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HOUSE BILL 13

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Peter Wirth

AN ACT

RELATING TO MUNICIPAL AND COUNTY POWERS; PROVIDING FOR
PRESERVATION AND PROTECTION OF WATER RESOURCES; RECONCILING
MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 1995.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-21-1 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-20-1, as amended by Laws 1995, Chapter
170, Section 4 and also by Laws 1995, Chapter 211, Section 3)
is amended to read:

"3-21-1. ZONING--AUTHORITY OF COUNTY OR MUNICIPALITY.--

A. For the purpose of promoting health, safety,
morals or the general welfare, a county or municipality is a
zoning authority and may regulate and restrict within its
jurisdiction the:

(1) height, number of stories and size of

underscored material = new
~~[bracketed material] = delete~~

- 1 buildings and other structures;
- 2 (2) percentage of a lot that may be occupied;
- 3 (3) size of yards, courts and other open
- 4 space;
- 5 (4) density of population; and
- 6 (5) location and use of buildings, structures
- 7 and land for trade, industry, residence or other purposes.

8 B. The county or municipal zoning authority may:

9 (1) divide the territory under its

10 jurisdiction into districts of such number, shape, area and

11 form as is necessary to carry out the purposes of Sections

12 3-21-1 through 3-21-14 NMSA 1978; and

13 (2) regulate or restrict the erection,

14 construction, reconstruction, alteration, repair or use of

15 buildings, structures or land in each district. All such

16 regulations shall be uniform for each class or kind of

17 buildings within each district, but regulation in one district

18 may differ from regulation in another district.

19 C. All state-licensed or state-operated community

20 residences for the mentally ill or developmentally disabled

21 serving ten or fewer persons may be considered a residential

22 use of property for purposes of zoning and may be permitted use

23 in all districts in which residential uses are permitted

24 generally, including particularly residential zones for single-

25 family dwellings.

.164004.2

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1 D. A board of county commissioners of the county in
2 which the greatest [~~portion~~] amount of the territory of the
3 petitioning village, community, neighborhood or district lies
4 may declare by ordinance that a village, community,
5 neighborhood or district is a "traditional historic community"
6 upon petition by twenty-five percent or more of the registered
7 qualified electors of the territory within the village,
8 community, neighborhood or district requesting the designation.
9 The number of registered qualified electors shall be based on
10 county records as of the date of the last general election.

11 E. Any village, community, neighborhood or district
12 that is declared a traditional historic [~~village~~] community
13 shall be excluded from the extraterritorial zone and
14 extraterritorial zoning authority of any municipality whose
15 extraterritorial zoning authority extends to include all or a
16 portion of the traditional historic community and shall be
17 subject to the zoning jurisdiction of the county in which the
18 greatest portion of the traditional historic community lies.

19 F. For the purpose of preserving and protecting
20 water resources and to provide an assured water supply for the
21 community, the county or municipal zoning authority may
22 require:

23 (1) site development standards to conserve
24 water and minimize water loss;

25 (2) water harvesting and storage;

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- (3) low water use landscaping and plant materials;
- (4) water use limitations;
- (5) recycling and reuse of water; or
- (6) water quality protections."