

Development Application Handbook
Lake Bois d' Arc
Fannin County, Texas

On October 30, 2018 the Fannin County Commissioners Court adopted Lake Zoning Regulations (Regulations) which established a Lake Zoning Area (Area). The Area is a 5,000-foot area surrounding the Lake Bois d' Arc shoreline. The shoreline is at an elevation of 534 feet above mean sea level (AMSL). The Regulations were adopted for the purpose of promoting the health, safety, and general welfare of the County. The Regulations were designed to:

1. Lessen congestion in the streets and roads;
2. Secure safety from fire, panic, and other dangers;
3. Promote health and the general welfare;
4. Provide adequate light and air;
5. Prevent the overcrowding of land;
6. Avoid undue concentration of population;
7. Facilitate the adequate provision of transportation, water, sewers, parks, and other public requirements; or
8. Assist in developing the area into parks, playgrounds, and recreational areas for the residents of this state and other states and nations.

The Regulations govern all aspects of development within the Area. The North Texas Municipal Water District controls development within the shoreline. Before beginning construction in the Lake Zoning Area, it is advisable that you consult the Lake Zoning Regulations. Failure to comply with the Regulations could result in serious economic consequences, including fines. The Regulations are available on the Fannin County web page at www.co.fannin.tx.us. In addition, feel free to contact Fannin County Development Services Director, Di Hopkins, with any question regarding the Regulations.

Di Hopkins Director
Address: 1203 E. Sam Rayburn Drive
Bonham, Texas 75418
Phone: 903-449-4220
Email: dhopkins@fanninco.net

Be a good neighbor, comply with the Regulations.

This handbook was developed by the Fannin County Commissioners Court to provide a brief overview of the Application Process. The first step in the Process is to determine if your property is located within the Lake Zoning Area. If your property is located within the Area, it is subject to the Regulations. Under the Regulations, Applications are required to be filed to obtain the following:

1. Zoning Map Amendment (Rezoning), see Regulations Section 8.01.B.1;
2. Zoning Text Amendment, see Regulations Section 8.01.B.2;
3. Planned Development (PD) Steps for Creation and Development, see Regulations Section 8.07.D;
4. Specific Use Permits (SUPs), see Regulations Section 8.08;
5. Lake Area Development (Building) Permit, see Regulations Section 8.04
6. Special Exception, see Regulations Section 9.01.

The Regulations provide that all Applications shall contain the following information and shall be signed under oath stating that the Applicant believes the information contained therein is true to the best of his or her knowledge:

- a. Identification of property owner and authorized agent;
- b. Description of the property and the nature of the development that is the subject of the application;
- c. Identification of all zoning classifications for the property;
- d. Identification of all pending legislative applications for the property;
- e. Identification of decisions on all quasi-judicial or administrative Applications for the property that remain in effect;
- f. Identification of all accompanying Applications;
- g. Identification of all pending or accompanying requests for relief;
- h. Demonstration of compliance with prior approved permits; and
- i. Application signed by the owner of an interest in the land subject to the Application, or the owner's designated agent.

Every Application shall be accompanied by the prescribed fee set forth. The current fee is listed on each application included in the Appendix to this Handbook. These Fees are subject to change. The prescribed fee shall not be refundable, except when the Commissioners Court waives the Application fee for resubmission of an approval that was denied. No Application shall be accepted or reviewed for completeness from a person who owes delinquent taxes, assessments, any fees, or is otherwise indebted to the County until the taxes, assessments, debts, or obligations shall have been first fully discharged by payment, or until an arrangement has been made for the payment of such debts or obligations. An Application shall only be accepted by the Commissioners Court for processing when it is accompanied by all documents required by and prepared in accordance with the requirements of the Regulations.

Application Forms

Application forms, commonly used, are included in this handbook. These include an Application for (1) Change in Zoning, (2) Specific Use Permit, (3) Lake Area Development (building) Permit, and (4) Utility Connection Certificate, and (5) Special Exception. These five application forms are included in the Appendix to this Handbook and are discussed separately below.

