AGENDA

CITY OF NEVADA
424 E FM 6 NEVADA, TX 75173 | 972-853-0027

AGENDA

PLANNING & ZONING COMMISSION

Tuesday, March 17, 2026

7:00PM at City Hall

Chairman – Russell Newton

Commissioner – Judy Hudson
Commissioner – Rex Adams
Commissioner – Travis Wilson
Commissioner – Anthony Moschella
Commissioner (Alternate)
Commissioner (Alternate)

REGULAR MEETING

1. Call to Order and Declaration of Quorum for the Planning and Zoning (P&Z) Commission.
   Time:

2. Public comment-
   Citizens are invited to address the meeting with public comments. Comments regarding items for which notice has not been given will be limited to three minutes. Responses shall be in accordance with Sec. 551.042 of the Texas Government Code. Comments regarding an item on the agenda may be given before or during discussion of that item when recognized by the Chair. An intentional act intended to disrupt a government meeting is a violation of law.

CONSENT AGENDA: ACTION

3. Approval of Previous Meeting's Minutes – February 17, 2026

REGULAR AGENDA

4. **Deliberation and take any appropriate action on proposed revisions to the current Zoning and Future Land Use Maps for the City of Nevada.**
   Summary: The Planning and Zoning Commission to discuss proposed revisions on updating the current Zoning and future land use Maps to reflect possible changes to the zoning districts for the City of Nevada.

5. **Deliberation and take any appropriate action regarding proposed revisions and replacement for a new Subdivision Ordinance for the City of Nevada.**
   Summary: The Planning and Zoning Commission will review and discuss proposed revisions to the existing Subdivision Ordinance. The Planning and Zoning Commission will review recommendations made by City Engineer Chris Donnan.

FUTURE AGENDA ITEMS

6. *Future agenda items shall be designated by the Planning & Zoning Chairman. In addition, a motion and a second from any two P&Z Commissioners shall be sufficient to add an agenda item for a future meeting. Staff and counsel shall have prior consent of the Chairman to add an agenda item for a future meeting.*

   1.
   2.
   3.
   4.
   5.

   As authorized by Section 551.071 (2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

7. **Executive Session –**
   Time:

8. **Regular Session: Reconvene from Executive Session –**
   Time:

9. **If required, take any action deemed necessary as the result of any executive session deliberations.**

10. **Adjournment/Closing –**
    Time:

CERTIFICATION

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting, the Planning & Zoning Commission reserves the right to adjourn into executive session on any of the above-posted agenda items in accordance with the sections 551.071 [litigation and certain consultation with attorney], 551.072 [acquisition of an interest in real property], 551.073 [contract for gift to City], 551.074 [certain personnel deliberations] or 551.076 [deployment/ implementation of security personnel or devices]. The City of Nevada is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. **Please call the City Secretary at (469) 788-7473 for information.**

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the other boards, commissions and/or committees shall not deliberate or decide any matters relating to items listed on this agenda and no minutes shall be prepared.

A member or member of the government body holding this meeting may attend via videoconference pursuant to the provisions of Tex. Gov't Code 551.127. In the event that a member or members of the government body holding this meeting attends via videoconference, a quorum of the government body holding this meeting will be physically present at the location identified above.

I certify that the above agenda for this meeting of the Planning and Zoning Commission of the City of Nevada, Texas, was posted on the bulletin board at City Hall, in Nevada, Texas, **Tuesday, March 10, 2026**, by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.

Lana Carroll

Lana Carroll, Assistant City Secretary

AGENDA ITEM #3

CITY OF NEVADA
424 E FM 6 NEVADA, TX 75173 | 972-853-0027

MINUTES

PLANNING & ZONING COMMISSION

Tuesday, February 17, 2026
7:00PM at City Hall

Planning & Zoning Chairman – Russell Newton

Commissioner – Judy Hudson
Commissioner – Rex Adams
Commissioner – Travis Wilson

Commissioner – VACANT
Commissioner (Alternate)
Commissioner (Alternate)

City Staff:
Heather Schell, City Secretary
Lana Carroll, Assistant City Secretary

Citizens:
Tony Moschella

REGULAR MEETING

1. **Call to Order and Declaration of Quorum-**
   Time: 7:13PM

   The meeting was called to order at 7:13 PM by Chairman Russell Newton.

2. **Public Comment –**
   Citizens are invited to address the meeting with public comments. Comments regarding items for which notice has not been given will be limited to three minutes. Responses shall be in accordance with Sec. 551.042 of the Texas Government Code. Comments regarding an item on the agenda may be given before or during discussion of that item when recognized by the Chair. An intentional act intended to disrupt a government meeting is a violation of law.

   No Public Commentary.

CONSENT AGENDA: ACTION

3. **Approval of Previous Meeting Minutes – January 20, 2026**
   Motion to accept the meeting minutes of January 20, 2026 was made by Commissioner Rex Adams, seconded by Commissioner Wilson. Motion carried unanimously.

REGULAR AGENDA

4. **Deliberation and take any appropriate action on proposed revisions to the current Zoning Map for the City of Nevada**
   Chairman Russell Newton tabled Agenda Item 4 to the next Planning and Zoning Meeting.

5. **Deliberation and take any appropriate action on approving Anthony Moschella as Commissioner for the Planning and Zoning Committee for the City of Nevada**
   Motion to approve Tony Moschella as Commissioner for the Planning and Zoning Committee was made by Commissioner Wilson, seconded by Commissioner Hudson. Motion passed unanimously.

FUTURE AGENDA ITEMS

6. *Future agenda items shall be designated by the Planning & Zoning Chairman. In addition, a motion and a second from any two P&Z Commissioners shall be sufficient to add an agenda item for a future meeting. Staff and counsel shall have prior consent of the Chairman to add an agenda item for a future meeting.*

   1. The commission requested that the zoning map discussion be placed on the next meeting agenda, with specific focus on the future land use map.

   As authorized by Section 551.071 (2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.

7. **Executive Session -**
   Time: N/A

8. **Regular Session: Reconvene from Executive Session -**
   Time: N/A

9. **If required, take any action deemed necessary as the result of any executive session deliberations.**
   N/A

10. **Adjournment/Closing –**
    The meeting was adjourned at 8:33 PM.

_____

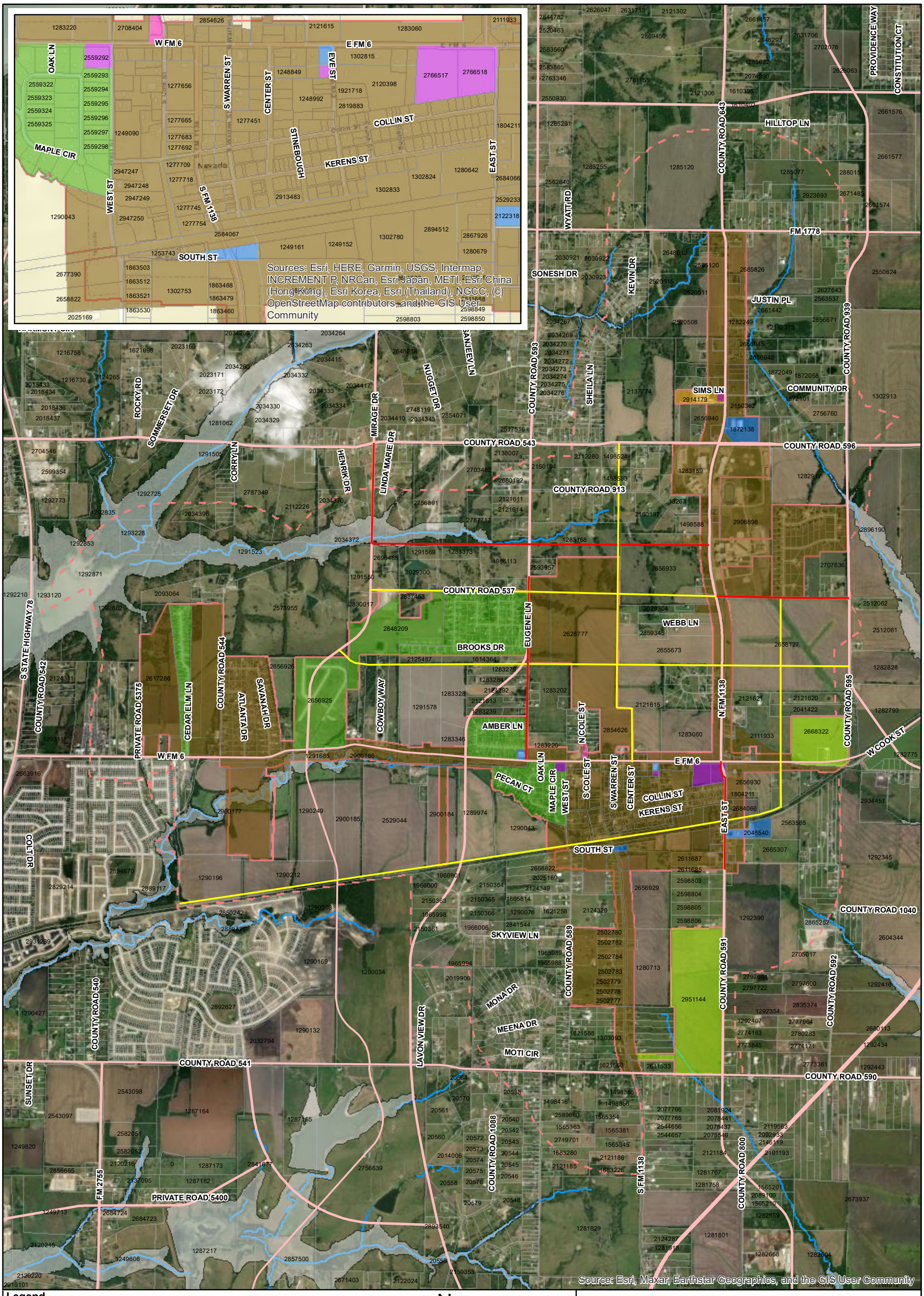
Russell Newton, Chairman

Attest:

_____

Heather Schell, City Secretary

AGENDA ITEM #4



Legend

Zoning Districts
- No Zoning Established
- Single Family (1 ac)
- Single Family (1/2 ac)
- Commercial Corridor
- Community Retail
- Neighborhood Service
- Light Industrial

Nevada Thoroughfare Plan
- Arterial
- Collector

Collin County Thoroughfare Plan
- Freeway
- Major Arterial
- Principal Arterial

- Nevada City Limits
- Nevada ETJ
- Parcels
- FEMA Zone AE
- FEMA Zone A
- FEMA Stream

N

0 2,400 4,800 Feet

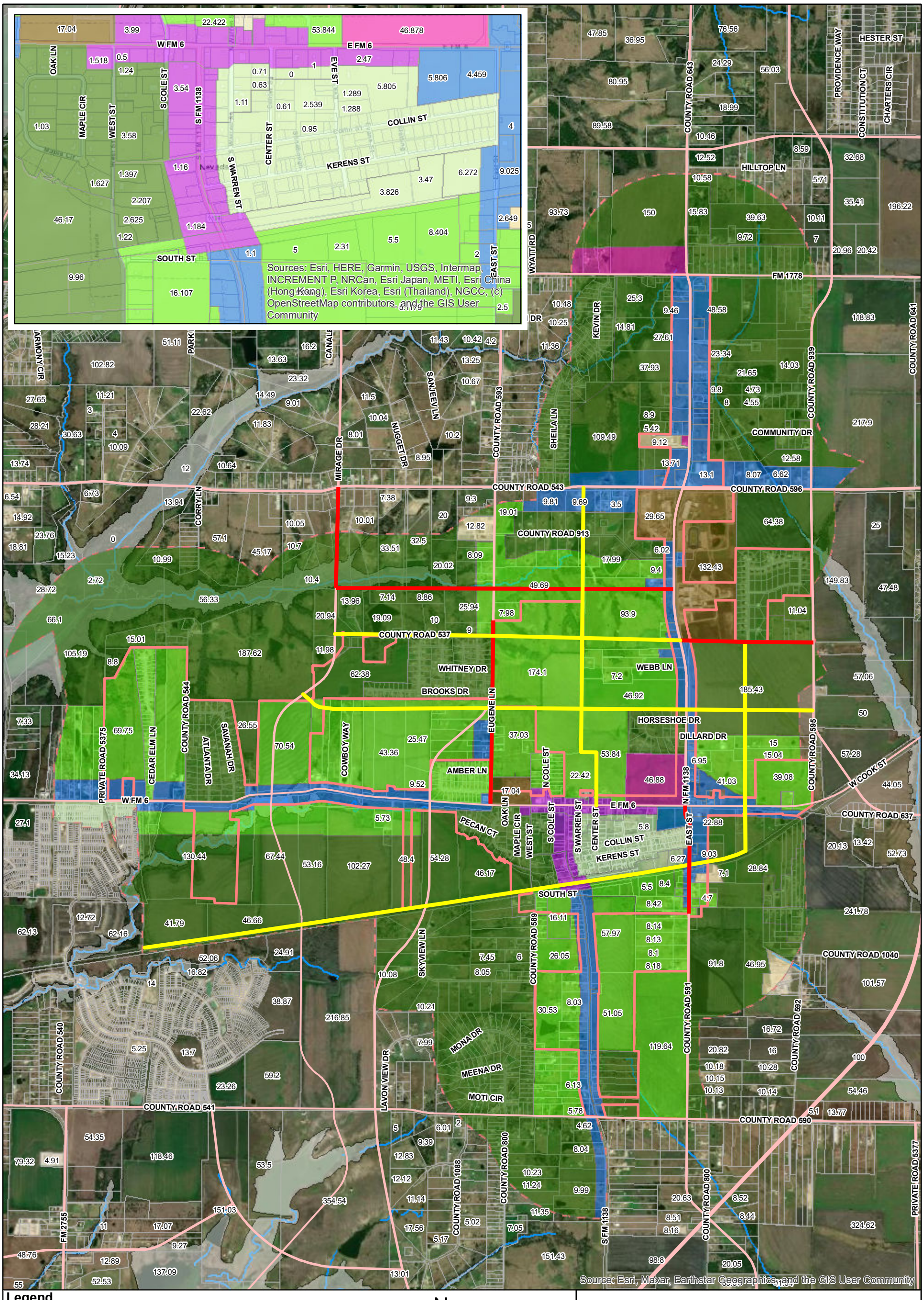
Zoning Map

Nevada, Texas

HAYTER ENGINEERING
Practical Infrastructure Solutions

Hayter Engineering, Inc.
4445 SE Loop 286
Paris, TX 75460
www.hayterenng.com
TxEng F-315 TxSurv F-10028600

