

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 4 B -  
AS AMENDED

AN ORDINANCE PROVIDING FOR AIRPORT LAND USE FOR THAT PORTION OF DEMING MUNICIPAL AIRPORT LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY OF DEMING, NEW MEXICO, BUT WITHIN THE JURISDICTION OF LUNA COUNTY, NEW MEXICO.

SECTION I. PURPOSE

The purpose and intent of the regulations adopted pursuant to this ordinance shall be to encourage land use patterns for housing and other local needs that will separate uncontrollable noise sources from residential and other noise sensitive areas and to facilitate the orderly development of areas around airports by establishing regulations that must be met before such development will be permitted.

SECTION II. AUTHORITY

This regulation is adopted pursuant to Sections 14-20-1 et seq of the Municipal Code (NMSA 1953 Compilation 1975 Sp. S.).

SECTION III. DEFINITIONS

- (1) AIRPORT - Means an area used or intended to be used for the landing and take-off of aircraft.
- (2) CNR RATING - Means Composite Noise Rating value as computed pursuant to Federal Aviation Administration standards and procedures and arranged in contours on a map of airport area of influence.  
(Ref. "Land Use Planning Relating to Aircraft Noise," prepared for FAA by Bolt, Beranek and Newman, Inc., October 1964, with Appendix A, May 1965.)
- (3) DESIGNATED AREA - Is that area around an airport for which land use controls are needed to prevent development that would be sensitive to aircraft noise.
- (4) CNR ZONE 2 - Is a designated area over which the noise rating is between 100 and 115 CNR.
- (5) CNR ZONE 3 - Is a designated area over which the noise rating exceeds 115 CNR.
- (6) COMPATIBLE USE - Means a use which is presumed to be compatible for the zone in which it is proposed and may be permitted pursuant to these regulations. A compatible use shall not be regarded as a use by right.
- (7) INCOMPATIBLE USE - Means a use which shall not be permitted in the CNR Zone where it is proposed.

SECTION IV. SCOPE

These regulations shall apply to development within the airport CNR Zones 2 and 3 as defined above.

- Ordinance 40
- e. Commercial establishments including wholesale manufacturing, transportation, communications and utilities, but excluding outdoor theaters and stadiums.
  - f. Other agriculture.
  - g. Hotels and motels, provided that construction techniques provide ten decibels extra noise reduction over the industry average for similar structures and that such reduction is certified to by a qualified architect, structural engineer or acoustical engineer registered in the state of New Mexico; and further provided that airport hazard insurance is available to said establishments.
- All other uses are designated incompatible uses in CNR Zone 2.

- (6) Variances shall be granted by the zoning authority (comprised of the board of county commissioners) for residential use on all residential lots which lie in CNR Zone 2 and which have been subdivided or sold for that purpose prior to adoption of this ordinance.

#### SECTION VIII. ADMINISTRATION

It shall be the duty of the county manager to administer and enforce the regulations prescribed herein. Applications for variances shall be made to said county manager upon forms furnished by it. Applications required by these regulations, to be submitted to said county manager shall be promptly considered and granted or denied by it. Appeals, judicial review, enforcement and remedies shall be provided pursuant to Sections 14-20-6 through 14-20-8, NMSA 1953.

#### SECTION IX. ZONING COMMISSION

The zoning authority, being the Luna County Board of County Commissioners, will act as the zoning commission for purposes of this ordinance.

#### SECTION X. CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations and limitations prescribed herein and any other regulations applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

#### SECTION XI. SEVERABILITY

If any of the provisions of these regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

#### SECTION XII. EFFECTIVE DATE

These regulations shall be in full force and effect from and after 30 days after final date of publication.

(Map pertaining to this ordinance is on file in the office of the county clerk.)

ATTEST:

  
Deputy County Clerk

LUNA COUNTY BOARD OF  
COUNTY COMMISSIONERS

  
John C. Edwards, Chairman

AIRPORT ORDINANCE - 4B

Map pertaining to this ordinance is on file in county clerk's office - Plat Cab. #8  
Final publication 2-13-79 slide 495-496

This is ordinance in its final form - effective MARCH 15, 1979.

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 4 B  
(as amended)  
March 15, 1979

AN ORDINANCE PROVIDING FOR AIRPORT LAND USE FOR THAT PORTION OF DEMING MUNICIPAL AIRPORT LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY OF DEMING, NEW MEXICO, BUT WITHIN THE JURISDICTION OF LUNA COUNTY, NEW MEXICO.

