

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2012-2

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4  
5 AN ORDINANCE

6 AMENDING SECTION 14-8.14(E) SFCC 1987 SO THAT FOR A PERIOD OF TWO YEARS,  
7 THE IMPACT FEES FOR RESIDENTIAL DEVELOPMENTS SHALL BE REDUCED BY  
8 100%; AND MAKING SUCH OTHER NECESSARY CHANGES.

9  
10 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

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

13 E. Fee Determination

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

18 (2) The fee schedule in this Section 14-8.14(E)(2), also referred to as the  
19 "temporary" fee schedule, shall be used and its fees assessed on *residential plats* and *development*  
20 plans for a period of two years beginning on January 23, 2012 and ending on January 22, 2014.  
21 Thereafter, such *developments* shall be assessed impact fees in accordance with the "new" and "old"  
22 fee schedules in Sections 14-8.14(E)(3) and 14-8.14(E)(4) below.

23 TEMPORARY FEE SCHEDULE FOR RESIDENTIAL DWELLINGS

Land Use Type	Unit	Roads	Parks	Fire	Police	Total

<b>S-F Detached Dwelling or Manufactured Home</b>						
Heated Living Area:						
(0 to 1,500 sq. ft.)	Dwelling	\$0	\$0	\$0	\$0	\$0
(1,501 to 2,000 sq. ft.)	Dwelling	\$0	\$0	\$0	\$0	\$0
(2,001 to 2,500 sq. ft.)	Dwelling	\$0	\$0	\$0	\$0	\$0
(2,501 to 3,000 sq. ft.)	Dwelling	\$0	\$0	\$0	\$0	\$0
(3,001 to 3,500 sq. ft.)	Dwelling	\$0	\$0	\$0	\$0	\$0
(3,501 to 4,000 sq. ft.)	Dwelling	\$0	\$0	\$0	\$0	\$0
(more than 4,000 sq. ft.)	Dwelling	\$0	\$0	\$0	\$0	\$0
Other (Apts., Condos, S.F. Attached Guest H)	Dwelling	\$0	\$0	\$0	\$0	\$0

1 (3) The fee schedule in this Section 14-8.14(E)([2]3), also referred to as the  
2 "new" fee schedule, shall be used and its fees assessed on *plats* and *development* plans that receive  
3 final approval from the *city* or the *state* construction industries division after June 30, 2008. The  
4 "new" fee schedule shall also be applied to construction *permits* issued after June 30, 2008, except  
5 where the *permit* is issued for a subdivision or for a *development* plan that is still subject to the "old"  
6 fee schedule.

7 **NEW FEE SCHEDULE**

<b>Land Use Type Single-Family Detached Dwelling or Manufactured Home</b>	<b>Unit</b>	<b>Roads</b>	<b>Parks</b>	<b>Fire</b>	<b>Police</b>	<b>Total</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>\$891</b>
(501 to 1,000 sq. ft.)	Dwelling	\$1,036	\$647	\$73	\$26	<b>\$1,782</b>
(1,001 to 1,500)	Dwelling	\$1,554	\$971	\$110	\$39	<b>\$2,674</b>
Other (Apts., Condos, S.F. Attached Guest H)	Dwelling	\$1,554	\$97	\$110	\$39	<b>\$2,674</b>
Hotel/Motel	Room	\$1,203	\$0	\$82	\$29	<b>\$1,314</b>
<b>Retail/Commercial</b>	G.F.A.					
Shopping Center/General Retail	1000 sq. ft.	\$4,597	\$0	\$221	\$78	<b>\$4,896</b>
Auto Sales/Service	1000 sq. ft.	\$2,180	\$0	\$221	\$78	<b>\$2,479</b>
Bank	1000 sq. ft.	\$4,948	\$0	\$221	\$78	<b>\$5,247</b>
Convenience Store w/Gas Sales	1000 sq. ft.	\$8,778	\$0	\$221	\$78	<b>\$9,077</b>
Health Club, Recreational	1000 sq. ft.	\$4,394	\$0	\$221	\$78	<b>\$4,693</b>
Movie Theater	1000 sq. ft.	\$10,412	\$0	\$221	\$78	<b>\$10,711</b>
Restaurant, Sit-Down	1000 sq. ft.	\$5,083	\$0	\$221	\$78	<b>\$5,382</b>
Restaurant, Fast Food	1000 sq. ft.	\$11,064	\$0	\$221	\$78	<b>\$11,363</b>
Restaurant, Pkgd Food	1000 sq. ft.	\$4,597	\$0	\$221	\$78	<b>\$4,896</b>
<b>Office/Institutional</b>	G.F.A.					
Office, General	1000 sq. ft.	\$2,429	\$0	\$124	\$44	<b>\$2,597</b>
Medical Building	1000 sq. ft.	\$3,903	\$0	\$124	\$44	<b>\$4,071</b>
Nursing Home	1000 sq. ft.	\$1,354	\$0	\$124	\$44	<b>\$1,522</b>
Church	1000 sq. ft.	\$1,521	\$0	\$124	\$44	<b>\$1,689</b>
Day Care Center	1000 sq. ft.	\$3,202	\$0	\$124	\$44	<b>\$3,370</b>
Educational Facility	1000 sq. ft.	\$586	\$0	\$124	\$44	<b>\$754</b>
Educational Facility Dorm Room	1000 sq. ft.	\$1,203	\$0	\$82	\$29	<b>\$1,314</b>
<b>Industrial</b>	G.F.A.					
Industrial, Manufacturing	1000 sq. ft.	\$1,610	\$0	\$74	\$26	<b>\$1,710</b>
Warehouse	1000 sq. ft.	\$1,147	\$0	\$47	\$16	<b>\$1,210</b>
Mini-Warehouse	1000 sq. ft.	\$417	\$0	\$47	\$16	<b>\$480</b>