Change in Zoning Application

Under the Regulations there are two types of Zoning Amendments. These include (1) a Zoning Map Amendment (Rezoning) and (2) a Zoning Text Amendment. A Zoning Map Amendment (Rezoning) is a change or modification to the boundaries of any zoning district within the County's Zoning District Map. A Zoning Text Amendment is the change of the text within the Regulations and does not include change or modification to the boundaries of any zoning districts. If you want to change zoning in a district the Regulations require your filing a Change in Zoning Application. An Application form is included in this Handbook. The current fee is \$150 but is subject to change. A Change in Zoning Application that is accepted for filing will be reviewed by the Lake Zoning Commission for recommendation. A public hearing will be held by the Lake Zoning Commission at that time. An Application will not be accepted for filing within fifteen (15) days of a scheduled public hearing of the Lake Zoning Commission considering that Application. The recommendation will then be presented to the Commissioners Court for action. A public hearing will be held by the Commissioners Court at that time. Public notice will be required in all instances. An Application not acted upon within one (1) year of filing will need to be refiled and re noticed.

Specific Use Permit Application

Under the Regulations, Specific Use is a use that has been determined to be more intense or have a potentially greater impact than a use permitted by-right in that Zoning District. Where this is the case, you must obtain a Specific Use Permit. The Regulations require your filing a Specific Use Application. An Application form is included in this Handbook. The current fee is \$150 but is subject to change. A Specific Use Permit Application that is accepted for filing will be reviewed by the Lake Zoning Commission for recommendation. A public hearing will be held by the Lake Zoning Commission at that time. An Application will not be accepted for filing within fifteen (15) days of a scheduled public hearing of the Lake Zoning Commission considering that Application. The recommendation will then be presented to the Commissioners Court for action. A public hearing will be held by the Commissioners Court at that time. Public notice will be required in all instances. An Application not acted upon within one (1) year of filing will need to be refiled and re noticed.

Lake Area Development (Building) Permit Application

Provided a use is allowed under the Regulations, unless exempted, all new structures over 1,000 square feet shall be required to obtain a Lake Area Development (Building) Permit before construction activities occur. The following shall be exempt from the Lake Area Development (Building) Permit requirement.

- a. All agricultural buildings and structures, such as barns and loafing sheds.
- b. All expansions or remodels of existing Single-Family homes.
- c. All accessory buildings on lots two (2) acres or larger.
- d. All buildings and structures associated with Dam-Related Construction Activities, Utilities, and Operations.
- e. The RFO, Reservoir Facilities and Operations District.

The Application shall contain the following minimum information:

- a. Name, mailing address, and contact telephone number of the Applicant and of the property owner, if not the same.
- b. Street address and legal description of the property for which the permit is to be obtained. The legal description, with the recorded data, shall be determined from a copy of a deed presented by the Applicant if there is any question on the part of the County as to the legal description or ownership.
- c. Zoning district of the property for which the permit is to be obtained.
- d. Statement of the type and scope of work to be done.
- e. The Application shall be accompanied by maps and plans. Such maps and plans shall become a part of the Application.
- f. The Applicant shall attest to the accuracy of all information given on or accompanying the Application.
- g. There shall be a separate Application for each building or structure to be constructed, erected, installed, or altered, except for accessory buildings and appurtenances which may be included in the permit for the major structure when construction is concurrent.

An Application form is included in this Handbook. The current fee is \$150 but is subject to change. The Application and accompanying information shall be presented in three (3) complete copies to the Commissioners Court or its designee during normal business hours. The Commissioners Court or its designee shall note on all copies of the Application, one of which is to be returned to the Applicant, the date on which the completed Application is received. Within 30 business days of the date the Lake Area Development (Building) Permit Application is received, the request shall be reviewed by the

Commissioners Court or its designee and a permit issued, or the Application denied. If the Application is not acted upon by the Commissioners Court or its designee within 30 business days, the Applicant shall be considered as approved on the 31st business day after submission. The action of denial of a request for modification shall stay the requirement for approval within 30 business days.

