

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,
IN AND FOR FLAGLER COUNTY, FLORIDA

HAMMOCK COMMUNITY ASSOCIATION, INC.,
A Florida Not for Profit Corporation,

CASE NO.: 2019-CA-000766

Petitioner,

vs.

FLAGLER COUNTY BOARD OF COUNTY
COMMISSIONERS,

Respondents

and

HAMMOCK HARBOUR LLC,

Intervenor.

WRIT OF CERTIORARI

THIS CAUSE having come before the Court on Petitioner's Petition for Writ of Certiorari, Respondent's Response to the Petition, Intervenor's Response and Petitioner's Reply Brief, and the Court, having heard the argument of counsel, reviewed the briefs and being fully advised in the premises, finds as follows:

Petitioners challenge a land use determination made by the County Planner and approved upon appeal to the County Planning Board and then the Flagler Board of County Commissioners. The proposed use is a dry boat storage facility at a site that formerly was used for yacht manufacturing. The old facility is to be demolished and replaced by a larger structure designed to store boats for a fee. The Petitioners would have the Court find that based upon the evidence

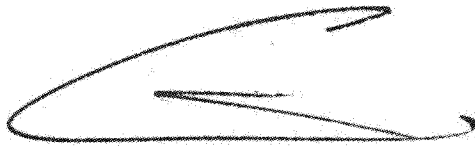
submitted, boat storage is not a listed permitted use in the C-2 zoning district. Petitioners contended that the use is a warehouse use and that Commercial Warehousing is a prohibited use within the Scenic Corridor Overlay which incorporates the location at issue in this case.

The Court's review under a writ certiorari is limited to: (1) whether due process has been accorded; (2) whether the essential requirements of law have been observed; and (3) whether the administrative findings and judgment are supported by competent substantial evidence. Haines City Community Dev v. Heggs, 658 So.2d 523, 530 (Fla. 1995). The Court cannot extend its ruling to decide whether the boat storage facility is or is not a permitted use as Zoned (C-2) within the A1A Scenic Corridor Overlay.

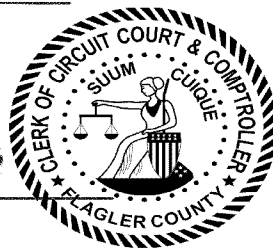
The Court does however find that the decision on appeal to the Flagler Board of County Commissioner's was not supported by competent substantial evidence.

IT IS THEREFORE ORDERED AND ADJUDGED that Petitioner's Writ of Certiorari is granted, and the November 4, 2019 decision of the Flagler County Board of County Commissioners is hereby **quashed**.

DONE AND ORDERED in Chambers, Bunnell, Flagler County, Florida, this 28th day of July, 2020.



Christopher A. France, Circuit Judge



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