

RALEIGH-DURHAM INTERNATIONAL AIRPORT HEIGHT ZONING ORDINANCE

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE RALEIGH-DURHAM INTERNATIONAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE ZONING MAP ENTITLED "RALEIGH-DURHAM INTERNATIONAL AIRPORT APPROACH PLAN" WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF APPEALS; AND IMPOSING PENALTIES FOR VIOLATION THEREOF.

This Ordinance is adopted pursuant to the authority conferred upon the Raleigh-Durham Airport Authority by the General Assembly of North Carolina in Chapter 168 of the 1939 Session Public-Local Laws, as amended, and in Article 4, Chapter 63 of the General Statutes of North Carolina, as amended. It is hereby found and declared that an obstruction or hazard to aerial navigation has the potential for endangering the lives and property of users of the Raleigh-Durham International Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Raleigh-Durham International Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the Raleigh-Durham International Airport and the public investment therein. Accordingly, it is declared:

- (1) that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the area served by the Raleigh-Durham International Airport;
- (2) that it is necessary in the interest of the health, safety and general welfare of the people of Wake and Durham Counties that the creation or establishment of obstructions that are a hazard to aerial navigation be prevented; and,
- (3) that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to aerial navigation, the elimination, removal, alternation of mitigation of hazards to aerial navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

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SECTION I: SHORT TITLE

This Ordinance shall be known and may be cited as the Raleigh-Durham International Airport Height Zoning Ordinance.

SECTION II: DEFINITIONS

As used in this Ordinance, unless the context otherwise requires:

1. AIRPORT - The Raleigh-Durham International Airport, located in Wake County and Durham County, North Carolina.
2. AIRPORT AUTHORITY - The Raleigh-Durham Airport Authority, which develops, maintains and operates the Raleigh-Durham International Airport.
3. AIRPORT DIRECTOR - The chief administrative officer of the Raleigh-Durham Airport Authority, or his designee.
4. AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet above mean sea level.
5. APPROACH SURFACE - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
6. APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL ZONES - These zones are set forth in Section III of this Ordinance.
7. BOARD OF APPEALS - A Board consisting of five (5) members appointed by the Raleigh-Durham Airport Authority as provided in Section IX of this Ordinance.
8. CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
9. HAZARD TO AERIAL NAVIGATION - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
10. HEIGHT - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

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11. **HORIZONTAL SURFACE** - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
12. **LARGER THAN UTILITY RUNWAY** - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft. At the Raleigh-Durham International Airport, the larger than utility runways are Runway 14-32, Runway 5R-23L (including its planned extension), Runway 5C-23C (now 5L-23R), and planned Runway 5L-23R.
13. **NONCONFORMING USE** - Any pre-existing structure, object of natural growth, or use of land which does not conform to or is inconsistent with the provisions of this Ordinance, or any amendment thereto as of its effective date.
14. **NONPRECISION INSTRUMENT RUNWAY** - A runway having an existing instrument approach procedure utilizing aerial navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned. At the Raleigh-Durham International Airport, the nonprecision instrument runway is Runway 32.
15. **OBSTRUCTION** - Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Ordinance.
16. **PERSON** - An individual, firm, partnership, corporation, company, association, joint stock association or body politic, including a trustee, a receiver, an assignee or a similar representative of any of them.
17. **PRECISION INSTRUMENT RUNWAY** - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS). It also means a runway for which a precision approach system is planned and is so indicated on the Raleigh-Durham International Airport Layout Plan. At the Raleigh-Durham International Airport, the precision instrument runways are Runway 5R-23L (including its planned extension), Runway 5C-23C (now 5L-23R), and planned Runway 5L-23R.
18. **PRIMARY SURFACE** - A surface longitudinally centered on a runway and extending 200 feet beyond each end of that runway. The width of the primary surface is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
19. **RUNWAY** - A defined area on the airport prepared for landing and takeoff of aircraft along its length.

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20. **STRUCTURE** - An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formation and overhead transmission lines.
21. **TRANSITIONAL SURFACES** - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces, for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
22. **TREE** - Any object of natural growth.
23. **UTILITY RUNWAY** - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less. The Raleigh-Durham International Airport has no utility runways existing or planned.
24. **VISUAL RUNWAY** - A runway intended solely for the operation of aircraft using visual approach procedures. At the Raleigh-Durham International Airport, the visual runway is Runway 14.

