D97 OA 3-1-93

FILED
SID J. WHITE
NOV 30 1992
CLERK, SUPREME COURT
By——— Chief Deputy Clerk

IN THE SUPREME COURT
STATE OF FLORIDA

SUPREME COURT NO. 79,720

FIFTH DISTRICT COURT OF APPEAL
CASE NUMBER: 90-1214

BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA

Petitioner,

v.

JACK R. SNYDER and GAIL K. SNYDER, his wife

Respondents.

ON REVIEW FROM
THE DISTRICT COURT OF APPEAL OF FLORIDA
FIFTH DISTRICT

# PETITIONER'S REPLY BRIEF

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## REFERENCES

All references to the Record here and in the initial brief refer to the page numbers of the trial court record, rather than the Fifth District Court of Appeal's numbering system. The Local Government Comprehensive Planning and Land Development Regulation Act of 1985, Chapter 163, Part II, is also known as the Growth Management Act.

## ARGUMENT

**I. The Fifth District Court of Appeal improperly re-weighed the evidence and erred in its analysis of the facts in this case.**

The circuit court found that the property being re-zoned is within the 25-100-year Floodplain. There is competent, substantial evidence in the form of floodplain maps, federal insurance rate maps and staff comments supporting this finding. Confusion exists because the Respondents provided a topographical map survey (of the property to the south of the property being re-zoned) to Mr. George Edwards who mistakenly believed it was the subject property and above the four-foot floodplain elevation.

Thus, there is conflicting information in the record. The role of the district court was not to re-weigh that evidence, regardless of whether or not it agreed with the result reached by the circuit court. *St. Johns County v. Owings*, 554 So.2d 535 (Fla. 5th DCA 1989), *rev. den.* 564 So.2d 488 (Fla. 1990).

In the case below, the district court of appeal stated the proper standard of review, but proceeded to weigh Mr. Edwards' comments more heavily than the floodplain maps and staff comments. The court also ignored the discrepancy relating to the property shown on the surveys. This process is clearly prohibited.

Respondents argue that the Board's decision was not based on the floodplain issue. The reasons for the Board's decision are not stated in the record; each commissioner may have had a different reason. The circuit court, however, clearly referenced the floodplain problem.

It has been held repeatedly that any grounds in the record which support a judgment must be considered on appeal. In *Wassil v. Gilmour*, 465 So.2d 566 (Fla. 3d DCA 1985), the First District Court of Appeal stated that a theory or reason advanced by a trial court for making an order is not controlling; if there is any reason or theory to support the ruling, it will be affirmed. *Chase v. Turner*, 560

So.2d 1317, 1320 (Fla. 1st DCA 1990). The decisions of the trial court will be affirmed if there is a basis to support it, regardless of the reason stated for the decision by the lower court. *See In re: Estate of Yohn*, 238 So.2d 290 (Fla. 1970). Thus, the Board of County Commissioners' decision and the circuit court's decision should be affirmed regardless of the reasons enunciated for the decision if, in fact, there is evidence supporting the decision in the record.

In this case, there is evidence supporting the denial of the request. The property is buildable at two units in its present zoning classification (R-74). RU-2-15 is three units over the existing twelve-units per acre limit on density under the Urbanizing Service Sector. A second basis for denial is the fact that the property appears to be located in the 25-100-year Floodplain. A third basis for denial was the incompatibility of the proposed use with surrounding existing uses. Thus, the district court of appeal improperly re-weighed the evidence and failed to follow case law requiring lower court decisions to be affirmed if there is any basis to support the decision in the record.

**II. The District Court of Appeal erred by determining that re-zoning decisions are not legislative acts of local governments.**

**Case Law**

Respondents first attempt to support the *Snyder* decision by quoting it. No case law or statute supporting the decision is presented.

Respondents attempt to distinguish *Florida Land Company v. City of Winter Springs*, 427 So.2d 170 (Fla. 1983), on the basis that a comprehensive plan amendment was involved. Respondents have pointed out an important feature of the case; the finding that re-zoning is a legislative act occurred when a comprehensive plan was in place. Thus, the ruling is directly on point.

In *Citizens Growth Management Coalition of West Palm Beach, Inc. v. City of West Palm Beach, Inc.*, 450 So.2d 204 (Fla. 1984), the Supreme Court approved the

trial court holding that re-zoning was a legislative act notwithstanding the existence of the comprehensive plan under the 1975 Act.

