

CITY of ALBUQUERQUE

EIGHTEENTH COUNCIL

COUNCIL BILL NO. C/S O-09-72

ENACTMENT NO. _____

SPONSORED BY:

1 **ORDINANCE**

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

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

14 **SECTION 1. Section 14-19-4-3 R.O.A. 1994, is amended to add the following**
15 **definition in proper alphabetical order:**

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

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

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

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

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

19 SECTION 2. Section 14-19-4-12 R.O.A. 1994, is amended by adding new
20 subsections (J) and (K):

21 “(J) For Building Permits deemed complete subsequent to but within one
22 (1) year of the effective date of this subsection (J), impact fees collected for
23 Green Path Developments pursuant to § 14-19-4-1 et seq. shall be calculated at
24 0%. Prior to the issuance of the City’s certificate of occupancy, a New Mexico
25 Registered Architect shall certify that the development has been constructed
26 in accordance with the City approved building permit in order to qualify as a
27 Green Path Development.

28 (K) For Building Permits deemed complete subsequent to but within one
29 (1) year of the effective date of this subsection (K), impact fees collected on all
30 developments pursuant to § 14-19-4-1 et seq., other than those listed in
31 subsection (J), shall be calculated at 50%.]”

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

1 “(K) The impact fees shall be due and payable at the time of issuance of a
2 building permit [unless the building permit was issued as a “Green Path
3 Development” as defined in § 14-19-4-3 and a certification from a New Mexico
4 Registered Architect was not obtained as required by § 14-19-4-12 (J), in which
5 case the impact fees shall be collected at the time of issuance of the certificate
6 of occupancy as calculated under § 14-19-4-12 (K)]. Impact fees for mobile
7 homes shall be collected at the time of issuance of a building permit or
8 issuance of a certificate of occupancy.”

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

10 “(f) Excess credits must be applied for, used, sold, or redeemed, if at all,
11 within seven years after their issuance~~;~~ provided that excess credits issued
12 prior to or within one (1) year of the effective date of subsections 14-19-4-12(J)
13 and (K) shall be permitted to be used, sold or redeemed within nine years after
14 their issuance].”

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

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

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