

APPLICATION
MONROE COUNTY, FLORIDA
PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT



APPEAL TO HEARING OFFICER PURSUANT TO SECTION 102-213
(State of Florida Division of Administrative Hearings -DOAH)
[MUST BE RECEIVED WITHIN 30 CALENDAR DAYS OF THE DECISION]

An application must be deemed complete and in compliance with the Monroe County Code by the Staff prior to the item being scheduled for review.

Application Fee: \$820.00 (*required*)

Hearing Fee: One-half (½) the cost of the Hearing Officer (*required*)
[Note: Subject to change, the County is currently charged \$151.00/hour by DOAH]

Pursuant to Monroe County Code Section 102-213, Hearing officers shall review an appeal of a Planning Commission action when authorized by the Land Development Code.

Date of Application: ____/____/____
 Month Day Year

Appellant:

Appellant (Name of Person, Business or Organization)

Contact Name

Appellant Mailing Address (Street, City, State and Zip Code)

Appellant Phone #

Appellant Email Address

Agent Authorized to Act for Appellant (if applicable):

Agent (Name of Person, Business or Organization)

Contact Name

Agent Mailing Address (Street, City, State and Zip Code)

Agent Phone #

Agent Email Address

APPLICATION

Appellee:

Appellee (Name of Person, Business or Organization) Contact Name

Appellee Mailing Address (Street, City, State and Zip Code)

Appellee Phone # Appellee Email Address

Decision being appealed:

Date of decision being appealed: _____

Property Owner of Affected Property (if applicable): Check Box if not applicable

Property Owner (Name of Person, Business or Organization)

Mailing Address (Street, City, State and Zip Code)

Legal Description of Affected Property (if applicable): Check Box if not applicable

(If in metes and bounds, attach legal description on separate sheet)

Block Lot Subdivision Key

Real Estate (RE) Number

Street Address (Street, City, State, Zip Code) Approximate Mile Marker

Any person participating as an appellant or appellee at the hearing described in Monroe County Code Section 102-185(e) may request an appeal of that decision under Monroe County Code Chapter 102, Article VI, Division 2 by filing the notice required by that article within 30 days after the date of the written decision of the Planning Commission.

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APPLICATION

PROCEDURES FOR PREPARING THE RECORD:

Sec. 102-215. Preparation of the record.

Within 30 days of filing the notice, the Planning Commission coordinator shall prepare the record prescribed in section 102-216 and serve copies of the index of the record on all parties. Within 30 days of the filing of the notice, the Planning Commission Coordinator shall transmit the record to the hearing officer and copies to all parties. The BOCC may establish reasonable fees for copies furnished the parties.

Sec. 102-216. Contents of the Record.

- (a) The record in a case governed by this article shall consist *only* of:
- (1) All applications, memoranda, or data submitted to the Planning Commission;
 - (2) Evidence received or considered by the Planning Commission;
 - (3) Questions and proffers of proof, objections, and rulings thereon, presented to the Planning Commission;
 - (4) The transcript of the hearing before the Planning Commission transcribed by a certified court reporter at the expense of the appellant and furnished to the Planning Commission Coordinator; and
 - (5) The order of the Planning Commission.
- (b) The Planning Commission Coordinator shall prepare the record in the following fashion:
- (1) Upon receipt of the transcript from the court reporter, each page shall be consecutively numbered. The transcript shall be securely bound in consecutively numbered volumes not to exceed 200 pages each.
 - (2) The remainder of the record, including any supplements, shall be consecutively numbered and securely bound in volumes not to exceed 200 pages.
 - (3) The Planning Commission Coordinator shall prepare a complete index to the record.
- (c) The burden to ensure that the record is prepared and transmitted to the hearing officer and the parties shall be on the appellant.
- (d) If there is an error or omission in the record, the parties by stipulation, the Planning Commission, or the hearing officer may correct the record. If the hearing officer finds the record incomplete, he or she shall direct a party to supply the omitted parts of the record. No case shall be decided because the record is incomplete until an opportunity to supplement the record has been given.
- (e) The record shall be returned to the Planning Commission Coordinator after the disposition of the case by the hearing officer.

