

**ORDINANCE NO. 2025-04**

**AN ORDINANCE OF THE TOWN OF MICANOPY, FLORIDA RELATING TO THE TEXT OF THE TOWN OF MICANOPY LAND DEVELOPMENT CODE; PROVIDING FOR AMENDING ARTICLE 10, SECTION 10.10.03 OF THE LAND DEVELOPMENT CODE TO DEFINE “AFFECTED PARTY” AND PROVIDING A PROCEDURE FOR REGISTRATION OF AN “AFFECTED PARTY” WITH THE TOWN CLERK FOR PARTICIPATION IN QUASI-JUDICIAL HEARINGS; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Historic Preservation Board of the Town of Micanopy has recommended that the amendments to the Land Development Code, as described below, be approved by the Town Commission;

**WHEREAS**, the Planning and Historic Preservation Board of the Town of Micanopy has determined that the amendments to the Land Development Code, as described below, are consistent with the Town of Micanopy Comprehensive Plan (Adopted October 8, 2019 by Ordinance 2019-03);

**WHEREAS**, the Town Commission has determined and found that approval of said application for amendments, as described below, will further the purposes of the Land Development Code and other ordinances, regulations, and actions to implement the Comprehensive Plan.

**WHEREAS**, Article 10, Section 10.10.03 of the Town of Micanopy Land Development Code entitled “Order of Proceedings” provides procedures for quasi-judicial hearings before the Planning and Historic Preservation Board of the Town of Micanopy and the Town Commission;

**WHEREAS**, the Town desires to define “Affected Party” and the procedure for registration as an “Affected Party” with the Town Clerk for participation in quasi-judicial hearings; and

**WHEREAS**, the Town finds that the lack of a definition for “Affected Party” and lack of procedure for registering as an “Affected Party” with the Town Clerk for participation in quasi-judicial hearings has created uncertainty for the citizens of the Town of Micanopy and the Town of Micanopy itself in determining citizens that qualify as an “Affected Party” such that said citizen is acknowledged as an “Affected Party” during the order of proceedings as quasi-judicial hearings; and

**WHEREAS**, the Town finds that it is proper and, in the interest, and welfare of the Town and its citizens to define “Affected Party” and set forth a procedure for registering as an “Affected Party”;

**WHEREAS**, the Town wishes to define “Affected Party” as a citizen of the Town of Micanopy who resides or owns land within 400 feet of the boundary of the property subject to the decision of the Planning and Historic Preservation Board and/or Town Commission;

**WHEREAS**, the Town wishes to require an “Affected Party” who desires to testify and present evidence at a quasi-judicial hearing to register as an “Affected Party” at least seven (7) days prior to the quasi-judicial hearing and submit certain information to the Town Clerk;

**WHEREAS**, Section 166.021, Florida Statutes, as amended, empowers the Town Commission of the Town of Micanopy, Florida to prepare, adopt, and enforce the Land Development Code;

**WHEREAS**, the Town Commission did hold the required public hearings, under the provisions of the amendment procedures established in Chapter 177, Florida Statutes; and

**WHEREAS**, the public will suffer no loss or inconvenience and in the interest of justice and the application shall be granted;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF MICANOPY, FLORIDA, AS FOLLOWS:**

**Section 1.** Article 10, Section 10.10.03 of the Land Development Code of the Town of Micanopy entitled “Order of Proceedings” is hereby amended as described below. Any section, or portion of section, not found explicitly in this ordinance should be assumed to have not been amended. The following text shall be added to or deleted from the Town of Micanopy Land Development Code (additions: additions underlined; deletions: deletions struck):

10.10.03 Order of Proceedings. The order of proceedings at any quasi-judicial hearing shall generally be as shown in the following table. These procedures may, however, be varied by the Town Attorney or decision-making board to address the particular circumstances of the case.

ORDER	ITEM
1	The Board or 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.
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.
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

A. "Affected Party" is defined as a citizen of the Town of Micanopy who resides or owns land within 400 feet of the boundary of the property subject to the decision of the Planning and Historic Preservation Board and/or Town Commission.

B. Affected Parties who desire to testify and present evidence at a quasi-judicial hearing must register as an "Affected Party" at least three (3) business days prior to the quasi-judicial hearing by submitting the following information to the Town Clerk:

1. Affected Party's name, address, and telephone number;
2. An indication of how the Affected Party qualifies as an Affected Party; \_\_\_\_\_
3. An indication of whether the Affected Party is for or against the application;
4. The name, address, and telephone number of all witnesses expected to testify on behalf of the Affected Party at the hearing; and
5. Copies of all documents, correspondence, memoranda, or other evidence the Affected Party intends to present at the quasi-judicial hearing.

C. Five (5) or more persons deemed by the Planning and Historic Preservation Board to be associated together or otherwise represent a common point of view, as an Affected Party on an item, may be requested to select a single spokesperson.

D. Affected Party status entitles a person to personally testify, present evidence, present argument, present fact and expert witnesses, cross-examine witnesses, appeal the decision and speak on reconsideration requests. Testimony and other evidence shall be directed to whether the proposal does or does not meet appropriate criteria and standards as well as modifications necessary for approval.

**Section 3. Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4. Inclusion in the Code, Scrivener's Error.** It is the intention of the Town Commission of the Town of Micanopy, Florida, and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Micanopy, Florida; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section," "article," or other appropriate designation. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the Town Administrator, or designee, without public hearing, by filing a corrected or recodified copy of the same with the Town.

**Section 5. Severability.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 6.** This ordinance shall take effect upon its passage at second and final reading.

**PASSED ON FIRST READING, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.**

**PASSED AND DULY ADOPTED,** with a quorum present and voting by the Town Commission

of the Town of Micanopy, Florida, after properly dispensing with the second reading, on final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**Attest:**

**Town Of Micanopy**

\_\_\_\_\_  
Patty Polk  
Town Clerk

\_\_\_\_\_  
Jiana Williams  
Mayor, Town of Micanopy

**Approved as to legal form and content:**

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A. Derek Folds, Town Attorney