

ORDINANCE NO. _____

ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE OF BUNCOMBE COUNTY, CHAPTER 78, ARTICLE VI OF THE BUNCOMBE COUNTY CODE OF ORDINANCES, THE ZONING ORDINANCE OF BUNCOMBE COUNTY
ZPH2024-00024

- WHEREAS, pursuant to N.C. Gen. Stat. §160D-7-1, the County may adopt a zoning ordinance to regulate development within its territorial jurisdiction;
- WHEREAS, on December 1, 2009, the Buncombe County Commissioners enacted Buncombe County Ordinance No. 09-12-01 which established a comprehensive zoning plan for the properties located in Buncombe County outside of the boundaries of incorporated municipalities and their zoning jurisdictions;
- WHEREAS, pursuant to N.C. Gen. Stat. §160D-6-2, the County may amend its zoning ordinance after giving proper public notice and holding a public hearing;
- WHEREAS, the Planning Board has reviewed and discussed proposed text amendments (ZPH2024-00024) and held a public hearing for an amendment to The Buncombe County Zoning Ordinance. The Board considered amendments to Chapter 78 (The Buncombe County Zoning Ordinance) of the Buncombe County Code of Ordinances, and more specifically, Sections 78-581 Definitions, 78-641 Permitted Uses, and 78-678 Uses by Right Subject to Special Requirements and Special Use Standards. The amendments propose to further regulate crypto-currency mining operations, data centers, and government protective services.
- WHEREAS, in accordance with the procedures set forth in the Buncombe County Zoning Ordinance, the Planning Board met to consider the proposed amendment on September 16, 2024, at which meeting a motion to **approve** the proposed map amendment passed by a vote of **7 to 0**; and,
- WHEREAS, this Board has reviewed these written recommendations of the Buncombe County Planning Board; and
- WHEREAS, in accordance with North Carolina General Statutes and with the provisions set forth in Division 8 of Chapter 78, Article VI of the Buncombe County Code of Ordinances, the Board of Commissioners duly advertised and held a public hearing to consider the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. This Board has considered whether this proposed amendment is consistent with the Buncombe County 2043 Comprehensive Plan, and hereby finds the following:

- 1) The proposed text amendment is consistent with the Buncombe County 2043 Comprehensive Plan in that the text amendment:
 - a) **GEC – Action 6:** Support the protection of agricultural and forest lands, environmentally sensitive areas, and rural communities.
 - b) **FARMS, FOREST, & ENVIRON – Policy 2:** Preserve Buncombe County’s natural heritage.
 - c) **FARMS, FOREST, & ENVIRON – Policy 3:** Promote ecosystem enhancement...
 - d) **HEALTH & REC- Policy 5:** Utilize environmental protection and land conservation to...promote health.
 - e) **INFRASTRUCTURE & ENERGY - Policy 2:** Plan for the long-term sustainability of public services.
 - f) **INFRASTRUCTURE & ENERGY – Action 2:** Implement policies around new development and re-development that advance decarbonization and sustainability goals.

Therefore, the requested text amendment would be **reasonable and in the public interest.**

Section 2. This Board does hereby **approve** and adopt the Plan Consistency Statement and amendments to Chapter 78 (The Buncombe County Zoning Ordinance) of the Buncombe County Code of Ordinances, and more specifically, Sections 78-581 Definitions, 78-641 Permitted Uses, and 78-678 Uses by Right Subject to Special Requirements and Special Use Standards. The amendments propose to further regulate crypto-currency mining operations, data centers, and government protective services.

Section 3. If any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance;

Section 4. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed to the extent of such conflict; and

Section 5. This ordinance is effective upon adoption.

Read, approved and adopted this the 19th day of November, 2024.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Sarah Gross, Clerk

BY _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney