

## TOWN OF MICANOPY

TO: Town of Micanopy Commission  
FROM: Town Attorney, A. Derek Folds  
DATE: January 22, 2026  
RE: Quasi-Judicial Hearing Procedure

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### **Town Attorney will read the following at the start of the Hearing:**

#### **1. Definition of Quasi-Judicial Hearing**

A public hearing at which the Commission applies existing policies and regulations to a specific property. The parties must be given notice and an opportunity to be heard at the public hearing after which the Commission will make findings of fact and conclusions of law on the issue.

#### **2. Decision**

The Commission is tasked with deciding whether the MACS Final Site Plan approved by the PHPB on December 16, 2025 complies with the Comprehensive Plan and Land Development Code.

#### **3. Parties**

Applicant: The owner of the property (or the owner's agent or other person with written consent of the owner) who has applied for a decision on the applicability of existing policies and regulations to the owner's property.

Staff: Town Manager and Town Clerk

Affected Party: The current Land and Development Code (LDC) does not currently define "affected party". However, "aggrieved person" is defined in the LDC for purposes of standing to file an appeal. An "aggrieved person" is someone who owns property within 400 feet of the property subject to the quasi-judicial hearing. As a result of the lack of definition in the current LDC, the Town currently accepts the registration of any person who so desires to register as an affected party.

#### **4. Rights of Parties**

All parties may introduce evidence, call and examine witnesses, cross-examine witnesses, and rebut evidence introduced by other parties.

#### **5. Non-Parties**

Participants: Members of the general public (other than those people named above as parties) who offer testimony at the hearing.

Attorneys: The Town Attorney and attorneys for any parties are not parties and their statements are not evidence unless they are sworn in and make statements based upon actual personal knowledge.

## **6. Review Standard**

*De novo*, which means “anew” or “from the beginning”. Accordingly, the Town Commission will hear the Final Site Plan as if it had never been heard by the PHPB and may only consider evidence presented at the January 26, 2026 hearing.

## **7. Evidentiary Standard**

The decision of the Commission must be based upon competent, substantial evidence. This means the evidence (testimony, documents, etc.) must be based upon personal observations that establish a substantial basis as to whether the Applicant’s specific property proposal complies with existing policies and regulations. Expert witnesses may provide both fact and opinion testimony on matters that require specialized knowledge.

## **8. Preliminary Matters**

Town Attorney will read into the record the Applicant’s name, file number, and the subject matter to be decided.

Town Attorney will explain the rules concerning evidence as follows per LDC 10.10.10:

*Testimony or other evidence that is irrelevant or immaterial to the issue to be decided by the Commission is inadmissible. The Mayor shall make rulings on objections to the relevance and materiality of the examination. A commission member, party, or staff member may raise an objection to the possibly irrelevant and immaterial testimony or evidence. During the presentation by the opponents or proponents of an issue before the Commission, no one may present testimony or evidence which is unduly cumulative or repetitious of previously presented testimony or evidence by a fellow opponent or proponent.*

Mayor may set reasonable time limits on the presentation of testimony and other evidence, provided that all parties to the proceedings are given adequate time to fully present their cases.

## Order of Proceedings

**Town Attorney will announce each step and make a recommendation to the Commission:**

1	The Commission shall determine whether it has jurisdiction over the matter.
2	Members of the Board or Commission shall, if necessary, state whether they have a conflict of interest or must otherwise disqualify themselves from hearing the case. *see attached for what constitutes a conflict of interest or reason for disqualification
3	Members of the Board or Commission shall disclose and place on the record any ex parte contacts relating to the matter before the Board or Commission. *see attached for what constitutes ex parte communication
<b>TOWN ATTORNEY TO COLLECTIVELY SWEAR IN ALL PARTIES AND PUBLIC PARTICIPANTS WHO INTENT TO TESTIFY AS WITNESSES.</b>	
4	Introduction of the Petition by the Town
5	Presentation of Applicant's Case
6	Presentation of Staff's Case
7	Presentation of Affected Party's Case
8	Rebuttal by Applicant
9	Rebuttal by Staff
10	Rebuttal by Affected Parties
11	Public Input
12	Deliberation and Vote of Board or Commission
13	Preparation of Final Order
14	Approval of Final Order

### 10.10.04. Ex Parte Communications.

The following ex parte disclosure requirements apply to all quasi-judicial hearings:

A. A Town employee, elected official, or other person who is or may become a party to a quasi-judicial proceeding shall avoid engaging in ex parte communications with a member of the reviewing board.

