

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-44

INTRODUCED BY:

Councilor Rebecca Wurzbarger

AN ORDINANCE

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

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

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

(E) Fee Determination

(1) A person who applies for a construction permit, except those exempted or preparing an independent fee calculation study, shall pay impact fees in accordance with one of the following fee schedules. If a credit is due pursuant to Section 14-8.14(I), the amount of the credit shall be deducted from the amount of the fee to be paid.

(2) [~~The fee schedule in this Subsection 14-8.14(E)(2), also referred to as the~~

1 “temporary” fee schedule, shall be used and its fees assessed on *residential*  
 2 *plats* and *development* plans for a period of two years beginning on January  
 3 23, 2012 and ending on January 22, 2014]. Beginning February 27, 2014 and  
 4 ending February 26, 2016, *residential plats*, *development* plans and  
 5 *construction permits* for *residential developments* shall be assessed impact  
 6 fees. At the time of assessment, fifty percent (50%) of the scheduled values  
 7 in the Fee Schedule in Subsection 14-8.14(E)(3) shall be assessed.  
 8 [Thereafter,] Beginning January 23, 2016, such *residential developments*  
 9 shall be assessed impact fees in accordance with [the “new” and “old” fee  
 10 schedules in] Subsection[s] 14-8.14(E)(3). [and 14-8.14(E)(4) below] At the  
 11 time of assessment, one hundred percent (100%) of the scheduled values in  
 12 the Fee Schedule shall be assessed.

13 **[TEMPORARY FEE SCHEDULE FOR RESIDENTIAL DWELLINGS]**

<b>Land Use Type</b>	<b>Unit</b>	<b>Roads</b>	<b>Parks</b>	<b>Fire</b>	<b>Police</b>	<b>Total</b>
<b>Single-Family Detached Dwelling or Manufactured Home</b>						
<del>– Heated Living Area:</del>						
<del>– (0 to 1,500 sq. ft.)</del>	Dwelling	\$0	\$0	\$0	\$0	\$0
<del>– (1,501 to 2,000 sq. ft.)</del>	Dwelling	\$0	\$0	\$0	\$0	\$0
<del>– (2,001 to 2,500 sq. ft.)</del>	Dwelling	\$0	\$0	\$0	\$0	\$0
<del>– (2,501 to 3,000 sq. ft.)</del>	Dwelling	\$0	\$0	\$0	\$0	\$0
<del>– (3,001 to 3,500 sq. ft.)</del>	Dwelling	\$0	\$0	\$0	\$0	\$0
<del>– (3,501 to 4,000 sq. ft.)</del>	Dwelling	\$0	\$0	\$0	\$0	\$0
<del>– (more than 4,000 sq. ft.)</del>	Dwelling	\$0	\$0	\$0	\$0	\$0
<b><u>Accessory dwelling unit (attached or detached)</u></b>						
<del>– Heated Living Area:</del>						
<del>– (0 to 500 sq. ft.)</del>	Dwelling	\$0	\$0	\$0	\$0	\$0
<del>– (501 to 1,000 sq. ft.)</del>	Dwelling	\$0	\$0	\$0	\$0	\$0
<del>– (1,001 to 1,500 sq. ft.)</del>	Dwelling	\$0	\$0	\$0	\$0	\$0
<b>Other (Apts., Condos, Attached</b>	Dwelling	\$0	\$0	\$0	\$0	\$0

<b>[Land Use Type</b>	<b>Unit</b>	<b>Roads</b>	<b>Parks</b>	<b>Fire</b>	<b>Police</b>	<b>Total</b>
<del>Dwellings [S.F. Attached Guest House]]</del>						

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(3) The fee schedule in this Subsection 14-8.14(E)(3) ~~[also referred to as the "new" fee schedule,]~~ shall be used and its fees assessed on *plats* and *development* plans that receive final approval from the *city* or the *state* construction industries division after June 30, 2008. The ~~["new"]~~ fee schedule shall also be applied to construction *permits* issued after June 30, 2008, ~~[except where the permit is issued for a subdivision or for a development plan that is still subject to the "old" fee schedule.]~~

