

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2014-28

3
4
5 AN ORDINANCE

6 RELATING TO IMPACT FEES – AMENDING SECTION 14-8.14 (C), (E) AND (F) TO
7 ADOPT A NEW IMPACT FEE SCHEDULE AND INCORPORATE DEFINITIONS
8 RELATED TO LAND USE TYPES; AND RELATING TO PARK DEDICATIONS –
9 AMENDING SECTION 14-8.15 (C)(2) SFCC 1987, THE PARK DEDICATION SECTION;
10 AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY.

11
12 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

13 Section 1. Subsection 14-8.14(C) SFCC 1987 (being Ord. No. 2011-37, §11) is
14 amended to read:

15 (C) Fee Assessment and Collection

16 (1) The assessment for impact fees occurs on the date a *plat* or *development* plan
17 receives final approval, from the *city* or the *state* construction industries
18 division or, in the absence of a *plat* or plan, the date of the *development*
19 *permit application*. Impact fees collected within four years of the date of
20 assessment shall be based on the impact fee schedule in effect at the time of
21 assessment. After the expiration of the four-year period, the new
22 *development* shall be subject to the fee schedule in effect at the time of
23 *application* for a construction *permit*. No action on the part of the city is
24 required for assessment to occur. It shall be the responsibility of the
25 applicant for a construction *permit* to present evidence of the date of *plat* or

1 *development plan* approval in order for the fees to be based on the previous
2 impact fee schedule. After the impact fee has been paid, no refunds will be
3 provided based on the differences in the fee schedules. An applicant must
4 pay all fees according to one fee schedule only and may not mix the various
5 fees from the schedules.

- 6 (2) The collection of impact fees shall occur at the time of issuance of a
7 construction *permit* according to the fee schedule in effect for the
8 *development*.

9 **Section 2. Subsection 14-8.14(E) SFCC 1987 (being Ord. No. 2011-37, §11, as**
10 **amended) is amended to read:**

11 **(E) Fee Determination**

- 12 (1) A person who applies for a construction *permit*, except those exempted or
13 preparing an independent fee calculation study, shall pay impact fees in
14 accordance with the following fee schedule. If a credit is due pursuant to
15 Section 14-8.14(I), the amount of the credit shall be deducted from the
16 amount of the fee to be paid.
- 17 (2) Beginning February 27, 2014 and ending February 26, 2016, construction
18 *permits* for *residential developments* shall be charged fifty percent (50%) of
19 the scheduled values in the Fee Schedule in Subsection 14-8.14(E)(3).
20 Beginning February 27, 2016, such *residential developments* shall be charged
21 one hundred percent (100%) of the scheduled values in the Fee Schedule.
- 22 (3) The fee schedule in this Subsection 14-8.14(E)(3) shall be used and its fees
23 assessed on *plats* and *development* plans that receive final approval from the
24 *city* or the *state* construction industries division, except where the *permit* is
25 issued for a subdivision or for a *development* plan that is still subject to a

1 prior fee schedule available and on file in the Land Use Department.

2 **FEE SCHEDULE**

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Single-Family Detached / Heated Living Area						
1,500 sq. ft. or less	Dwelling	\$1,894	\$967	\$154	\$64	\$3,079
1,501-2,000 sq. ft.	Dwelling	\$2,064	\$1,010	\$161	\$68	\$3,303
2,001-2,500 sq. ft.	Dwelling	\$2,141	\$1,108	\$176	\$74	\$3,499
2,501-3,000 sq. ft.	Dwelling	\$2,245	\$1,163	\$186	\$78	\$3,672
3,001 sq. ft. or more	Dwelling	\$2,377	\$1,238	\$197	\$83	\$3,895
Accessory Dwelling	Dwelling	\$947	\$483	\$77	\$32	\$1,539
Multi-Family	Dwelling	\$1,299	\$945	\$150	\$63	\$2,457
Nonresidential	G.F.A.					
Retail/Commercial	1,000 sq. ft.	\$4,006	\$0	\$269	\$113	\$4,388
Office	1,000 sq. ft.	\$2,402	\$0	\$126	\$53	\$2,581
Industrial	1,000 sq. ft.	\$1,856	\$0	\$55	\$23	\$1,934
Warehouse	1,000 sq. ft.	\$968	\$0	\$24	\$10	\$1,002
Mini-Warehouse	1,000 sq. ft.	\$375	\$0	\$22	\$9	\$406
Public/Institutional	1,000 sq. ft.	\$1,460	\$0	\$113	\$48	\$1,621

