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March 18, 2015

Lake Cypress Springs Lessees

VIA FIRST CLASS MAIL

Dear Lessee:

This letter is to advise you of amendments made to the Rules and Regulations. At the January 2015 meeting, the Board approved the following:

1. Addition to Definitions
2. Revision to Section 10.3
3. New Section 12.8

At the March 2015 meeting, the Board approved the following:

1. Additions to Definitions
2. Revisions to Article XVI
3. New Section 19.5

A complete copy of the amendments is enclosed.

If you have any questions, please do not hesitate to contact the District.

Regards,

Sheila Donica
Administration Manager

Enclosures: As stated

BOARD OF DIRECTORS:

Rodney Newsom, President • Gary Cunningham, Vice-President • Billy M. Jordan, Secretary • Dwayne Bolin, Director • Tim Philhower, Director

Revision to Rules and Regulations of Franklin County Water District

Regulation of Signs on District Property

Additions to “Definitions” section

“***Illuminated Sign***” means a Sign that is artificially lighted, whether from an interior or exterior light source.

“***Nonconforming Uses***” means lots, structures, improvements, and uses existing on District Property that would otherwise be prohibited, regulated, or restricted under these Rules, whether or not such nonconformities were properly permitted at the time of their origination.

“***Originally Permitted Nonconforming Uses***” means a Nonconforming Use for which the applicable Lessee obtained a properly issued permit or other approval from the District at the time such nonconformity was originated.

“***Sign***” means every message, announcement, declaration, illustration, insignia, surface or space, whether personal, professional or commercial in nature, erected or maintained in view of the observer for identification, expression, entertainment or promotion, including those of both a temporary and permanent nature. The definition of Sign includes the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

“***Unpermitted Nonconforming Uses***” means a Nonconforming Use that has never been properly permitted or approved by the District.

Revision to Section 10.3

10.3 Private notices, billboards, and all other forms of advertising (including commercial, business and professional Signs) are strictly prohibited on District Property except as specifically authorized by the District in writing. Notwithstanding the foregoing, a Lessee may display up to two (2) “For Sale” or “For Rent” Signs on such Lessee’s leased property, provided however that such Signs may not exceed 2’ x 2’ in size, shall only pertain to the actual property upon which they are located, and shall otherwise comply with the requirements of Section 12.8 below.

Revision to Article XVI

16.1 Intent. Subject to the provisions hereof, it is the intent of the District to permit Nonconforming Uses to continue under certain conditions until they are removed, but not to encourage their perpetuation. It is further the intent of the District that Nonconforming Uses shall not be enlarged upon, expanded or extended, or be used as the basis for adding other structures or uses prohibited elsewhere, except as may be specifically provided herein.

16.2 Originally Permitted Nonconforming Uses. A Lessee may, but shall not be required to, obtain a Nonconforming Use Permit for an Originally Permitted Nonconforming Use existing on such Lessee’s Leased Property. Whether or not a Nonconforming Use Permit has been obtained, an Originally Permitted Nonconforming Use may be repaired in accordance with the provisions hereof. Subject to the District’s right of final approval and issuance of a permit (if otherwise required under these Rules), an Originally Permitted Nonconforming Use may have non-material, non-substantial changes made to it, but may not be enlarged, expanded, extended or used as the basis for adding other structures or uses prohibited elsewhere, except as specifically provided in Section 16.6 below.

16.3 Issuance of Nonconforming Use Permit.

(a) Subject to the other provisions of this Article, the District may issue a Nonconforming Use Permit for any Nonconforming Use upon satisfaction of the following conditions:

(i) Submission of written documentation reasonably acceptable to the District that the Nonconforming Use existed in its current state prior to October 8, 2002;

(ii) Cure of any and all other outstanding defaults with respect to the nonconforming property by the requesting Lessee;

(iii) Execution by the requesting Lessee of a Nonconforming Use Permit application form as promulgated by the District, which shall include an indemnity of the District by the Lessee for any and all damages and costs incurred by the District in connection with the Nonconforming Use;

(iv) Payment of any required application and processing fee assessed by the District.