March 2026 | PROJECT NO.: 385006 | EXHIBIT 2



Legend

Future Land Use
- Single Family (1/4 ac)
- Single Family (1/2 ac)
- Single Family (1 ac)
- Commercial Corridor
- Community Retail
- Neighborhood Service
- Light Industrial
- Public Land/Institution

Nevada Thoroughfare Plan
- Arterial
- Collector

Collin County Thoroughfare Plan
- Freeway
- Major Arterial
- Principal Arterial

- Nevada City Limits
- Nevada ETJ
- FEMA Zone AE
- FEMA Zone A
- FEMA Stream

N

0 2,400 4,800 Feet

Future Land Use Map

Nevada, Texas

HAYTER ENGINEERING
Practical Infrastructure Solutions

Hayter Engineering, Inc.
4445 SE Loop 286
Paris, TX 75460
www.haytereng.com
TxEng F-315 TxSurv F-10028600

September 2025 | PROJECT NO.: 385006 | EXHIBIT 3

AGENDA ITEM #5

SUBDIVISION ORDINANCE

ORDINANCE NO. 17-14

AN ORDINANCE OF THE TOWN OF NEVADA, TEXAS ESTABLISHING AND ADOPTING RULES AND REGULATIONS GOVERNING THE PLATTING AND SUBDIVISION OF LAND WITHIN THE JURISDICTION OF THE TOWN OF NEVADA, TEXAS; PROVIDING METHODS OF ENFORCEMENT, FOR METHODS OF INTERPRETATION OF THE ORDINANCE, DEFINING CERTAIN WORDS; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR AMENDMENTS AND CHANGES IN THE TERMS OF THE ORDINANCE; FURTHER DEFINING AND PRESCRIBING REQUIREMENTS OF LAND WITHIN THE TOWN OF NEVADA, TEXAS; REGULATING PRELIMINARY PLAN EXHIBITS, PROTECTIVE COVENANTS, FINAL PLATS, STREET LOCATION AND ARRANGEMENT, STREET DESIGN, CONSTRUCTION REQUIREMENTS, STREET NAME SIGNS, UTILITIES AND DRAINAGE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND ($2,000.00) DOLLARS FOR EACH OFFENSE; PROVIDING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEVADA, TEXAS:

SECTION 1

ARTICLE 1. GENERAL PROVISIONS AND POLICIES

SECTION 1.1 AUTHORITY

This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Subchapter A and B of Chapter 212 of the Local Government Code.

SECTION 1.2 SHORT TITLE

This Ordinance shall be known as the SUBDIVISION ORDINANCE of the Town of NEVADA, Texas.

SECTION 1.3 POLICY STATEMENTS

A. It is the intent of the Town of Nevada to encourage and promote quality development within the Town consistent with the rural atmosphere and quality of life.

B. Development proposals shall be reviewed for conformance with the Town plan and development policy and nonconformance shall be deemed sufficient for denial of the development proposal.

C. It is hereby declared to be the policy of the Town of Nevada to consider the subdivision of land and the subsequent development of the subdivided lots as subject to the control of the municipality pursuant to a comprehensive plan of the municipality for the orderly, planned, efficient and economical development of the municipality.

D. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be developed until available public facilities and improvements exist and proper provision has

been made for drainage, water, sewage, roadways and capital improvements such as schools, recreation facilities, and transportation facilities and improvements.

E. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the comprehensive plan or adopted development policies, and the capital budget and program of the municipality. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, the comprehensive plan, adopted development plans, the zoning ordinance, and the capital improvements program of the Town of Nevada.

SECTION 1.4 PURPOSE

These regulations are adopted for the following purposes:

A. To protect and provide for the public health, safety, and general welfare of the municipality.

B. To guide the future growth and development of the municipality, in accordance with the Comprehensive Plan and adopted Development Policies.

C. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.

D. To protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of all parts of the Town of Nevada.

E. To protect and conserve the value of land throughout the Town of Nevada and the value of buildings and improvements upon the land.

F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, drainage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

H. To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and to insure proper legal descriptions and monumenting of subdivided land.

I. To insure that public improvements are available and shall have a sufficient capacity to serve the proposed subdivision.

J. To prevent the pollution of air, streams, and ponds, to assure the adequacy of drainage facilities; and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and the value of the land.

K. To preserve the natural beauty and topography of the municipality and to insure appropriate development with regard to trees and other natural features.

L. To provide for open spaces through the most efficient design and layout of the land.

SECTION 1.5 INTERPRETATION, CONFLICT

A. CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS

1. Public Provisions: These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulations, statute, or other provision of law, except as expressly repealed by this Ordinance. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provision is more restrictive or imposes a higher standard shall control.

2. Private Provisions: These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or other private agreement or restriction imposes duties and obligations more restrictive or higher standards than the requirements of these regulations, or where in the determination of the Town Council that such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative.

SECTION 2
(PENALTY CLAUSE)

Any person, firm, or corporation that violates, disobeys, neglects or refuses to comply with. or that resists the enforcement of the provisions of this ordinance, shall be fined Two thousand dollars ($2,000.00) for each offense. Each offense that occurs shall constitute a separate violation and shall be punishable as such.

SECTION 3
(CUMULATIVE CLAUSE)

This ordinance shall be cumulative of all provisions of Ordinances of the City of Nevada, Texas except where the provisions of this ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4
(SEVERABILITY CLAUSE)

It is hereby declared to be the intention of the City of Nevada that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not

affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5
(SAVINGS CLAUSE)

All rights and remedies of the City of Nevada are expressly saved as to any and all violations of the provisions of any Ordinances affecting zoning which may have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6
(EFFECTIVE DATE)

This Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

PASSED, APPROVED, and ADOPTED this 14th day of November, 2017.

CITY OF NEVADA, TEXAS

Trace Kinnard, Mayor

Attest:

Judy Hill, City Secretary

(seal)

JUDITH K. HILL
NOTARY PUBLIC
STATE OF TEXAS
ID# 125510231
EXPIRES 11-26-2021

Approved as to form:

James E. Shepherd, City Attorney

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ARTICLE I. - GENERAL PROVISIONS

Sec. 1. - Title.

These regulations shall be officially known, cited and referred to as the Subdivision Regulations of the City of Nevada (hereinafter "these regulations").

This chapter applies to all subdivisions of land located within the corporate City limits and the extraterritorial jurisdiction of the City of Nevada, Texas, as provided by law, and to all additions of land within the corporate City limits, except as expressly stated herein.

Sec. 2. - Policy.

a)

The subdivision or platting of land and the subsequent development of the land is subject to the control of the City pursuant to the comprehensive plan, as amended, for the orderly, planned efficient, and economic development of the City.

(b)

Land to be subdivided or platted shall be of character that can be used safely for building purposes without danger to health or peril from fire, flood, or their menace, and land shall not be developed until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and streets.

(c)

Proposed public improvements shall confirm to and be properly related to the proposals shown in the comprehensive plan, as amended, and the capital improvement program of the Town. These regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, the comprehensive plan and the capital improvement program.

(d)

Land that has been platted prior to the effective date of this chapter shall, whenever possible, be brought within the scope of these regulations to further the purposes identified in section 3; provided, however, it is the intent of these regulations and ordinances of the Town, to be consistent with, and be interpreted in accordance with V.T.C.A., Local Government Code Ch. 245 as amended.

Sec. 3. - Purposes.

These regulations are adopted for the following purposes:

(1)

To protect and provide for the public health, safety, and general welfare of the Town.

(2)

To guide the future growth and development of the City in accordance with the comprehensive plan, as amended.

(3)

To ensure safety from fire, flood, and other dangers, and to prevent overcrowding of the land and undue congestion of population.

(4)

To guide public and private development in order to provide adequate and efficient transportation, water, sewerage, drainage, and other public requirements, improvements and facilities.

(5)

To provide for the safe and adequate circulation of the traffic and pedestrians required for the beneficial use of land and buildings and to avoid congestion throughout the City.

(6)

To establish reasonable standards of design and procedures for platting and replatting to further the orderly layout and use of land, and to ensure proper legal descriptions and identification of platted land.

(7)

To ensure that adequate public facilities and services are available and will have sufficient capacity to serve the proposed subdivision or addition and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services.

(8)

To prevent the pollution of streams and ponds; to ensure the adequacy of drainage facilities, to safeguard the water table, and to encourage the wise use and management of natural resources, and enhance the stability and beauty of the community and the value of land.

(9)

To provide for open spaces through the most efficient design and layout of the land.

(10)

To remedy the problems associated with inappropriately platted lands, including premature subdivision, incomplete subdivision and scattered subdivision.

Sec. 4. - Authority.

The City Council may appoint a Planning and Zoning Commission when the City Council determines it is necessary. The following provisions apply if a Commission is appointed. Those provisions required even in the absence of a Commission should be carried out by the City Council.

Any reference to a “director” shall refer to the Mayor unless or until a Director of Planning is appointed or hired.

(a)

In addition to its other responsibilities, the Planning and Zoning Commission of the City of Nevada (hereinafter "commission") is vested with the authority to review and recommend to the City council that it approve, conditionally approve and disapprove applications for the platting or subdivision of land, including land studies, conveyance plats, preliminary plats, final plats, amended plats, replats, and vacation of plats. The commission may also recommend the granting of expectations from these regulations pursuant to the provision to the provision of section 8, subject to City council, as provided herein.

(b)

The director is vested with the authority to approve minor plats. The director may, for any reason, elect to present a minor plat to the planning and zoning commission for approval. The director may not

disapprove a minor plat and shall refer any minor plat refused for approval for to the planning and zoning commission for consideration and action within 30 days of the filing of the minor plat as defined herein. The minor plat shall thereafter be treated, for the purposes of these regulations, as a major plat.

Sec. 5. - Pending applications.

All applications for plat approval, including preliminary and final plats, pending on the effective date of these regulations and which have not lapsed shall be reviewed and considered for approval, disapproval or conditional approval based upon regulations in effect at the time the original application for the permit is filed, consistent with V.T.C.A., Local Government Code Ch. 245 as amended.

Sec. 6. - Interpretation, conflict and severability.

(a)

Interpretation. The provisions of these regulations shall be interpreted and applied so as to satisfy the minimum requirements of these regulations and other applicable codes and regulations, for the promotion of the public health, safety, and general welfare. These regulations shall be constructed broadly to promote the purposes for which they are adopted.

(b)

Conflict with other laws. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statue or other provision of law except as expressly provided in these regulations, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

(c)

Severability. If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of same to other persons or circumstances.

Sec. 7. - Amendments.

For the purpose of protecting the public health, safety and general welfare, the staff, commission or council may from time to time propose amendments to these regulations which shall then be approved or disapproved by the City council at a public meeting.

Sec. 8. - Exceptions.

(a)

General. Where it is determined that unreasonable hardships or difficulties may result from strict compliance with these regulations and/or the purpose of these regulations may be served to a greater extent by an alternative proposal, the City council may approve exceptions to these subdivision regulations so that substantial justice may be done and the public interest secured; provided, however, that the exception shall not have the effect of nullifying the intent and purpose of these regulations; and

further provided that the exception will not in any manner vary the provisions of the zoning ordinance or comprehensive plan, except that those documents may be amended in the manner prescribed by law.

(b)

Criteria for exceptions from development exactions. Where the City council finds that the imposition of any development exaction pursuant to these regulations exceeds reasonable benefit to the property owner or is so excessive as to constitute confiscation of the tract to be platted, it may approve exceptions to such requirements, so as to prevent such excess.

(c)

Conditions. In approving exceptions, the City council may require such conditions as will, in its judgment, secure substantially the purposes described in section 3.

(d)

Procedures.

(1)

A petition for an exception shall be submitted in writing by the property owner at the time the conveyance plat, preliminary plat or final plat is filed in accordance with these regulations for consideration by the commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

(2)

An exception, in order to be of binding effect, must be approved at the time of consideration and approval of the preliminary plat and thereafter reflected on the final plat provided that no new information or reasonable alternative plan exists at time of consideration of the final plat which, at the determination of the City council, voids the need for an exception.

Sec. 9. - Enforcement, violations and penalties.

(a)

Criminal penalties. Any person who violates any of these regulations for lands shall be subject to a fine of not more than $2,000.00 per day, pursuant to the V.T.C.A., Local Government Code § 54.001, as amended. Each day that a violation exists constitutes a separate offense, subject to the penalties provided herein.

(b)

Civil enforcement. Appropriate civil actions and proceedings may be maintained in law or in equinity to prevent unlawful construction, to recover damages, to impose penalties, to restrain, correct, or abate a violation of these regulations, whether such violation occurs with respect to lands within the corporate City limits or within the City 's extra-territorial jurisdiction. The City council may direct the City attorney

to file the appropriate legal action, seeking all available injunctive relief and civil penalties, in any court of competent jurisdiction. These remedies shall be in addition to the penalties described above.

(c)

Additional enforcement provisions. The City may withhold the acceptance for filing of a plat, or the approval of a subdivision, or issuance of a permit, for the failure to satisfy terms and conditions of these regulations, including but not limited to payment of fees required herein, or as stated in the fee ordinance, completion of public improvements, and/or facilities, including those obligations contained within a duly executed development agreement and/or adherence to tree preservation or mitigation standards.

ARTICLE II. - DEFINITIONS

Sec. 10. - Definitions.

[The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Addition means any lot, tract or parcel of land lying within the corporate City limits which is intended to be subdivided for the purpose of development.

Administrative officer is the person or persons so designated by the City to act in an official capacity in the administration of this chapter, whether an actual employee of the City or a consultant under contract to the City to fulfill these duties (i.e., City engineer may also be the Town's consulting engineer), on his duly authorized representative.

Alley shall mean a minor traffic way used primarily for vehicular service to the rear or side of properties otherwise abutting on a street.

