

# City of Albuquerque Code of Ordinances

## CHAPTER 14: ZONING, PLANNING AND BUILDING/ARTICLE 8: COMMISSIONS, COUNCILS, AGENCIES AND OTHER BODIES.

### PART 2: NEIGHBORHOOD ASSOCIATION RECOGNITION

#### § 14-8-2-1 SHORT TITLE.

Sections 14-8-2-1 et seq. may be cited as the "Neighborhood Association Recognition Ordinance."

('74 Code, § 7-11-1) (Ord. 14-1987)

#### § 14-8-2-2 LEGISLATIVE FINDINGS AND PURPOSE.

(A) Early identification and resolution of potential conflicts involving neighborhoods and the private sector can be of utmost value to all concerned.

(B) A standardized recognition policy for Albuquerque neighborhood associations would promote improved communications between neighborhood associations and city government.

(C) Due to the potential impact of new development and redevelopment upon neighborhoods, it can be useful if developers coordinate major proposals and plans with neighborhood associations.

(D) The purpose of §§ [14-8-2-1](#) et seq. is to meet the needs specified by the above legislative findings, while not limiting the rights of any other person, including non-recognized neighborhood groups, to input directly into the city's decision-making processes.

('74 Code, § 7-11-2) (Ord. 14-1987; Am. Ord. 42-2007)

#### § 14-8-2-3 DEFINITIONS.

(A) For the purpose of §§ [14-8-2-1](#) et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**NEIGHBORHOOD ASSOCIATION.** An organized group of people or other legal entities who own or occupy real property within a specified subarea of the city.

**NON-RECOGNIZED NEIGHBORHOOD OR HOMEOWNER ASSOCIATION.** A neighborhood association or homeowners association that has notified the City Office of Neighborhood Coordination of two persons' addresses where it wishes

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notice to be sent pursuant to §§ [14-8-2-1](#) et seq.; and that such designation shall be changed by the neighborhood association when appropriate.

**RECOGNIZED NEIGHBORHOOD ASSOCIATION.** A neighborhood association that meets the criteria described in §§ [14-8-2-4](#) et seq.

(B) Words not defined herein, but defined in the Zoning Code, are to be construed as defined therein.

('74 Code, § 7-11-3) (Ord. 14-1987; Am. Ord. 42-2007)

### **§ 14-8-2-4 CRITERIA FOR RECOGNITION OF NEIGHBORHOOD ASSOCIATIONS.**

A neighborhood association shall be designated a recognized neighborhood association by the Mayor when and so long as all the following criteria are found to be met:

(A) The association shall file with the City Office of Neighborhood Coordination a current copy of their bylaws. The bylaws shall include the following provisions:

(1) The geographic boundaries of the neighborhood association shall be reasonable; boundaries are recommended to include an area of the city not more than one square mile and not less than 15 acres or four blocks. The boundaries of any neighborhood association in existence on the effective date of §§ [14-8-2-1](#) et seq. shall be deemed reasonable. The boundaries of a neighborhood association formed after June 1, 2008 that are identical to the boundaries of a recognized neighborhood association in existence on that date shall be presumed unreasonable.

(2) The association shall make full membership open to all persons residing within its boundaries and to all persons and legal entities owning property or having a place of business within its boundaries.

(3) The association shall hold at least one meeting per year for which it makes a reasonable attempt to give written notice to every household and place of business within the association's boundaries; mail, delivered handbills, or a number of prominent signs are examples of adequate notice. No election shall be held at a meeting of an association unless the meeting is so advertised.

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(B) Officers of recognized associations shall annually submit a letter to the Office of Neighborhood Coordination attesting to the number of dues-paying members their records indicate for the previous year. If an association has no dues-paying members, or if dues-paying membership does not adequately reflect an association's size, its officers shall annually submit other evidence of the size of its active membership.