SECTION III: AIRPORT ZONES

In order to carry out the provisions of this Ordinance, there are hereby created and established in the Counties of Wake, Durham and Chatham, North Carolina, certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Raleigh-Durham International Airport. Such zones are shown on the zoning map entitled "Raleigh-Durham International Airport Approach Plan" consisting of one sheet, prepared by the Raleigh-Durham Airport Facility Development Department, and dated August 1998, in conformance with Federal Aviation Regulations Part 77, which is attached to this Ordinance and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Utility Runway Visual Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. Utility Runway Nonprecision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance

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5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

3. Runway Larger Than Utility Visual Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
5. Precision Instrument Runway Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
6. Transitional Zone - The transitional zones are the areas beneath the transitional surfaces.
7. Horizontal Zone - The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
8. Conical Zone - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

SECTION IV: AIRPORT ZONE HEIGHT LIMITATIONS

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

1. Utility Runway Visual Approach Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

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2. Utility Runway Nonprecision Instrument Approach Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
3. Runway Larger Than Utility Visual Approach Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
4. Runway Larger Than Utility With A Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
5. Precision Instrument Runway Approach Zone - Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
6. Transitional Zones - Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 436.2 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
7. Horizontal Zone - Established at 150 feet above the airport elevation, or at a height of 586.2 feet above mean sea level.
8. Conical Zone - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
9. Excepted Height Limitations - Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land.

SECTION V: USE RESTRICTIONS

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Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

SECTION VI: NONCONFORMING USES

1. Regulations not Retroactive - The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or any amendments thereto, or otherwise interfere with the continuance of any nonconforming use. Nothing contained herein 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 this Ordinance, and is diligently prosecuted.
2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming 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 Raleigh-Durham Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Raleigh-Durham Airport Authority.

SECTION VII: PERMITS

1. Future Uses - Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall first have been secured from the Airport Director of the Raleigh-Durham Airport Authority. 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. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section VII, 4.
 - a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour or

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topographic features, such tree or structure would extend above the height limits prescribed for such zones.

- b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
- c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in Section IV, 9.

- 2. Existing Uses - Before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit must be secured from the Airport Director of the Raleigh-Durham Airport Authority authorizing such replacement, change or repair. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to be made higher or become a greater hazard to aerial navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for permits for replacement, change or repair of nonconforming uses shall be granted.
- 3. Nonconforming Uses Abandoned or Destroyed - Whenever the Airport Director of the Raleigh-Durham Airport Authority determines that a nonconforming structure or tree has been abandoned or more than eighty percent (80%) torn down, destroyed, 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. Whether application is made for a permit under this paragraph or not, the said Airport Director may by appropriate action compel the owner of the nonconforming structure or tree, at his own expense, to lower, remove, reconstruct or equip such object as may be necessary to conform to this Ordinance or, if the owner of the nonconforming structure or tree shall neglect or refuse to comply with such order for ten (10) days after notice thereof, the Raleigh-Durham Airport Authority may proceed to have the object so lowered, removed, reconstructed or equipped.

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4. Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe and efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to aerial navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Appeals unless a copy of the application has been furnished to the Airport Director of the Raleigh-Durham Airport Authority for advice as to the aeronautical effects of the variance. If the said Airport Director does not respond to the application within fifteen (15) days after receipt, the Board of Appeals may act on its own to grant or deny said application.
5. Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such obstruction markings and lights as may be necessary. If deemed proper by the Board of Appeals, this condition may be modified to require the owner to permit the Raleigh-Durham Airport Authority, at its own expense, to install, operate and maintain the necessary obstruction markings and lights.

SECTION VIII: ENFORCEMENT

The Airport Director of the Raleigh-Durham Airport Authority is hereby designated the administrative agency charged with the duty of administering and enforcing the regulations prescribed herein. Applications for permits and variances shall be made to the said Airport Director upon a form published for that purpose. Applications required by this Ordinance to be submitted to the Airport Director shall be promptly considered and granted or denied. Application for action by the Board of Appeals shall be forthwith transmitted by the Airport Director.

