

# CITY OF BLOSSOM

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P.O. Box 297 ~ 1240 W. Front ~ Blossom, Texas 75416  
Phone 1-903-982-5900 ~ Fax 1-903-982-6599

## ORDINANCE NO. 21-06

### REGULATION OF SUBDIVISIONS

**AN ORDINANCE AMENDING ORDINANCE 00-004 REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES OR AMENDMENTS THERETO, THAT CONFLICT WITH THE TERMS OR CONDITIONS OF THIS ORDINANCE, RETAINING THE CONSTRUCTION REGULATIONS AND GENERAL PROVISIONS (INCLUDING PERMIT REQUIREMENTS) OF ORDINANCE 01-002; ENACTING ORDINANCES AND POLICIES REGULATING PLATS AND THE ESTABLISHMENT OF SUBDIVISIONS IN THE CITY OF BLOSSOM, TEXAS AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PUNITIVE SANCTIONS FOR THE VIOLATION OF THE ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; DECLARING AN EMERGENCY.**

**WHEREAS**, pursuant to Chapter 212, Local Government Code (LGC) the Governing body of the City of Blossom, Texas, has determined that plats, subdivisions of land, and development of subdivisions within the City, and its extraterritorial jurisdiction, should be subject to regulation by ordinance; and

**WHEREAS**, such ordinance is necessary to promote the health, safety, and general welfare of the municipality and the safe, orderly, and healthy development of the City of Blossom, Texas; and

**WHEREAS**, public hearings on this matter, after proper public notice, were held prior to adoption of this ordinance; and

**WHEREAS**, the City Council finds that this ordinance should be adopted as an ordinance of the City of Blossom, Texas;

**THEREFORE**, be it ordained by the City Council of the City of Blossom, Texas, that the following rules and regulations governing plats, land subdivisions, and development of subdivisions within the City of Blossom, Texas, and its extraterritorial jurisdictions are hereby adopted:

## **SECTION 1. ADOPTION OF RULES AND REGULATIONS**

- A. Except as specifically detailed within the ordinance, Chapter 212, Subchapter A & B, LGC is hereby adopted by reference, as though it were fully copied herein, as the rules and regulations governing plats, subdivision of land, and development of subdivisions within the city limits of the City of Blossom, Texas, and its extraterritorial jurisdiction.
- B. The City's general plan is hereby adopted by reference as though it were fully copied herein, as the standard for approval for all development plats.

## **SECTION 2. APPROVAL AUTHORITY**

Until the appointment of a municipal planning commission and the designation thereof by Amendment to this ordinance, the governing body of the City of Blossom, Texas (the City Council), shall be the municipal authority responsible for approving plats and the subdivision of land.

## **SECTION 3. ADMINISTRATION**

- A. Notwithstanding Section 2, above, the City Council is hereby appointed planning and development director and is delegated the authority for approval responsibility of certain plats and land subdivision as detailed in Section 212.0065, LGC.
- B. The City may employ or contract with a civil engineer to assist for the purpose of administration of this ordinance.

## **SECTION 4. APPLICATION AND APPROVAL PROCEDURE**

- A. Applications for subdivisions within the City's jurisdiction, along with plats detailing the proposed subdivision, with proposal for development of the same, shall be presented to the City Secretary.
- B. Plats for a land subdivision shall meet requirements established within Sections 212.004, LGC. The developer is not required to file both a land subdivision plat and development plat if a development plat is filed meeting requirements of Section 212.004 and Section 212.045.
- C. Plats failing to meet requirements stated in Paragraph IV (B), as set out above, shall be returned to applicant as incomplete.
- D. The City accepts no obligation or responsibility for the approval of plats within thirty (30) days [Section 212.009 (a), LGC] until an application and a properly constructed plat, as defined in Section 212.004 or Section 212.045, LGC, has been acknowledged as complete and received by the City Secretary.

- E. After the City Secretary acknowledges receipt of a complete plat and application, the City shall follow the following procedure for approval or disapproval of the plat as follows:
1. Plats meeting the requirements established in Section 212.0065, LGC may be approved by the planning and development director after receiving recommendations by the City Public Works Director and/or the City Engineer.
  2. All other plats failing to meet the requirements established in Section 212.0065, LGC shall be forwarded to the City Engineer or the Consulting Engineer on a case-by-case basis for recommendations for consideration for approval.
  3. Following recommendations by the City Engineer or the Consulting Engineer as well as recommendations from the City Secretary, the City Council shall act upon all properly presented plats within thirty (30) days as required by Section 212.009 (a), LGC.

## **SECTION 5. MINIMUM LOT SIZES**

The minimum size for lot approval under this ordinance is eighty (80) feet by one hundred (100) feet, or the reasonable equivalent thereof. The exception noted in Section 212.004, LGC may be considered.

## **SECTION 6. TYPE OF HOUSING STRUCTURES**

All subdivision developments shall consist of site built single family residences. All buildings and structures must meet requirements of the State statutes and regulations and the City ordinance or regulation. However, the governing body may approve plats of smaller or different dimensions following public hearings.