Amending plat means a revised plat correcting errors or making minor changes to the original recorded final plat to the extent and for the purposes allowed by law.

Amenity means an improvement to be dedicated to the public or the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this chapter.

Arterial street or thoroughfare shall be a principal traffic way more or less continuous across the City or areas adjacent thereto and shall act as a principal connecting street with state or interstate highways.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any given year. The base flood shall be determined by using a fully developed watershed and the Town's Drainage Design Manual criteria for 100-year storm.

Block means a tract of land bounded by streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities.

Bond means any form of a surety bond, performance or payment bond, or financial guarantee, in an amount and form satisfactory to the City and as may be requires by state law.

Building line shall be a line beyond which buildings must be set back from the street or road right-of-way line or property line.

Capital improvements program means the official proposed schedule of all future public projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project, as adopted by City council.

Channel means generally a manmade ditch of course in which stormwater runoff flows.

City shall mean City of Nevada, Texas.

City council shall mean to refer to duly elected governing body of the City of Nevada, Texas.

Collector street shall be a street which is continuous through several residential districts and is intended as connecting street between residential districts and thoroughfares, highways or business districts.

Commission shall mean the Planning and Zoning Commission of the City of Nevada, Texas.

Comprehensive or master plan means a plan for development of the City prepared and adopted by the City council, in accordance V.T.C.A., Local Government Code Ch. 219 as amended, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof. This plan provides guidance for the long-range development of the City and shall generally indicate the general location recommended for various land uses, transportation routes, public and private buildings, streets, parks and other public and private developments and improvements.

Construction plans means the maps or drawings accompanying a plat and showing the specific location and design of public improvements to be installed in the subdivision or addition in accordance with the requirements of the City council or these regulations as a condition of the approval of the plat.

Contiguous means lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

Conveyance plat means an interim plat recording the subdivision of property or defining a remainder of property created by the approval of a final plat for a portion of property, where approval of final development plans is not sought.

County shall mean Collin County, Texas.

Cul-de-sac shall mean short residential street having but one vehicular access to another street and terminated by a vehicular turn-around.

Dead-end street shall mean a street other than a cul-de-sac with only one means of ingress and egress.

Dedication plat means a plat prepared for the purpose of dedicating land or easements for right-of-way to the City.

Developer means the person, business, corporation or association responsible for the development of the subdivision or addition. In most contexts, the terms "developer" and "property owner" are used interchangeably in these regulations.

Development means any manmade change related to the subdivision of improved or unimproved real estate, including but not limited to, buildings or other structures, paving, drainage or utilities, but not agricultural activities.

Director means the individual designated by the City council to administer this chapter and other development related ordinances. If not otherwise designated by the Mayor, the City Secretary will serve as the Director, assisted as needed by the City Attorney and City Engineer.

NTMWD means the North Texas Municipal Water District.

Land study or site plan means a concept plan or sketch preparatory to the preliminary plat or final plat, to enable the property owner to save time and expense in reaching general agreements with the City as to the form of the plat and the satisfaction of objectives and requirements of these regulations.

Lot means a tract, plot or portion of a subdivision, addition, or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession or for building development.

Major plat means all plats not classified as minor plats, including but not limited to subdivisions of more than four lots, or any new street or extension of the Town's facilities.

May shall be deemed as permissive.

Minor plat means a subdivision involving four or fewer lots fronting on an existing street, and not requiring the creation of any new street or the extension of municipal facilities.

Mobile home or manufactured housing parks means a parcel of land under single entity ownership which has been placed and improved for the placement of HUD-Code Manufactured Homes, as defined by state laws and as may be adopted by ordinance, accessory uses and service facilities, meeting all requirements of this chapter and any applicable deed restrictions and state laws.

Municipal facility means an improvement owned and maintained by the Town.

Off-site improvement means any public improvement located outside the physical boundaries of the subdivision or addition to be platted.

Perimeter street means any existing or planned street which abuts the subdivision or addition to be platted.

Plat shall mean a map or chart of a subdivision which lays out suburban, building or other lots, or lays out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to the public use or for the use of purchasers or owners of lots fronting on, or adjacent to the streets, alleys, squares, parks or other parts, and which is to be files for record in the Town. Unless otherwise specified, it may include preliminary plat, final plat and a replat. A plat is required to be submitted by any owner of a tract of land located within the corporate City limits or the Town's extra-territorial jurisdiction, who divides the tract in two or more parts to lay out a subdivision of the tract or an addition.

Platting means the act of preparing for approval and processing, pursuant to these regulations, the plan or map for the subdivision of the tract or an addition.

Preliminary plat shall be any plat of any lot, tract or parcel of land that is not to be recorded for record in the county but is only a proposed division of land for review and study by the City and filed in the official records of the City for the development.

Private street is any street, drive, throughway, thoroughfare, pavement or non-pavement surface where vehicles may travel that has not been dedicated to or accepted by the Town.

Property owner or owner means any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land comprising the subdivision or addition, or any representative or agent thereto, who has express written authority to act on behalf of such owner.

Public improvement or facility means any drainageway, roadway, parkway, sidewalk, utility, pedestrian way, off-street parking area, lot improvement, open space, or other facility for which the City or other governmental entity will ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. Public improvement shall include any tree preservation or mitigation standard contained in these regulations or in any other City ordinance relative to tree preservation or mitigation standard.

Public way means an officially approved, privately maintained drive, constructed to City street standards, open to unrestricted and irrevocable public access, serving two or more lots as the primary means of access.

Remainder means the residual land left after platting of a portion of a tract. Platting of a residual portion of property may be required under the provisions of this chapter.

Replat means any change in a map of an approved or recorded plat, except as permitted as an amending-plat, that affects any street layout on the map or area reserved or dedicated thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions or additions or any other purpose provided by state law and shall be filed and recorded in accordance with these regulations and applicable state law. Replatting includes the combination of lots into a single lot or subdivision of one or more lots for purposes of development.

Residential street shall be a street which is intended primarily to serve traffic within a neighborhood or limited residential district and which is used primarily for access to abutting properties.

Right-of-way means a parcel of land dedicated as public property which is principally occupied or intended to be occupied by a street or valley. Where appropriate, right-of-way may include other facilities and utilities, such as sidewalks, railroad crossings, electrical, communication, oil or gas, water or sanitary or storm sewer facilities, or any other special or authorized use. Parkways and medians outside of pavement shall be included in the right-of-way. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be dedicated public property, separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Security means the letter of credit or cash escrow provided by the applicant, owner or developer, to secure its promise in the development agreement.

Shall means deemed as mandatory.

Standard street means a highway or street which meets or exceeds the standard specifications and the thoroughfare standards of the City or the Texas Department of Transportation.

Stream means any fairly well defined area in which a watercourse flows including creeks, rivers, channels, and ditches.

Street means a way for vehicular traffic whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, or otherwise designated in accordance with state law and City ordinances.

Street width shall be the shortest distance between the lines which delineate the right-of-way of a street.

Subdivide means the division of a tract or parcel of land into two or more lots for the purpose, whether immediate or future, of sale or building development.

Subdivider means any person who (1) having any interest in land causes it, directly or indirectly, to be divided for the purpose of development or platted as an addition or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertise to sell, lease, or develop, any interest in more than one lot, parcel site, or unit, in a particular subdivision or addition, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or addition or any interest in more than one lot, parcel site, or unit in a particular subdivision or addition.

Subdivision means the division of any tract or parcel of land into two or more lots for the purpose, whether immediate or future, of offer, sale, or lease or for the purpose of development. Subdivision includes the division or development of residentially and non-residentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. Subdivision also refers to the land to be so divided, as the context may indicate.

Substandard street means an existing street, or highway that does not meet the minimum specifications of 1) the thoroughfare plan; 2) the standards in these regulations; 3) the City construction standards and specifications; 4) if a state highway or FM highway does not meet the minimum standard specifications of the Texas Department of Transportation; and/or 5) is not constructed to the standards, or to the extent required, for the type of roadway designation assigned in the major thoroughfare plan.

Temporary improvement means improvements built and maintained by an owner during construction of the development of the subdivision or addition and prior to release of the performance bond or improvements required for the short term use of the property.

Watercourse means anywhere stormwater runoff flows including rivers, streams, channels, ditches, and overland.

Will shall be deemed as mandatory.

ARTICLE III. - AUTHORITY AND JURISDICTION

Sec. 11. - Generally.

(a)

These regulations are adopted under the authority of, and in accordance with V.T.C.A., Local Government Code § 212.002, as amended, for the purposes of controlling the subdivision of land within the corporate limits of the City and in the City's extra-territorial jurisdiction in order to promote the health, safety, morals and general welfare of the City through the safe, orderly and healthful development of the City; and the same shall be considered cumulative to the provisions of V.T.C.A., Local Government Code § 212, as amended.

(b)

Any owner or corporation or partnership that owns land inside or within one-half mile of the corporate limits of the City of Nevada (i.e., within the extraterritorial jurisdiction of the City of Nevada), wishing to subdivide such land shall submit to the City a plan of subdivision in accordance, and in conformance, with the minimum requirements and procedures set forth in these regulations. An owner subdividing his land into parcels greater than five acres should provide the City with a land stuey, or a Development Plat if legally required.

(c)

No plat of any subdivision shall be filed or recorded and no lot in a subdivision inside of the corporate limits of the Town, or within its extra-territorial jurisdiction, shall be improved or sold until the final plat for the subdivision shall have been considered by the planning and zoning commission and approved by the City council in accordance with the procedures set forth herein.

(d)

The City shall have the authority to prohibit the installation of public utilities in unapproved subdivisions and to prohibit the issuance of building permits for structures on lots in an unapproved subdivision.

(e)

It shall be unlawful for any owner or agent of any owner to layout, subdivide or plat any land into lots, blocks and streets within the City or to sell portions of the property therein which has not been laid out, subdivided and platted according to these regulations within the corporate City limits. A fine or criminal penalty prescribed in this chapter does not apply to a violation in the extra-territorial jurisdiction, unless otherwise allowed by law.

(f)

No officer, employee or consultant of the City shall perform or cause to be performed any work upon any streets or in any addition or subdivision of the City unless all requirements of these regulations have been complied with by the owner of the addition or subdivision.

(g)

The City hereby defines its policy to be that the City will withhold improvements of any nature whatsoever, including the maintenance of streets, issuance of building permits or furnishing of sewage and water service, until the subdivision final plat has been approved by the City council. No improvements shall be initiated nor any contracts executed until written approval has been obtained by the subdivider, from the City council, as provided herein.

ARTICLE IV. - PLATTING PROCEDURE

Sec. 12. - Pre-application conference.

Prior to the filing of a land study or preliminary plat, the subdivider shall consult with the administrative officer or his duly authorized representative concerning the ultimate land-use of the proposed development, the suitability of the location of the proposed subdivision, the most advantageous subdivision plan, the arrangement of streets, alleys and lots, drainage and the layout of utility lines and availability of municipal facilities. A written record of the meeting shall be kept by the City and a copy provided to the developer

Sec. 13. - Application procedure.

(a)

All property that is to be subdivided and is subject to, and shall be platted in accordance with, these regulations. Prior to the filing of any site plan or plat for consideration and action as provided herein, the administrative officer, the director and/or his duly authorized representative shall review the site plan or plat and to ensure compliance with these regulations.

(b)

The preliminary review of the submittal, if substantially complete, shall include a site visit by the director to make recommendations concerning the development of subject land, including whether to recommend approval or disapproval of the submitted land study or preliminary plat.

(c)

If the director determines that the land study or preliminary plat as submitted is substantially incomplete and requires a significant amount of work by the developer's engineer, the incomplete plat will be returned to the developer's engineer, requesting that it be completed before resubmission. The developer, upon resubmittal, shall return all original sheets marked by the City in the preliminary review. A letter shall accompany the resubmittal which explains how each comment by the City has been addressed.

(d)

Any owner or developer of any lot, tract or parcel of land located within the corporate limits of the City or within its ETJ who may wish to effect a subdivision of land shall conform to the procedures prescribed herein relative to the above and intended to be dedicated.

Sec. 14. - Subdivision classifications.

(a)

"Minor" subdivisions shall meet the following requirements:

(1)

The subdivision or addition shall consist of four or fewer lots fronting on an existing street.

(2)

The development of the lots shall not require the extension of municipal facilities including, but not limited to streets, drainage, water and sewer.

(3)

No land study shall be required with the submission of the preliminary plat.

(b)

Conveyance plats may omit the land study requirements if they conform to the above requirements for minor subdivisions.

(c)

"Major" subdivisions consist of any subdivision which does not meet the minor subdivision requirements. Conveyance plats which do not meet the requirements of minor subdivision shall also be considered major subdivisions. A land study shall be required to be submitted for all major subdivisions simultaneously with the preliminary plat as provided herein.

Sec. 15. - Land study or site plan.

(a)

Purpose. The purpose of the land study is to provide sufficient information to allow the City staff to review a general plan for the development of a property and make recommendations. In determining preliminary plat requirements, the director may require a land study when sufficient information has not been provided for the preliminary plat, for all development which does not meet the definition of a "minor" subdivision, unless the development is a replat of an existing approved subdivision with no significant changes.

(b)

Special conditions. Phased development shall be indicated on the land study. If the development is to proceed in phases, the land study may be divided into two or more phases, and is subject to approval by the commission with certain conditions as deemed necessary to assure the orderly development of the land being considered for development. Said conditions must be approved by City council.

(c)

Pre-application conference. Before preparing the land study, the applicant shall schedule an appointment and meet with the director to discuss the procedures for approval and requirements as to the general layout of streets and/or reservations of land, street, drainage, sewerage and water improvements, and similar considerations including the availability of existing municipal services.

(d)

General application requirements. If a land study is required, the developer shall file the land study, simultaneously with the preliminary plat, which shall meet the following minimum requirements:

(1)

The application and prints of all the required supporting documents and drawings shall be provided in 20 complete sets.

(2)

The study shall include all contiguous holdings of the property owner with an indication of the portion proposed for development, for sale, or lease. An affidavit of ownership shall be attached which includes the name, address and telephone number of an agent for the developer who shall be authorized to receive all notices required by these regulations.

(3)

The study shall be drawn to a scale of one inch = 200 feet or larger, to provide more detail.