SECTION I. PURPOSE

The purpose and intent of the regulations adopted pursuant to this ordinance shall be to encourage land use patterns for housing and other local needs that will separate uncontrollable noise sources from residential and other noise sensitive areas and to facilitate the orderly development of areas around airports by establishing regulations that must be met before such development will be permitted.

SECTION II. AUTHORITY

This regulation is adopted pursuant to Sections 14-20-1 et seq of the Municipal Code (NMSA 1953 Compilation 1975 Sp. S.).

SECTION III. DEFINITIONS

- (1) AIRPORT - Means an area used to intended to be used for the landing and take-off of aircraft.
- (2) CNR RATING - Means Composite Noise Rating value as computed pursuant to Federal Aviation Administration standard and procedures and arranged in contours on a map of airport area of influence. (Ref. "Land Use Planning Relating to Aircraft Noise," prepared for FAA by Bolt, Beranek, and Newman, Inc., October 1964, with Appendix A, May 1965.)
- (3) DESIGNATED AREA - Is that area around an airport for which land use controls are needed to prevent development that would be sensitive to aircraft noise.
- (4) CNR ZONE 2 - Is a designated area over which the noise rating is between 100 and 115 CNR.
- (5) CNR ZONE 3 - Is a designated area over which the noise rating exceeds 115 CNR.



- (6) COMPATIBLE USE - Means a use which is presumed to be compatible for the zone in which it is proposed and may be permitted pursuant to these regulations. A compatible use shall not be regarded as a use by right.
- (7) INCOMPATIBLE USE - Means a use which shall not be permitted in the CNR Zone where it is proposed.

#### SECTION IV. SCOPE

These regulations shall apply to development within the airport CNR Zones 2 and 3 as defined above.

#### SECTION V. NONCONFORMING USES

The provisions of these regulations shall not apply to any nonconforming use existing on the effective date of the regulations, providing that when the nonconforming use is discontinued for a period of six months or the nonconforming structure is destroyed or damaged to the extent of over 50% of the assessed valuation of the nonconforming structure, any reuse, reconstruction or replacement shall be deemed a new use and shall be subject to the applicable provisions of these regulations.

#### SECTION VI. ESTABLISHMENT OF AIRPORT ZONES

- (1) In order to carry out the provisions of these regulations, the designated area round the Deming Municipal Airport shall hereby be divided into the following zones:
  - a. CNR Zone 2
  - b. CNR Zone 3
- (2) The boundaries of the above zones are hereby established as shown in the map entitled "Airport Land Use Regulation Map for Deming Municipal Airport" which map and all proposed amendments thereto are hereby incorporated by reference and made a part of this regulation.
- (3) In determining the boundaries of the above zones, the projected growth and the projected class of the airport as designated in the current approved Airport Master Plan or

the New Mexico Airport System Plan shall be considered.

#### SECTION VII. LAND USE SCHEDULE

Except when permitted by a variance issued by the zoning authority:

- (1) Development upon land within the designated airport area shall be regulated in accordance with the following schedule of land uses for various airport zones.
- (2) Any development which is proposed that is in more than one zone shall be limited to the more restrictive use.
- (3) No designation of compatible use contained in this schedule shall be construed to abrogate or controvene the provisions of any local zoning ordinance or other local, state or federal regulation.
- (4) The following are designated compatible uses in CNR Zone 3:
  - a. Open space
  - b. Mining, fishing and agriculture except mink and poultry production.
  - c. When operated on land owned or leased by the airport authority: golf courses, tennis courts, riding and hiking trails.

All other uses are designated as incompatible uses in CNR Zone 3.

- (5) The following are designated as compatible uses in CNR Zone 2:
  - a. All uses designated as compatible in CNR Zone 3.
  - b. Playgrounds and parks, including amusement parks.
  - c. Golf courses, riding stables, and cemeteries.
  - d. Retail commercial establishments.
  - e. Commercial establishments including wholesale manufacturing, transportation, communications and utilities, but excluding outdoor theatres and stadiums.
  - f. other agriculture.
  - g. Hotels and motels, provided that construction techniques provide ten decibels extra noise reduction over the industry average for similar structures and that such

reduction is certified to by a qualified architect, structural engineer, or acoustical engineer registered in the state of New Mexico; and further provided that airport hazard insurance is available to said establishments.