(C) No new neighborhood association shall be recognized which has within its boundaries a geographic area already defined within the boundaries of an existing, previously recognized neighborhood association unless one of the following two requirements have been met:

(1) The new association demonstrates to the satisfaction of the Mayor that it has more members (adult owners or residents of the neighborhood who have indicated in writing they want to join the association) in the overlapping area than the first association; or

(2) The new association demonstrates to the Office of Neighborhood Coordination that the interests of the proposed members are not being adequately represented by the first association[s] with which it proposes to overlap. A failure to adequately represent may be demonstrated as follows:

(a) Ten owners or residents within the area of overlap who are members of the first neighborhood association, or who meet the membership eligibility criteria to be members, submit a request in writing to the first neighborhood association, asking that the first neighborhood association take action on an issue which is within the authority of the neighborhood association; and

(b) The first neighborhood association fails to consider the issue at the next scheduled meeting of the board or full membership or fails to resolve the matter at the next scheduled meeting of the board or full membership in the manner requested by those making the request or fails to conduct a board or full membership meeting within 90 days of the written request; and

(c) After a failure to resolve the matter at a timely called meeting of the board or full membership, the first neighborhood association declines to participate in mediation after a request for mediation is made, or fails to reach a mutually acceptable resolution of the issue in mediation; and

(d) The new association gathers the written confirmation of either (i) at least 50 adult residents or owners or (ii) at least one quarter of the addresses

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located within the boundaries of the association(s) with which the new association will overlap, whichever is the lesser number, that those residents or owners desire to be members of the new association. Such confirmation may be by electronic transmission.

(3) The first association and the new association may voluntarily resolve overlapping boundary issues through written agreements to allow overlapping boundaries or through agreements to redraw neighborhood boundaries to provide each association with an exclusive area.

(4) All recognized neighborhood associations in existence on June 1, 2008 shall retain their recognized status notwithstanding the provisions of this subsection, as amended, and notwithstanding any disputes about whether the provisions of this subsection, prior to amendment, had been met.

(D) The appropriate district City Councilor and the City Office of Neighborhood Coordination shall be furnished with names, addresses and available phone numbers of current neighborhood association officers and/or board members.

(E) Evidence of an annual general membership meeting advertised as specified in division (A)(3) above shall be sent to the City Office of Neighborhood Coordination within 60 days of the meeting.

(F) Failure to comply with any of the preceding criteria shall result in notification of noncompliance being sent to the recognized neighborhood association officers and/or board members from the City Office of Neighborhood Coordination. Upon receipt of this notice, a recognized neighborhood association must offer evidence of compliance within 60 days; if it does not comply, the association shall be removed from the list of recognized neighborhood associations.

('74 Code, §7-11-4) (Ord. 14-1987; Am. Ord. 28-2008)

### **§ 14-8-2-5 RESPONSIBILITIES OF RECOGNIZED AND NON-RECOGNIZED NEIGHBORHOOD OR HOMEOWNER ASSOCIATIONS.**

(A) Recognized neighborhood associations shall:

(1) By interaction with their members, residents, and the city, strive to uphold good planning, protect the environment, and promote the community welfare. Communication should be fostered between the recognized neighborhood

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association and city government on plans, proposals, and activities affecting their area.

(2) Attempt to inform members and other eligible participants in their neighborhood of issues for discussion.

(3) Establish an orderly and democratic means for making representative decisions.

(4) Establish and follow a clear method for reporting to the city actions which accurately reflect the neighborhood's position. When a neighborhood association presents its official position on an issue to the city, it shall be prepared to identify whether the decision was reached by the board, a poll of the general membership, or by a vote at a general membership meeting, and the vote for and against the position.

(5) Comply with its bylaw provisions as specified in § [14-8-2-4](#) above.

(6) Notify the City Office of Neighborhood Coordination and the district City Councillor(s) of general membership meetings at least two weeks in advance, when possible.

(7) Notify the City Office of Neighborhood Coordination of two persons' addresses where it wishes notice to be sent pursuant to §§ [14-8-2-1](#) et seq.; such designation shall be changed by the neighborhood association when appropriate.