(4)

The lower right hand corner shall contain a title block clearly showing the following information:

a.

Proposed name of subdivision or addition.

b.

Name and address of the owner and the engineer or surveyor who prepared the study.

c.

Scale of the drawing and an indication of true north, to the top or left.

d.

Date the drawing was prepared, and the date of revisions.

e.

The location of the tract according to the abstract and survey records of the county in which the tract is situated.

(5)

All limits of tract with scale distances.

(6)

The names of all adjacent subdivisions or additions or the name of record owners of adjoining parcels of unplatted land.

(7)

The existing zoning classification of the subject property and adjoining land.

(8)

The location, width and names of all existing or platted streets or other public ways within or adjacent to the tract, along with existing buildings, railroad right-of-way, and existing topography including creeks, drainage channels and other important topographical features.

(9)

Political subdivisions or corporate limits and school district boundaries.

(10)

Preliminary layout with names and width of proposed thoroughfares, collector streets, and intersections along with a general configuration of proposed streets and alleys.

(11)

A general arrangement of all types of land uses considered, including but not limited to existing easements and indication of conformance with the thoroughfare plan including rights-of-way, park and school sites, municipal facilities, private open space, floodplains and drainage ways, phasing plans, and proposed non-residential and residential densities.

(12)

Layout, numbers and approximate dimensions of proposed lots and all building lines.

(13)

Screening and/or landscaping plan, and tree preservation or mitigation standards which comply with the Town's landscaping or screening and/or tree preservation ordinance.

(14)

Existing sewer lines, water mains, culverts or other underground structures within the tract and immediately adjacent thereto with sizes and locations indicated.

In the event the director determines that insufficient information or incorrect information prevents submission of the land study, one copy shall be returned to the developer or his agent noting the missing or incorrect information. The original sheets marked by the City and a letter explaining how each comment has been addressed shall accompany the resubmittal of the land study.

(e)

Approval standards. No land study shall be approved by the City council for the tract intended for development unless it conforms to the City of Nevada Comprehensive Plan and the development ordinances of the Town.

No land study shall be submitted for consideration and action by the commission or City council unless the director has indicated that all necessary has been submitted.

(f)

Effect of approval/disapproval. Approval of the land study shall be made simultaneously with the preliminary plat subject to compliance with any conditions attached to approval of the land study.

Sec. 16. - Development plats.

(a)

Authority. This section is adopted pursuant to V.T.C.A., Local Government Code Ch. 212, Subchapter B.

(b)

Applicability. For purposes of this section, the term "development" means the construction of any building, structure or improvement of any nature (residential or nonresidential), or the enlargement of any external dimension thereof. This section shall apply to any land lying within the City or within its extraterritorial jurisdiction in the following circumstances:

(1)

The development of any tract of land which has not been platted or replatted prior to the effective date of these subdivision regulations, unless expressly exempted herein; or

(2)

The development of any tract of land for which the property owner claims an exemption from the Town's subdivision regulations, including requirements to replat, which exemption is not expressly provided for in such regulations; or

(3)

The development of any tract of land for which the only access is a private easement or street; or

(4)

The division of any tract of land resulting in parcels or lots each of which is greater than five acres in size, and where no public improvement is proposed to be dedicated or constructed.

(c)

Exceptions. No development plat shall be required, where the land to be developed has received final plat or replat approval prior to the effective date of these subdivision regulations or a final plat or replat has been filed in accordance with these subdivision regulations.

(d)

Prohibition on development. No development shall commence, nor shall any building permit, for any development or land division subject to this section, until a development plat has been approved by the planning and zoning commission and City council.

(e)

Standards of approval. The development plat shall not be approved until the following standards have been satisfied:

(1)

The proposed development conforms to all City plans, including but not limited to, the comprehensive plan, utility plans and applicable capital improvements plans;

(2)

The proposed development conforms to the requirements of the zoning ordinance (if located within the Town's corporate limits) and these subdivision regulations;

(3)

The proposed development is adequately served by public facilities and services, parks and open space, to the extent necessary based on the nature of the development, and in conformance with City regulations;

(4)

The proposed development will not create a safety hazard on a public street (such as by not providing adequate on-site parking or vehicle maneuvering space for a restricted-access/gated entrance);

(5)

Appropriate agreements for acceptance and use of public dedications to serve the development have been tendered; and

(6)

The proposed development conforms to the design and improvement standards contained in these subdivision regulations and in the Town's design standards, and to any other applicable codes or ordinances of the City that are related to development of a land parcel.

(f)

Conditions. The planning and zoning commission and City council may impose such conditions on the approval of the development plat as are necessary to insure compliance with the standards in subsection (c) above.

(g)

Approval procedure. The application for a development plat shall be submitted to the City in the same manner as a final plat, and shall be approved, conditionally approved, or denied by the planning and zoning commission and the City council in a similar manner as a final plat.

(h)

Submittal requirements. In addition to all information that is required to be shown on a final plat, a development plat shall:

(1)

Be prepared by a registered professional land surveyor;

(2)

Clearly show the boundary of the development plat;

(3)

Show each existing or proposed building, structure or improvement or proposed modification of the external configuration of the building, structure or improvement involving a change therein;

(4)

Show all easements and rights-of-way within or adjacent to the development plat; and

(5)

Be accompanied by the required number of copies of the plat, a completed application form, the required submission fee (per the Town's current fee schedule), and a certificate or some other form of verification from the Collin County Appraisal District showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.

(6)

Be submitted to the development department for review simultaneously with the plat application in the same manner as for a final plat, or the application shall be determined to be incomplete and shall be subject to expiration in the same manner as other plats under these subdivision regulations.

Sec. 17. - Preliminary plat requirements.

An application in writing for the approval of the preliminary plat, together with three sets of prints shall be submitted for review. No plat will be considered by the City until the prescribed filing fees have been paid and all prerequisites to filing have been satisfied.

The preliminary plat sheets shall be drawn in ink on suitable material and submitted for review by the Town. These sheets shall not be greater than twenty-four (24) inches by thirty-six (36) inches. Two or more sheets may be used providing self-explanatory matching lines are used to connect the subdivision parts.

The developer shall submit with the preliminary plat a copy of the boundary traverse calculations of the subdivision. The error of closure of the boundary shall not be greater than one in 10,000 (1.10.000). Subdivision plats prepared using AutoCAD or other computer aided design techniques shall also provide a copy of all drawings on diskette to the Town.

The plat shall be drawn to a scale not to exceed 100 feet to the inch (1"= 100'). A graphic scale shall be provided and all figures and letters shall be of such a size that if reduced to half scale the information is readable and distinct. The information to be included and the procedure for submittals are as follows:

(1)

Existing features.

a.

The boundary line (accurate in scale and orientation) of the tract to be subdivided.

b.

The location, widths and names of all existing or platted streets or other public ways within and adjacent to the tract, existing permanent buildings, railroads, rights-of-way and other important features, such as abstract lines, political subdivision or corporation lines and school district boundaries.

c.

Existing sewer mains, water mains, drainage culverts or other underground structures and utilities within the tract and immediately adjacent thereto with pipe sizes, grades and locations indicated.

d.

Contours with intervals of two feet or less, referred to mean sea level datum, by actual field survey.

e.

The names of adjacent subdivisions and/or the names of record owners of adjoining parcels of unsubdivided land.

(2)

New features.

a.

The proposed name of the subdivision.

b.

North arrow, scale, date and approximate acreage of the proposed subdivision.

c.

The names, addresses and telephone numbers of the subdivider and of the engineer, surveyor or planner, responsible for preparation of the plat.

d.

The tract designation, zoning classification and other description according to the real estate records of the City or proper county authority; also, designation of the proposed uses of land within the subdivision, including the number of lots of each classification.

e.

All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitation of such reservations.

f.

The layout, names and widths of proposed streets, alleys and easements, such as drainage easements, access easements, electrical easements, access easements, electrical easements and maintenance easements.

g.

The layout, numbers, setback lines and approximate dimensions of proposed lots, blocks, parks, school sites, reserved space, and other areas as determined by the City engineer.

h.

Provision for the connection of streets with other streets adjacent to the subdivision and for extension of streets to undeveloped property. Also a circulation plan indicating how continuous ingress and egress from existing residences will be maintained.

i.

The proposed base flood floodplain limits and elevations on a one-foot contour interval for all open channels.

(3)

Utilities. A plan of the proposed water and sanitary sewer mains and proposed drainage facilities, including drainage areas, location of lines, inlets, culverts, bridges, provisions for discharging onto and crossing adjacent properties and calculated runoff and points of concentration.

(4)

Location map. A location map of the proposed subdivision on a scale of one inch to 1,000 feet (1" = 1,000') showing existing and proposed streets and thoroughfares covering an area at least one mile outside the proposed subdivision.

(5)

Cross-sections. Typical cross-sections of proposed streets showing the width and cross slope of pavement, type of pavement and locations, width and cross slope of sidewalks.

Title block shall indicate the date of the current submittal and the revision number.

(6)

Approval block. The following notice shall be placed on the face of each preliminary plat by the subdivider: "Preliminary Plat for Review Purposes Only."

The following certificate shall be placed on the preliminary plat by the subdivider:

"Not Approved"	
_____ Chairman, Planning and Zoning Commission	_____ Date
"Recommended for Approval"	
_____ Chairman, Planning and Zoning Commission	_____ Date
"Approved for Preparation of Final Plat"	

_____ Mayor, City of Nevada, Texas	_____ Date

(7)

Approval procedure. After administrative review of the preliminary plat and a determination that all prerequisites to filing have been satisfied, the director shall place the preliminary plat for consideration and action on the agenda of a public meeting by the commission. Minor plats may be approved by the City Council, who may require the Commission to provide a recommendation prior to the council hearing the matter. . Major plats can only be approved by the City council, after review by the director and consideration and action by the commission. The approval of the preliminary plat by the City council shall be effective for a period of 180 days after the approval date, unless reviewed by the commission and City council in the light of new or significant information, which would necessitate the revision of the preliminary plat, such revision being subject to the same procedures as the original preliminary plat.

If a final plat for the subdivision, or a portion thereof, has not been submitted, or if a change in requirements has not occurred which would affect the preliminary plat, at the end of the 180 days after

approval by the City council, the preliminary plat shall be null and void, with no further action by City staff, the commission, or City council, unless the subdivider has, in writing, requested and received an extension of time recommended by the commission and approved by the City council.

The preliminary plat is not subject to the 30-day statutory rule for decisions relative to plats to be filed of record, which for the Town, constitutes the final plat. A preliminary plat shall not be deemed approved if no action is taken by the commission or the City council within 30 days of filing.

Sec. 18. - Final plat.

(a)

General. After approval of the preliminary plat by the City council, a final plat, prepared by a registered land surveyor bearing his seal and signature and the construction plans prepared by a registered professional civil engineer bearing his seal and signature and confirming to the minimum requirements defined herein, meeting all the prerequisites for filing, shall be filed for consideration and action by the commission. The final plat and the construction plans will be considered as one proposal. Construction of public improvements may not begin without final approval of both the Final Plat and the construction plans. Plats will include, at a minimum, construction of roads, drainage, retainage and detainage ponds as required, water and sewer lines as required, and all other public utilities and easements provided for. This includes a city required conduit defined herein for the use of internet, telephone and television services.

Three sets of originals which shall be no greater than 24 inches by 36 inches with original signatures shall be submitted to the City at least 15 consecutive calendar days prior to the meeting of the commission at which action is requested. One of the final plats shall be submitted in ink and on suitable material and shall be drawn on sheets measuring 17½ inches by 23¾ inches. Two or more sheets may be used providing self-explanatory matching lines are used to connect the subdivision parts. A graphical scale shall be provided and all figures and lettering shall be such a size that if reduced to half size all information is readable and distinct. No plat will be considered by the City as being filed until the prescribed filing fees have been paid and all prerequisites to filing have been satisfied.

All plats will also be submitted in an electronic format acceptable to the city engineer.

The Town's policy is to request all plat applicants to sign a waiver of the 30 day time period of the Local Government Code for action to be taken on a plat. In the event the applicant does not sign a waiver, the commission shall act on the final plat within 30 days from the date such plat was filed with the commission for its consideration and action; the City council shall act on the plat within 30 days after the date the plat is approved by the commission or is considered approved by the inaction of the commission. The final plat may constitute all or only a portion of the approved preliminary plat, but any portion thereof shall conform to all the requirements of these regulations.

If final plats are submitted for approval for portions or sections of the proposed subdivision, or in phase each portion or section or phase shall carry the name of the entire subdivision but shall bear a distinguishing letter, number, or subtitle. Block letters shall run consecutively throughout the entire subdivision, even though such subdivision might be finally approved in sections.

The commission will either recommend approval or disapproval of the final plat then forward it to the City council. Any action taken by the City council shall be final, regardless of the previous action by the commission.

The final plat shall bear all of the information specified for section 16 preliminary plats and the following:

(1)

Formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the City attorney. The plat shall be marked with a notation indicating the formal offers of dedication;

(2)

The development agreement and security, if required, in a form satisfactory to the City attorney and in an amount established by the City council (based upon recommendation of the City engineer);

(3)

As-built construction plans where applicable;

(4)

A description of the subdivision by metes and bounds;

(5)

Locate the subdivision with respect to a corner or the survey or tract or an original corner of the original survey of which it is a part; and

(6)

State the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park or other part.

(b)

Standards for approval. No final plat shall be approved by the director, the commission or the council unless the following standards have been met:

(1)

The plat substantially conforms to the preliminary plat.

(2)

Required public improvements have been constructed and accepted or a development agreement has been accepted by the City council providing for the subsequent completion of improvements.

(3)

The plat conforms to applicable zoning and other regulations.

(4)

Provision has been made for adequate public facilities under the terms of this chapter.

(5)

The plat meets all other requirements of this chapter.

The commission shall recommend, and the City council shall approve a plat if:

(1)

It conforms to the general plan and zoning of the City and its current and future streets, alleys, parks, playgrounds, and public utility facilities;

(2)

It conforms to the general plan for the extension of the City and its roads, streets, and public highways within the City and its ETJ, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;

(3)

A bond required under V.T.C.A., Local Government Code § 212.0106, as amended, if applicable, is filed with the Town; and

(4)

It conforms to these regulations.