All other uses are designated incompatible uses in CNR Zone 2.

- (6) Variances shall be granted by the zoning authority (comprised of the board of county commissioners) for residential use on all residential lots which lie in CNR Zone 2 and which have been subdivided or sold for that purpose prior to adoption of this ordinance.

#### SECTION VIII. ADMINISTRATION

It shall be the duty of the county manager to administer and enforce the regulations prescribed herein. Applications for variances shall be made to said county manager upon forms furnished by it. Applications required by these regulations, to be submitted to said county manager shall be promptly considered and granted or denied by it. Appeals, judicial review, enforcement and remedies shall be provided pursuant to Sections 14-20-6 through 14-20-8, NMSA 1953.

#### SECTION IX. ZONING COMMISSION

The zoning authority, being the Luna County Board of County Commissioners, will act as the zoning commission for purposes of this ordinance.

#### SECTION X. CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations and limitations prescribed herein and any other regulations applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

#### SECTION XI. SEVERABILITY

If any of the provisions of these regulations or the application thereof to any person or circumstances is held invalid, such invalidity

shall not affect other provisions or applications of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

SECTION XII. EFFECTIVE DATE

These regulations shall be in full force and effect from and after 30 days after final date of publication.

(Map pertaining to this ordinance is on file in the office of the County Clerk.)



LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 4 A -

AS AMENDED

AN ORDINANCE PROVIDING HEIGHT RESTRICTIONS FOR THAT PORTION OF DEMING MUNICIPAL AIRPORT LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY OF DEMING, NEW MEXICO, BUT WITHIN THE JURISDICTION OF LUNA COUNTY, NEW MEXICO.

SECTION I. SCOPE, AUTHORITY AND TITLE

This ordinance is applicable to the area within a 9,000-foot radius from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs at Deming Municipal Airport. These regulations divide said area into zones and within such zones, specify the land uses permitted, regulate and restrict the height to which structures and trees may be erected or allowed to grow, and impose other restrictions and requirements necessary to effectuate the approach plan for said airport, said airport approach plan having been heretofore formulated and adopted by this ordinance, and the authority for same and for these regulations being NMSA 1953 Compilation, sections 14-40-14 through 14-40-24, all as appearing in Laws of 1965, Chap. 300; and Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace.

These regulations shall be known and may be cited as the Luna County Municipal Airport Zoning Regulations for Deming Municipal Airport.

SECTION II. DEFINITIONS

As used in these regulations, unless the context otherwise requires:

- (1) AIRPORT - Means Deming Municipal Airport, near Deming, New Mexico.
- (2) AIRPORT ELEVATION - Means the established elevation of the highest point on the usable landing area, which is 4,310 feet, MSL.
- (3) AIRPORT REFERENCE POINT - Means the point established as the approximate geographic center of the airport landing area and is established at a location described as follows: Longitude  $107^{\circ} 43' 17''$  West, Latitude  $32^{\circ} 15' 41''$  North.
- (4) HEIGHT - For this purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level unless otherwise specified.
- (5) LANDING AREA - Means the area of the airport used for the landing or take-off of aircraft.
- (6) NON-CONFORMING USE - Means any structure, tree or use of land which is lawfully in existence at the time these regulations become effective and does not then meet the requirements of said regulations.
- (7) PRIMARY SURFACE - Means a surface longitudinally centered on a runway and extends 200 feet beyond each end of that runway provided the surface is hard; otherwise, the primary surface ends at each end of that runway. The primary surface is established as 200 feet beyond each end of the runways and has a width of 500 feet for Runway 8-26 and 250 feet for Runway 4-22.
- (8) RUNWAY - Means the surface of an airport landing strip.
- (9) Other definitions are as set out in NMSA 1953 Compilation, 14-40-15; and in Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace.

