

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: 2/20/2023

Topic:

Conduct a Public Hearing and consideration to approve **Ordinance Amendment OAM23-01**: Request by Apex Clean Energy Holdings, LLC to amend Section(s) 50-2 (*Definitions*) and Section 50-82 (*Use Regulations (Charts)*), Subsection (b) (*Use Charts*) of the Tomball Code of Ordinances by adding standards pertaining to “Energy Storage System”.

Adopt, on First Reading, Ordinance No. 2023-03, an Ordinance of the City of Tomball, Texas, Amending Chapter 50 (Zoning) of the Tomball Code of Ordinances by revising its code of ordinance amending Section 50-2 (Definitions), of Article I, in general and Section 50-82 (Use Regulations (Charts)), Subsection (B)(Use Charts), of Article III, District Regulations; providing for penalty of an amount not to exceed \$2,000 for each day of violation of any provision hereof, making findings of fact; and providing for other related matters.

Background:

Apex Energy has requested to amend the current City of Tomball code of ordinance, requesting to establish an “Energy Storage System” land use within the City of Tomball. These businesses utilize batteries to create energy storage reserves that are to be utilized if our city and/or surrounding communities lose access to electricity. Currently, the City of Tomball does not identify any such land use within our Code of Ordinance, leading staff to categorize this use as an “Electrical Substation” which is the closest similar use within our code of ordinance. Where permitted, electrical substations require a Conditional Use Permit. To avoid potential confusion that may arise from seeking a Conditional Use Permit for an Electrical Substation, the applicants would like to add the electric storage system land use to our code of ordinance. This amendment will allow an electric storage system within the Light Industrial (LI) zoning district with the approval of a Conditional Use Permit. Additionally, this amendment includes a definition that will clearly define the electric storage facility land use.

Origination: Apex Clean Energy Holdings, LLC.

Recommendation:

Staff Recommends Approval, Planning & Zoning Commission Approved (3 Votes Aye, 1 Vote Nay)

Party(ies) responsible for placing this item on agenda: Nathan Dietrich (Director of Community Development)

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____

If yes, specify Account Number: # _____

If no, funds will be transferred from account: # _____ To Account: # _____

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date