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SAVE THE HOMOSASSA RIVER ALLIANCE v. CITRUS COUNTY: AN EXPANSION OF STANDING UNDER FLORIDA STATUTE 163.3215

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I. INTRODUCTION

In *Save the Homosassa River Alliance, Inc. v. Citrus County, Florida*,[1] the Fifth District Court of Appeal broadened the scope of citizens' standing to challenge whether development decisions are consistent with a local government's comprehensive plan. In defining the meaning of an aggrieved or adversely affected party under Section 163.3215(2) of the Florida Statutes, the court held that plaintiffs need only allege a particularized interest, and not a particularized harm, in order to satisfy the statutory requirement that their grievance exceeds in degree the general interest in

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1. 2 So. 3d 329 (Fla. 5th Dist. App. 2009), *rev. denied*, 16 So. 3d 132 (Fla. 2009).

community good shared by all persons. Thus, the court held that an environmental group and its individual members who "demonstrated concern for the protection of the interests furthered by the comprehensive plan"[2] had standing under Section 163.3215(2).

II. FACTS AND PROCEDURAL HISTORY

In July 2006, the Citrus County Board of County Commissioners approved a master plan of development[3] for the Homosassa Riverside Resort, allowing for development and redevelopment of property located on the Homosassa River in an area known as Old Homosassa, Florida. Riverside's application provided for additional units, retail space, amenities, and parking.[4] The Save the Homosassa River Alliance, a local not-for-profit organization, and several of its individual members, participated in the public hearing process to present objections to the approval of Riverside's application. The focus of the objection raised at the final public hearing was a proposal to allow greater height in exchange for increased open space.[5]

Following the Board's approval of Riverside's application, the Alliance and three individual members timely filed a complaint pursuant to Section 163.3215 of the Florida Statutes, alleging comprehensive plan violations based upon issues of growth and aesthetics.[6] Section 163.3215 of the Florida Statutes is the "exclusive method[ ] for an aggrieved or adversely affected party to appeal and challenge the consistency of a development order" with a local government's adopted comprehensive plan.[7] An aggrieved or adversely affected party is defined as:

2. *Id.* at 340.

3. The development order was an amendment to Citrus County's zoning map, not the comprehensive plan or future land use map.

4. *Save the Homosassa*, 2 So. 3d at 331.

5. Citrus County enacted a comprehensive plan amendment known as the Old Homosassa Area Redevelopment Plan (OHARP). This plan contained certain aesthetic requirements and height limitations for commercial property in the Old Homosassa area. The Alliance believed Riverside's proposed building height of three stories over covered parking violated this provision.

6. Prior to service upon Citrus County, appellants filed an amended complaint, again alleging violations based upon growth and aesthetics. It was this amended complaint that was the focus of Citrus County's first motion to dismiss.

7. Fla. Stat. § 163.3215(1) (2009).

> any person or local government that will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, and environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons.[8]

The Alliance alleged that the master plan violated the County's comprehensive plan by allowing for the expansion of residential dwelling units in the coastal high-hazard area, construction of three stories over parking, construction of structures incompatible with the character and vision of Old Homosassa, and construction of structures without step back of stories.[9] The Alliance further alleged that its members owned property along or near the Homosassa River, used the Homosassa River for recreational and educational purposes, and lived in Old Homosassa.[10]

The Alliance's amended complaint was dismissed without prejudice because it failed to allege facts sufficient to show that the plaintiffs were aggrieved or "adversely affected" parties.[11] Citrus County successfully argued the plaintiffs had set forth a litany of general interests, but had failed to plead with particularity how such interests exceeded in degree the interest of the general community. In dismissing the complaint, the trial court specifically found that each party was required individually to establish standing to bring the action, explain how the violations would affect the plaintiffs, and explain how the alleged effects were to a higher degree than the effect upon others in the community.

Thereafter, the plaintiffs filed a second amended complaint. Expanding upon its previous allegations, the Alliance asserted its purpose, community interests, and involvement in the community. Specifically, the Alliance alleged that its members conducted

8. Fla. Stat. § 163.3215(2).

9. *Save the Homosassa*, 2 So. 3d at 335. These allegations are the same as those set forth in the second amended complaint.

10. *Id*.

