



September 1, 2026

The Honorable Mayor Gina Ortiz Jones
The Honorable Council Members Kaur, McKee-Rodriguez, Viagran, Mungia, Castillo, Galvan, Alderete Gavito, Meza
Gonzalez, Spears, and Whyte
The City Council of San Antonio

Re: Proposed Unified Development Code (UDC) Amendments to Address Data Center Siting and Impacts

The Greater Edwards Aquifer Alliance (GEAA) is a nonprofit organization dedicated to the protection and preservation of the Edwards and Trinity aquifers, their springs, watersheds, and the Hill Country that sustains them. Our alliance has 59 member groups across 21 counties in the Texas Hill Country. We work to ensure the protection of the health, safety, and welfare of all those who rely on these sources of water. We recently released a [white paper on data center challenges and recommendations](#).

Public Citizen is a nonprofit consumer advocacy organization that champions the public interest in the halls of power. We defend democracy, resist corporate power, and fight to ensure that government works for the people – not big corporations. We have 30,000 members and supporters throughout Texas and a million throughout the country.

Introduction

Last week, the San Antonio City Council held a special session briefing on a possible moratorium on new data center development and on amendments to the Unified Development Code (UDC) for data centers. The people of San Antonio join other cities in Texas that are attempting to shape or contest the expansion of data centers in their communities. Community members are concerned about the negative impacts large scale development of data centers may have on water supplies, utility bills, air quality, public health, flooding, and land preservation. We ask that the City Council and Development Services incorporate the following recommendations into the Unified Development Code amendments for data centers. As San Antonio works on updating the UDC, we also ask that SAWS and CPS refrain from issuing Utility Service Agreements and the City refrain from issuing plat approvals until the new regulations are in effect so as not to trigger grandfathering.

Recommendations

- Keep *Data Centers* and all accessory uses, structures, and facilities as not allowed in the ERZD
- Remove C-3 General Commercial as a permitted use for *Data Centers*
- Add second definition for larger or collocated data centers and further restrict zoning
- Shift from permit by right to Specific Use Permitting
- Enhance requirements for Specific Use Permitting
- Expand list of sensitive uses requiring a setback
- Enhance setback limitations
- Incorporate additional flood and aquifer protection measures
- Require stormwater management plan and detention on site
- Require facilities to apply for appropriate air permit with TCEQ (do not allow for multi-part minor air permits)
- Consider monitoring air quality in areas where multiple data centers have co-located
- Consider impacts on Joint Base San Antonio operations

Edwards Aquifer Recharge Zone

We appreciate that *Data Center* is proposed to be a non-permitted use within the Edwards Recharge Zone District (ERZD). We request that this non-permitted designation be adhered to in the final UDC amendment. Data centers and their associated infrastructure and energy sources should not be permitted to be over the Edwards Aquifer Recharge Zone. Their large impervious surfaces, non-traditional wastewater streams, and (often) fossil fuel infrastructure pose unique risks to the Edwards Aquifer. The City might also consider expanding this prohibition for three miles into the contiguous Edwards Aquifer Contributing Zone.

Zoning and Permitted Uses

Non-Residential Use Matrix

We are somewhat comfortable with *Data Centers* being permitted in L, BP, I-1, I-2, MI-1, and MI-2, as these industrial zones are more appropriate sites for the location of data centers. While we would support permitting in the aforementioned zones, we have preferred alternative recommendations, as outlined in the rest of this letter.

We recommend against allowing *Data Centers* to be permitted in any form within C-3 General Commercial Districts. Data centers operate 24 hours a day, seven days a week, generating significant levels of noise, air, and light pollution while bringing very few jobs into the community. While they may appear similar to other commercial buildings, such as big box stores, noise and other nuisances associated with data center operations could have negative impacts on neighboring stores and public facilities that are the appropriate designees of C-3 General Commercial Zoning. Additionally, General Commercial Districts are built in locations intended to serve residential areas, so data centers in these zones are likely to impact nearby neighborhoods.

