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MUNICIPAL ORDINANCE - FLORIDA

Ripps v. City of Coconut Creek

District Court of Appeal of Florida, Fourth District - November 6, 2013 - So.3d - 2013 WL 5925093

City residents sought certiorari review of city ordinances approving Indian tribe's proposed construction of a hotel and parking garages, arguing that further review was necessary under the development of regional impact (DRI) statute. The Circuit Court denied relief, finding that the DRI statute did not apply. Residents filed petition for second-tier certiorari review.

The District Court of Appeal held that any failure by circuit court to properly apply the DRI statute did not result in a miscarriage of justice, as necessary to warrant second-tier certiorari review where DRI statute was amended after adoption of the zoning ordinances to remove hotel development from its scope, such that tribe could withdraw and resubmit its rezoning application without triggering application of the statute.

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