**[NEW] FEE SCHEDULE**

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

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
<b>Other</b> (Apts., Condos, Attached Dwellings, [S.F. Attached Guest House])	Dwelling	\$1,554	\$971	\$110	\$39	<b>\$2,674</b>
<b>Hotel/Motel</b>	Room	\$1,203	\$0	\$82	\$29	<b>\$1,314</b>
<b>Retail/Commercial</b>	G.F.A.					
Shopping Center/General Retail	1000 sq.	\$4,597	\$0	\$221	\$78	<b>\$4,896</b>
Auto Sales/Service	1000 sq.	\$2,180	\$0	\$221	\$78	<b>\$2,479</b>
Bank	1000 sq.	\$4,948	\$0	\$221	\$78	<b>\$5,247</b>
Convenience Store w/Gas Sales	1000 sq.	\$8,778	\$0	\$221	\$78	<b>\$9,077</b>
Health Club, Recreational	1000 sq.	\$4,394	\$0	\$221	\$78	<b>\$4,693</b>
Movie Theater	1000 sq.	\$10,412	\$0	\$221	\$78	<b>\$10,711</b>
Restaurant, Sit-Down	1000 sq.	\$5,083	\$0	\$221	\$78	<b>\$5,382</b>
Restaurant, Fast Food	1000 sq.	\$11,064	\$0	\$221	\$78	<b>\$11,363</b>
Restaurant, Pkgd Food	1000 sq.	\$4,597	\$0	\$221	\$78	<b>\$4,896</b>
<b>Office/Institutional</b>	G.F.A.					
Office, General	1000 sq.	\$2,429	\$0	\$124	\$44	<b>\$2,597</b>
Medical Building	1000 sq.	\$3,903	\$0	\$124	\$44	<b>\$4,071</b>
Nursing Home	1000 sq.	\$1,354	\$0	\$124	\$44	<b>\$1,522</b>
Church	1000 sq.	\$1,521	\$0	\$124	\$44	<b>\$1,689</b>
Day Care Center	1000 sq.	\$3,202	\$0	\$124	\$44	<b>\$3,370</b>
Educational Facility	1000 sq.	\$586	\$0	\$124	\$44	<b>\$754</b>
Educational Facility Dorm Room	1000 sq.	\$1,203	\$0	\$82	\$29	<b>\$1,314</b>
<b>Industrial</b>	G.F.A.					
Industrial, Manufacturing	1000 sq.	\$1,610	\$0	\$74	\$26	<b>\$1,710</b>
Warehouse	1000 sq.	\$1,147	\$0	\$47	\$16	<b>\$1,210</b>
Mini-Warehouse	1000 sq.	\$417	\$0	\$47	\$16	<b>\$480</b>

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~~[(4) The fee schedule in this Subsection 14 8.14(E)(4), also referred to as the "old" fee schedule, shall be used and its fees assessed on plats and development plans that received final approval from the city or the state construction industries division on or before June 30, 2008, which assessment is valid for a period not to exceed four years from the date of the~~

subdivision or *development* plan approval. The "old" fee schedule shall also be applied to construction *permits* issued on or before June 30, 2008.

**OLD FEE SCHEDULE**

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
<b>S-F Detached Dwelling or Guesthouse</b>		-	-	-	-	-
Heated Living Area		-	-	-	-	-
— (0 to 1,500 sq. ft.)	Dwelling	\$1,135	\$767	\$118	\$29	\$2,049
— (1,501 to 2,000 sq. ft.)	Dwelling	\$1,527	\$1,128	\$165	\$40	\$2,860
— (2,001 to 2,500 sq. ft.)	Dwelling	\$1,820	\$1,397	\$212	\$52	\$3,481
— (2,501 to 3,000 sq. ft.)	Dwelling	\$2,053	\$1,614	\$259	\$63	\$3,989
— (3,001 to 3,500 sq. ft.)	Dwelling	\$2,247	\$1,793	\$306	\$75	\$4,421
— (3,501 to 4,000 sq. ft.)	Dwelling	\$2,414	\$1,946	\$353	\$86	\$4,799
— (more than 4,000 sq. ft.)	Dwelling	\$2,560	\$2,080	\$400	\$98	\$5,138
Other (Apts., Condos, S.F. Attached)	Dwelling	\$1,485	\$863	\$94	\$61	\$2,503
Hotel/Motel	Room	\$2,017	\$0	\$182	\$61	\$2,260
<b>Retail/Commercial</b>	G.F.A.	-	-	-	-	-
Shopping Center/General Retail	1000 sq. ft.	\$3,893	\$0	\$182	\$61	\$4,136
Auto Sales/Service	1000 sq. ft.	\$3,123	\$0	\$182	\$61	\$3,366
Bank	1000 sq. ft.	\$5,249	\$0	\$182	\$61	\$5,492
Convenience Store w/Gas Sales	1000 sq. ft.	\$7,336	\$0	\$182	\$61	\$7,579
Health Club, Recreational	1000 sq. ft.	\$2,814	\$0	\$182	\$61	\$3,057
Movie Theater	1000 sq. ft.	\$8,730	\$0	\$182	\$61	\$8,973
Restaurant, Sit Down	1000 sq. ft.	\$4,248	\$0	\$182	\$61	\$4,491
Restaurant, Fast Food	1000 sq. ft.	\$9,247	\$0	\$182	\$61	\$9,490
<b>Office/Institutional</b>	G.F.A.	-	-	-	-	-
Office, General	1000 sq. ft.	\$2,191	\$0	\$182	\$61	\$2,434
Medical Building	1000 sq. ft.	\$3,503	\$0	\$182	\$61	\$3,746
Nursing Home	1000 sq. ft.	\$981	\$0	\$182	\$61	\$1,224
Church	1000 sq. ft.	\$1,632	\$0	\$182	\$61	\$1,875
Day Care Center	1000 sq. ft.	\$3,404	\$0	\$182	\$61	\$3,647
Elementary/Sec. School	1000 sq. ft.	\$534	\$0	\$182	\$61	\$777
<b>Industrial</b>	G.F.A.	-	-	-	-	-
Industrial, Manufacturing	1000 sq. ft.	\$1,557	\$0	\$182	\$61	\$1,800
Warehouse	1000 sq. ft.	\$1,109	\$0	\$182	\$61	\$1,352
Mini Warehouse	1000 sq. ft.	\$386	\$0	\$182	\$61	\$629
G.F.A. <i>Gross Floor Area</i> ; fees shown for nonresidential uses are per one thousand square feet of gross floor area]						

