



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

# FLEA MARKET OR FARMER'S MARKET

.....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)

### 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 200' 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

**Outdoor Market** – Any retail business where goods are sold outdoors or under an open structure. Items sold may include fruit, vegetables, new and used household goods, personal effects, art work, handicrafts and/or antiques in small quantities. This use includes indoor flea markets and farmer's markets. Spaces or booths may be rented or leased to individuals for the sale of products.

FOR OFFICIAL USE ONLY

APPLICATION FILING FEE: (\$150.00)

cash/check # \_\_\_\_\_

Amount paid \_\_\_\_\_

**ZONING DISTRICT REQUIREMENTS**

REQUIRED ZONING DISTRICT: C-3, C-4, I-1 OR I-2

CURRENT ZONING DISTRICT: \_\_\_\_\_

REZONING REQUIRED: \_\_\_ NO

\_\_\_ YES, attach rezoning application

SETBACKS: FRONT \_\_\_\_\_ SIDE \_\_\_\_\_ REAR \_\_\_\_\_

MAXIMUM HEIGHT: \_\_\_\_\_

MINIMUM LOT SIZE: 5 ACRES

**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. Sides adjacent to a residentially zoned or used property shall be screened by a 6 ft. opaque fence.
- 2. Compliance with the Off-Street Parking and Loading Ordinance and make provisions to prevent the use of street parking especially in residential areas; 1 parking space per 400 square feet of ground area used for outdoor sales.
- 3. The proposed use shall comply with the City of McAllen Health Ordinances regulating food preparation and public lavatories.
- 4. Lighting shall be shielded from residentially zoned or used property.
- 5. Compliance with Vegetation Ordinance.
- 6. Compliance with Subdivision Ordinance.

**DEPARTMENTAL REQUIREMENTS**

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

**CITY BOARD REQUIREMENTS**

PLANNING & ZONING COMMISSION DATE \_\_\_\_/\_\_\_\_/\_\_\_\_ APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ 1 YEAR \_\_\_\_\_ OTHER \_\_\_\_\_

REQUIRED CONDITIONS:

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CITY COMMISSION DATE \_\_\_\_/\_\_\_\_/\_\_\_\_ APPROVED \_\_\_\_\_ DISAPPROVED \_\_\_\_\_ 1 YEAR \_\_\_\_\_ OTHER \_\_\_\_\_

REQUIRED CONDITIONS:

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**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)