MIDDLETOWN
Rhode Island

PLANNING DEPARTMENT
TOWN OF MIDDLETOWN
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Summary – Proposed airport overlay zoning district

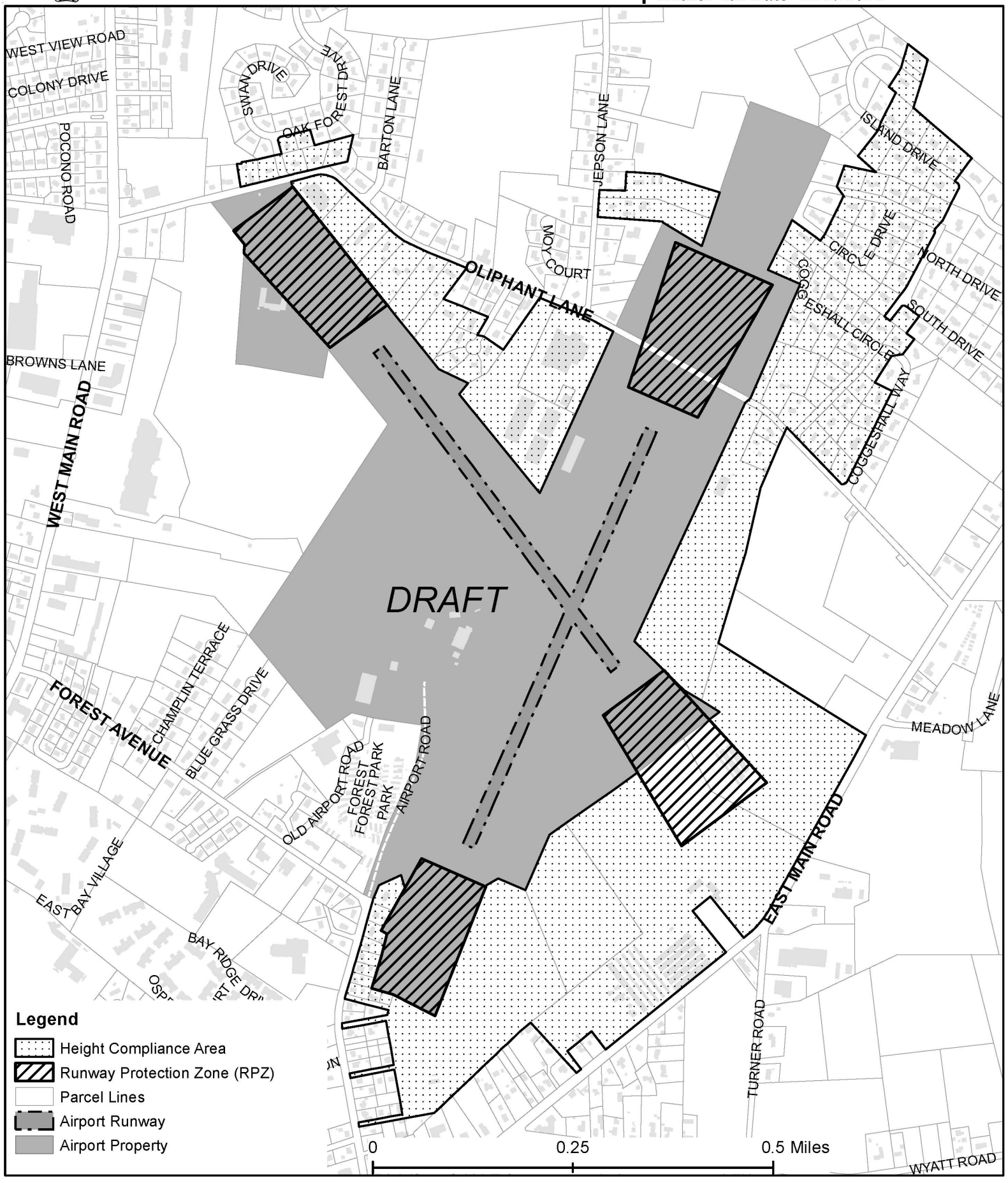
Purpose:
The State of Rhode Island has declared that "airport hazards may endanger the lives and property of users of the airport and of occupants of land and other persons in its vicinity" (RIGL §1-3-3) The state has also declared that "[t]he creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question," and "[i]t is necessary in the interest of public health, safety and general welfare that the creation or establishment of airport hazards be prevented." The state has also mandated that every city or town with an airport hazard area within its limits "shall adopt, administer, and enforce, under the police power and in the manner and upon the conditions prescribed, airport zoning regulations for that part of the airport hazard area which is within its territorial limits" (RIGL § 1-3-5(1)). These zoning regulations "may divide the airport hazard area into zones, and, within those zones, specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow." The ordinance will regulate airport hazards in accordance with state mandate, including Chapter 3 of Title 1 and Chapter 22.2 of Title 45 of the Rhode Island General Laws and 14 CFR 77, entitled "Objects Affecting Navigable Airspace" and the Federal Aviation Act (49 U.S.C. Chapter 401).

Consistency with the Middletown Comprehensive Community Plan:
The 2014 Middletown Comprehensive Community Plan recognizes the Town's responsibility, under the state mandate, to protect the public health and safety, and to prevent the creation or establishment of airport hazards. This recognition is specifically identified in the Comprehensive Plan by policy L-I.D. “Ensure land uses that surround the Colonel Robert F. Wood Airpark are compatible with airport operations” and action item L-I.D.1. “Develop and adopt an Airport Hazard Area Overlay District.”

Summary of proposed ordinance (latest draft available here: https://middletownri.com/567/Airport-Overlay-Zoning)

- Establish two regulated areas, including the Runway Protection Zone (RPZ) and the Height Compliance Area.
- The RPZ would prohibit most development, except for parking lots, roads, and agriculture. Any structures and vegetation would be limited to 15 feet in height.
- Uses within the Height Compliance Area would be limited in accordance with the underlying zoning, with structure height to not exceed that which would penetrate a FAA Part 77 surface. As currently drafted, there is no limitation on the height of vegetation.
- Any proposed development within the RPZ or Height Compliance Area would require Development Plan Review (DPR) conducted by the Planning Board, with the exception of proposed single-family dwellings in the Height Compliance Area. FAA approval of the proposed development would be a submission requirement for DPR.
- Pre-existing structures not in compliance with provisions of the ordinance would not be required to comply unless such structure is altered. The alteration shall not increase the hazard to air navigation.

Town of Middletown

Airport Area Overlay District: RPZ and Height Compliance Area

The information on this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation or parcel-level analysis.
Data: Town of Middletown, RIAC, RIGIS
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