(c)

Approval procedure. After administrative review of the final plat, and a determination made that all technical requirements of these regulations are satisfied, the director shall file the final plat, and place the final plat for consideration and action on the agenda of a public meeting of the commission. Minor plats may be approved by the director or referred to the commission in accordance with section 4(b). In the event of disapproval, reasons for disapproval shall be stated. Major plats can only be approved by the City council, after review by the director and consideration and action (or inaction) by the commission. One copy of the final subdivision plat shall be returned to the applicant with the date of approval or disapproval noted on the final plat, and, if the final plat is disapproved, the reasons for disapproval accompanying the final plat.

The final plat shall be approved if it satisfies the requisites set forth above.

(d)

Certificate of compliance. Upon final approval of a final plat required by these regulations, the City shall issue to the person applying for approval a certificate stating that the final plat has been approved by the City council. For purposes of this section, final approval shall not occur until all conditions of approval have been met as stated herein.

(e)

Signing and recording of final plat.

(1)

For subdivisions which do not require a development agreement security or installation of public dedicated facilities, the mayor, shall endorse approval on the final plat after all the conditions pertaining to the final plat have been satisfied.

(2)

When a development agreement and/or security are required, the mayor, shall endorse approval on the final plat after the development agreement and security have been approved by the City council, and all the conditions pertaining to the final plat have been satisfied.

(3)

When installation of public dedicated facilities are required prior to recordation of the final plat, the mayor shall endorse approval on the final plat after all conditions of approval have been satisfied and all public improvements satisfactorily completed as provided herein. There shall be written evidence that the required public improvements have been installed in a manner satisfactory to the City as shown by a certificate signed by the City engineer stating that the necessary dedication of public lands and installation of public improvements has been accomplished.

(4)

After signatures are in place, the City shall return one Mylar to the developer or applicant. The applicant shall obtain aperture cards and an original tax certificate from the Town/county tax assessor and the Shady Shores Independent School District. Upon submission of the requisite information to the Town, the Mylar will be filed with the county and one original returned to the applicant. The applicant shall be responsible for all filing fees which shall have been tendered prior to filing of the final plat for consideration and action by the commission.

(5)

It shall be the responsibility of the City to file the final plat with the county clerk. Simultaneously with the filing of the final plat, the City shall record such other agreements of dedication and legal documents as shall be required to be recorded by the City attorney. One copy of the recorded final plat, with street addresses assigned, will be forwarded to the property owner by the Town.

The above prerequisites to signature and recordation shall generally have occurred prior to filing with the City for consideration and action by the commission and City council, unless other provisions have been made consistent and in accordance with these regulations.

(f)

Effect of approval. Approval of a final plat shall indicate compliance with these and other regulations of the City of Nevada pertaining to the subdivision of land. An approved and signed final plat as filed with the county as a record of the subdivision of land shall be used to reference lots and interests in property thereon defined for the purpose of conveyance and development as allowed by these regulations.

(g)

Signature blocks. The following notice and certificate shall be placed on the plat, in a manner that will allow the filing of the certificate by the proper party.

"Selling a portion of this addition by metes and bounds is a violation of City ordinance and state law and is subject to fines and withholding of utilities and building permits."

"Recommended for Approval"	
_____ Chairman, Planning and Zoning Commission City of Nevada, Texas	_____ Date
"Approved"	
_____ Mayor, City of Nevada, Texas	_____ Date

CERTIFICATE OF COMPLETION

"Accepted"	
_____ Mayor, City of Nevada, Texas	_____ Date

The undersigned, the City Secretary of the City of Nevada, Texas, hereby certifies that the foregoing final plat of the _____ Subdivision or addition to the City of Nevada was submitted to the City Council on the _____ day of _____ 20 _____, and the Council, by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public placed, and water and sewer lines as shown and set forth in and upon said plat and said Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinabove subscribed.

Witness my hand this _____ day of _____, A.D., 20_____.

_____ City Secretary City of Nevada, Texas	

Minor Plats

"Approved by Minor Plat Procedure"	Date: _____

_____, Director City of Nevada, Texas	

Sec. 19. - Construction plans.

The City engineer shall require the submission of construction plans and profiles drawn on sheets measuring 22 inches or 24 inches by 36 inches, the same size as the final plat, and including the following information.

All plans will also be submitted in an electronic format acceptable to the city engineer.

(1)

A plan and profile of each street with top of curb grades shown. Each sheet shall include north point, scale, date and benchmark description to sea level datum. Unless otherwise approved by the Town, scales shall be one inch equals 40 feet horizontally and one inch equals five feet or six feet vertically. Each plan shall show the seal and signature of the registered professional civil engineer who prepared the plans.

(2)

The cross-sections of proposed streets showing the width of roadways and type of pavement and location and width of sidewalk.

(3)

A plan and profile of proposed sanitary sewers, with grades and pipe sizes indicated and showing locations of manholes, cleanouts, etc., and a plan of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, fittings, etc., in conformance with the Town's design standards. Unless otherwise approved by the Town, scales shall be one inch equals 100 feet horizontally and one inch equals five or six feet vertically. Each shall show the seal and signature of the registered professional civil engineer who prepared the plans. Each sheet shall include north point, scale, date, and benchmark description to the mean seal level datum.

(4)

A plan and profile of the proposed storm sewers, showing hydraulic data and gradients, pipe grades and sizes, manholes, inlets, pipe connections, outlet structures, etc., in conformance with the applicable criteria as shown in the Town's design standards. Unless otherwise approved by the Town, scales shall be one inch equals 40 feet horizontally and one inch equals five feet or six feet vertically. Each shall show the seal and signature of the registered professional civil engineer who prepared the plans. Each sheet shall include north point, scale, date, and benchmark description to sea level datum.

ARTICLE V. - REQUIREMENTS FOR PUBLIC IMPROVEMENTS, RESERVATION AND DESIGN

Sec. 20. - General requirements.

(a)

Plats straddling municipal boundaries. Whenever access to the subdivision or addition is required across land in another municipality, the City shall require evidence through legal documentation, such as an access easement, that access is legally established, and from its engineer that the access road is adequately improved, or that a bond has been duly executed and is sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal, county or school district boundary lines.

(b)

Character of the land. Land that the City finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or addition and/or its surrounding areas, shall not be subdivided or platted unless adequate methods are formulated by the owner and approved by the Town, to solve the problems created by the unsuitable land conditions.

(c)

Adequate public facilities policy. The policy of the City of Nevada is that all land proposed for subdivision must be adequately served by essential public facilities and services. These services include (1) street access, (2) water, (3) wastewater disposal, and (4) drainage as contained in this chapter and in the design manuals. No plat or replat may be approved unless it conforms to this policy and its standards. This policy may be further defined and supplemented by other ordinances adopted by the City of Nevada. This policy does not apply to the approval of conveyance plats. All materials and practices shall be as specified in the North Central Texas Council of Governments Standard Specifications for Public Works Construction (with most recent amendments) and the City of Nevada Design Standards. The following are general requirements for public facilities:

(1)

Street access. All platted lots must have safe and reliable street access for daily use and emergency purposes, including but not limited to the following:

a.

All platted lots must have direct access from an approved public street or an approved public way, and connected by improved public streets to an improved public thoroughfare.

b.

Except for lots which are provided access from an approved cul-de-sac, all subdivisions must have two means of access or approach. Where development phasing or constraints of the land prevent the provision of a second, separate means of access, the City may accept a temporary street connection, or a median divided street or divided entry to satisfy this requirement.

(2)

Water. All platted lots must be connected to a public water system which is capable of providing water for health and emergency purposes, including but not limited to the following:

a.

Water lines shall be designed in accordance with the City design standards, and shall be in compliance with state and federal regulations.

b.

Except for lots along an approved cul-de-sac, all lots must be provided service connections from a looped water main providing water flow from two directions or sources.

c.

Water service must be sufficient to meet the fire flow requirements of the proposed development, except where a suitable alternative means of fire protection is approved in writing by the Town.

d.

The City may accept development phasing, development restrictions, and/or the construction of improvements to maintain adequate fire protection.

(3)

Wastewater. All platted lots must be served by an approved means of wastewater collection and treatment, including but not limited to the following:

a.

Sanitary sewer lines shall be designed in accordance with the City design standards, and shall be in compliance with state and federal regulations.

b.

On-site wastewater treatment systems will not be permitted, except for the pretreatment of waste, if required by LCMUA or the Nevada SUD.

c.

The projected wastewater discharge of a proposed development shall not exceed the capacity of the wastewater system of LCMUA.

d.

The City may accept the phasing of development and/or improvements to the systems so as to maintain adequate wastewater capacity, as determined by the City.

(4)

Drainage. Increased storm water runoff attributable to new development must not exceed the capacity of the downstream drainage system or adversely affect adjoining property. Where the projected runoff would exceed capacity, the City may accept the phasing of development, the use of control methods such

as retention or detention, and or the construction of off-site drainage improvements as means of mitigation. Drainage facilities shall be designed in accordance with the City design standards, and shall be in compliance with state and federal regulations.

(d)

Subdivision or addition name. The proposed name of the subdivision or addition shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or addition in the area covered by these regulations and shall, where possible correspond to named subdivisions or additions in the immediate vicinity. The commission shall recommend approval or denial of the proposed name of the subdivision or addition. The City council shall have final authority to approve the name of the subdivision or addition.

(e)

Corner and reference markers.

(1)

All lot corners shall be located and marked with one-half inch reinforcing bar, 18 inches in length, and shall be placed flush with the ground or preferably counter sunk, in order to avoid being disturbed.

(2)

Iron rods, one inch in diameter and 24 inches long, shall be placed on all boundary corners, block corners, curve points, and angle points in public rights-of-way. Monuments shall be located as required by the City engineer and shall be located along all drainage/floodway boundaries at all curve points, angle points and at least one monument at lot corners. One monument may serve two lots if located at a common corner.

Sec. 21. - Lot design and improvements.

(a)

Lot arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance, building code and other applicable ordinances, laws and regulations. Driveway access shall be provided to buildings on the lots from an approved street, alley or public way.

(b)

Lot dimensions. Lot dimensions shall comply with the minimum standards of the zoning ordinance. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking, landscaping, and loading facilities required for the type of use and development contemplated, as established in the zoning ordinance.

(c)

Double frontage residential lots. Double frontage and reversed frontage lots shall be avoided except where necessary to separate residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

(d)

Blocks.

(1)

Blocks shall generally have sufficient width to provide for two tiers of lots of appropriate depths.

(2)

The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 1,200 feet, and should not exceed 600 feet in business districts.

(e)

Non-residential plats.

(1)

General. A non-residential plat shall be subject to all the requirements of these regulations, except those that clearly pertain only to residential properties, and shall conform to the proposed land use and standards established in the comprehensive plan and zoning ordinance. Site plan approval and preliminary plat approval shall proceed simultaneously.

(2)

Design principles. In addition to these regulations, which are appropriate to all platting, the applicant shall demonstrate to the satisfaction of the commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles shall be observed:

a.

Proposed non-residential parcels shall be suitable in area and dimensions to the types of non-residential development anticipated.

b.

Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

c.

Residential areas shall be protected from potential nuisance from a proposed non-residential plat.

d.

Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or future residential areas.

(3)

Frontage and access standards. All non-residential lots established following the effective date of this chapter shall meet the following frontage and access criteria:

a.

Frontage. All non-residential lots abutting a secondary or higher thoroughfare shall have a minimum 175 linear feet of frontage. All non-residential lots abutting a collector or lower thoroughfare shall have a minimum of 100 feet of frontage.

b.

Curb cuts. All non-residential lots shall have, at a minimum, direct access to one curb cut per street front, except where prohibited.

c.

When adjacent to a median divided street, all lots shall have access to a median opening. Direct access should be provided where possible. If direct access is not available, a corner lot shall have indirect access through a shared access easement between it and adjacent properties. The owner is solely responsible for obtaining a shared access easement. All off-corner lots shall have direct access, or indirect access by platting a minimum of one-half of the intersecting drive as a shared access easement.

(4)

Residential lots may be platted upon approval by the City council under one or more of the following conditions where recommend by the Commission, City Engineer , and/or City Attorney:

(a)

Soil preservation and final grading. Top soil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six inches of cover on the lots and parkways. Permanent erosion control measures, such as grassed parkways, shall be provided throughout the development prior to final acceptance of the improvements.

(b)

Lot drainage. Drainage for lots shall be designed in accordance with the Town's design standards. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots. The land shall be platted with appropriate regard for all topographical features. Contours shall be provided at an interval of two feet or less.

(c)

Debris and waste. No cut trees, timber, debris, large rocks or stones, junk, rubbish or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street at the time of final acceptance by the City engineer, and removal of those items and materials shall be required prior to such acceptance. No items and materials as herein described shall be left or deposited in any area of the subdivision or addition at the time of expiration of any improvement agreement or acceptance of dedication of public improvements, whichever is sooner.

(d)

Development agreement and security to include lot improvements for residential subdivisions. The subdivider shall enter into an agreement secured by suitable surety to guarantee completion of all lot improvement requirements including, but not limited to, soil preservation, removal of debris and waste, and all other lot improvements required by the City engineer. Whether a building permit or certificate of occupancy has been issued, the City may enforce the provisions of the improvement agreement where the provisions of this section or any other applicable law, ordinance, or regulation have not been met.

(e)

Landscaping and fencing. The following requirements shall be satisfied prior to the issuance of a certificate of occupancy for a single-family use:

(1)

Sod. The required front, side and rear yards shall be sodded and have established grass areas. Grass areas shall be established with complete coverage within a six-month period from time of planting, and shall be re-established, if necessary, to ensure grass coverage of all areas.

(2)

Landscaping. A minimum landscaping along the front building line shall include ground covering, shrubs, perennial plantings that shall be approved at time of final plat submission.

(3)

Tree planting. The following tree planting requirements shall be satisfied prior to issuance of a certificate of occupancy for residential use:

a.

Minimum of one tree, with a minimum caliper width of two inches and at least eight feet in height, shall be provided on each residential lot prior to the issuance of a certificate of occupancy. At least one tree shall be located in the required front yard.

b.

