

ORDINANCE NO. 2026-6

AN ORDINANCE OF THE CITY OF JACINTO CITY, TEXAS, AMENDING ARTICLE 8 OF THE JACINTO CITY ZONING ORDINANCE RELATING TO THE M DISTRICT—INDUSTRIAL MANUFACTURING DISTRICT; DEFINING DATA CENTERS AND RELATED USES; REQUIRING A SPECIFIC USE PERMIT FOR DATA CENTERS; ESTABLISHING DEVELOPMENT, INFRASTRUCTURE, WATER-CONSERVATION, NOISE, GENERATOR, LANDSCAPING, SCREENING, EMERGENCY-ACCESS, AND OTHER PERFORMANCE STANDARDS; PROVIDING FOR NONCONFORMING USES, VESTED RIGHTS, SEVERABILITY, PUBLICATION, EFFECTIVE DATE, AND REPEAL OF CONFLICTING PROVISIONS.

WHEREAS, the City of Jacinto City, Texas, is a home-rule municipality authorized by the Texas Constitution and applicable law to adopt regulations concerning land use, zoning, development, public health, safety, and general welfare; and

WHEREAS, the City's Zoning Ordinance establishes the M District—Industrial Manufacturing District and permits a broad range of industrial and manufacturing uses; and

WHEREAS, modern data-center facilities may involve substantial electrical demand, cooling equipment, backup generation, water consumption, mechanical equipment, noise, heat rejection, traffic, security infrastructure, and emergency-response considerations that are materially different from many traditional industrial uses; and

WHEREAS, the City Council finds that clear and objective regulations are necessary to protect nearby residential and commercial districts, preserve the capacity and reliability of public infrastructure, prevent undue adverse impacts, and promote the public health, safety, and general welfare; and

WHEREAS, the City Council intends this ordinance to regulate land uses based on their operational characteristics and potential impacts, and not based on the identity, ownership, or business model of any particular applicant; and

WHEREAS, the City Council has considered the recommendations of City staff, members of the public, and other interested persons; and

WHEREAS, the City Council finds that the amendments adopted by this ordinance are reasonable, necessary, and intended to be applied consistently with applicable constitutional, statutory, and common-law requirements; and

WHEREAS, the City Council of the City of Jacinto City hereby finds and determines that an urgent public necessity exists to immediately regulate the location of data centers within the City to prevent potential impacts on the public health, safety, and welfare, including, but not limited to, concerns regarding noise and pollution. The Council further finds that the delay caused by holding a second reading of this Ordinance would be contrary to the public interest. Accordingly, the requirements of Article 5, Section 19 of the City Charter, are hereby suspended, and this Ordinance shall take effect immediately upon its adoption and passage as an emergency measure.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JACINTO CITY, TEXAS, THAT:

Section 1. Findings and purpose

The findings contained in the preamble are incorporated into this ordinance and made a part of it.

The purpose of this ordinance is to: identify and regulate data centers as a distinct land-use category; prevent data centers from being authorized solely through the general-reference provision allowing uses permitted in other zoning districts; require individualized review through the City's Specific Use Permit process; establish objective performance standards addressing: water demand and water conservation; electrical demand and electrical infrastructure; noise and vibration; backup generators and fuel storage; emergency access and fire protection; building scale, setbacks, screening, and landscaping; storm water and wastewater impacts; and ongoing compliance and monitoring; and protect nearby residential and commercial properties from unreasonable adverse impacts while preserving lawful existing rights.

Section 2. Amendment to Article 16—Definitions

Article 16 of the Jacinto City Zoning Ordinance is amended by adding the following definitions in alphabetical order:

“Data Center”

A building, group of buildings, structure, or portion thereof used primarily for the installation, operation, and maintenance of computer servers, data-storage systems, telecommunications equipment, network equipment, cloud-computing equipment, cryptocurrency-mining equipment, artificial-intelligence computing equipment, or similar electronic information-processing equipment, together with associated electrical, mechanical, cooling, security, fire-protection, fuel-storage, and emergency-power systems.

The term includes a facility commonly known as a server farm, hyperscale data center, colocation facility, cloud-computing facility, cryptocurrency-mining facility, artificial-intelligence computing facility, or mission-critical facility.

