

1 AN ACT
2 RELATING TO ZONING REGULATIONS; ALLOWING FOR
3 MULTIGENERATIONAL HOUSING WITHIN A SINGLE-FAMILY ZONING
4 DISTRICT; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION
5 OF LAW IN LAWS 1995.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 Section 1. Section 3-21-1 NMSA 1978 (being Laws 1965,
9 Chapter 300, Section 14-20-1, as amended by Laws 1995,
10 Chapter 170, Section 4 and also by Laws 1995, Chapter 211,
11 Section 3) is amended to read:

12 "3-21-1. ZONING--AUTHORITY OF COUNTY OR MUNICIPALITY.--

13 A. For the purpose of promoting health, safety,
14 morals or the general welfare, a county or municipality is a
15 zoning authority and may regulate and restrict within its
16 jurisdiction the:

17 (1) height, number of stories and size of
18 buildings and other structures;

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

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

23 (4) density of population; and

24 (5) location and use of buildings,
25 structures and land for trade, industry, residence or other

1 purposes.

2 B. The county or municipal zoning authority may:

3 (1) divide the territory under its
4 jurisdiction into districts of such number, shape, area and
5 form as is necessary to carry out the purposes of Sections
6 3-21-1 through 3-21-14 NMSA 1978; and

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

13 C. All state-licensed or state-operated community
14 residences for the mentally ill or developmentally disabled
15 serving ten or fewer persons may be considered a residential
16 use of property for purposes of zoning and may be permitted
17 use in all districts in which residential uses are permitted
18 generally, including particularly residential zones for
19 single-family dwellings.

20 D. A board of county commissioners of the county
21 in which the greatest portion of the territory of the
22 petitioning village, community, neighborhood or district lies
23 may declare by ordinance that a village, community,
24 neighborhood or district is a "traditional historic
25 community" upon petition by twenty-five percent or more of

1 the registered qualified electors of the territory within the
2 village, community, neighborhood or district requesting the
3 designation. The number of registered qualified electors
4 shall be based on county records as of the date of the last
5 general election.

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

14 F. Zoning authorities, including zoning
15 authorities of home rule municipalities, shall accommodate
16 multigenerational housing by creating a mechanism to allow up
17 to two kitchens within a single-family zoning district, such
18 as conditional use permits.

19 G. For the purpose of this section,
20 "multigenerational" means any number of persons related by
21 blood, common ancestry, marriage, guardianship or adoption."