

TOWN OF WAYNESVILLE

Planning Board

9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Development Services
Director
Elizabeth Teague

Planning Board Members

Susan Teas Smith (Chairman)
Ginger Hain (Vice Chair)
Stuart Bass
R. Michael Blackburn
Tommy Thomas
Barbara Thomas
Peggy Hannah
Jan Grossman
John Baus

Regular Meeting of the Planning Board
Town Hall, 9 South Main Street, Waynesville, NC 28786
Monday, September 18, 2023, 5:30 PM

A. CALL TO ORDER

1. Welcome/Calendar/Announcements
 - Summary of Town Council Actions on Planning Board recommendations
2. Approval of Minutes as presented (or amended):
 - July 17, 2023 Regular Meeting

B. BUSINESS

1. Public Hearing on Subdivision Entrance Sign design for Valleywood Farms Subdivision, at Queen Subdivision, Sunnyside (LDS Section 11.7.1).
2. Public hearing on staff-initiated text amendment to add “crypto currency mining / data center” as a definition to the Land Development Standards definitions (LDS Section 17.3).
3. Public hearing on a staff-initiated text amendment to correct items in Zoning Board of Adjustment administration under 160D (LDS Section 14.4).
4. Workshop on proposed map amendment boundary of a Railroad Overlay District (LDS Sections 2.6 and 15.14).

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

D. ADJOURN

Waynesville Town Council Votes on the Planning Board Items 2022-2023

March 22, 2022:

- Stormwater Ordinance text amendment, Section 12.5 of the LDS to align the Town's local ordinance with the Phase II NCDEQ Stormwater Model Ordinance for North Carolina.

Motion of Consistency with the 2035 Plan and Motion to adopt the text amendment passed unanimously.

- LDS text amendments regarding 160D clarifications and definitions, and other minor amendments. Ordinance cleanup.

Motion of Consistency with the 2035 Plan and Motion to adopt the text amendment passed unanimously.

May 10, 2022:

- Public Hearing to consider text amendments on revisions to LDS Section 6.10: Transportation Impact Analysis (TIA): lower the TIA threshold to 500 trips per day to require a study. This would generally apply to any new residential development as follows:
 - 50 single-family homes
 - 70 apartments / townhomes
 - 100 room hotels
 - 30,000 square foot office building
 - 20,000 square foot shopping center

Motion of Consistency with the 2035 Plan and Motion to adopt the text amendment passed unanimously.

- Text amendment to Chapter 7 of the LDS, Civic Space: increase the % required based on the size of the project, provide additional options, such as preserve, dog park, and indoor community facility.

Motion of Consistency with the 2035 Plan and Motion to adopt the text amendment passed unanimously.

June 28, 2022

- Text amendment request initiated by the Planning Board to implement buffer requirements and quasi-judicial review procedures on major subdivisions which create 31 or more lots.

Motion made by Alderman Anthony Sutton, and seconded by Chuck Dickson to table the zoning text amendment request initiated by the Planning Board to implement buffer requirements and quasi-judicial review procedures on major subdivisions which create 31 or more lots for more discussion with the Planning Board. (Chuck Dickson, aye), (Julia Freeman, aye), (Jon Feichter, aye), (Anthony Sutton, aye) and (Mayor Gary Caldwell, aye.) The motion passed unanimously.

The Board of Aldermen did not express interest in going back to quasi-judicial procedures which can be legally controversial. The text amendment on buffers without quasi-judicial procedures was presented to the board again on December 13, 2022 (see below).

July 26, 2022:

- Zoning map amendment request to change zoning of 134 Belle Meade Drive, PIN 8605-81-6159, from Hazelwood Urban Residential (H-UR) to Hazelwood Business District (H-BD).

Motion made by Alderman Anthony Sutton, seconded by Alderman Jon Feichter, to not approve rezoning of the property at 134 Belle Meade to Hazelwood Business District. The motion carried unanimously.

August 9, 2022

- Text amendment to Section 9.8 of the LDS, Driveway Standards: width and length requirements based on the number of units, fire access safety, definition of joint and shared driveways, apron specs, materials.

Motion of Consistency with the 2035 Plan and Motion to adopt text amendment passed unanimously.

November 8, 2022

- Text amendment related to cottages and conservation subdivision designs Sections 2.5.3, 15.9, 17.3, and 17.4 of the LDS.

Motion of Consistency with the 2035 Plan and Motion to adopt the text amendment as presented passed unanimously.

- Text amendments to LDS Chapter 6 pertaining to Roadway Infrastructure: road classifications, design, pedestrian facilities, sidewalks, parking spaces on the streets, etc.

Motion of Consistency with the 2035 Plan and Motion to adopt text amendment passed unanimously.

December 13, 2022:

- Text amendment related to Section 8.4 Buffer Yards of the LDS to require a Type B Buffer for large developments >30 units.

Motion of Consistency with the 2035 Plan and Motion to adopt text amendment passed unanimously.

- Map Amendment (Rezoning) Request from Hazelwood Urban Residential (H-UR) to Hazelwood Urban Residential Mixed-Use Overlay-2 (H-UR-MX-O-2) District for Five (5) Properties off South Main Street:

- 1) .38-acre property at 1434 S. Main St. (PIN 8605-91-5018),
- 2) .28-acre property at 1458 S. Main St. (PIN 8605-90-3984),
- 3) .23-acre property at 1484 S. Main St. (PIN 8605-90-3920),
- 4) .14-acre unaddressed property off S. Main St. (PIN 8605-90-2966),
- 5) .24-acre property at 24 Belle Meade Dr. (PIN 8605-90-2836).

Motion of Consistency with the 2035 Plan and Motion to adopt map amendment passed unanimously.

- Text amendment to LDS Section 12.3, the Flood Damage Prevention Ordinance, to align the LDS with the State model ordinance.

Motion of Consistency with the 2035 Plan and Motion to adopt the text amendment passed unanimously.

- Text amendments related to Chapter 160D general additions and revisions to multiple sections of the LDS: substantial modifications of site plans, exemptions to driveway standards when connecting to private roads, hydroplaning protections in the stormwater ordinance.

Motion of Consistency with the 2035 Plan and Motion to adopt the text amendment passed unanimously.

February 14, 2023:

- Map Amendment for the property located at 465 Boyd Avenue (PIN 8605-96-8882) to create a Hazelwood Urban Residential MXO-3 District.

Motion of Consistency with the 2035 Plan and Motion to adopt the map amendment passed unanimously.

- Text Amendment to the LDS Section 17.3, Use Type Definitions, Personal Services to include tattoo parlors.

Motion of Consistency with the 2035 Plan and Motion to adopt the text amendment passed unanimously.

May 23, 2023:

- Stormwater Ordinance text amendment, Section 12.5 of the LDS: design standards and safety measures for stormwater control measures with steep slopes and tall banks (such as ponds).

Motion of Consistency with the 2035 Plan and Motion to adopt the text amendment passed unanimously.

- Map Amendment for the property located at 237 Ratcliff Cove Road (PIN 8626-00-9246).

Motion made by Councilmember Anthony Sutton, seconded by Councilmember Julia Freeman, to find the request is consistent with the 2035 Comprehensive Plan in that it creates opportunities for a sustainable economy, strengthens Waynesville's current and future workforce through education and training and encourages creatively designed, mixed-use, walkable centers and commercial districts that appeal to residents and visitors. The motion passed unanimously.

Motion made by Councilmember Anthony Sutton, seconded by Councilmember Chuck Dickson to rezone the property described as 237 Ratcliff Cove Road (PIN 8626-00-9246) from the Raccoon Creek Neighborhood Residential District to the Raccoon Creek Neighborhood Residential District Mixed-Use Overlay-2, to be enacted 10 days after the Haywood County School Board achieves ownership of the property, and to limit the additional uses extended by the overlay to Government Services, and in so doing amending the Comprehensive Plan, Future Land Use Map to re-designate this property as "Community Facilities" in its land use typology and that it continues to promote smart growth principles in land use planning and zoning, and encourages infill, mixed-use, and context-sensitive development. The motion passed unanimously.

June 27, 2023:

- Text amendment to the LDS Section 5.10.2, Mixed-Use/Commercial Building Design Guidelines, Façade Materials.

The original text amendment was simply to add “metal panels and siding” to the list of permitted materials. The Town Council modified it by adding the following provisions:

Metal panels and siding may be used as a facade material on commercial buildings with the following restrictions:

- 1. Metal panels and siding may be used as a facade material only on commercial buildings located within Neighborhood Center, Business, and Regional Center Districts.*
- 2. Such metal panels and siding must consist of architectural-grade metal without a high-gloss finish. Standing seam metal panels may not be used as a facade material.*
- 3. The use of metal panels and siding as a facade material within a National Register Historic District or Local Historic District must be approved by the Historic Preservation Commission with the issuance of a Certificate of Appropriateness.*

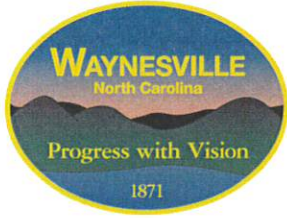
Motion made by Councilmember Sutton, seconded by Councilmember Freeman to find that the proposed text amendment is consistent with the 2035 Comprehensive Plan, in that it is reasonable and in the public interest. The motion passed unanimously.

Motion made by Councilmember Sutton, seconded by Councilmember Freeman, to approve the proposed text amendment as modified. The motion passed unanimously.

The Town Council unanimously passed the following text amendments on September 12, 2023:

1. Addition of an “Event Space” as a stand-alone use to the Land Development Standards (LDS): definition and supplemental standards.
2. Creation of a Railroad Overlay District: purpose, standards, uses.
3. Definition of “Freight Hauling/Truck Terminals.”

You can access previous minutes and agendas by visiting the following site: <http://www.egovlink.com/waynesville/>.



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MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD

Regular Scheduled Meeting

Town Hall – 9 South Main St., Waynesville, NC 28786
Monday July 17th, 2023, 5:30pm

THE WAYNESVILLE PLANNING BOARD held a Regular Scheduled Meeting July 17th, 2023, at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC. 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present.

Susan Teas Smith (Chairman)
Ginger Hain (Vice Chairman)
John Baus
Jan Grossman
Barbara Thomas
Peggy Hannah

The following board member were absent:

Michael Blackburn
Stuart Bass
Tommy Thomas

The following staff members were present:

Elizabeth Teague, Development Services Director
Olga Grooman, Land Use Administrator
Esther Coulter, Administrative Assistant

The following Attorney was present:

Ron Sneed, Town Attorney

Chairman Susan Teas Smith called the meeting to order at 5:30pm. Mrs. Smith welcomed everyone and asked if there were any announcements. Development Services Director Elizabeth

Teague reported that a summary of Town Council actions on Planning Board recommendations is included in the agenda packet. Ms. Teague said that the Town has not received any applications for Board consideration and asked if the Planning Board wanted to cancel the August meeting. The Board agreed, but wanted to get through agenda items before deciding.

