

**An Ordinance of the City of Plano, Texas, amending Section 16-19 – Fees for zoning, rezoning and other miscellaneous fees, of Article II – Fees Generally, of Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano; to revise the engineering inspection fee to be consistent with new state law requirements; providing a repealer clause, a severability clause, a savings clause, and an effective date.**

**WHEREAS**, the Texas State Legislature adopted HB3492 relating to municipal authority to impose certain value-based fees for the acceptance, review or processing of engineering or construction plans or for the inspection of improvements for construction of public infrastructure for a subdivision, lots or related property development; and

**WHEREAS**, the City of Plano formerly based public improvement engineering inspection fees on the estimated costs of public improvements; and

**WHEREAS**, the new state law, codified under Section 212.906 of the Local Government Code, requires municipalities to determine the fee by considering the actual cost to inspect the public infrastructure improvements; and

**WHEREAS**, the Engineering Department has reviewed the cost of providing inspection services and has determined that the proposed changes to the fees are less than or equal to the actual cost to inspect the public infrastructure improvements; and

**WHEREAS**, in compliance with the new legislation, the City of Plano will publish the fee and the hourly rate and estimated direct time incurred by municipal employees for the fee calculation on the City's website; and

**WHEREAS**, the City Council, based upon staff recommendation and review and consideration of this matter, has determined that it is in the best interest of the City of Plano, Texas, to establish a new fee for engineering inspections of public infrastructure to comply with state law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** Section 16-19, Fees for zoning, rezoning and other miscellaneous fees of Article II, Fees Generally, of Chapter 16, Planning and Development, of the Code of Ordinances of the City of Plano, is hereby amended to amend the table of fees, section (5) and to delete the language beneath the table indicating that the engineering inspection fee is a percentage of contract cost to read as follows:

**“Sec. 16-19. - Fees for zoning, rezoning and other miscellaneous fees.**

(5)	Engineering inspection fee	<p>\$100.00 per hour with a minimum fee of \$200.00.</p> <p>Inspections occurring outside of normal business hours will incur a \$160 fee per hour with a minimum fee of \$320.00.</p> <p>Grading improvements – One hour per 250 square feet calculated at \$0.40 per square foot.</p> <p>Paving improvements – One hour per 250 square feet, or nine hours per 250 square yards, calculated at \$0.40 per square foot, or \$3.60 per square yard.</p> <p>Sidewalk improvements – One hour per 250 square feet calculated at \$0.40 per square foot.</p> <p>Drainage improvements – One hour per 100 linear feet calculated at \$1.00 per linear foot.</p> <p>Water and/or wastewater improvements – One hour per 100 linear feet calculated at \$1.00 per linear foot.</p>
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The fees for all concept plans, preliminary and final plats, conveyance plats, and replats apply as well to areas outside the corporate city limits but within the extra-territorial jurisdiction of the City of Plano.

Fees calculated on a per acre basis shall be rounded up to the next whole acre.”

**Section II.** Any provision of any Ordinance of the City of Plano, codified or uncoded, in conflict with the provisions of this Ordinance is hereby repealed, and all other provisions of the Ordinances of the City of Plano, codified or uncoded, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section III.** It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

**Section IV.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any Ordinances at the time of passage of this Ordinance.

**Section V.** This Ordinance shall become effective immediately upon its passage.

**PASSED AND APPROVED** on the 28<sup>th</sup> day of August, 2023.

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John B. Muns, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY