

# Circuit judge rejects Dorworth's River Cross lawsuit against Seminole County

ORLANDO SENTINEL | JAN 25, 2022

In a setback to developer Chris Dorworth's plans to build his [River Cross mega-development](#), a circuit court judge ruled Monday that Seminole's charter amendment establishing the county's protected rural area is constitutional.

Seminole commissioners have the authority to reject a developer's request to carve out property from the county's voter-approved rural boundary for development beyond the current density of one home per five acres, according to Circuit Judge Randell Rowe's ruling.

Dorworth said he was disappointed by the ruling and plans to appeal. "Obviously it's befuddling to me. It's very obvious to me that it's unconstitutional," Dorworth said Tuesday. "But we'll work through the court and continue working through our legal options."

In his lawsuit against Seminole, Dorworth argued the language in the county's charter amendment establishing the rural boundary is "unconstitutionally vague and should be voided" because it doesn't define what is "necessary" or "the procedure" to remove land from the development-restricted area. According to the county charter, commissioners can remove property from the rural boundary when it is "necessary."

Therefore, the commission's decision to deny a request to remove property from the rural area is therefore "arbitrary and capricious," Dorworth said.

But Rowe disagreed and wrote that when county voters approved establishing the rural boundary in 2004, they agreed to rely on the commission's "expertise." He cited several state supreme and appeals court decisions on similar cases.

"The fact that the word [necessary] is not defined, does not make it vague, according to the Supreme Court of Florida," Rowe wrote in his ruling. "The Supreme Court of Florida has actually already determined that the word 'necessary' does not render a statute unconstitutionally vague."

County Attorney Bryant Applegate briefly announced the judge's ruling at Tuesday's commission meeting. But he asked commissioners and county staff to not comment on the ruling.

Rowe "not only denied the summary judgment motion but issued a declaratory judgment at the same time in favor of Seminole County finding that the charter provision pertaining to the rural boundary is not only not vague but clearly constitutional," Applegate said to commissioners. "I would expect an appeal."

Dorworth, a former member of the Florida House of Representatives and a lobbyist, has battled with Seminole County over River Cross since 2018.

In February of that year, he signed a contract to purchase the 669-acre Hi-Oaks property — just north of the Orange County line and east of the Econlockhatchee River — from the Clayton family and proposed the River

Cross development, made up of 600 single-family homes, 270 townhouses, 500 apartments and 1.5 million square feet of commercial space.

Development densities on the property are limited to one home per five acres or one home per 10 acres. After Seminole commissioners unanimously rejected the project in August 2018, Dorworth filed a federal lawsuit two months later stating that the rural boundary was segregative and violated the Fair Housing Act. A federal judge threw out the case last summer.

Dorworth filed his current lawsuit against Seminole County in circuit court in May 2020 after making two more requests to remove the River Cross property from the rural boundary.

David Bear, an attorney and president of the nonprofit group Save Rural Seminole, said he was pleased with the judge's decision.

“We were confident that the developer's arguments in state court were just as meritless as in federal court,” Bear said. “The independent judiciary has stood up to the political power of the developer, and it has now been confirmed that the county has the authority to protect its residents from unbridled growth.”

Dorworth has a pending development application to Seminole County, asking to remove a 67-acre tract of farmland known as **Pappy's Patch from the rural boundary** for a residential subdivision. Commissioners are scheduled to hear that request in February.