Yacht Club by Luxcom, LLC, v. Village of Palmetto Bay, No. 3D19-1495, 2020 WL 3443177 (Fla. 3d DCA June 24, 2020)

Third DCA Holds That Developer Properly Brought a Cause of Action for Declaratory Relief When Local Government Exempted Itself From Filing Application for Comprehensive Plan Amendment

Yacht Club by Luxcom, LLC ("Yacht Club") purchased a 71-acre parcel located in the Village of Palmetto Bay (the "Village"). Yacht Club planned to develop a large-scale hospital campus on the property. In an effort to stop the development, the Village's Vice Mayor proposed two legislative changes to the Village's comprehensive plan and zoning map. The proposed amendments would have changed the Yacht Club's property land use designation to "Estate Density Residential" and its zoning designation to "Estate Single Family." The effect of these proposed changes would limit development of the Yacht Club's property to only single-family homes built on at least one-acre lots. Importantly, the Village—unlike other applicants for comprehensive plan changes—was exempted by the Village's Code of Ordinances ("Code") from having to submit an application for a comprehensive plan and zoning map change.

In response to the proposed ordinance changes, the Yacht Club filed a single-count complaint against the Village seeking a declaration that the Code provisions exempting the Village from filing an application to amend the comprehensive plan violated the requirement that the Village "provide effective public participation" found in section 163.3181, Florida Statutes.

The trial court dismissed the Yacht Club's complaint, reasoning that the Yacht Club's claims had other remedies available that Yacht Club had failed to raise in its complaint. The Third District Court of Appeal reversed, holding that the trial court's rational for the dismissal was not warranted because Florida law expressly provides that "[t]he existence of another adequate remedy does not preclude judgment for declaratory relief." Section 86.111, Florida Statutes. The Villages did not contest this fact, but rather asked the Court to affirm the dismissal because: (i) Yacht Club's claim is not ripe, and (ii) Yacht Club lacks standing because it has suffered no special injury so as to warrant redress under chapter 86. However, the Court disagreed because the Yacht Club's complaints were challenging existing portions of the Code, rather than the proposed ordinances. The Yacht Club's challenges were properly brought under section 86.021 which allows "any person . . . whose rights . . . are affected by a statute . . . or by municipal ordinance [to] question" the validity of the statute or ordinance. Thus, the Court reversed the trial court's dismissal order and remanded the case for further proceedings.