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SENATE BILL 567

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

INTRODUCED BY

Linda M Lopez

AN ACT

RELATING TO ZONING; REMOVING 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- (2) amended, supplemented or repealed.

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1           B. No zoning regulation, restriction or boundary  
2 shall become effective, amended, supplemented or repealed  
3 until after a public hearing at which all parties in interest  
4 and citizens shall have an opportunity to be heard. Notice of  
5 the time and place of the public hearing shall be published,  
6 at least fifteen days prior to the date of the hearing, within  
7 its respective jurisdiction. Whenever a change in zoning is  
8 proposed for an area of one block or less, notice of the  
9 public hearing shall be mailed by certified mail, return  
10 receipt requested, to the owners, as shown by the records of  
11 the county treasurer, of lots [ ~~of~~ ] or land within the area  
12 proposed to be changed by a zoning regulation and within one  
13 hundred feet, excluding public right-of-way, of the area  
14 proposed to be changed by zoning regulation. Whenever a  
15 change in zoning is proposed for an area of more than one  
16 block, notice of the public hearing shall be mailed by first  
17 class mail to the owners, as shown by the records of the  
18 county treasurer, of lots or land within the area proposed to  
19 be changed by a zoning regulation and within one hundred feet,  
20 excluding public right-of-way, of the area proposed to be  
21 changed by zoning regulation. If the notice by first class  
22 mail to the owner is returned undelivered, the zoning  
23 authority shall attempt to discover the owner's most recent  
24 address and shall remit the notice by certified mail, return  
25 receipt requested, to that address.

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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 within one hundred feet, excluding public right-of-way, of the area proposed to be changed by a zoning regulation protest in writing the proposed change in the zoning regulation, the proposed change in zoning shall not become effective unless the change is approved by a majority vote of all the members of the governing body of the municipality or by a [~~two-thirds~~] majority vote of all the members of the board of county commissioners. "

Section 2. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 1999.

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2 FORTY- FOURTH LEGISLATURE

3  
4 FIRST SESSION, 1999

SB 567/a

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7 March 1, 1999

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10 Mr. President:

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12 Your JUDICIARY COMMITTEE, to whom has been referred

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14 SENATE BILL 567

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17 has had it under consideration and reports same with

18 recommendation that it DO PASS, amended as follows:

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20 1. On page 1, line 11, strike "REMOVING" and insert in  
21 lieu thereof "REVISING".

22  
23 2. On page 3, strike Subsection C in its entirety and  
24 insert in lieu thereof the following new subsection:

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"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."

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Respectfully submit ted,

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Mi chael S. Sanchez, Chai rman

Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

(Chi ef Clerk)

(Chi ef Clerk)

Date \_\_\_\_\_

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FORTY- FOURTH LEGISLATURE  
FIRST SESSION, 1999

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The roll call vote was 5 For 1 Against

Yes: 5

No: Davis

Excused: Aragon, Tsosie

Absent: None

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