The City should consider adding an additional definition for the highest intensity data centers and should further restrict these facilities to the most intense industrial districts. This definition could be for “Hyperscaler Data Center” or “Large Data Center,” to mean a facility with an energy demand greater than 25 MW. Or, the definition could be for “Collocated Data Center,” to mean a facility that is collocated with an electric generation facility. DeKalb County, Georgia and Nashville, Tennessee set out multiple definitions of data centers that take into their size and intensity.

Special Use (or Conditional) Permits

The original August 25th UDC amendment recommends permitting by right for the districts outlined above. *Data Centers* should not be a use that is permitted by right. One recurrent trend among other cities, and among model zoning ordinances,ⁱ is to have data centers obtain a conditional (CUP) or special (SUP) use permit (these terms are often used interchangeably). This is our preferred and recommended approach. We appreciate that the August 31st proposal has *Data Centers* under specific use authorization. We recommend that this specific use be adhered to in the final proposal.

Special uses are those that “are considered to have a potentially greater impact on neighboring properties or the public than uses permitted by right, so a public review process and a decision by a local governmental body is required before they may be built.”ⁱⁱ Special Use Permitting “reflects the considered judgement of the community...that some land uses may have more intensive or negative impacts on surrounding properties requiring a heightened level of review and control.”ⁱⁱⁱ Developers must meet certain conditions set by the local government before receiving approval, and approval can be revoked at any point throughout the life of the project if it fails to meet these conditions. The conditions should help mitigate adverse impacts of the proposal. These conditions should be clearly specified, compliant with constitutional and statutory limitations, and reasonably related and proportional to the impacts the public body is seeking to address.^{iv}

Atlanta has adopted an ordinance requiring developers to seek a special use permit for data centers and prohibited data centers near certain trails, green spaces, and transit stops.^v A Loudoun County, Virginia Board of Supervisors White Paper states that communities should “never allow data centers to build ‘by right’ without governing body specific approval.”^{vi} The county permits data centers by special exception. Loudoun County is the leading population center for data centers in the nation. Luzerne County,

Pennsylvania has proposed specific use requirements for data centers and data center accessory uses. Nashville, Tennessee permits data centers with conditions or with special exceptions, depending on the size of the facility and the district requested.^{vii}

Chandler, Arizona has adopted conditional use zoning for data centers, stating that they “are not permitted to operate in the City of Chandler unless explicitly approved as part of a Planned Area Development zoning district.”^{viii} Harrisonburg, Virginia has shifted from by-right permitting to special use and requires public hearings and city council approval for data centers in industrial zones.^{ix}

New Braunfels, Texas is proposing that “any property that is proposed to be developed with a data center should have an industrial base zoning district plus require a Special Use Overlay (currently called a special use permit or SUP).^x New Braunfels has also proposed establishing a set of “development standards for all data centers that address issues such as water demand and water supply; electric and utility capacity; noise; building and equipment setbacks; screening and landscaping; floodplain and natural resource protection; stormwater and drainage; compatibility with surrounding properties; etc.”

We appreciate that the August 31st proposal sets out a paragraph authorizing the City to “by ordinance impose such reasonable standards, conditions or requirements, in addition to or which supersede any standard specified in this chapter, as it may deem necessary to protect the public interest and welfare. Such additional standards may include, but need not be limited to, special setbacks, yard requirements, increased screening or landscaping requirements, area requirements, development phasing, and standards pertaining to traffic, circulation, noise, lighting, hours of operation, number of occupants and similar characteristics.” We look forward to the City adopting robust development standards under this section.

In addition to establishing the standards laid out here, we also encourage the City to establish the standards laid out by New Braunfels: water demand and water supply; electric and utility capacity; noise; building and equipment setbacks; screening and landscaping; floodplain and natural resource protection; stormwater and drainage; and compatibility with surrounding properties.

