



**PLANNING AND ZONING COMMISSION MEETING
CITY COUNCIL CHAMBERS
757 North Galloway Avenue
Mesquite, Texas
July 22, 2024 - 7:00 P.M.
DRAFT
AGENDA**

The Commission reserves the right to adjourn into a closed meeting at any time during the course of this meeting to discuss any of the matters posted on this Agenda, when such closed session is authorized by Texas Government Code Section 551.071 (Consultation with Attorney).

CALL TO ORDER

1. ROLL CALL.

PUBLIC COMMENTS

2. Any individual desiring to address the Planning and Zoning Commission regarding any item on the AGENDA (excluding public hearing items) or any matter not listed on the Agenda shall do so on a first-come, first-served basis. Comments are limited to three (3) minutes, except for a speaker addressing the Planning and Zoning Commission through a translator will be allowed six (6) minutes.

CONSENT AGENDA

All items on the Consent Agenda are routine items and may be approved with one motion; however, should any member of the Planning and Zoning Commission or any individual wish to discuss any item, said item may be removed from the Consent Agenda by a request from any Planning and Zoning Commission attending member or by request of any other individual in attendance.

3. MINUTES.

Consider approval of the minutes for July 8, 2024, Planning and Zoning Commission.

PUBLIC HEARINGS

The City Council may approve a different zoning district than the one requested, except that the different district will not: (1) have a maximum structure height or density that is higher than the one requested; or (2) change the uses to solely nonresidential uses when the request is for solely residential uses or vice versa.

4. Zoning Text Amendment No. 2024-01

Consider amending the Mesquite Zoning Ordinance by making certain additions and deletions to sections contained in Sections 2-200 "Use Regulations," 2-800 "Residential Care Facilities," and Section 6-102 "Definitions" pertaining to revising and establishing regulations for residential care facilities and families.

5. Zoning Text Amendment No. 2024-03

Consider amending the Mesquite Zoning Ordinance by making certain additions and deletions to sections contained in Sections 2-203 “Residential Districts: Schedule of permitted uses,” 3-203 “Nonresidential Districts: Schedule of Permitted Uses,” Section 3-700 Accessory Structure Regulations, and Section 6-102 “Definitions” pertaining to revising and establishing regulations for accessory electric vehicle charging stations.

6. Zoning Text Amendment No. 2024-04

Consider amending the Mesquite Zoning Ordinance by making certain additions and deletions to sections contained in Sections 3-203 “Nonresidential Districts: Schedule of Permitted Uses,” Section 3-500 Supplemental Use Regulations, Section 3-700 Accessory Structure Regulations, and Section 6-102 “Definitions” pertaining to revising and establishing regulations for drone delivery stations.

DIRECTOR’S REPORT

7. DIRECTOR’S REPORT.

Director’s Report on recent City Council action taken on zoning related items at their meeting on July 15, 2024.

At the conclusion of business, the Chair shall adjourn the meeting.

The Commission reserves the right to adjourn into a closed meeting at any time during the course of this meeting to discuss any of the matters posted on this Agenda, when such closed session is authorized by Texas Government Code Section 551.071 (Consultation with Attorney).

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Conforme a la Sección 30.06 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego oculta), personas con licencia según el Sub- capítulo H, Capítulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando un arma de fuego oculta.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

Conforme a la Sección 30.07 del Código Penal (entrada ilegal de persona titular de licencia con arma de fuego a la vista), personas con licencia según el Sub- capítulo H, Capítulo 411, Código de Gobierno (ley de permiso para portar arma de fuego), no deben entrar a esta propiedad portando una arma de fuego a la vista.

Pursuant to Section 551.007 (c) of the Texas Government Code any member of the public wishing to address the Planning and Zoning Commission through the use of a translator is granted at least twice the amount of time as a member of the public who does not require the assistance of a translator.

Conforme a la Sección 551.007 (c) del Código de Gobierno de Texas, cualquier miembro del público que desea dirigirse a la Comisión través del uso de un traductor se le otorga al menos el doble de tiempo como miembro del público que no requiere la asistencia de un traductor.

