

AN ACT

RELATING TO ZONING; REVISING A PROCEDURE FOR CHALLENGING
PROPOSED CHANGES TO ZONING REGULATIONS; AMENDING A SECTION
OF THE NMSA 1978.

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

Section 1. Section 3-21-6 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-20-4, as amended) is amended to
read:

"3-21-6. ZONING--MODE OF DETERMINING REGULATIONS,
RESTRICTIONS AND BOUNDARIES OF DISTRICT--PUBLIC HEARING
REQUIRED--NOTICE.--

A. The zoning authority within its jurisdiction
shall provide by ordinance for the manner in which zoning
regulations, restrictions and the boundaries of districts
are:

(1) determined, established and enforced;

and

(2) amended, supplemented or repealed.

B. No zoning regulation, restriction or boundary
shall become effective, amended, supplemented or repealed
until after a public hearing at which all parties in
interest and citizens shall have an opportunity to be heard.
Notice of the time and place of the public hearing shall be
published, at least fifteen days prior to the date of the
hearing, within its respective jurisdiction. Whenever a
change in zoning is proposed for an area of one block or
less, notice of the public hearing shall be mailed by
certified mail, return receipt requested, to the owners, as
shown by the records of the county treasurer, of lots or

land within the area proposed to be changed by a zoning regulation and within one hundred feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation. Whenever a change in zoning is proposed for an area of more than one block, notice of the public hearing shall be mailed by first class mail to the owners, as shown by the records of the county treasurer, of lots or land within the area proposed to be changed by a zoning regulation and within one hundred feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation. If the notice by first class mail to the owner is returned undelivered, the zoning authority shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, return receipt requested, to that address.

C. If the owners of twenty percent or more of the area of the lots and land included in the area proposed to be changed by a zoning regulation or other land use change or within one hundred feet, excluding public right-of-way, of the area proposed to be changed, protest the proposed change in the zoning regulation or other land use change, in writing on a form prescribed by the local public body at the time of the filing of the appeal, the proposed change shall not become effective unless the change is approved by a majority vote of all the members of the governing body of a municipality or by a four-fifths vote of all the members of a five-member board of county commissioners or by a two-thirds vote of all the members of a three-member board of county commissioners."

Section 2. EFFECTIVE DATE.--The effective date of the

provisions of this act is July 1, 1999. _____