11. *Id*. at 332.

educational seminars to demonstrate the proper creation of berms along the waterfront and how to safely approach manatees. The Alliance further stated that members had "embarked upon a specific and focused course" to protect the Homosassa River from improper and ineffective stormwater management systems, overpopulation of lands adjacent to the river, destruction of wetlands surrounding the river, degradation of water quality due to overuse of fertilizers, pesticides, and faulty septic tanks, and overcrowding and overuse of the Homosassa River caused by boat traffic.[12]

With respect to the individual plaintiffs, allegations of standing included the location of their real property in the coastal high-hazard area, the receipt of potable water from the Homosassa Water District, the use of West Yulee Drive or West Fishbowl Drive as an evacuation route, the receipt of fire protection from Citrus County Fire, receipt of police protection from the Citrus County Sheriff's Office, and receipt of emergency services from Nature Coast EMS. Further, each individual plaintiff alleged specific interests such as being an avid fisherman of the Homosassa River, enjoying the "beauty of nature by traveling down the Homosassa River and walking and bicycling along the streets in Old Homosassa," visiting the shore of the Homosassa River "to admire the beauty and wonder of the River and its wildlife," enjoying kayaking, bicycling, and walking for fitness along the Homosassa River and upon the "uncrowded streets and roads within Old Homosassa, endeavoring to educate the public about the river system", and assisting in submitting grant proposals for the Alliance's educational efforts.[13]

These statements of general and common uses and interests were then buttressed by equally common and general allegations regarding the manner and extent to which these interests would be harmed by the development. In particular, the individual plaintiffs noted the increase in the number of individuals present at any one time upon the property within Old Homosassa would increase the demands upon potable water, sewer, traffic, evacuation routes, and police services. Further, the Alliance claimed

12. *Id*. at 332–333.
13. *Id*. at 333.

harm to its "efforts to educate the public and to encourage clean and environmentally sound development . . . ."[14]

Thereafter, Citrus County and Riverside, who had intervened in the matter, jointly moved to dismiss the second amended complaint based upon the same deficiencies as the first. In particular, Citrus County and Riverside argued that the interests of educating others on stormwater, lobbying for legislative changes, receiving services from the same governmental providers, and participating in water-related activities failed to establish an interest that exceeded in degree that of the general community. They further argued that many individuals take part in the interests cited, and that such interests lacked a nexus with the comprehensive plan violations alleged.[15] The trial court agreed and dismissed the plaintiffs' second amended complaint.

Notably, the court found that appellants' concern for growth—that others are moving into the area—provided no unique adverse affect. The court also found that the development's aesthetics—the building height in Old Homosassa—had no direct impact upon the plaintiffs other than their mere enjoyment of the Old Homosassa area. In later denying the plaintiffs' motion for rehearing, the court reiterated this failure to allege unique adverse effects and specifically expressed its opinion that further amendment was futile, stating:

> [w]hen delay will prevent the construction of an approved but undesired development, then one may win by losing if the losing process is sufficiently long. In this case, it has been long enough. Plaintiffs have had ample opportunity to show standing if they could. Further delay will not help them.[16]

Plaintiffs' appeal to the Fifth District Court of Appeal ensued.

Following briefing and oral argument on the matter, the Fifth District Court of Appeal issued its majority opinion reversing the trial court, and remanding the matter back to the court below.[17] Subsequent to the denial of Citrus County's motion for rehearing

14. *Id.* at 334.
15. *Id.* at 332.
16. *Id.* at 345 (Pleus, J., dissenting).
17. *Id.* at 329.

and rehearing en banc, Citrus County filed a petition seeking jurisdiction of the Florida Supreme Court, which petition was also subsequently denied.[18]

III. HISTORY OF SECTION 163.3215 AND ITS INTERPRETATION

Section 163.3215 of the Florida Statutes was first enacted by the legislature in 1985 to address the Florida Supreme Court's decision in *Citizens Growth Management Coalition, Inc. v. City of West Palm Beach*,[19] in which the Court held that third-party standing to challenge development orders as inconsistent with the comprehensive plan was "governed by the common law rule of standing [that] required that a legally recognized right be adversely affected."[20] That common law rule required "a party [ ] to possess a legally recognized right that would be adversely affected by the decision or suffer special damages different in kind from those suffered by the community as a whole."[21] Thus, through the enactment of Section 163.3215(2), the legislature sought to "ensure the standing for any person who '[would] suffer an adverse effect to an interest protected . . . by the . . . comprehensive plan.'"[22] As held by the Fourth District Court of Appeal in *Southwest Ranches Homeowners Assn., Inc. v. County of Broward*,[23] "[t]his section liberalize[d] standing requirements and demonstrate[d] a clear legislative policy in favor of the enforcement of comprehensive plans by persons adversely affected by local action."[24]

Section 163.3215(2) provides, in pertinent part, that an aggrieved or adversely affected party is one who "will suffer an adverse effect to an interest protected or furthered by the local gov-

18. *Citrus County v. Save the Homosassa River Alliance, Inc.*, 16 So. 3d 132 (Fla. 2009).

