

Planning & Zoning

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



Special Use Permit Application: On-Premise Consumption of Alcohol **ENERGOV CASE #**

1. APPLICANT INFORMATION

APPLICATION DATE: _____

Applicant's Name _____ Phone No: _____

Mailing Address _____ City _____ State _____ Zip _____

Email Address _____

IF APPLICANT IS DIFFERENT THAN OWNER, ATTACH LETTER OF AUTHORIZATION FROM OWNER.

Property Owner's Name _____ Phone No: _____

Mailing Address _____ City _____ State _____ Zip _____

Email Address _____

2. PROPERTY INFORMATION

Property Address/Location: _____

Legal Description: Lot(s) _____ Block _____ Subdivision _____

Zoning: _____

THE FOLLOWING INFORMATION IS REQUIRED FROM THE OWNER OR PERSON MAKING A REQUEST FOR ON-PREMISE CONSUMPTION OF ALCOHOLIC BEVERAGES ONLY

Proposed Days and Hours of Operation: _____

Subject business is a 51% establishment: YES NO (does not require Special Use Permit approval)

3. ATTEST

AS OWNER/AGENTS FOR THE ABOVE DESCRIBED PROPERTY, I/WE, HEREBY REQUEST A HEARING BEFORE THE EDINBURG PLANNING AND ZONING COMMISSION.

APPLICANT'S SIGNATURE _____ DATE _____

PUBLIC HEARING DATE (PLANNING & ZONING COMMISSION) – 5:30 PM: _____

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

(NOTE: BOTH MEETINGS ARE HELD AT THE EDINBURG CITY COUNCIL CHAMBERS)

GENERAL INFORMATION

Initial Fee: \$300 Renewal Fee: \$200

STANDARD PROCEDURES: The Special Use Permit (SUP) Application requires a Legislative Review Procedure. *This process takes a minimum of six to eight weeks from the date of application and may take longer depending on the unique circumstances of a given case.* Please note the following:

1. A complete application must be received and approved by City Staff. Appropriate fee is payable in full.
2. A full report for the SUP shall be prepared and approved by the Administrator.
3. The Administrator and the Planning and Zoning Commission conduct a public hearing and shall make a recommendation to the City Council. *The Planning and Zoning commission meets on the second Tuesday of every month.*
4. A separate public hearing is held by City Council. The City Council has final decision regarding the SUP and may approve, approve with conditions, or deny a SUP. *The council will typically consider these cases on the first Tuesday of the following month.*

NOTIFICATION AND PUBLIC HEARING: All property owners within 300 feet of the subject property shall be notified within 10 days of the Planning and Zoning Commission public hearing and City Council. A notice by publication will appear in a newspaper of general circulation in the City no fewer than 15 days prior to the City Council's public hearing. Any member of the public wishing to speak at any public hearing will be given an opportunity to do so.

RENEWAL PERIOD: A Special Use Permit shall expire within one (1) year. Application for renewal shall be made 30 days before permit expiration. The Special Use Permit shall be renewed annually to ensure continued compliance with permit requirements.

REVOCAION: A Special Use Permit may be revoked by the City Council at a public hearing after recommendation from the Planning and Zoning Commission when complaints and/or noncompliance have registered with the City regarding the particular facility.

GENERAL REQUIREMENTS

Section 2.204(D)(3) Alcoholic Beverage Sales for On-Premise Consumption 51% or more (Bar/Nightclub) *of the City of Edinburg Unified Development Code*

- a. **Spacing.** The sale of alcoholic beverages by any dealer within the City at a location within 300 feet of any church, public or private school, daycare, or public hospital, or within 1,000 feet of a public or private school if the city receives a request from the board of trustees of a school district or governing body of a private school.
 - i. The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.
 - ii. The measurement of the distance between the place of business where alcoholic beverages are sold and public or private school, daycare centers and other child care facilities and university shall be in a direct line from the property line of the private or public school, daycare center and other child care facilities or university to the property line of the place of business, and in a direct line across intersections.
- b. **Other Code Requirements and Cross-References.**
 - i. The use or place of business must meet all other provisions of the City's Alcoholic Beverage Code and adopted building codes.
 - ii. A TABC license is required for operation of an alcoholic beverage sales use.
 - iii. The Limited or Special Use Permit shall be approved prior to the application for TABC license.
 - iv. The use or place of business must provide for a food preparation area in which food is prepared and cooked for human consumption. Sale of chips, peanuts and cold sandwiches does not qualify the area for a kitchen.

*** Submit this application together with the following information: 1) warranty deed, 2) letter of intent, 3) preliminary floor plan, 4) site plan, 5) survey (if it's a tract of land).**