

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2014-8

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4
5 AN ORDINANCE

6 RELATING TO IMPACT FEES, SECTION 14-8.14 SFCC 1987; AMENDING SECTION 14-
7 8.14(E) TO MODIFY THE AMOUNT OF IMPACT FEES ASSESSED FOR RESIDENTIAL
8 DEVELOPMENTS; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL
9 CHANGES THAT ARE NECESSARY.

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

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

14 (E) Fee Determination

- 15 (1) A person who applies for a construction *permit*, except those exempted or
16 preparing an independent fee calculation study, shall pay impact fees in
17 accordance with one of the following fee schedules. If a credit is due
18 pursuant to Section 14-8.14(I), the amount of the credit shall be deducted
19 from the amount of the fee to be paid.
- 20 (2) Beginning February 27, 2014 and ending February 26, 2016, *residential*
21 *plats, development* plans and construction *permits* for *residential*
22 *developments* shall be assessed impact fees. At the time of assessment, fifty
23 percent (50%) of the scheduled values in the Fee Schedule in Subsection 14-
24 8.14(E)(3) shall be assessed. Beginning February 27, 2016, such *residential*
25 *developments* shall be assessed impact fees in accordance with Subsection

1 14-8.14(E)(3). At the time of assessment, one hundred percent (100%) of
 2 the scheduled values in the Fee Schedule shall be assessed.

3 (3) The fee schedule in this Subsection 14-8.14(E)(3) shall be used and its fees
 4 assessed on *plats* and *development* plans that receive final approval from the
 5 *city* or the *state* construction industries division after June 30, 2008. The fee
 6 schedule shall also be applied to construction *permits* issued after June 30,
 7 2008.

8 **FEE SCHEDULE**

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Single-Family Detached Dwelling or Manufactured Home						
Heated Living Area:						
(0 to 1,500 sq. ft.)	Dwelling	\$1,850	\$1,111	\$125	\$44	\$3,130
(1,501 to 2,000 sq. ft.)	Dwelling	\$2,100	\$1,214	\$136	\$48	\$3,498
(2,001 to 2,500 sq. ft.)	Dwelling	\$2,183	\$1,328	\$150	\$53	\$3,714
(2,501 to 3,000 sq. ft.)	Dwelling	\$2,248	\$1,379	\$155	\$55	\$3,837
(3,001 to 3,500 sq. ft.)	Dwelling	\$2,309	\$1,418	\$159	\$56	\$3,942
(3,501 to 4,000 sq. ft.)	Dwelling	\$2,359	\$1,444	\$163	\$58	\$4,024
(more than 4,000 sq. ft.)	Dwelling	\$2,424	\$1,495	\$169	\$59	\$4,147
Accessory dwelling unit (attached or detached)						
Heated Living Area:						
(0 to 500 sq. ft.)	Dwelling	\$518	\$324	\$37	\$13	\$892
(501 to 1,000 sq. ft.)	Dwelling	\$1,036	\$647	\$73	\$26	\$1,782
(1,001 to 1,500 sq. ft.)	Dwelling	\$1,554	\$971	\$110	\$39	\$2,674
Other (Apts., Condos, Attached Dwellings)	Dwelling	\$1,554	\$971	\$110	\$39	\$2,674
Hotel/Motel	Room	\$1,203	\$0	\$82	\$29	\$1,314
Retail/Commercial	G.F.A.					

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Shopping Center/General Retail	1000 sq.	\$4,597	\$0	\$221	\$78	\$4,896
Auto Sales/Service	1000 sq.	\$2,180	\$0	\$221	\$78	\$2,479
Bank	1000 sq.	\$4,948	\$0	\$221	\$78	\$5,247
Convenience Store w/Gas Sales	1000 sq.	\$8,778	\$0	\$221	\$78	\$9,077
Health Club, Recreational	1000 sq.	\$4,394	\$0	\$221	\$78	\$4,693
Movie Theater	1000 sq.	\$10,412	\$0	\$221	\$78	\$10,711
Restaurant, Sit-Down	1000 sq.	\$5,083	\$0	\$221	\$78	\$5,382
Restaurant, Fast Food	1000 sq.	\$11,064	\$0	\$221	\$78	\$11,363
Restaurant, Pkgd Food	1000 sq.	\$4,597	\$0	\$221	\$78	\$4,896
Office/Institutional	G.F.A.					
Office, General	1000 sq.	\$2,429	\$0	\$124	\$44	\$2,597
Medical Building	1000 sq.	\$3,903	\$0	\$124	\$44	\$4,071
Nursing Home	1000 sq.	\$1,354	\$0	\$124	\$44	\$1,522
Church	1000 sq.	\$1,521	\$0	\$124	\$44	\$1,689
Day Care Center	1000 sq.	\$3,202	\$0	\$124	\$44	\$3,370
Educational Facility	1000 sq.	\$586	\$0	\$124	\$44	\$754
Educational Facility Dorm Room	1000 sq.	\$1,203	\$0	\$82	\$29	\$1,314
Industrial	G.F.A.					
Industrial, Manufacturing	1000 sq.	\$1,610	\$0	\$74	\$26	\$1,710
Warehouse	1000 sq.	\$1,147	\$0	\$47	\$16	\$1,210
Mini-Warehouse	1000 sq.	\$417	\$0	\$47	\$16	\$480

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(4) If the type of new *development* for which a construction *permit* is requested is not specified on the fee schedule, the *impact fee administrator* shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The following shall be used as a guideline for impact fee determination when the specific use is not identified in the fee chart. (Ord. No. 2013-16 § 55)

(a) Residential

(i) a *home occupation business* shall be charged according to the fee schedule for the appropriate *residential* category; and

1 (ii) the *hotel/motel* ancillary use fee shall apply to meeting
2 rooms, lobby area and general use areas of the facility.
3 Retail and restaurant square footage shall be charged under
4 the commercial use category.