(4) The fee schedule in this Section 14-8.14(E)([3]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	<b>\$2,049</b>
(1,501 to 2,000 sq. ft.)	Dwelling	\$1,527	\$1,128	\$165	\$40	<b>\$2,860</b>
(2,001 to 2,500 sq. ft.)	Dwelling	\$1,820	\$1,397	\$212	\$52	<b>\$3,481</b>
(2,501 to 3,000 sq. ft.)	Dwelling	\$2,053	\$1,614	\$259	\$63	<b>\$3,989</b>
(3,001 to 3,500 sq. ft.)	Dwelling	\$2,247	\$1,793	\$306	\$75	<b>\$4,421</b>
(3,501 to 4,000 sq. ft.)	Dwelling	\$2,414	\$1,946	\$353	\$86	<b>\$4,799</b>
(more than 4,000 sq. ft.)	Dwelling	\$2,560	\$2,080	\$400	\$98	<b>\$5,138</b>
Other (Apts., Condos, S.F. Attached)	Dwelling	\$1,485	\$863	\$94	\$61	<b>\$2,503</b>
Hotel/Motel	Room	\$2,017	\$0	\$182	\$61	<b>\$2,260</b>
<b>Retail/Commercial</b>	G.F.A.					
Shopping Center/General Retail	1000 sq. ft.	\$3,893	\$0	\$182	\$61	<b>\$4,136</b>
Auto Sales/Service	1000 sq. ft.	\$3,123	\$0	\$182	\$61	<b>\$3,366</b>
Bank	1000 sq. ft.	\$5,249	\$0	\$182	\$61	<b>\$5,492</b>
Convenience Store w/Gas Sales	1000 sq. ft.	\$7,336	\$0	\$182	\$61	<b>\$7,579</b>
Health Club, Recreational	1000 sq. ft.	\$2,814	\$0	\$182	\$61	<b>\$3,057</b>
Movie Theater	1000 sq. ft.	\$8,730	\$0	\$182	\$61	<b>\$8,973</b>
Restaurant, Sit-Down	1000 sq. ft.	\$4,248	\$0	\$182	\$61	<b>\$4,491</b>
Restaurant, Fast Food	1000 sq. ft.	\$9,247	\$0	\$182	\$61	<b>\$9,490</b>
<b>Office/Institutional</b>	G.F.A.					
Office, General	1000 sq. ft.	\$2,191	\$0	\$182	\$61	<b>\$2,434</b>
Medical Building	1000 sq. ft.	\$3,503	\$0	\$182	\$61	<b>\$3,746</b>
Nursing Home	1000 sq. ft.	\$981	\$0	\$182	\$61	<b>\$1,224</b>
Church	1000 sq. ft.	\$1,632	\$0	\$182	\$61	<b>\$1,875</b>
Day Care Center	1000 sq. ft.	\$3,404	\$0	\$182	\$61	<b>\$3,647</b>
Elementary/Sec. School	1000 sq. ft.	\$534	\$0	\$182	\$61	<b>\$777</b>
<b>Industrial</b>	G.F.A.					
Industrial, Manufacturing	1000 sq. ft.	\$1,557	\$0	\$182	\$61	<b>\$1,800</b>
Warehouse	1000 sq. ft.	\$1,109	\$0	\$182	\$61	<b>\$1,352</b>

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
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) If the type of new *development* for which a construction *permit* is requested is  
2 not specified on the fee schedule, the *impact fee administrator* shall determine the fee on the basis of  
3 the fee applicable to the most nearly comparable type of land use on the fee schedule. The following  
4 shall be used as a guideline for impact fee determination when the specific use is not identified in the  
5 fee chart.

6 (a) **Residential**

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

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

12 (b) **Retail/Commercial**

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

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

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

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

22 (c) **Office/Institutional**

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

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

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

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

7 **(d) Industrial**

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

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

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

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

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

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

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

23 (8) If there is an increase in the amount of the impact fee calculation once a tenant  
24 improvement *permit* is submitted, the difference from what was paid at the time of the shell *permit*  
25 and the tenant improvement fee calculation shall be paid prior to issuance of the construction *permit*.

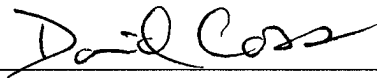
1 If the fee schedule determination for the square footage of the use identified in the tenant  
2 improvement construction *permit* results in a net decrease from what was paid at the time of the shell  
3 *permit*, there shall be no refund of impact fees previously paid.

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

13 10 If a construction *permit application* changes or intensifies the use of an existing  
14 *building*, increases the *gross floor area* of an existing *building*, or replaces an existing *building* with a  
15 new *building* and new use, the fee shall be based on the net increase in the fee for the new use or  
16 increase as compared to what the current fee would be for the previous use or floor area. If the  
17 proposed change results in a net decrease in the fee there shall be no refund of impact fees previously  
18 paid.

19 PASSED, APPROVED and ADOPTED this 11<sup>th</sup> day of January, 2012.

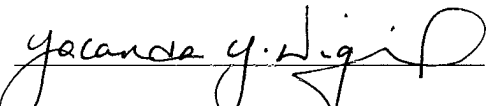
20 RECONSIDERED\* this 25<sup>th</sup> day of January, 2012.

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23 DAVID COSS, MAYOR  
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1 ATTEST:

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4 YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

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8 GENO ZAMORA, CITY ATTORNEY

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*M/Melissa/2012 Ordinances/2012-2 impact fee reduction (reformatted)*