

To Appeal the decision of an Administrative Official, read the Town Code below and then fill out the attached application and submit it to the Town Clerk at Town Hall. Any questions related to the process should be directed to the Town Clerk at 561-732-2635.

- **Sec. 63-91. - Appeals from decisions of an administrative official**

(a) An appeal taken from the requirement, decision or determination made by the administrative official or any administrative official charged with the enforcement of any land development regulation adopted pursuant to this land development code shall be filed with the board of adjustment on forms prescribed by the town. The appeal shall specify the grounds thereof and shall be filed with the town clerk within 30 calendar days after the action complained of by an aggrieved party and in such form as may be prescribed by the board by general rule. An aggrieved party, as used in this article, shall mean any person who is materially and substantially damaged by an error of the administrative official in making requirements, decisions and determinations pursuant to this land development code.

(b) The administrative official from whom the appeal is taken shall, no later than 30 days after notification of the filing of an appeal, forthwith transmit to the board of adjustment all documents, plans and papers constituting the record of the action from which the appeal is taken.

(c) Any person seeking to appeal any requirement, decision or determination made by the administrative official prior to the effective date of this ordinance, shall do so within 30 days following its adoption.

(d) All requests for appeals of administrative decisions and variances shall be made by filing an application therefor with the administrative official on application forms prescribed by the department and in conformance with the provisions contained in this land development code.

(Ord. No. 540, 3-13-2003)

- **Sec. 63-92. - Appeals from the decisions of the town commission.**

Exhaustion of remedies and court review. No person aggrieved by any resolution, order, requirement, decision or determination of an administrative official or by any decision of the town commission may apply to the court for relief unless he has first exhausted the remedies provided in this land development code. It is the intention of the town commission that all steps as provided by this land development code shall be taken before any application is made to the court for relief, and no application shall be made to the court by any party, except the town, for relief except from resolution, ordinance or order adopted by the governing body, pursuant to this land development code. Such decision may be reviewed by the filing of a petition for writ of certiorari in the circuit court of the Fifteenth Judicial Circuit in and for the county, in accordance with the procedure and within the time provided by court rule for the review of the rulings of any commission or board.

(Ord. No. 540, 3-13-2003)

- **Sec. 63-93. - Appeals from the decisions of the board of adjustment.**

(a) No person aggrieved by any decision of the board of adjustment may apply to the court for relief unless he has first exhausted the remedies provided for in this section and taken all available steps provided by this land development code. The decision of the board may be reviewed by the filing of a petition for writ of certiorari in the circuit court for the Fifteenth Judicial Circuit in and for the county, in accordance with the procedure and within the time provided by court rule for the review of the rulings of any commission or board, and such time shall commence to run from the date of the decision sought to be reviewed.

(b) No change of venue from the area in which the premises affected is located shall be had in any cause arising under the provisions of this section.

(c) Costs shall not be allowed against the board of adjustment unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.

(d) In any court action appealing the decision of the board of adjustment, the town attorney shall provide legal defense for the board. If the town commission shall challenge a decision of the board, the board of adjustment shall be entitled to appoint independent special counsel, paid for by the town commission, to defend the action, which action may be brought by the town attorney.

(Ord. No. 540, 3-13-2003)



TOWN OF OCEAN RIDGE

6450 North Ocean Boulevard, Ocean Ridge, Florida 33435
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APPEAL DECISION OF ADMINISTRATIVE OFFICIAL APPLICATION

(Town Code Section 63-91)

The undersigned applicant(s) hereby petitions the Town of Ocean Ridge Board of Adjustment to call a public hearing(s) after due public notice, the cost of which is hereby assumed by the undersigned for the purpose of considering an appeal of the decision of an Administrative Official as described herein.