Chairman Smith then asked the Board to review the minutes from the June 19th meeting for approval.

A motion was made by Board Member Barbara Thomas, seconded by Board Member Peggy Hannah, to approve the minutes for the June 19th, 2023, meeting as presented. The motion passed by 5 votes and 1 abstained for being absent.

B. BUSINESS

- 1. Public hearing on a staff-initiated text amendment to add “Event Space” as a stand-alone use to the Land Development Standards: definition and supplemental standards (LDS Sections 2.5.3, 3.3.5, and 17.3).

Chairman Smith read through the procedures for a public hearing, and opened the hearing at 5:35pm. Chairman Smith noted that there was no public in attendance who wished to speak on this topic.

Land Use Administrator Olga Grooman read the staff report and stated that in examining economic opportunities and development along the railroad corridor, the railroad subcommittee sub-committee identified a gap in the ordinances with related to stand-alone “event spaces.” After discussion and feedback at the June 19th, 2023, Planning Board meeting, staff has provided a text amendment to allow “event spaces” as a Special Use Permit within the Railroad Overlay District for now. “Event Spaces” would be generally compatible with other civic, retail, cultural, and entertainment uses. However, the Board wants to mitigate any potential impacts on the surrounding areas by carefully reviewing each application for such use.

Ms. Grooman submitted the proposed draft in red on page 13 and 14 of the agenda packet.

Chairman Susan Teas Smith asked if the Board had any questions or further discussion and closed the public hearing at 5:42pm.

A motion was made by Chairman Susan Teas Smith, seconded by Vice Chairman Ginger Hain, to recommend “Event Space” text amendment as attached (or amended) as being consistent with the 2035 Land Use Plan and reasonable and in the public interest. Specifically with the 2035 Comprehensive Land Use Plan with Goals 1 and Goal 5. The motion passes unanimously.

A Motion was made by Board Member Jan Grossman, seconded by Board Member Barbara Thomas, to recommend the “Event Space” text amendment as attached (or as amended) to the Town Council. The motion passes unanimously.

2. Public hearing on a staff-initiated text amendment to correct definition of “Freight Hauling/Truck Terminals” (LDS Section 17.3).

Chairman Susan Teas Smith opened the public hearing at 5:49pm.

Land Use Administrator Olga Grooman stated the current definition of the “Freight Hauling/Truck Terminals” in the LDS is the same as the definition of “Funeral Homes.” However, in the text there is a valid reference to a definition from the Land Based Classification Standards (LBCS), a guidance document of the American Planning Association that classifies and defines various land uses. Staff wants to correct the mistake and replace the definition with the one from the LBCS, but is seeking Board input and direction on the definition.

Ms. Grooman submitted the proposed draft in **red** found on page 19 of the agenda packet.

Chairman Susan Teas Smith asked if the Board had any questions and the closed the public hearing at 5:52pm.

A motion was made by Vice Chairman Ginger Hain, seconded by Chairman Susan Teas Smith, to recommend “Freight Hauling/Truck Terminals” text amendment as attached (or amended) as being consistent with the 2035 Land Use Plan and reasonable and in the public interest. Specifically meets Goal 1, Goal 5, Goal 6, to continue smart growth, create opportunity for a Sustainable Economy, Creates an attractive, safe, and multi-modal transportation system. The motion passes unanimously.

A Motion was made by Board Member Jan Grossman, seconded by Board Member Barbara Thomas, to recommend “Freight Hauling/Truck Terminals” text amendment as attached (or as amended) to the Town Council. The motion passes unanimously.

3. Public hearing on a board-initiated text amendment to create a Railroad Overlay District including purpose, standards, uses (LDS Sections 2.5.3 and 2.6.2).

Chairman Susan Teas Smith opened the public hearing at 5:53pm.

Land Use Administrator Olga Grooman said underutilized rail corridors present opportunities for urban revitalization. Railway corridors can be the areas where commercial, cultural, and residential areas safely coexist and promote economic and social vibrancy. The Five months of the subcommittee’s work included research, study, and discussions about potential uses along the corridor, economic opportunities, and gateways to the Town. Ms. Grooman recommended a special Railroad Overlay District would promote a higher concentration of mixed-use and infill development for property that is adjacent to or overlapping the railroad right-of-way corridor. A draft overlay district map to be called the Railroad Overlay District (RR-O). The overlay could then be applied through a rezoning / map amendment process for other areas, preserve the standards of the underlying districts, such as setbacks, height, density, existing uses.

Ms. Grooman submitted the proposed draft in **red** on page 24, and 25 of the agenda packet.

Stuart Bass noted that the committee had gone on a tour of the railroad corridor and that there was a great diversity of land uses. The committee recommends that the initial

overlay be focused around the business districts of Frog Level and Hazalwood. Ginger Hain stated that the goal was to assist property owners by creating flexibility and to promote economic development, and that this idea came out of the Comprehensive Plan.

Chairman Smith closed the public hearing at 6:11pm.

A motion was made by Board Member John Baus, seconded by Board Member Jan Grossman, to recommend Railroad Overlay text amendment as attached (or amended) as being consistent with the 2035 Land Use Plan and reasonable and in the public interest. Specifically meets Goal 1, Goal 5. The motion passes unanimously.

A Motion was made by Vice Chairman Ginger Hain, seconded by Peggy Hannah to recommend the Railroad Overlay text amendment as attached (or as amended) to the Town Council. The motion passes unanimously.

4. Discussion on “crypto-mining” and the possibility of a future text amendment.

Land Use Administrator Olga Grooman reminded the Board that member Jan Grossman had raised the issue previously regarding cryptocurrency mining. Staff did extensive research and found neighboring municipalities across the state have either defined, “crypto mining /data centers,” imposed a moratoriums, or added related restrictions in their ordinances (noise, waste disposal, buffer requirements, etc.). Ms. Grooman stated that she has posted her research links on the Town of Waynesville website under the Special Projects link.

There was much Board discussion. Chairman Smith asked if the Board members had read the articles or seen the CNN report about the impacts generated by these types of facilities. John Baus stated that it is hard to predict the impact this type of facility would have, and its demand for water and electricity, or the effects on the Town’s power grid. Board members expressed concern for the facility in Cherokee and the news report of its impact on neighbors related to noise. Barbara Thomas noted that she had a friend in Jackson County and they were one of the first to try and prohibit it because of that reason. Board members discussed concern that companies were “dark” – that in these cases, the ownership was listed as LLC’s and people did not know what this business was when it moved in and who they were dealing with. There was consensus around defining this type of use and then prohibiting it, similar to the Board’s approach on campgrounds.

Jan Grossman suggested that the Board should consider a broad definition that encompassed data storage in addition to just crypto-mining. Elizabeth Teague noted that facilities are needed to store data. Olga Grooman stated that some sample definitions include “data center.” Ms. Grooman also wanted to thank Jan for bringing this issue to our attention.

Ms. Teague asked for Board direction as to if staff should come back with a suggested definition in August or September, and if the Board wanted to go ahead and hold a public hearing. John Baus stated that he thought staff should proceed with a definition and draft ordinance for Crypto-mining/Data center or Data storage or a broader definition.

Vice Chair Ginger Hain stated that she felt the Board could cancel the August meeting and take up this and other items in September. The Board members agreed that the August meeting could be cancelled.

Attorney Ron Sneed gave a report on items that are working through the legislature that will affect the Planning Board. One on-going item of municipal interest is the Short Term Rental (STR) proposed bills, however those did not make it out of the session. Mr. Sneed explained there is a cross over date that needs to be met for bills to proceed, this one did not, but some others were pushed through. The Town Audits statute passed. Mr. Sneed reported that the bill limiting Extra Territorial Jurisdiction is now law. Any town that does not have already have an ETJ, cannot adopt ETJ. Any town that has ETJ and a population less then fifty thousand lost their ETJ. Mr. Sneed stated that Waynesville gets to keep their ETJ for now.

C. ADJOURN

A motion was made by Vice Chairman Ginger Hain, seconded by board member Jan Grossman, to adjourn the meeting at 6:40pm.

Susan Teas Smith, Chairman

Esther Coulter, Administrative Assistant

Planning Board Staff Report

Subject: Review of Neighborhood Entrance Sign for Valleywood Farms
(PIN 8615-87-6831)
Ordinance Section: Land Development Standards Section 11.7
Applicant: Carolina Pools, LLC
Meeting Date: September 18, 2023

Background

The applicant, Carolina Pools, LLC, has submitted a design for a neighborhood entrance sign for Valleywood Farms Subdivision, located on Sunnyside Road on the former Queen Farm property. The property is located within the Raccoon Creek Neighborhood Residential District, and the proposed sign and accompanying structure is proposed to be placed at the entrance to the major subdivision. Section 11.6.2 states that Neighborhood Entrance Signs are “subject to planning board design review,” but does not provide any dimensional requirements or design guidance beyond:

“Residential neighborhood and business district entrance signs shall be professionally designed and produced using high-quality materials and shall be appropriate in size, number and location for the neighborhood or district being identified as approved by the Planning Board following a public hearing.” (LDS Section 11.7).

The ordinance does give some dimensional standards for entrance signs in large developments in other districts:

- A Master Development Sign for a development that is five acres or greater in the Regional Center and Commercial -Industrial Districts is 160 square feet and 25 feet tall, and
- A Master Development Sign for developments 2 acres or greater in the Neighborhood Center and Business Districts is 48 square feet and 8 ft tall.

According to 11.6.1-2, The maximum size for a standard, “permanently mounted sign,” within this district is 16 square feet and 4 feet tall. The proposed sign is 18 square feet and 5 feet tall, but would be mounted on a sizable stone and metal structure that is proposed to be 24 feet long and 8 feet tall. It would also incorporate a water feature and have stone facing. An elevation of the proposed sign structure is attached. While the proposed sign would be larger than a standard, permitted sign within the Raccoon Creek NR district, it is different in nature as an entrance feature and sign for a major development.

Staff Recommendation

Staff recommends that the Planning Board consider the character of the neighborhood as well as the scale of the sign structure in relation to the surrounding area. The Valleywood Farms Subdivision, will eventually be a large-scale development, consisting of single-family dwellings on individual lots. The development is surrounded by single-family properties, a church, and agricultural land. Staff asks that the Board consider the size and scale of the proposed sign structure relative to its surroundings.

Requested Actions

1. Motion to approve (or disapprove) the submitted design for the Neighborhood Entrance Sign for Valleywood Farms.

**AUTHORIZATION FOR AGENT TO
APPEAR BEFORE WAYNESVILLE PLANNING BOARD,
ZONING BOARD OF ADJUSTMENT, OR BOARD OF ALDERMEN**

The undersigned Owner or Party with a contract or option to purchase that real property located at Valleywood Dr. in Waynesville or the ETJ area of Waynesville, North Carolina, has submitted an application which is to be heard in a proceeding by Board(s) of the Town of Waynesville, North Carolina. I hereby authorize the following named individual to present my application and case, as my agent at such hearings.