- a. If the Application is in full compliance with the requirements, the Applicant shall be notified in writing or by telephone that the Lake Area Development (Building) Permit will be issued.
- b. If modification of the Application and/or accompanying information is required to bring the request into full compliance, as above, the Application shall be denied, and the Applicant notified in writing or by telephone. The Applicant shall be given a list of all corrections required to bring the request into full compliance.

If completion of some other zoning action is required to affect the issuance of a building permit, such action must be completed prior to the Application for a Lake Area Development (Building) Permit.

If the request is approved, and upon payment of the required fee, the Permit shall be issued. A Permit is valid for six (6) months. If work described or permitted by any Permit has not begun within six (6) months from the date of issue thereof, such permit shall be automatically revoked, and no work shall begin until a new building permit has been issued. A Permit may be renewed for two (2) additional six-month periods upon verbal request, presentation of the original dated approved application, and payment of the appropriate fee. Any construction not completed within eighteen (18) full months of the issue date of the original Permit shall require issuance of a new Permit. A Permit may be revoked and/or a stop-work order issued by the Commissioners Court or its designee at any time prior to the completion of the building or structure for which the same was issued, when it shall appear that there is departure from the plans, specifications, or conditions as required under terms of the permit, that the same was procured by false representation, was issued in error, or that any of the provisions of the building codes or of the zoning regulations are being violated. The Commissioners Court or its designee shall issue a stop order upon the failure, refusal, or neglect of any owner, their agent, contractor, or duly authorized representative to secure such permit and pay the prescribed fee as herein provided. Any revocation or order to stop may be served upon the owner, their agent or contractor, or upon any person employed upon the building or structure for which the permit was or should have been issued. Thereafter no construction shall proceed until the revoked Permit is reinstated or until a Permit has been issued.

Utility Connection Certificate Application

Under the Regulations, a Utility Connection Certificate shall be required for the connection or reconnection of a utility service (water, sewer, electricity, gas, or other utility service) from the utility provider to the customer. The following shall be exempt from the Certificate requirement.

- a. All agricultural buildings and structures, such as barns and loafing sheds.
- b. All expansions or remodels of existing Single-Family homes.
- c. All accessory buildings on lots two (2) acres or larger.
- d. All buildings and structures associated with Dam-Related Construction Activities, Utilities, and Operations.
- e. The RFO, Reservoir Facilities and Operations District.

Under the Regulations, a written application for a Certificate for a new building or for an existing building that is to be altered shall be made at the same time as the application for the Lake Area Development (Building) Permit for such building. Said Certificate shall be issued within fourteen (14) calendar days after a written request for the same has been made to said Commissioners Court or its designee after the erection or alteration of such building or part thereof has been completed in conformity with the

provisions of the Regulations. Under the Regulations, a written application for a Certificate shall be made to the Commissioners Court or its designee for review of the following:

- a. The use of vacant land,
- b. For a change in the use of land or a building, or
- c. For a change in a nonconforming use to a conforming use.

If the proposed use is in conformity with the provisions of the Regulations, the Certificate therefore shall be issued within fourteen (14) calendar days after the completed application for same has been made. The Commissioners Court or its designee shall not issue the Certificate where County taxes are delinquent. Every Certificate shall state that the building or the proposed use of a building or land complies with all provisions of the Regulations. A record of each Certificate shall be kept on file with the Commissioners Court or its designee and copies shall be furnished upon request to any person having a proprietary in the building or land affected.

Special Exception Application

Under the Regulations, any person aggrieved by the Zoning Regulations or any officer, department, board, or bureau of the county or of a municipality in the county may file a Special Exception Permit Application seeking a special exception from the Zoning Regulations. An Application form is included in this Handbook. The current fee is \$150 but is subject to change. A Special Exception Permit Application that is accepted for filing will be reviewed by the Lake Zoning Commission for recommendation. A public hearing will be held by the Lake Zoning Commission at that time. An application will not be accepted for filing within (15) days of a scheduled public hearing of the Lake Zoning Commission considering that Application. The recommendation will then be presented to the Commissioner's Court for action. A public hearing will be held by the Commissioner's Court at that time. Public notice will be required in all instances. An Application not acted upon within one (1) year of filing will need to be refiled and re noticed.