CERTIFICATE

I, Garrett Langford, Manager of Planning and Zoning for the City of Mesquite, Texas, hereby certify that the attached Agenda for the Planning and Zoning Commission meeting to be held on July 22, 2024, was posted on the bulletin boards at the Municipal Center and City Hall by July 19, 2024, before 5:00 p.m. and remained so posted until after the meeting. This notice was likewise posted on the City’s website at www.cityofmesquite.com for a minimum of 72 hours prior to the meeting.



Garrett Langford, AICP
Manager of Planning and Zoning

MINUTES**JULY 8, 2024****PLANNING & ZONING COMMISSION
CITY OF MESQUITE, TEXAS****City Hall
City Council Chambers
757 North Galloway Avenue
Mesquite, Texas****REGULAR MEETING****ATTENDANCE: COMMISSIONERS (REGULAR MEMBERS AND ALTERNATES)**

POSITION NO.	REGULAR MEMBER NAME	ATTENDANCE
Position No. 1	Mr. Nellapalli Dharmarajan	☒ Present In-Person ☐ Absent
Position No. 2	Ms. Millie Arnold	☒ Present In-Person ☐ Absent
Position No. 3	Mr. Roger Melend	☒ Present In-Person ☐ Absent
Position No. 4	Ronnie Chenault	☒ Present In-Person ☐ Absent
Position No. 5	Rick Cumby	☒ Present In-Person ☐ Absent
Position No. 6	Jeffrey Walker	☒ Present In-Person ☐ Absent
Position No. 7	Soira Teferi	☒ Present In-Person ☐ Absent
ALTERNATE NO.	ALTERNATE NAME	ATTENDANCE
Alternate No. 1	Wana Alwalee	☒ Present In-Person ☐ Absent (* Attendance Required: ☐ No ☐ Yes)
Alternate No. 2	Vacant	☐ Present In-Person ☒ Absent (* Attendance Required: ☐ No ☐ Yes)

ATTENDANCE: STAFF

Jeff Armstrong	Director of Planning & Development Services	☒ Present In-Person ☐ Absent
Garrett Langford	Manager of Planning & Zoning	☒ Present In-Person ☐ Absent
John Cervantes	Planner	☒ Present In-Person ☐ Absent
Jordan Gregory	Planner	☒ Present In-Person ☐ Absent
Ti'Ara Clark	Planner	☒ Present In-Person ☐ Absent
Karen Strand	Deputy City Attorney	☒ Present In-Person ☐ Absent

CALL TO ORDER**1. ROLL CALL**

The meeting was called to order at 7:00 p.m. Planner Jordan Gregory took roll call and declared a quorum was present.

PUBLIC COMMENTS

2. Any individual desiring to address the Planning and Zoning Commission regarding any item on the AGENDA (excluding public hearing items) or any matter not listed on the Agenda shall do so on a first-come, first-served basis. Comments are limited to three (3) minutes, except for a speaker addressing the Planning and Zoning Commission through a translator will be allowed six (6) minutes.

There were no comments.

CONSENT AGENDA

3. MINUTES.

Consider approval of the minutes for June 24, 2024, Planning and Zoning Commission.

ACTION

Commissioner Dharmarajan made a motion to APPROVE as presented; Commissioner Chenault seconded; the motion carried 7 approvals (Melend, Dharmarajan, Chenault, Cumby, Teferi, Arnold, Walker) – 0 opposed.

PUBLIC HEARINGS

4. ZONING APPLICATION Z0424-0356

Conduct a public hearing and consider approval of Zoning Application No. Z0424-0356 submitted by Kimley Horn and Associates, Inc., for a zoning change to amend Planned Development – Industrial Ordinance No. 5057 to modify the concept plan and development standards located at 2732, 2800, and 3200 E US HWY 80.

PRESENTATION

Planner John Cervantes presented to the Commission.

DISCUSSION

Commission concerns are as follows;

1. Chairman Melend is concerned about the future parking ratio, noise, and screening.
2. Commissioner Walker wanted clarification as to what light industrial consists of.
3. Commissioner Dharmarajan concerned about negative environmental impacts (“smoke stacks”)

APPLICANT

Bill Dahlstrom, Rob Pennington, and Josh Meredith presented to the Commission.

They stated that there would be plenty of parking, not expecting any hazardous environmental concerns and there would be plenty of lighting for security and would not impede on the residential area. The tenant would be the one to put in their system for security.

