October 15, 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: Adoption of Draft 2 of the 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.

Here is our joint letter we sent to the City Council on September 1, 2026 with more detailed information.

Introduction

The process to amend the UDC to account for data center development in San Antonio was initiated by the Council Consideration Request (CCR) submitted by Councilmember Galvan on October 29, 2025. This CCR specifically requested that City staff "explore potential amendments to the Unified Development Code that introduce a special use authorization for regulating the location and development of data centers, along with strategies to mitigate impacts such as noise pollution and water and energy use."

This week, the San Antonio City Council held a special session briefing 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

- **Remove C-3 General Commercial as either a permitted or special use for *Data Centers***
- **Adopt Proposal 2, Specific Use Authorizations, as presented to the Council on October 14, 2026**

Non-Residential Use Matrix

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 data centers "may look like warehouses, they function more like major pieces of energy infrastructure."[i] Though 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. **C-3 General Commercial Districts should be removed from the use matrix for *Data Centers* regardless of which draft is adopted.**

Special Use (or Conditional) Permits

The Draft 1 UDC amendment recommends permitting by right for the districts outlined above. *Data Centers* should not be a use that is permitted by right. **Draft 1 should not be adopted.** By-right permitting does not allow for public hearings where concerned residents could offer input on or oppose the development. By-right permitting also does not provide city council with the flexibility needed to ensure facilities are appropriate for different communities.

One recurrent trend among other cities, and among model zoning ordinances,[ii] 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 and adheres to the request of the original CCR. We appreciate that the Draft 2 UDC amendment proposal has *Data Centers* under specific use authorization. **We recommend adoption of Draft 2.**

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."[iii] 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."[iv] Developers must meet certain conditions set by the local government before receiving approval. 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.[v]

Special Use Authorizations provide transparency, opportunity for public input and awareness, and the flexibility to ensure facilities are appropriate for the area in which they are located. Council could use this flexibility to ensure that facilities planning to locate within more vulnerable or sensitive areas of the city must adhere to stronger requirements while heavy industrial sites bordering other heavy industrial sites see fewer restrictions. **Special Use Authorization is considered a best practice for hyperscale data center zoning.**

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.[vi] 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."[vii] The county permits data centers by special exception. Loudon 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.[viii] 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."[ix] 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.[x]

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).[xi] 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 Draft 2 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 outside of the zoning process laid out here, we also encourage the City to establish the standards laid out by New Braunfels' proposal where feasible: 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.

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.

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,

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[i] Data centers are here, and more are coming. Our zoning is not ready. - Smart Growth America
[ii] Data Centers Model Ordinance; Core_Model_Ordinance_LLDC_v7.3.pdf - Google Drive; Model Data Center Zoning Ordinance Version 1.4
[iii] SELC-Data-Center-Development-Report-All-0126_F.pdf
[iv] What is the difference between a SUP, CUP, and SLUP? - FSBR
[v] SELC-Data-Center-Development-Report-All-0126_F.pdf
[vi] State Data Center Legislation Faces Local Zoning Battles | MultiState
[vii] 15-Best-Practices-for-Communities-Considering-Data-Centers
[viii] Metropolitan Nashville and Davidson County, TN - File #: BL2026-1391
[ix] PLH22-0053-Council-Memo.pdf
[x] Data-Centers-Fact-Sheet-3.pdf
[xi] City of New Braunfels, Texas - File #: 26-979