

CITY of ALBUQUERQUE

TWENTY SEVENTH COUNCIL

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

SPONSORED BY: Dan Lewis

1 **ORDINANCE**

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

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

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

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

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

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

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

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

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

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

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

8 6-4(F) APPLICATION FEES

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

11 6-4(F)(1) The City Planning Department shall maintain a fee schedule on
12 the City Planning Department website.

13 6-4(F)(2) The Planning Director establishes application fees for all
14 applications listed in this IDO, as well as additional fees for research,
15 investigation, analysis, public notice, facilitated meetings, inspection,
16 enforcement, and issuance of official documents[, with the exception of
17 appeal notice fees and appeal filing fees, which shall be determined in this
18 IDO].

19 6-4(F)(3) All fees shall be based on the estimated City time required to
20 review and process the application, as well as any other relevant costs,
21 including but not limited to required public notice.

22 6-4(F)(4) No fee shall be required for an application submitted by the City.

23 [6-4(F)(5) Appeal fees must be paid in full no later than 48 hours after the
24 appeal deadline or the appeal will be rejected as untimely. Appeal fees are
25 non-refundable.

26 6-5(F)(5)(a) Appeal fees shall be as follows:

27 1. Appeal Notice Fee: \$75.00

28 2. Appeal Filing Fee, Application Denied: \$225.00

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

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

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

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

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

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