PUBLIC HEARINGS

Chairman Melend opened the public hearing.

Davis Shepard, 2623 North Parkway, came up to speak in opposition. States extra concrete will cause flooding, the noise is already really bad. The trash is bad from the homeless people who have taken over and the grass is overgrown. Mr. Dahlstrom stated that the developer would clean the trash up if approved to develop.

ACTION

Chairman Melend made a motion to APPROVE with staff's recommendations and with an addition of a wing wall; Commissioner Teferi seconded; the motion carried 5 approved (Melend, Chenault, Cumby, Teferi, Arnold) 1 abstained (Walker) 1 denied (Dharmarajan).

DIRECTOR'S REPORT

5. DIRECTOR'S REPORT.

Director's Report on recent City Council action taken on zoning related items at their meetings on July 1, 2024.

The zoning action taken is as follows;

1. Zoning Application No. Z0124-0342, submitted by Marc Tolson of Arrive Architecture, LLC, on behalf of Rodeo Center Development, Ltd., for a Comprehensive Plan amendment from Commercial to Medium-Density Residential and a change of zoning from Commercial to Planned Development - Multifamily Residential with modifications to the development standards to allow a build-to-rent patio home and townhome development, located at 21701 Interstate Highway 635. **Approved by Ordinance No. 5116.**

6. COMMISSIONER TRAINING.

No action is to be taken. Director of Planning & Development Services Jeff Armstrong presented to the Commission.

Chairman Melend adjourned the meeting at PM.

Chairman Roger Melend



MEMORANDUM

TO: Planning & Zoning Commission

FROM: Garrett Langford, Manager of Planning and Zoning

DATE: July 19, 2024

SUBJECT: ZTA 2024-01 Residential Care Facilities

The proposed text amendment will update the definitions and regulations regarding personal care homes, group homes, and residential care facilities to ensure compliance with state and federal regulations.

Staff recommends approval.

A handwritten signature in dark ink, appearing to read "Garrett Langford", is positioned above a horizontal line.

Garrett Langford, AICP
Manager of Planning and Zoning

MESQUITE CITY CODE

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APPENDIX C – MESQUITE ZONING ORDINANCE

* * *

PART 2. – RESIDENTIAL DISTRICTS

* * *

2-200 – Use Regulations

* * *

[Editor's Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough~~.]

2-203 – Schedule of permitted uses.

	AG	R	D	TNMR	A	SPECIAL CONDITIONS
B. NONRESIDENTIAL USES						
~~a. Personal Care Home~~	P	P	P	P	P	See generally, Section 2-800.
<u>a. b. Community Home (6 or fewer persons 2 per bedroom with a maximum of 8 persons)</u>	P	P	P	P	P	SIC 836; Requires State licensing; Permits only homes complying with the Community Homes for Disabled Persons Location Act; Classify all others as Group Homes. Establishment of a Community Home shall require compliance with Section 2-401. <u>See definitions in Section 6-102; and Section 2-802.</u>
<u>b. e. Group Home (79 to 15 persons)</u>	C	C	C	C	C	SIC 836; Requires State licensing; Classify facilities for delinquents and offenders as SIC 9223; See 3-203. Establishment of a Group Home shall require a minimum of four off-street parking spaces, located behind the front building line. <u>See definitions in Section 6-102; and Section 2-803.</u>
<u>c. d. Residential Care Institution (16 or more persons)</u>					P	SIC 836. Establishment of a Residential Care Institution shall require a minimum of one off-street parking space, located behind the front building line, for every four residents. <u>See definitions in Section 6-102; and Section 2-804.</u>

* * *

2-800 – Residential Care Facilities

2-801 – Certificate of Occupancy.