Trees utilized to satisfy this requirement must be selected from the tree pallet located in the Town's landscaping ordinance, as it may be amended.

Sec. 22. - Thoroughfare screening.

Where subdivisions or additions are platted so that the rear yards of residential lots are adjacent to a dedicated roadway or separated from a roadway by an alley or service road, the owner shall provide screening

at his sole expense. A screening plan, including elevations and materials, shall be submitted with the preliminary plat. All forms of screening shall conform to the requirements of the ordinances of the City governing the sight distance for traffic safety and other City ordinances.

Sec. 23. - Streets and thoroughfares.

(a)

Adequacy of streets and thoroughfares. All streets and alleys shall be designed and platted in conformance with these regulations, the comprehensive plan, the thoroughfare (or street) plan, the thoroughfare standards ordinance, and other valid development plans and policies approved pursuant to these regulations. Access to all lots must be suitably improved or secured as required by provisions contained in these regulations.

(b)

Design standards.

(1)

General. In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, sanitation, and street-maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, an adequate street and thoroughfare system shall be designed in accordance with the standards set forth in these regulations, the Geometric Design Guidelines established by the American Association of State Highway and Transportation officials (AASHTO), and the Texas Manual of Uniform Traffic Control Devices (TMUTCD) latest editions. In the event of a conflict between these or other regulations and those contained in such documents, the more specific and/or restrictive provisions between these or other regulations and those contained in such documents, the more specific and/or restrictive provisions shall be applied. Other street or alley sections may be used if approved by the City council.

(2)

Street paving and improvements. After sewer and water utilities have been installed by the owner, the owner shall construct roadways to the widths prescribed in these regulations. Adequate provision shall be made for culverts, drains, and bridges. All street pavement, drainage improvements and structures, turnarounds, and sidewalks shall conform to all construction standards and specifications contained or referenced in these regulations and shall be incorporated into the construction plans required for plat approval.

(3)

Alleys. If required or to be provided---Alleys for front entry lots shall be constructed a minimum of ten feet in width within a minimum 15-foot right-of-way. Alleys for rear entry lots shall be constructed a minimum 12 feet in width within a minimum 20-foot right-of-way. Wider alleys, required for drainage or other purposes, shall be constructed in right-of-ways approved by the City engineer. Alley turnouts shall be a minimum of 12 feet in width at the street right-of-way line or the width of the alley, whichever is greater. Paving in alleys adjacent to masonry screening walls shall be constructed a minimum of 12.5 feet width and shall about the screening wall. Alleys for other than residential uses shall be dedicated and paved a minimum of 20 feet in width. The owner shall construct the full width of the alley at his own cost.

(4)

Median openings. Median openings, median pavers and left-turn lanes, including channelizing buttons, constructed to serve dedicated streets in a development, or to serve private drives, shall be installed and paved to City standards by the owner.

(5)

Acceleration and deceleration lanes. Acceleration or deceleration lanes shall be installed by the owner when required by the thoroughfare standards ordinance and constructed to the same standards as the adjoining street.

(6)

Gradient. Streets and alleys shall be designed with a minimum gradient of 0.5% and a maximum gradient of 5.0% unless otherwise approved by the City engineer.

(7)

Intersections. The intersections of streets, alleys and officially approved places shall be laid out and constructed in accordance with the specifications in the thoroughfare standards ordinance.

(8)

Traffic buttons. The owner shall be responsible for the installation of traffic buttons which are necessary for the safe transition or channelization of traffic. When required by the City engineer, such as on a collector or wider thoroughfares, the owner shall install traffic buttons for lane dividers. All traffic buttons shall be installed per City standards.

(9)

Reserve strips. The creation of reserve strips shall not be permitted in such a manner as to deny access from adjacent property to any street, alley or officially approved place.

(10)

Grading and improvement plan. Streets shall be graded and improved in conformance with the City's construction standards and specifications and shall be approved as to design and specifications by the City engineer, in accordance with the construction plans required to be submitted prior to final plat approval.

(11) *Conduit for electronic services:* All new streets, and existing streets adjacent to the front of homes in a new subdivision, shall install conduit within the right of way suitable for subsequent use by internet, cable TV, telephone, or other services. The size and type of conduit will be determined by city engineer during the construction plan approval process for the subdivision, or development plat.

(12)

a. *Topography and arrangement.*

Streets shall be related appropriately to topography. Local streets shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be arranged so as to obtain building sites when possible at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.

b.

All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way as established on the City's thoroughfare plan. Collector and local streets shall be designed to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

c.

Proposed streets shall be extended to the boundary lines of the tract to be platted, unless prevented by topography or other physical conditions, or unless in the opinion of the commission such extension is not necessary or desirable for the coordination of the layout of the subdivision or addition with the existing layout or the most advantageous future development of adjacent tracts.

(12)

Continuation of streets and culs-de-sac.

a.

Continuation of streets. The arrangement of streets shall provide for the continuation of principal streets between adjacent developed properties by aligning the principal streets to avoid offsets.

b.

If the adjacent property is undeveloped and the street must temporarily be a dead end street the right-of-way shall be extended to the property line.

c.

Culs-de-sac. For greater convenience to traffic and more effective police and fire protection, permanent dead end streets shall, in general, be prohibited. However, the City may require the reservation or dedication of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead end street in accordance with City construction standards and specifications.

d.

Temporary dead end streets. The City may require the construction of temporary dead end streets in order to provide for the future connection of subdivisions and to ensure reasonable access and avoid excessive street length.

(13)

Street and alley length.

a.

Local streets and alleys shall not exceed 1,200 feet in length between intersections (outlets).

b.

No cul-de-sac shall exceed 600 feet in length, which is to be measured from the centerline of the street with which it intersects to the center point of the cul-de-sac, unless otherwise authorized.

c.

Streets and alley lengths longer than those specified in this section shall require approval of a variance. In reviewing a variance, the commission shall consider the following:

- Alternative designs which would reduce street or alley length;
- The effect of over length streets or alleys on access, congestion and delivery of municipal services; and
- Means of mitigation, including but not limited to increased street width, mid-block turnarounds, limitation on the number of lots to be created and served, temporary points of access, and additional fire protection measures

(14)

Street names and signs.

a.

Street names must be submitted to the engineering department for approval in accordance with the City's guidelines for the naming of streets. The engineering department will maintain an index of street names which will contain these guidelines.

b.

The property owner shall provide payment for street and traffic control signs for the development. The price of each street sign installation shall include cost of the sign assembly, pole, and installation. Payment by the property owner will be due prior to approval of the engineering plans by the City engineer and/or filing for consideration and action on the final plat as stated herein.

c.

Street name signs shall be installed in accordance with the City's guidelines before issuance of building permit for any structure on the streets approved.

(15)

Street lights. If required by the City, or offered by the subdivider----Street lighting shall conform to the latest edition of the Illumination Engineering Society Handbook. Round tapered standards with bracket arms shall be used. Lighting levels, as recommended, shall be provided for very light traffic in residential areas, medium traffic on collector streets and heavy traffic on thoroughfares. Initial cost of installation of street lighting and conduit for street lights and traffic signals shall be borne by the subdivider. Also, the City shall assess the subdivider, in advance, for the first 24 months of electrical expenses.

(c)

Street dedications and reservations.

(1)

Dedication of right-of-way. The property owner shall provide all right-of-way required for existing or future streets, including perimeter streets, as shown in the thoroughfare plan or other valid development plans approved by City council. A minimum parkway width of ten feet shall be provided along existing constructed thoroughfares. In such cases, no additional right-of-way will be required, except at intersections or other locations when deemed necessary by the City engineer. Standard right-of-way width for City streets are specifically set forth as follows: (JS-THIS SECTION WILL NEED MODIFICATION FOR NEVADA)

Type of Street		Minimum R.O.W.	Paving Width
Major	Urban Divided	100'	2-24'

Type of Street		Minimum R.O.W.	Paving Width
Secondary	Urban Undivided	100'	44'
Collector	Urban Undivided	60'	36'
Local	Residential	50'	27'

(2)

Perimeter streets. Where an existing half-street is adjacent to a new subdivision or addition, the other half of the street shall be dedicated and improved by the developer of the addition. However, in some instances more than half shall be required depending on the actual or proposed alignment of the street.

(3)

Slope easements. The dedication of easements, in addition to dedicated rights-of-way shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three feet horizontal to one foot vertical.

(d)

Street construction. The owner shall construct all streets or thoroughfares to City standards in rights-of-way as required by the thoroughfare plan and the City design standards and construction details as it exists or may be amended in the future, subject to participation policies stated in these regulations. Streets (including sidewalks) which dead end at power lines, railroad, or similar rights-of-way, and are intended for future extension shall be constructed in the full right-of-way as required by the thoroughfare plan for half the distance across such right-of-way for each side. Developers of property abutting only one side of a street are responsible for the minimum paving widths shown below. The minimum paving widths for the various types of streets shall be as shown in paragraph (c)(1), above.

(e)

Improvement, widening and realignment of existing and proposed streets. Where a subdivision or addition borders a substandard street or when the thoroughfare plan indicates plans for realignment, widening or constructing a street that would require use of some of the land in the subdivision or addition, the applicant shall be required to improve and dedicate those areas for widening or realignment of those streets, as follows:

(1)

When a proposed subdivision or addition abuts or will abut both sides of a substandard street or a proposed street in the major thoroughfare plan, the owner shall be required to improve the substandard street or proposed street so that it will be a standard street, including sidewalks.

(2)

If the proposed subdivision or addition is located along only one side of a substandard street or a proposed street in the major thoroughfare plan, the owner shall be required to improve his side of the substandard street or proposed street, including sidewalks, so that it will be a standard street. The owner may, however, petition the City council to construct the improvements herein required, subject, upon approval, to the City's escrow policies.

(3)

When a major or secondary street is to be extended through a property to intersect with another major or secondary street, the full four lanes shall be constructed for a minimum distance of 350 feet from the point of intersection. From that point the pavement width may be decreased, with provision of an appropriate transition in paving width. If property abutting only one side of the proposed thoroughfare is to be developed, then three full lanes will be constructed, including left turn lane and transition. This provision will not require widening an existing intersection that already provides four through lanes.

(f)

Access from residential subdivisions or additions. Residential lots must have a minimum frontage of 24 feet on a dedicated street, except where varied through approval of a planned residential development. Where subdivisions or additions are platted so that the front yards of single-family residential lots are adjacent to a dedicated roadway, the owner shall provide at his sole expense one of the following types of treatment:

(1)

For thoroughfares designated as major no residential lot shall have direct access to the thoroughfare unless a service road is provided adjacent to the thoroughfare.

(2)

For thoroughfares designated as secondary, lots may have direct driveway access to the street provided that the following development standards are complied with:

a.

A minimum lot width of 100 feet.

b.

A minimum front yard setback of 50 feet.

c.

A circular driveway shall be provided with a minimum of six off-street paved parking spaces.

(3)

For lesser streets, lots may have direct access to the street if other requirements of the thoroughfare plan are met.

Sec. 24. - Sidewalks and bikeways.

(a)

Sidewalks. Sidewalks shall be constructed in accordance with the thoroughfare plan of the City of Nevada for all lots adjoining dedicated streets, along major thoroughfares where lots do not adjoin the street, along power line easements and in other areas where pedestrian walkways are necessary. Sidewalk construction may be delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the subdivision or addition. Sidewalks adjacent to screening walls shall generally be placed against the screening walls to the subdivision or addition. Routing to clear poles, trees or other obstacles shall be subject to approval by the City engineer.

Concrete sidewalks shall have a width of not less than four feet and a thickness of not less than four inches and shall be constructed of 2,000 PSI concrete on both sides of all streets and thoroughfares within the subdivision. Sidewalks shall be constructed one foot from the property line within the street or thoroughfare right-of-way and shall extend along the street frontage including the side of corner lots and block ends. Construction of sidewalks adjacent to curb in residential areas will be considered only where driveway entrances are constructed from the rear of lots on both sides of the street for the full length of the block. In these instances, the sidewalks shall be five feet wide. The available one foot area between the property line and the rear edge of the sidewalk shall be the location of the required sewer cleanout. The area between the front edge of the sidewalk and the curb shall be the proper location for the water meter box.

Sidewalks in commercial areas shall be a minimum width of five feet or extend from the back of the curb to the building line as required by the City.

Sidewalks in industrial areas and planned developments will be as required by the City.

All concrete for sidewalks shall be placed on two-inch sand cushion and shall be reinforced with six by six No. ten gauge welded wire fabric.

Longitudinal slope of sidewalks shall be that of the curb adjacent to the sidewalk. The transverse slope of the sidewalk shall be one-fourth inch per foot starting at the back of the curb. The maximum ground slope from the edge of the sidewalk on the property line side shall not exceed 11 percent. Instead of exceeding a grade of 11 percent a retaining wall shall be provided on the property line that is acceptable to the City engineer.

Sidewalks shall be constructed by the individual home builder and shall be in accordance with the City approved plans.

(b)

Pedestrian accesses. The City council may require, in order to facilitate pedestrian access from the streets to schools, parks, playgrounds, or other nearby streets, perpetual unobstructed easements at least 15 feet in width. Easements shall be indicated on the plat.

(c)

Bikeways. Hike and bike sidewalks, designed and located according to City standards, shall be constructed along streets designated for hike and bike trails. Such sidewalks shall be built by the owner at the time of site development, or, the owner may petition for the City council to construct such facilities, subject to escrow policies stated in article __ of these regulations.

Sec. 25. - Drainage and storm sewers.

(a)

General requirements. All plats shall conform to the City's adequate public facilities policies as they exist or may exist in the future, for drainage facilities.

(b)

Design of facilities.

(1)

Standards: Design of storm sewer systems shall be in accordance with the City's design standards. Materials and construction shall conform to the standard specifications and standard construction details of the City. Plans shall be submitted with the plat.

(2)

Accommodation of upstream drainage areas: A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision or addition. The owner's engineer shall initially determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the comprehensive land use plan, subject to approval by the City engineer.

