

Planning & Zoning

415 West University Drive
Edinburg, Texas 78539
(956) 388-8303



Special Use Permit Application: Adult Use

ENERGOV CASE # _____

DATE: _____

1. Applicant's Name: _____ Phone: _____

2. Mailing Address: _____

City: _____ State _____ Zip _____

3. Owner's Name: _____ Phone: _____

4. Mailing Address: _____

City: _____ State _____ Zip _____

5. Email Address: _____

6. Address/Location of Place: _____

7. Legal Description of Property: _____

8. Present Land Use: _____ Zoning District: _____

9. Days and Time of Operation: _____

(Please Print Name)

Signature

RECEIPT NUMBER: _____

REVIEWED BY: _____

- ITEMS NEEDED:**
- _____ Sealed Survey or Metes and Bounds (If acreage property)
 - _____ Warranty Deed
 - _____ Letter of Authorization from Owner (If applicant is not property owner)
 - _____ Preliminary Site Plan/Sketch
 - _____ Fee: \$500

PUBLIC HEARING DATE (PLANNING & ZONING COMMISSION) – 4:00 PM: _____

PUBLIC HEARING DATE (CITY COUNCIL) – 6:00 PM: _____

Special Use Permit Application – Adult Use

GENERAL REQUIREMENTS

Section 2.204(D)(1) Adult Use

of the City of Edinburg Unified Development Code

An adult use is permitted with a Special Use Permit if the applicant demonstrates that:

- a. *Required Spacing.* The use is at least five miles from any other adult use.
- b. *Alcohol prohibited.* Alcoholic beverages may not be served or offered for sale at any sexually oriented business. This provision shall not apply to a sexually oriented business currently operating under Section 6, Chapter 1109, Acts, 1999, 76th Legislature. Provided, however, if any adult use that is currently operating under the said Section 6 should have its alcoholic beverage license revoked or suspended, then alcoholic beverages may not thereafter be served or offered for sale at said adult use.
- c. *Screening of merchandise.* It is unlawful for an owner or operator of an adult use to allow the merchandise or activities of said business to be visible from any point outside the walls of the building housing the enterprise.
- d. *Signage.*
 - i. No flashing lights, words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner, subject to Division 4.300, Signs, shall be allowed on the exterior of the building.
 - ii. Notwithstanding the provisions of Division 4.300, Signs, it shall be unlawful for any such enterprise to erect, construct, or maintain any sign for such enterprise other than one primary sign, which shall meet the following requirements:
 1. Affixed flat against a primary wall of the building;
 2. Not exceed 15 square feet in area, displaying the business name only; and
 3. Not exceed 10 feet in height or 10 feet in length.
- e. *Required Buffer.* A Class B bufferyard with a minimum 20 feet width shall be provided on all sides of the lot containing the adult use.
- f. *Compliance with Texas Statutes.* Pursuant to Texas Local Government Code Sec. [243.006](#), *Scope Of Regulation*, the following separation requirements shall be measured from the nearest property line of a protected use to the nearest public entrance door of the premises of the adult use along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of determining measured distance, property situated on the opposite side of the street from a protected use shall be considered as if it were located on the same side of the street with such protected use. Where a multi-tenant facility such as a shopping center is involved, measurement shall occur from the boundary of the leasehold interest instead of the property line. It shall be unlawful to establish an adult use within 2,000 feet of any residential zoning district; lots containing a residence or residences, multiple-family residence, dwelling or rooming unit; or from the following protected uses:
 - i. Any primarily and regularly used for worship services and religious activities;
 - ii. Public or private school;
 - iii. Public park and playground;
 - iv. Public library;
 - v. Public or private community center;
 - vi. Public or private college, university, or institution of higher learning;
 - vii. Indoor or outdoor stadium;
 - viii. Hospital;
 - ix. Museum; and
 - x. Cultural entertainment facility.
- g. *Building Entrance.* The entrance to the building shall be set back in a courtyard with a masonry wall at a minimum height of five feet. The entrance to the courtyard shall be the point at which customers are determined to be adults. The actual entrance door shall be a solid opaque door and must always remain closed. At the entrance to the building inside the courtyard, a notice shall be posted indicating that the use is an adult use, which may involve activities or materials that do not meet community decency standards.
- h. *License required.* Adult uses shall require a valid adult use license.
- i. *IG and IL District.* An adult use shall only take access from an interior street in the IG and IL district.