Respondents argue the following cases do not specifically state that re-zoning is a legislative action. Respondents' statement is true; however, the courts clearly applied the fairly debatable standard which Respondents acknowledge is applied to legislative actions. *See e.g. St. Johns County v. Owings*, 554 So.2d 535, 537 (Fla. 5th DCA 1989), *rev. den.* 564 So.2d 488 (Fla. 1990); *City of New Smyrna Beach v. Barton*, 414 So.2d 542, 543 (Fla. 5th DCA 1982), *rev. den.* 424 So.2d 760 (Fla. 1982); *Palm Beach County v. Allen Morris Company*, 547 So.2d 690, 695 (Fla. 4th DCA 1989), *rev. dism.* 553 So.2d 1164 (Fla. 1989); *Southwest Ranches Homeowners Association, Inc. v. County of Broward*, 502 So.2d 931, 934 (Fla. 4th DCA 1987), *rev. den.* 511 So.2d 999 (Fla. 1987); *Metropolitan Dade County v. Fuller*, 515 So.2d 1312, 1314, fn. 4 (Fla. 3d DCA 1987).

Respondents distinguish several cases because they involve requests which were inconsistent with the comprehensive plan whereas the request in this case was allegedly consistent. *See* p. 25, Respondents' Brief referring to *Orange County v. Lust*, 602 So.2d 568 (Fla. 5th DCA 1992); *S.A. Healy Company v. Town of Highland Beach*, 355 So.2d 813 (Fla. 4th DCA 1978); *Machado v. Musgrove*, 519 So.2d 629 (Fla. 3d DCA 1987), *rev. den.* 529 So.2d 694 (Fla. 1988). This argument is nonsensical. If the approval of the request is a legislative action, the denial of a request is a legislative action. There is nothing in Chapter 163 which provides that the legislative or quasi-judicial nature of the re-zoning action is determined by the outcome of the consistency review.

**Statutory Interpretation**

The *Snyder* decision indicates that actions by the local government which must be consistent with the comprehensive plan may be quasi-judicial, executive or

administrative. The court also found the small size of the parcel being re-zoned affected the nature of the proceeding. No section of the statutes was cited to support either proposition.

Land development regulations are defined in Section 163.3164(22), Florida Statutes.

> (22) "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land. . . . [Emphasis added]

Nothing differentiates small parcel re-zonings from large parcel re-zonings. Re-zoning is classified as a land development regulation or ordinance; ordinances are typically considered legislative in nature. Re-zoning, therefore, is treated by Chapter 163, Part II, as a legislative action.

Section 163.3213 also defines land development regulations (LDRs) and states LDRs are legislative actions. Respondents erroneously argue that re-zonings are not legislative because re-zoning was omitted from the definition in Section 163.3213. That position is incorrect for two reasons. First, Florida Home Builders Association failed to recognize the overall definition of LDRs in Section 163.3164(22), which includes re-zoning. Second, the limited definition in Section 163.3213 applies only to administrative review procedures. Re-zoning decisions are not subject to review under the Administrative Procedures Act. §120.52(c), Fla. Stat.; *Sweetwater Utility Corp. v. Hillsborough County*, 314 So.2d 194 (Fla. 2d DCA 1975). Accordingly, it was appropriate to except re-zoning decisions from Section 163.3213 and that section's administrative review procedures.

Section 163.3213, Florida Statutes, raises another point. In that section, the Legislature was creating an administrative review procedure for the newly created consistency challenge to ordinances regulating land development. No case

law defining the standard of review existed, so it was essential for the Legislature to address this issue. LDRs were found to be legislative and consistency reviews subject to the fairly debatable standard. §163.3213(5)(a) and (b), Fla. Stat. The Legislature did not adopt a new standard of review or change the status of re-zonings, but intentionally left the substantial body of pre-existing case law in place. There was no reason to address the standard of review for re-zoning since the case law already established the legislative status of re-zoning and the fairly debatable standard of review.

Some parties argue the inclusion of the re-zoning in the definition of development order converts re-zoning to an administrative action. The definition of development order was created to include a wide variety of actions within the requirement of consistency with the comprehensive plan in Section 163.3164, Florida Statutes. Section 163.3164(1) did not provide that the status of any of the wide variety of types of development order was changed.

