CITY of ALBUQUERQUE
EIGHTEENTH COUNCIL

COUNCIL BILL NO. F/S O-09-72 ENACTMENT NO. _____

SPONSORED BY: Trudy E. Jones and Ken Sanchez

ORDINANCE

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

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

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

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

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

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

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

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

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

"[(J) For Building Permits deemed complete subsequent to but within one year of the effective date of this subsection (J), impact fees collected for Green Path Developments pursuant to § 14-19-4-1 et seq. shall be calculated at 0% if (1) a certificate of occupancy for the development is issued by the City within one year of the date of the Building Permit being deemed complete, and (2) prior to the issuance of the City's certificate of occupancy, a New Mexico Registered Architect shall certify that the development has been constructed in accordance with the City approved Building Permit in order to qualify as a Green Path Development.

(K) For Building Permits deemed complete subsequent to but within one year of the effective date of this subsection (K), impact fees collected on all developments pursuant to § 14-19-4-1 et seq., other than those listed in

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

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

"(K) [For one year from the effective date of O-09-72, t][~~T~~]he impact fees shall be due and payable at the time of issuance of [~~a building permit~~] [the certificate of occupancy by the City or within one year of the date of the Building Permit being deemed complete, whichever occurs first. The applicability of the reduction will be determined at the time of collection.] Impact fees for mobile homes shall be collected at the time of issuance of a building permit or issuance of a certificate of occupancy. [After one year from the effective date of O-09-72, the impact fees for developments other than mobile homes shall be due and payable at the time of issuance of a building permit.]"

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

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

SECTION 5. SEVERABILITY CLAUSE. 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 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 6. COMPILATION. This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

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

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