19. 450 So. 2d 204 (Fla. 1984).

20. *Parker v. Leon Co.*, 627 So. 2d 476, 479 (Fla. 1993). *See also Save the Homosassa*, 2 So. 3d at 336 (discussing further the requirements of the common law rule of standing).

21. *Save the Homosassa*, 2 So. 3d at 336.

22. *Parker*, 627 So. 2d at 479 (citing Section 163.3215). *See also Save the Homosassa*, 2 So. 3d at 336 (discussing the efforts to ensure standing for those suffering adverse affects to their legally protected rights).

23. 502 So. 2d 931 (Fla. 4th Dist. App. 1987).

24. *Id*. at 935.

ernment comprehensive plan . . . [that] may be shared in common with other members of the community at large but *must exceed in degree* the general interest in community good shared by all persons."[25] Since the statue's enactment, several notable decisions have interpreted what facts are sufficient to meet this standard, both with regard to individuals and citizen groups of various types.

In *Southwest Ranches*, one of the first cases to apply the liberalized standard, the homeowners association sought to challenge the site of a landfill and resource recovery plant.[26] In noting the recently adopted statutory scheme, the Fourth District Court of Appeal held that the association clearly demonstrated standing, as "a group of property owners whose land adjoin[ed] the proposed development and [stood] to be directly affected by the alleged aspects of the development which [were] claimed to be inconsistent with the comprehensive plan; i.e. pollution, flooding, and deterioration of potable water supply."[27] Whereas in *Florida Rock Properties v. Keyser*,[28] the Fifth District Court of Appeal found that an individual citizen failed to meet even the liberalized standard set forth. Following the United States Supreme Court case of *Sierra Club v. Morton*,[29] the Fifth District Court of Appeal held that:

> the plaintiff lacked standing because he failed to show that he would suffer an adverse effect or specific injury from the proposed development. Although the plaintiff alleged generally that the proposed development would "affect his quality of life" and that the County would not be as bucolic as it once was, th[e] Court noted that the alleged injury should be "unique" and "specific" to the plaintiff.[30]

Shortly thereafter, the Fifth District Court of Appeal further refined the requirements for standing under Section 163.3215(2). In *Putnam County Environmental Council, Inc. v. Board of Coun-*

25. Fla. Stat. § 163.3215(2) (emphasis added).
26. 502 So. 2d at 931.
27. *Id.* at 934–935.
28. 709 So. 2d 175 (Fla. 5th Dist. App. 1998).
29. 405 U.S. 727 (1972).
30. *Save the Homosassa*, 2 So. 3d at 342 (Pleus, J., dissenting).

ty Commissioners of Putnam County,[31] the court held that under Section 163.3215 a nonprofit environmental organization had standing to challenge Putnam County's approval of a special exception to allow for construction of a school on agricultural lands adjacent to the Etoniah Creek State Forest. In its amended complaint, the Putnam County Environmental Council (PCEC) alleged that specific adverse effects—including the diminishment of species habitat and overgrowth—would be suffered if exceptions to the County's comprehensive plan were permitted adjacent to such forest.[32] PCEC claimed the construction was of consequence to its members because they had participated in the acquisition of the forest, used the forest to study species' habitats, and hiked in the area.[33]

In holding that PCEC had standing under those circumstances, the court distinguished its decision in *Florida Rock*, which held that interest in the environment alone was insufficient. While PCEC's interest in the environment could not itself support standing, the direct impact on its members was particular enough to establish standing.[34] As stated by the *Putnam* court, "[t]he diminution of species being studied by the group is a harm particular to PCEC, making PCEC more than just a group with amorphous 'environmental concerns.'"[35] Therefore, because there was a direct correlation between the alleged violation—an exception from the comprehensive plan itself—and the impact alleged, PCEC successfully established standing.