Florida Home Builders argue that development orders "apply" the comprehensive plan. Since the plan is being "applied", the development orders are not legislative. No statutory citation is given for this statement. FHBA failed to read the rest of Chapter 163. The section relating to development orders merely requires consistency; no other direction is given. In contrast, in Section 163.3202, land development regulations are required to be consistent and implement the comprehensive plan. If any act is "applying" the comprehensive plan, it is the adoption of LDRs pursuant to the implementation language of Section 163.3202. Nonetheless, LDRs are specifically defined as legislative and are reviewed by the fairly debatable standard Sections 163.3213(5)(a) and (b), Florida Statutes. Thus, FHBA's argument fails because the only section which "applies" or "implements" the comprehensive plan clearly considers the actions taken as legislative. Respondents'

argument is contrary to the intent of the statute; re-zoning should retain its legislative status.

**General Argument in Reply to Answer Brief**

The *Snyder* decision states that zoning maps are ministerial, clerical recordings of the result of non-legislative decisions. If this is true, the zoning director should be authorized to change the zoning map without action by the Board of County Commissioners and without public hearing. This position, allowing bureaucrats to control the regulation of land is not supported by Brevard County and is contrary to Chapters 163 and 125 which consistently require public input.

Respondents contend that causing re-zoning hearings to be quasi-judicial proceedings under these new standards protects the land owner. In fact, the land owner will bear a heavier burden. The *Snyder* decision presumed property owners were entitled to the maximum density allowed under the comprehensive plan. Accordingly, land use plans will have to be amended to eliminate ranges of possible densities and to take a more rigid approach to ensure controlled growth. This situation means a land owner will be required to obtain a comprehensive plan amendment if the proposed use does not fit within the narrow range addressed by the comprehensive plan. The comprehensive planning process takes approximately nine months to complete and is far more expensive than zoning changes. In addition, the re-zoning procedure will become more complex and formalized if it is transformed to a quasi-judicial procedure. Property owners today can maneuver through the system with relative ease. If the process becomes quasi-judicial, it may be a virtual necessity to have legal counsel to assist with the procedural aspects of calling witnesses and cross-examination. Thus, the property owner is not protected by the *Snyder* approach, but is hurt by the process becoming more rigid, less flexible and less responsive to the public's needs.

According to *Machado*, the comprehensive plan acts as a constitution and provides guidelines for further actions. The United States Constitution provides guidelines and principles to follow when laws and regulations are adopted. Actions taken by federal, state and local governments must be "consistent" with the United States Constitution or they will be declared unconstitutional and stricken. However, nothing in this structure indicates that all action taken within the guidelines of the United States Constitution is considered administrative or executive. Legislative action still occurs within the parameters of the Constitution at the federal, state and local levels. Thus, the basic premise of the Fifth District Court of Appeal is faulty. The creation of guidelines for action does not cause all subsequent action to be quasi-judicial, executive or administrative as demonstrated by two hundred years of government in this country.

**III. The Fifth District Court of Appeal created an irreconcilable conflict between Rule 1.630, Florida Rules of Civil Procedure, and Section 163.3215, Florida Statutes (1991).**

This issue was not raised previously by either party because it was the decision in *Snyder* which created the conflict. The problem did not exist until the *Snyder* decision changed the law and rendered re-zoning actions quasi-judicial and, thus, subject solely to review by petition for certiorari. Petitioner reiterates it is not possible to file a petition for certiorari within the thirty-day deadline of Rule 1.630 and meet the conditions precedent of Section 163.3215 which require approximately sixty days. The decision in *Snyder* conflicts with the statutory review procedure and should be reversed.

**IV. The Fifth District Court of Appeal erred and failed to recognize that ex parte discussions of re-zoning applications are permitted in re-zoning actions.**

The purpose of the appeal process is to examine rulings when the appellate court may have erred. The Fifth District Court of Appeal erred as it did not

recognize the ramifications or far-reaching consequences of its decision that rezonings are not legislative. By that one, seemingly innocuous decision, the Fifth District Court of Appeal has totally restructured the zoning process and denied legislators the ability to speak with people they are representing. This outcome is a direct result of new rulings by the Fifth District Court of Appeal and the Third District Court of Appeal in *Jennings v. Dade County*, 589 So.2d 1337 (Fla. 3d DCA 1991), which were not previously addressed by either the parties or the circuit court. Contrary to Respondents' argument, the Fifth District Court of Appeal's unilateral decision to address multiple items which were not previously addressed by the parties or the circuit court should not render those rulings immune from appeal or criticism.