(3)

Effect on downstream drainage areas: The owner's engineer, subject to approval by the City engineer, shall study the effect of each addition's storm runoff on the existing underground drainage facilities immediately downstream of the addition. Where it is determined that existing capacity is not available immediately downstream, the owner's engineer shall design a drainage system, detention facility, or parallel system to mitigate the deficiency. If oversize improvements are required, then the City shall participate in the cost as prescribed by this chapter and subject to the availability of funds from current revenues.

(4)

Location: In general, drainage shall be provided in an underground system constructed in streets, alleys, or in easements. If approved by the City engineer, the owner may provide, at his own expense, a drainage easement of sufficient width to permit excavation and maintenance of an open channel of satisfactory depth and width. The subdivider shall complete all necessary excavation on the channel and shall sod or seed the channel and obtain a strand of grass to prevent erosion. Unless the excavation channel bottom

is Austin Chalk, limestone, or other similar acceptable rock, a reinforced concrete pilot channel of sufficient width may be required by the City engineer to prevent erosion and/or for access purposes.

(5)

Construction of underground facilities: A subdivider shall install drainage facilities underground to save land space, unless an open channel has been approved by the City engineer and subject to participation policies as prescribed by these regulations.

(6)

Detention facilities: Lakes, detention ponds, and retention ponds may be constructed in all areas provided they are approved by the City engineer. Easements shall be provided to ensure protection of these areas for maintenance purposes.

(7)

Alternate facilities: Other innovative drainage concepts will be considered if approved by the City engineer. Any City costs must be approved by the City council subject to the availability of funds from current revenues.

(c)

Creeks and floodplains.

(1)

Floodplain restrictions: The City council shall, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, or where prohibited by floodplain designation, prohibit development of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste or material, or stumps.

(2)

Creek restrictions: Major creeks have a drainage basin greater than 100 acres and shall remain in open natural condition; smaller creeks or drainageways may be channelized provided they meet the criteria of the design standards. When a creek or excavated channel is to remain open, or in its natural condition, it shall meet one of the following requirements:

a.

For abutting single-family residential lots, dedication of drainage and maintenance easements for the creek or drainageway to the City, pursuant to subsection (c). The City council may waive this dedication requirement only for the following exceptions:

- Plats which were originally platted prior to the dedication requirement, if allowed by the City engineer.
- Subdivisions of five lots or less, as approved by the City engineer.

b.

Creeks and drainageways may be retained as a part of a non-residential lot, and it shall be the property owner's responsibility to maintain this area, except as otherwise provided. A maintenance easement shall be granted to the City and shall grant the right but not the obligation to maintain and construct drainage facilities if the creek or drainageway is not being properly maintained and shall provide that a lien may be filed against the property in favor of the City to secure payment of any expenses incurred by the City for maintenance. The maintenance easement together with its covenants shall run with the land and be binding upon subsequent owners of the real estate.

c.

Creek or drainageways may be owned and maintained by an approved maintenance entity, other than individual residential lot owners provided the maintenance area is set forth by easement. A maintenance entity may include homeowner's associations, apartment complexes, or similar uses. The maintenance entity's by-laws and covenants filed of record, if any, shall provide for ongoing maintenance as provided by article IX, herein. The easement shall authorize a lien against individual abutting lots in favor of the City to secure the payment to the City for any expenses incurred by the City for maintenance in the event of default by the maintenance entity. The maintenance easement together with its covenants shall run with the land and be binding upon subsequent owners of the real estate.

d.

Non-residential properties may create an entity to maintain creeks or drainageways, provided the maintenance area is set forth by easement and the entity's by-laws, filed of record, provide for on-going maintenance, as provided by article IX, herein. Such easements shall authorize a lien against individual abutting properties in favor of the City to secure payment for any expenses incurred if the maintenance entity is not properly maintaining the creek or drainageway. Adequate floodway easements and drainage easements shall be required that give the City the right but not the obligation to maintain and construct drainage facilities if, in the City's sole opinion, the maintenance entity is not properly maintaining the creek or drainageway.

e.

Where the City has designated a floodway or floodplain as part of the City park system, one of the following shall be provided:

- Parallel streets fronting along the park.
- Culs-de-sac which provide public access fronting on the park.
- Loop streets which provide public access fronting on the park.

In all cases, the City may approve the proposed street alignment fronting on City parks.

(d)

Dedication of drainage easements.

(1)

General requirements: When a subdivision or addition is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater or drainage easement conforming substantially

to the line of such watercourse, and of such width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the watercourse be maintained as an open channel with landscaped banks and of adequate width for maximum potential volume of flow.

(2)

Access easements: The property owner must provide sufficient access on each side of and parallel to creeks or drainageways for maintenance purposes. The access shall be above the base flood elevation and accessible to vehicles and equipment. Access must also be provided at a maximum 1,200-foot spacing along streets or alleys. The location and size of the access easement shall be determined by the City engineer. The minimum width of the access easement shall be 15 feet. Permanent monuments, the type and locations of which are to be determined by the City engineer, shall be place along the boundaries of the access easement and private property. This access easement shall be included in the dedication requirements of this section.

(3)

Drainage easements on-site: Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual, unobstructed easements as wide as the drainage course or at least ten to 15 feet in width, depending on slopes shall be provided for drainage facilities across property outside the street lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall extend from the street to a natural watercourse or to other drainage facilities. Drainage easements shall also be provided for the natural watercourse or other drainage facilities.

(4)

Drainage easements off-site: When a proposed drainage system will carry water across private land outside the subdivision or addition, appropriate drainage easements allowing for such passage, must be secured in advance of approval of the final plat for the subdivision.

ARTICLE VI. - PARTICIPATION AND ESCROW POLICIES

Sec. 26. - Participation policies.

(a)

City's share of improvement costs. the City shall participate in the costs of public improvements which are not for the primary benefit of the development and which have been oversized to serve developments other than for which the plan has been submitted for approval, only to the extent and according to the standards stated in this chapter, the City's fee ordinance and pursuant to the procedures herein set forth and only if an development agreement is entered into between the City and owner as provided in these regulations which conforms to the requirements of V.T.C.A., Local Government Code §§ 252.021, 252.041, 252.042, 252.043, 252.049, and 271.021, as amended.

(b)

Owner's responsibility.

(1)

The property owner shall be responsible for the entire costs of designing and installing all public improvements which primarily serve the subdivision or addition. Facilities required by these regulations, unless listed in section 26, or as otherwise determined by the City council, shall be considered as primarily serving the subdivision or addition.

(2)

The property owner shall also be responsible for its share of the costs of oversized or off-site public improvements needed to assure adequacy of public facilities and services for the addition or subdivision, subject to participation and escrow policies contained in this section.

(3)

The property owner shall be responsible for extending streets, water, and sewer or drainage facilities off-site to his property as required by the City council and/or required to ensure adequacy of public facilities.

(4)

Should the subdivision or addition abut an existing water or sanitary sewer line installed by someone other than the City, the owner shall pay to the City a "developer's liability" charge to be refunded to the original installed of the line, as prescribed in the pro-rata provisions of the fee ordinance and/or development agreement with the City.

(5)

Should a lift station, either temporary or permanent, be necessary to provide a sanitary sewer service to the subdivision or addition, the property owner shall construct the station and all appurtenances, at his own expense. If and when the lift station is no longer needed, the installation will, unless other provisions are made, remain the property of the City of Nevada for reuse or disposal. A "developer's liability" charge for such lift stations and appurtenances may be established as prescribed in the pro-rata provisions of the fee ordinance or development agreement.

Sec. 27. - Facilities eligible for City participation.

The City shall participate in the costs of installing public improvements according to the following schedule:

(1)

The City shall reimburse the property owner or developer for 100 percent of the following costs if funds are available from current revenues or as otherwise provided herein:

a.

Costs of paving streets and thoroughfares for the portion of the width of pavement exceeding 37 feet for internal streets and 24 feet (per side) for divided thoroughfares. Costs include those for pavement, lime stabilization and excavation to a depth equal to the distance from the top of the curb to the top of stabilized subgrade for that width of street paving wider than 37 feet or 24 feet on each side in the case of a divided thoroughfare.

b.

Paving costs for streets and thoroughfares for that portion of the required paving thickness exceeding eight inches.

(2)

The City shall reimburse the property owner or developer 25 percent of the following costs if funds are available from current revenues or as otherwise provided herein:

a.

Street crossings (bridges or culverts), for residential developments, with an opening larger than that of a double 72 inches pipe culvert. The cost of the structure shall be based on a standard, basic culvert or bridge including rip-rap, if required by the City engineer, for erosion control.

b.

That portion of storm sewers, for residential developments, exceeding 72 inches in diameter.

(3)

The City shall reimburse the property owner or developer ten percent of the following costs if funds are available from current revenues or as otherwise provided herein:

a.

Street crossings (bridges or culverts) for non-residential developments, with an opening larger than that of a double 72-inch pipe culvert. The cost of the structure shall be based on a standard, basic culvert or bridge including rip-rap, if needed, for erosion control.

b.

That portion of storm sewers, for non-residential developments, exceeding double 72 inches in diameter.

Sec. 28. - Limitation and exceptions.

Notwithstanding section 26, the City shall not participate in the following costs:

(1)

Those portions of the costs of any public improvements not expressly described in section 27.

(2)

Costs of clearing and grubbing for streets and thoroughfares and preparation of right-of-way.

(3)

Costs of constructing streets built wider than called for in the thoroughfare plan.

(4)

Costs of lights, decorative finishes or other similar expenses, unless required by the City engineer.

(5)

Costs of pipe headwalls, regardless of pipe size, or the costs of retention/detention ponds or slope protection, except rip-rap under a bridge.

Sec. 29. - Procedures for City participation.

(a)

Definitions. For purposes of article VI, the following terms shall have the following meanings:

(1)

Contiguous: The term "contiguous" shall mean that the reimbursable improvements are within the boundaries of, or abutting the perimeter of, a developed subdivision or addition.

(2)

Developed subdivision or addition: Property for which a final plat has been filed for record in the county in which the property is located, and the public improvements required by the City have been installed by the property owner and have been accepted by the City.

(b)

Application for participation. In order to initiate a reimbursement request, the owner must establish a front foot oversize cost for the reimbursable public improvements. Requests for reimbursement to the subdivider of cost of oversized public dedicated facilities shall include the subdivider's name and mailing address. The request must include as-built drawing showing the reimbursable items, a copy of the contractor's bid for construction, final payment with quantities and unit costs, oversize calculations for all reimbursement items, and a project location map.

(c)

Precondition to processing request. Participation requests will be processed after the public improvements are accepted by the City. Reimbursement requests for on-site oversizing will be processed in the order of their receipt and subject to City council approval as appropriate and subject to the availability of funds from current revenues or as otherwise provided herein. Requests exceeding funds available shall be scheduled for payment as a part of the next year's capital improvements program, subject to available funding. However, all oversize participation shall be funded no later than five years following the date of final acceptance of the public infrastructure improvements. In the case of off-site public improvements, participation will be processed after a development s accepted which contains or abuts the off-site improvements. All participation will be determined in accordance with paragraph (d) of this section.

(d)

City engineer determination. The City engineer shall determine the City's participation in the cost of public improvements, in accordance with the criteria in sections 25 through 28. Payments shall be allocated to a development on a front foot basis and shall be made as follows:

(1)

As property is platted and developed adjacent to the off-site public infrastructure improvements, the City will reimburse oversize costs for that portion contiguous to the property. Oversize costs will be reimbursed to the initial developer after final acceptance by the City of the public improvements. Oversize reimbursement will not be made with filing of a conveyance plat.

(2)

Reimbursement funds for the City's share of the public infrastructure improvements will be as scheduled in the annual capital improvements program. However, all oversize participation shall be refunded no later than five years following the date of final acceptance of the public infrastructure improvements.

(e)

Funding. The City may annually prepare a capital improvement program, a component of which will generally identify funds for payment of oversize participation. Funds will be designed individually from the appropriate source for both street and drainage and water and wastewater projects. Requests in excess of available funding will be deferred for future allocations.

Sec. 30. - Escrow policies and procedures.

(a)

Deposit with City. Whenever the City agrees to accept escrow deposits in lieu of construction by the owner of the property under these regulations, the property owner of developer shall deposit an amount equal to his share of the cost of design and construction in escrow with the City. Such amount shall be paid prior to release of construction plans, by the City engineer. In lieu of such payment at such time, the City may permit the property owner to contract with the City and shall agree in such contract that no building permit shall be issued for any lot included within said plat, or increment thereof, until the full amount of the escrow is paid, or a pro-rata part thereof for the full increment if developed incrementally. The obligations and responsibilities of the property owner shall become those of property owner's transferees, successors and assigns; and the liability therefore shall be joint and several.

(b)

Determination of escrow amount. The amount of the escrow shall be determined by using the average of the comparable bids awarded by the City in the preceding six months or, if none exist, then in the preceding year or, if none exists current market value of construction as determined by an estimate by the City engineer. Such determination shall be made as of the time the escrow is due hereunder.

(c)

Termination of escrow. Escrows which have been placed with the City under this section which have been held for a period of ten years from the date of such payment or agreement, in the event that the City has not authorized the preparation of plans and specifications for construction of such roadway facilities for which the escrow was made, shall upon written request be returned to the property owner, with accrued interest. Such return does not remove any obligation of the owner for construction of the required facilities if a building permit has not been issued on the subject lot or if a new building permit is applied for.

(d)

Refund. If any street or highway for which escrow is deposited for, is contracted, or is reconstructed by another governmental authority at no cost to the City, the escrowed funds and accrued interest shall be refunded to the property owner or developer after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the City and the other portion of the cost by another governmental authority, the difference between the owner's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.

(e)

Interest limitation. If money is refunded within six months of deposit, only the principal will be refunded. Monies returned after this date will be refunded with interest accrued, calculated at one percent less than the rate of actual earnings.

Sec. 31. - Perimeter street fees.

Special escrow policies for perimeter street fees are set out in section 35 of this chapter and are subject to the general rules of this section except when said section 35 provides otherwise.

Sec. 32. - Payment of fees, charges, and assessments.

As a condition of plat approval, the property owner shall pay all fees, charges and assessments required to assure adequacy of public facilities to the subdivision or addition, as may be imposed under these or other regulations of the City, including but not limited to the fee ordinance.

ARTICLE VII. - FILING FEES AND CHARGES

Sec. 33. - Fees required to be paid before action can be taken.