Similarly, in *Edgewater Beach Owners Assoc., Inc. v. Walton County*,[36] there was a specific and direct impact from the violation alleged. Specifically, a group of homeowners challenged the approved construction of additional phases of their development consisting of two twenty-story buildings of eighty-nine units, each adjacent to their property.[37] The homeowner's association specifically alleged that the density and intensity of the approved development violated the county's 1993 comprehensive plan, which

31. 757 So. 2d 590 (Fla. 5th Dist. App. 2000).
32. *Id.* at 592.
33. *Id.*
34. *Id.* at 593–594.
35. *Id.* at 593.
36. 833 So. 2d 215 (Fla. 1st Dist. App. 2002).
37. *Id.* at 218.

imposed a four-story height restriction and limited the density of development to twelve units per acre.[38] The adverse impacts cited were the blocked views and property shadowed by the increased height, which would in turn decrease property values.[39] The court held that the group of adjoining property owners stood "to be directly affected by the alleged aspects of the development," and had therefore shown standing to contest the county's action.[40] Thus, it was the proximity of adjoining property owners that provided the specific impact from the alleged violations of excessive density and intensity. It is unlikely the building height and number of units would have the same direct impact if such homeowners were some distance from the project.

Similarly, in *Payne v. City of Miami*,[41] the Third District Court of Appeal held that an organization representing marine industrial businesses on the Miami River had standing to challenge the city's decision to rezone industrial property on the river for residential use. The group alleged a violation of the City of Miami's comprehensive plan goal to support industrial businesses along the river, and the city's policies of protecting the area from non-water-dependent or non-water-related land uses.[42] Further, the group averred that violation of these policies would result in decreased availability of industrially zoned land for their use along the river and would make operations of the current industrial businesses difficult.[43] The facts in *Payne* established a distinct and direct impact on the plaintiff's interests resulting from the alleged violation of the comprehensive plan. In so holding, the Third District Court of Appeal found, taking all allegations as true, the violation of the city's goals, objectives, and policies to protect water-dependent and water-related uses on the river would adversely impact the complainants who operated on the river.[44]

38. *Id.*
39. *Id.* at 220.
40. *Id.*
41. 927 So. 2d 904 (Fla. 3d Dist. App. 2005).
42. *Id.* at 907.
43. *Id.* at 905.
44. *Id.* at 909.

More recently, in *Stranahan House, Inc. v. City of Ft. Lauderdale*,[45] the Fourth District Court of Appeal found the adjacent owner of a historic property and the group supporting such property had standing to challenge alleged violations of the city's Historic Preservation Element, which the complainants alleged required the city to place the proposed development site plan of the adjoining parcel before the city's Historic Preservation Board for review and comment on the impact of developments on historic resources.[46] The court agreed, finding the connectivity between the violation alleged and the adverse impact was evident. Accordingly, those who own or directly support a historic property would be adversely affected by a failure to review developmental impacts on an adjoining parcel.[47]

Shortly thereafter, in *Dunlap v. Orange County*,[48] the Fifth District Court of Appeal determined that homeowners residing on a lake had standing to challenge the construction of a semi-private boat ramp on the lake.[49] In so holding, the *Dunlap* court concluded that, like the parties in *Stranahan House*:

> the instant homeowners ha[d] met the test for standing because the interests which they allege[d] in their amended complaint [we]re protected by the [c]ounty's [c]omprehensive [p]lan and, as owners of property fronting the lake on which [the project] is being developed, their interests [were] affected by [the] boat ramp construction to an extent which is greater than those held by general members of the community who do not own such lake-front property.[50]

IV. ANALYSIS OF THE COURT'S DECISION

The *Dunlap* decision was rendered less than one year prior to the Fifth District Court of Appeal's decision in *Save the Homosassa*. Yet, irrespective of the plain language of Section 163.3215(2) and in direct contravention of its own precedent and

45. 967 So. 2d 427 (Fla. 4th Dist. App. 2007).
46. *Id.* at 431.
47. *Id.* at 433–434.
48. 971 So. 2d 171 (Fla. 5th Dist. App. 2007).
49. *Id* at 175.
50. *Id.*

that of other district courts, the majority interpreted the provision to require merely a particularized interest, as opposed to a particularized harm. The majority stated, "[a]n interpretation of the statute that requires *harm* different in degree from other citizens would eviscerate the statute and ignore its remedial purpose. . . . Rather, the statute simply requires a citizen/plaintiff to have a particularized *interest* of the kind contemplated by the statute, not a legally protectable right."[51] As the dissent aptly noted, this opinion essentially eliminated the "adverse effect" element of the standing requirement[52] and "open[ed] the floodgates to the environmental gadflies of the world."[53]

A. Particularized Interest v. Particularized Harm

While generally seeking to protect interests related to "health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, and environmental or natural resources,"[54] local government comprehensive plans are also complex and diverse. A plain reading of Section 163.3215(2) makes it clear the legislature intended to require more than simply a higher-than-average concern for protecting an interest delineated in the local government's comprehensive plan. Rather, the legislature required that the local government's action cause an adverse effect to that interest, specifically, a particularized harm.

