



Land Use and Zoning PRACTICES

OVERVIEW

Because real estate is among the most highly regulated areas of economic activity, owners, developers, buyers and sellers of property can greatly benefit from the exceptional land use guidance our lawyers provide. From conceiving projects to securing state and local permitting and zoning approvals, we employ our experience, expertise and creativity. This approach, supported by our relationships with both regulators and developers, helps you achieve success.

Our land use lawyers have the proven ability to navigate the legislative, regulatory and political processes required for the approval and completion of commercial real estate projects. *Chambers USA: America's Leading Business Lawyers* observed that “the firm . . . is the first port of call for many developers in the public and private sectors.” The *U.S. News & World Report* and *Best Lawyers*® “Best Law Firms” also recognizes the firm's Land Use & Zoning practice with a National rating.

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Additionally, we have experienced litigators and appellate lawyers who excel at successfully resolving disputes involving real estate and land use. The wide variety of complex real estate projects we handle includes large scale mixed-use developments; regional, neighborhood and infill retail facilities; multi-family and detached residential communities; office parks, and projects that encompass transportation, cross-country utility rights-of-way, industrial, mining, and waste management uses. We secure the approvals for zoning, subdivision, site plan, environmental and special use plans that our clients need to build their projects. Whether confronted with such traditional development concerns as infrastructure and local impacts – or more recent trends including incentives, impact fees and sustainability – our firm provides sophisticated representation tailored to your individual needs and the circumstances of each project.

We are particularly well-equipped to handle the complex political, adversarial and quasi-judicial land-use approval proceedings that have resulted from North Carolina's increasing urbanization and expanded regulatory climate. Practicing in our full-service business law firm, our zoning and land use lawyers work closely with the Firm's attorneys who specialize in such related areas as Commercial Real Estate, Environmental & OSHA, Real Estate Development, Construction, Government Relations, and Corporate Relocation and Expansion.

SERVICES

- Land use due diligence and legislative and regulatory analysis
- Proceedings before local governing authorities, including rezoning, subdivision and site plan approvals, and quasi-judicial proceedings related to special and conditional use permits and variances
- Land use and real estate litigation and appellate proceedings

- Condemnation and takings cases
- Issues involving impact fees, exactions and controlled-growth legislation
- The negotiation and implementation of Development Agreements between owners/developers and local governments
- Economic Development Incentives

EXPERIENCE

- Representation of a national real estate developer in obtaining zoning and land use approvals and environmental permits for a regional shopping mall of 1.6 million square feet and 600,000 square feet of peripheral retail and office development
- Representation of the owner/developer of a 1,000 acre land assemblage in drafting ordinances establishing a new zoning district for sustainable mixed-use development and in the rezoning of the assemblage to the new zoning district, which incorporates urban densities and form-based zoning principles
- Representation of a national REIT in the heavily-contested rezoning of residentially-zoned property for development as a 900,000 square foot office park; represented the REIT in a second rezoning case several years later which approved mixed-use retail throughout the park
- Representation of a national real estate developer in rezoning and quasi-judicial approvals for a mid-rise, 250-residential unit mixed-use project
- Representation of an international soft drink company in successfully blocking approval on two separate occasions of a 1,000-acre residential development proposed adjacent to the company's regional bottling and distribution facility
- Representation of a developer in drafting ordinances enabling redevelopment of nonconforming uses within a restricted reservoir watershed area and, after adoption of the ordinances by the County Commission, approval of the only shopping center developed within the protected area
- Representation of a national developer in achieving governmental approval and funding for an urban interstate interchange to serve a mixed-use project of hundreds of acres
- Representation of regional and national clients in a number of successful quasi-judicial proceedings approving projects as varied as quarries, waste management and landfill facilities, shopping centers and regional fuel terminals
- Representation of owners and developers in litigation, including appellate proceedings, successfully achieving and defending rezonings, special use permits and vested rights
- Representation of owners/developers in obtaining all land use approvals for an extensive mixed-use commercial development that includes large retail and home improvement stores, a 22-screen cinema, restaurants, a food store and a 400-unit apartment complex
- Representation of the owner/developer of a 3,000-acre PUD in obtaining zoning approvals and vested rights certification, and later establishing judicially the project's exemption from controlled growth legislation

- Represented the affiliate of an international petroleum company in obtaining contested land use approvals required for the significant expansion of a gasoline storage and distribution facility
- Represented a national bank in successfully renegotiating the entitlements for a mixed-use development of 1,400 acres which the bank acquired in a foreclosure proceeding
- Successfully represented a regional construction firm in an appellate proceeding that resulted in the approval of a plant for the production of asphalt and a published opinion on an issue of first impression in North Carolina

PROFESSIONALS

Toby R. Coleman

J. Mitchell Armbruster

Amy C. Crout

Amy E. Erwin, NCCP

Brooke R Kilbourne, NCCP

Gerald (Gerry) T. Koinis

Wayne K. Maiorano

Stephen T. Parascandola

Lacy H. Reaves

Matthew D. Rhoad

James R. Todd

Patrick D. Wilson

James (Jim) C. Wrenn, Jr.

RELATED AREAS

Administrative Law

Commercial Real Estate

Construction & Infrastructure

Corporate Relocation & Incentives

Environmental



Government Relations

Real Estate Development

Right-of-Way Acquisition & Condemnation

