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HOUSE BILL 285

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO LAND USE; REQUIRING NOTICE TO AND APPROVAL OF
ADJOINING PROPERTY OWNERS FOR CERTAIN REZONING PROPOSALS;
REQUIRING PAYMENT IN THE EVENT OF NON-APPROVAL BY ADJOINING
PROPERTY OWNERS.

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]~~ LAND USE--REZONING OF RESIDENTIAL LAND--
APPROVAL OF ADJOINING PROPERTY OWNERS--PAYMENTS TO ADJOINING
PROPERTY OWNERS.--

A. A person other than a county or municipal zoning
authority or a special zoning district who proposes to change
the zoning classification of real property from a residential
classification to a nonresidential classification such as a

underscoring material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material] = delete~~

1 commercial or industrial classification shall seek the consent
2 of all adjoining property owners.

3 B. If adjoining property owners do not consent to a
4 proposed zoning change as set forth in Subsection A of this
5 section, approval of a zoning change to a nonresidential
6 classification by a county or municipal zoning authority or a
7 special zoning district shall be contingent upon the payment by
8 the person other than a county or municipal zoning authority or
9 a special zoning district requesting the zoning change to each
10 nonconsenting adjoining residentially zoned property owner of a
11 sum equal to one-half of the fair market value of adjoining
12 parcels of real property owned by the nonconsenting property
13 owner.

14 C. As used in this section, "adjoining property
15 owners" means owners of parcels of real property located within
16 one thousand five hundred feet of any portion of residentially
17 zoned land that is proposed for a zoning change as set forth in
18 Subsection A of this section."