ORDINANCE #

AN ORDINANCE TO AMEND CHAPTER 1, SECTION 1.2.3, DEFINITIONS; CHAPTER 4, SECTION 4.7.14, TABLE OF USES BY ZONING DISTRICT; AND CHAPTER 5, SECTION 5.19, DATA PROCESSING CENTERS, OF THE TOWN OF BLACK MOUNTAIN LAND USE CODE TO TO ADD A DEFINITION, USE, AND REQUIREMENTS FOR DATA PROCESSING CENTERS

WHEREAS, The Town of Black Mountain Planning Board is charged with reviewing and updating land use planning, zoning and subdivision regulations; and

WHEREAS, the Planning Board made a commitment to the Town Council to review the text of the Land Use Code in the years since its adoption to address any residual inconsistencies in the text and to look for opportunities to clarify or improve text; and

WHEREAS, upon recommendation of the Planning Board, the following text amendments are consistent with the comprehensive plan and reasonable in the public interest because they support community character and enhance safety and support manufacturing, including small scale; and

WHEREAS, the Town of Black Mountain has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend regulations from time to time in the interest of public health, safety and welfare; and

WHEREAS, the Town Council finds that the land use code text amendments are consistent with the comprehensive plan and are reasonable and in the public interest because of the following findings:

- Supports community character and enhances safety (Goal 2.4)
- Supports manufacturing, including small scale (Goal 4.5)

WHEREAS, after notice duly given, a public hearing was held on May 11, 2026, as part of the regularly scheduled Town Council meeting at 6:00 p.m. in the Council Room of Town Hall, 160 Midland Avenue.

NOW, THEREFORE BE IT RESOLVED that Chapter 1, Section 1.2.3, Definitions, of the Town of Black Mountain Land Use Code, be amended with the following (additions are underlined in bold and deletions are shown in red struck text):

Chapter 1

Section 1.2.3 Definitions.

Data processing facility: A building, dedicated space within a building, or group of structures used to house a group of computer systems and associated

components, such as telecommunications and data processing systems, to be used for the remote storage, processing, or distribution of large amounts of data. Examples of such data include, but are not limited to, computationally intensive applications such as artificial intelligence, blockchain technology, cryptocurrency mining, weather modeling, genome sequencing, etc. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support operations. May also be referred to as a "Data Center". This definition shall not apply to data processing facilities that are accessory or incidental to a primary use.

BE IT FURTHER RESOLVED that Chapter 4, Section 4.7.14, Table of uses by zoning district, of the Town of Black Mountain Land Use Code, be amended with the following (additions are underlined in bold and deletions are shown in red struck text):

Chapter 4

Section 4.7.14 Table of uses by zoning district.

Category	Uses	CR-1	SR-2	TR-4	UR-8	NMU-8	OI-6	CBD	HB-8	LI-8	HI-0
Industrial	**Data Processing Facility**										**A**

BE IT FURTHER RESOLVED that Chapter 5, Section 5.19, Data processing facilities, of the Town of Black Mountain Land Use Code, be amended with the following (additions are underlined in bold and deletions are shown in red struck text):

Chapter 5

Section 5.19 Data processing facilities.

5.19.1 – Purpose.

To regulate data processing facilities and data center buildings, including for the use of cryptocurrency mining.

5.19.2 – General provisions.

A. Height restrictions. Systems, equipment, and structures (excluding electric transmission lines and utility poles) will not exceed 35 feet in height, including rooftop mechanical equipment.

B. Use separation. All equipment and structures will be a minimum of fifty feet from the boundary of the facility as delineated on a site plan, and one-quarter mile (1,320 feet) from any place of worship, school, or residence.

C. Submittal requirements.

- **a. A narrative describing the proposed data processing facility including an overview of the project;**
- **b. A site plan showing the proposed location and dimensions of all equipment, existing and proposed structures, screening, fencing, property lines, access roads, turnout locations, ancillary equipment, and the location of any place of worship, school, or residence within one-quarter mile (1,320 feet) of the perimeter of the facility;**
- **c. A study prepared by an acoustical engineer that describes the anticipated noise level of the facility and any proposed mitigation efforts such as sound walls, baffles, ventilation, silencers, additional separation from surrounding uses, etc.;**
- **d. Other relevant studies, reports, certifications, and approvals as may be reasonably requested by the Town of Black Mountain to ensure compliance with this ordinance; and**
- **e. Signature of the property owner(s) and the owner/operator(s) of the facility (if different than the property owner).**

D. Structural requirements.

- **a. The facility will meet all requirements of the North Carolina Building Code.**
- **b. Any electric wiring will be located underground, except where wiring is brought together for interconnection to system components and/or the local utility power grid.**

E. Access.

All roads providing access to the data processing facility will be of sufficient width to accommodate emergency vehicle access as determined by the Town of Black Mountain Fire Marshal.

F. Security fencing.

Security fencing of a minimum of eight feet in height will be provided along the entire perimeter of the data processing facility.

G. Screening.

The entire perimeter of the data processing facility will be screened from adjoining properties by a wall that is at least eight feet high or evergreen vegetation growing to a height of eight feet high wo within three years.

H. Utility approval.

No grid-connected data processing system will be installed until evidence has been provided by the operator that installation of the system has been

approved by the electric utility provider and by the water utility provider. Off-grid systems will be exempt from this requirement.

I. **Signage.**
No signage will be permitted for data processing facilities, with the exception of one (1) sign not to exceed 32 square feet that displays the name, address, and emergency contact information of the facility as well as appropriate warning signs.

J. **Noise.**
The amount of noise generated by the data processing facility will not exceed 55 decibels at any property line between the hours of 8:00 a.m. to 7:00 p.m. and will not exceed 50 decibels at any property line between the hours of 7:00 p.m. to 8:00 a.m.

K. **Abandonment.**
It is the responsibility of the property owner to notify the Town of Black Mountain and to remove all obsolete or unused systems. Any structure or equipment associated with the data processing facility that is not operated for a continuous period of one hundred and eighty (180) days will be considered abandoned, and the Town may require the owner to remove such structures and equipment within 90 days after notice from the Town. If the abandoned structure or equipment is not removed within 90 days, the Town may remove it and recover its costs from the owner. If the owner of the abandoned structure or equipment cannot be located or is no longer in business, the requirements of this section will be the responsibility of the landowner on whose property the structure or equipment is located.

READ, APPROVED AND ADOPTED, by a vote of _____ to _____ on this the 11th day of May 2026.

_____
C. Michael Sobol, Mayor

ATTEST:

_____
Wesley M. Barker, Town Clerk