CHANGE IN ZONING APPLICATION
BLCZA (YEAR)(APPLICATION NUMBER)

APPLICATION FEE: \$150.00

Fannin County Planning and Zoning
Bois d’Arc Lake Zoning Commission

A Change in Zoning Application that is accepted for filing will be reviewed by the Lake Zoning Commission for recommendation. A public hearing will be held by the Lake Zoning Commission at that time. An Application will not be accepted for filing within fifteen (15) days of a scheduled public hearing of the Lake Zoning Commission considering that Application. The recommendation will then be presented to the Commissioners Court for action. A public hearing will be held by the Commissioners Court at that time. Public notice will be required in all instances. An Application not acted upon within one (1) year of filing will need to be refiled and renoticed.

Property Information

Addition Name or Abstract:		Address / Location:	
Lot(s):	Block:	Current Zoning:	
# of Acres:	# of Lots:	# of Units:	
Legal Description (Abstract or Addition):*			

* Attach as Appendix A if additional space is required; must be identifiable on zoning map.

Applicant Information

Name:		Company:	
Mailing Address:			
City:	State:	Zip:	
Phone:	Fax:	E-mail:	

Owner Information– If different from Applicant, Applicant must submit a letter of authorization from owner.

Name:		Company:	
Mailing Address:			
City:	State:	Zip:	
Phone:	Fax:	E-mail:	

DETAILED DESCRIPTION OF PROPOSED CHANGE IN ZONING, THE NATURE OF DEVELOPMENT OF THE PROPERTY, AND REQUIRED DISCLOSURES*

** Attach as Appendix B if additional space is required.*

FILING REQUIREMENTS CHECK LIST

For an Application to be accepted for consideration it must meet the filing requirements contained in the Lake Zoning Regulations, including:

- Payment of the required fee;
- A current paid tax certificate or receipt for property;
- Identification of property owner and authorized agent;
- Description of the property and the nature of the development that is the subject of the application;
- Identification of all zoning classifications for the property;
- Identification of all pending legislative applications for the property;
- Identification of decisions on all quasi-judicial or administrative Applications for the property that remain in effect;
- Identification of all accompanying Applications;
- Identification of all pending or accompanying requests for relief;
- Demonstration of compliance with prior approved permits;
- Application signed by the owner of an interest in the land subject to the Application, or the owner's designated agent; and
- Shall be signed under oath stating that the applicant believes the information contained therein is true to the best of his or her knowledge.

I the undersigned hereby declare and state under oath that it is my belief that information contained in this Application and its attachments is true to the best of my knowledge.

Signature: _____ **Date:** _____

Sworn to before me and subscribed in my presence on this day of 20__.

Notary Public in and for the State of Texas

My Commission Expires:

For Office Use Only:
County Clerk filing information:
Date Filed: _____ **Receipt Number:** _____ \$ _____
Pending Plat: _____ **Staff Initials:** _____

Entered into Master Permit Log

DETAILED DESCRIPTION OF SPECIAL USE, TEMPORARY NATURE OF THE USE IF APPLICABLE, AND REQUIRED DISCLOSURES*

* Attach as Appendix B if additional space is required.

FILING REQUIREMENTS CHECK LIST

For an Application to be accepted for consideration it must meet the filing requirements contained in the Lake Zoning Regulations, including:

- Payment of the required fee;
- A current paid tax certificate or receipt for property;
- Identification of property owner and authorized agent;
- Description of the property and the nature of the development that is the subject of the application;
- Identification of all zoning classifications for the property;
- Identification of all pending legislative applications for the property;
- Identification of decisions on all quasi-judicial or administrative Applications for the property that remain in effect;
- Identification of all accompanying Applications;
- Identification of all pending or accompanying requests for relief;
- Demonstration of compliance with prior approved permits;
- Application signed by the owner of an interest in the land subject to the Application, or the owner's designated agent; and
- Shall be signed under oath stating that the applicant believes the information contained therein is true to the best of his or her knowledge.

I the undersigned hereby declare and state under oath that its is my belief that information contained in this Application and its attachments is true to the best of my knowledge.