B. If a person engages in an ex parte communication with a member of the reviewing board, the member shall place on the record of the pending case all ex parte written communications received, all written responses to such communications, a memorandum or verbal statement setting forth the substance of all oral communications received, and all oral responses made.

C. The foregoing is not meant to inhibit discussions between members of the reviewing board and town staff that pertain solely to scheduling of hearings and other administrative matters unrelated to the merits of the case.

## **Conflicts of Interest**

### 10.10.05. Challenges to Impartiality.

A party to an administrative or appellate hearing may challenge the impartiality of any member of the board or commission. The challenge shall state by affidavit facts relating to a bias, prejudgment, personal interest, or other facts from which the challenger has concluded that the decisionmaker cannot participate in an impartial manner. Except for good cause shown, the challenge shall be delivered by personal service to the Town no less than 48 hours preceding the time set for the hearing. The Town shall forward the challenge to the Town Attorney and attempt to notify the person whose qualifications are challenged prior to the hearing. The challenge shall be incorporated into the record of the hearing.

### 10.10.06. Disqualification. No member of a hearing body shall hear or rule upon a proposal if:

A. Any of the following have a direct or substantial financial interest in the proposal: the decision-maker's or the decision-maker's spouse, brother, sister, child, parent, father-in-law, mother-in-law; any business in which the decision-maker is then serving or has served within the previous two years; or any business with which the decision-maker is negotiating for or has an arrangement or understanding concerning prospective partnership or employment; or

B. The decision-maker has a direct private interest in the proposal; or

C. For any other valid reason, the decision-maker has determined that he cannot impartially participate in the hearing and decision.

### 10.10.07 Effect of Disqualification.

A. An abstaining or disqualified member of a hearing body shall not be counted for purposes of forming a quorum.

B. A member who takes a position on the issue based upon personal interest may do so only by abstaining from voting on the proposal, vacating the seat on the hearing body, physically joining the audience, and making full disclosure of his status and position at the time of addressing the hearing body.

C. If the hearing body is reduced to less than a quorum by abstentions or disqualifications, all members present after stating their reasons for abstention or disqualification shall be re-qualified and proceed to resolve the issues.

D. A member absent during the presentation of evidence in a hearing may not participate in the deliberations or final decision regarding the matter of the hearing unless the member has reviewed the evidence received.

## **Site Plan Submittal Requirements**

If an item below is not applicable, there must be a written explanation of why the item is inapplicable.

### **LDC 10.02.09(D)**

1. A legal description of the property under review for site plan approval.
2. Site conditions information, including:
  - a. A topographic map of the site of a scale a scale of 1 inch equaling no more than 100, showing at least five-foot contours in residential zones and two-foot contours in the 100 year flood prone areas.
  - b. Generalized soil types in the project area and in the surrounding area, if significantly different from the project area.
  - c. A scaled plan indicating the type and location of existing vegetation, including a written statement indicating the approximate size and location of major tree groupings as described in Article VI. Aerial and on-site photographs may be used to show vegetation.
  - d. A preliminary sedimentation control plan shall be submitted indicating the manner by which on-site generated sediment will be retained. The plan shall assure that sediment volume from the development leaving the property shall not be increased above the level existent prior to the beginning of construction activity.
3. A site condition map including:
  - a. A general location map showing the relationship of the site to such external facilities as streets, residential areas, commercial facilities and recreation/open space areas.
  - b. The location of all existing public streets, rights-of way, easements and other reservations of the land in the area of the property in question, means of ingress and egress to all such properties, off-street parking, loading and service areas, if any, for or on such properties and any screening or buffers on such properties and the nature and type thereof.
  - c. The location, size and capacity of all existing utilities, including existing fire hydrant locations.
  - d. The location of all water holding or carrying facilities, natural or man-made, including creeks, ponds, sinkholes, ditches, culverts, storm sewers, and the direction of surface flow.
4. A dimensional site development plan of professional quality drawn at a suitable scale, but not smaller than one inch equals 60 feet. A smaller scale for very large land area (over 40 acres in size) may be accepted upon approval of the Planning and Historic Preservation Board showing:

a. The name of the person or firm who prepared the plans, the name of the developer, the name of the proposed project or development, a north arrow and date.

b. The location of all proposed streets, driveways or other facilities designed to accommodate vehicular movement in the development and points of ingress and egress, parking areas including the exact number of spaces and loading and service areas (location of dumpsters and any utility buildings) and a traffic impact analysis of projected trip generation, including methods of circulation for the development.

c. The location and dimensions of all proposed buildings and structures to be included in the development:

i. For all development, indicating the gross area of all buildings.