- A. *Required.* ~~All assisted living facilities~~ Residential care facilities, which include community homes, group homes, residential care institutions, or other assisted living facilities that provide care shall apply for and receive an approved Certificate of Occupancy (CO) ~~certificate-of-occupancy~~ from the Building Official prior to the commencement of operations. All State licensed facilities operating within the City without an approved certificate of occupancy as of April 16, 2012, shall apply for a certificate within thirty (30) days after said date and shall meet the requirements for an approved certificate no later than July 1, 2012.
- B. *Controlling codes.* To receive a Certificate of Occupancy (CO) ~~certificate-of-occupancy~~, the proposed residential care facility ~~assisted living facility~~, including the premises, shall meet the requirements of this Section, the International Residential Code or International Building Code, whichever is applicable for the size of the facility, the International Property Maintenance Code, and such other codes and ordinances that may govern the operation of the facility. The Building Official may approve a ~~provisional~~ Temporary Certificate of Occupancy (Temporary – CO) ~~certificate-of-occupancy~~ for a residential care facility pending the applicant's receipt of a State license for the facility.
- C. *Reasonable accommodation.* The Director of Community Development is authorized to provide a reasonable accommodation to standards, rules, policies or practices of the City related to the use or occupancy of a dwelling when the accommodation may be necessary to afford disabled persons an equal opportunity to use and enjoy the dwelling.

Cross references –

Certificate of occupancy; Mesquite Zoning Ordinance, Part 5, 5-100, Section 5-106.

Buildings and Construction; Mesquite City Code, Chapter 5.

Housing and Minimum Property Standards; Mesquite City Code, Chapter 7.

~~2-802 – Personal care homes.~~

- ~~A. *Location.* A personal care home shall be permitted by right in any residential district.~~
- ~~B. *Registration.* Not less than ten (10) days prior to commencing operations, the proprietor of a personal care home shall:~~
 - ~~1. If owner-occupied, apply for and register the facility as a home occupation with the Office of Planning and Zoning. For purposes of such application, the conducting of the personal care home shall be considered incidental to the primary residential use of the dwelling, and any employees of the facility shall be considered occupants of the dwelling; or~~
 - ~~2. If not owner-occupied, apply for and register the facility as a rental dwelling unit with the Building Official under Section 5-468 of the City Code.~~

2-802 ~~2-803~~ – Community homes.

A. Definitions. See Section 6-102 for definitions.

B. A. Location. A community home shall be permitted-by-right in any residential district.

~~However, a community home shall not be established within one-half (½) mile of an existing community home.~~

~~B. Type of facility. A community home shall be operated by:~~

- ~~1. The Texas Department of Mental Health and Mental Retardation;~~
- ~~2. A community center organized under V.T.C.A., Health and Safety Code ch. 534, subch. A, that provides services to persons with disabilities;~~
- ~~3. An entity subject to the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes);~~
- ~~4. An entity certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation; or~~
- ~~5. An assisted living facility licensed under V.T.C.A., Health and Safety Code ch. 247.~~

2-803 ~~2-804~~ – Group Homes.

A. Definitions. See Section 6-102 for definitions.

B. A. Location.

- 1. A group home shall be permitted-by-right within the A or TNMR districts.**
- ~~2.4.~~ The establishment of a group home in the AG, R or D residential districts shall be subject to approval of a conditional use permit by the City Council. The operator or proprietor of the proposed group home shall file a complete application for the conditional use permit prior to obtaining a State license for the proposed facility. The application shall be processed according to the procedures of Section 5-300. A group home shall be permitted-by-right within the A or TNMR districts.
- ~~2. A group home within the AG, R or D residential districts shall not be established within one thousand (1,000) feet of an existing community home.~~

2-804 – Residential Care Institution.

A. Definitions. See Section 6-102 for definitions.

B. Location. Residential care institutions are permitted by right in the A-Multifamily residential districts.

2-805 – Context and premises.

~~A. Neighborhood appearance. A personal care home, community home or group home established within an AG, R or D residential district shall retain, or be constructed to match, an exterior appearance compatible with the surrounding residential dwellings. Within the A or TNMR districts, a personal care home, community home or group home shall either maintain the form of the existing building it occupies, or if built new, shall be constructed to the residential standards of the district.~~

~~A.~~ B. ~~Multiple uses prohibited.~~ No other use, including a home occupation, shall be conducted on the premises of a residential care facility ~~community home or group home~~, except for such activities clearly incidental to the administration of the facility, the provision of services in connection with the facility's State license, and the conducting of religious services for residents and their families.