(B) Non-recognized neighborhood or homeowner associations shall:

(1) Notify the City Office of Neighborhood Coordination of two addresses where it wishes any notices to be sent; such designation may be changed when appropriate.

(2) Provide the City Office of Neighborhood Coordination with a definition of the physical boundaries of the non-recognized neighborhood or homeowners association, which definition shall be consistent with the subarea owned or occupied by the organization.

('74 Code, §7-11-5) (Ord. 14-1987; Am. Ord. 42-2007)

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### § 14-8-2-6 RESPONSIBILITIES OF THE CITY.

(A) The Mayor shall make reasonable attempts to give mailed notice to recognized and non-recognized neighborhood or homeowner associations of rank one, two, and three plan applications, which plans would cover areas within or contiguous to the recognized and non-recognized neighborhood or homeowner association's boundaries; notification shall be when the application is filed. Recognized and non-recognized neighborhood or homeowner associations shall be notified of new plans and plan amendments upon initiation of such a project by city departments and within five days of application filing by others. The Mayor shall make reasonable attempts to mail such associations notice concerning all subsequent public hearings of city boards, commissions, and task forces concerning such plan proposals, except hearings which have been deferred to a specific time announced at the prior hearing.

(B) The Mayor shall make reasonable attempts to give directly affected recognized and non-recognized neighborhood or homeowner associations prior mailed notification of pending major city development and redevelopment projects and changes in services by the city which will have a direct, significant impact on that neighborhood; permanent and temporary street construction and major repair, total closing of streets, changes in size or type of city parks, building of new city facilities, relocation or reconstruction of privately owned utilities which require a permit, or rerouting of bus service are examples. With regard to permanent and temporary street construction and major repair, the Mayor shall give mailed prior notification to the recognized and non-recognized neighborhood or homeowner associations within one mile of the street construction and/or major repair.

(C) The Mayor shall require written affirmation of prior notice to recognized and non-recognized neighborhood or homeowner associations at the time of filing applications, as specified in § [14-8-2-7](#). Not less than 15 days prior to the first public hearing on applications specified in § [14-8-2-7](#), the Mayor shall mail notices of the hearing to such recognized and non-recognized neighborhood or homeowner associations.

(D) For the purpose of divisions (A), (B), and (C) of this section, first class letters mailed to two contact addresses submitted by a neighborhood association shall constitute reasonable attempt to notify.

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(E) The city shall mail initial response within seven days of receipt of any correspondence received from any recognized and non-recognized neighborhood or homeowner association that requests an answer, definition, or status of any city project within their boundaries.

(F) The City Office of Neighborhood Coordination shall:

(1) Notify all known neighborhood associations and prospective associations of the requirements for recognition, and advise such groups on how to meet the requirements;

(2) Review its files on neighborhood associations to verify if each association has met the requirements for recognition with current information;

(3) At least annually notify each known neighborhood association of its current recognition status; city agencies shall also be advised of associations' status;

(4) Encourage individuals to cooperate with their existing neighborhood association;

(5) Work with City officials and recognized neighborhood associations to develop appropriate processes for neighborhood review and comment on city plans and policies;

(6) Supply to all recognized neighborhood associations a current list of all city government agencies, their department heads, and corresponding phone numbers;

(7) Advise recognized neighborhood associations of self-help projects which could enhance the quality of life within their neighborhoods;

(8) Along with the district Councillor, serve when appropriate as a liaison between a recognized neighborhood association and city agencies;

(9) Provide for the sharing of information with recognized neighborhood associations by furnishing, upon request, available pertinent information;

(10) Provide to recognized neighborhood associations a city newsletter to inform them about happenings in city government and to increase communications between such neighborhood associations;

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(11) Provide to neighborhood associations workshops on appropriate topics concerning city procedures and actions as well as the effective operation of neighborhood associations; such workshops shall be free for two representatives of each recognized neighborhood association, while a fee may be charged to others; fees may be charged for materials;

(12) Upon request, assist the district Councillor and/or neighborhood associations in the formation of alliances of neighborhood associations; and

(13) Supply to the public and to city officials the names and addresses of the two designated recipients of notices, as most recently specified by each recognized neighborhood association.