District Overlays and Improved Permit Requirements

Another option that might be appropriate is for the UDC to be amended with a new district overlay that comes with more robust requirements. While data centers “may look like warehouses, they function more like major pieces of energy infrastructure.”^{xi} Vague “technology” or “light industrial” designations are often “labels that fail to account for [data centers’] unique needs.”^{xii} Other municipalities across the country have begun to develop new overlay districts for this emerging type of industry, such as Critical Digital Infrastructure Overlay Zones, to more appropriately address the challenges associated with recent and proposed data centers.

If the City chooses not to adopt specific use permitting, the originally proposed UDC amendments for by-right permitting must be made much more robust. Multiple governments across the U.S. have by-right permitting for data centers that lay out more substantial application requirements for data centers.

DeKalb County, Georgia permits some facilities by right and some under special land use permits. All new data center applications, however, are required to provide noise impact assessments, water and energy consumption and sustainability plans, lighting plans, transmission line impact assessments, tree preservation and reforestation plans, stormwater management plans, and sewer plans. Fort Worth, Texas has proposed zoning amendments that would allow data centers by right in certain districts, as long as standby generators are setback and fully screened, rooftop cooling equipment is behind an acoustic barrier, outdoor lighting adheres to residential use regulations, and certain landscape and evergreen buffers are met.

If the City chooses to stick with adopting Specific Use Permitting – as we recommend – we propose some additional requirements to the August 31st proposal. Specific Use Permitting for Data Centers should include requirements for:

- A public hearing, to be held after traditional work hours at a location easy for the public to access within the City Council district in which the data center is proposed to be built
- Submitting approved water-use, energy-use, and noise mitigation plans

- Submitting approved stormwater mitigation and detention plans
- Ensuring noise at residential property lines does not exceed 50 dB during the day and 45 dB during the night
- Ensuring all engines and generators meet Tier IV emissions standards or equivalent
- Ensuring on-site power generation is used only to prevent power loss
- Notifying neighboring properties when backup generators are to be used or tested
- Ensuring data centers with collocated power meet the zoning requirements for electric generating units
- Installing native trees to mitigate noise and reduce urban heat island effects
- Providing a discontinuation (or reclamation or decommissioning) bond

Location and Placement

Sensitive Uses

We appreciate that the original proposed amendment requires setbacks from a residential use, public or private school or institution of higher learning, daycare center, assisted living facility, and hospital. We are concerned, however, after seeing that the August 31st proposal does not include hospitals – hospitals should be reinstated in the final UDC amendment. Due to the significant potential for air quality impacts, we also recommend adding parks/park land, trails, agricultural uses, and high-capacity transit stops to the list of uses requiring the setbacks.^{xiii} These are locations in which people are frequently outdoors for extended periods of time and could be at risk of adverse health impacts due to heightened air pollution and heat island impacts from data centers.

Setbacks

The originally proposed 500-foot setback for the *Data Center* use in the August 25th proposal is likely not sufficiently protective. Data centers have unique light, noise, heat, and air pollution impacts. The setback distances may need to be greater than currently proposed and should be measured from property line to property line, not from the on-site system or structure to the nearest property line. In establishing the specified, minimum distance for the specific use permit, the City should consider the vulnerability of surrounding uses to air quality and heat island impacts. When located near the most sensitive uses, the City should consider 1,320 feet setbacks.

DeKalb County, Georgia prohibits new data center development within 500 feet of residential parcels, 750 feet of parks and trails, and 2,650 feet of high-capacity transit stops.^{xiv} Luzerne County, Pennsylvania proposes requiring edge and minor data centers to be setback 1,000 feet from residential zoning districts and hyper and major data centers to be set back 2,000 feet from residential zoning districts. The county offers a reduction in setback distance if the center can prove it will exceed environmental performance standards, including not exceeding ambient noise for the area and not contributing to thermal air changes that would affect sensitive locations, such as residences, schools, hospitals, etc. Data centers in this county will all have a minimum 750-foot setback from all property lines.^{xv}

