CITY of ALBUQUERQUE
TWENTY SEVENTH COUNCIL

COUNCIL BILL NO. O-26-60 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis

ORDINANCE

AMENDING ROA 1994, SECTION 16-16-6-4(F) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO) RELATED TO APPLICATION FEES.

WHEREAS, the City's IDO appeal process ensures that land use and zoning decisions are reviewed in a fair, transparent, and efficient manner; and

WHEREAS, processing appeals requires substantial City staff time and municipal resources, including notice, legal review, staff reports, scheduling and conducting public hearings, responding to public inquiries, and supporting deliberations of appeal bodies; and

WHEREAS, the City's current appeal fees range from $190 to $265, depending on the application type; and

WHEREAS, appeal filing fees should more closely reflect the level of municipal resources required to administer the appeal process while preserving access to such processes; and

WHEREAS, appeals challenging approvals of development applications inherently require the City to revisit decisions that have been determined by decision-making bodies to be consistent with the City's policies and community vision; and

WHEREAS, delays associated with appeals of approved projects may postpone the implementation of projects that further these City policies and community vision; and

WHEREAS, appeals of denials serve a different function by providing applicants an opportunity to seek review of a determination that prevented a project from proceeding; and

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WHEREAS, reasonable adjustments to appeal fees promote the responsible use of public resources while maintaining access to the appeal process for affected parties.

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

SECTION 1. ROA 1994, Section 14-16-6-4(F) of the Integrated Development Ordinance is amended as follows:

6-4(F) APPLICATION FEES

Each applicant shall pay any required application fee(s) established by the City for the type of application(s) being submitted.

6-4(F)(1) The City Planning Department shall maintain a fee schedule on the City Planning Department website.

6-4(F)(2) The Planning Director establishes application fees for all applications listed in this IDO, as well as additional fees for research, investigation, analysis, public notice, facilitated meetings, inspection, enforcement, and issuance of official documents[, with the exception of appeal notice fees and appeal filing fees, which shall be determined in this IDO].

6-4(F)(3) All fees shall be based on the estimated City time required to review and process the application, as well as any other relevant costs, including but not limited to required public notice.

6-4(F)(4) No fee shall be required for an application submitted by the City.

[6-4(F)(5) Appeal fees must be paid in full no later than 48 hours after the appeal deadline or the appeal will be rejected as untimely. Appeal fees are non-refundable.

6-5(F)(5)(a) Appeal fees shall be as follows:

1. Appeal Notice Fee: $75.00

2. Appeal Filing Fee, Application Denied: $225.00

3. Appeal Filing Fee, Application Approved: $925.00]

SECTION 2. SEVERABILITY. If any section, paragraph, sentence, clause, word or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Council

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hereby declares that it would have passed this Ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 3. COMPILATION. Section 1 of this Ordinance amends, is incorporated in, and is to be compiled as part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 4. EFFECTIVE DATE. This Ordinance takes effect five days after publication by title and general summary.

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