

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, TEXAS, AMENDING SECTION 28-63, SPECIFIC USE PERMITS, AND ADDING SECTION 28-64, DATA CENTER REGULATIONS TO THE ANGLETON, TEXAS CODE, ENTITLED "THE CITY OF ANGLETON, TEXAS ZONING ORDINANCE;" REQUIRING A SPECIFIC USE PERMIT FOR DATA CENTERS ESTABLISHMENTS; PROVIDING FOR REPEAL; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.**

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WHEREAS, in accordance with Goal 1 of the City of ANGLETON, TEXAS's Strategic Plan, the City Council of the City of ANGLETON, TEXAS (the "City") desires to create a great place to live; and

WHEREAS, in accordance with Goal 3 of the City's 2005 Comprehensive Plan, the City desires to focus on neighborhood integrity and commercial development as the community continues to mature; and

WHEREAS, in accordance with the priorities identified in the City's 2005 Comprehensive Plan update, the City desires to address concerns related to the location of nonresidential developments directly adjacent to residential developments; and

WHEREAS, the purpose of requiring certain permitting for data centers is to mitigate the adverse secondary effects caused by such businesses, to maintain compatibility with other land uses and services permitted within ANGLETON, TEXAS, encourage ordered development of such businesses, and to promote the public health, safety and welfare of the residents of the city; and

WHEREAS, according to land use attorney Terrence Welch of Brown & Hofmeister, as of January 2026, there were 383 data centers in Texas, including 55 in the Houston region; and

WHEREAS, according to *Governing*, Texas ranks number two (2) in the United States of America for the most data centers (available at: [Texas Towns Push Back on Data Center Expansion](#)); and

WHEREAS, residents in Texas have expressed concern that data centers use a large amount of resources, including water and electricity, which drives up costs for residents; and

WHEREAS, the City Council finds that data centers may create significant community impacts, including noise, air emissions from generators, risks associated with hazardous materials and fuel, increased electrical demand affecting grid stability, and security concerns; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of ANGLETON, TEXAS have each conducted, in the time and manner and after the notice required by law and the City of ANGLETON, TEXAS Zoning Ordinance, a public hearing on the proposed amendments to the City of ANGLETON, TEXAS Zoning Ordinance; and

WHEREAS, all persons appearing at such public hearings who desired to speak on such proposed amendments were afforded that opportunity and their comments were duly noted and considered; and

WHEREAS, the Planning and Zoning Commission of the City of ANGLETON, TEXAS has issued its final report to the City Council of the City of ANGLETON, TEXAS; and

WHEREAS, the City Council of the City of ANGLETON, TEXAS finds that enacting this Ordinance is necessary for the protection of public health, public safety, public property and public peace; and

WHEREAS, the City Council of the City of ANGLETON, TEXAS now deems it appropriate to approve the proposed amendments; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The ANGLETON, TEXAS Code is hereby amended by adding new subsections 11.7 and 14 of Section 4 of Appendix A to provide as follows:

**“APPENDIX A  
ZONING**

.....

**SECTION X. – DEFINITIONS**

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(14) *Data center* means a facility primarily used to house computer systems, servers, networking, and associated components, including backup power systems, cooling infrastructure, and network connectivity, whether for cloud computing, colocation, enterprise, high-performance computing, or similar purposes, and with an aggregate critical IT load or capacity of 20 MW or greater.”

Section 3. The ANGLETON, TEXAS Code is hereby amended xxxxx and providing therefore, new subsections XXXXXX thereof to provide as follows:

**“APPENDIX XXX  
ZONING**

City council approval of a specific use permit shall be required for any of the following uses, which may only be permitted within the district specified:

Use	Districts Allowing Specific Uses and Requiring City Council Approval of a Specific Use Permit
Data centers (See also section xxxxxx for minimum requirements)	LI

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## ADD/CREATE SECTION 28-64.- DATA CENTERS

### Sec. 28-64.1. Specific use permit required.

- A. A data center may not be erected, operated, expanded, or modified without first receiving approval for a specific use permit.
- B. Application procedures. Application for a specific use permit for a data center shall be made to the planning development services department of the city. An application will not be considered until it is complete. A complete application must contain the following:
  - (1) An inventory of the applicant's existing data centers, including the location of each data center;
  - (2) Site plan or plans to scale specifying the location of the proposed data center, energy source infrastructure, other accessory uses, access, parking, fences, landscaped areas, and adjacent land uses;
  - (3) A description of anticipated maintenance needs;
  - (4) A noise impact assessment, including a description of anticipated noise that may emanate from the proposed data center and proposed mitigation measures;
  - (5) Generator inventory and emissions assessment;
  - (6) Hazardous materials and fuel management plan, which shall include inventory, storage, handling, employee training, spill prevention, secondary containment, inspection, and emergency response coordination;
  - (7) Emergency management plan;
  - (8) Security plan;
  - (9) Traffic impact analysis;
  - (10) Grid coordination plan demonstrating coordination with the local transmission and distribution utility and regional grid operator, including interconnection status, load profile, ramp rates, redundancy configuration, and curtailment capabilities;

- (11) Decommissioning plan covering triggers for decommissioning (including cessation of operations for 120 consecutive days), schedule, equipment removal, hazardous material disposition, utility de-energization, and site restoration to conditions compatible with adjacent uses;
- (12) Community engagement plan;
- (13) Financial assurance in the form of a bond, letter of credit, or other instrument acceptable to the city in an amount determined by the city manager based on  
an estimate plus 25% contingency to guarantee decommissioning and restoration of the site; and
- (14) Any additional information which may be requested by the city to fully evaluate and review the application and the potential impact of a proposed data center.

