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SENATE BILL 69

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Timothy M. Keller and Bill B. O'Neill

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 the 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; or

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

underscored material = new  
[bracketed material] = delete

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

1 the change.

2 B. An amendment to the existing zoning of property,  
3 located within a municipality with a population greater than  
4 sixty thousand in the most recent federal decennial census,  
5 that is proposed by the property's owner may be based on a  
6 preponderance of evidence that a different zoning for the  
7 property is more advantageous to the community because it is  
8 reasonably expected to reduce vehicle miles traveled or to  
9 provide increased energy efficiency, even if the change in  
10 zoning would provide a different zoning for the property than  
11 the zoning of surrounding property.

12 C. For the purposes of this section:

13 (1) "vehicle miles traveled" means the total  
14 miles traveled by all vehicles in a specified area during a  
15 specified time; and

16 (2) "energy efficiency" means a change in  
17 energy use that results in an increase in net benefits per unit  
18 of energy used."