Signature: _____

Date: _____

Sworn to before me and subscribed in my presence on this _____ day of _____ 20____.

Notary Public in and for the State of Texas
My Commission Expires:

Office use only:

PERMIT #: _____ **SUP APPLICATION FEE: \$ 150.00**

Entered into Master Permit Log

8.08. Specific Use Permit Regulations:

1. Every specific use permit granted under these provisions shall be considered as an amendment to the zoning ordinance as applicable to such property under consideration.
2. In granting a specific use permit, the Commissioner's Court may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued for use of the premises pursuant to such specific use permit.
3. No specific use permit shall be granted unless the applicant, owner and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawing and approved by the Commissioner's Court.
4. No use authorized by a specific use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate specific use permit is granted for such enlargement, modification, structural alteration or change.
5. When the Commissioner's Court authorizes granting of a specific use permit, the zoning map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, said amendment to indicate on the appropriate location the ordinance number granting the specific use permit and suffixed by an "S" designation.
6. The Commissioner's Court, in its determination that a specific use permit be granted, may set additional conditions to those specifically enumerated herein, as it may deem in the best interest of the community.

7.01 C. 2. Applications content regulations

All Applications shall contain the following information and shall be signed under oath stating that the Applicant believes the information contained therein is true to the best of his or her knowledge:

- a. Identification of property owner and authorized agent;
- b. Description of the property and the nature of the development that is the subject of the application;
- c. Identification of all zoning classifications for the property;
- d. Identification of all pending legislative applications for the property;
- e. Identification of decisions on all quasi-judicial or administrative Applications for the property that remain in effect;
- f. Identification of all accompanying Applications;
- g. Identification of all pending or accompanying requests for relief;
- h. Demonstration of compliance with prior approved permits; and
- i. Application signed by the owner of an interest in the land subject to the Application, or the owner's designated agent.



FANNIN COUNTY PLANNING AND ZONING BUILDING PERMIT / APPLICATION

NEW REMODEL ADDITION
(CHECK ONE)

TYPE: _____ (Res or Com)

TRCC #: _____

TDLR #: _____

Name of Applicant: _____ Telephone: _____

Applicant's Address: _____ Cell: _____

Name of Property Owner: _____ Telephone: _____

Property Owner's Address: _____

Work Site Address: _____

Legal Description: Abstract: _____ Survey: _____

Note: Is this property subject to deed restrictions? Yes No Do the proposed improvements comply with deed restrictions? Yes No

Number of Stories _____ (1, 2, etc.) Exterior Finish _____ (brick, wood, metal, etc.)
Square Feet _____ Construction Value \$ _____ Intended Use _____ (residence, storage, etc.)

Office Use Only
Remarks: _____ _____
Conditions: _____ _____

I have carefully examined the completed application and required support documentation and know the same to be true and correct. I hereby agree to comply with all provisions set forth by Fannin County and the State of Texas wherein specified or otherwise. I am the owner of the above property, or his duly authorized agent. .

APPLICANT SIGNATURE

DATE

APPROVED: _____
DEVELOPMENT DIRECTOR SIGNATURE

DATE

Construction Type _____ Occupancy Load _____ Occupancy Type _____ Zoning District _____

Note: This Building Permit allows for temporary utility connections. The Utility Connection Certificate will be issued upon completion of construction and the final inspection has been performed to ensure compliance of the Lake Zoning Regulations. It is the responsibility of the owner to contact the Fannin County Development Services Office to obtain the Utility Connection Certificate.

Office use only: PERMIT #: _____	TOTAL PERMIT FEE \$ 150.00
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FILING REQUIREMENTS CHECK LIST

For an Application to be accepted for consideration it must meet the filing requirements contained in the Lake Zoning Regulations, including:

- Payment of the required fee;
- A current paid tax certificate or receipt for property;
- Identification of property owner and authorized agent;
- A copy of the property warranty deed;
- A copy of maps and site plans. Such maps and plans shall become a part of the Application;
- Description of the property and the nature of the development that is the subject of the application;
- Identification of all zoning classifications for the property;
- Identification of all pending legislative applications for the property;
- Identification of decisions on all quasi-judicial or administrative Applications for the property that remain in effect;
- Identification of all accompanying Applications;
- Identification of all pending or accompanying requests for relief;
- Demonstration of compliance with prior approved permits;
- Application signed by the owner of an interest in the land subject to the Application, or the owner's designated agent; and
- Shall be signed under oath stating that the applicant believes the information contained therein is true to the best of his or her knowledge.