Sec. 102-217. Contents of the Briefs.

- (a) The appellant's initial brief shall be filed with the hearing officer and served on the parties within 50 days of the filing of the notice. The appellee's answer brief shall be filed and served within 20 days of service of the initial brief. The appellant's reply brief, if any, shall be filed and served within ten days of service of the answer brief.
- (b) The contents of the initial brief shall include:
- (1) A table of contents listing the issues presented for review, with reference to pages;
 - (2) A table of citations with cases listed alphabetically, statutes and other authorities and the pages of the brief on which each citation appears;
 - (3) A statement of the case and of the facts, which shall include the nature of the case, the course of the proceedings, and the disposition in the lower tribunal. References to the appropriate pages of the record or transcript shall be made;
 - (4) A summary of argument, suitably paragraphed, condensing succinctly, accurately, and clearly the argument actually made in the body of the brief;
 - (5) Argument with regard to each issue; and
 - (6) A conclusion, of not more than one page, setting forth the precise relief sought.
- (c) The contents of the answer brief shall be prepared in the same manner as the initial brief provided the statement of the case and facts shall be omitted unless there are areas of disagreement, which should be clearly specified.
- (d) Contents of the reply brief shall contain argument in response and rebuttal to argument presented in the answer brief.
- (e) The initial and answer briefs shall not exceed 50 pages in length. Reply briefs shall not exceed 15 pages in length. The table of contents and the citation of authorities shall be excluded from the computation.

APPLICATION

All of the following items must be included in order to have a complete application submission:

(Please check the box as each required item is attached to the application.)

- Completed application form (unaltered and unbound)
Application fee (check or money order payable to Monroe County Planning & Environmental Resources)
Estimated amount of one-half (1/2) of the cost for the Hearing Officer. This estimated amount shall be determined by the County Attorney in advance of application submittal and shall be deposited with the application fee (10 hour minimum estimate). Upon conclusion of the proceedings, the County shall determine the total, final cost of the Hearing Officer. In the event that 1/2 of the total cost for the Hearing Officer is less than the estimate provided, applicable funds will be returned to the appellant. In the event that 1/2 of the total cost for the Hearing Officer is more than the estimate provided, the appellant shall be responsible for submitting the additional fees to the County.
All applications, memoranda, or data submitted to the Planning Commission (required by MCC Section 102-216)
Evidence received or considered by the Planning Commission (required by MCC Section 102-216)
Questions and proffers of proof, objections, and rulings thereon, presented to the Planning Commission (required by MCC Section 102-216)
The transcript of the hearing before the Planning Commission transcribed by a certified court reporter at the expense of the appellant and furnished to the Planning Commission Coordinator (required by MCC Section 102-216)
The order of the Planning Commission (required by MCC Section 102-216)
Brief prepared in accordance with MCC Section 102-217

If applicable, the following must be submitted in order to have a complete application submittal:

- Agent Authorization form (required if application is submitted on behalf of another party)
Proof of ownership (i.e. Warranty Deed) (required if appellant is owner of a specific property that is subject of the appeal)
Property Record Card(s) from the Monroe County Property Appraiser (required if a specific property(s) is subject of the appeal)

Is there a pending code enforcement proceeding involving all or a portion of this property?

Yes No Code Case file # Describe the enforcement proceedings and if this application is being submitted to correct the violation

If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.

Additional fees may apply pursuant to the approved fee schedule.

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APPLICATION

The applicant hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

I, the Applicant, certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Signature of Applicant: _____ Date: _____

STATE OF _____

COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____, 20____,

by _____, who is personally known to me OR produced
(PRINT NAME OF PERSON MAKING STATEMENT)

_____ as identification.
(TYPE OF ID PRODUCED)

Signature of Notary Public, State of Florida

Print, Type or Stamp Commissioned Name of Notary Public
My commission expires:

Please submit or send the application package to:
Monroe County Planning & Environmental Resources Department
Marathon Government Center
2798 Overseas Highway, Suite 400
Marathon, FL 33050