

**Monroe County Planning and Environmental Resources Department**

From: Emily Schemper, A.I.C.P.<sup>1</sup>, C.F.M.<sup>2</sup>  
Senior Director, Monroe County Planning & Environmental Resources Department

Date: November 8, 2024

Subject: Administrative Rule of Procedure No. 01-24

Title: Silence or Failure to Respond Does Not Constitute an Affirmatively Misleading Act; and  
Silence or Failure to Respond Does Not Constitute Consent.



**MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**  
**ADMINISTRATIVE RULE OF PROCEDURE NO. 01-24**

Monroe County Land Development Code § (“Section”) 102-21(b)(2)(m) provides:

**Section 102-21. – Planning and Environmental Resources Department.**

**(b) Planning Director.**

**(2) Jurisdiction, Authority, and Duties.** In addition to the jurisdiction, authority, and duties that may be conferred upon the Planning Director by other provisions of this Land Development Code, the Planning Director shall have the following jurisdiction, authority, and duties:

**(m)** To establish such rules of procedure necessary for the administration of his or her responsibilities under the Comprehensive Plan and Land Development Code[.]

The Monroe County Planning Director, Planning & Environmental Resources Department, and counsel representing the Department regularly receive, process, and/or review thousands of development applications, permits, queries regarding the interpretation and application of the Monroe County Land Development Code and Comprehensive Plan, and questions regarding violations, possible violations, and/or potential violations of the Monroe County Land Development Code and Comprehensive Plan. Under the authority of Monroe County Land Development Code Section 102-21(b)(2)(m) it is necessary and proper to establish this administrative rule of procedure setting forth that silence, inaction, failure to respond, or failure to act by such professional staff shall not constitute nor shall be construed as consent or an affirmatively misleading act, conduct, or omission upon which to claim reasonable good faith detrimental reliance. It shall be necessary and required to obtain a decision, determination, or interpretation with respect to the provisions of the Monroe County Land Development Code or Comprehensive Plan such as, for example, a written decision or determination failing a permit during the course of permit review, plan review, or following an inspection, a written decision or determination denying a permit, a written decision or determination voiding a permit, or a written interpretation construing a materially relevant provision of the Monroe County Land Development Code or Comprehensive Plan.

Silence, inaction, failure to respond, and/or failure to act does not constitute and shall not be construed to constitute a decision, determination, or interpretation of the Monroe County Land Development Code or Comprehensive Plan upon which to claim consent, assent, or an affirmatively misleading act, conduct, or omission upon which to base a claim of reasonable good faith detrimental reliance.

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