## **SECTION 7. WATER AND SEWER FACILITIES**

- A. Except as approved by the City Council by way of variance or plat approval, the extension of water and sewer services which exceed shall be the responsibility of the developer.
- B. All water and sewer service lines provided by the developer to serve residences or other buildings proposed for development shall meet the requirements of all City regulations and standards, and the State or County requirements, based upon recommendations of the City Engineer.

## **SECTION 8. DEVELOPMENT OF ROADS, STREETS, AND ALLEYS**

- A. Pursuant to Sec. 212.011, LGC the dedication of roads, streets, or alleys shall not impose upon the City any responsibility for development or maintenance of same.
- B. The layout of roads, streets, or alleys must conform to the existing general plan of the municipality, taking into account access to and extension of sewer and water mains and other public utilities.

- C. The construction of roads, streets, or alleys shall be the total responsibility of the developer. Construction standards for same must meet the requirements and recommendations of the City Engineer with consideration for proposed traffic.

## **SECTION 9. REQUIREMENTS FOR CONSTRUCTION DRAWINGS**

The developer is required to submit a set of construction drawings, prepared by a professional licensed engineer. The construction drawings must be approved by the City Council prior to any construction of a subdivision development.

## **SECTION 10. SUBDIVISION PROPOSALS IN FLOOD ZONE**

Plats or development plats that encompass an area of flood zone as defined by FEMA NFI Rate Map shall be required to meet the following additional requirements:

- A. Plats must show elevation contour lines at not more than two (2) feet intervals.
- B. Base flood elevation, established by licensed surveyor or engineer must be established and indicated on plat.
- C. Drainage plan and proposed drainage improvements to provide for flood control mitigation.
- D. No roads, streets, alleys, buildings, or other permanent structures may be erected which may restrict or redirect natural water flow within the flood zone area.
- E. All structures and buildings must comply with City ordinance or National Flood Insurance requirements.

## **SECTION 11. FILING AND APPLICATION FEES**

A non-refundable filing/application fee shall be paid in advance with the application and proposed plats when they are submitted to the City Secretary. See fee schedule in Appendix A.

## **SECTION 12. BOND OR LETTER OF CREDIT REQUIREMENT**

At the recommendation of the City Council or City Engineer or Consulting Engineer, an applicant for a subdivision may be required to post a performance bond or an irrevocable letter of credit in an appropriate amount to assure compliance with terms of the subdivision development proposal or the established requirements for the subdivision development.

## **SECTION 13. DECISIONS OF THE CITY COUNCIL: FINAL**

The decision of the City Council shall be final in all questions regarding the application of the provisions of this ordinance.

**SECTION 14. STATE STATUTES AND LOCAL GOVERNMENT CODE SHALL PREVAIL**

Provisions of this ordinance, or sections, sentences, or clauses contained herein, which may be in conflict with the Local Government Code or applicable State statutes, are hereby superseded to the degree that the Local Government Code or State statutes shall prevail.

**SECTION 15. SUPERCESSION**

Any existing ordinance of the City of Blossom, Texas, in conflict with this ordinance is hereby superseded to the degree that the provisions of this ordinance shall prevail.

**SECTION 16. ORDINANCE IS CUMULATIVE**

Except as provided in Section 14 above, this ordinance shall be cumulative of and in addition to all other ordinances of the City of Blossom, Texas.

**SECTION 17. SEVERABILITY**

If any section of this ordinance shall be declared invalid by a court of competent jurisdiction, such ruling shall not affect the validity of the remainder of this ordinance.


**SECTION 18. PENALTY AND CIVIL & CRIMINAL ENFORCMENT**

- A. Violation of any provision of this ordinance, including but not limited to construction without a plat, failure to apply for a plat, subdivision of land, or subdivision development within the City's jurisdiction, may be punished as a Class C Misdemeanor with a fine of up to five hundred dollars (\$500.00) each day for each offense. In addition, a civil penalty of up to one thousand dollars (\$1,000.00) may be assessed for each day and each violation.
- B. The city is also entitled to injunctive relief and any other enforcement procedures in order to bring about compliance with any section or requirement of this ordinance.

**SECTION 19. ORDINANCE IS IMMEDIATELY EFFECTIVE/ EMERGENCY CLAUSE**

In order to protect the public safety, health, and general welfare of its citizens, the governing body of the City of Blossom, Texas, hereby declares that this ordinance shall take effect immediately, and shall be in force from and after its passage.

Passed and adopted by the City Council of the City of Blossom, Texas, convened in public session in the City Council Chambers, City Hall, 1240 W. Front Street, Blossom, Texas, this 19<sup>th</sup> day of August, 2021.



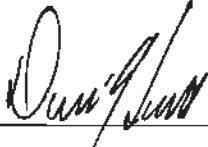
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City Secretary Stacy Prestidge



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Mayor Jeff Stover



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Attorney David Hamilton