Nashville's updated zoning ordinance requires medium data centers to be at least 500 feet from residential or sensitive uses and at least 2,640 feet from certain mobility/transit corridors. Large data centers are prohibited within 2,640 feet of a residential or sensitive use and still 2,640 feet from certain mobility/transit corridors. These distances are measured from parcel line to parcel line. The Loudoun County, Virginia Board of Supervisors White Paper states that if the facility is located now or in the future near a residential use, 1,000 feet is an ideal setback.^{xvi}

The Sierra Club Model Data Center Ordinance states that "in no case shall equipment yards containing On-Site Generation or Fossil-Fuel Primary Generation be located within 1,000 feet of a sensitive receptor" unless the applicant proves that a smaller setback is sufficiently protective and the governing body approves the exception.^{xvii} This setback should apply to backup diesel generators as well.

The Kentucky Resources Council Model Data Center Zoning Ordinance states that data center principal, accessory, and energy systems structures or facilities shall be located at least 500 feet from all outer perimeter property lines regardless of the zoning classification of the adjacent property. These structures and facilities should be at least 1,500 feet from a sensitive use or any residential or commercial district. Primary and backup power emission points should be at least 1,000 feet from the property line of an adjacent property and 2,000 feet from any sensitive use or residential or commercial district.^{xviii} These distances are measured from outer perimeter property lines.

Additional Comments

Karst and Floodplain Protection

We appreciate that the original development services proposal from August 25 set out a prohibition on buildings, accessory structures, substations, power generators, storage systems (including batteries), or fueling systems over the ERZD. The proposal sent out August 31st did not include this section. We request that this non-permitted designation from the August 25th proposal be adhered to in the final UDC amendment.

Due to data centers' large impervious cover area and San Antonio's unique susceptibility to flash flooding and its location over multiple aquifer zones, we also recommend the proposed data center development standards incorporate the following amendments. These standards are adopted from the Kentucky Resources Council Model Data Center Zoning Ordinance.^{xix} Many parts of Kentucky share similar karst and flooding concerns as the Texas Hill Country and San Antonio.

No Data Center shall be located:

- (1) On lands with slopes over 20% or which are prone to flooding or soil or geologic instability.
- (2) Where the disposal or release of any hazardous substance, pollutant, or contaminant from a data center could affect karst terrain.
- (3) Where the structure or facility will restrict the flow of a 100-year flood, reduce the temporary storage capacity of the floodplain, or be placed in a manner likely to increase flood frequency, velocity, or heights so as to pose a risk or hazard to human health, property, wildlife, or land or water resources.
- (4) In wetlands or within 50 feet of the boundary of any wetland.
- (5) On prime farmland or farmland of state importance.
- (6) Where such facilities may cause or contribute to the taking of a threatened or endangered species or adversely affect critical habitat.

We also recommend requiring stormwater detention plans and site drainage plans for each data center, regardless of whether the final permitting scheme is by-right or specific use. Multiple existing data centers in the San Antonio metropolitan region have already begun to exhibit signs of increased downstream stormwater impacts and insufficient drainage and detention.

Any agreement on the part of the City to allow a facility to forgo incorporation of physical stormwater mitigation infrastructure in favor of paying a fee in lieu of (FILO) to the City should require submission of a plan by the City for mitigating additional stormwater flows from the facility and an anticipated date of completion for these city projects.

The City should also require a wastewater treatment and disposal plan from the facility if the facility is not served by the San Antonio Water System's (SAWS) wastewater infrastructure. Facilities that are connected to the SAWS system should report any constituents that might require pretreatment to SAWS for SAWS regulation of wastewater discharges.

Public Health and Safety Protection

The proposed UDC amendments are insufficiently protective of public health and well-being. Many other zoning updates and code amendments for data centers across the U.S. have added additional restrictions or requirements, even for data centers permitted by right, that are intended to protect the community from adverse impacts.

The UDC could address concerns about noise and light pollution through zoning rules, even if it cannot necessarily regulate resource use.^{xx} Screens, acoustic barriers, Dark Sky lighting, and limiting noise and light levels to a percent of pre-construction levels could all help address these concerns. The UDC may also be able to address heat and air pollution concerns, though these efforts may require greater legal analysis to ensure compliance with state law. For heat impacts, the City should ensure that the landscape buffers are appropriate in reducing waste heat impact on surrounding uses.

