



City of Albuquerque

Legislative File Number R-07-239 (version 1)

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

Amending The La Cueva Sector Plan To Clarify The Impact Of Public Rights-Of-Way
And/Or Roadway Easements In Computing Densities In Rd Zones

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

WHEREAS, in June of 2002 the City adopted the La Cueva Sector Plan
which was amended in May of 2003; and

WHEREAS, the La Cueva Sector Plan was intended to exclude public rights-of-way
and easements from gross acreage in the computation of densities in RD zones; and

WHEREAS, contrary to the intent of the City Council the Development Review Board
has interpreted the La Cueva Sector Plan to allow public rights-of-way and easements to
be considered as included within gross acreage in the computation of densities in RD
zones if the right-of-way or easement has not been created as of the date of an application
even though the property owner is contractually obligated to create the right-of-way or
easement in the future.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
ALBUQUERQUE

SECTION 1. The La Cueva Sector Development Plan Section 5.2, RD Zone is
amended to read:

“The RD (developing residential) zone is the predominant residential zone in the
plan area. Maximum densities for areas zoned RD are established in the Zoning Plan
(Exhibit 12). Densities are based on gross acreage of the lot, which is measured from
property line to property line, excluding existing [and proposed] public right-of-way[s]
and/or [~~prescriptive roadway~~] easements [intended for the movement of goods, services,

people and/or drainage+]. The residential uses in the RD zone shall be regulated according to the City Zoning Code, subject to the density maximums shown in Exhibit 12.

Residential development more intense than what is typically allowed in the R-1 zone (i.e. lot size less than 5000 square feet) will be subject to site development plan for subdivision approval by the DRB.

Development in the RD zone that requires a site development plan must meet the design regulations in Section 5.4.6 of this plan.”

Section 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this resolution 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 resolution. The Council hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