~~B.~~ C. ~~Parking.~~

1. Within the AG, R or D residential districts, a ~~personal care home~~, community home or group home shall provide one (1) off-street parking space for each on-duty or resident supervisor. The number of motor vehicles kept by and for the use of residents of the facility shall not exceed the number of bedrooms in the facility. Except for emergency vehicles, the facility operator shall schedule caregiver visits so that no more than two (2) caregiver vehicles are parked on the public street at the same time.
2. In all other districts, the parking requirements for ~~assisted living facilities~~ residential care facilities shall meet Parking Standard 24 in Section 3-405, and the disposition and configuration of parking shall meet the applicable requirements of Sections 3-400 or 4-1500.

2-806 – Licensure and notification.

- A. *License to be posted.* Each ~~assisted living facility~~ residential care facility shall post its current State license in a conspicuous place near the front door on the interior of the facility for inspection by authorized personnel of the City.
- B. *Notification of changed conditions.* The operator or proprietor of any residential care facility shall give immediate written notice to the Office of Planning and Zoning of any of the following:
 1. The revocation or non-renewal of its State license; or
 2. An approved, proposed or pending amendment to its State license, which authorizes, or would authorize, the facility to increase the number of residents, or which would require the operator or proprietor to reduce the number of residents; or
 3. The construction or conversion of living space as an addition to or within a residential care facility, ~~personal care home, community home or group home~~, including a garage conversion, that the operator or proprietor intends to use for additional bedrooms, or the filing of a building permit application to do any of the same.

* * *

6-100 – DEFINITIONS AND INTERPRETATIONS OF TERMS

* * *

6-102 – Definitions.

Assisted living facility: A residential establishment, consisting of one (1) or more facilities, licensed under V.T.C.A., Health and Safety Code ch. 247 that provides food, shelter and personal care services to four (4) or more persons unrelated to the proprietor of the establishment.

* * *

Community home: A dwelling unit that provides residence to not more than two (2) persons per bedroom with a maximum of eight (8) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial setbacks, living together as a single household. Caregivers may reside in the dwelling unit, provided that no more than a total of eight (8) persons may reside therein, regardless of the legal relationship of those persons to one another. Where applicable, a community home shall have appropriate licensing and/or registration by the State of Texas.

~~A residential establishment licensed by the State of Texas, where not more than six (6) disabled persons and two (2) supervisors may reside at the same time, and where the disabled persons are provided food and shelter, personal guidance as well as supervised care and rehabilitation. The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.~~

* * *

Dwelling unit: A building or portion thereof having only one (1) kitchen plus living, sleeping, and bathroom facilities designed and/or used by one (1) family for residential purposes, but not including hotels, motels, travel trailers, tents and other such temporary living quarters.

* * *

Family: Individuals living together as a single household ~~housekeeping unit~~, including cooking together, in which not more than four (4) ~~individuals~~ adults, plus any minor children, are unrelated by blood, marriage, ~~or adoption, or recognized legal union or guardianship~~. Family shall not include groups of individuals which do not function as or constitute household ~~housekeeping units~~, such as boarding/lodging house, fraternity/sorority houses, and similar living arrangements.

* * *

Group home: A residential establishment or dwelling unit that provides residence to nine (9) or more persons, but fifteen (15) or fewer persons regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial setbacks, living together as a single household. Caregivers may reside in the dwelling unit, provided that no more than a total of fifteen (15) persons may reside therein, regardless of the legal relationship of those persons to one another. Where applicable, a community home shall have appropriate licensing and/or registration by the State of Texas.

~~A residential establishment licensed as an assisted living facility under V.T.C.A., Health and Safety Code ch. 247 that provides food, shelter and personal care services to seven (7) or more, but fifteen (15) or fewer persons. Supervisors may reside in the establishment, provided that no more than a total of fifteen (15) persons may reside therein, regardless of the legal relationship of those persons to one another.~~

* * *

~~**Personal care home:** A residential establishment that provides food, shelter and personal care services to three (3) or fewer persons unrelated to the proprietor of the establishment.~~

* * *

Residential care facility: A personal care home, community home, group home, residential care institution, or other assisted living facility, as those terms are defined herein.

* * *

Residential care institution: A residential establishment or dwelling unit that provides residence to sixteen or more persons regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial setbacks, living together as a single household. Where applicable, a community home shall have appropriate licensing and/or registration by the State of Texas.



