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ZONING - NORTH CAROLINA

PBK Holdings, LLC v. County of Rockingham

Court of Appeals of North Carolina - April 1, 2014 - S.E.2d - 2014 WL 1366198

County adopted an ordinance defining and regulating "high impact uses."

PBK Holdings, LLC, filed a complaint against the county challenging the ordinance. RBK alleged that it had a special use permit application pending in the county to develop a landfill. RBK stated that the proposed landfill would fall within the "Regional Solid Waste Management Facilities/Landfills–Privately Owned" category. Therefore, RBK argued that it had a "specific and legal personal legal interest in the Rockingham County zoning ordinances that impact its plans to develop a landfill."

The Court of Appeals concluded that the ordinance did not violate the Equal Protection and Commerce Clauses of the North Carolina and United States Constitutions and also rejected PBK's arguments that certain provisions of the ordinance were preempted by state and federal law.

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