

## LAND USE & ZONING LITIGATION

The firm has significant experience in pre-litigation counseling and in litigating matters involving local government planning, zoning, and related land use and development regulations. Clients have included not only property owners and developers but also units of local government themselves. The attorneys who have handled such matters work closely with the firm's environmental and real estate practice groups and have a good working familiarity with the environmental and real estate issues that are frequently embedded in litigation involving land use regulations.

### Some selected recent cases include:

- *Centex Homes, Inc., et al. v. Town of Cary*. The firm represented a group of residential builders and developers in a suit to block a water connection moratorium declared by the Town of Cary and to establish the plaintiffs' vested rights to connect.
- *Morrison et al. v. City of Concord*. The firm represented a property owner and a developer located in an incorporated area who were being required to comply with the zoning and planning codes of a nearby municipality as a condition of obtaining municipal water and sewer service.
- *Plyler et al. v. Village of Wesley Chapel*. The firm is currently representing a group of property owners challenging the validity of the municipality's attempt to exercise extraterritorial planning and zoning jurisdiction under North Carolina statutes.
- *United States v. City of Charlotte*. The firm defended the city's use of zoning ordinances applicable to group homes and congregate living facilities against challenge by the United States Department of Justice under the Fair Housing Act and the Americans with Disabilities Act.
- *Mom 'N Pops, Inc. v. City of Charlotte*. The firm represented the city in defense of a First Amendment challenge to the city's zoning ordinances governing the placement of adult entertainment establishments.

CONTINUED

## LAND USE &amp; ZONING LITIGATION

- *Ehle et al. v. City of Rock Hill and Rock Hill Zoning Board of Adjustment.* The firm defended the city in two challenges against the city's zoning ordinances relative to so-called "video poker" machines under the South Carolina and federal constitutions.
- *In Re Wallace Farms.* We represent Wallace Farms, a farm and compost producer in Mecklenburg County, North Carolina, in connection with issues relating to its composting permit issued by the Division of Waste Management of the North Carolina Department of Environment and Natural Resources. As part of the renewal process, the Division required Wallace Farms to obtain a determination from the local zoning authority that the operations of Wallace Farms are consistent with local zoning ordinances. The Mecklenburg County Zoning Administrator issued such a determination, conditioned on the implementation by Wallace Farms of certain modifications or limitations to its business practices. We acted as co-counsel for Wallace Farms in its appeal of that determination to the Mecklenburg County Zoning Board of Adjustment, which resulted in a holding by the Board that the operations of Wallace Farms are consistent with local zoning ordinances, without modification or limitation.

The firm has also been involved in numerous successful challenges to municipal annexation attempts under North Carolina's annexation statutes, and regularly successfully advocates for clients in obtaining favorable re-zonings of their property. In addition, the firm has assisted its clients in securing the necessary land use approvals for landfills, asphalt plants, and power plants.