The term does not include: a customary office containing incidental computer equipment used in connection with the principal office use; a telecommunications switching facility that does not meet the definition of a data center; a small computer room accessory to an otherwise permitted use; or equipment installed by a public utility or telecommunications provider within a facility otherwise regulated under applicable law, unless the facility otherwise meets the definition of a data center.

“Data Center Campus”

One or more contiguous or functionally related parcels developed or operated as a coordinated data-center project, including associated substations, transmission facilities, cooling plants, water facilities, fuel-storage facilities, access drives, security facilities, and support buildings.

“Emergency Generator”

A reciprocating-engine, turbine, fuel-cell, battery, or other device used to generate or store electricity for use during a utility outage, testing, maintenance, peak-shaving, or other operating condition.

“Power Usage Effectiveness” or “PUE”

The ratio of a data center’s total facility energy consumption to the energy consumption of information-technology equipment, calculated according to a generally recognized industry standard identified in the applicant’s Specific Use Permit application.

“Potable Water”

Water supplied by a public water system or other source meeting applicable drinking-water standards.

“Specific Use Permit”

A discretionary land-use approval issued under Article 10 or other applicable provisions of the City’s Zoning Ordinance authorizing a use that is not permitted by right and establishing site-specific conditions of approval.

Section 3. Amendment to Section 8-504

Section 8-504 of the Jacinto City Zoning Ordinance is amended to read as follows:

Section 8-504. Temporary Use Permits and Specific Use Permits

Temporary Use Permits and Specific Use Permits that may be granted, recommended, or considered under Article 10 shall be subject to all applicable provisions of this Ordinance.

A data center is not a permitted use by right in the M District. A data center may be established, expanded, reconstructed, structurally altered, or materially modified in the M District only after issuance of a Specific Use Permit under this section and Article 10.

No building permit, site-development permit, zoning clearance, certificate of occupancy, utility-connection authorization, or other authorization for a data center may be issued until the required Specific Use Permit has become effective and all conditions required by the permit have been satisfied or appropriately secured.

Section 4. Amendment to Section 8-505

Section 8-505(c) is amended by adding the following language immediately after the introductory paragraph concerning permitted uses:

Notwithstanding any provision authorizing a use permitted in the R-1, C-1, or C-2 District, a data center, data-center campus, cryptocurrency-mining facility, artificial-intelligence computing

facility, or substantially similar high-density computing facility is not a permitted use by right in the M District.

Such use may be established only through a Specific Use Permit approved in accordance with Section 8-507 and Article 10 of this Ordinance.

The existing list of permitted M District uses is otherwise continued, subject to the amendments contained in this ordinance and all other applicable provisions of the Zoning Ordinance.

Section 5. New Section 8-507—Data Centers

Article 8 is amended by adding the following section:

Section 8-507. Data Centers and High-Density Computing Facilities

(a) Specific Use Permit required

No person may construct, establish, operate, expand, enlarge, reconstruct, or materially modify a data center or data-center campus in the M District without first obtaining a Specific Use Permit from the City Council.

A Specific Use Permit is required for: a new data center; conversion of an existing building to a data center; expansion of an existing data center; installation of additional computing equipment that materially increases electrical demand, water demand, noise, generator capacity, or cooling capacity; construction or enlargement of a substation, cooling plant, generator yard, fuel-storage area, or other accessory facility serving a data center; and any change of use that causes a facility to meet the definition of a data center.

Ordinary repair and maintenance that does not increase the facility's approved capacity or materially alter its external impacts does not require a new Specific Use Permit.

(b) Application materials

An application for a Specific Use Permit for a data center must include the materials required by Article 10 and, at a minimum: a legal description and boundary survey of the property; a detailed site plan; building elevations and architectural plans; the location and specifications of all cooling equipment, rooftop equipment, generators, transformers, substations, fuel tanks, loading areas, security structures, and utility facilities; the anticipated maximum electrical demand, expressed in megawatts; the anticipated average and maximum water demand, expressed in gallons per day and gallons per minute; the proposed water source and wastewater-disposal method; a description of the proposed cooling system, including whether it uses potable water, reclaimed water, air cooling, closed-loop cooling, or another system; an acoustical study prepared by a qualified acoustical professional; a generator and fuel-storage plan; a fire-protection and emergency-response plan; a traffic and delivery plan; a storm water and drainage plan; a lighting plan; a landscaping and screening plan; a construction-management plan; a decommissioning and site-restoration plan; documentation of coordination with applicable electric, water, wastewater, and emergency-service

providers; and any additional information reasonably necessary for the City to evaluate compliance with this section.