As stated by the Fourth District Court of Appeal in *Southwest Ranches*, Section 163.3215 "demonstrates a clear legislative policy in favor of enforcement of comprehensive plans by person *adversely affected by* local action."[55] Further, in *Edgewater Beach*, the First District Court of Appeal recognized that Section 163.3215 provides that "citizens with *adversely affected interests*," as opposed to mere particularized interests, have "standing to

51. *Save the Homosassa*, 2 So. 3d at 340.

52. *Id.* at 340–341 (Pleus, J., dissenting).

53. *Id.* at 346.

54. Fla. Stat. § 163.3215(2).

55. 502 So. 2d at 935 (emphasis added). *See also Parker*, 627 So. 2d at 479 (quoting *Southwest Ranches* for the proposition that the law sets forth a liberalized standing requirement that indicates legislative policy in favor of those adversely affected by local action); *Putnam County*, 757 So. 2d at 593 (quoting *Southwest Ranches* for the proposition that legislative policy favors enforcement by persons adversely affected by local action).

challenge the consistency of development decisions with the local comprehensive plan."[56] Yet in holding that a showing of harm is not necessary, the *Save the Homosassa* majority incorrectly asserted that anyone who can articulate an interest furthered by the plan has standing.

As stated in Section 163.3215(2), the plaintiff must *suffer* an *adverse effect* to an interest.[57] To *suffer* an adverse effect is, in fact, to be harmed. In *Coastal Development of North Florida, Inc. v. City of Jacksonville Beach*,[58] the Florida Supreme Court expressly recognized this principle, stating that Section 163.3215 required an affected person to allege an injury.[59] Additionally, as the plain language of the statute indicates, its purpose is to allow a party to challenge a decision of local government that "is not consistent with the comprehensive plan . . . ."[60] To be adversely affected, the decision must cause a party to suffer harm to a protected interest from that decision. A fortiori, the adverse effect must be the result of the alleged inconsistency. To hold otherwise would allow anyone alleging an interest furthered by the plan to challenge a development order based on only the existence of that right and nothing more. Hence, as well articulated by the dissent in *Save the Homosassa*, the statute requires a particularized harm as opposed to a particularized interest. This proposition is the underpinning of the requirement that an interest "exceed in degree the general interest in community good shared by all persons."[61]

As the Florida Supreme Court further recognized in *Renard v. Dade County*,[62] while the interest may be one shared in common "not every resident and property owner . . . can, as a general rule, claim such an interest. An individual having standing must have a definite interest exceeding the general interest in community good share[d] in common with all citizens."[63] To exceed in degree, that harm must be particularized. But the majority in

56. 833 So. 2d at 220 (emphasis added).
57. Fla. Stat. § 163.3215(2) (emphasis added).
58. 788 So. 2d 204 (Fla. 2001).
59. *Id.* at 209 n. 25.
60. Fla. Stat. § 163.3215(3).
61. Fla. Stat. § 163.3215(2).
62. 261 So. 2d 832 (Fla. 1972).
63. *Id.* at 837.

Save the Homosassa found the general interests of the plaintiffs to suffice in contravention of *Payne*, *Putnam County*, *Stranahan House*, *Edgewater Beach*, and *Florida Rock*.