**Sec. 28-64.2. General requirements for data centers.**

The city may consider and require conditions that require stricter noise limits, setbacks, screening, hours of operation and other mitigation reasonably related to mitigating the impact of the proposed data center on residential users. The following minimum regulations shall apply to all data centers under this section 28-64:

- (1) **Setbacks.** A data center may only be permitted at least 500 feet from a residentially zoned property line.
- (2) **Height and area regulations.** A data center building or structure that is the primary use of property shall not exceed the maximum height for the zoning district in which the data center is located.
- (3) **Architectural Design.** Buildings visible from public rights of way shall incorporate at least three of the following features into the building design:
  - a. Decorative cornices.
  - b. Concrete or glass accents.
  - c. Decorative tile or metal.
  - d. Awnings.

- e. Parapets.
  - f. Another unique feature proposed by the data center and approved by the city manager.
- (4) **Screening.**
- a. Ground mounted and roof-mounted equipment, including generators, fuel tanks, cooling equipment, heat exchangers, universal power supply units, or any other outdoor equipment related to the functioning of a data center as a principal use shall be not be visible and shall be screened in accordance with section 7A.
- (5) **Water source.** Water capacity is required for specific use permit approval. A data center shall utilize a closed-loop cooling system or similar cooling technology that eliminates the need for the datacenter to continuously draw water from a public water supply source. A water capacity availability letter shall be submitted with the specific use permit application and shall include the total water use to start the system, the average water use once the system is charged, and the amount and typical waste generated, if any, that will be sent to a wastewater treatment plant.
- (6) **Electricity.** Electricity capacity is required for specific use permit approval. An electricity capacity availability letter shall be submitted with the specific use permit application.
- (7) **Noise.**
- a. **Mitigation.** Applicants shall employ best available noise control technologies, including acoustic enclosures, barrier walls, lined air intakes, low-noise fans, vibration isolation, and optimized equipment layout. Cooling plant operations shall be sequenced to minimize nighttime noise.
- (8) **Generators.**
- a. **Siting.** Generators shall be located the maximum practical distance from residential property lines.
  - b. **Noise.** Generators shall be equipped with hospital-grade or better silencers and enclosure.

- (9) **Security.** On-site security is required 24 hours a day, seven (7) days a week, with at least one (1) trained security personnel on site at all times.
- (10) **Annual compliance registration.** A registration form shall be submitted to the city annually to verify compliance with this section.
- (11) **Decommissioning and restoration.**
  - a. All technology equipment, generators, fuel tanks, hazardous materials, aboveground piping, switchgear not required by the utility, and ancillary structures shall be removed within 120 days unless the city approves retention.
  - b. The property owner shall abate and remediate contamination, remove impervious surface areas not needed for future conforming uses, regrade, and revegetate decommissioned data center property.
  - c. **Completion Certification.** Within 30 days of decommissioning completion, the operator shall submit a professional engineer's certification of completion and a final report to the city.

**Sec. 28-64.3. Effect of state law.**

To the extent there exists any conflict between the provisions of this section and applicable state law, the state law provision shall prevail to the extent of the conflict.

**Sec. 28-64.4. Fees.**

An applicant for a data center site plan review shall pay, at the time of the application, in addition to any other required fees, a site plan review fee, as applicable, in the amount specified in a resolution by the city council adopting a schedule of fees.

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**Sec. 7A: Architectural design standards for nonresidential**

- A. *Purpose.* Architectural design standards with specific color and material standards are created for nonresidential.
- B. *Objectives for architectural design standards.* Building orientation and location should reflect consideration for the following:
  - 1. Streetscape;
  - 2. Landscape;

3. Existing structures within and overall aesthetics of the subject property and adjacent properties;
  4. Parking and traffic circulation;
  5. Existing vegetation; and
  6. Surrounding property.
- C. *General standards for nonresidential*, The following standards shall apply to buildings subject to this section xxx:
1. Mechanical equipment shall not be visible from the ground within 1,000 feet from the building, and shall be screened in accordance with the following: Roof-mounted mechanical or other equipment shall be screened by roofing and/or by parapet walls. Ground-mounted equipment, within view of a roadway or driveway used by the general public, shall be screened by masonry walls. Ground-mounted equipment, not within view of a roadway or driveway used by the general public, shall be screened by landscaping, at a minimum.
  2. Outside loading docks and delivery areas within view of a roadway or driveway used by the general public shall be screened from view by masonry walls. Outside loading docks and delivery areas not within view of a roadway or driveway used by the general public shall be screened from view by landscaping, at a minimum. It is preferred for loading docks and delivery areas to be located to the side or rear of the building.

**Sec. 28-64.3. Effect of state law.**

To the extent there exists any conflict between the provisions of this section and applicable state law, the state law provision shall prevail to the extent of the conflict.

**Sec. 128-64.4. Fees.**

An applicant for a data center site plan review shall pay, at the time of the application, in addition to any other required fees, a site plan review fee, as applicable, in the amount specified in a resolution by the city council adopting a schedule of fees.”

Section XXXX. *Repeal.* Any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 9. *Penalty.* Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any provision of this zoning ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day during which said violation shall exist or occur shall

constitute a separate offense. The owner or owners of any property or of premises where any violation of this zoning ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense unless otherwise prohibited by law and, upon conviction thereof, shall be punished as above provided.

Section 10. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of ANGLETON, TEXAS, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this \_\_\_ day of \_\_\_\_\_, 2026.

PASSED, APPROVED and ADOPTED on second and final reading this \_\_\_ day of \_\_\_\_\_, 2026.

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John Wright, Mayor

ATTEST:

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Amanda Davenport, Assist. City Secretary