas and does not disrupt the character of adjacent residential areas.

Requirement: _____

2. The proposed use shall not generate traffic onto residential-size streets or disrupt residential areas and shall be as close as possible to a major arterial.

Requirement: _____

3. The proposed use shall comply with the Off-street Parking and Loading Ordinance and make provisions to prevent the use of street parking, especially in residential areas. Requirement: _____

4. The proposed use shall prevent the unauthorized parking of its patrons on adjacent businesses or residences by providing fences, hedges, or reorientation of entrances and exits. Requirement: _____

5. The proposed use shall provide sufficient lighting to eliminate dark areas, perimeter fencing and an orientation of the building to provide maximum visibility from a public street in order to discourage vandalism and criminal activities. Requirement: _____

6. Provisions shall be made to prevent litter from blowing onto adjacent streets and residential areas. Requirement _____

7. The number of persons within the building shall be restricted to _____.

DEPARTMENTAL REQUIREMENTS

REQUIRED CONDITIONS	DEPARTMENT	MONTH/DAY
Complies with regulations	Health Inspection	/
Meet standard requirements	Fire Inspection	/
Subject to Section: 138-118 ()	Planning	/
Permit #	Building/Electrical/Plumbing	/
	Other	/

CITY BOARD REQUIREMENTS

PLANNING & ZONING COMMISSION DATE ____/____/____ APPROVED ____ DISAPPROVED ____ 1 YEAR ____ OTHER ____

REQUIRED CONDITIONS: _____

CITY COMMISSION DATE ____/____/____ APPROVED ____ DISAPPROVED ____ 1 YEAR ____ OTHER ____

REQUIRED CONDITIONS: _____

ACKNOWLEDGEMENT AND AGREEMENT TO CONDITIONS

Note: Approval of this permit does not constitute approval to construct, alter or repair. Appropriate building permits must be obtained. The foregoing is a true and correct description of the existing conditions and contemplated action and I will have full authority over the operation and/or construction of same, and hereby agree to comply with all ordinances of the City and applicable Deed Restrictions and assume all responsibility for such compliance. I further agree to discontinue any violations of the conditions of the permit upon notice given to me or anyone in charge of the above property by the Code Enforcement Officer. If the permit is revoked I agree to cease operation of the use upon notification of revocation. I understand that any violation of this ordinance is subject to a Five Hundred Dollar (\$500.00) fine for each day of violation. Please note that approval of this permit may result in a higher sanitation rate on your utility bill.

(Applicant signature)

(date)

In consideration of the above application, a permit is hereby granted for the above action conditioned upon the terms and specifications set forth above, and the faithful observance of all provisions of the City Building Code, Zoning Ordinance, and all other ordinances applicable to the same.

City Manager (or Agent)

(date)