

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**SENATE BILL 346**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Leonard Lee Rawson**

**AN ACT**

**RELATING TO ZONING; AMENDING NOTICE OF PUBLIC HEARING  
PROVISIONS TO ELIMINATE REQUIREMENT FOR CERTIFIED MAIL.**

**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- (2) amended, supplemented or repealed.**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**

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 shall become effective, amended, supplemented or repealed  
2 until after a public hearing at which all parties in interest  
3 and citizens shall have an opportunity to be heard. Notice of  
4 the time and place of the public hearing shall be published,  
5 at least fifteen days prior to the date of the hearing, within  
6 its respective jurisdiction. Whenever a change in zoning is  
7 proposed, [~~for an area of one block or less, notice of the~~  
8 ~~public hearing shall be mailed by certified mail, return~~  
9 ~~receipt requested, to the owners, as shown by the records of~~  
10 ~~the county treasurer, of lots of land within the area proposed~~  
11 ~~to be changed by a zoning regulation and within one hundred~~  
12 ~~feet, excluding public right of way, of the area proposed to~~  
13 ~~be changed by zoning regulation. Whenever a change in zoning~~  
14 ~~is proposed for an area of more than one block]~~ notice of the  
15 public hearing shall be mailed by first class mail to the  
16 owners, as shown by the records of the county treasurer, of  
17 lots or land within the area proposed to be changed by a  
18 zoning regulation and within one hundred feet, excluding  
19 public [~~right of way~~] rights of way, of the area proposed to  
20 be changed by zoning regulation. If the notice by first class  
21 mail to the owner is returned undelivered, the zoning  
22 authority shall attempt to discover the owner's most recent  
23 address and shall remit the notice by certified mail, return  
24 receipt requested, to that address.

25 C. If the owners of twenty percent or more of the

underscored material = new  
[bracketed material] = delete

1 area of the lots and land included in the area proposed to be  
2 changed by a zoning regulation or within one hundred feet,  
3 excluding public [~~right-of-way~~] rights of way, of the area  
4 proposed to be changed by a zoning regulation protest in  
5 writing the proposed change in the zoning regulation, the  
6 proposed change in zoning shall not become effective unless  
7 the change is approved by a majority vote of all the members  
8 of the governing body of the municipality or by a two-thirds  
9 vote of all the members of the board of county commissioners. "