**V. The Fifth District Court of Appeal erred and failed to recognize that consistency as defined by Chapter 163, Part II, Florida Statutes (1991), allows local government to take action approving less intensive uses where the comprehensive plan sets a maximum limit on density.**

The Fifth District Court of Appeal fails to recognize the Future Land Use Map only depicts generalized land uses, such as residential or industrial uses, not specific zoning classifications, per Rule 9-J5.006, Florida Administrative Code, and Chapter 163. The court also misconstrues the language of Section 163.3194, Florida Statutes. That section provides:

> (1)(a) After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.

The Fifth District Court of Appeal reads the section to provide that, if an action is consistent with the comprehensive plan, a development order must be issued without regard for other factors. The court failed to consider Section 163.3194(3)(b) which specifically requires consideration of all factors enumerated by the local government. Local governments, in contrast, read Section 163.3194 to

provide that, if an action is inconsistent, a development order cannot be issued. If there are two consistent actions which may be taken, the government has the discretion to choose between the two, depending on a variety of public policy factors.

If the Legislature had wished to mandate the issuance of development orders in a given situation, it could have done so. It did not. It merely required all development orders to be consistent with the comprehensive plan.

Consideration of density ranges was approved by the Department of Community Affairs to allow local governments the ability to time, or phase in, growth and development. *See also* Rule 9-J5.006(1)(c), Florida Administrative Code. The procedure set out in *Snyder* will defeat this ability to plan and phase growth appropriately.

In attempting to respond to the consistency argument, Respondents emphasize the staff comments. Respondents' position implies that the County staff should be allowed to make the re-zoning decision, rather than the commission after a full public hearing. Nothing in the ordinance or statute binds the Board of County Commissioners to a certain result based on the staff comments or the recommendation of the Planning and Zoning Board.*See also Riverside Group, Inc. v. Smith*, 497 So.2d 988 (Fla. 5th DCA 1986). The Board of County Commissioners retains the ability to weigh and balance competing community interests.

Finally, Respondents acknowledge that without extension of the Urban Service Sector, they were limited to twelve units per acre. Respondents requested fifteen units per acre. Thus, the request was clearly inconsistent with the comprehensive plan.

## VI. The Fifth District Court of Appeal erred by failing to apply the fairly debatable standard.

The Fifth District Court of Appeal and the Respondents fail to explain how the United States Supreme Court's ruling in *Village of Euclid v. Ambler Realty*, 272 U.S. 365, 47 S.Ct. 114, 71 L.Ed. 303 (1926), establishing the fairly debatable standard, has been reversed. The only indicia in Chapter 163 regarding the standard for review for challenges to consistency with the comprehensive plan is in Section 163.3213, Florida Statutes. That section requires review of LDRs (as defined therein) for consistency with the comprehensive plan under the <u>fairly debatable</u> standard. The consistency definition is identical for LDRs and development orders. Therefore, based on case law and the statutes, when the issue of consistency is raised, it should be reviewed under the same fairly debatable standard whether it is a re-zoning action, a wellfield protection ordinance or comprehensive plan amendment.

**Shifting the Burden of Proof**

Case law provides, "[o]n judicial review, it is the burden of the landowner to demonstrate that the challenged zoning is not fairly debatable, and is arbitrary, unreasonable or confiscatory". *Lee County v. Morales*, 557 So.2d 652, 656 (Fla. 2d DCA 1990).

The staff re-zoning sheet indicates that the existing or current zoning potential was two units for the .54 acres presented for re-zoning (R-74). The property owner did not prove this zoning classification was inappropriate and that the new classification was appropriate.

In shifting the burden of proof and requiring clear and convincing evidence, the Fifth District Court of Appeal has violated the basic principle that common law or case law prevails unless the Legislature specifically abrogates the common law.

*Ellis v. Brown*, 77 So.2d 845, 847 (Fla. 1955) (*See* amicus brief of Florida League of Cities, Inc., pp. 6 and 7).