Name of Authorized Agent: Paul Adam
Title and Company: Contractor / Carolina Pools, LLC
Address: 1062 S. Batesville Rd. Ste # B. Greer, SC. 29650
Phone and email: 804.655.7016 / paul@carolinapoolsllc.com

This authorization shall be good through the completion of the project for which the zoning text or map amendment, special use permit, subdivision, variance or appeal, or other Town approval is requested, or until revoked in writing. The Town of Waynesville may rely on this authorization until it is given notice of the revocation of this authorization or of a change of property ownership takes place.

This the 7th day of August, 2023.

Owner or Party with Contractual Interest in Property:
Forestar Real Estate Group

Address and phone number:
2221 E. Lamar Blvd.
Arlington, Tx: 76006



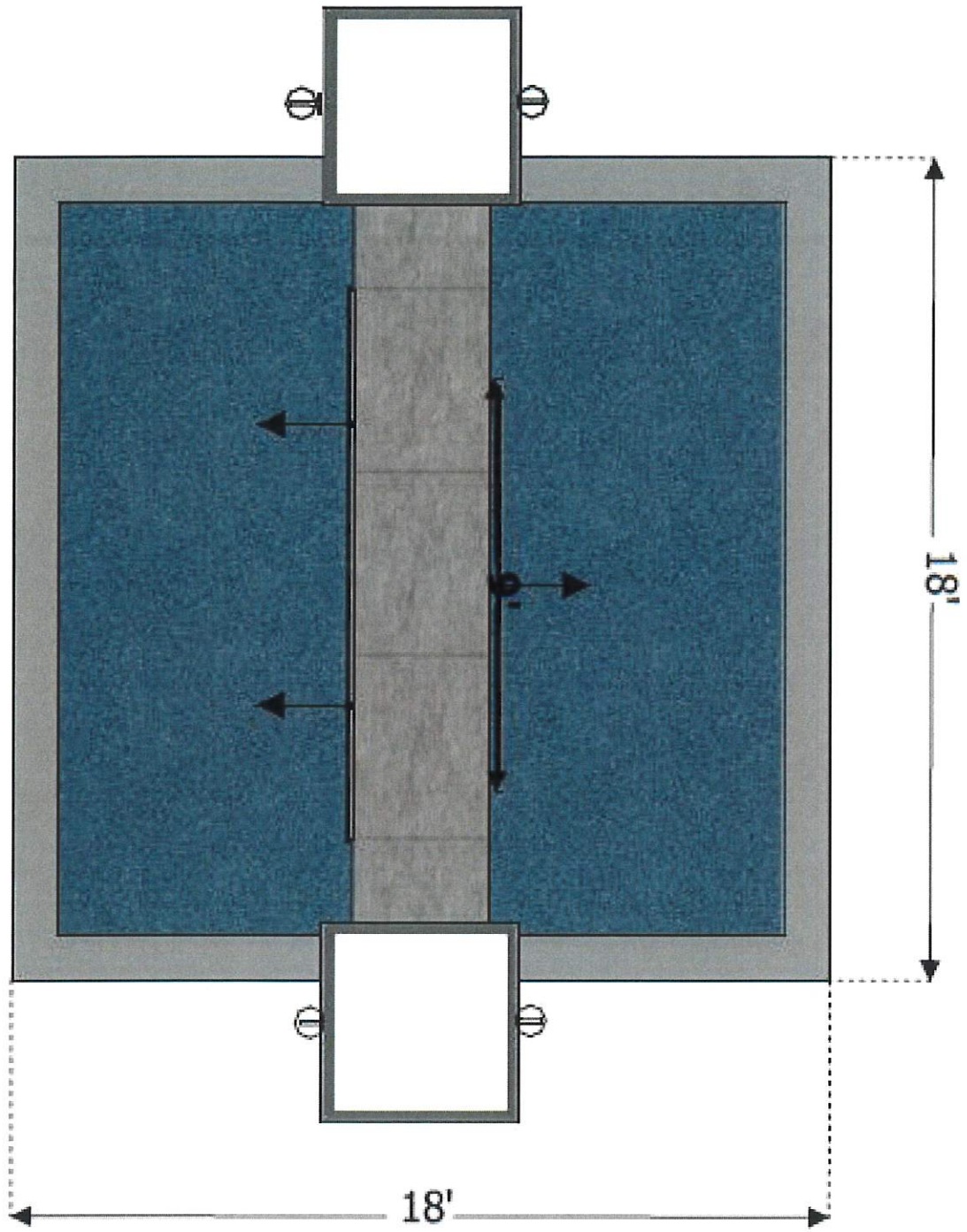


Carolina Pools | Paul Adam

artistic conception

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TOWN OF WAYNESVILLE

Development Services Department

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FOR PUBLICATION IN THE MOUNTAINEER: September 3 and September 13, 2023 Editions

Date: August 25, 2023

Contact: Byron Hickox – 452-0401

Notice of Public Hearing

Town of Waynesville Planning Board

The Town of Waynesville Planning Board will hold a **Public Hearing on Monday, September 18, 2023, at 5:30 PM**, in the Town Hall Board Room, at 9 South Main Street, Waynesville, NC, to consider:

The design and location of a neighborhood entrance sign for Valleywood Farms Subdivision, located on the property with PIN 8615-87-6831.

For more information contact the Development Services Department at: (828) 456-8647, email: bhickox@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

Planning Board Staff Report

Subject: Clarification of quasi-judicial procedures in the Land Development Standards (LDS), in compliance with the G.S. 160D.
 Ordinance Section: Sections 14.4.2 and 15.13 of the LDS
 Applicant: Staff initiated text amendment; Development Services Department
 Presenter: Olga Grooman, Land Use Administrator, Development Services
 Meeting Date: September 18, 2023

Background

In 2021, the Town completed substantial updates to the Land Development Standards in order to comply with changes in the NC General Statutes guiding local land use regulations, referred to as "160D." Recently, the staff identified remaining outdated information in the *Board of Adjustment* Section 14.4.2 and *VariANCES* Section 15.13 of the LDS. The staff wishes to correct the outdated information by clarifying the quorum and voting requirements for different types of quasi-judicial procedures as specified in the Chapter 160D-406(i)- *Quasi-Judicial Procedure* and variance criteria per 160D-705(d) *Quasi-Judicial Zoning Decisions*. In applying these changes, the staff consulted the Planning Board counsel Ron Sneed.

Staff Recommended Text Changes:

- Clarify quorum and voting procedures for the Zoning Board of Adjustment in accordance with NC G.S. 160D-406(i).

Staff submits the proposed changes **in red** on the attached draft ordinance for discussion.

Consistency with the 2035 Comprehensive Land Use Plan

Staff submits that the proposed text amendments to the LDS are consistent with the 2035 Comp Plan goals:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Encourage in-fill, mixed use, and context-sensitive development.

The Town will also maintain adequate legal authority through the most up-to-date ordinance.

Attachments

1. NCGS 160D-705
2. Proposed Text Amendment
3. Consistency Statement Worksheet
4. Public Notice

Recommended Motions

1. Motion to find the recommended changes to the LDS as attached (or amended) as being consistent with the 2035 Land Use Plan and reasonable and in the public interest.
1. Motion to recommend the text amendment as attached (or as amended) to the Town Council.

§ 160D-705. Quasi-judicial zoning decisions.

(a) Provisions of Ordinance. – The zoning or unified development ordinance may provide that the board of adjustment, planning board, or governing board hear and decide quasi-judicial zoning decisions. The board shall follow quasi-judicial procedures as specified in G.S. 160D-406 when making any quasi-judicial decision.

(b) Appeals. – Except as otherwise provided by this Chapter, the board of adjustment shall hear and decide appeals from administrative decisions regarding administration and enforcement of the zoning regulation or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development. The provisions of G.S. 160D-405 and G.S. 160D-406 are applicable to these appeals.

(c) Special Use Permits. – The regulations may provide that the board of adjustment, planning board, or governing board hear and decide special use permits in accordance with principles, conditions, safeguards, and procedures specified in the regulations. Reasonable and appropriate conditions and safeguards may be imposed upon these permits. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. Conditions and safeguards imposed under this subsection shall not include requirements for which the local government does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the local government, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land.

The regulations may provide that defined minor modifications to special use permits that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification or revocation of a special use permit shall follow the same process for approval as is applicable to the approval of a special use permit. If multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for permit modification so long as the modification would not result in other properties failing to meet the terms of the special use permit or regulations. Any modifications approved apply only to those properties whose owners apply for the modification. The regulation may require that special use permits be recorded with the register of deeds.

(d) Variances. – When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 17, 50(b), 51(a), (b), (d).)

DRAFT FOR COUNCIL CONSIDERATION

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE TEXT
OF THE TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS**

WHEREAS, the Town of Waynesville 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 said regulations from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed text amendments to the Land Development Standards (LDS) and recommends that they are consistent with the 2035 Comprehensive Plan and that they are reasonable and in the public interest because they support:

- Goal # 1: to “promote smart growth in land use planning and zoning;”

WHEREAS, the Planning Board has reviewed and recommends the proposed text amendments for enactment by the Town Council; and

WHEREAS, the Town Council find this Ordinance is consistent with the Town’s 2035 Comprehensive Plan and that it is reasonable and in the public interest to “make decisions about resources and land use in accordance with North Carolina General Statutes.”

WHEREAS, after notice duly given, a public hearing was held on **September 18, 2023** at the regularly scheduled meeting of the Waynesville Planning Board, and on _____ at the regularly scheduled meeting of the Waynesville Town Council;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON _____ AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Land Development Standards be amended as follows (in red):

1. Amend Section 14.4 Board of Adjustment as follows:

14.4 Board of Adjustment.

14.4.1 Powers and Duties.

The Board of Adjustment of Waynesville shall have the following powers and duties to be carried out in accordance with the terms of this ordinance:

- A. To hear and decide appeals from any order, requirement, permit, decision or determination issued by an administrative officer of the town in enforcing any provision of the Town of Waynesville Minimum Housing Codes.
- B. LDS Decisions: The Board of Adjustment shall render final decisions regarding the following permits types (see also Chapter 15):
 1. Appeal of any Administrative decisions (15.6-7, 15.8.1, 15.12)
 2. Appeals of Historic Preservation Commission Decision regarding Certificate of Appropriateness (Major) (15.11.3)
 3. Variances (15.13)
- C. The Board of Adjustment shall also have any additional powers and duties as may be set forth for in other laws and regulations or at the direction of the Board of Aldermen.

