



CITY OF McALLEN, TEXAS
311 NORTH 15TH STREET, McALLEN, TX 78501

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, EVENT CENTERS, LIQUOR
STORES, VAPORIZER STORES**

..... CONDITIONAL USE PERMIT APPLICATION

| | | |
|--------------------------------|---------------------------------------|----------------------------------|
| Case Number: _____ | P&Z Meeting: _____ | <input type="checkbox"/> Routed |
| Receipt No: _____ | CC Meeting: _____ | <input type="checkbox"/> Scanned |
| Accepted by: P: _____ S: _____ | Customer Acknowledgment (Int.): _____ | |

Application Date ____ / ____ / ____

Applicant (first) (initial) (last) PHONE NO. _____

Mailing Address (city) (state) (zip) EMAIL _____

Property Owner (first) (initial) (last) PHONE NO. _____

Mailing Address (city) (state) (zip) EMAIL _____

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 DAYS AND HOURS OF OPERATION: _____

I understand that City Commission action will be required for my permits approval. _____
(initials) (date)

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 400' 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.

REVOCACTION: 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.

Vape Shop- An establishment whose primary activity is the retail sale of products and equipment for vaping.

Liquor Store- An establishment whose primary activity is the retail sale of alcoholic beverages that are sold for off premise consumption.

.....FOR OFFICIAL USE ONLY.....

APPLICATION FILING FEE: \$525.00 One year and appeal
cash/check # _____ Amount paid _____

ZONING DISTRICT REQUIREMENTS

REQUIRED ZONING DISTRICT: C-3, C-4,
REQUIRED ZONING DISTRICT (LIQUOR STORE ONLY): C-3L
REZONING REQUIRED: NO
SETBACKS: FRONT _____ SIDE _____ REAR _____
MINIMUM LOT SIZE: _____

CURRENT ZONING DISTRICT:
 YES, attach rezoning application
MAXIMUM HEIGHT: _____

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 of the lot of any of the abovementioned businesses must be at least 400 feet from the nearest residence or residentially zoned property, church, school, or publicly owned property, and must be designed to prevent disruptions of the character of adjacent residential areas, and must not be heard from the residential area after 10:00 p.m.
Requirement: _____
- 2. The abovementioned businesses must be as close as possible to a major arterial, and shall not allow the traffic generated by such businesses onto residential streets, or all such traffic to exit into and disrupt residential areas.
Requirement: _____
- 3. The abovementioned businesses must provide parking in accordance with the city off-street parking ordinance as a minimum, and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional onsite parking.
Requirement: _____
- 4. The abovementioned businesses must do everything possible to prevent the unauthorized parking by the patrons of such businesses on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances
Requirement: _____
- 5. The abovementioned businesses should do everything possible and be designed to discourage criminal activities and vandalism, both on the site and on adjacent properties. Included would be provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street. **Requirement:** _____
- 6. The abovementioned businesses must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties.
Requirement: _____
- 7. The abovementioned businesses shall restrict the number of persons within the building to those allowed by the planning and zoning commission at the time of permit issuance, after having taken into account the recommendations of the fire marshal, building official and director of planning. This number cannot exceed the number provided for in existing city ordinances.
Requirement: _____

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) Bars, Dancehalls, Nightclubs, etc. - Pg. 2 - REVISED 09/23/22