(G) Neighborhood groups which are not recognized neighborhood associations will upon request be placed on the mailing list of the City Office of Neighborhood Coordination to receive its newsletter and notices of neighborhood association workshops.

(H) With the advice and consent of the Council, the Mayor may promulgate rules and guidelines necessary to implement §§ [14-8-2-1](#) et seq.

(I) The Mayor shall make reasonable attempts to give directly affected recognized and non-recognized neighborhood or homeowner associations prior mailed notification of pending major city development and redevelopment projects and changes in services by the city which will have a direct, significant impact on neighborhoods within one mile of, for example, the permanent and temporary street construction and major repair, total closing of streets, changes in size or type in city parks, building of new city facilities, relocation or reconstruction of privately owned utilities which require a permit, or rerouting of bus service.

('74 Code, § 7-11-6) (Ord. 14-1987; Am. Ord. 23-2003; Am. Ord. 28-2005; Am. Ord. 42-2007)

### **§ 14-8-2-7 RESPONSIBILITIES OF APPLICANTS AND DEVELOPERS.**

(A) Applicants for approval of amendments of the zone map, site development plans (except houses and accessory buildings), major subdivisions, vacations of public right-of-way, mapping historic districts, landmarking sites, and issuance or transfer of liquor licenses shall, prior to filing the application, make a reasonable attempt to give written notification of their proposal to any recognized and non-recognized neighborhood or homeowner association which covers, abuts, or

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is across public right of way from the subject site. Certified letters, return receipt requested, mailed to the two designated neighborhood association representatives on file at the City Office of Neighborhood Coordination constitutes a reasonable attempt to notify an association. Failure by an applicant to show proof of either notification in person or a reasonable attempt to give written notification of its proposal to such designated association representatives shall be grounds for a neighborhood association to request deferral of a hearing. The application for such hearing shall include a signed statement that such notification has been sent.

(B) *Development of large retail facilities.* Prior to submitting an application for a project that includes a large retail facility, the applicant shall perform the following:

(1) Pre-application discussion with the Planning Review Team (PRT) to include the following:

(a) Complete the pre-application form and appropriate checklists.

(b) Review of the request for appropriateness as related to the design regulations for large retail facility and various applicable plans, policies, and ordinances including the Comprehensive Zoning Code and/or the Subdivision Ordinance. The review shall cover, but is not limited to, the location requirements for a large retail facility, mixed use component requirements, proposed phases of development, and the neighborhood traffic management requirements.

(c) Identify all appropriate actions and procedures needed to obtain approval. This shall include, but not be limited to, the pre-application development review meeting with stakeholders.

(d) Identify a preliminary schedule/time frame for approval.

(e) Determine a filing date for the application if appropriate.

(f) Determine if a Traffic Impact Study (TIS) is required. If a TIS is required, the City Traffic Engineer or his designee staff shall issue the developer a written scope for the TIS. The written scope shall be distributed to the applicant within seven working days of the City Traffic Engineer being contacted by the applicant's traffic engineer.

(g) Upon completion of the meeting the Planning Department shall prepare a report of the pre-application session. The report shall include an outline

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of their preliminary direction based upon the information submitted. A copy of the report shall be provided to the developer and included in the case report for the site plan.

(h) The developer, if he or she chooses, may also submit a report on the meeting into the case file.

### (2) Notice of pre-application meeting.

(a) The applicant shall coordinate with the Office of Neighborhood Coordination to set up a pre-application public meeting. The applicant shall notify affected Neighborhood Associations per § [14-8-2-7](#) and all property owners within 100 feet of the subject site (excluding right-of-way). Notice shall be delivered by first class mail a minimum of 10 days prior to the public meeting. In addition, the applicant shall post a sign(s) of at least 4 feet by 6 feet advertising the pre-application public meeting for at least 10 consecutive calendar days prior to the meeting.