## SECTION III. ZONES

In order to carry out the provisions of these regulations, there are hereby created and established certain zones which include all of the land lying within the Approach Zones, Transition Zones, Horizontal Zone and Conical Zone. Such areas and zones are shown on the Deming Municipal Airport Zoning Map consisting of 1 sheet, adopted by the Luna County Board of County Commissioners, and dated November 1972, a copy of which is attached to these regulations and made a part hereof. The various zones are hereby established and defined as follows:

- (1) APPROACH ZONES - An Approach Zone is established at each end of all runways on Deming Municipal Airport for landings and take-offs. The Approach Zone shall be longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface and having a width equal to that of the primary surface at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 2,000 feet for Runway 8-26 and 1,250 feet for Runway 4-22, all at a horizontal distance of 5,200 feet, and at a slope of 20 feet horizontally, 1 foot vertically beyond each end of all runways.
- (2) TRANSITION ZONES - Transition Zones are hereby established adjacent to each runway and Approach Zone as indicated on the zoning map. Transition Zones extend outward and upward at right angles to the runway centerline at a slope of 7 feet horizontally to 1 foot vertically from the sides of the primary surface and from the sides of the approach surfaces to the point where they intersect the surface of the Horizontal Zones, or the Conical Zone.
- (3) HORIZONTAL ZONES - A Horizontal Zone is hereby established as the area within the perimeter of which is constructed by swinging arcs of a radius of 5,000 feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The Horizontal Zone does not include the Approach Zones, Conical Zones, and the Transition Zones.
- (4) CONICAL ZONES - A Conical Zone is hereby established as the area that commences at the periphery of the Horizontal Zones and extends outward therefrom at a slope of 20 feet horizontally to 1 foot vertically for a horizontal distance of 4,000 feet. The Conical Zone does not include the Approach Zones and Transition Zones.

## SECTION IV. HEIGHT LIMITATIONS

Except as otherwise provided in these regulations, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by these regulations to a height in excess of the height limit herein established for each zone. Such height limitations are hereby established for each of the zones in question as follows:

- (1) APPROACH ZONES - 1 foot in height for each 20 feet in horizontal distance beginning at a point 200 feet from and at the elevation of the end of the runway and extending to a point 5,200 feet from the end of the runway;



- (2) TRANSITION ZONES - 1 foot in height for each 7 feet in horizontal distance beginning at any point 250 feet from the centerline of Runway 8-26 or 125 feet from the centerline of Runway 4-22, measured normal to and at the elevation of the centerlines of the runways extending 200 feet beyond each and thereof, extending to a height of 150 feet above the airport elevation which is 4,310 feet above the mean sea level. In addition to the foregoing, there are established height limits of 1 foot vertical height for each 7 feet horizontal distance measured from the edges of all Approach Zones for the entire length of the Approach Zones and extending upward and outward to the points where they intersect the horizontal and conical surfaces;
- (3) HORIZONTAL ZONES - 150 feet above the airport elevation or a height of 4,460 feet above mean sea level; and
- (4) CONICAL ZONE - 1 foot in height for each 20 feet of horizontal distance beginning at the periphery of the Horizontal Zones, extending to a height of 350 feet above the airport elevation.

Where an area is covered by more than 1 height limitation, the more restrictive limitations shall prevail. Nothing in these regulations shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to 200 feet above the surface of the land within a 3-mile radius of the airport reference point.

#### SECTION V. USE RESTRICTIONS

Notwithstanding any other provisions of these regulations, no use may be made of land within any zone established by these regulations in such manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft.

#### SECTION VI. NON-CONFORMING USES

(a) REGULATIONS NOT RETROACTIVE - These regulations shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date thereof, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these regulations and is diligently prosecuted.

(b) MARKING AND LIGHTING - Notwithstanding the preceding provision of this Section, the owner of any non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Luna County Board of County Commissioners to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights

Ordinance 44

shall be installed, operated, and maintained at the expense of the owner of the non-conforming structure or tree, and shall conform to the current Federal Aviation Administration Advisory Circular 70/7460-1.

#### SECTION VII. PERMITS

(a) FUTURE USES - Except as specifically provided in Paragraphs 1, 2 and 3 hereunder, no material change shall be made in the use of the land and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

- (1) In the area lying within the limits of the Horizontal Zone and the Conical Zone but not within the limits of an Approach Zone or Transition Zone, no permit shall be required for any tree or structure less than 140 feet of vertical height above the ground except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.
- (2) In the areas lying within the limits of the Approach Zones but at a horizontal distance of not less than 1,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 30 feet of vertical height above the established airport elevation, except when such tree or structure would extend above the height limit prescribed for such instrument or non-instrument Approach Zone.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by these regulations except as set forth in Section IV.