A subdivider and/or developer is hereby required to pay the current fees, as established by the City council through a separate ordinance, when any plat is tendered to the City for filing for consideration and action in accordance with these regulations. Each of the required fees and charges shall be paid in advance and no plat shall be deemed filed for purposes of consideration and action until the fee or fees shall have been paid to the City administrative official designated to receive said fee or fees.

In addition to other fees, the subdivider and/or developer will pay the city costs in fees payable to the city Attorney and/or City Engineer for all re-inspections, review of revised plats after denial or resubmittal.

Sec. 34. - Fees are non-refundable.

The fees shall be charged on all plats regardless of the action taken by the commission or the City council.

Sec. 35. - Development inspection fee.

Before commencing construction, the developer shall pay development inspection fee as specified by the City of Nevada's Fee Schedule. No construction or development work may commence until such fee has been paid in full for the entire development or for the phase which is under construction. Permits may be withheld for failure to pay the requisite fee. This fee is paid to cover the cost of inspections made during the construction of the public facilities which are anticipated to be dedicated to the City upon completion of final acceptance. Such fee does not cover any of the cost associated with the testing or laboratory work which may be required of the developer in order to establish that such construction satisfies City

specifications or standards, which fees shall be independently assessed by the City as provided herein or in the City's fee ordinance.

The City may employ the services of an engineering testing laboratory to make inspections, perform services related to checking the quality of the work, and to sample and test the materials to be used in the work. The owner or developer shall furnish, at his own expense, all necessary specimens for testing of the materials and when requested shall furnish a complete written statement of the origin, composition, and/or manufacturer of any or all materials that are used in the work. The inspections and quality control service does not relieve the developer of his responsibility with regard to constructing the work in accordance with design standards. If the contractor fails to meet the specified conditions by the second test, further tests to demonstrate compliance with the design standards shall be at the sole expense of the developer. An inspection fee of 4.5% of the construction cost shall be imposed by the fees schedule, unless otherwise amended.

Sec. 36. - Street improvement costs—Reserved.

ARTICLE VIII. - COMPLETION AND MAINTENANCE OF IMPROVEMENTS

Sec. 37. - Improvements and subdivision improvement agreement.

(a)

Completion of improvements. Except as provided below, before building permits are issued, all applicants shall be required to complete, in accordance with the City council's decision and to the satisfaction of the City engineer, all the street, sanitary, and other public improvements, as well as lot improvements on the individual residential lots of the subdivision or addition as required in these regulations, specified in the final plat, and as approved by the City council, and to dedicate those public improvements to the City. As used in this section, "lot improvements" refers to grading and installation of improvements required for proper drainage and prevention of soil erosion.

(b)

Improvement agreement and guarantee.

(1)

Agreement. The City council, upon recommendation of the director, may waive the requirement that the applicant complete and dedicate all public improvements prior to issuance of a building permit, and may permit the property owner to enter into a development agreement by which the property owner covenants to complete all required public improvements no later than two years following the date on which the final plat is signed and approved. The City council may also require the property owner to complete and dedicate some required public improvements prior to approval of the final plat and to enter into a development agreement for completion of the remainder of the required improvements during such two-year period. The owner shall covenant to maintain the required public improvements for a period of one year following the acceptance by the City of all required public improvements and warrants that the public improvements will be free from defect for a period of one year following such acceptance by the City. Nothing in this section shall nullify the City's obligation to participate in the construction of oversize facilities.

(2)

Development agreement required for oversize reimbursement. The City shall require a development agreement pertaining to any public improvement for which the developer shall request reimbursement from the City for oversize costs as provided in article VI. The City council shall authorize the approval of such agreement as meeting the requirements of the City.

(3)

Covenants to run with the land. The development agreement shall provide that the covenants contained in the agreement shall run with the land and bind all successors, heirs and assignees of the property owner. The development agreement shall be recorded in the land records of the county. All existing lienholders shall be required to subordinate their liens to the covenants contained in the development agreement.

(4)

Security. Whenever the City council permits a property owner to enter into a development agreement, it shall require the owner to provide sufficient security, covering the completion of the public improvements. The security shall be in the form of cash escrow or, where authorized by the City council, a letter of credit, as security for the promises contained in the development agreement. In addition to all other security, for completion of those public improvements, where the City participates in the cost, the owner shall provide a performance bond from the contractor, with the City as a co-obligee. Security shall be in an amount equal to 115 percent of the estimated cost of completion of the required public improvements and lot improvements. The issuer of any surety bond and letter of credit shall be subject to the approval of the City attorney.

(5)

Letter of credit. If the City council authorizes the property owner to post a letter of credit as security for its promises contained in the development agreement, the letter of credit shall:

a.

Be irrevocable.

b.

Be for a term sufficient to cover the completion, maintenance and warranty periods but in no event less than two years.

c.

Require only that the City present the issuer with a slight draft and a certificate signed by an authorized representative of the City certifying the City's right to draw funds under the letter of credit.

d.

The letter of credit shall only be from a financial institution approved by City attorney.

(6)

As portions of the public improvements are completed in accordance with the standard specifications and the engineering plans, the developer may make application to the City council to reduce the amount of the original letter of credit. If the City engineer or his designee is satisfied that such portion of the improvements has been completed in accordance with City standards, he may recommend (but is not required to recommend) to the City council that the amount of the letter of credit to be reduced by such amount that it deems appropriate, so that the remaining amount of the letter of credit adequately insures the completion of the remaining public improvements.

(c)

Temporary improvements. The property owner shall build and pay for all costs of temporary improvements required by the City council and shall maintain those temporary improvements for the period specified by the City council. Prior to construction of any temporary facility or improvement, the owner shall file with the City council a separate development agreement and escrow, or, where authorized, a letter of credit, in an appropriate amount for temporary facilities, which development agreement and escrow or letter of credit shall ensure that the temporary facilities will be properly constructed, maintained and removed.

(d)

Government units. Governmental units to which these contract and security provisions apply may file, in lieu of the contract and security, a certified resolution or ordinance from officers of agencies authorized to act in their behalf, agreeing to comply with the provisions of this section.

(e)

Failure to complete improvements. For plats for which no development agreement has been executed and no security has been posted, if the public improvements are not completed within the period specified by the City, the land study or preliminary plat approval shall be deemed to have expired and/or the final plat will not be accepted for filing for purposes of consideration and action. In those cases where a development agreement has been executed and security has been posted and required public improvements have not been installed within the terms of the development agreement, the City council may:

(1)

Declare the development agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;

(2)

Suspend the filing of the final plat for consideration and action until the public improvements are completed and record a document to that effect for the purpose of public notice;

(3)

Obtain funds under the security and complete the public improvements itself or through a third party;

(4)

Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision or addition for which public improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements on the tract;

(5)

Exercise any other rights available under the law.

(f)

Acceptance of dedication offers. Acceptance of formal offers of dedication of street, public areas, easements, and parks shall be by authorization of the City engineer. The approval by the City council of a plat, whether land study, conveyance, preliminary or final shall not in of itself be deemed to constitute or imply the acceptance by the City of any street, easement, or park shown on plat. The City council may require the plat to be endorsed with appropriate notes to this effect.

Sec. 38. - Construction procedures.

(a)

Preconstruction conference. The City engineer may require that all contractors participating in the construction shall meet for a preconstruction conference to discuss the project prior to beginning work.

(b)

Conditions prior to authorization. Prior to authorizing construction, the City engineer shall be satisfied that the following conditions have been met:

(1)

The preliminary plat shall be completed to the requirements of the City council at the time of approval.

(2)

All required contract documents shall be completed and filed with the City engineer.

(3)

All necessary off-site easements or dedications required for City maintained facilities, not shown on the final plat must be conveyed solely to the City, with proper signatures affixed. The original of the documents, and filing fees as determined by the engineering department, shall be returned to the engineering department prior to approval and release of the engineering plans.

(4)

All contractors participating in the construction shall possess a set of approved plans bearing the stamp of release of the engineering department. These plans shall remain accessible on the job site at all times during construction.

(5)

A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the City engineer.

(6)

All applicable fees must be paid to the City.

Sec. 39. - Inspection of public improvements.

(a)

General procedure. Construction inspection shall be supervised by the City. Construction shall be in accordance with the approved plans and specifications and Design Standards of the City of Nevada. Any change in design required during construction should be made by the engineer whose seal and signature are shown on the plans. Another engineer may make revisions to the original engineering plans if so authorized by the owner of the plans and if those revisions are noted on the plans or documents. All revisions shall be approved by the City engineer. If the City engineer finds upon inspection that any of the required public improvements have not been constructed in accordance with the City's construction standards and specifications, the property owner shall be responsible for completing and/or correcting the public improvements.

(b)

Certificate of satisfactory completion.

(1)

Subdivider's certification of satisfactory completion. The City will not accept dedication of required public improvements until the subdivider's engineer or surveyor has certified to the City engineer, through submission of a detailed "as-built" survey plat of the property that the location, dimensions, materials, and other required public improvements have been completed as required. The "as-built" shall also include a complete set of drawings of the paving, drainage, water, sanitary sewer, or other public improvements, showing that the layout of the line and grade of all public improvements is in accordance with construction plans for the plat, and all changes made in the plans during construction and containing on each sheet an as-built stamp bearing the signature of the subdivider's engineer and the date. One reproducible drawing of the utility plan sheets containing the as-built information shall be submitted. The subdivider's engineer or surveyor shall also furnish a copy of the final plat and engineering plans, if prepared on a CADD system, in such a format that is compatible with the City's CADD system.

(2)

City engineer's certification of satisfactory completion. If in the opinion of the City engineer all requirements relating to public improvements have been fully met then the City engineer, on behalf of the City, shall thereafter accept the public improvements for dedication in accordance with the established procedure. Acceptance of the development shall mean that the developer has transferred all rights to all the public improvements to the City for use and maintenance. Upon acceptance of the required public improvements, the City engineer shall submit a certificate to the developer stating that all required public improvements have been satisfactorily completed and filing a copy of same with the City.

(3)

Acceptance of public dedicated facilities by City engineer. The City engineer may, at his discretion, accept dedication of a portion of the required public improvements, if the remaining public improvements are not required for health and safety reasons and the owner has posted a performance bond, letter of credit or cash bond in the amount of 115 percent of the estimated cost of those remaining improvements. Provided, however, that the remaining public improvements be dedicated in the time determined by the City council.

(c)

Final warranty inspection procedure. Not less than 30 days prior to the end of a given warranty period for any publicly dedicated facilities which have been required by these subdivision regulations to be installed within a subdivision and subsequently dedicated and accepted by the City of Nevada, the City of Nevada shall inspect those facilities and call for any necessary repairs prior to the termination of the warranty period. The results of this inspection shall be kept by the City as a written record for a period not less than five years. The results of this inspection, any repairs noted and the subsequent action of the developer or contractor concerned shall be a part of this record. Copies of this documentation will be delivered to the developer and/or contractor concerned. This notification and inspection procedure shall extend the warranty period until all specified repairs and inspections are completed and accepted by the City engineer.

Sec. 40. - Deferral of required improvements.

(a)

The City council may, upon petition of the property owner and favorable recommendation of the director and City engineer, defer at the time of final approval, subject to appropriate conditions, the provision of any or all public improvements as, in its judgment, are not required in the interest of public health, safety, and general welfare.

(b)

Whenever a petition to defer the construction of any public improvement required under these regulations is granted by the City council, the property owner shall deposit in escrow his share of the costs (in accordance with article VI of this chapter) of the future public improvements with the City prior to filing of the final plat for consideration and action or the property owner may execute a separate development agreement secured by a cash escrow or, where authorized, a letter of credit guaranteeing completion of the deferred public improvements upon demand of the City.

Sec. 41. - Issuance of building permits and certificates of occupancy.

(a)

No building permit shall be issued for a lot or building site within a subdivision unless the lot or site has been officially recorded by a final plat approved by the City council and all public improvements as required for final plat approval have been completed, except as permitted below.

(1)

Building permits may be issued for non-residential and multi-family (apartments) development provided that a preliminary plat is approved by the City council and construction plans have been released by the City engineer. Building construction will not be allowed to surpass the construction of fire protection improvements.

(2)

The City engineer may authorize residential building permits for a portion of a subdivision, provided that a preliminary plat has been approved and all public improvements have been completed for that portion of the development, including but not limited to those required for fire and emergency protection. Notwithstanding, no lot may be sold or title conveyed until a final plat approved by the City council has been recorded.

(3)

Conditional building permits, conditional occupancy permits and temporary utility service may be permitted by the City engineer for residential developments and the City council for commercial development. Such conditional building permits shall only be granted in unique circumstances and upon the execution of a development agreement ensuring completion for all public improvements.

(b)

No certificate of occupancy (or approved final inspection) shall be issued for a building or the use of property unless all subdivision improvements have been completed and a final plat approved by the City council has been recorded. Notwithstanding the above, City engineer may authorize the occupancy of a

structure provided that an agreement providing cash escrow, a letter of credit, or other sufficient surety is approved by the City for the completion of all remaining public improvements as provided herein.

Sec. 42. - Bonds and insurance.

(a)

Any developer shall furnish security in an amount equal to 100 percent of the total cost of the public improvements (including, without limitation, streets, drainage, and water/sewer lines) for said development in order to indemnify the City against any repairs which may be necessary in connection with the construction of said improvements arising from defective workmanship for materials for a period of two full years from final acceptance of each phase of the development. Said security shall be in one of the following forms:

(1)

A maintenance bond.

(2)

An irrevocable letter of credit.

(3)

A cash escrow deposit.

Final acceptance of a subdivision or a phase of a subdivision will be withheld until said maintenance bond or proof of establishment of escrow account has been furnished to the City.

(b)

Prior to the project being approved for construction the subdivider or developer shall furnish a labor and materials payment bond equal to 100 percent of the cost of the public improvements.

(c)

Prior to the project being approved for construction the subdivider's or developer's contractor shall submit proof of liability insurance according to NCTCOG standards to cover any and all accidents that are attributable to the construction activity both onsite and offsite.

AGENDA ITEM #6

FUTURE AGENDA ITEMS

NO DOCUMENTS

AGENDA ITEM #7

EXECUTIVE SESSION

NO DOCUMENTS