(b) Notices shall include the date, time and place of the pre-application public meeting, the meeting purpose, a description and 8.5 x 11 drawing(s) of the proposed development, and any other information that the Planning Director and the Office of Neighborhood Coordination deem necessary. Drawings shall contain enough pertinent information to visually describe the development proposal.

(c) The Office of Neighborhood Coordination shall post meeting dates on the Planning Department's website and shall contact neighborhood associations by e-mail.

### (3) Pre-application public meeting.

(a) The meeting shall be conducted and recorded by a facilitator.

(b) The applicant shall provide a visual and narrative presentation of the project concept, and shall identify existing traffic conditions and proposed traffic conditions as preliminarily identified in the TIS scope related to the project.

(c) Meeting attendees may identify any additional traffic problems that should be scoped and/or studied.

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(d) The facilitator shall compile and maintain a list of issues and concerns pertaining to the project and shall inform meeting attendees on how they can remain involved in the process.

(e) The City Traffic Engineer shall attend the pre-application public meeting and shall consider the additional traffic problems in determining the scope that shall be addressed in the TIS, which shall be paid for by the applicant and reviewed by the city.

(f) Additional meetings may be held upon the request of those attending the meeting and as deemed useful by the facilitator. The facilitator shall prepare a report to be placed in the applicant's case file detailing the reasons for conducting additional meetings.

(4) Traffic studies. If, in the opinion of the Traffic Engineer, or upon a receipt by the Planning Director and the Traffic Engineer of a petition that includes a list of traffic issues created by the development of the large retail facility from 67% of the residences within 500 feet of the subject site, a Neighborhood Area Traffic Study is warranted, it shall be specified by the City Traffic Engineer with input from the meeting attendees and the applicant. Neighborhood area traffic study or studies and cut through studies shall be paid for by the applicant and overseen by the City Traffic Engineer. The study shall include, at a minimum, the following:

(a) A baseline count of the vehicles per day traveling the local street;

(b) A cut-through traffic study on those streets identified by the meeting attendees;

(c) Current conditions and full build-out conditions.

(5) Traffic mitigation.

(a) If the neighborhood area traffic study identifies current problems associated with traffic, speeding, and problem intersections on more than one local street in the neighborhood(s) and provides recommendations to resolve these problems, the city shall initiate a neighborhood traffic management program in the area.

(b) If the neighborhood area traffic study identifies problems with the build-out conditions, or any phase of the project before a building permit is issued,

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the applicant shall post a financial guarantee in a form acceptable to the City Attorney and an amount determined by the traffic engineer, to pay for mitigation measures necessitated by the development.

(c) Before a building permit is issued, the applicant shall post an additional 2% of the costs of the mitigation measures identified in the TIS as a contingency for future study and mitigation (contingency amount).

(d) Within two weeks of issuing an occupancy permit, the City Traffic Engineer and or the Planning Director shall provide notice to all residences and property owners within 200 feet of the project that a cut through study will occur within 12 months of issuing an occupancy permit for the applicant's development. At least one year after issuing a certificate of occupancy, the applicant shall conduct a follow-up neighborhood area traffic study to determine if additional traffic mitigation measures are necessary as a result of the development. The City Traffic Engineer shall issue notice of the traffic study to the property owners within two hundred feet of the large retail facility at least two weeks before the commencement of the study. Such notice shall provide direction as to how the recipient can provide input into the study. If additional traffic mitigation measures are necessary, they shall be paid for by the applicant and the contingency amount of the applicant's bond shall not be released until the city accepts these mitigation measures. If the neighborhood area traffic study determines there is no need for further mitigation measures attributable to the development, the contingency amount shall be released.

(e) Projects identified as a result of the neighborhood traffic management program are not to be included in or to be considered part of the Component Capital Improvement Program (CCIP) except that improvements identified on the CCIP shall be eligible for impact fee credits.

('74 Code, § 7-11-7) (Ord. 14-1987; Am. Ord. 23-2007; Am. Ord. 42-2007)