PROPOSED TEXT AMENDMENT:

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 within data processing facilities (excluding electric transmission lines and utility poles) will not exceed 35 feet in height.

B. Use separation. All equipment and structures within data processing facilities 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 State 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 vegetative buffer of at least 25 feet.

H. Utility notification.

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 on the perimeter fence of the scale data processing facility, 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.

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 eight (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.

(Choose one statement)

The Planning Board hereby recommends to the Town council the following statement:

☐ The zoning text amendment **is recommended** for adoption and is consistent with the Town's comprehensive plan and is reasonable and in the public interest because: _____
_____
_____

☐ The zoning text amendment is not recommended for adoption because it is inconsistent with the Town's comprehensive plan and is not reasonable and in the public interest because: _____
_____
_____