

Hunt County, Texas – Press Release

August 8, 2018

Regarding the Lake Tawakoni Zoning Ordinance

On July 24, 2018, Hunt County issued a Press Release regarding the Lake Tawakoni Planning and Zoning Commission and Zoning Ordinance. Multiple attorneys had reviewed the legislative history of the relevant section - Texas Local Government Code, Sections 231.101-113. The official online version of current Texas statutes is called “Texas Constitution and Statutes,” and may be found at <https://statutes.capitol.texas.gov>.

That version of the relevant statute includes legislative history after every sub-section which reads: “Added by Acts 1989, 71st Leg., ch. 1, Sec. 52 (a), eff. Aug. 28, 1989.” This notation indicates that the statute was “added” and “effective” in 1989. Numerous hard copies of the Local Government Code and fee-based online research tools also include these notations.

However, after further research and coordination with the Texas Association of Counties legal department, Hunt County had determined that the relevant statute was actually passed in 1987, and became effective on June 19, 1987. The explanation for the wrong “effective” date is that the legislature recodified the Local Government Code in 1989 – but the state did *not* list the original passage or effective date in subsequent publications. This is a unique situation caused by the timing of the original bill and the Legislature’s recodification the following year.

Given this new information, a subsequent review of the 1988 County election and Zoning Ordinance process has been completed. Based on that review, the January 16, 1988 vote and Zoning Ordinance adopted on December 12, 1988 appear to be valid, and will be enforced in the future. Also, the Lake Tawakoni Planning and Zoning Commission is an effectively-established entity and will continue to meet.

In addition to the Zoning Ordinance, all properties within the affected zone (5,000-feet from the Tawakoni take-line) are also still subject to other existing development requirements, including:

1. The Hunt County Subdivision Regulations (available on the Hunt County website);
2. Any requirements of an existing Home Owners’ Association;
3. State and local septic permit regulations;
4. Septic permit requirements of the Sabine River Authority in regulated areas near the lake; and
5. The subdivision, zoning and building requirements of any municipality in the area that controls its corporate limits or extra-territorial jurisdiction.