In *Payne*, the plaintiffs articulated specific injury, or harm, to their water-dependent and water-related businesses along the river as a result of the encroachment of residential housing caused by the county's rezoning of riverfront industrial in violation of the county's comprehensive plan.[64] Similarly, in *Putnam County*, the plaintiff alleged specific adverse effects would be suffered if development was permitted adjacent to the forest that its members had participated in acquiring and used for studying wildlife.[65] The plaintiff argued that a result of the diminishment of species habitat was directly attributable to development on adjacent land, and the county's decision to allow such development was a violation of its comprehensive plan.[66]

In *Stranahan House*, as in *Payne* and *Putnam County*, the Fourth District Court of Appeal found that an adjacent property owner of historic property and the group supporting the historic property to have standing to challenge the city's failure to place the proposed site plan before the Historic Preservation Board for review and comment on its impact on the area and historic resources, where the property owner alleged, inter alia, increased traffic and the casting of shadows, and the latter detriment to the historic resource it was formed to protect.[67] Similarly, in *Edgewater Beach*, the First District Court of Appeal held that adjacent property owners had standing to challenge the county's approval to develop property in violation of the comprehensive plan's density and intensity limits because, as adjacent landowners, they had a "more direct stake in the impact of the development than the general community."[68] Therefore, "a group of property owners whose land adjoins the proposed development and [that] stands to be directly affected by the alleged aspects of the development" has demonstrated standing pursuant to Section 163.3215.[69]

64. 927 So. 2d at 904.
65. 757 So. 2d at 590.
66. *Id*.
67. 967 So. 2d at 434.
68. 833 So. 2d at 220.
69. *Id.*

None of the allegations found sufficient by the *Save the Homosassa* majority rises to the specific level of injury alleged by the plaintiffs in *Payne*, *Putnam County*, *Stranahan House*, and *Edgewater Beach*. To the contrary, the plaintiff's allegations in *Save the Homosassa* mirror those in *Florida Rock*. In *Florida Rock*, as the *Save the Homosassa* dissent expressly recognized:

> the plaintiff lacked standing because he failed to show that he would suffer an adverse effect or specific injury from the proposed development. Although the plaintiff alleged generally that the proposed development would "affect his quality of life" and that the [c]ounty would not be as bucolic as it once was, th[e] [c]ourt noted that the alleged injury should be "unique" and "specific" to the plaintiff.[70]

In the present case, the individual plaintiffs merely alleged that the project would increase demand upon potable water, sewer, traffic, evacuation routes, and police services affecting their utilization of the same services. The plaintiffs further alleged that the project would hamper their enjoyment of fishing, walking, kayaking and bicycling in the area. The Alliance simply claimed harm to its educational endeavors and efforts to protect the river, prevent destruction of wetlands, and prevent degradation of water quality. Nowhere in the allegations did the plaintiffs provide the how and the why. Any development that increases density or intensity has the effect of increasing demand upon services and bringing more people to the area to walk, bicycle, kayak, and fish. Such allegations are not those envisioned by the legislature when it required an adverse impact to a protected interest that exceeds in degree that of the general public.

B. A Case for Nexus

In reviewing the plaintiffs' second amended complaint, it was evident they pled the existence of interests, such as access to police and fire services, protected or furthered by Citrus County's Comprehensive Plan. Additionally, it may be argued that the plaintiffs alleged adverse impacts to their interests, such as a

70. *Save the Homosassa*, 2 So. 3d at 342 (Pleus, J., dissenting).

strain on those services. What was clearly lacking, however, was how such interests would have been adversely impacted by the supposed comprehensive plan violations of which plaintiffs complained. As Citrus County urged the Fifth District Court of Appeal, there must be a nexus between the violations alleged and the adverse effect to the protected interest.

While there exists a plethora of caselaw finding that Section 163.3215 created a liberalized standing requirement, the basis for relief under Section 163.3215 is proof that a development order is inconsistent "*to the detriment of*" those filing a complaint thereunder.[71] Thus, any appropriate review of a party's standing pursuant to Section 163.3215 must analyze all allegations, not merely those specific to standing, to determine whether sufficient averments exist to establish that the alleged comprehensive plan inconsistency is to the detriment of the complaining party.

A review of the factual allegations in the cases cited, analyzing both the violations alleged and interests affected, establishes a distinct and direct impact or harm resulting from the violations. In *Payne*, the harm to the industrial business' operations was caused by the approval of residential use in an industrially zoned area in violation of the city's requirement to support industrial business.[72] In *Putnam County*, the harm was the diminishment of forest habitat resulting from construction on a parcel adjacent to the forest that caused harm to the plaintiff environmental group that had assisted in acquiring the forest and regularly studied its habitat.[73]

Similarly in *Edgewater Beach*, the plaintiffs were adjacent property owners that suffered from blocked views and shadowed property due to construction in excess of the height restriction imposed by the comprehensive plan.[74] And in *Stranahan House*, it was the owner of a historic property and the group supporting such property who had standing to challenge the city's failure to place the proposed site plan for development of an adjoining parcel before the city's Historic Preservation Board for review and

71. *Pinecrest Lakes, Inc. v. Shidel*, 795 So. 2d 191, 197 (Fla. 4th Dist. App. 2001) (emphasis added).