The *Snyder* decision improperly assumes there is a right to a particular zoning classification and, if it is not given, there is a taking. There has never been a right to a particular zoning classification, not even the one currently in place. *See e.g. Dade County v. United Resources, Inc.*, 374 So.2d 1046 (Fla. 3d DCA 1979).

The law was properly stated in *Lee County v. Morales*. The court stated:

> A zoning ordinance cannot be held confiscatory unless it effectively deprives a property owner of all beneficial and reasonable uses of the property. *Broward County v. Capeletti*, 375 So.2d at 315. An ordinance is not confiscatory merely because one reasonable use is denied. *Id.* Therefore, appellees' argument that the rezoning of their property has deprived them of the expected benefit of their investment and from realizing the highest and best use of property, as opposed to all beneficial use of property, is irrelevant to the proper disposition of this issue. *City of Jacksonville Beach v. Grubbs*, 461 So.2d 160, 162 (Fla. 1st DCA 1984), *review denied*, 469 So.2d 749 (Fla. 1985). [Emphasis added]

*Lee County v. Morales*, 557 So.2d at 656. *See also Graham v. Estuary Properties*, 399 So.2d 1374 (Fla. 1981); *Town of Bay Harbor Islands v. Driggs*, 522 So.2d 912 (Fla. 3d DCA 1988).

**Case Law**

Respondents argue "the Third District Court of Appeal would have applied the same test to the *Snyder* case as the Fifth District Court of Appeal" based on *Machado*. The contention is inaccurate. First, *Snyder* improperly applies "close judicial review" rather than strict scrutiny to limit the government's ability to regulate land. *Machado*, in contrast, applies strict scrutiny to ensure the comprehensive plan compliance. The Third District Court of Appeal would have been required to find the re-zoning request in this case inconsistent with the comprehensive plan due to the twelve-unit limit under the Urbanizing Service Sector and the floodplain problem. Further, even in *Machado*, the court recognized that re-zonings themselves are legislative actions. *Machado*, 519 So.2d at 632.

Respondents next argued that the case of *Orange County v. Lust*, 602 So.2d 568 (Fla. 5th DCA 1992), should be ignored because there are dissenting opinions. If anything, the dissenting opinions reflect that despite dissension and discussion the majority of the court found that re-zonings are legislative acts reviewed under the fairly debatable rule.

Respondents cite the very recent case of *Gabrielle Nash-Tessler v. City of North Bay Village*, 17 F.L.W. 2337 (Fla. 3d DCA October 13, 1992), in support of their position. First, the opinion is not final as of this date because a Motion for Rehearing has been filed. Second, the case involved a variance, not a re-zoning action. Variances have typically been considered quasi-judicial actions and thus, are wholly distinguishable from the case at bar. *Nance v. Town of Indialantic*, 419 So.2d 1041 (Fla. 1982).

Finally, Respondents attempt to compare re-zonings to the special exception situation in *Irvine v. Duval County Planning Commission*, 466 So.2d 357 (Fla. 1st DCA 1985). Petitioner contends the procedures are wholly distinguishable. However, even applying *Irvine* does not result in application of the new clear and convincing standard of evidence test created in *Snyder*. *Irvine* merely applies the competent substantial evidence which, for the most part, is equivalent to the fairly debatable test. *Nance*; *Skaggs-Albertson's v. ABC Liquors, Inc.*, 363 So.2d 1082 (Fla. 1978).

The *Snyder* decision indicates an extreme mistrust of elected officials which apparently extends to circuit court judges. Respondents argue the fairly debatable standard does not adequately protect the property owner and politically motivated decisions are less likely to withstand review under the close judicial scrutiny standard. The approach assumes political motivation is inherently bad. However, the political motivation might be to slow growth to assure the continued availability of infrastructure to the maximum number of property owners. Allowing

extremely high density on one parcel might overload the current traffic capacity of roads servicing a neighborhood, thereby prohibiting issuance of building permits to other property owners. Reducing density or controlling the rise in density might allow all property owners along the roadway the ability to develop at a less intensive level. Alternatively, the motivation might be to plan growth so that hurricane evacuation can be managed properly. Political motivation might also be preventing noxious or incompatible uses in an existing neighborhood. For these reasons and the wide variety of issues addressed in re-zoning requests, the courts should not attempt to act as super-zoning boards and the fairly debatable rule should continue to be applied.