The City should be mindful of requirements for Dark Sky Lighting for facilities located near San Antonio's military operations. Joint Base San Antonio has recommended CUP conditions and relies on the Camp Bullis lighting overlay district to ensure that new developments do not interfere with their ability to carry out their missions.

Data centers in San Antonio and Texas using gas-powered backup generators "almost certainly meet the threshold for requiring major air permits."^{xxi} Yet many of these facilities have been able to hide the cumulative impacts of their projects by applying for minor air pollution permits in phases, "starting with relatively small applications before expanding later."^{xxii} This strategy circumvents the clean air act and threatens the health of residents.^{xxiii} The UDC or a separate city ordinance should require data centers to apply for the most stringent air pollution permit applicable. If backup generators are required, the City could require Tier IV backup generators or Tier II generators with Selective Catalytic Conversion attached.^{xxiv} The City should also devise a mechanism to require air quality monitoring near data center facilities and to have the monitoring paid for by the polluters.

Thank you for your consideration. Please do not hesitate to view the undersigned parties as resources on this matter. We look forward to working with you to create robust and sufficiently protective amendments to the Unified Development Code

Sincerely,

Annalisa Peace
Executive Director
Greater Edwards Aquifer Alliance
annalisa@aquiferalliance.org

Rachel Hanes
Policy Director
Greater Edwards Aquifer Alliance
rachel@aquiferalliance.org

Adrian Shelley
Texas Director
Public Citizen
ashelley@citizen.org

DeeDee Belmares
Clean Energy Advocate
Public Citizen
Dbelmares@citizen.org

ⁱ [Data Centers Model Ordinance; Core Model Ordinance LLDC v7.3.pdf - Google Drive; Model Data Center Zoning Ordinance Version 1.4](#)

ⁱⁱ [SELC-Data-Center-Development-Report-All-0126_F.pdf](#)

ⁱⁱⁱ [What is the difference between a SUP, CUP, and SLUP? - FSBR](#)

^{iv} [SELC-Data-Center-Development-Report-All-0126_F.pdf](#)

^v [State Data Center Legislation Faces Local Zoning Battles | MultiState](#)

^{vi} [15-Best-Practices-for-Communities-Considering-Data-Centers](#)

^{vii} [Metropolitan Nashville and Davidson County, TN - File #: BL2026-1391](#)

^{viii} [PLH22-0053-Council-Memo.pdf](#)

^{ix} [Data-Centers-Fact-Sheet-3.pdf](#)

^x [City of New Braunfels, Texas - File #: 26-979](#)

^{xi} [Data centers are here, and more are coming. Our zoning is not ready. - Smart Growth America](#)

^{xii} [Zoning & Land Use for Data Centers | LightBox Insight](#)

^{xiii} [20260308 LCPC Zoning Ordinance Amendment 1 of 2026 V4 Data Centers; Data Center Text Amendment | Engage DeKalb](#)

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- xiv [Data Center Text Amendment | Engage DeKalb](#)
- xv [20260308 LCPC Zoning Ordinance Amendment 1 of 2026 V4 Data Centers](#)
- xvi [15-Best-Practices-for-Communities-Considering-Data-Centers](#)
- xvii [Core Model Ordinance LLDC v7.3.pdf - Google Drive](#)
- xviii [Model Data Center Zoning Ordinance Version 1.4](#)
- xix [Model Data Center Zoning Ordinance Version 1.4](#)
- xx [San Antonio will consider regulating data centers. It's unclear if that involves a moratorium. | TPR](#)
- xxi [Environmental Groups Contest Texas Data Centers' Air Pollution - Inside Climate News](#)
- xxii [15-Best-Practices-for-Communities-Considering-Data-Centers](#)
- xxiii [Environmental Groups Contest Texas Data Centers' Air Pollution - Inside Climate News](#)
- xxiv [15-Best-Practices-for-Communities-Considering-Data-Centers](#)