

River Cross developer Dorworth sues Seminole, claiming rural boundary rules are ‘vague’ and ‘arbitrary’



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Developer Chris Dorworth, whose controversial River Cross mega-development was unanimously rejected by Seminole commissioners in 2018, has filed a lawsuit against the county, saying that the voter-approved charter amendment establishing the rural boundary should be tossed out because it is “vague” and “arbitrary.”

Dorworth, a former state legislator and now lobbyist, said under Seminole’s rural boundary amendment, the county can simply refuse to hear or reject a property owner’s application to develop or have their land removed from the rural area without any specific guidelines or due process.

“There’s no criteria,” Dorworth said Wednesday a day after filing his lawsuit in a Seminole circuit court. “It’s just what three of them [commissioners] agree.... It’s the government. They make all the decisions, and yet they won’t give you a hearing.”

Seminole commissioners said they could not comment specifically on the lawsuit. County Attorney Bryant Applegate could not be reached for comment.

“It’s just another ploy [by Dorworth],” Commissioner Lee Constantine said. “I believe that one of his strategies is to cost the taxpayers more and more money to defend what they voted for.”

Winter Springs resident David Bear, an Orlando attorney who founded the Save Rural Seminole County group that aims to protect the county’s rural boundary, said Dorworth does not have a strong case.

“The [county’s] charter says that the commissioners can remove land from the [rural] boundary when they have determined that a change is necessary,” he said. “This is legally sufficient guidance....When Dorworth purchased his option contract for this [River Cross] land, he knew the density was limited by the rural boundary....In effect, Dorworth gambled that the county would allow him to do more with the land than it was zoned for. He gambled and lost.”

In 2004, Seminole voters approved a countywide ballot measure that established the rural area in the charter. That rural area covers nearly one third of the county and stretches mostly east of the Econlockhatchee River, Oviedo and Lake Jesup to the Brevard County line.

The rural boundary charter amendment was a way to limit high-density development and curtail urban sprawl in the area. Most of the properties within Seminole’s rural boundary are zoned for either one home per five acres or one home per 10 acres. Those rural densities can be changed with a majority vote by the county commission, regardless if the property is within a city, such as neighboring Winter Springs or Oviedo.

In 2018, Dorworth applied to Seminole to develop about 669 acres just east of the Econ River and north of the Orange County line. The proposed River Cross development would include hundreds of homes and apartments along with shops, restaurants and offices. But in a 5-to-0 vote, commissioners turned it down.

Dorworth later filed a federal lawsuit, claiming the rural boundary violates the federal Fair Housing Act. That suit is ongoing.

His latest suit alleges that Dorworth and his attorney, Tara Tedrow, asked Seminole in November and then again on May 7, to carve out his River Cross land out of the rural boundary.

Dorworth claims that county staff responded by saying that Seminole “was not inclined” to hear the request in a public hearing.

“The county can arbitrarily and capriciously contrive whatever process it wants for considering requests,” the lawsuit states.

Dorworth said that his efforts to get the River Cross land approved have cost him close to a million dollars. He added that the county’s charter amendment rules unfairly harm applicants and property owners.

“There’s no rhyme or reason to it [the rural boundary charter amendment],” he said. “I think what they’ve done to me is malicious and capricious.... And I think that sooner or later, the rural boundary is going to be tossed out.”

County attorneys said Seminole commissioners are scheduled to discuss Dorworth’s request to remove his River Cross property from the rural boundary on June 9.

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[River Cross developer Dorworth sues Seminole, claiming rural boundary rules are ‘vague’ and ‘arbitrary’ \(orlandosentinel.com\)](https://www.orlandosentinel.com/story/news/politics/2019/06/09/river-cross-developer-dorworth-sues-seminole-claiming-rural-boundary-rules-are-vague-and-arbitrary/1161117001/)