14.4.2 Membership and Quorum.

- A. The Waynesville Board of Adjustment shall consist of the number of members referenced and indicated in the most current version of the Town of Waynesville Boards and Commissions Manual which may from time to time be updated or amended. A quorum, **consisting of simple majority of members of four-fifths (4/5) of the membership shall be necessary to transact any business, except consideration of variance applications, in compliance with the following subsection.**
- B. ~~The Board shall not pass upon any question relating to an appeal from a decision, order, requirement or determination of town officials or an application for a variance when there are less than four-fifths (4/5) of the board members with jurisdictional authority present.~~
Per 160D-406(i), the concurring vote of four-fifths (4/5) of the Board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter. Vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
- C. The Waynesville Board of Aldermen shall appoint members from within the Town limits and, if the Town is exercising Extraterritorial Jurisdiction, one (1) or more members shall be appointed by the Haywood County Commissioners as set forth in G.S. 160A-362 to provide for proportional representation of residents within the Extraterritorial Jurisdiction. As vacancies occur the Administrator shall advise the appropriate governing board to make appointments or reappointments as necessary to maintain this proportional representation based on best available estimates of current population of the Town and the Extraterritorial Jurisdiction. The representatives of the Extraterritorial Jurisdiction shall have equal rights, privileges and duties with the other members of the Board of Adjustment.
- D. All members shall serve three (3) year terms and may succeed themselves.
- E. Officers shall be elected in accordance with the adopted rules of procedure.

- F. Meetings shall be held on the date and time as referenced in the Town of Waynesville Boards and Commission Manual and may from time to time be updated or amended.

(Ord. of 5-27-2014(1) ; Ord. No. O-01-15 , § 10, 1-27-2015)

2. Amend Section 15.13.3.B Standard of Review as follows:

B. **Standard of Review (per 160D-705(d)):**

1. **General Variance Requests:** The Board of Adjustment shall not grant a variance unless and until it makes all of the following findings:

~~a. That there are unnecessary hardships in the way of carrying out the strict letter of this chapter~~

~~b. Reserved.~~

~~c. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings located in the same land development district.~~

~~d. That the special conditions and circumstances do not result from the actions of the applicant. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.~~

~~e. That the variance is in harmony with the general purpose and intent of this chapter and preserves its spirit.~~

~~f. That the variance is the minimum necessary to afford relief.~~

~~g. That the public safety and welfare have been assured and substantial justice has been done.~~

- a. Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- b. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- c. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
- d. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

3. Amend Section 15.14.2 Review by Planning Board as follows:

- C. **Additional Public Notification for Large Scale Amendments:** If the land development map amendment directly affects more than fifty (50) properties, owned by at least fifty (50) different property owners the Town may elect to utilize a Level 6 notification. When this occurs, the town may use the expanded published notice provisions found in the North Carolina General Statutes 160D-601 and 160D-602.

ADOPTED this _____ Day of _____, 2023.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



To: Town of Waynesville Planning Board
 From: Olga Grooman, Land Use Administrator
 Date: September 18, 2023
 Subject: Text Amendment Statement of Consistency
 Description: Text amendment related to 160D revisions of the ZBA procedures, section 14.4.2 of the Land Development Standards
 Address: Town of Waynesville Planning Department (“Development Services Department”)

The Planning Board hereby adopts and recommends to the Town Council the following statement(s):

The zoning text amendment **is approved and is consistent with the Town’s Comprehensive Land Use Plan** because: _____

The zoning text amendment **is reasonable and in the public interest** because:

The zoning text amendment **is rejected because it is inconsistent with the Town’s Comprehensive Land Plan and is not reasonable and in the public interest** because _____

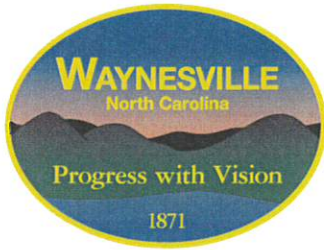
In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town’s Comprehensive Land Use Plan**. The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____

Planning Board Member _____, made a motion, seconded by _____

The motion passed _____. (*unanimously or vote results here*)

 Susan Teas Smith, Planning Board Chair Date

 Esther Coulter, Administrative Assistant Date



TOWN OF WAYNESVILLE

Development Services Department

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Waynesville, NC 28786

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www.waynesvillenc.gov

FOR PUBLICATION IN THE MOUNTAINEER: September 3 and 10 Sunday Editions

Date: August 25, 2023

Contact: Olga Grooman, (828) 356-1172

Notice of Public Hearings

Town of Waynesville Planning Board

The Town of Waynesville Planning Board will hold **two (2) public hearings on September 18, 2023 at 5:30 pm**, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider two (2) text amendments:

1. Definition of cryptocurrency mining/data centers.
2. Clarification of the Zoning Board of Adjustment quorum and voting procedures under 160D.

For more information contact the Development Services Department at: (828) 356-1172, email: ogrooman@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

Planning Board Staff Report

Subject: Text amendment to define and prohibit cryptocurrency mining / data centers as a land use.
 Ordinance Sections: Sections 2.5.3 and 17.3 of the Land Development Standards.
 Applicant: Staff initiated text amendment; Development Services Department
 Presenter: Olga Grooman, Land Use Administrator
 Meeting Date: September 18, 2023

Background

Currently Waynesville Land Development standards do not address cryptocurrency mining operations. The Planning Board discussed concerns with crypto-mining and data centers at their July meeting and directed staff to draft a definition and ordinance based on their discussion. Staff found that many governments nationwide as well as several neighboring jurisdictions are either in the process of regulating this type of facility, or have already addressed “crypto mining / data centers” via definitions, imposed moratoriums, or specific restrictions in their ordinances (noise, waste disposal, buffer requirements, setbacks, etc.). This includes Haywood County, Jackson County, the Town of Fletcher, Henderson County, and Buncombe County (*see attached research*). Although Waynesville did not have any inquiries as of today, the Development Services staff recommend action to define the use and prohibit it proactively.

The issue of crypto-mining has as been covered by the news lately, especially in the areas where it is not regulated, such as Cherokee County. Commercial crypto-mining consumes a lot of energy (electricity, water) and produces constant noise. The attached article “Zoning for Data Centers and Cryptocurrency Mining” by the *Zoning Practice Journal* explains that “air conditioner compressors mounted on the roof or on ground near these facilities can generate noise that carries across property lines.” These facilities require a great deal of continuous power which can also impact local utilities. This use generates very few jobs or local commerce, and would have minimal economic development value beyond the initial land sale or construction.

The purpose of this amendment is to mitigate the negative effects of cryptocurrency mining operations by defining and prohibiting this use in all districts.

Staff Recommended Text Changes:

1. Add the *Cryptocurrency Mining Operations / Data Centers* as a stand-alone use and prohibit it in the Table of Permitted Uses, Section 2.5.3 of the LDS.
2. Add the definition of the *Cryptocurrency Mining Operations / Data Centers* in Section 17.3 of the LDS.

Staff submits the proposed changes **in red** on the attached draft ordinance.

Consistency with the 2035 Comprehensive Land Use Plan

Staff submits that the proposed text amendments to the LDS are consistent with the first goal of the 2035 Comprehensive Plan:

Goal # 1: Continue to promote smart growth principles in land use planning and zoning.

- Encourage infill, mixed-use and context-sensitive development.
- Promote conservation design to preserve important natural resources.

Goal # 2: Protect and enhance Waynesville's natural resources.

- Protect rural lands, iconic views and mountain vistas.
- Continue to engage in and promote best management practices related to energy use, efficiency and waste management.

Goal # 5: Create opportunities for a sustainable economy.

- Encourage creatively designed, mixed-use, walkable centers and commercial districts that appeal to residents and visitors.

Attachments

1. Information on land use information on cryptocurrency and data centers
2. Proposed Text Amendment
3. Consistency Statement Worksheet
4. Public notices

Recommended Motions

1. Motion to find the recommended changes to the Land Development Standards as attached (or amended) as being consistent with the 2035 Land Use Plan and reasonable and in the public interest.
2. Motion to recommend staff initiated text amendment as attached (or as amended) to the Town Council.

ZONING PRACTICE

JUNE 2022



AMERICAN PLANNING ASSOCIATION

➡ ISSUE NUMBER 6

PRACTICE DATA CENTERS



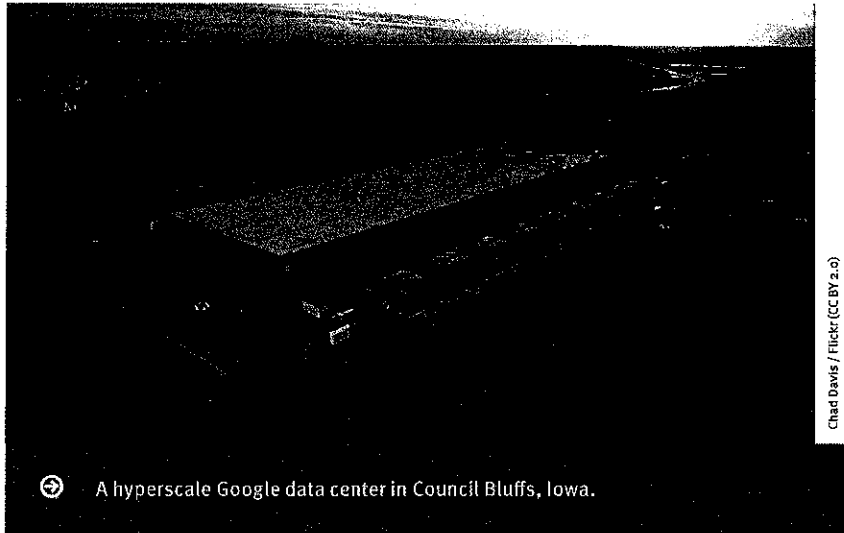
Zoning for Data Centers and Cryptocurrency Mining

By David Morley, AICP

Data centers are the physical facilities where the Internet lives. Fundamentally, they consist of networked computer systems used for data storage and processing, along with supporting equipment, such as batteries, back-up power generators, and cooling devices. Modern data centers are the direct descendants of the, so-called, *telecom hotels* that began springing up in downtowns in the late 1990s to accommodate the rapid expansion of the commercial internet and, before that, of automated telephone exchange facilities that made it possible to place land-line telephone calls across a city, the nation, or the world (Evans-Cowley 2002).

An emerging segment of the data center market consists of facilities dedicated in whole or part to “mining” cryptocurrency. A cryptocurrency is a decentralized digital currency that uses encrypted data strings to denote individual units, or coins, and a peer-to-peer database known as a blockchain to maintain a secure ledger of transactions. Several of the most popular cryptocurrencies, most notably Bitcoin, require extremely complex computations to verify each transaction and add a record, or block, for that transaction to the blockchain. Whoever verifies a transaction first receives a new cryptocurrency coin as a reward. While, theoretically, anyone with a computer server can “mine” new coins by helping to verify these transactions, large-scale cryptocurrency mining requires a massive amount of computing power.

This article explores the reasons why cities, towns, and counties may wish to define and regulate data centers and cryptocurrency mining as distinct uses in their zoning codes and provides a summary of contemporary approaches. It begins with a brief overview of the factors that drive demand for data centers or cryptocurrency mines in particular locations before examining the key planning issues that may merit special attention through zoning and posing a series of questions to guide code drafting.



Ⓢ A hyperscale Google data center in Council Bluffs, Iowa.

The article concludes with short profiles of local zoning approaches that may serve as models for others.