The City may require the applicant to reimburse the City for reasonable expenses of independent technical review, subject to applicable law and the City's adopted fee schedule.

(c) Site-location and separation standards

Unless the City Council approves a greater separation as a condition of the Specific Use Permit: no data-center building or exterior mechanical equipment may be located less than 200 feet from a residentially zoned property; no generator, transformer, substation, cooling tower, fuel tank, loading area, or similar high-impact equipment may be located less than 200 feet from a residentially zoned property; where an M District property abuts a residential district, the required side or rear setback for a data center is [100] feet, regardless of the minimum setback required otherwise stated in Section 8-502; the setback area must be landscaped and maintained as by the approved Specific Use Permit; and the City Council may require a greater setback when necessary to achieve the noise, visual-screening, emergency-access, or other performance standards of this section.

(d) Building height, bulk, and visual screening

A data center must comply with the following requirements:

The maximum building height is 80-feet, excluding screening parapets, rooftop mechanical equipment, and other appurtenances specifically approved by the City Council. Rooftop mechanical equipment must be screened from view from adjoining public rights-of-way and residential property.

Exterior walls visible from a public right-of-way or residential property must use durable, nonreflective materials and comply with an architectural plan approved with the Specific Use Permit.

Chain-link fencing, barbed wire, security fencing, and similar improvements must be located and screened as approved by the City Council.

A masonry wall, opaque fence, landscaped buffer, or combination thereof must screen generators, transformers, substations, cooling equipment, fuel tanks, loading areas, and outdoor storage. No equipment, storage, parking, or loading area may be located within a required landscape buffer except as specifically approved for emergency access or utilities.

(e) Noise and vibration

All data-center operations, including cooling equipment, fans, pumps, transformers, generators, alarms, loading activities, and other associated equipment, must comply with the following maximum sound levels at the property line:

[55] dBA during daytime hours; and
[50] dBA during nighttime hours.

For property adjoining a residential district, the maximum nighttime sound level is [45] dBA, unless the City Council adopts a different limit based on an approved acoustical study and site-specific conditions.

Tonal, impulsive, or low-frequency noise must not cause a plainly audible or unreasonable disturbance at an adjoining residential property.

Backup generators may be tested only between 8:00 a.m. and 6:00 p.m., Monday through Friday, except for emergency operation or testing required by law or an applicable reliability standard.

The applicant must install permanent noise-control measures before issuance of a certificate of occupancy.

The City shall require continuous or periodic noise monitoring, third-party testing, or corrective measures if complaints or inspections indicate noncompliance.

Vibration from the facility must not cause perceptible or damaging vibration on adjoining property.

The applicable sound limits must be confirmed by the City's noise consultant and coordinated with any existing City noise regulations before adoption.

(f) Water supply and water-conservation requirements

The applicant must submit a water-demand analysis identifying average-day, maximum-day, and peak-hour demand. Such analysis must address the water related to data processing separate and distinct from water used for employee support.

The applicant must demonstrate that the proposed facility can be served without impairing the City's ability to provide reliable service to existing residential, commercial, public-safety, and other lawful customers.

The applicant must use a closed-loop, air-cooled, reclaimed-water, or other water-conserving cooling system unless the City Council expressly approves an alternative based on substantial evidence presented with the application.

Potable water may not be used for once-through cooling.

The Specific Use Permit must identify the maximum authorized daily potable-water demand and maximum instantaneous demand.

The facility must install water meters and monitoring equipment sufficient to measure water used for cooling, domestic purposes, irrigation, Fire Suppression, and other major categories.

The owner or operator must submit an annual water-use report to the City.

The applicant must identify all wastewater, blowdown, condensate, and chemical-discharge streams and demonstrate compliance with applicable pretreatment, wastewater, and environmental requirements.

Water-recycling and condensate-recovery systems must be used where technically feasible and required by the approved Specific Use Permit.

A violation of the approved water-demand limit constitutes a violation of the Specific Use Permit unless temporarily authorized in writing by the City pursuant to an emergency plan.

Nothing in this section requires the City to provide utility service beyond available system capacity or prevents the City from enforcing applicable utility-service rules, water-conservation rules, impact fees, rates, or emergency water-use restrictions.

