



PLANNING

To: Mayor and Town Council

From: David Hoover, AICP, Director of Development Services

**Through: Mario Canizares, Town Manager
Chuck Ewings, Assistant Town Manager**

Re: Planned Development Ordinance for Prosper Arts District

Town Council Meeting – June 11, 2024

Strategic Visioning Priority: 4. Provide Excellent Municipal Services

Agenda Item:

Conduct a Public Hearing to consider and act upon an ordinance amending Chapter 3, Sections 1 and 2, of the Town of Prosper Zoning Ordinance to add Commercial Drone Delivery Hub use, standards, and definition. (ZONE-24-0010)

Future Land Use Plan:

Not Applicable.

Comprehensive Plan:

The proposed Ordinance fulfills the Comprehensive Plan goals to maintain and enhance the high quality of life and small town feel currently available and expected by Prosper residents.

Zoning:

The proposal is a text amendment to the Town of Prosper Zoning Ordinance. Commercial Drone Delivery Hub is only permitted by Specific Use Permit in three zoning districts: Commercial, Commercial Corridor, and Industrial.

The following would apply to existing Planned Developments with a base zoning of Commercial, Commercial Corridor, or Industrial:

- (a) If the allowed uses are specifically listed in the development standards, a Commercial Drone Delivery Hub would not be allowed.
- (b) If the development standards do not specifically list the allowed uses but rather refer back to those uses allowed in the base zoning district, then a Commercial Drone Deliver Hub would be allowed by Specific Use Permit.

Thoroughfare Plan:

Not Applicable.

Parks Master Plan:

Not Applicable.

Budget Impact:

There is no budgetary impact affiliated with this item.

Legal Obligations and Review:

Terrence Welch of Brown & Hofmeister, L.L.P., has approved the attached document as to form and legality.

Attached Documents:

1. Ordinance

Description of Agenda Item:

In some surrounding municipalities, some retailers have provided drone delivery as an alternative to driving to the store. Should this use be allowed in the Town of Prosper, certain criteria are proposed to ensure its property development.

The purpose of this request is to add Commercial Drone Delivery Hubs to the Zoning Ordinance. Two definitions will be added to define this use and the drone staging area, as follows:

Commercial Drone Delivery Hub – An area of land, structural surface, building, or structure with one or more designated drone staging areas for use by unmanned aircraft, including but not limited to those defined in Section 44801 of Title 49, United States Code, as amended, to distribute commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities.

Drone Staging Areas – A designated area over which an unmanned aircraft completes the final phase of the approach, to a hover or a landing, and from which an unmanned aircraft initiates take-off. The drone staging area includes both the launch pads and any required safety areas and may include areas for the outdoor storage of goods, materials, containers, trailers or other equipment.

A commercial drone delivery hub is allowed with a Specific Use Permit in the Commercial, Commercial Corridor, and Industrial districts and when certain requirements are met. These requirements are elaborated in this staff report.

When a detached accessory building is occupied or intended to be occupied for an accessory commercial drone delivery hub, the floor area is limited to a maximum of 10% of the total floor area of the building containing the primary use.

Drone Staging Areas:

The drone staging area must be designated on an approved site plan. The drone staging area must not be placed:

- i. Within any required building setbacks;
- ii. Within any required landscape buffer;
- iii. Within fire lanes, easements, maneuvering aisles, customer pick-up lanes, or required loading zones and parking spaces; or

iv. So as to obstruct visibility or interfere with pedestrian or vehicle circulation.

When located at grade, any goods, materials, containers, trailers, or other equipment must be screened according to the requirements for open storage contained in this Zoning Ordinance. Landing pads are exempt from this screening requirement. The Planning & Zoning Commission may waive these requirements with approval of a site plan.

When a drone staging area is on top of a building, any roof-mounted mechanical equipment, excluding landing pads, is subject to the mechanical screening requirements of the Zoning Ordinance. Any additional structure, parapet wall, screening, safety railing, or other appurtenance associated with the commercial drone delivery hub is subject to the maximum height requirement of the zoning district, except a single mast up to 10 feet in height for a windsock may exceed the maximum height requirement.

Antennas:

Antennas and antenna support structures are subject to the requirements of the Zoning Ordinance.

Proximity to Noise-Sensitive Uses:

The drone staging area for a commercial drone deliver hub shall not be located within 300 feet of any property upon which a dwelling, retirement housing facility or public park is located. The 300-foot buffer requirement may be reduced to 150 feet if the Town Council finds that issuance of the Specific Use Permit would not be detrimental or injurious to the public health, safety, or general welfare of the neighborhood.

The measurement of the required buffer is to be made in a straight horizontal line from the edge of the drone staging area to the closest property line of a property containing a dwelling, retirement housing facility use, or public park.

Parking:

Parking is not required for an accessory commercial drone delivery hub use. Loading spaces shall be provided for a commercial drone delivery hub pursuant to the requirements in the Zoning Ordinance for commercial, commercial corridor, and industrial uses. Loading spaces are not required for an accessory commercial drone delivery hub use.

The Planning & Zoning Commission may decrease the amount of required parking for a site by up to 10% to accommodate the drone staging area for a commercial drone delivery hub with approval of a site plan. The parking reduction is revoked if the commercial drone delivery hub use is removed.

Additional Criteria:

Nothing within the criteria for Commercial Drone Delivery Hubs shall prohibit the inclusion of site-specific standards or requirements, including those related to safety.

In the event of any conflict between this Ordinance and any state or federal law or regulation, the state or federal law or regulation shall apply.

Town Staff Recommendation:

Town Staff recommends approval of an ordinance amending Chapter 3, Sections 1 and 2, of the Town of Prosper Zoning Ordinance to add Commercial Drone Delivery Hub use, standards, and definition.

Planning & Zoning Commission Recommendation:

The Planning & Zoning Commission recommended approval of this item by a vote of 5-0 at their meeting on June 4, 2024.

Proposed Motion:

I move to approve/deny an ordinance amending Chapter 3, Sections 1 and 2, of the Town of Prosper Zoning Ordinance to add Commercial Drone Delivery Hub use, standards, and definition.