72. 927 So. 2d at 904.

73. 757 So. 2d at 592.

74. 833 So. 2d at 215.

comment on the impact of the development on Stranahan House.[75] In all the above-cited cases, the connectivity between the violation alleged and adverse impact is evident.

In the present case, unlike in *Payne*, *Putnam*, *Edgewater Beach*, and *Stranahan*, no such nexus existed. Plaintiffs alleged that the approved master plan of development was inconsistent with Citrus County's comprehensive plan because construction of a four-story building without step back of stories was not compatible with the character of Old Homosassa within the coastal high-hazard area, and expansion of residential dwelling units and commercial uses in a coastal high-hazard area violates the plan. Yet, the plaintiffs did not allege how those violations would impact them to a greater degree than that of the general public.

With respect to the allegations that the construction of a four-story building without step back of stories was a violation of the county's comprehensive plan, a review of the plaintiffs' second amended complaint fails to provide specific adverse effects that would result from increased height, lack of step back, and incompatibility with the community character. As noted by the trial court, none of the plaintiffs lived in proximity to the building such that its height or appearance would have a direct effect upon them. Commitment to preservation of environmentally sensitive land, enhancement of river quality, protection of the river and the manatee, and education of the public on these issues, as alleged by the Alliance, cannot be affected by the building's aesthetics. No allegation within plaintiffs' second amended complaint alleged as much.

Further, the individual plaintiffs alleged community activism, use of common public services and infrastructure, enjoyment of outdoor activities, and education of others about the river would suffer no impact from the height and appearance of the building. The only averment that may be relevant to standing is that the Alliance members participated in a steering committee to assist Citrus County in protecting the character of Old Homosassa. But even an inference favorable to the plaintiffs regarding such participation cannot give rise to any adverse impact caused by the building's appearance.

75. 967 So. 2d at 427.

Finally, the plaintiffs' second amended complaint lacked sufficient allegations relative to adverse impacts from expansion of residential dwelling units and commercial uses. Again, neither commitment to such issues as preservation of environmentally sensitive land, enhancement of river quality, protection of the manatee, and education of the public nor community activism, use of common public services and infrastructure, and enjoyment of outdoor activities, in and of themselves, can establish standing as a result of increased residential and commercial uses. While environmentally sensitive land, river quality, the manatee, public services and infrastructure, and outdoor activities may be impacted by an increase in such uses, the plaintiffs alleged no such direct impact to themselves, except as it relates to education and access to public services and infrastructure.

Therefore, to accept Appellants' contention that their allegations meet the particularized harm requirement is to allow challenge to a project based solely upon dislike, as opposed to genuine conflicts with a local government's comprehensive plan.

V. CONCLUSION

In summary, to be an aggrieved or adversely affected party pursuant to Section 163.3215(2), there must exist some connection or nexus between the actions complained of and the harm caused. And while the harm may be shared by others, it still must exceed in degree that which is shared by the general community. The *Save the Homosassa* plaintiffs failed to allege facts sufficient to establish the requisite nexus between the perceived violation and alleged interests or that such interests were impacted to a greater degree than the interests of others within the community. In interpreting Section 163.3215 to merely require an allegation of a particularized interest, as opposed to necessitating the demonstration of a particularized harm, the *Save the Homosassa* court negates the plain language of the statute and is inapposite to its own precedent and that of other courts of appeal. No longer will a plaintiff need to "suffer" an effect. No longer will a plaintiff's interest need to exceed in degree that of the general community. As well stated by Judge Pleus in his dissent:

> The opinion of Judge Griffin will be cited and used to open the floodgates to the environmental gadflies of the world.

> They will file spurious complaints which challenge rezoning on the basis that it violates the comprehensive plan. Local government will be hampered in doing what it is supposed to do. Property rights will be trampled by the delays. People who disagree with local decisions will find solace in the judicial branch by virtue of this Court's new-found authority which opens the courthouse door to attempts to overturn the decisions of local, duly-elected officials. Every gadfly with some amorphous environmental agenda, and enough money to pay a filing fee, will be anointed with status simply because the gadfly want to "protect the planet."[76]

76. *Save the Homosassa*, 2 So. 3d at 346 (Pleus, J., dissenting).