DEMAND DRIVERS

Industry analysts predict sustained growth in data center construction in the coming years (Dunbar and Bonar 2021). This includes demand for larger and larger “hyperscale” data centers as well as more widely distributed “edge” data centers (Sowry et al. 2018). Data center developers (or operators) are attracted to sites with low latency to end users and dependable and affordable electricity.

While data centers have historically been clustered around major internet access points, information technology companies, and government employment centers, the proliferation of cloud computing and the internet of things is pushing demand out to network edges. This means more data centers in smaller metropolitan and nonmetropolitan areas.

Big technology companies are likely to continue looking for sites that can accommodate new, large single-story structures. But

operators that specialize in leasing space in the same facility to multiple companies (i.e., collocated data centers) may be more open to infill sites and existing structures, especially if those sites have access to fiber optic infrastructure.

Data centers use a lot of electricity (see below) to power processing and storage hardware and to keep that hardware cool. The amount of electricity (and often water) needed for cooling is higher in warm, humid climates than in cool, dry areas. Consequently, holding other factors equal, developers favor locations with low electricity rates and cooler climates. Furthermore, because these facilities operate continuously, developers are also looking for sites that are less vulnerable to natural hazards.

Cryptocurrency miners are also looking for locations with cheap electricity and low hazard risk; however, dedicated mining facilities are not concerned about proximity to customers and are less likely to invest in backup power. While there seems to be a widespread consensus that data centers are essential to global communications and the global economy, cryptocurrency miners

have a more limited “social license” to operate. Widespread concerns about the energy use of mines and the limited utility of the coins they produce has led some countries, including China, to ban Bitcoin mining. Consequently, many cryptocurrency miners are relocating to the U.S. (Obando 2022).

PLANNING ISSUES

From the exterior, data centers and cryptocurrency mining facilities may be physically indistinguishable from many commercial or light industrial uses. However, the operational characteristics of these facilities are typically quite distinct from those of surrounding land uses. From a planning perspective, the most noteworthy characteristics relate to their electricity and water use, noise production, enhanced safety and security needs, and low employment densities.

They Use a Lot of Electricity (and Water)

In 2020, data centers used between 200 and 250 terawatt hours (TWh) of electricity, accounting for approximately one percent of global consumption (IEA 2021). While the total consumption has grown steadily along with global power demand, this ratio has held relatively constant over the past 20 years as efficiency improvements have proportionally offset increased demand from data centers. However, this pattern is unlikely to hold as growth in streaming video, online gaming, cloud computing, machine learning, virtual reality, and the internet of things begins to outstrip efficiency improvements.

The figures above exclude cryptocurrency mining. Bitcoin miners alone used an estimated additional 60 to 70 TWh in 2020. According to Cambridge University, if Bitcoin was a country, its annual electricity consumption would be slightly higher than that of Poland or Malaysia (2022).

Data center and cryptocurrency mining equipment also generates a tremendous amount of waste heat, which must be dissipated by fans or absorbed by a cooling medium to avoid hardware damage and ensure efficient operations. Many data centers and cryptocurrency mines use water as a cooling medium. Water is also necessary for most forms of electricity production. In aggregate, a medium-sized data center typically uses more water each year than two 18-hole golf courses (Mytton 2021).

They Can Be Noisy

Inside a data center or cryptocurrency mine server room, the noise can make it difficult to carry on a conversation at a normal volume. While most data centers and large cryptocurrency mines incorporate construction and soundproofing techniques that ensure this server noise isn’t audible outside of the building, air conditioner compressors mounted on the roof or on ground near these facilities can generate noise that carries across property lines.

In some contexts, vegetation or other structures may rapidly attenuate this sound. In others, the sound may travel over long distances. Obviously, the degree to which these sounds constitute nuisance “noise” depends on surrounding land uses and ambient noise levels. The problem is typically most acute when data centers or mines are near residences.

They Have Enhanced Safety and Security Needs

Data centers typically aim to run continuously, and any outage or downtime can threaten business operations. Furthermore, data centers house expensive, highly specialized hardware, and many handle sensitive data. Consequently, most data centers incorporate enhanced safety and security features, such as gated access points, fencing, or bright lighting, to prevent unauthorized access and to minimize the likelihood of disruption.

Cryptocurrency mines have similar safety and security needs, with two key distinctions. First, miners want to maintain network access, but the stakes are lower

than for data centers because an outage wouldn’t negatively affect any other services or users. Second, cryptocurrency mines generally aren’t receiving any clients and have little incentive to draw attention to themselves with fencing or lighting.

They Have a Low Employment Density

Data centers typically have far fewer workers per square foot than professional offices or light industrial facilities (Tarczynska 2016). And cryptocurrency mines generally have even lower employment densities than data centers. For some communities, data centers (and potentially cryptocurrency mines) are highly desirable from an economic development perspective because they often generate a large property tax surplus that can subsidize more service-intensive land uses, such as single-family homes. Others, however, are reluctant to devote too much commercial or light industrial space to uses that generate few jobs.

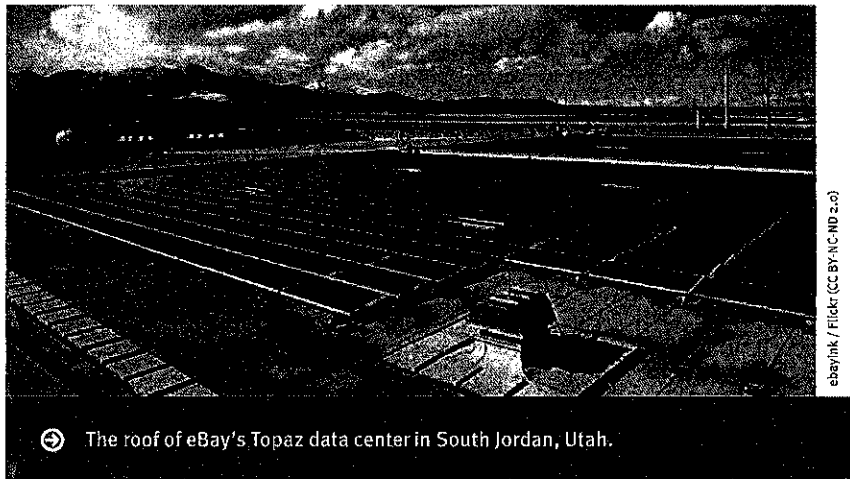
ZONING CONSIDERATIONS

Any community interested in regulating data centers and cryptocurrency mining through zoning should consider three key questions:

1. Do these uses need new use definitions?
2. Where should these uses be permitted?
3. Do these uses need special development or performance standards?

Do They Need New Use Definitions?

New land uses don’t necessarily require new use definitions in the local zoning code. It depends, in part, on whether the use fits



☉ The roof of eBay’s Topaz data center in South Jordan, Utah.

neatly under a broader use category or is substantially like another defined use. And it depends on whether treating the new use the same as this use category or other similar use would be likely to generate negative effects on nearby properties or the community as a whole.

Many communities have defined data centers (or some closely analogous term) as a distinct use in their zoning codes. These definitions typically reference the general function of the facility and the degree to which it is occupied by computer systems and related equipment. For example, Anne Arundel County, Maryland, defines *data storage center* as “a facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage and operations” (§18-1-101.(44)).

Comparatively fewer communities have defined cryptocurrency mining as a distinct use. Many of these definitions focus on the specialized purpose of the facility, often with references to other newly defined terms, such as *high density load* or *server farm*, that clarify its distinct characteristics. For example, Moses Lake, Washington, specifies that *cryptocurrency mining* often uses more than 250 kilowatt-hours per square foot each year (§18.03.040).

Where Should They Be Permitted?

Communities that choose to regulate data centers or cryptocurrency mines as distinct uses may permit these uses either by right or with a discretionary use permit (i.e., conditional, special, or special exception use permits) in one or more existing base or overlay zoning districts. Alternatively, they may elect to establish a new special-purpose base or overlay zoning district for either use.

Many communities permit data centers and cryptocurrency mines either by right or with a discretionary use permit in commercial and industrial districts. While data centers and mines can fit in a wide range of existing commercial or industrial buildings, purpose-built facilities are often single-story structures with large floorplates.

Given that they generally have few employees and visitors, these uses may not be appropriate in ground-floor street-frontage spaces in pedestrian-oriented

EXAMPLES OF DEFINED USES

Jurisdiction	Defined Uses
Alpharetta, GA	Data center (§1.4.2)
Anne Arundel County, MD	Data storage center (§18-1-101.(44))
Fairfax County, VA	Data center (§9103)
Frederick County, MD	Critical digital infrastructure facility (§1-19-11.100)
Moses Lake, WA	Cryptocurrency mining; Data center/server farm/cluster (§18.03.040)
Pitt County, NC	Data processing facility (large scale) (§15)
Plattsburgh, NY	Commercial cryptocurrency mining; Server farm; High density load service (LL 6-2018)
Prince George's County, MD	Qualified data center (§27-2500)
Prince William County, VA	Data center (§32-100)
Somerville, MA	Data center (§9.8.b)
Vernal, UT	Data center (§16.04.173)
Wenatchee, WA	Cryptocurrency mining; Data center (§10.08)

commercial areas. Wenatchee, Washington, addresses this issue by permitting data centers and cryptocurrency mines by right in multiple pedestrian-oriented commercial districts, with a simple stipulation that they cannot occupy “grade level commercial street frontage” (§10.10.020).

A new special-purpose zoning district can help steer data centers or cryptocurrency mines toward corridors or other subareas that have suitable utility infrastructure. When adopted as floating zones, special districts can also provide an extra layer of review for large projects that may cover dozens or hundreds of acres.

Prince William County, Virginia, added a Data Center Opportunity Zone Overlay District to its zoning code in 2016 (§32-509). The county has mapped this overlay to more than 70 percent of its industrially zoned land. The overlay permits data centers and includes design standards for these facilities; however, it does not otherwise modify the existing use permissions for underlying districts.

Do They Need Special Development or Performance Standards?

Communities that decide to regulate data centers or cryptocurrency mines as distinct uses may choose to adopt use-specific standards that modify or supplement other relevant universal or district-specific development or performance standards. This approach can help communities target standards to the distinct features of these uses

to address specific community concerns.

Use-specific standards can help minimize reliance on discretionary approvals and improve the consistency of local decisions. Without these standards, local officials may be more likely to require all data centers and cryptocurrency mines to obtain a discretionary use permit, and they may be more likely to adopt wildly varying conditions of approval for substantially similar proposals.

Communities that have adopted use-specific standards for data centers and cryptocurrency mines often establish building design and buffering or screening requirements to minimize the visibility or improve the appearance of these facilities from public streets or nearby properties. Other common standards address environmental performance, including noise and light pollution, and evidence of electric utility approval.

POTENTIAL MODEL APPROACHES

It would be difficult to find a community with more experience with data centers than Loudon County, Virginia. And the county's approach to zoning for data centers serves as a potential model for other communities with suitable sites and sufficient infrastructure to accommodate data center development. In contrast, Missoula County, Montana, was one of the first local jurisdictions to craft zoning regulations for cryptocurrency mining operations. And its emphasis on mitigating the potential climate impacts represents a different type of potential model.