(g) Electrical demand and energy infrastructure

The applicant must provide the City with a certified electrical-load study identifying: connected load; normal operating load; peak demand; anticipated annual consumption; proposed substations and transmission facilities; back-up-generation capacity; and anticipated future expansion.

The applicant must demonstrate that the proposed facility will not create an unreasonable risk of overload, voltage instability, service interruption, or degradation of service to existing City facilities or customers.

The applicant must identify all proposed utility easements, overhead lines, substations, transformers, and transmission improvements.

Electrical infrastructure must be designed, located, screened, and maintained in accordance with applicable codes and the approved site plan.

A Specific Use Permit must state the maximum approved electrical demand and any approved expansion phases.

Expansion beyond the approved electrical demand requires an amended Specific Use Permit.

The City Council may require demand-management measures, energy-efficiency measures, battery storage, on-site renewable generation, or other mitigation when supported by the project's electrical-load analysis and applicable law.

(h) Backup generators and fuel storage

Emergency generators and associated fuel tanks must be located within an approved equipment yard and screened from adjoining property.

Fuel storage must comply with applicable fire, building, environmental, and hazardous-material regulations.

The applicant must submit a spill-prevention, containment, inspection, and emergency-response plan.

Generators must be equipped with mufflers, acoustic enclosures, and emission-control equipment required by applicable law.

Routine generator testing must comply with the approved operating schedule and noise limits. The facility must maintain records of generator operation, testing, fuel storage, inspections, spills, and corrective actions.

The Specific Use Permit may impose additional conditions concerning generator hours, fuel quantities, equipment location, fire access, and emergency coordination.

(i) Fire protection and emergency response

Before issuing a building permit or certificate of occupancy, the applicant must provide: a fire-protection plan approved by the Fire Marshal; emergency-access routes and turning radii; fire-flow calculations; locations of hydrants, fire lanes, fire department connections, and fire suppression systems; an inventory of batteries (including size and type) , fuels, refrigerants, chemicals, and other hazardous materials; emergency shutdown procedures; emergency-contact information available to City personnel at all times; a plan for responding to battery fires, generator incidents, electrical failures, chemical releases, and other reasonably foreseeable emergencies; and any required mitigation or contribution for extraordinary emergency-service demands, to the extent authorized by law.

(j) Lighting, security, and glare

Exterior lighting must be shielded and directed downward.

Lighting must not produce glare or measurable spillover that unreasonably affects adjoining residential property or public rights-of-way.

Security lighting must use the minimum intensity reasonably necessary for safety and security.

Security cameras, fencing, gates, and related equipment must be shown on the approved site plan. The City Council may require an approved security plan when the scale or operational characteristics of the facility warrant it.

(k) Traffic, loading, and construction impacts

All loading, unloading, equipment delivery, and service activities must occur on-site. The facility must provide adequate off-street parking, loading, and circulation.

Construction traffic, oversize loads, and utility construction must comply with an approved construction-management plan.

The applicant must identify anticipated employee traffic, delivery traffic, equipment replacement, and periodic maintenance activity.

The City Council may limit construction hours, delivery routes, staging areas, and truck movements when necessary to protect nearby residents and public safety.

(l) Storm water, drainage, and site design

The project must comply with applicable drainage, floodplain, stormwater, erosion, and sediment-control requirements.

The applicant must demonstrate that the project will not increase adverse drainage impacts on adjoining property.

Cooling equipment, fuel tanks, transformers, and electrical equipment must be protected from flooding and located as required by applicable codes.

The City Council may require detention, water-quality measures, enhanced drainage improvements, or other site-specific mitigation supported by the project review.

(m) Specific Use Permit criteria

In deciding whether to approve, approve with conditions, or deny a Specific Use Permit, the City Council may consider whether: the proposed use is compatible with surrounding land uses; the use complies with this Ordinance and applicable law; the site can safely accommodate the proposed buildings and equipment; water, wastewater, electric, transportation, drainage, fire-protection, and emergency-service capacity is adequate; noise, vibration, heat, lighting, glare, traffic, and visual impacts are adequately mitigated; the facility will impose an unreasonable burden on existing public infrastructure or public services; the application provides sufficient information to evaluate the proposed use; the proposed operation complies with the City's comprehensive planning objectives, if any; the applicant has demonstrated the ability to comply with the proposed conditions; and the proposed use will protect the public health, safety, and general welfare. The City Council may not deny an application based solely on generalized opposition or unsupported speculation. Any denial or condition should be supported by findings tied to applicable ordinance standards and evidence in the administrative record.

