

ORDINANCE NO. 2026-XX

AN ORDINANCE AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, GALVESTON COUNTY, TEXAS, ALSO KNOWN AS THE ZONING ORDINANCE, TO PERMANENTLY REZONE PROPERTY FOR RED EGRET, LLC FROM DISTRICT "H" HEAVY INDUSTRIAL TO DISTRICT "SP" SITE PLAN FOR A BATTERY ENERGY STORAGE SYSTEM (BESS) BEING 38.653 ACRES LOCATED AT P6911 ATTWATER AVENUE IN AN AREA SOUTH OF THE GCWA CANAL, NORTH OF MOSES BAYOU, EAST OF SOUTH HUMBLE CAMP RD., AND WEST OF PROPERTY OWNED BY THE GALVESTON BAY AREA FOUNDATION; ORDERING SAID CHANGES MADE ON THE CITY ZONING MAP; CONTAINING A SAVINGS CALUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, Red Egret, LLC, on behalf of owner Texas-New Mexico Power Co., applied for a Zoning change of a 38.653-acre site from District “H” (Heavy Industrial) to District “S-P” (Site Plan) for development and operation of a battery electric storage system (BESS) utilizing lithium-ion battery technology;

WHEREAS, the Planning Board approved the proposed Site Plan for the zoning change request to District “S-P” on July 7, 2025; and

WHEREAS, proper notice was given and public hearing was held and the zoning change request was recommended for preliminary zoning approval by the Zoning Commission on July 15, 2025; and

WHEREAS, proper notice was given and public hearing was held and the zoning change request was given unanimous preliminary approval by the City Commission on August 6, 2025; and

WHEREAS, Red Egret, LLC has started but has not completed the building application for the requested uses required by Section 160.106(D)(3) of the Code of Ordinances for the preliminary zoning approval to be made permanent; and

WHEREAS, the items which have not yet been submitted for the building permit include the analysis of the large scale burn test by a Texas licensed professional fire protection engineer and compliance with the design standard of 2024 NFPA 69 which applies to the design, installation, operation, maintenance and testing of BESS systems for the prevention of explosions by means of control of combustible concentration of gases among other factors; and

WHEREAS, it is not the intent of the City Commission to waive these requirements which shall be satisfied prior to the issuance of a building permit; and

WHEREAS, it is the considered opinion of the City Commission that said Zoning Ordinance be amended and changed to permanently rezone said property.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS, THAT:

SECTION 1: That certain property described as being 38.653 acres located at P6911 Attwater Avenue in an area south of the GCWA canal, north of Moses Bayou, east of South Humble Camp Rd., and west of property owned by the Galveston Bay Area Foundation currently zoned as District “H” (Heavy Industrial), is hereby rezoned and classified as District “S-P” (Site Plan) to develop and operate a battery electric storage system (BESS) in accordance with the approved Site Plan.

SECTION 2: The certain property to be rezoned is more fully described in the legal description attached hereto as Exhibit A.

SECTION 3: The approved replat is attached hereto as Exhibit B.

SECTION 4: That the City Engineer shall designate said changes from District “H” (Heavy Industrial) to District “S-P” (Site Plan), as hereinabove provided, on the original zoning map, as amended, and on the duplicate copy thereof kept in the Office of the City Planning Board.

SECTION 5: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. In the event any section, clause, sentence, paragraph, or part of this Ordinance shall be for any reason adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, invalidate, or impair the remainder of this Ordinance.

SECTION 6: That the Charter requirement for reading this Ordinance on three (3) separate days is hereby dispensed by a majority vote of the City Commission.

PASSED AND ADOPTED this 20TH day of May, 2026.

Abel Garza, Mayor
City of Texas City, Texas

ATTEST:

Rhomari D. Leigh
City Secretary

