

CITY of ALBUQUERQUE

EIGHTEENTH COUNCIL

COUNCIL BILL NO. F/S O-09-70

ENACTMENT NO. _____

SPONSORED BY: Trudy E. Jones and Ken Sanchez

1 ORDINANCE

2 AMENDING SECTION 14-19-2-12 R.O.A. 1994, THE IMPACT FEE ORDINANCE
3 FOR ROADWAY FACILITIES, TO PROVIDE FOR A TEMPORARY 100%
4 REDUCTION OF IMPACT FEES FOR GREEN PATH DEVELOPMENTS AND A
5 TEMPORARY 50% REDUCTION OF IMPACT FEES FOR ALL OTHER
6 DEVELOPMENTS; AMENDING SECTION 14-19-2-3 R.O.A. 1994, TO ADD A
7 DEFINITION FOR "GREEN PATH DEVELOPMENTS"; AMENDING SECTION 14-
8 19-2-13(K) TO PROVIDE ADDITIONAL CRITERIA REGARDING COLLECTION
9 OF IMPACT FEES; AND AMENDING SECTION 14-19-2-20(J)(7)(f) TO EXTEND
10 THE PERIOD TO USE EXCESS CREDITS.

11 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
12 ALBUQUERQUE.

13 SECTION 1. Section 14-19-2-3 R.O.A. 1994, is amended to add the following
14 definition in proper alphabetical order:

15 "[GREEN PATH DEVELOPMENTS. Developments that receive city approved
16 building permits such that compliance with the building permit ensures that
17 the development meets one of the following criteria:

18 A. For new construction and major renovations of commercial,
19 institutional, and high-rise residential buildings: LEED Gold or LEED Silver
20 standards with a minimum of 6 Energy and Atmosphere points. 4 points
21 minimum shall be in Credit Option 1 - Optimize Energy Performance. 2
22 additional points shall be in Credit Option 1, Credit Option 2 – On-Site
23 Renewable Energy, and/or Credit Option 6 – Green Power as defined in LEED
24 for New Construction and Major Renovation, Version 2.2, Third Edition,
25 October 2007.

1 B. For commercial shell buildings: LEED Gold or LEED Silver standards
2 with a minimum of 6 Energy and Atmosphere points. 4 points minimum shall
3 be in Credit Option 1 – Optimize Energy Performance. 2 additional points shall
4 be in Credit Option 1, Credit Option 2 – On-Site Renewable Energy, Credit
5 Option 5.2 – Tenant Sub-Metering, and/or Credit Option 6 – Green Power as
6 defined in LEED for Core and Shell Development, Version 2.0, First Edition,
7 June 2006.

8 C. For tenant developments in commercial shell buildings: LEED Gold or
9 LEED Silver standards with a minimum of 6 Energy and Atmosphere points. 4
10 points minimum (3 if in Green Path shell) in Credit Options 1.1 through 1.4 –
11 Optimize Energy Performance. 2 additional points shall be in Credit Options
12 1.1 through 1.4, Credit Option 3 – Measurement and Payment Accountability,
13 and/or Credit Option 4 – Green Power as defined in LEED for Commercial
14 Interiors, Version 2.0, Third Edition, October 2006.

15 D. For one and two-family dwellings, for town homes, and for multi-family
16 residential buildings less than 4 stories: LEED or BGNM Silver with a minimum
17 Home Energy Rating System (HERS) index of 60 as defined in LEED for Homes
18 or National Green Building Standard, ICC 700, Version 2008, January 2008 or
19 National Green Building Standard, ICC 700 – 2008.]”

20 SECTION 2. Section 14-19-2-12 R.O.A. 1994, is amended by adding new
21 subsections (J) and (K):

22 “(J) For Building Permits deemed complete subsequent to but within one
23 year of the effective date of this subsection (J), impact fees collected for
24 Green Path Developments pursuant to § 14-19-2-1 et seq. shall be calculated at
25 0% if (1) a certificate of occupancy for the development is issued by the City
26 within one year of the date of the Building Permit being deemed complete, and
27 (2) prior to the issuance of the City’s certificate of occupancy, a New Mexico
28 Registered Architect shall certify that the development has been constructed
29 in accordance with the City approved Building Permit in order to qualify as a
30 Green Path Development.

31 (K) For Building Permits deemed complete subsequent to but within one
32 year of the effective date of this subsection (K), impact fees collected on all
33 developments pursuant to § 14-19-2-1 et seq., other than those listed in

1 subsection (J), shall be calculated at 50% if a certificate of occupancy for the
2 development is issued by the City within one year of the date of the Building
3 Permit being deemed complete.]”

4 SECTION 3. Section 14-19-2-13(K) ROA 1994 is amended to read as follows:

5 “(K) [For one year from the effective date of O-09-70, t]~~[-T]~~he impact fees
6 shall be due and payable at the time of issuance of [a building permit] [the
7 certificate of occupancy by the City or within one year of the date of the
8 Building Permit being deemed complete, whichever occurs first. The
9 applicability of the reduction will be determined at the time of collection.]
10 Impact fees for mobile homes shall be collected at the time of issuance of a
11 building permit or issuance of a certificate of occupancy. [After one year from
12 the effective date of O-09-70, the impact fees for developments other than
13 mobile homes shall be due and payable at the time of issuance of a building
14 permit.]”

15 SECTION 4. Section 14-19-2-20(J)(7)(f) is amended to read as follows:

16 “(f) Excess credits must be applied for, used, sold, or redeemed, if at all,
17 within seven years after their issuance~~;~~ provided that excess credits issued
18 prior to or within one (1) year of the effective date of subsections 14-19-2-12(J)
19 and (K) shall be permitted to be used, sold or redeemed within nine years after
20 their issuance].”

21 SECTION 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
22 clause, word or phrase of this ordinance is for any reason held to be invalid or
23 unenforceable by any court of competent jurisdiction, such decision shall not
24 affect the validity of the remaining provisions of this ordinance. The Council
25 hereby declares that it would have passed this ordinance and each section,
26 paragraph, sentence, clause, word or phrase thereof irrespective of any
27 provision being declared unconstitutional or otherwise invalid.

28 SECTION 6. COMPILATION. This ordinance shall be incorporated in and
29 made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

30 SECTION 7. EFFECTIVE DATE. This ordinance shall take effect five days
31 after publication by title and general summary.