**VII. Findings of fact are not required.**

Findings of fact are not required for legislative re-zoning decisions. Case law provides that the reasons for an individual commissioner or councilman acting in a particular manner are irrelevant, if a legitimate government goal may be reached by the action taken by the board as a whole. *Schauer v. City of Miami Beach*, 112 So.2d 838 (Fla. 1959).

The Fifth District Court of Appeal has ruled on multiple occasions that findings of fact are not required in legislative or quasi-judicial actions. *See Riverside Group* and *Odham v. Petersen*, 398 So.2d 875 (Fla. 5th DCA 1981). Predictability and consistency of court decisions is an important goal in the judicial system. Following the prior decisions of this court and the Fifth District Court of Appeal is important to meeting this goal of predictability.

## CONCLUSION

The Fifth District Court of Appeal has attempted to revise and alter the provisions of Chapter 163, Part II. Chapter 163 contains no provision abrogating the existing case law that re-zoning is a legislative action. Further, Section 163.3213 provides challenges to the consistency of LDRs with the comprehensive plan shall be reviewed under fairly debatable standard and that LDRs are legislative in nature. The consistency definition is the same for development orders and LDRs. Thus, the same standard of review for consistency, the fairly debatable standard, should apply to re-zoning, especially since re-zoning is defined as both a development order and a land development regulation.

Treating re-zoning as a legislative action ensures the continued availability of full *de novo* review by the circuit court under Section 163.3215, Florida Statutes. The process at the public hearing may remain more flexible and open to an average citizen seeking a change in zoning classification. Local officials will retain the ability to speak to their constituents.

Finally, reversal of the *Snyder* decision will allow the comprehensive plan to operate properly. The consistency definition in the statute, Rule 9-J5.00, Florida Administrative Code, and the language of the comprehensive plan all require the flexibility to approve density at a level below the maximum allowable. Otherwise, the purpose of the comprehensive plan, controlling and regulating growth, will be defeated and local governments will be unable to protect the environment and reduce the negative impact of increasing populations. The Fifth District Court of Appeal has improperly inserted itself into the zoning process thereby violating the separation of powers doctrine.

WHEREFORE, Petitioner respectfully requests reversal of the Fifth District Court of Appeal's decision.

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by U.S. Mail to Frank J. Griffith, Jr., Esquire, P.O. Drawer 6310-G, Titusville, Florida, 32782-6515, Paul Gougelman, Esquire, and Maureen M. Matheson, Esquire, 1825 South Riverview Drive, Melbourne, Florida, 32901, Jane C. Hayman, Esquire, and Nancy Stuparich, Esquire, Post Office Box 1757, Tallahassee, Florida, 32302-1757, Jonathan A. Glogau, Assistant Attorney General, and Denis A. Dean, Assistant Attorney General, The Capitol, Tallahassee, Florida, 32399-1050, John J. Copelan, Jr., County Attorney, and Barbara S. Monahan, Assistant County Attorney, 115 South Andrews Avenue, Fort Lauderdale, Florida, 33301, William J. Roberts, Esquire, Post Office Box 1386, Tallahassee, Florida, 32302, David LaCroix, Esquire, Post Office Box 13527, Tallahassee, Florida, 32317-13527, Robert M. Rhodes, Esquire, 215 South Monroe Street, Suite 601, Tallahassee, Florida, 32301, Thomas G. Pelham, Esquire, Post Office Drawer 810, Tallahassee, Florida, 32302, and Richard E. Gentry, Esquire, 201 East Park Avenue, Tallahassee, Florida, 32301, M. Stephen Turner, Esquire, Post Office Box 11300, Tallahassee, Florida, 32302, Neal D. Bowen, County Attorney, 17 South Vernon Ave., Rm. 117, Kissimmee, Florida, 34741, David J. Russ and Karen Brodeen, Assistant General Counsels, 2740 Centerview Drive, Tallahassee, Florida, 32399-2100, Richard Grosso, Esquire, Post Office Box 5948, Tallahassee, Florida, 32314, C. Allen Watts, Esquire, 150 Magnolia Avenue, Daytona Beach, Florida, 32114, Emeline Acton, County Attorney, and John J. Dingfelder, Assistant County Attorney, Post Office Box 1110, Tampa, Florida, 33601, this 25 day of November, 1992.

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