Loudon County, Virginia

Northern Virginia's Data Center Alley, primarily clustered around Routes 7 and 267 in Loudon and Fairfax Counties is the largest data center market in the world (Fray and Koutsaris 2022). Its combined power consumption capacity is more than 1.6 gigawatts (GW), nearly twice as much as the next largest market. And within Data Center Alley, Loudon County has the highest concentration of data centers. As of October 2021, data centers occupied more than 25 million square feet, with another 4 million square feet in development (LCDED 2022).

Several important factors have driven demand for data center development in Loudon County. It is home to the Equinix Internet exchange, one of the largest Internet access points in the world and a successor to Metropolitan Area Exchange, East, the first

U.S. exchange. The county has abundant (and redundant) fiber optic infrastructure, relatively cheap power, and sufficient water. Additionally, it has a high concentration of skilled technology workers and businesses that support the data center industry.

By the year 2000, there was already an emerging data center cluster in Loudon County. However, the county did not define and regulate data centers as a distinct use in its zoning code until 2014 (ZOAM 2013-0003). According to Acting Planning & Zoning Director James David, prior to this, the county defined data centers as commercial offices.

The latest version of the county's zoning ordinance permits data centers by right in Planned Office Park, Research and Development Park, Industrial Park, and General Industrial districts and as a special exception use in Commercial Light Industry

districts. New data centers (without vested rights) must comply with a set of use-specific standards governing façade design, screening of mechanical equipment, exterior lighting, pedestrian and bicycle facilities, and landscaping, buffering, and screening (§5-664).

According to David, these standards are intended to improve the aesthetics of data centers, minimize visibility from nearby residential areas, and ensure continuous sidewalk and trail networks. Overall, they represent a light-touch approach that has, so far, worked well for a county with enormous demand for data centers and relatively modest competition for space from other commercial and industrial uses.

However, in February 2022, county officials directed staff to research regulatory options to prevent new data centers in the

EXAMPLES OF USE-SPECIFIC STANDARDS FOR DATA CENTERS AND CRYPTOCURRENCY MINING

Jurisdiction	Use-Specific Standards
Alpharetta, GA	Requires evidence of compliance with noise standards; specifies exterior lighting fixture design; establishes minimum building height; requires building façade design elements; establishes other fencing, screening, and landscaping requirements to minimize visibility from adjacent roads and properties (§2.7.2.1)
Anne Arundel County, MD	Establishes minimum lot size and setbacks; prohibits residences on the same lot; establishes limit on outdoor storage (§18-10-119)
Fairfax County, VA	Requires all equipment to be enclosed within a building; establishes maximum floor area by zoning district (§4102.6.A)
Frederick County, MD	Establishes criteria for reducing setbacks; specifies building design standards; specifies landscaping, screening, and buffering requirements; clarifies parking, loading, signage, and lighting standards; establishes criteria for private roads; establishes noise and vibration standards (§1-19-8.402)
Moses Lake, WA	Clarifies review process for business license; prohibits container storage; requires evidence of electrical utility approval; requires evidence of electrical permit and inspection; establishes environmental performance standards, addressing noise, heat, and electric and magnetic fields; limits amount of exposed equipment on facades (§18.74)
Pitt County, NC	Limits height; requires separation from sensitive uses; requires noise study and compliance with noise standards; requires underground wiring; requires security fencing and vegetative screening; requires evidence of electrical utility approval; clarifies signage standards; requires notification of abandonment (§8(UUUU))
Plattsburgh, NY	Requires fire suppression and mitigation techniques; limits internal ambient temperature and the direct release of heat on colder days; establishes permissible noise levels (LL 6-2018)
Prince George's County, VA	Requires building façade design elements; specifies exterior lighting fixture design; requires screening for security fencing and limits fence height; requires compliance with landscape manual; clarifies applicable off-street parking standard; clarifies signage standards; requires an acoustical study; specifies additional site, locational, and noticing requirements for facilities in rural residential districts (§27-5102(e)(4)(B))
Somerville, MA	Establishes special review criteria related to aesthetic impacts and employment opportunities (§9.8.b)
Vernal, UT	Requires fencing and structural screening for electrical generators; requires noise mitigation plan for facilities near residential zones or existing hotels or motels (§16.20.250)
Wenatchee, WA	Clarifies review process for business license; prohibits container storage; requires evidence of electrical utility approval; requires evidence of electrical permit and inspection; clarifies blank wall limitation standards; requires an affidavit verifying operating sound levels (§18.48.310)

Route 7 corridor. While data center demand remains high in this area, the county's comprehensive plan designates most of this corridor as Suburban Mixed Use, which envisions a compact, pedestrian-friendly mix of commercial, residential, cultural, and recreational uses. Furthermore, the existing electricity network infrastructure is insufficient to accommodate the existing demand for new data centers (LCDED 2022).

The county is working on its first complete overhaul of its zoning code since 1993. And it intends to incorporate any new regulations for data centers into the new code, which officials hope to adopt by the end of 2022.

Missoula County, Montana

In April 2019, Missoula County, Montana, adopted an interim zoning resolution that established a cryptocurrency mining overlay (Resolution No. 2019-026). The county had one large cryptocurrency mine already, and its low electricity rates and cool climate made it an attractive area for prospective miners. While a few other jurisdictions had already defined cryptocurrency mining in their zoning codes, Missoula County appears to be the first to explicitly position its zoning approach as a response to climate change.

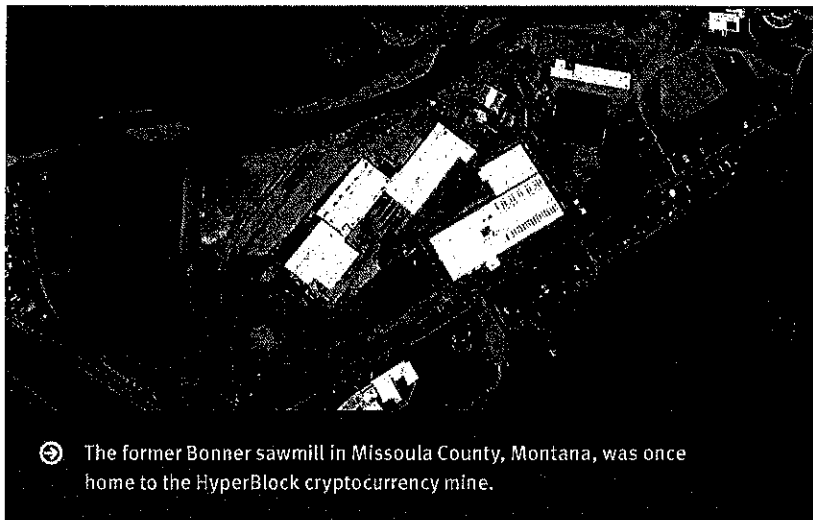
According to county planner Jennie Dixon, AICP, local officials originally took an interest in regulating cryptocurrency mining as a distinct use after multiple complaints of noise from cooling fans at an existing Bitcoin mine operating out of a former sawmill in unincorporated Bonner. Soon, though, the county expanded its focus to include energy consumption and electronic waste.

Montana law only authorizes interim zoning in the case of an emergency involving "public health, safety, morals, or general welfare" (§76-2-206). Dixon says the Intergovernmental Panel on Climate Change's 2018 Special Report on *Global Warming of 1.5° C* helped justify climate change as a local emergency that warranted interim zoning to mitigate greenhouse gas emissions (and other potential environmental impacts) from cryptocurrency mining.

The interim zoning regulations defined cryptocurrency mining as a distinct use and created a Cryptocurrency Mining Overlay Zone, mapped to the entire unincorporated geographic extent of the county (which includes some un-zoned areas). The overlay



② The heart of Northern Virginia's Data Center Alley in Ashburn, Virginia.



③ The former Bonner sawmill in Missoula County, Montana, was once home to the HyperBlock cryptocurrency mine.

restricted cryptocurrency mining operations to industrial districts and required operators to obtain a discretionary use permit if the mine was adjacent to a residential district or within 500 feet of a residential property boundary. These regulations also required all mining operations to verify that all electronic waste be handled by a licensed recycling firm and that all electricity use be offset by new renewable energy production.

Caroline Lauer, the county's Sustainability Program Manager, stresses the importance of this last requirement. If cryptocurrency miners purchased existing supplies of renewable energy, it could actually displace existing utility customers to dirtier sources. While most of the county's

electricity comes from hydropower, coal accounts for much of the remainder.

Missoula County's 2016 *Growth Policy* plan includes an objective to "reduce the county's contribution to climate change" (4.1) and lists policies that promote alternative energy development (4.1.3) and reduce energy use and waste generation as implementation actions (4.1.6). A day before it adopted the interim cryptocurrency mining regulations, the county further strengthened its policy rationale by adopting a joint commitment with the City of Missoula to achieve 100 percent clean electricity use by 2030.

County officials extended the interim zoning for another year in 2020 before adopting the same regulations as a permanent zoning amendment in March 2021 (§1.04

& \$5.05). According to Dixon, the Bonner mine ceased operations during the interim zoning period, but not because of the county's zoning. It declared bankruptcy two days after the "Black Thursday" Bitcoin crash in March 2020, leaving the tribal-owned independent power producer that provided its electricity with a \$3.7 million unpaid bill (Rozen 2020).

CONCLUSIONS

The rapid rise in data center development has coincided with dramatic decreases in the costs of producing solar and wind power. This, in combination with a growing trend toward clean power commitments among technology companies, has blunted some of

the climate impacts of an increased demand for data storage and processing.

The increased digitalization of life virtually guarantees that data centers will continue proliferating in strategic locations across the country (Gomez and DeAngelis 2022). Soon, communities may start seeing a sharp increase in interest in very small edge data centers that could fit in underutilized commercial spaces or even be collocated with other telecommunications infrastructure, such as small cell facilities, in public rights-of-way (Sowry et al. 2018).

The future of cryptocurrency mining facilities is less certain. Bitcoin and other energy-intensive cryptocurrencies are facing social pressure to transition to more

energy-efficient transaction verification methods, and several existing cryptocurrencies already use these methods. However, we are still at the very beginning of the cryptocurrency story. While this form of currency currently exists primarily as a speculative investment vehicle, this could change rapidly if valuations stabilize and large numbers of goods and service providers accept cryptocurrencies for payment.

Not every community will see the value in defining data centers or cryptocurrency mines as distinct uses in their zoning codes. Nevertheless, doing so can give local jurisdictions a leg up when it comes to signaling preferences to developers and operators and minimizing or mitigating potential adverse impacts.

