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SENATE BILL 927

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

WILLIAM F. DAVIS

AN ACT

RELATING TO ZONING; REDEFINING RESIDENTIAL USE IN CERTAIN
CIRCUMSTANCES.

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
buildings and other structures;

. 116505.3

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

6 B. The county or municipal zoning authority may:

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

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

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

24 D. A board of county commissioners of the county in
25 which the greatest portion of the territory of the petitioning

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

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