

Bond Case Briefs

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ZONING - FLORIDA

Angelo's Aggregate Materials, Ltd. v. Pasco County

District Court of Appeal of Florida, Second District - August 14, 2013 - So.3d - 2013 WL 4081010

Property owner brought declaratory judgment action against county and its zoning administrator seeking declaration of its vested rights under prior land use regulation and declaration that certain portion of county's land development code (LDC) were unconstitutional.

The District Court of Appeal held that:

- Action presented a justiciable controversy appropriate for declaratory judgment, and
- Ordinance's exhaustion of administrative remedies requirement did not apply to declaratory judgment actions.

Action in which property owner sought declaration of its vested rights under prior land use regulation and declaration that portions of county's land development code (LDC) was unconstitutional concerned a justiciable controversy appropriate for declaratory relief. Property owner had a dispute with the county over which legal framework applied to its permit for a landfill. Property owner sought determination whether it had a vested right to proceed merely with a conditional use permit or whether the subsequent changes to the LDC, requiring a comprehensive plan land use amendment, applied. Without such a determination, property owner risked having made a significant investment in seeking the conditional use permit only to learn the expense was wasted by the need for a comprehensive plan amendment.