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Crypto Mining / Data Centers Research

1. CNN Video + Article *"How the blare of a crypto mine woke up this Blue Ridge Mountain town:"*

<https://www.cnn.com/2023/01/19/us/north-carolina-crypto-mine-noise-weir-wxc/index.html>

2. Cherokee County Crypto Mining Petition & Information:

<https://www.sierraclub.org/north-carolina/wenoca/charokee-county-cryptomining-petition>

3. Haywood County: working on adding crypto mining in their High Impact Development Ordinance: setbacks, buffers, screening, separation from schools, hospitals, retirement facilities, correctional institutions, etc.

<https://www.haywoodcountync.gov/DocumentCenter/View/4618/Chapter-160-High-Impact-Development->

4. Minutes from the Henderson County Board of Commissioners meeting on May 1, 2023. See page 6 of the document. A 60-day moratorium imposed, additional regulations to follow:

https://www.hendersoncountync.gov/sites/default/files/fileattachments/board_of_commissioners/meeting/136471/5.1.2023_minutes.pdf

https://www.hendersoncountync.gov/sites/default/files/fileattachments/planning_board/meeting/136698/4.20.23_plbd_item_-_text_amendment_for_cryptocurrency_mining.pdf

5. Buncombe County- Commissioners Approve Moratorium on Crypto Mining:

<https://www.buncombecounty.org/countycenter/news-detail.aspx?id=20677#:~:text=The%20Buncombe%20County%20Board%20of,mining%20as%20a%20specific%20use>

<https://www.buncombecounty.org/common/Commissioners/20230502/PH%20on%20Crypto%20Mining%20Temp%20Moratorium%20ordinance.pdf>

<https://www.citizen-times.com/story/news/local/2023/05/04/buncombe-county-approves-a-1-year-moratorium-on-cryptocurrency-mining/70179529007/>

6. Jackson County: cryptocurrency mining is included in the Industrial Development Ordinance. See page 3 of the document or read their Code of Ordinances online:

<https://www.jacksonnc.org/PDF/Agenda-2022/september-06/item-3a.pdf>

https://library.municode.com/nc/jackson_county/codes/code_of_ordinances?nodeld=CD_ORD_AP_XIUNDEOR_ARTVIDEST_S6.4INDE

7. Macon County addresses cryptocurrency mining:

<https://smokymountainnews.com/news/item/35714-macon-will-address-cryptocurrency-mining>

<https://www.thefranklinpress.com/local-news-newsletter/planning-board-approves-crypto-mine-regulations>

8. Clay County prohibits crypto mining after the Cherokee County's situation:

<https://wlos.com/news/local/cryptocurrency-crypto-mines-mining-cherokee-county-murphy-western-north-carolina-residents-concerns-loud-impacts-warn-neighboring-areas-counties-bans-zoning-laws-rules-bitcoin-digital>

9. Fletcher, NC: Planning Board defined the use on June 20, 2023, and as of now, it is not allowed.

10. Maggie Valley, NC- not addressed yet, but talked about it.

DRAFT FOR COUNCIL CONSIDERATION

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE TEXT
OF THE TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS**

WHEREAS, the Town of Waynesville 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 said regulations from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed text amendments to the Land Development Standards (LDS) and recommends that they are consistent with the 2035 Comprehensive Plan and that they are reasonable and in the public interest because they support:

Goal # 1: Continue to promote smart growth principles in land use planning and zoning.

- Encourage infill, mixed-use and context-sensitive development.
- Promote conservation design to preserve important natural resources.

Goal # 2: Protect and enhance Waynesville’s natural resources.

- Protect rural lands, iconic views and mountain vistas.
- Continue to engage in and promote best management practices related to energy use, efficiency and waste management.

Goal # 5: Create opportunities for a sustainable economy.

- Encourage creatively designed, mixed-use, walkable centers and commercial districts that appeal to residents and visitors.

WHEREAS, the Planning Board has reviewed and recommends the proposed text amendment to prohibit crypto-currency, data mining, and data centers, for enactment by the Town Council; and

WHEREAS, the Town Council find this Ordinance is consistent with the Town’s 2035 Comprehensive Plan and that it is reasonable and in the public interest to “make decisions about resources and land use in accordance with North Carolina General Statutes.”

WHEREAS, after notice duly given, a public hearing was held on September 18, 2023 at the regularly scheduled meeting of the Waynesville Planning Board, and on _____ at the regularly scheduled meeting of the Waynesville Town Council;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WAYNESVILLE, MEETING IN REGULAR SESSION ON _____ AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Land Development Standards be amended as follows (in red):

1. Add the use to the Section 2.5.3- Table of Permitted Uses as follows:

2.5.3 Table of Permitted Uses (rev. 2012, 2016,2017, 2018, 2020, 2022, 2023):

USE TYPES	Residential-Low Density Districts (RL)				Residential-Medium Density Districts (RM)				Neighborhood Residential (NR)								Urban Residential (UR)			Neighborhood Center (NC)			Business District (BD)			Regional Center (RC)			Commercial Industrial (CI)		
	CC-RL	EN-RL	FC-RL	HT-RL	CP-RM	D-RM	HM-RM	SW-RM	AC-NR	LL-NR	HS-NR	N-NR	PS-NR	PC-NR	RC-NR ¹	SS-NR	WS-NR	EW-UR	H-UR ²	NH-UR	NH-NC	PS-NC	RC-NC	CBD	H-BD	SH-BD	DJ-RC	HC-RC	RA-RC	CI	
COMMERCIAL																															
Adult Establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS
Alcoholic Beverage Sales Store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	-
Auto Parts Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	P	P	P	-
Bar/Tavern/Night Club	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	-
Cryptocurrency Mining Operations / Data Centers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Drive-Thru Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	P	P	P	-
Gas/Fueling Station	-	-	-	-	-	-	-	-	PC/PS	-	-	-	-	-	PL/PS	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
General Commercial – Less than 100,000 sf	-	-	-	-	-	-	-	-	-	-	FL	FL	-	-	FL	-	PL	-	FL	-	P	P	P	P	P	P	P	P	P	P	-
General Commercial – Greater than 100,000 sf	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	-
Neighborhood Commercial (as defined in section 17.30 adopted 8/2018)	-	-	-	-	-	PL	-	PL	-	PL	-	PL	-	PL	-	PL	PL	PL	PL	-	-	-	-	-	-	-	-	-	-	-	-
Neighborhood Restaurant (as defined in section 17.30 adopted 8/2018)	-	-	-	-	-	FL	-	FL	-	PL	-	PL	-	PL	-	PL	PL	PL	PL	-	-	-	-	-	-	-	-	-	-	-	-
Outside Sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PL	-	PL	-	-	-	P	P	P	P	P	P	P	P	P	P	-
Outside Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	P
Pawnshops	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	-
Restaurant	-	-	-	-	-	-	-	-	-	-	PL	PL	-	-	PL	-	PL	-	-	-	P	P	P	P	P	P	P	P	P	P	-
Vehicle & Heavy Equipment Sales/Rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	-	-	PS	PS	PS	PS	PS	PS	PS
Vehicle Services – Minor Maintenance/Repair/Wash	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Vehicle Services – Major Repair/Body Work	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS	PS	PS	PS	PS	PS	PS
Videos gaming parlor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	PS/SUP	PS/SUP	PS/SUP	-

(Ord. No. 04-16, 6-14-2016; Ord. No. 0-22-17, 5-2-11-28-2017; Ord. No. 0-07-18, 5-22-2018; Ord. No. 0-14-18, 5-1-8-28-2018; ; Ord. No. 0-19-18, 5-2-10-9-2018; Ord. No. 0-21-18, 11-13-2018; Ord. No. 0-28-18, 11-27-2018; Ord. No. 0-20-20, 5-2-10-27-2020; Ord. No. 0-40-22, 12-31-2022; Ord. No. 0-07-23, 02-14-23)

2. Add a definition to the Section 17.3- Definitions, Use Type.

Cryptocurrency Mining Operations / Data Centers. The operation of specialized computer equipment for the purpose of commercial mining of cryptocurrencies or storing data on servers. This activity may involve solving algorithms as part of the development and maintenance of a blockchain, network operations and maintenance, creation of new digital “coins” such as Bitcoin, the use of specialized computer hardware as well as other equipment for crypto mining / data storage operations, the use of equipment to cool the hardware and operating space, and the use of and a peer-to-peer database known as a blockchain to maintain a secure ledger of transactions. This definition does not include the use of one personal computer from which cryptocurrency is mined in an enclosed structure, provided the cryptocurrency is not mined for commercial purposes.

ADOPTED this _____ Day of _____, 2023.

TOWN OF WAYNESVILLE

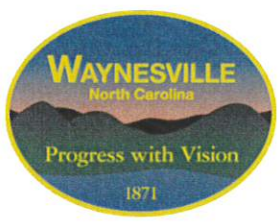
J. Gary Caldwell, Mayor

ATTEST:

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney



To: Town of Waynesville Planning Board
 From: Olga Grooman, Land Use Administrator
 Date: September 18, 2023
 Subject: Text Amendment Statement of Consistency
 Description: Text amendment related to the definition of cryptocurrency mining/data centers, sections 2.5.3 and 17.3 of the Land Development Standards
 Address: Town of Waynesville Planning Department (“Development Services Department”)

The Planning Board hereby adopts and recommends to the Town Council the following statement(s):

The zoning text amendment **is approved and is consistent with the Town’s Comprehensive Land Use Plan** because: _____

The zoning text amendment and **is reasonable and in the public interest** because:

The zoning text amendment **is rejected because it is inconsistent with the Town’s Comprehensive Land Plan and is not reasonable and in the public interest** because _____

In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town’s Comprehensive Land Use Plan**. The change in conditions taken into account in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____

Planning Board Member _____, made a motion, seconded by _____

The motion passed _____. (*unanimously or vote results here*)

 Susan Teas Smith, Planning Board Chair Date

 Esther Coulter, Administrative Assistant Date



TOWN OF WAYNESVILLE

Development Services Department

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www.waynesvillenc.gov

FOR PUBLICATION IN THE MOUNTAINEER: September 3 and 10 Sunday Editions

Date: August 25, 2023

Contact: Olga Grooman, (828) 356-1172

Notice of Public Hearings

Town of Waynesville Planning Board

The Town of Waynesville Planning Board will hold **two (2) public hearings on September 18, 2023 at 5:30 pm**, in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider two (2) text amendments:

1. Definition of cryptocurrency mining/data centers.
2. Clarification of the Zoning Board of Adjustment quorum and voting procedures under 160D.

For more information contact the Development Services Department at: (828) 356-1172, email: ogrooman@waynesvillenc.gov , mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

Planning Board Staff Report- Railroad Overlay Map Workshop

Subject: RR Overlay Map Amendment Workshop
 Presenter: Olga Grooman, Land Use Administrator
 Meeting Date: September 18, 2023

Background

On July 17, 2023, the Planning Board recommended the text amendment establishing the Railroad Overlay District and its uses in the Land Development Standards. At their meeting on September 12, 2023, the Council approved the amendment as an overlay in the Land Development Standards. Now, the Planning Board must determine where to place the overlay onto the zoning map through a separate map amendment process.

Today the staff presents two maps of the proposed Railroad Overlay District for your consideration. These proposed areas came out of the Railroad Subcommittee's discussions. Five months of the subcommittee's work included research, study, and discussions about potential uses along the corridor, underutilized properties, economic opportunities, and gateways to the Town. The staff seeks your feedback and guidance on the proposed districts before we bring them to the Planning Board as a map amendment.

Staff Recommended Map Changes:

- **Central Business District Railroad Overlay**

The proposed district could start at Buffalo Lane and go all the way down to the intersection of Commerce and Smathers Streets. Richland Creek would serve as a northern boundary for the district and most of the southern boundary would consist of properties along Boundary Street. The subcommittee discussed whether to propose the Haywood Square Plaza (137 Depot Street) into the railroad overlay, but the members decided that since the shopping center is already well established and is further than 400 feet from the railroad, it should be excluded. **This proposed district would have 68 properties.**

- **Hazelwood Business District Railroad Overlay (H-BD-RR-O) and Commercial Industrial Railroad Overlay (CI-RR-O)**

The proposed district would start below the Town's Finance office (280 Georgia Avenue) and go down to the HVO property at 172 Riverbend Street. It would also include the Hazelwood "downtown" area with the Beach Mountain Diner, Hazelwood Soap Company, and other stores. The width of the district would be about one block east and west with some modifications. This overlay would be larger than the one proposed at Frog Level, but is less dense and has fewer properties total. **This proposed district would have 30 properties.**

Staff recommends that an explanation of the district overlay, the list of proposed permitted uses, and draft maps, should be provided to impacted property owners as part of an invitation package

to a community meeting. This would give impacted property owners an opportunity to ask questions, and learn about the purpose and opportunity of the overlay. It would also allow for public input into the overlay district boundaries and an opportunity to add in, or take out, various properties based on land-owner interest. The workshop could help inform the draft map that is then scheduled for a public hearing. It is important that property owners have an opportunity to learn about, and understand the purpose of, the overlay district; provide input and voice concerns or ideas; and to determine if they want to be included.

Consistency with the 2035 Comprehensive Land Use Plan

Staff submits that the proposed text amendments to the LDS are consistent with the first goal of the 2035 Comprehensive Plan:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Encourage in-fill, mixed use, and context-sensitive development.
- “Study/implement a railroad overlay district to encourage redevelopment along the railroad corridor, especially in areas with access to existing/future greenway” (p. 67).

Goal 5: Create Opportunities for a Sustainable Economy.

- Promote the growth of existing local businesses and Waynesville’s “maker economy.”
- Promote Waynesville’s downtown districts, inns, restaurants, and reputation as the “Gateway to the Smokies.”
- “Review the LDS to create opportunities within the Town of Waynesville’s industrial areas and along the railroad corridor” (p. 70).

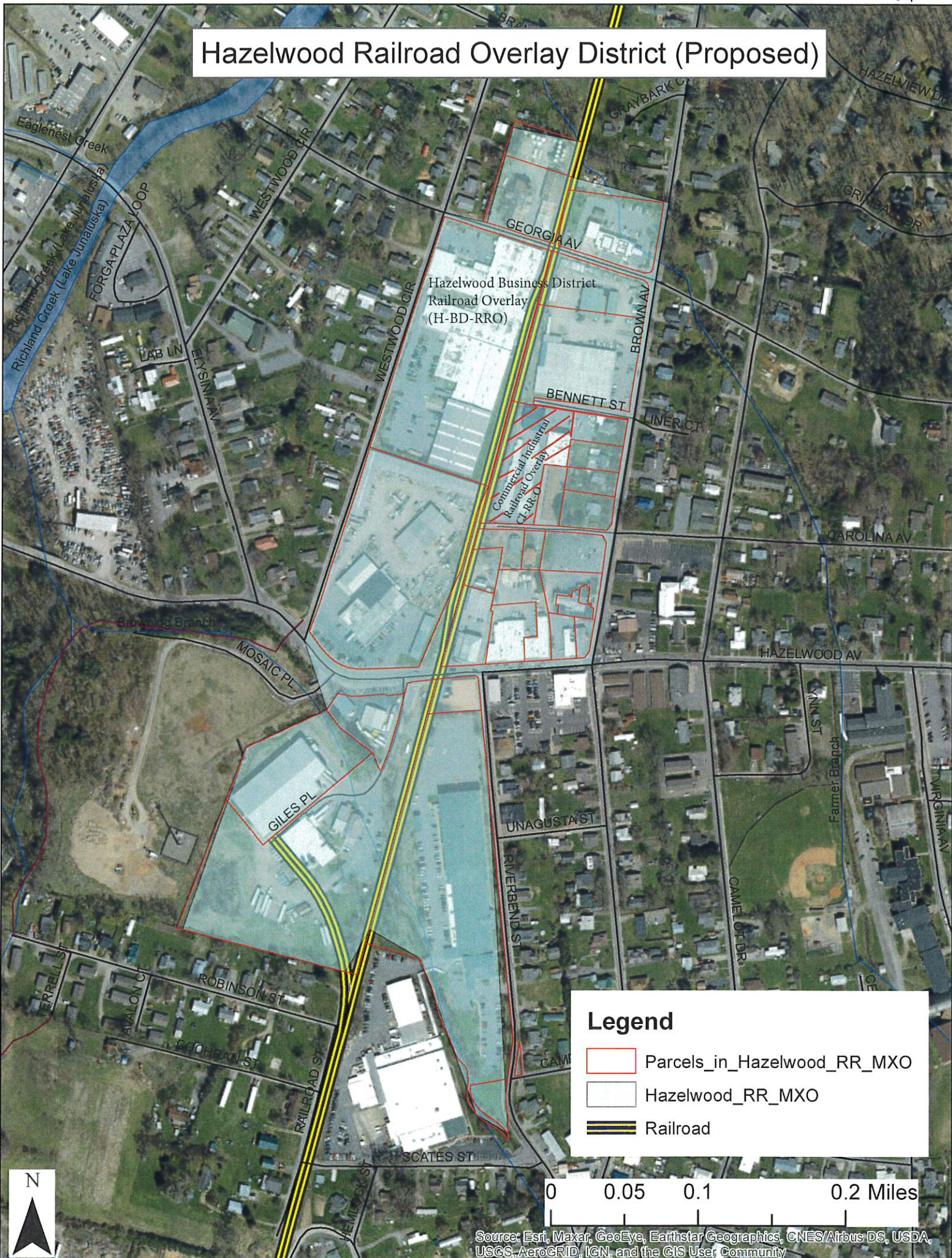
Attachments

1. The maps of proposed districts for discussion.

Recommended Motions

None. This is just a workshop.

Hazelwood Railroad Overlay District (Proposed)



Hazelwood Business District
Railroad Overlay
(H-BD-RRO)

Commercial Industrial
Railroad Overlay
CI-RRO

Legend

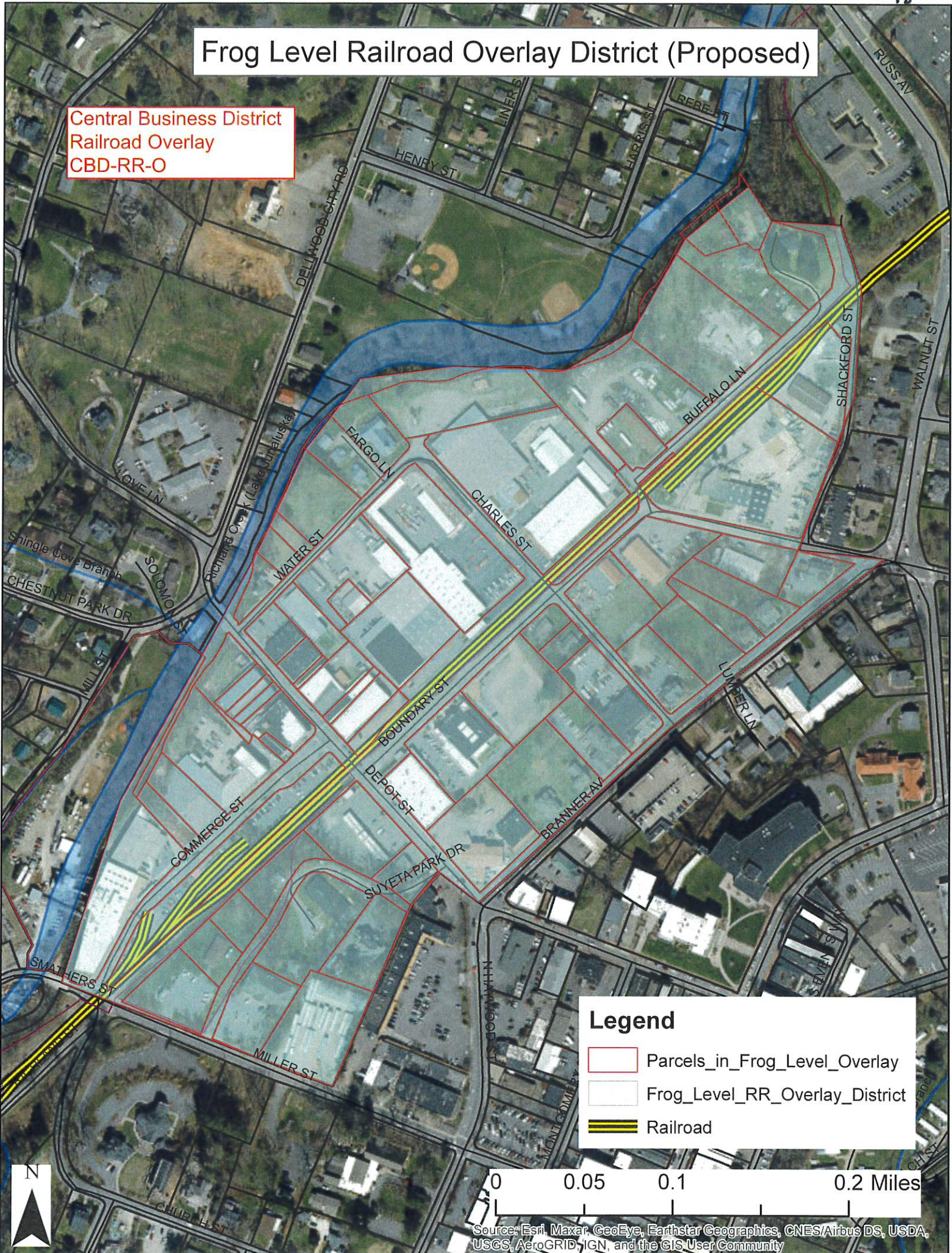
- Parcels_in_Hazelwood_RR_MXO
- Hazelwood_RR_MXO
- Railroad

0 0.05 0.1 0.2 Miles

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Frog Level Railroad Overlay District (Proposed)

Central Business District
Railroad Overlay
CBD-RR-O



Legend

- Parcels_in_Frog_Level_Overlay
- Frog_Level_RR_Overlay_District
- Railroad

0 0.05 0.1 0.2 Miles

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community