3
4 (4) The *land use director* shall determine the fee to be collected as a condition of
5 construction *permit* approval based on the applicable fee schedule in

1 Subsection 14-8.14(E)(3) above and the provisions of this Subsection 14-
2 8.14(E)(4), or on the basis of an independent fee calculation study pursuant
3 to Subsection 14-8.14(F).

4 (a) The determination of the appropriate land use category shall be
5 based on the following.

6 (i) Single-Family Detached means a *single-family dwelling*,
7 which may consist of a *manufactured home* or *mobile home*.

8 (ii) Multi-Family means a *multiple-family dwelling*.

9 (iii) Retail/Commercial means an establishment engaged in the
10 selling or rental of goods, services, lodging or entertainment
11 to the general public. Such uses include, but are not limited
12 to, shopping center or mall, *alcoholic beverage sales*
13 *activities, antique shop, bed and breakfast inn, boarding*
14 *house, commercial recreational use or structure, drive-in,*
15 *equipment rental or leasing, filling station, flea market,*
16 *florist, garden center, gift shop, grocery store, hotel,*
17 *laundromat, motel, nightclub, personal service*
18 *establishment, pet service establishment, pharmacy, repair*
19 *garage, residential suite hotel or motel, or retail*
20 *establishment.*

21 (iv) Office means a building not located in a shopping center and
22 exclusively containing establishments providing executive,
23 management, administrative or professional services, and
24 which may include ancillary services for office workers,
25 such as a restaurant, coffee shop, newspaper or candy stand,

1 or child care facilities. Such uses include, but are not limited
2 to, real estate, insurance, property management, investment,
3 employment, travel, advertising, secretarial, data processing,
4 telephone answering, telephone marketing, music, radio and
5 television recording and broadcasting studios; professional
6 or consulting services in the fields of law, architecture,
7 design, engineering, accounting and similar professions;
8 interior decorating consulting services; medical and dental
9 offices and clinics, including veterinarian clinics; and
10 business offices of private companies, utility companies,
11 trade associations, unions and nonprofit organizations.
12 Specific examples include *business services* (excluding
13 equipment rental and leasing), *arts and crafts studio, clinic,*
14 *funeral home, veterinary establishment* and *vocational*
15 *school.*

16 (v) Industrial/Manufacturing means an establishment primarily
17 engaged in the fabrication, assembly or processing of goods.
18 Typical uses include manufacturing plants, welding shops,
19 wholesale bakeries, commercial laundries, commercial
20 greenhouses, food and drug manufacturing, dry cleaning
21 plants, and bottling works. Specific uses include *light*
22 *assembly and manufacturing* and *manufacturing.*

23 (vi) Warehouse means an establishment primarily engaged in the
24 display, storage and sale of goods to other firms for resale, as
25 well as activities involving significant movement and storage

1 of products or equipment. Such uses include, but are not
2 limited to, wholesale distributors, storage warehouses,
3 moving and storage firms, trucking and shipping operations,
4 and major mail processing centers. Specific uses include
5 *commercial stable, junkyard, outdoor storage, salvage yard,*
6 *warehouse and wholesale operations.*

