

Zoning Case 2023-014

An Ordinance of the City of Plano, Texas, amending Article 8 (Definitions), Article 14 (Allowed Uses and Use Classifications), Article 15 (Use-specific Regulations), and Article 16 (Parking and Loading) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, to allow commercial drone delivery hubs and to include provisions for advanced air mobility aircraft; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 23rd day of October, 2023, for the purpose of considering a change in the Zoning Ordinance; and

WHEREAS, the City Secretary of said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, on the 23rd day of October 2023, the City Council of said City, held its public hearing and tabled the item to the 27th day of November 2023, during which it held an additional public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance; and

WHEREAS, the City Council is of the opinion and finds that such change should be adopted, would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Section 8.200 (Terms Defined) of Article 8 (Definitions) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such amended and new definitions to read as follows:

Commercial Drone Delivery Hub (Large)

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 under Commercial Drone Delivery Hub (Small), 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.

Commercial Drone Delivery Hub (Small)

An area of land, structural surface, building, or structure with one or more designated drone staging areas for use by small, unmanned aircraft systems (sUAS) under 55 pounds total take-off weight or as defined in Section 44801 of Title 49, United States Code, as amended, whichever is the lesser, 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. (See Sec. 15.100.3)

Heliport

An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of rotary wing and tiltrotor passenger aircraft, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities. (See Sec. 15.600)

Helistop

The same as a heliport, except that no refueling, maintenance, repairs, or storage of aircraft is permitted. (See Sec. 15.600)

Section II. Section 14.100 (Residential Districts Use Table) of Article 14 (Allowed Uses and Use Classifications) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such portions of the section to read as follows:

Section IV. Section 14.300 (Use Table Notes) of Article 14 (Allowed Uses and Use Classifications) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such note to read as follows:

Number	End Note
3	See Sec. 15.100

Section V. Section 15.100 ([Reserved]) of Article 15 (Use-specific Regulations) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such section to read in its entirety as follows:

15.100 Commercial Drone Delivery Hubs

These regulations apply to both commercial drone delivery hub (large) and commercial drone delivery hub (small) uses, except where individually referenced.

.1 Commercial Drone Delivery Hubs (Large)

A commercial drone delivery hub (large) may be allowed, if and where granted a specific use permit, in the CE, LI-1, and LI-2 districts if the requirements of this section are met.

.2 Commercial Drone Delivery Hubs (Small)

A. A commercial drone delivery hub (small) is allowed as a primary use in the CE, LI-1, and LI-2 districts when the requirements of this section are met.

B. A commercial drone delivery hub (small) is allowed as an accessory use to a permitted food/grocery store, restaurant/cafeteria, retail store, shopping center, superstore, or warehouse/distribution center use in any district when the requirements of this section are met.

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

.3 Drone Staging Areas

A. The drone staging area must be designated on an approved site plan.

B. The drone staging area must not be placed:

i. Within any required building setbacks;

ii. Within any required landscape edge;

- 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.
- C. As an accessory use, the drone staging area is limited to 10% of the total lot area or 1,000 square feet, whichever is greater. A drone staging area located inside of or on the roof of the building containing the primary use is not subject to this limitation.
- D. When located at grade, any goods, materials, containers, trailers, or other equipment must be screened according to the requirements for open storage in Sec. 19.200. Landing pads are exempt from this screening requirement. The Planning & Zoning Commission may waive these requirements with approval of a site plan.
- E. 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 in Sec. 20.300; 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 district, except a single mast up to 10 feet in height for a windsock may exceed the maximum height requirement.
- F. Antennas and antenna support structures are subject to the requirements in Sec. 15.200.

G. Proximity to Noise-Sensitive Uses

- i. The drone staging area for a commercial drone delivery hub (small) shall not be located within 150 feet of any property upon which a dwelling, retirement and supportive housing facility, or public park is located.
- ii. The drone staging area for a commercial drone delivery hub (large) shall not be located within 300 feet of any property upon which a dwelling, retirement and supportive housing facility, or public park is located. The 300-foot buffer requirement may be reduced to 150 feet if City 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.

- iii. 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 and supportive housing facility use, or public park.

.4 Parking and Loading

- A. Parking is not required for an accessory commercial drone delivery hub use.
- B. Loading spaces shall be provided for a commercial drone delivery hub as per the requirements in Sec. 16.1400 for retail, commercial, and industrial uses. Loading spaces are not required for an accessory commercial drone delivery hub use.
- C. 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.

Section VI. Section 16.700 (Off-Street Parking Schedule) of Article 16 (Parking and Loading) of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended, such portion of the section to read as follows:

Parking Space Schedule for Nonresidential Uses in all Districts

Zoning Districts or Uses	Minimum Required Off-Street Parking or Spaces for Nonresidential Uses
Commercial Drone Delivery Hub (Large) or Commercial Drone Delivery Hub (Small)	One space per 1,000 square feet of floor area for storage or warehousing, plus one space per 300 square feet of floor area for office, customer service, or other areas. A minimum of one parking space per 300 square feet of the designated drone staging area is required for commercial drone delivery hubs with no buildings.

Section VII. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section VIII. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section IX. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section X. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section XI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED on the 27th day of November, 2023.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY