

O-066-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILSON
TO AMEND THE ZONING ORDINANCE
TO ESTABLISH INTERNET CAFES AS A PERMITTED USE
IN THE I-2 INDUSTRIAL DISTRICT SUBJECT TO A SPECIAL USE PERMIT
AND TO AMORTIZE EXISTING INTERNET CAFES IN THREE YEARS
SO AS TO INSURE COMPLIANCE WITH THE STANDARDS HEREIN ESTABLISHED

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILSON:

SECTION 1. That in Section 3.1, entitled "Definitions," a definition for "internet café" is added and inserted in its appropriate alphabetical location to read as follows:

Internet café. An "internet café," or "cybercafé," or by what other terminology such establishment might be known, is a place where one can use a computer with internet access, usually for a fee on a per hour or per minute basis; sometimes one can have unmetered access with a pass for a day, month, etc.; the establishment may serve as a regular café, as well, with food and drinks being served; a variation on this use involves the operation of a gaming center and/or sweepstakes.

SECTION 2. That in Section 5, entitled "Off-Street parking Requirements," subsection 5.5, entitled "Minimum parking requirements," sub-subsection B, entitled "Table of Parking Requirements," under the column labeled "Commercial/Office Uses," the use of "internet café" and accompanying parking requirement are added following the entry for "Furniture/appliance store" to read as follows:

Under the column labeled "Commercial/Office Uses":

Internet café

Under the column labeled "Parking Requirements":

One (1) space for each computer monitor on the premises

SECTION 3. That in Section 8.2.A, entitled "Table of Permitted Uses," in use category F, entitled "Businesses, sales and service," the use "Internet café" is added in its appropriate alphabetical location in the column labeled "Types of Uses," the character strings "3.1;" and "(46.30)" are added and stacked in the same row in the column labeled "References and Restrictions," and the letter "S" is added in the same row under the column labeled "I2," thus permitting this use subject to a Special Use Permit in that district subject to the referenced conditions.

SECTION 4. That in Section 8.2.B, entitled "Requirements for particular uses and development types," in the numerically-ordered list at the front of the section, the entry "(46.30) Internet café" is inserted following the entry beginning "(46.10)."

SECTION 5. That in Section 8.2.B, entitled "Requirements for particular uses and development types," the following entry is inserted following the entry entitled "(46.10) Internal service facilities incidental to permitted uses":

(46.30) Internet café.

- A. All internet cafés, where permitted, require a Special Use Permit.
- B. Selling and/or consuming alcoholic beverages are prohibited in internet cafés.
- C. Persons under the age of sixteen (16) are prohibited from the premises during regular school hours as defined by the Wilson County Board of Education.
- D. All internet cafés shall be located at least two hundred fifty (250) feet from any school, church, or residential use.
- E. Parking shall comply with the requirements of Section 5 of the Zoning Ordinance, and no vehicles shall be parked closer than five (5) feet to any adjoining property line.
- F. In issuing a Special Use Permit for this use, the Board shall consider the surroundings and restrict the hours of operation of the business if they deem it warranted.
- G. All signs shall meet the appropriate requirements of Section 9 of the Zoning Ordinance.
- H. All uses meeting the definition of "internet café" as defined in Section 3.1 of the Zoning Ordinance that were legitimately established prior to December 11, 2009 shall cease operations and close or be brought into compliance with the provisions of this ordinance by midnight, December 31, 2012.

SECTION 6. That any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 26 of the Zoning Ordinance. If the violation is continued, each day's violation shall be a separate offense.

SECTION 7. That any violation of this ordinance shall subject the offender to a civil penalty to be recovered by the City in a civil action in the nature of a debt if the offender does not pay any penalty called for hereunder within the prescribed period of time after being cited for violation of the ordinance.

SECTION 8. That this ordinance may be enforced by an appropriate, equitable remedy such as injunction or order of abatement issued from any court of competent jurisdiction.


SECTION 9. That this ordinance may be enforced by any one, all, or a combination of the remedies authorized and prescribed above.

SECTION 10. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 11. That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

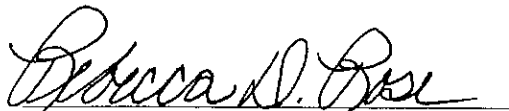
SECTION 12. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED this 10th day of December, 2009.



C. Bruce Rose, Mayor

ATTEST:



Rebecca D. Rose, City Clerk