7 (vii) Mini-Warehouse means *mini-storage units.*

8 (viii) Public/Institutional means a governmental, quasi-public or
9 institutional use, or a non-profit recreational use, not located
10 in a shopping center. Such uses include, but are not limited
11 to, elementary, secondary or higher educational
12 establishments, day care centers, hospitals, mental
13 institutions, nursing homes, assisted living facilities, fire
14 stations, city halls, courthouses, post offices, jails, libraries,
15 museums, places of religious worship, military bases,
16 airports, bus stations, fraternal lodges, and parks and
17 recreational buildings. Specific examples include *child day-*
18 *care facility, club, college or university, community*
19 *residential corrections program, continuing care community,*
20 *electric facilities, extended care facility, group residential*
21 *care facility, hospital, human services establishment,*
22 *institutional building, museum, personal care facility for the*
23 *elderly, private club or lodge, public utility, recreational*
24 *facility, religious assembly, sheltered care facility and*
25 *transportation terminal.*

- 1 (b) If the type of new *development* for which a construction *permit* is
2 requested is not specified on the fee schedule, the *land use director*
3 shall determine the fee on the basis of the fee applicable to the
4 most nearly comparable type of land use on the fee schedule.
- 5 (c) The impact fees for development of land outside of *buildings* that
6 increases the demand for capital facilities is determined by
7 application of the fee for the corresponding type of *building*. In
8 particular, the *building* square footage for a retail/commercial use
9 shall include indoor or outdoor sales areas or inventory storage areas,
10 growing area for a garden center/nursery, and any drive-through
11 kiosk and associated queuing lane with or without a roof. If the *land*
12 *use director* determines that *development* of land outside of *buildings*
13 is intended for seasonal usage that reduces the increased demand for
14 capital facilities, the *land use director* may reduce impact fees
15 charged for the *development* of land outside of *buildings* by up to
16 75% of the original assessment.
- 17 (d) Impact fees shall be assessed and collected based on the primary use
18 of the *building* as determined by the *land use director*. Uses that are
19 distinct and separate from the primary use, which are not merely
20 ancillary to the primary use and are one thousand (1,000) square feet
21 or greater, will be charged the impact fee category based on the
22 distinct and separate use.
- 23 (e) Where a permit is to be issued for a *building* “shell” and *land use*
24 *director* is unable to determine the intended use of the *building*, the
25 *land use director* shall assess and collect impact fees according to the

1 zoning district in which the *building* is to be located as follows:

2 (i) C-2 and all SC zones – “Retail/Commercial”;

3 (ii) HZ zone – “Office”;

4 (iii) C-1 and C-4 – “Office”; and

5 (iv) I-1 and I-2 – “Industrial/Manufacturing”.

6 (f) If there is an increase in the amount of the impact fee calculation
7 once a tenant improvement *permit* is submitted, the difference from
8 what was paid at the time of the shell *permit* and the tenant
9 improvement fee calculation shall be paid prior to issuance of the
10 construction *permit*. If the fee schedule determination for the square
11 footage of the use identified in the tenant improvement construction
12 *permit* results in a net decrease from what was paid at the time of
13 the shell *permit*, there shall be no refund of impact fees previously
14 paid.

15 (g) Live/work *developments* containing *dwelling units* in combination
16 with *nonresidential* floor area in a common *building* shall pay impact
17 fees for each *dwelling unit* according to the *residential* fee rate for
18 “Multi-Family” and for the *gross floor area* intended for
19 *nonresidential* use according to the “Office” fee rate. If the initial
20 Live/Work construction *permit* application is for a shell construction
21 *permit*, the *land use director* shall collect impact fees at the
22 “Office” fee rate. If *dwelling units* are added as a use within
23 the *building* after the *building* has been charged impact fees at a
24 *nonresidential* fee rate, and there is no increase in *gross floor area*,
25 the *land use director* shall collect only the required park impact fees

1 for the *dwelling units* at the fee rate for “Multi-Family” at the time of
2 the *dwelling unit permit application*.

3 (h) If a construction *permit application* changes or intensifies the use of
4 an existing *building*, increases the *gross floor area* of an existing
5 *building*, or replaces an existing *building* with a new *building* and
6 new use, the fee shall be based on the net increase in the fee for the
7 new use or increase as compared to what the current fee would be for
8 the previous use or floor area. If the proposed change results in a net
9 decrease in the fee there shall be no refund of impact fees previously
10 paid.

