



John R. Herin Jr.

Partner

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John has more than 20 years of experience in land use, zoning and environmental law.

For clients in the private and public sectors, John handles complex development matters throughout Florida, including comprehensive plan, platting, permitting, site plan and zoning applications and amendments; endangered species, submerged land leases, and stormwater and wastewater permitting; and lender/buyer due diligence issues. He also has extensive experience in representing clients with respect to eminent domain, inverse condemnation and land use litigation, as well as claims under Florida's Bert J. Harris, Jr., Private Property Rights Protection Act.

John has handled a broad range of environmental and land use issues before the Florida governor and cabinet, cabinet aides, district and circuit courts, division of administrative hearings, state agencies and local government bodies. He has also drafted hundreds of ordinances and resolutions for cities and counties on a wide range of subjects.

Representative Matters

Private Sector Experience

- Obtained a vested rights determination on summary judgment for developer of proposed 12-story beachfront residential condominium, notwithstanding a referendum initiative that resulted in an amendment to the city charter limiting the height of all new construction to three stories
- Obtained required permit approvals from local government allowing developer to use transferable development rights to increase density and height of office building project
- Assisted owner of regional mall in securing amendments to local government's comprehensive plan and land development regulations to facilitate redevelopment of property into a mixed-use regional activity center
- Represented group of agricultural property owners in a \$172 million Bert J. Harris, Jr. Private Property Rights Protection Act claim arising from county's change in interpretation of open-space requirements in comprehensive plan and land development regulations
- Negotiated and drafted public-private agreement for the construction of dual radio transmission/emergency management communications tower on special district property
- Represented clients completing environmental remediation projects in connection with ongoing industrial operations and redevelopment projects
- Assisted national banking institution in securing amendments to the Palm Beach County Land Development Code to allow stand-alone banking centers as a matter of right in most commercial zoning districts



- Represented clients in due diligence associated with acquisition of land for industrial, commercial and residential development

Public Sector Experience

John serves or has served as city attorney, assistant city attorney, assistant county attorney and special counsel to numerous local governments and quasi-governmental agencies.

He has previously served as:

- City attorney for the City of Marathon
- City attorney for the City of Doral
- Interim village attorney for the Village of Palmetto Bay
- Town attorney for the Town of Miami Lakes
- Village attorney for the Village of Islamorada
- Special counsel to city in the negotiation and drafting of a development agreement wherein property owner voluntarily contributed monetary and off-site improvements benefiting city's residents
- Special counsel to city in an annexation dispute with adjacent local government
- Special counsel to town with respect to draft environmental impact statement for proposed runway expansion
- Special counsel to hospital special district in court challenge to the imposition of a municipal special assessment
- Special counsel to municipality in special assessment dispute with county
- Code Enforcement Special Magistrate to local municipality in Broward County

Reported Cases

- *Sansbury v. City of Orlando*, 654 So.2d 965 (Fla. 5th DCA 1995) [upholding juvenile curfew]
- *Bott v. City of Marathon*, 949 So.2d 295 (Fla. 3rd DCA 2007) [enforceability of affordable housing restrictive covenant]
- *Beyer v. City of Marathon*, - So.3d - , 2013 WL 5927690 (Fla. 3rd DCA 2013) [inverse condemnation claim – owners were not deprived of all economically beneficial use of their property]
- *City of Coral Springs v. North Broward Hospital District*, - So.3d – , 4D14-2351 (Fla. 4th DCA 2015) [imposition of city fire service special assessment on district property was illegal]
- *Department of Community Affairs v. City of Marathon*, DOAH Case No. 04-3500GM [challenge to adopted comprehensive plan]
- *Florida Keys Citizens Coalition, Inc. & Last Stand, Inc. v. Florida Administration Commission & City of Marathon*, DOAH Case No. 04-2755RP [proposed Administration Commission rule amending city's comprehensive plan not invalid exercise of delegated legislative authority]
- *Rossignol v. Village of Islamorada & Department of Community Affairs*, DOAH Case No. 01-2409GM [comprehensive plan provisions limiting transient rental uses in residential areas supported by appropriate data and analysis]
- *Department of Community Affairs v. Village of Islamorada*, DOAH Case No. 01-1216GM [challenge to adopted comprehensive plan]

Before Fox Rothschild



Prior to joining Fox, John was a member of a regional Florida firm's Land Use, Environment, and Government Affairs Department.

Beyond Fox Rothschild

John is a frequent speaker on governmental and land use topics.

Honors & Awards

- *Martindale Hubbell*, AV Preeminent
- *The American Lawyer & Corporate Counsel*, Top Lawyer in Land Use and Zoning, 2013

Practice Areas

- Environmental
- Construction
- Infrastructure & Development
- Real Estate
- Zoning & Land Use
- Government Relations

Bar Admissions

- Florida

Education

- Stetson University College of Law

Memberships

- The Florida Bar
 - Board Certified in City, County and Local Government Law
 - City, County and Local Government Law Section, Member
 - Environmental and Land Use Law Section, Member
- Florida Municipal Attorneys Association, Member
- Greater Miami Chamber of Commerce, Member
- Cuban American Bar Association, Member