

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 69

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

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

184658.1

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 thirty thousand according to the most recent federal decennial
5 census located in a class A county, that is proposed by the
6 property's owner may be based on substantial evidence that a
7 different zoning for the property is more advantageous to the
8 community because it is reasonably expected to reduce vehicle
9 miles traveled or to provide increased energy efficiency, even
10 if the change in zoning would provide a different zoning for
11 the property than 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."