(b) EXISTING USES - No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of these regulations or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) NON-CONFORMING USES ABANDONED OR DESTROYED - Whenever the Luna County Board of County Commissioners determines that a non-conforming structure or tree has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d) VARIANCES - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with these regulations, may apply to the Board of Appeals for a variance from such regulations. Such variances shall be allowed where it is

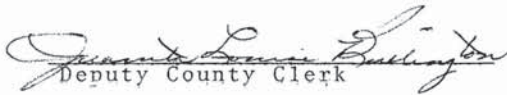


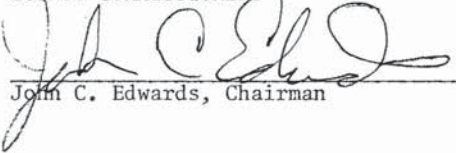
SECTION XIV. EFFECTIVE DATE

These regulations shall be in full force and effect from and after 30 days  
after final date of publication.  
(Map pertaining to this ordinance is on file in the office of the county clerk.)

ATTEST:

LUNA COUNTY BOARD OF  
COUNTY COMMISSIONERS

  
Deputy County Clerk

  
John C. Edwards, Chairman

Publish - The Deming Headlight - February 13, 1979

Map pertaining to this ordinance is on file in county clerk's office - Plat Cabinet #8;  
Final publication 2-13-79 slide 495-496  
This is ordinance in its final form - effective MARCH 15, 1979.

( Ordinance 4A )

duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of these regulations.

(e) HAZARD MARKING AND LIGHTING - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or trees in question at the owner's own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

#### SECTION VIII. ADMINISTRATION

It shall be the duty of the Luna County Manager to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to said Luna County Board of County Commissioners upon forms furnished by it. Applications required by these regulations to be submitted to said Luna County Board of County Commissioners shall be promptly considered and granted or denied by it.

#### SECTION IX. BOARD OF APPEALS AND APPEALS

There is hereby created a Board of Appeals, and appeal rights and procedures, under and pursuant to NMSA 1953 Compilation, 14-40-20, sub-sections C, D (there being no existing board of appeals or adjustment), E, F, G, H, I, J (all as set out in Chapter 300, Laws of 1965.)

#### SECTION X. JUDICIAL REVIEW

Judicial review may be had as provided in, and under and pursuant to NMSA 1953 Compilation, 14-40-21, subsections A, B, C, D, E (all as set out in Chapter 300, Laws of 1965).

#### SECTION XI. ENFORCEMENT AND REMEDIES

Violations, penalties, and additional relief are as provided in, and under and pursuant to NMSA 1953 Compilation, 14-40-22 (all as set out in Chapter 300, Laws of 1965).

#### SECTION XII. CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed herein and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

#### SECTION XIII. SEVERABILITY

If any of the provisions of these regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

AMENDMENTS TO ORDINANCES NO. 4A and 4B

AMENDMENT TO ORDINANCE 4A,

AN ORDINANCE PROVIDING HEIGHT RESTRICTIONS FOR THAT PORTION OF DEMING MUNICIPAL AIRPORT LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY OF DEMING, NEW MEXICO, BUT WITHIN THE JURISDICTION OF LUNA COUNTY, NEW MEXICO; and to Ordinance 4B, AN ORDINANCE PROVIDING FOR AIRPORT LAND USE FOR THAT PORTION OF DEMING MUNICIPAL AIRPORT LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY OF DEMING, NEW MEXICO, BUT WITHIN THE JURISDICTION OF LUNA COUNTY, NEW MEXICO.

The ordinances will stand as adopted on December 27, 1978, with the following amendments:

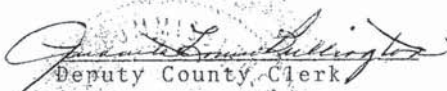
To Ordinance 4B, add §(6), Section VII, Land Use Schedule, as shown here:

"Variances shall be granted by the zoning authority (comprised of the board of county commissioners) for residential use on all residential lots which lie in CNR Zone 2 and which have been subdivided or sold for that purpose prior to adoption of this ordinance."

Amendment will be made to Section XIV, Effective Date, of Ordinance 4A; and to Section XII, Effective Date, of Ordinance 4B to provide for revision of the effective date to be 30 days after the final date of publication.

Passed, adopted and approved this 6th day of February, 1979.