MEMORANDUM

TO: Planning & Zoning Commission

FROM: Garrett Langford, Manager of Planning and Zoning

DATE: July 17, 2024

SUBJECT: ZTA 2024-03 Electric Vehicle Charging Station

The proposed text amendment establishes electric vehicle (EV) charging station regulations. The proposed regulations would designate where EV charging stations are permitted as an accessory use and establish development standards pertaining to placement, setbacks, and certain other restrictions. Regulations for EV charging as a principal use of a property will be addressed in a future zoning text amendment. While not included in the proposed zoning text amendment, staff will also discuss with the Commission how EV charging stations with video monitors that advertise products unrelated to EV charging stations should be regulated.

Staff recommends approval.

A handwritten signature in black ink, appearing to read "Garrett Langford", is written over a light gray circular stamp.

Garrett Langford AICP
Manager of Planning and Zoning

MESQUITE CITY CODE

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APPENDIX C – MESQUITE ZONING ORDINANCE

* * *

PART 2. – RESIDENTIAL DISTRICTS

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2-200 – Use Regulations

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[Editor's Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough~~.]

2-203 – Schedule of permitted uses.

	AG	R	D	TNMR	A	SPECIAL CONDITIONS
* * *						
L. ACCESSORY USES AND STRUCTURES						
17. <u>Accessory electric vehicle charging station</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See definitions in 6-102; and Required compliance with Section 3-702.G.</u>

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3-200 – Use Regulations

* * *

3-203 – Schedule of permitted uses.

SIC CODE	USE DESCRIPTION	O	GR	LC	THN K20 NGTC 1	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
* * *													
L. ACCESSORY USES AND STRUCTURES													
11. <u>Accessory electric vehicle charging station</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>See definitions in 6-102; and Required compliance with Section 3-702.G.</u>

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3-700 – ACCESSORY STRUCTURE REGULATIONS

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3-702 Permitted modifications – Specific structures.

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G. Accessory Electric Vehicle Charging Station

- 1) See Section 6-102 for definitions.
- 2) Electrical permits and building permits are required for Accessory Electric Vehicle Charging Station.
- 3) If this accessory use is located in a residential district, it shall not include an Electric Vehicle Charging Station sign.
- 4) Accessory Electric Vehicle Charging Station with advertisement will require a sign permit for an Electric Vehicle Charging Station Sign and shall comply with Section 13 (Mesquite Sign Ordinance) of the Mesquite City Code.
- 5) Accessory Electric Vehicle Charging Stations must be designed and located to avoid glare or reflection onto neighboring properties, inclusive of properties across an alley, easement, or street, and adjacent roadways.
- 6) Accessory Electric Vehicle Charging Stations shall not interfere with traffic, or create a safety hazard.
- 7) Setback. An electric vehicle charging station may be placed in the required setbacks except when adjacent to a property occupied by a single-family home or when the station includes an electric vehicle charging station sign.
- 8) Up to 10 percent of required parking may be electric vehicle charging spaces that will count towards required parking for a main use on the property.
- 9) A charging cord may not cross over a sidewalk or pedestrian walkway.
- 10) Accessory Electric Vehicle Charging Station shall be located at the head or side of each parking stall and oriented toward the single vehicle user and/or adjacent sidewalk. The charging station shall not encroach into the required parking stall dimensions.
- 11) If Accessory Electric Vehicle Charging Station is located within a landscaped area, any required landscaping shall be replaced.
- 12) Electric vehicle charging stations shall be in operational working condition at all times and, at a minimum, available for use during regular business hours. When an electric vehicle charging station is not operational for 14 consecutive days, it shall be considered to have been removed from service. If removed from service, the charging station shall be removed from the site and the parking spaces shall be returned to their original condition within 30 days.

6-100 – DEFINITIONS AND INTERPRETATIONS OF TERMS

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6-102 – Definitions.

* * *

Electric Vehicle Charging Station (EVCS): A facility that provides electrical charging for vehicles.

Electric Vehicle Charging Station – Accessory Use; or Accessory Electric Vehicle Charging Station:
A facility that provides electrical charging for vehicles as an accessory use of the property.