(n) Conditions of approval

The City Council may impose reasonable, site-specific conditions addressing the location, design, construction, operation, monitoring, maintenance, mitigation, and abandonment of the data center, provided that the conditions are authorized by law and reasonably related to identified impacts of the use.

Conditions may include: maximum electrical demand; maximum potable-water demand; cooling-system requirements; noise limits and monitoring; generator-testing schedules; landscaping and screening; setbacks and equipment placement; construction hours; traffic and delivery restrictions; emergency-response requirements; annual reporting; periodic inspection; financial security for site restoration; and phased construction or expansion.

(o) Compliance monitoring

The owner or operator must maintain records demonstrating compliance with the Specific Use Permit; provide annual reports concerning water use, electrical demand, generator operation, noise monitoring, complaints, and material violations; permit reasonable City inspections during ordinary business hours, subject to applicable law; promptly correct violations; and notify the City of any material change in ownership, operation, equipment capacity, or approved use.

Failure to comply with the Specific Use Permit or this Ordinance may constitute a zoning violation and may result in enforcement, modification, suspension, or revocation of the Specific Use Permit as authorized by law.

(p) Abandonment and decommissioning

The applicant must submit a decommissioning plan addressing the removal or disposition of: servers and electronic equipment; generators and fuel tanks; transformers and substations; cooling systems; batteries and hazardous materials; fencing and security equipment; and buildings or structures no longer suitable for a lawful use

The City Council may require a performance bond, letter of credit, escrow, or other lawful financial security reasonably related to the cost of required site restoration.

Section 6. Amendment to Section 8-506

Section 8-506 is amended by adding the following subsection:

B. Data centers

In addition to the site-plan requirement applicable to the M District, a data center must comply with Section 8-507. The site plan must show all buildings, equipment, generators, transformers, substations, fuel tanks, cooling systems, loading areas, driveways, fire lanes, fencing, landscaping, screening, lighting, drainage facilities, and utility connections.

No zoning permit or building permit may be issued unless the site plan is consistent with an effective Specific Use Permit.

Section 7. Existing applications and vested rights

(a) Pending applications

This ordinance applies to applications filed on or after its effective date, except as otherwise required by applicable law.

(b) Lawful existing uses

A data center lawfully existing before the effective date of this ordinance may continue as a lawful nonconforming use, subject to the City's generally applicable nonconforming-use provisions and applicable law.

(c) Expansion or intensification

Any expansion, enlargement, reconstruction, or material intensification of a preexisting data center after the effective date of this ordinance must comply with Section 8-507 to the extent permitted by applicable law.

(d) Vested rights

Nothing in this ordinance is intended to impair a right that has vested under applicable law, including Chapter 245 of the Texas Local Government Code. The City Manager, Building Official, and City Attorney are authorized to determine, in consultation with the applicant and appropriate City officials, whether a pending project is subject to a statutory vested right or other legal protection.

(e) No waiver of enforcement

A prior zoning clearance, building permit, plan review, utility discussion, or informal communication does not authorize a use that is not otherwise lawful and does not waive any requirement of this ordinance, except to the extent expressly required by applicable law.

Section 8. Repeal and conflicts

All ordinances, resolutions, or parts of ordinances in conflict with this ordinance are repealed to the extent of the conflict.

This ordinance does not repeal or limit any generally applicable building, fire, plumbing, electrical, utility, drainage, environmental, nuisance, subdivision, traffic, or public-safety regulation.

Section 9. Severability

If any section, subsection, sentence, phrase, or provision of this ordinance is held invalid or unconstitutional, the remaining portions of this ordinance shall remain in full force and effect.

The City Council declares that it would have adopted the remaining portions of this ordinance without the invalid or unconstitutional portion.

Section 10. Publication and effective date

This ordinance shall be published and adopted as required by applicable law.

This ordinance shall become effective upon its adoption and publication.

Section 11. Open meetings

The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of each meeting at which this ordinance was discussed, considered, or acted upon was posted and given in the manner required by the Texas Open Meetings Act, and that each meeting was open to the public as required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Jacinto City, Texas,
on this ____ day of _____, 2026.

ANA DIAZ, Mayor

ATTEST:

Christal Rodriguez, City Secretary

APPROVED AS TO FORM:

Jim L. DeFoyd, City Attorney