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SECTION IX: BOARD OF APPEALS

1. There is hereby created a Board of Appeals to have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision or determination made by the Airport Director of the Raleigh-Durham Airport Authority in the enforcement of this Ordinance; (2) to hear and decide special exceptions to the terms of this Ordinance upon which such Board of Appeals under such regulations may be required to pass; and (3) to hear and decide specific variances under Section VII of this Ordinance.
2. The Board of Appeals shall consist of five (5) members, each appointed by the Raleigh-Durham Airport Authority to serve for a term of three (3) years, or until a successor is duly appointed and qualified. Members shall be removable by the Raleigh-Durham Airport Authority for cause, upon written charges, after a public hearing. No member or employee of the Raleigh-Durham Airport Authority shall serve as a member of the Board of Appeals nor have or exercise any of the powers or duties herein delegated to the Board of Appeals.
3. The Board of Appeals shall adopt rules for its governance and procedure in harmony with the provisions of this Ordinance. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be public. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Raleigh-Durham Airport Authority and shall be a public record.
4. The Board of Appeals shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming or modifying any order, requirement, decision or determination which comes before it under the provisions of this Ordinance.
5. The concurring vote of a majority of the members of the Board of Appeals shall be sufficient to reverse any order, requirement, decision or determination of the Airport Director of the Raleigh-Durham Airport Authority, or to decide in favor of the applicant or any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance.

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SECTION X: APPEALS

1. Any person aggrieved, or any officer, department, board or bureau of the political subdivision affected, by any decision of the Airport Director of the Raleigh-Durham Airport Authority made in the administration of the Ordinance, may appeal to the Board of Appeals as provided in Section IX.
2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Appeals, by filing with the Airport Director of the Raleigh-Durham Airport Authority and with the Board of Appeals a notice of appeal specifying the grounds thereof. The said Airport Director shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Airport Director of the Raleigh-Durham Airport Authority certifies to the Board of Appeals, after the notice of appeal has been filed with him, that by reason of the facts stated in the certificate, a stay would, in the opinion of the said Airport Director, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order issued by the Board of Appeals or a court of record upon application thereto on notice to the Airport Director and on due cause shown.
4. The Board of Appeals shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
5. The Board of Appeals may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as may be appropriate under the circumstances, and to that end shall have all of the powers of the Airport Director of the Raleigh-Durham Airport Authority from whom the appeal is taken.

SECTION XI: JUDICIAL REVIEW

1. Any person aggrieved, or any officer, department, board or bureau of the political subdivision affected, by any decision of the Board of Appeals may present to the superior court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the decision is filed in the office of the Raleigh-Durham Airport Authority.
2. Upon presentation of such petition, the court may allow a writ of certiorari directed to the Board of Appeals to review such decision of the board. The allowance of the writ shall

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not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due course shown, grant a restraining order.

3. The Board of Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
4. The court shall have exclusive jurisdiction to affirm, modify or set aside the decision brought up for review, in whole or in part, and if need be, to order further proceedings by the Board of Appeals. The findings of fact by the board, if supported by substantial evidence, shall be accepted by the court as conclusive, and no objection to a decision of the board shall be considered by the court unless such objection shall have been urged before the board, or if it was not so urged, unless there were reasonable grounds for failure to do so.
5. Costs shall not be allowed against the Board of Appeals unless it appears to the court that it acted with gross negligence, in bad faith, or with malice, in making the decision appealed from.

SECTION XII: PENALTIES

Each violation of this Ordinance or of any regulation, order or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable by a fine of not more than fifty dollars (\$50.00), or imprisonment for not more than thirty (30) days, or by both such fine and imprisonment; and each day a violation continues to exist shall constitute a separate offense. In addition, the Raleigh-Durham Airport Authority may institute in any court of competent jurisdiction an action to prevent, restrain, correct or abate any violation of this Ordinance, or of any order or ruling made in conjunction with its administration or enforcement, and the court shall adjudge to the plaintiff such relief, by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order to fully effectuate the purposes of this Ordinance and of the orders and rulings made pursuant thereto.

SECTION XIII: CONFLICTING REGULATIONS

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

SECTION XIV: SEVERABILITY

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

SECTION XV: AMENDMENT OR CHANGE

This Ordinance shall not be amended or changed except by action of the Raleigh-Durham Airport Authority following a public hearing relative thereto, at which hearing all parties in interest and citizens appearing shall have the opportunity to be heard. At least ten (10) days notice of any such hearing shall be published in a newspaper of general circulation in Wake County, in Durham County, and in Chatham County.

