



## **RESOLUTION 2013-054**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ALLOWING A “TEMPORARY CARNIVAL OR CIRCUS” USE WITH CONDITIONS FROM OCTOBER 4, 2013 THROUGH OCTOBER 5, 2013, ON PROPERTY LOCATED AT 2800 VALWOOD PARKWAY, FARMERS BRANCH, TEXAS, TO MARY IMMACULATE CATHOLIC CHURCH FOR THE PURPOSE OF HOLDING ITS 2013 ANNUAL FALL FESTIVAL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Mary Immaculate Catholic Church, located on property at 2800 Valwood Parkway, Farmers Branch, Texas, (hereinafter, the “Property”) desires to hold a 2013 Annual Fall Festival on the Property from October 4-5, 2013 to include food, carnival rides and outdoor and indoor music entertainment; and

**WHEREAS**, the proposed 2013 Annual Fall Festival activities are considered a “Temporary Carnival or Circus” use under Sections 8-114 of the City’s Comprehensive Zoning Ordinance, said use being allowed in all zoning districts with prior approval of the City Council; and

**WHEREAS**, Section 2 of Ordinance No. 1770 provides that “no Temporary Carnival or Circus” shall legally operate within any zoning district prior to receiving approval by passage of a resolution of the City Council for such use”; and

**WHEREAS**, in conformance with Ordinance No. 1770, the City Council of the City of Farmers Branch, desires to allow a “Temporary Carnival or Circus” use with conditions from October 4-5, 2013 on said Property to Mary Immaculate Catholic Church for the purpose of holding its 2013 Annual Fall Festival.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** A “Temporary Carnival or Circus” shall be permitted from October 4-5, 2013 on property located at 2800 Valwood Parkway, Farmers Branch, Texas, (hereinafter, the “Property”) to Mary Immaculate Catholic Church for the purpose of holding its 2013 Annual Fall Festival.

**SECTION 2.** The “Temporary Carnival or Circus” use on the subject Property shall be permitted only in accordance with, and subject to, the following conditions:

- A. “Temporary Carnival or Circus” use on the subject Property is granted herein from October 4, 2013 through October 5, 2013;
- B. Mary Immaculate Catholic Church shall obtain all necessary permits required by the City of Farmers Branch or any other regulatory governmental authority prior to October 4, 2013, for the activities proposed for the 2013 Annual Fall Festival;

- C. Use of an outdoor amplified PA system shall be permitted on the subject Property on Friday, October 4, 2013, for the purpose of announcements and outdoor amplified music until 9:00 p.m. There shall be no outdoor amplified music on October 4, 2013 after 9:00 p.m.;
- D. Use of an outdoor amplified PA system shall be permitted on the subject Property on Saturday, October 5, 2013 for the purpose of announcements and outdoor amplified music until 9:00 p.m. There shall be no outdoor amplified music on October 5, 2013 after 9:00 p.m.; and
- E. No authority granted in Subsections C and D herein shall exempt any person from obeying City of Farmers Branch Code of Ordinance Sections 34-246 through 34-254 regulating noise within the City of Farmers Branch, nor shall any authority granted herein supersede the Farmers Branch Police Department's authority and discretion to enforce said ordinances.

**SECTION 3.** This Resolution shall be effective immediately upon approval.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THIS 3rd DAY OF SEPTEMBER, 2013.**

**ATTEST:**

**APPROVED:**

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Angela Kelly, City Secretary

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William P. Glancy, Mayor

**APPROVED AS TO FORM:**

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Peter G. Smith, City Attorney  
(kbl:8/29/13:62052)