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SENATE BILL 621

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

INTRODUCED BY

Leonard Lee Rawson

AN ACT

RELATING TO EXTRATERRITORIAL ZONING; REQUIRING A PORTION OF THE MEMBERSHIP OF AN EXTRATERRITORIAL ZONING COMMISSION TO RESIDE IN THE EXTRATERRITORIAL ZONE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-21-3 NMSA 1978 (being Laws 1977, Chapter 80, Section 2) is amended to read:

"3-21-3. PROCEDURE FOR EXTRATERRITORIAL ZONING. --

A. Upon the initiative of any municipal governing body or of the board of county commissioners of any county wherein any portion of the extraterritorial zoning area of the municipality lies, the municipality and the county may enter into an agreement providing for the zoning of that portion of the extraterritorial zoning area lying within the county joining in the agreement. In the absence of such agreement, a

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1 petition requesting the zoning of the extraterritorial zoning  
2 area and signed by twenty-five percent of the qualified  
3 electors residing in the extraterritorial zoning area and  
4 within the same county may be filed with the county clerk of  
5 the county of the petitioners' residence. Upon the filing of  
6 such petition, the governing body of the municipality and the  
7 board of county commissioners shall enter into an agreement  
8 providing for the zoning of that portion of the  
9 extraterritorial zoning area lying within the county joining  
10 in the agreement. Any agreement entered into pursuant to the  
11 provisions of this subsection may be subsequently amended by  
12 agreement of both parties.

13 B. The agreement entered into pursuant to  
14 Subsection A of this section shall provide for an  
15 extraterritorial zoning commission consisting of equal numbers  
16 of members appointed by the municipal zoning authority and the  
17 county commission; provided that at least one-half of these  
18 members shall reside in the extraterritorial zone.

19 Additionally, one member from an area of the county not within  
20 the zoning jurisdiction of the municipality or within the area  
21 of the county affected by the proposed extraterritorial zoning  
22 ordinance shall be appointed by a majority of the members  
23 appointed by the board of county commissioners and by the  
24 municipal zoning authority. The agreement shall also provide  
25 for a joint municipal-county zoning authority consisting of

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1 one or more members of the municipal governing body and one or  
2 more members of the board of county commissioners, provided  
3 such authority membership shall contain one more county  
4 commission member than municipal governing body member.

5 C. No zoning ordinance shall be adopted by the  
6 joint municipal-county zoning authority unless the ~~[same]~~  
7 ordinance has been recommended by the extraterritorial zoning  
8 commission.

9 D. Within three hundred sixty days of the  
10 appointment of the last member to be appointed, the  
11 extraterritorial zoning commission shall recommend to the  
12 joint municipal-county zoning authority a zoning ordinance  
13 applicable to all or any portion of the extraterritorial  
14 zoning area lying within the county joining in the agreement  
15 pursuant to Subsection A of this section. The ordinance shall  
16 also provide, subject to the restrictions of Section ~~[14-20-4~~  
17 ~~NMSA-1953]~~ 3-21-6 NMSA 1978, for the manner in which zoning  
18 regulations, restrictions and the boundaries of districts are:

- 19 (1) determined, established and enforced; and  
20 (2) amended, supplemented or repealed. "

21 Section 2. EFFECTIVE DATE. -- The effective date of the  
22 provisions of this act is July 1, 2001.