

**SMALL UAV
COALITION**
*A Partnership for
Safety & Innovation*

August 18, 2023

Members
Planning and Zoning Commission
City of Plano
Plano Municipal Center
1520 K Avenue
Plano, TX 75074

jrockerbie@plano.gov

Re: Zoning Case 2023-014 Draft Standards

Dear Chair Downs and Members of the Commission:

The Small UAV Coalition¹ understands that the Plano City Council is set to consider the above-captioned Zoning Case as soon as Friday, August 18. We wish to express several concerns with the zoning standards as drafted, as they will unduly restrict the takeoff and landing of unmanned aircraft without demonstrating the need for such restrictions. Unmanned aircraft, or drones, will bring manifold public benefits through package delivery and many other use cases. Adoption of the draft zoning standards will inhibit the beneficial use cases of drone operations and potentially restrict the ability for Plano businesses to utilize this innovative technology to serve local residents and families.

¹ Members of the Small UAV Coalition are provided at www.smalluavcoalition.org.

The draft zoning standard appears limited to commercial drone delivery hubs, one or more landing areas “designated” to use for drone takeoffs and landings. It is unclear whether the drone operator or the City is to designate the area(s) within each hub. Section 15.100 refers to a “specific use permit.” The Coalition is concerned that the exercise of discretion to issue a specific use permit could unreasonably limit the number, nature, or purpose of drone operations, raising a concern whether such discretion would interfere with the Federal Aviation Administration’s plenary authority over drone operations, or impose an undue burden on interstate commerce.

The draft does not set any limit on drone takeoffs or landings where the takeoff or landing does not occur at a drone delivery hub. The Coalition seeks confirmation that the zoning standard applies only to hubs.

The draft would appear to confine drone delivery hubs as a primary use to only three nonresidential zoning districts (Light Industrial-1, Light Industrial-2, and Commercial Employment) and not to residential zoning districts. The Coalition does not see any rational basis to prohibit primary use drone delivery hubs in any of the other nonresidential zoning districts such as, for example, retail, research/technology center, corridor commercial, or regional commercial.

As for accessory use, that designation is limited to small drone delivery hubs. The Coalition recognizes the FAA’s definition of small UAS is no greater than 55 lbs., but the FAA has granted exemptions to operations using drones over 55 lbs. The Coalition recommends that accessory use sites include operations of drones over 55 lbs.

The Coalition supports extending accessory use to any district, nonresidential and residential, but objects to several of the limitations in takeoff and landing areas in subsection .3(c), (d), (f), and (g). We see no reason in subsection .3(c) to limit each area, as an accessory use, to 5% of the total lot area. Shopping centers and warehouse/distribution centers, to name two, would appear to allow for a greater area for takeoffs and landings without material interfering with other activities. Additionally, the restriction could limit adoption of drone delivery or other services by Plano’s local and small business community where these businesses may need to utilize more than 5 (or 10) % of their respective total lot area to enable small-scale drone delivery operations. A recent study by Virginia Tech, for instance, modeled the effects of drone delivery on three metropolitan areas representing a cross-section of U.S. cities, and found that local restaurant and retail

businesses could generate between \$145,000 and \$284,000 per year after year 5 through drone delivery services.²

Open storage screening requirements contained in subsection .3(d) could additionally introduce safety hazards that impact airflow, visibility, or other unnecessary risks to operations.

We also believe the 150 feet and 300 feet distances in subsections .3(f) and (g) are excessive and do not allow for exceptions to be granted for landowners who wish to utilize these innovative services in the future (we know of several retired and supportive living facilities and public parks where drone delivery services, for example, have been utilized to great benefit). These minimum distances do not take into account structures such as walls that would allow much closer operations with no safety risk. Moreover, drones are capable of geo-fencing to prohibit operations that stray into prohibited or restricted areas. And drones do not create the prop wash of helicopters. The Coalition favors replacing these categorical distances with the consideration of what distance may be required to avoid any operation that would be “detrimental or injurious to the public health, safety, or general welfare of the neighborhood,” the standard in subsection .3(g) and more in line with performance-based standards that can adapt to changing technologies v. those of a prescriptive nature.

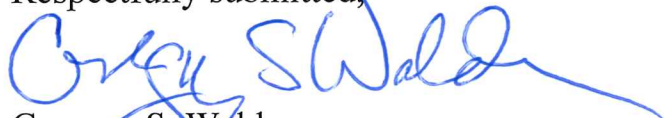
Finally, Section 6 would amend section 16.700 (off-street parking) and would require a minimum of 300 square feet for a designated take-off and landing area. The Coalition believes this minimum may not be necessary for certain small drones. Instead, the Coalition would support determining an appropriate minimum for the nature and number of expected drone operations.

In sum, the Coalition recognizes the City’s general authority to determine takeoff and landing sites for drones, as for any other aircraft. Given the FAA’s role over drone operations, and that drone delivery operations will serve the public health and convenience of citizens, including the elderly and infirm, and reduce vehicular traffic and pollution, we believe it is incumbent on the City to revise these draft

² See Measuring the Effects of Drone Delivery in the United States, Virginia Tech Office of Economic Development and the Grado Department of Industry & Systems Engineering, Sept. 2020, available at: https://vtechworks.lib.vt.edu/bitstream/handle/10919/100104/VT%20Measuring%20the%20Effects%20of%20Drone%20Delivery%20in%20the%20US_Sept%202020.pdf?sequence=3&isAllowed=y (last accessed Aug 18, 2023).

zoning standards as recommended in this letter. We note that some members of our Coalition and other drone companies have offered to work with the City to clarify and revise these draft standards, and we urge the City to give due consideration to the industry views.

Respectfully submitted,



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