

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING & PLANNING - FLORIDA

Citizens for Responsible Development, Inc. v. City of Dania Beach

District Court of Appeal of Florida, Fourth District - February 15, 2023 - So.3d - 2023 WL 1999800

Public interest nonprofit corporation and city resident filed complaint for declaratory judgment and injunctive relief against city, county, and entertainment company, challenging procedures that city used to approve development agreements that allowed company to expand entertainment facility, and disputing county's comportment with its required review process for facility expansion.

The Circuit Court granted summary judgment for defendants on basis that plaintiffs lacked standing. Plaintiffs appealed.

On rehearing, the District Court of Appeal held that:

- Resident lacked standing to challenge city's procedures;
- Corporation lacked standing to challenge city's procedures; and
- Corporation and resident lacked standing to bring claims against county.

City resident failed to establish injury-in-fact or special injury, and thus lacked standing to challenge procedures that city used to approve development agreements allowing entertainment company to expand its entertainment facility, despite resident's assertion that, because he was legally blind, increased traffic resulting from expansion led to increased risk of being hit by car; alleged injury was purely conjectural, and increase in traffic congestion would be suffered alike by all property owners similarly situated and was condition incident to urban living.

Public interest nonprofit corporation lacked standing to challenge procedures that city used to approve development agreements allowing entertainment company to expand its entertainment facility; corporation relied on alleged injury of one of its members, who was city resident, but such alleged injury was insufficient to constitute injury-in-fact or special injury because it was purely conjectural.

Public interest nonprofit corporation and city resident lacked standing to bring claims against county in action challenging procedures that city used to approve development agreements allowing entertainment company to expand its entertainment facility; corporation's and resident's alleged injury related solely to city's alleged defective approval of agreements, county was not party to agreements, and county played no role in agreements.