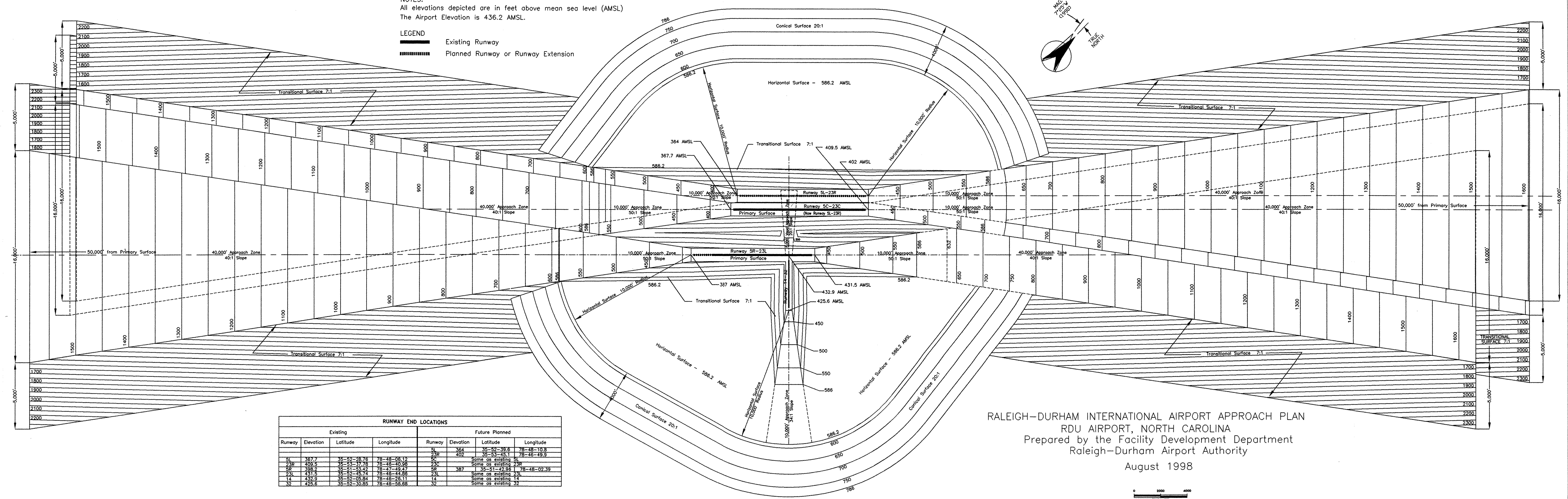
SECTION XVI: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage by the Raleigh-Durham Airport Authority and shall supersede and replace the "Raleigh-Durham Airport Height Zoning Ordinance" which was adopted by the Raleigh-Durham Airport Authority on the 4th day of January, 1983, which "Raleigh-Durham Airport Height Zoning Ordinance" is and the same shall hereafter be repealed.

Adopted by the Raleigh-Durham Airport Authority this 20th day of August, 1998.

NOTES:
All elevations depicted are in feet above mean sea level (AMSL)
The Airport Elevation is 436.2 AMSL.

LEGEND
Existing Runway
Planned Runway or Runway Extension



RUNWAY END LOCATIONS							
Existing				Future Planned			
Runway	Elevation	Latitude	Longitude	Runway	Elevation	Latitude	Longitude
5L	367.7	35-52-28.76	78-48-06.12	5L	364	35-52-39.6	78-48-10.8
23R	409.5	35-53-37.78	78-48-40.98	23R	402	35-53-45.1	78-48-49.9
5C	368.7	35-51-53.42	78-49-49.47	5C	367	35-51-42.96	78-48-02.39
23L	431.5	35-52-45.74	78-48-44.86	23L	432.9	35-52-05.84	78-48-26.11
14	432.9	35-52-05.84	78-48-26.11	14	425.6	35-52-30.85	78-48-56.68
32	425.6	35-52-30.85	78-48-56.68	32	425.6	35-52-30.85	78-48-56.68

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RDU AIRPORT, NORTH CAROLINA
Prepared by the Facility Development Department
Raleigh-Durham Airport Authority
August 1998



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RDU AIRPORT, NORTH CAROLINA