(b) Subject to the other provisions of this Article, any Nonconforming Use for which a Nonconforming Use Permit has been properly issued in accordance with this Article may be continued and shall be exempt from further enforcement action by the District only with respect to the particular nonconformity specified in the Nonconforming Use Permit.

16.4 Ineligible Nonconforming Uses. Notwithstanding anything to the contrary, the District shall not issue a Nonconforming Use Permit for any Nonconforming Use to which one or more of the following conditions apply:

(a) The Nonconforming Use causes a violation with any other applicable local, county, state or federal law, statute, rule or regulation.

(b) The Nonconforming Use poses an unacceptable risk of harm or damage to persons or property (whether owned by the Lessee, third parties, or the District, including without limitation, the Lake) as reasonably determined by the District.

(c) The Nonconforming Use actually encroaches over a property boundary line onto property not leased or owned by the requesting Lessee.

(d) Other extenuating or extraordinary circumstances, as reasonably determined by the District, require that the Nonconforming Use not be allowed to continue.

16.5 Application Procedure.

(a) Applications for Nonconforming Use Permits shall be submitted to the District along with copies of required documentation supporting the assertion that the Nonconforming Use existed prior to October 8, 2002.

(b) The District may, on its own motion, require that a Lessee apply for a Nonconforming Use Permit for an Unpermitted Nonconforming Use existing on such Lessee's lot.

(c) Upon receipt of a complete application for a Nonconforming Use Permit meeting all of the requirements of this Article XVI, the District shall have a minimum of thirty (30) days to review such application before issuing any approval or denial. No "fast-track" or accelerated procedure exceptions shall be allowed.

16.6 Restrictions. All Nonconforming Uses shall be subject to the following restrictions:

(a) No Nonconforming Use may be enlarged, expanded, extended or used as the basis for adding other structures or uses prohibited elsewhere, provided however that a Lessee shall be permitted to construct a pier or boathouse attached to a nonconforming retaining wall for which a Nonconforming Use Permit has been properly issued, so long as the pier or boathouse complies in all other respects with these Rules.

(b) Nonconforming structures or improvements that are partially damaged may be repaired to the same specifications as existed before such damage or destruction, provided that Lessee complies with all other provisions of this Article and these Rules.

(c) Except as specifically permitted in the following sentence, nonconforming structures that are substantially or totally destroyed shall not be rebuilt in a non-conforming manner, but shall be rebuilt (if at all) in compliance with these Rules such that the Nonconforming Use is not perpetuated following such destruction. Notwithstanding the foregoing sentence, if a nonconforming structure is substantially destroyed but the foundation or slab for such nonconforming structure is still useable,

the nonconforming structure may be rebuilt in the same location upon such foundation or slab, provided that the Lessee has applied for and received a Nonconforming Use Permit under this Article XVI.

New Section 12.8

12.8 Signs.

(a) Except as specifically provided herein, no Sign shall be erected, raised or maintained by any Lessee, occupant or contractor on District Property.

(b) All commercial, business and professional Signs are prohibited on District Property except as set forth in Section 10.3 above.

(c) A Lessee shall be allowed to display personal (i.e., non-commercial) Signs on such Lessee's leased property provided that:

(i) the governing homeowner's association (if any) does not prohibit such Signs;

(ii) no Illuminated Signs are allowed;

(iii) no Signs that are obscene, pornographic, threatening, or otherwise reasonably considered to be in conflict with the character of a Single Family Residential neighborhood are allowed;

(iii) no Signs that are flashing, pulsating, animated, moving or rotating are allowed;

(iv) all Signs allowed hereunder shall be installed and maintained in a good and workmanlike manner so that the sign structure does not become a hazard or nuisance; and

(vii) all Signs allowed hereunder shall comply with all other applicable Rules, including without limitation setback and height requirements.

(d) Notwithstanding the foregoing, nothing contained in this Rule shall prohibit flags, seasonal decorations (during the applicable season only), address designations, or any Signs required by applicable law.

New Section 19.5

19.5 Notwithstanding anything to the contrary contained in these Rules, the District reserves the right to restrict activities and usage, or deny approval for any permit that would otherwise be allowed hereunder, in order to preserve, protect and maintain the integrity, value and sustainability of the Lake, the District Property, and the improvements located thereon.