11 (i) “G.F.A.” in the fee schedule refers to *gross floor area*.

12 **Section 3. Subsection 14-8.14(F) SFCC 1987 (being Ord. No. 2011-37, §11) is**
13 **amended to read:**

14 **(F) Independent Fee Calculation**

15 (1) The *land use director* may require an independent fee calculation for any
16 proposed *development* interpreted by the *land use director* as not one of
17 those types listed on the fee schedule or as one that is not comparable to any
18 land use on the fee schedule.

19 (2) The preparation and cost of the independent fee calculation study is the sole
20 responsibility of the *applicant*.

21 (3) The independent fee calculation study shall be based on the same service
22 standards and facility costs used in the impact fee *capital improvements plan*
23 and shall document the methodologies and assumptions used. The
24 independent fee calculation shall be based on the expected long-term
25 occupancy of the *building or development*, based on physical characteristics,

1 and not on the characteristics of the proposed initial owner or occupant of the
2 *building or development.*

3 (4) An independent fee calculation study submitted by an *applicant* to calculate a
4 road impact fee shall address all three factors relevant to the generation of
5 service units, namely, trip generation rates, primary trip factors and average
6 trip lengths.

7 (5) After review, the *land use director* shall approve or reject the conclusions of
8 the independent fee calculation study.

9 **Section 4. Subsection 14-8.14(J)(5) (being Ord. No. 2011-37, §11) is amended to**
10 **read:**

11 (5) Furnishing false information on any matter relating to the administration of
12 this Section 14-8.14, including the furnishing of false information regarding
13 the expected size, use or impacts from a proposed *new development*, is a
14 violation of this Section 14-8.14. The *city* may issue a stop work order or
15 rescind any *permits* issued in reliance on the previous payment of such
16 impact fee.

17 **Section 5. Subsection 14-8.15(C)(2) (being Ord. No. 2011-37, §11) is amended to**
18 **read:**

19 (2) For any other *development* proposing *dwelling units*, the *city* shall require
20 land to be dedicated for either neighborhood parks or regional parks or both,
21 unless the amount of land or type of land is not suitable for public parks,
22 *open space* or *recreation facilities*. Where the *city* determines that no land is
23 to be dedicated for parks, then park impact fees shall be collected according
24 to Section 14-8.14.

25 **Section 6. Article 14-12 SFCC 1987 (being Ord. #2011-37, §15, as amended) is**

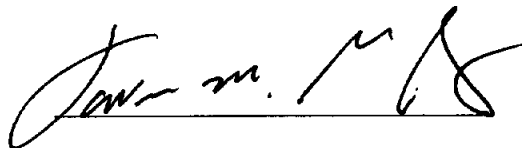
1 amended to repeal the IMPACT FEE ADMINISTRATOR definition:

2 Section 7. Editor's Note: Chapter 14 SFCC 1987 (being Ord. #2011-37, as
3 amended) is amended to delete all references to "impact fee administrator" and substitute in lieu
4 thereof "land use director".

5 Section 8. Effective Date. This ordinance shall become effective on September 15,
6 2014.

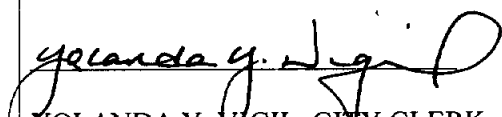
7 Section 9. Review. This ordinance shall be reviewed one year from the effective date.

8 PASSED, APPROVED and ADOPTED this 27th day of August, 2014.


9
10 

11 JAVIER M. GONZALES, MAYOR

12 ATTEST:

13
14 
15 YOLANDA Y. VIGIL, CITY CLERK

16
17 APPROVED AS TO FORM:

18 
19
20 KELLEY A. BRENNAN, CITY ATTORNEY

21
22
23
24
25 M/Melissa/Ordinances 2014/2014-28 Impact Fee – one fee schedule