

Zoning

2. Zoning - adult business - extraterritorial jurisdiction

State v. Baggett, 133 N.C. App. 47 (1999)

The trial court correctly dismissed criminal charges of operating an adult business within 1,000 feet of a residence in violation of a county ordinance where the business was outside the city limits but within the City's extraterritorial jurisdiction and it was not clear whether the county ordinance applied outside Jacksonville's city limits or outside Jacksonville's extraterritorial jurisdiction. Where the language of an ordinance is ambiguous, it must be strictly construed.

1. Zoning § 89 (NCI4th) - adult business regulation - "preponderance" of material - not unconstitutionally vague

Fantasy World, Inc. v. Greensboro Bd. Of ADJ., 128 N.C. App. 703 (1998)

A Greensboro ordinance restricting adult entertainment businesses was not unconstitutionally vague where the ordinance referred to mini motion picture booths showing a "preponderance" of motion pictures characterized by sexual activities. The word "preponderance" is reasonably specific and sufficiently precise as to be readily understood. Moreover, the ordinance was not unconstitutionally applied because the evidence clearly showed that petitioner was aware of the zoning restriction and was specifically informed that "no adult use" could be made of the former restaurant.

2. Zoning § 52 (NCI4th) - nonconforming use - adult mini motion picture theater - extension of use

Fantasy World, Inc. v. Greensboro Bd. Of ADJ., 128 N.C. App. 703 (1998)

There was substantial evidence to support the Greensboro Board of Adjustment's finding that a former restaurant was being used as an adult mini motion picture theater, that it contained viewing booths, and that a preponderance of those motion pictures were adult as defined by the ordinance. That finding supports the Board's decision that petitioner's use of the premises was an impermissible enlargement or extension of a nonconforming use.

3. Zoning § 75 (NCI4th) - adult book store - video tapes - within statutory definition of publication

South Blvd. Video & News Cahrlotte Z. Bd.

A zoning board of adjustment properly considered sexually oriented video tapes as "publications" within the meaning of N.C.G.S. § 14-202.10. The

pertinent feature that makes these publications a target for regulation is not whether they are magazines, books, or video tapes, but rather whether they are distinguished or characterized by the emphasis on sexual topics