

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 285

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

AN ACT

RELATING TO ZONING REGULATIONS; ALLOWING FOR MULTIGENERATIONAL
HOUSING WITHIN A SINGLE-FAMILY ZONING DISTRICT; RECONCILING
MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 1995.

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 1995, Chapter
170, Section 4 and also by Laws 1995, Chapter 211, Section 3)
is amended to read:

"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

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underscored material = new
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1 buildings and other structures;

2 (2) percentage of a lot that may be occupied;

3 (3) size of yards, courts and other open
4 space;

5 (4) density of population; and

6 (5) location and use of buildings, structures
7 and land for trade, industry, residence or other purposes.

8 B. The county or municipal zoning authority may:

9 (1) divide the territory under its
10 jurisdiction into districts of such number, shape, area and
11 form as is necessary to carry out the purposes of Sections
12 3-21-1 through 3-21-14 NMSA 1978; and

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

19 C. All state-licensed or state-operated community
20 residences for the mentally ill or developmentally disabled
21 serving ten or fewer persons may be considered a residential
22 use of property for purposes of zoning and may be permitted use
23 in all districts in which residential uses are permitted
24 generally, including particularly residential zones for single-
25 family dwellings.

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

11 E. Any village, community, neighborhood or district
 12 that is declared a traditional historic [~~village~~] community
 13 shall be excluded from the extraterritorial zone and
 14 extraterritorial zoning authority of any municipality whose
 15 extraterritorial zoning authority extends to include all or a
 16 portion of the traditional historic community and shall be
 17 subject to the zoning jurisdiction of the county in which the
 18 greatest portion of the traditional historic community lies.

19 F. Zoning authorities, including zoning authorities
 20 of home rule municipalities, shall accommodate
 21 multigenerational housing by creating a mechanism to allow up
 22 to two kitchens within a single-family zoning district, such as
 23 conditional use permits.

24 G. For the purpose of this section,
 25 "multigenerational" means any number of persons related by

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1 blood, common ancestry, marriage, guardianship or adoption."

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