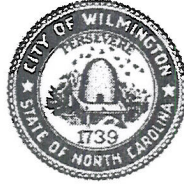


Ordinance



City Council
City of Wilmington
North Carolina

Introduced By: Sterling B. Cheatham, City Manager

Date: 11/1/2011

Ordinance Amending the Land Development Code Chapter 18, Article 5, Section 18-198, Article 6, and Article 15 to Permit Spas and Health Clubs in the LI, Light Industrial District by Prescribed Conditions and to Delete the Definition of Health Spas (LDC-2-1011)

LEGISLATIVE INTENT/PURPOSE:

WHEREAS, NCGS Section 160A-385 authorizes local governments to amend ordinances regulating land use within their jurisdiction; and

WHEREAS, the amendment set out below is made in accordance with NCGS Section 160A-364; and

WHEREAS, the amendment set out below is intended to promote the public health, safety, and welfare by amending the Land Development Code to permit spas and health clubs in the Light Industrial zoning district by prescribed conditions and deleting the definition of health spas.

THEREFORE, BE IT ORDAINED:

SECTION 1: Chapter 18, Article 5, Section 18-198 (c) of the Wilmington City Code, Section 18-198, Light Industrial District is hereby amended to add the following:

- (23) Spas and health clubs

SECTION 2: Chapter 18, Article 6 of the Wilmington City Code is amended to add the following:

Sec. 18-323. Spas and Health Clubs in the LI, Light Industrial District.

Spas and health clubs facilities shall occupy no more than fifty (50) percent of the gross floor area (GFA) or ten-thousand (10,000) square feet of the building, whichever is less.

Sec. 18-324 - 18-339 Reserved.

SECTION 3: Chapter 18, Article 15, Section 18-812 of the Wilmington City Code is amended to delete the following definition:

Health spas: A commercial enterprise, private club, or business established for the purpose of providing an indoor facility for physical exercise with the use of athletic equipment and accessory services. The term "health spa" includes private recreation clubs, figure salons or health clubs.

SECTION 4: That any person violating the provisions of this ordinance shall be subject to the penalties set forth in Article XIV, Section 18-52 of the Land Development Code.

SECTION 5: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 6: That if any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 7: That this ordinance shall be effective immediately upon its adoption.

Adopted at a regular meeting
on November 1, 2011.

ATTEST:

Penelope Spicer-Sidbury
Penelope Spicer-Sidbury, Clerk



Bill Saffo
Bill Saffo, Mayor

APPROVED AS TO FORM:

Carolyn D. Johnson
City Attorney