

HOUSE BILL 483

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Gregg Schmedes

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO ZONING AUTHORITY; REQUIRING CERTAIN ZONING AUTHORITIES TO PROVIDE A MECHANISM TO ALLOW ADDITIONAL HOUSING FOR HLLC→**PERSONS**←HLLC HLLC→**FAMILY MEMBERS**←HLLC WITH DISABILITIES IN SINGLE-FAMILY ZONING DISTRICTS.

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 2007, Chapter 46, Section 3 and by Laws 2007, Chapter 270, Section 1) is amended to read:

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

B. The county or municipal zoning authority may:

(1) divide the territory under its jurisdiction into districts of such number, shape, area and form as is necessary to carry out the purposes of Sections 3-21-1 through 3-21-14 NMSA 1978; and

(2) regulate or restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land in each district. All such regulations shall be uniform for each class or kind of buildings within each district, but regulation in one district may differ from regulation in another district.

C. All state-licensed or state-operated community

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residences for persons with a mental or developmental disability and serving ten or fewer persons may be considered a residential use of property for purposes of zoning and may be permitted use in all districts in which residential uses are permitted generally, including particularly residential zones for single-family dwellings.

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

E. Any village, community, neighborhood or district that is declared a traditional historic community shall be excluded from the extraterritorial zone and extraterritorial zoning authority of any municipality whose extraterritorial zoning authority extends to include all or a portion of the traditional historic community and shall be subject to the zoning jurisdiction of the county in which the greatest portion of the traditional historic community lies.

F. Zoning authorities, including zoning authorities

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of home rule municipalities, shall accommodate multigenerational housing by creating a mechanism to allow up to two kitchens within a single-family zoning district, such as conditional use permits. [G.] For the purpose of this [section] subsection, "multigenerational" means any number of persons related by blood, common ancestry, marriage, guardianship or adoption.

G. Zoning authorities, including zoning authorities of home rule municipalities, shall accommodate housing for HLLC→persons←HLLC HLLC→family members←HLLC with disabilities by creating a mechanism, such as a conditional use permit, to allow an additional detached dwelling of adequate size, including a kitchen, for the residence and care of a HLLC→person←HLLC HLLC→family member←HLLC with disabilities, as defined by the zoning authority, in a single-family zoning district or other zoning district that otherwise limits dwellings to one per lot. HLLC→The provisions of this subsection do not apply to rental property. As used in this subsection, "family member" means a person related by blood, common ancestry, marriage, guardianship or adoption.←HLLC"