

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING - FLORIDA

Kentner v. City of Sanibel

United States Court of Appeals, Eleventh Circuit - May 8, 2014 - F.3d - 2014 WL 1813316

Owners of property along water in city brought state court action against the city, challenging a municipal ordinance that prohibited them from building a boat dock or accessory pier on their properties. City removed the action. Subsequently, the District Court granted city's motion to dismiss. Property owners appealed.

The Court of Appeals held that:

- Riparian rights asserted by property owners were state-created rights, not fundamental rights, for purposes of their substantive due process claims;
- Owners were challenging a legislative act, for purposes of their substantive due process claims; and
- Ordinance did not violate property owners' substantive due process rights.