APPLICANT(S) NAME: _____

PROPERTY ADDRESS: _____

INSTRUCTIONS FOR COMPLETION OF APPLICATION

1. An application for appeal shall be filed with the Town Clerk within 30 calendar days after the action complained of by an aggrieved party as per Town Code Section 63-91.
2. No appeal application shall be accepted by the Town Clerk for filing unless it is presented on the official forms provided by the town, and is filed with **an original plus nine (9) copies, including all attached sheets, for a total submission of ten (10) packets.**
3. Before any application is deemed "filed", it must be complete (with all required information as stated below), and the **fee of \$900** must be received by the Town Clerk.
4. Mailing labels, GIS property list, and map **obtained from the Palm Beach County Property Appraiser's Office** for all properties within 300' of the subject property must be submitted with the application.
5. Attach Copy of latest recorded deed and mark as **Exhibit A.**
6. Attach Copy of Administrative Official's written decision and mark as **Exhibit B.**
7. Attach detailed description of the basis for the challenge to the Administrative Official's decision and mark as **Exhibit C.**
8. **Exhibit D:** a statement of the applicant's equitable or title interest in the property, accompanied by one of the following:
 - a. If joint and several ownership, a written consent by all owners of a record, or
 - b. if a contract purchaser, a copy of the Contract for Sale and Purchase, plus the written consent of the owners, or
 - c. If an authorized agent, a copy of the Agency Agreement, or Power of Attorney giving the consent of the owners, or
 - d. If a lessee, a copy of the lease agreement and written consent of the owners, or
 - e. If a corporation or other business entity, the name of the officer or person responsible for the application and written proof that said person has the authority to represent the corporation or other business entity, or
 - f. If more than one owner, the title owners of a least seventy-five (75) percent of the property described in the application must provide written consent.



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NATURE OF THE REQUEST FOR APPEAL

Section _____ of the Town of Ocean Ridge Code requires _____

The applicant requests an appeal of the Administrative Official’s decision for the following reasons (summarize here, and attach detailed description of the basis for the challenge as Exhibit C):

The Applicant shall provide complete facts and circumstances which the Applicant believes constitute a violation of the Town’s Land Development Code (LDC), and a clear description of the LDC section(s) which are alleged to have been violated.

The information provided shall be used by the Board of Adjustment in determining probable cause to believe the Administrative Official’s decision in the matter described. The Board of Adjustment shall make an initial determination regarding probable cause. If a finding of "no probable cause" is determined, the hearing shall thereafter be adjourned, and the aggrieved party shall have a further right to file a Petition for Writ of Certiarori with the Circuit Court, in and for Palm Beach County, Florida.

If "probable cause" is found by the Board of Adjustment, the appellant shall immediately bring his/her case forward. While deemed an "appeal", the hearing before the Board of Adjustment shall be a quasi-judicial, evidentiary hearing, with the right to present and confront all evidence and witnesses. The Board shall observe fundamental due process requirements, including notice and the right to be heard. However, the Florida Rules of Evidence and Rules of Civil or Appellate Procedure shall not be so strictly enforced as to prohibit relevant hearsay or other relevant information coming before the Board. The appellant and the Administrative Official shall each have one half (1/2) hour within which to present their respective cases, unless otherwise determined by the Board. The Board shall thereafter be free to question either party and shall decide the matter after making "findings of fact" and "determination of law". Any decision of the Board of Adjustment shall be appealed, if at all, within thirty (30) days of being rendered, in writing, as provided by law and Rules of Appellate Procedure.



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APPLICANT'S CERTIFICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

The undersigned Applicant(s) swears or affirms, under penalty of perjury, that he/she (they) understand and will comply with the provisions of the Town of Ocean Ridge Land Development Code. The undersigned further certifies the foregoing statements made herein, together with all exhibits attached hereto, or later presented at a hearing in this cause, are true to the best of his/her (their) knowledge and belief.

Applicant Signature

Witness Signature

Printed Name of Applicant:

Printed Name of Witness:

APPLICANT IS:

Name(s) of Owner(s) if Other Than Applicant

- Owner
- Other _____
(Explain)

Phone: _____

SWORN TO AND SUBSCRIBED BEFORE ME THIS ____ DAY OF _____, 20__.

Notary Public, State of Florida

Notary Stamp:

FOR OFFICIAL TOWN USE ONLY

Date of Official Acceptance: _____

Official File Number: _____

Filing Fee Paid: \$ _____

Public Hearing Date: _____

Town Clerk Signature: _____