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SENATE BILL 17

**49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

INTRODUCED BY

Timothy M. Keller

AN ACT

RELATING TO ZONING; PROVIDING FOR REZONING OF PARCELS IN  
CERTAIN CIRCUMSTANCES.

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

Section 1. A new section of Chapter 3, Article 21 NMSA  
1978 is enacted to read:

"~~[NEW MATERIAL]~~ AMENDMENT TO EXISTING ZONING--BASES FOR  
REZONING.--

A. An amendment to existing zoning of any property  
may be based on a preponderance of evidence that:

(1) the existing zoning is inappropriate  
because there was an error when the existing zone map pattern  
was created;

(2) the existing zoning is inappropriate  
because changed neighborhood or community conditions justify

.180162.1

underscored material = new  
[bracketed material] = delete

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

1 the change; or

2 (3) a different zoning for the property is  
3 more advantageous to the community because it is reasonably  
4 expected to reduce vehicle miles traveled or other sources of  
5 greenhouse gas emissions, even if the change in zoning would  
6 provide a different zoning for the property than zoning of  
7 surrounding property.

8 B. For the purposes of this section:

9 (1) "vehicle miles traveled" means the total  
10 miles traveled by all vehicles in a specified area during a  
11 specified time; and

12 (2) "greenhouse gas" means any gas that  
13 contributes to the global warming or the greenhouse effect when  
14 released into the atmosphere."