ii. For residential development, indicating the exact number of dwelling units classified by numbers of bedrooms (number of one bedroom units, number of two-bedroom units, etc.).

d. Dimensions of all yard setbacks and open spaces.

e. Location of all open space and recreation areas, planned with attention to their adequacy in terms of size and placement, their effect on privacy of adjacent living areas and their relationship to community-wide open spaces and recreation facilities.

f. The manner of drainage of the property, showing the manner of drainage of all impervious surfaces (including roofs of buildings) and all green areas, including all control devices such as storm sewers and retention or detention facilities.

g. The percentage of the site that will be covered by buildings and structures and the percentage that will be covered by streets, drives, parking and loading areas.

h. A grading plan including all finished elevations and contours.

i. The exact location of all public use easements.

j. The exact location of all utility services, including connection points to the main systems and fire hydrant locations.

k. A landscape plan with written comments from the Town Tree Preservation Committee.

l. A drainage plan including depth dimensions, capacities, cross-section dimensions and statement of ratio or percentage of side slope angle of retention or detention facilities. Slope angle to depth of facility must meet St. Johns River Water Management District specifications.

m. The size, location and type of all signage.

n. The size, location, orientation, photometrics and intensity of all exterior lighting fixtures and devices.

o. Architectural elevations of all buildings and structures.

p. A development timetable, if project is to be constructed in phases.

q. A sedimentation plan indicating the manner by which anticipated sediment and debris, generated within the confines of the development, will be retained on site (examples: hay bales, sediment traps, berms, etc., as appropriate to the situation).

r. Information about the type and location of existing vegetation, including a written statement indicating the approximate size and location of major tree groupings and all individual trees with a trunk diameter of 12 inches or more at a point 4 ½ feet above ground level. Aerial and on-site photographs may be used to show vegetation.

#### 10.02.09(E)

1. Restrictions pertaining to the type and use of existing or proposed improvements, waterways, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature, shall require the establishment of restrictive covenants and such covenants shall be submitted with the Final Site Plan for recordation.

2. Where the development includes private streets, ownership and maintenance association documents shall be submitted with the Final Site Plan and the dedication contained on the site plan shall clearly indicate the roads and maintenance responsibility to the association without recourse to the Town or any other public agency.

3. No man-made lake, pond, and other man-made body of water, excluding retention/detention areas shown on the Final Site Plan, shall not be shown as dedicated to the public unless approved by the Town.

**Site Plan Review Standards:** All site plans must meet the following criteria:

A. Enhance and protect the public health, safety and welfare of the Town of Micanopy.

B. Result in the least possible detrimental impact to the site and surrounding areas and not reduce the safety, light or general convenience of neighboring developments.

C. Assure safe and convenient ingress to and egress from the property and internal circulation, including access of service and emergency vehicles and design of off-street parking and loading areas.

D. Provide safe location and orderly arrangements and spacing of all buildings and structures.

E. Minimize environmental damages caused by needless destruction of natural vegetation and natural features on the site.

F. Provide for needed utilities, including fire hydrants, assure that the cost to the public in supplying connection points is reasonably minimized, and assure that safe and reasonable traffic circulation patterns are provided for garbage trucks and public safety vehicles of all types.

G. Provide means of minimizing unreasonable intrusions of noise, light, odor, dust and other such annoyances into the privacy, quiet and habitability of surrounding areas.

H. Assure that external and internal signs comply with the Town's sign regulations and that reasonable measures are taken in their placement and size to eliminate traffic hazards caused by sight obstructions in entering, leaving or passing by the area.

I. Assure that external and internal outdoor lighting types and placement do not constitute a hazard to traffic and do not unreasonably intrude into the privacy and habitability of surrounding areas.

J. Make reasonable provision for recreation facilities and open space to meet the needs of the proposed development, taking advantage of the availability of community open space and recreation facilities.

K. Indicate that reasonable consideration has been given to the proximity of public facilities such as fire and sheriff's stations, schools and health care facilities and to the desirability of designating sites for such facilities within the site.

L. The comments of the owners of adjacent properties and other neighbors of the proposed development plan have been taken into account and where reasonable comments have been made, the Planning and Historic Preservation Board, at a public hearing, may incorporate any reasonable comments into the design of the development plan to decrease any adverse impact the development plan may have on adjoining properties and the neighborhood in which it is located.

M. The development plan conforms in all regards with the management plan approved by the St. Johns River Water Management District for such basin.

N. The development plan conforms in all regards to the requirements of the Town of Micanopy Land Development Code and Comprehensive Plan.