

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING THE TOWN'S ZONING ORDINANCE BY AMENDING EXISTING SUBSECTION 1.3(D), "TRANSPORTATION, UTILITY, AND COMMUNICATIONS USES," OF SUBSECTION 1.3, "SCHEDULE OF USES," OF SECTION 1, "USE OF LAND AND BUILDINGS," OF CHAPTER 3, "PERMITTED USES AND DEFINITIONS," BY ADDING "COMMERCIAL DRONE DELIVERY HUB" AS A PERMITTED USE WITH A SPECIFIC USE PERMIT IN THE COMMERCIAL, "C," COMMERCIAL CORRIDOR, "CC," AND INDUSTRIAL, "I," ZONING DISTRICTS WITH CONDITIONAL DEVELOPMENT STANDARDS; AMENDING EXISTING SUBSECTION 1.4, "CONDITIONAL DEVELOPMENT STANDARDS," OF SECTION 1, "USE OF LAND AND BUILDINGS," OF CHAPTER 3, "PERMITTED USES AND DEFINITIONS," BY ADDING CONDITIONAL DEVELOPMENT STANDARDS FOR ANY "COMMERCIAL DRONE DELIVERY HUB" USE; AMENDING EXISTING SUBSECTION 2.2 OF SECTION 2, "DEFINITIONS," OF CHAPTER 3, "PERMITTED USES AND DEFINITIONS," BY ADDING A DEFINITION OF "COMMERCIAL DRONE DELIVERY HUB"; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, after public notice and public hearing as required by law, the Planning and Zoning Commission of the Town of Prosper, Texas, has recommended amending the Town's Zoning Ordinance to encompass those amendments as set forth herein; and

**WHEREAS**, after public notice and public hearing as required by law, and upon due deliberation and consideration of the recommendation of said Planning and Zoning Commission and of all testimony and information submitted during said public hearing, the Town Council of the Town of Prosper, Texas, has determined that it is in the public's best interest and in furtherance of the health, safety, morals, and general welfare of the citizens of the Town to amend the Town's Zoning Ordinance as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:**

### **SECTION 1**

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Prosper, and they are hereby approved and incorporated into the body of this Ordinance as if restated herein in their entirety.

### **SECTION 2**

From and after the effective date of this Ordinance, existing Subsection 1.3(D), "Transportation, Utility, and Communications Uses," of Subsection 1.3, "Schedule of Uses," of Section 1, "Use of Land and Buildings," of Chapter 3, "Permitted Uses and Definitions," of the Town's Zoning Ordinance, is hereby amended by adding "Commercial Drone Delivery Hub" as a permitted use with a specific use permit in the Commercial, "C," Commercial Corridor, "CC," and Industrial, "I," zoning districts with conditional development standards, to read as follows:

SECTION 1.3(D) TRANSPORTATION, UTILITY AND COMMUNICATIONS USES	Residential Districts							Non-Residential Districts								
	A - Agricultural	SF – Single Family	DTSF – Downtown	TH - Townhome	2F – Two Family	MF – Multifamily	MH – Mobile Home	O – Office	DTO – Downtown	NS – Neighborhood	DTR – Downtown	R – Retail	DTC – Downtown	C – Commercial	CC – Commercial	I – Industrial
Commercial Drone Delivery Hub														51	51	51

### **SECTION 3**

From and after the effective date of this Ordinance, existing Subsection 1.4, “Conditional Development Standards,” of Section 1, “Use of Land and Buildings,” of Chapter 3, “Permitted Uses and Definitions,” of the Town’s Zoning Ordinance, as amended, is hereby amended by adding new Conditional Development Standards for “Commercial Drone Delivery Hubs,” to read as follows:

#### **“1.4 Conditional Development Standards**

\* \* \*

#### **51. Commercial Drone Delivery Hubs**

These regulations apply to a commercial drone delivery hub use.

##### **a) Commercial Drone Delivery Hubs:**

- 1) A commercial drone delivery hub is allowed with a specific use permit in the C, CC and I districts when the requirements of this section are met.
- 2) 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.

##### **b) Drone Staging Areas**

- 1) The drone staging area must be designated on an approved site plan.
- 2) 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.
- 3) 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.
- 4) When a drone staging area is located on top of a building:
  - i. Any roof-mounted mechanical equipment, excluding landing pads, is subject to the mechanical screening requirements of this Zoning Ordinance; and
  - ii. 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.
- 5) Antennas and antenna support structures are subject to the requirements of this Zoning Ordinance.
- 6) Proximity to Noise-Sensitive Uses
  - i. The drone staging area for a commercial drone delivery 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.
  - ii. 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.
- c) Parking and Loading
  - 1) Parking is not required for an accessory commercial drone delivery hub use.
  - 2) 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.

- 3) 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.
- d) Nothing herein shall prohibit the inclusion of site-specific standards or requirements, including those related to safety.
- e) 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."

#### **SECTION 4**

From and after the effective date of this Ordinance, Subsection 2.2 of Section 2, "Definitions," of Chapter 3, "Permitted Uses and Definitions," of the Town's Zoning Ordinance, is hereby amended by adding definitions of "Commercial Drone Delivery Hub" and "Drone Staging Area," to read as follows:

"2.2

\* \* \*

**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 Area** – 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.

\* \* \*"

#### **SECTION 5**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

## **SECTION 6**

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, and any remaining portions of said ordinances shall remain in full force and effect.

## **SECTION 7**

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

## **SECTION 8**

This Ordinance shall become effective from and after its adoption and publication as required by law; however, the provisions of this Ordinance shall not be applicable to any residential development or tract of land for which one or more final plats has been approved by the Town as of the effective date of this Ordinance.

**DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS \_\_ DAY OF \_\_\_\_\_, 2024.**

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**David F. Bristol, Mayor**

**ATTEST:**

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**Michelle Lewis Sirianni, Town Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Terrence S. Welch, Town Attorney**