5 (b) Retail/Commercial

6 (i) the general retail fee shall be used for a hair salon,
7 *laundromat*, dry cleaner, garden center/nursery retail display
8 area, gas station without a convenience store and inventory
9 storage for a retail *business*, including growing area for a
10 garden center/nursery;

11 (ii) the bank fee assessment shall include the square footage of
12 any drive-through kiosk and parking area with or without a
13 roof;

14 (iii) the restaurant fast food fee shall include square footage for
15 the drive-through kiosk and parking area with or without a
16 roof; and

17 (iv) the packaged food restaurant fee shall be used for a
18 restaurant or bar that does not have any food preparation
19 facilities.

20 (c) Office/Institutional

21 (i) the *office* general fee shall be used for a studio that is not
22 *residential* and not retail;

23 (ii) the *office* general fee shall be used for a medical office that
24 does not have any medical equipment, such as an *office* for
25 psychiatry;

1 (iii) the medical *office* fee shall be used for an animal hospital;
2 and

3 (iv) the nursing home fee shall be used for an assisted living
4 facility.

5 (d) Industrial

6 (i) the warehouse fee shall be used for an animal shelter, storage
7 that is not inventory storage or maintenance equipment; and

8 (ii) the mini-warehouse fee shall be used for a single storage unit
9 or for multiple storage units.

10 (e) Development Outside of Buildings

11 The impact fees for *development* of land outside of *buildings* that
12 increases the demand for capital facilities is determined by
13 application of the fee for the corresponding type of *building* or by
14 preparation of an independent fee calculation study.

15 (5) Impact fees shall be assessed and collected based on the primary use of the
16 *building* as determined by the *impact fee administrator*. Uses that are
17 distinct and separate from the primary use, which are not merely ancillary to
18 the primary use and are one thousand square feet or greater, will be charged
19 the impact fee category based on the distinct and separate use.

20 (6) Where a *permit* is to be issued for a *building* "shell" and the *impact fee*
21 *administrator* is unable to determine the intended use of the *building*, the
22 *impact fee administrator* shall assess and collect impact fees according to the
23 zoning district in which the *building* is to be located as follows:

24 (a) C-2 and all SC zones - "Shopping Center/General Retail" fee rate;

25 (b) HZ zone - "Medical *Building*" fee rate; and

1 (c) C-1, C-4 and all other *nonresidential* zones - "Office, General" fee
2 rate.

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

11 (8) Live/work *developments* containing *dwelling units* in combination with
12 *nonresidential* floor area in a common *building* shall pay impact fees for
13 each *dwelling unit* according to the *residential* fee rate for "Other" and for
14 the *gross floor area* intended for *nonresidential* use according to the "Office,
15 General" fee rate. If the initial Live/Work construction *permit application* is
16 for a shell construction *permit*, the *impact fee administrator* shall collect
17 impact fees at the "Office, General" fee rate. If *dwelling units* are added as a
18 use within the *building* after the *building* has been charged impact fees at a
19 *nonresidential* fee rate, and there is no increase in *gross floor area*, the
20 *impact fee administrator* shall collect only the required park impact fees for
21 the *dwelling units* at the *residential* fee rate for "Other" at the time of the
22 *dwelling unit permit application*.

23 (9) If a construction *permit application* changes or intensifies the use of an
24 existing *building*, increases the *gross floor area* of an existing *building*, or
25 replaces an existing *building* with a new *building* and new use, the fee shall

1 be based on the net increase in the fee for the new use or increase as
2 compared to what the current fee would be for the previous use or floor area.
3 If the proposed change results in a net decrease in the fee there shall be no
4 refund of impact fees previously paid.

5 **Section 2. Effective Date.** This Ordinance shall become effective immediately upon
6 adoption.

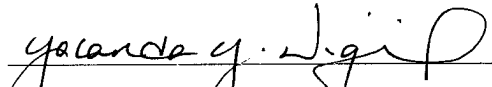
7 **Section 3. Review.** This Ordinance shall be reviewed one year from the date of
8 adoption.

9 PASSED, APPROVED and ADOPTED this 26th day of February, 2014.

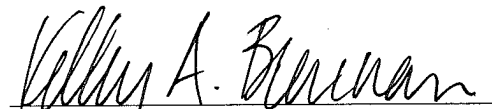
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12 DAVID COSS, MAYOR

13 ATTEST:

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15 VOLANDA Y. VIGIL, CITY CLERK

16 APPROVED AS TO FORM:

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19 KELLEY A. BRENNAN, INTERIM CITY ATTORNEY