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MEMORANDUM

TO: Planning & Zoning Commission

FROM: Jeff Armstrong, Director of Planning and Development Services

DATE: July 17, 2024

SUBJECT: ZTA 2024-04 Drone Delivery Services

The proposed text amendment establishes regulations for drone delivery services, both accessory to another use and as a primary use of property. The proposed regulations would designate where drone delivery is permitted and establish development standards pertaining to fencing, setbacks height, and certain other restrictions. The Federal Aviation Administration has exclusive authority to regulate noise made by the drones and flight paths. Therefore, cities cannot create regulations related to these items.

Staff recommends approval of the proposed ordinance.

A handwritten signature in black ink, appearing to read "Jeff Armstrong", is written over a horizontal line.

Jeff Armstrong, AICP
Director of Planning and Development

MESQUITE CITY CODE

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APPENDIX C – MESQUITE ZONING ORDINANCE

* * *

PART 3. – NONRESIDENTIAL DISTRICTS

* * *

3-200 – Use Regulations

* * *

[Editor's note: Add the following as new text to the sub-sections identified herein.]

3-203 – Schedule of permitted uses.

SIC CODE	USE DESCRIPTION	O	GR	LC	THN	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
* * *													
E. TRANSPORTATION/UTILITIES													
4789	Transportation Services, NEC												
a.	DRONE DELIVERY SERVICE		C	C						C	P	28	Require compliance with Section 3-513.
* * *													
L. ACCESSORY USES AND STRUCTURES													
* * *													
12.	ACCESSORY DRONE DELIVERY		P	P			P	C		P	P		Require compliance with Section 3-513.

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3-500 - SUPPLEMENTARY USE REGULATIONS

[Editor's note: Add the following as a new section.]

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3-513 – Drone Delivery

These regulations apply to both Drone Delivery Services, and Accessory Drone Delivery except where individually referenced.

- A. *Definitions.* See Section 6-102 for definitions.
- B. *Drone Delivery.*
 - a. *Drone delivery services.* Drone delivery services are allowed as a primary use. SEE Section 3-203 (Schedule of permitted uses); E. Transportation/Utilities.
 - b. *Accessory drone delivery.* Accessory Drone Delivery is allowed as an accessory use to a permitted food store, restaurant, retail store, or warehouse/distribution facility. SEE Section 3-203 (Schedule of permitted uses); L. Accessory Uses and Structures.
- C. *Drone staging areas.*
 - 1. Drone staging areas must be designated on an approved site plan.
 - 2. Drone staging areas shall not be placed within any setback, required landscape area, fire lane, easement, maneuvering aisle, required loading zone, required parking space, or any location that obstructs visibility or interferes with pedestrian or vehicle circulation.
 - 3. Drone staging areas as part of an accessory drone delivery use shall be limited to 1000 square feet or 10% of the lot area, whichever is greater. A drone staging area located within or on the roof of the building containing the primary use is not subject to this limitation.
 - 4. Drone staging areas shall be located a minimum of 200 feet from a residentially zoned property, any lot used for a residential care facility, nursing home, or public park. The measurement shall be from the edge of the drone staging area to the closest property line.
- D. *Antennas.* Antennas and antenna support structures shall comply with Section 1-700 (Telecommunications Towers and Antennas).
- E. *Fencing.* Drone staging areas may be enclosed with a fence or wall consisting of masonry, decorative iron, or chain link that is coated with black vinyl.

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6-100 – DEFINITIONS AND INTERPRETATIONS OF TERMS

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[Editor's note: Add the following new terms and definitions in alphabetical order .]

6-102 – Definitions.

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Drone Delivery – Accessory Use; or Accessory Drone Delivery: A permitted food store, restaurant, retail store, or warehouse/distribution facility with one or more designated *drone staging areas* that are incidental to the primary use of the property for use by small, unmanned aircraft systems under 55 pounds take-off weight 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.

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Drone Delivery Service: A primary use of the property with the purpose of operating one or more *drone staging areas* for use by unmanned aircraft to deliver commercial goods by air. This includes any appurtenant areas used or intended for use for unmanned aircraft system buildings, structures, and other facilities.

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Drone Staging Area: A designated area over which an unmanned aircraft completes the final phase of the approach, to a hover or 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, or equipment related to unmanned aircraft systems.

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