Note: There shall be a separate Application and fee for each building or structure to be constructed, erected, installed, or altered, except for accessory buildings and appurtenances which may be included in the permit for the major structure when construction is concurrent.

I the undersigned hereby declare and state under oath that it is my belief that information contained in this Application and its attachments is true to the best of my knowledge.

Signature: _____ **Date:** _____

Sworn to before me and subscribed in my presence on this _____ day of _____ 20____.

Notary Public in and for the State of Texas
My Commission Expires: _____



SPECIAL EXCEPTION APPLICATION

Application Fee: \$150.00

Fannin County Planning and Zoning **Bois d' Arc Lake Zoning Commission**

A Special Exception Permit Application that is accepted for filing will be reviewed by the Lake Zoning Commission for recommendation. A public hearing will be held by the Lake Zoning Commission at that time. An application will not be accepted for filing within (15) days of a scheduled public hearing of the Lake Zoning Commission considering that Application. The recommendation will then be presented to the Commissioner's Court for action. A public hearing will be held by the Commissioner's Court at that time. Public notice will be required in all instances. An Application not acted upon within one (1) year of filing will need to be refiled and renoticed.

Property Information

Addition Name or Abstract:		Address / Location:	
Lot(s):	Block:	Current Zoning:	
# of Acres:	# of Lots:	# of Units	
Legal Description (Abstract or Addition):			

Attach as Appendix A if additional space is required. Must be identifiable on zoning map .

Applicant Information

Name:		Company:	
Mailing Address:			
City:	State:	Zip:	
Phone:	Fax:	E-mail:	

Owner Information (if different from Applicant)

Name:		Company:	
Mailing Address:			
City:	State:	Zip:	
Phone:	Fax:	E-mail:	

DETAILED DESCRIPTION OF SPECIAL EXCEPTION AND THE NATURE OF THE DEVELOPMENT THAT IS THE SUBJECT OF THE APPLICATTON. *Attach as Appendix B if additional space is required.*

FILING REQUIREMENTS CHECK LIST

For an Application to be accepted for consideration it must meet the filing requirements contained in the Lake Zoning Regulations which includes all of the following (if applicable):

- Payment of the required fee;
- A current paid tax certificate or receipt for property;
- Identification of property owner and authorized agent;
- A copy of the property warranty deed;
- A copy of maps and plans identifying the project. Such maps and plans shall become a part of the Application;
- Description of the property and the nature of the development that is the subject of the application;
- Identification of all zoning classifications for the property;
- Identification of all pending legislative applications for the property;
- Identification of decisions on all quasi-judicial or administrative Applications for the property that remain in effect;
- Identification of all accompanying Applications;
- Identification of all pending or accompanying requests for relief;
- Demonstration of compliance with prior approved permits;
- Application signed by the owner of an interest in the land subject to the Application , or the owner's designated agent;
- Shall be signed under oath staling that the applicant believes the information contained therein is true to the best of his or her knowledge.

Note: There shall be a separate Application and fee for each building or structure to be constructed, erected, installed, or altered except for accessory buildings and appurtenances which may be included in the permit for the major structure when construction is concurrent.

Please refer to Section 9.0I, Special Except ion, of the Lake Zoning Regulations for additional information and/or requirements.

I, the undersigned, do hereby declare and state under oath that it is my belief that information contained in this Application and its attachments is true to the best of my knowledge.

Signature: _ _ _ _ _ **Date:** _ _ _ _ _

Sworn to before me and subscribed in my presence on this _____ day of _____ 20__

Notary Public in and for the State of Texas
My Commission Expires:

For Office Use On/y:

PERMIT NO: _ _ _ _ _	APPLICATIO N FEE \$150.00
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