1           (~~5~~4) If the type of new *development* for which a construction *permit* is requested  
2           is not specified on the fee schedule, the *impact fee administrator* shall  
3           determine the fee on the basis of the fee applicable to the most nearly  
4           comparable type of land use on the fee schedule. The following shall be used  
5           as a guideline for impact fee determination when the specific use is not  
6           identified in the fee chart. (Ord. No. 2013-16 § 55)

7           (a)     Residential

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

10                   (ii)    the *hotel/motel* ancillary use fee shall apply to meeting  
11                   rooms, lobby area and general use areas of the facility.

12                   Retail and restaurant square footage shall be charged under  
13                   the commercial use category.

14           (b)     Retail/Commercial

15                   (i)     the general retail fee shall be used for a hair salon,  
16                   *laundromat*, dry cleaner, garden center/nursery retail display  
17                   area, gas station without a convenience store and inventory  
18                   storage for a retail *business*, including growing area for a  
19                   garden center/nursery;

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

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

1 (iv) the packaged food restaurant fee shall be used for a  
2 restaurant or bar that does not have any food preparation  
3 facilities.

4 (c) Office/Institutional

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

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

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

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

14 (d) Industrial

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

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

19 (e) Development Outside of Buildings

20 The impact fees for *development* of land outside of *buildings* that  
21 increases the demand for capital facilities is determined by  
22 application of the fee for the corresponding type of *building* or by  
23 preparation of an independent fee calculation study.

24 ([6]5) Impact fees shall be assessed and collected based on the primary use of the  
25 *building* as determined by the *impact fee administrator*. Uses that are

1 distinct and separate from the primary use, which are not merely ancillary to  
2 the primary use and are one thousand square feet or greater, will be charged  
3 the impact fee category based on the distinct and separate use.

4 ([7]6) Where a *permit* is to be issued for a *building* "shell" and the *impact fee*  
5 *administrator* is unable to determine the intended use of the *building*, the  
6 *impact fee administrator* shall assess and collect impact fees according to the  
7 zoning district in which the *building* is to be located as follows:

- 8 (a) C-2 and all SC zones - "Shopping Center/General Retail" fee rate;
- 9 (b) HZ zone - "Medical *Building*" fee rate; and
- 10 (c) C-1, C-4 and all other *nonresidential* zones - "*Office, General*" fee  
11 rate.

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

20 ([9]8) Live/work *developments* containing *dwelling units* in combination with  
21 *nonresidential* floor area in a common *building* shall pay impact fees for  
22 each *dwelling unit* according to the *residential* fee rate for "Other" and for  
23 the *gross floor area* intended for *nonresidential* use according to the "*Office,*  
24 *General*" fee rate. If the initial Live/Work construction *permit application* is  
25 for a shell construction *permit*, the *impact fee administrator* shall collect




1 impact fees at the "Office, General" fee rate. If *dwelling units* are added as a  
2 use within the *building* after the *building* has been charged impact fees at a  
3 *nonresidential* fee rate, and there is no increase in *gross floor area*, the  
4 *impact fee administrator* shall collect only the required park impact fees for  
5 the *dwelling units* at the *residential* fee rate for "Other" at the time of the  
6 *dwelling unit permit application*.

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

14 **Section 2. Effective Date.** This Ordinance shall become effective immediately upon  
15 adoption.

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

18 APPROVED AS TO FORM:

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21 KELLEY A. BRENNAN, INTERIM CITY ATTORNEY