ATTEST:

  
Deputy County Clerk

LUNA COUNTY BOARD OF  
COUNTY COMMISSIONERS

  
John C. Edwards, Chairman

STATE OF NEW MEXICO  
County of Luna  
I certify that this instrument was  
for record at 2:30 PM

FEB 7 1979

and recorded in book 10 Page 276  
of MISC  
LEAH WORTHMAN, County Clerk  
Deputy  
Reception No. 29771



## SECTION V. NONCONFORMING USES

The provisions of these regulations shall not apply to any nonconforming use existing on the effective date of the regulations, providing that when the nonconforming use is discontinued for a period of six months or the nonconforming structure is destroyed or damaged to the extent of over 50% of the assessed valuation of the nonconforming structure, any reuse, reconstruction or replacement shall be deemed a new use and shall be subject to the applicable provisions of these regulations.

## SECTION VI. ESTABLISHMENT OF AIRPORT ZONES

- (1) In order to carry out the provisions of these regulations, the designated area around the Deming Municipal Airport shall hereby be divided into the following zones:
  - a. CNR Zone 2
  - b. CNR Zone 3
- (2) The boundaries of the above zones are hereby established as shown in the map entitled "Airport Land Use Regulation Map for Deming Municipal Airport" which map and all proposed amendments thereto are hereby incorporated by reference and made a part of this regulation.
- (3) In determining the boundaries of the above zones, the projected growth and the projected class of the airport as designated in the current approved Airport Master Plan or the New Mexico Airport System Plan shall be considered.

## SECTION VII. LAND USE SCHEDULE

Except when permitted by a variance issued by the zoning authority:

- (1) Development upon land within the designated airport area shall be regulated in accordance with the following schedule of land uses for various airport zones.
  - (2) Any development which is proposed that is in more than one zone shall be limited to the more restrictive use.
  - (3) No designation of compatible use contained in this schedule shall be construed to abrogate or controvene the provisions of any local zoning ordinance or other local, state or federal regulation.
  - (4) The following are designated compatible uses in CNR Zone 3:
    - a. Open space
    - b. Mining, fishing and agriculture except mink and poultry production.
    - c. When operated on land owned or leased by the airport authority:  
golf courses, tennis courts, riding and hiking trails.
- All other uses are designated as incompatible uses in CNR Zone 3.
- (5) The following are designated as compatible uses in CNR Zone 2:
    - a. All uses designated as compatible in CNR Zone 3.
    - b. Playgrounds and parks, including amusement parks.
    - c. Golf courses, riding stables and cemeteries.
    - d. Retail commercial establishments.



LEGAL NOTICE

LUNA COUNTY BOARD OF COUNTY COMMISSIONERS

AMENDMENTS TO ORDINANCES 4A and 4B

The Luna County Board of County Commissioners of Luna County, New Mexico, hereby gives notice that on February 6, 1979 at 7:00 p.m. in the Luna County Courthouse, Deming, New Mexico, at an open public meeting, the board will consider amendments to Ordinance 4A, AN ORDINANCE PROVIDING HEIGHT RESTRICTIONS FOR THAT PORTION OF DEMING MUNICIPAL AIRPORT LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY OF DEMING, NEW MEXICO, BUT WITHIN THE JURISDICTION OF LUNA COUNTY, NEW MEXICO; and to Ordinance 4B, AN ORDINANCE PROVIDING FOR AIRPORT LAND USE FOR THAT PORTION OF DEMING MUNICIPAL AIRPORT LOCATED OUTSIDE THE CORPORATE LIMITS OF THE CITY OF DEMING, NEW MEXICO, BUT WITHIN THE JURISDICTION OF LUNA COUNTY, NEW MEXICO.

The ordinances will stand as adopted on December 27, 1978, with the following amendments proposed.

To Ordinance 4B, add §(6), Section VII, Land Use Schedule, as shown here:


"Variances shall be granted by the zoning authority (comprised of the board of county commissioners) for residential use on all residential lots which lie in CNR Zone 2 and which have been subdivided or sold for that purpose prior to adoption of this ordinance."

Amendment will be made to Section XIV, Effective Date, of Ordinance 4A; and to Section XII, Effective Date, of Ordinance 4B to provide for revision of the effective date to be 30 days after the final date of publication.

Complete copies of the ordinances with the proposed amendments are on file in the office of the County Clerk, Luna County Courthouse, for inspection and/or purchase during regular office hours.

WITNESS my hand and the seal of the County of Luna, New Mexico.

DATED: January 16, 1979

  
John C. Edwards, Chairman

ATTEST:

  
Leah Worthan, County Clerk