

ORDINANCE NO. 2026-01

AN ORDINANCE OF THE TOWN OF MICANOPY, FLORIDA, PROVIDING FOR AN ADMINISTRATIVE PROCEDURE FOR THE REVIEW AND APPROVAL OF CERTIFIED RECOVERY RESIDENCES CONSISTENT WITH FLORIDA SENATE BILL 954 (2025) AND FEDERAL FAIR HOUSING LAWS; AMENDING CHAPTER 25, ARTICLE I OF THE CODE OF ORDINANCES TO CREATE SECTION 25-13; PROVIDING AN ADMINISTRATIVE PROCEDURE FOR REVIEW AND APPROVAL OF CERTIFIED RECOVERY RESIDENCES; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Micanopy, Florida, recognizes that changes to the adopted Code of Ordinances (“Code”) are periodically necessary to ensure that the Town’s regulations are current and consistent with the Town’s planning and regulatory needs, and Florida Statutes;

WHEREAS, the purpose of this ordinance is to establish a clear, fair, and efficient administrative procedure for the Town of Micanopy’s review and approval of certified recovery residences, in accordance with state and federal law;

WHEREAS, this ordinance and its processes for reviewing applications and requesting reasonable accommodations are intended to be consistent with the Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 3601 et seq.) and Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131 et seq.).

WHEREAS, in 2025, the Florida Legislature adopted SB 954, codified in Chapter 2025-182, Laws of Florida, which requires local governments in the State of Florida to formalize and streamline the review and approval process for applicants seeking reasonable accommodation from local land use regulations to establish a “certified recovery residence”;

WHEREAS, the Town desires to amend Chapter 25, Article I to create Section 25-13 to ensure consistency with the “certified recovery residences” requirements in Chapter 2025-182, Laws of Florida and Section 397.487(15)(a), Florida Statutes;

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 Town finds that it is proper and, in the interest, and welfare of the Town and its citizens to comply with Senate Bill 954 concerning certified recovery residences;

WHEREAS, the Town Commission finds that this Ordinance is in the best interest and welfare of the residents of the Town;

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

Section 1. The above recitals are true and accurate and are hereby incorporated herein and made a part of this ordinance.

Section 2. The Application Form referred to in the below sections are attached as Exhibit “A” to be filed with the Town Administrator.

Chapter 25, Article I of the Town of Micanopy Code of Ordinances shall be amended to add a new Section 25-13, which shall read in full as follows (additions: additions underlined; deletions: deletions struck).

ARTICLE I. CERTIFIED RECOVERY RESIDENCES

Sec. 25-13. Certified Recovery Residences

This section establishes procedures to formalize and streamline the review and approval process for applicants requesting reasonable accommodation from the Town’s land use, zoning, and development regulations in the Town Code, Land Development Code, and related policies, practices, and procedures to open a certified recovery residence. The Town shall process requests for the establishment of certified recovery residences in accordance with the provisions of this section and make the appropriate determination(s) consistent with applicable federal and state laws including, but not limited to, the Fair Housing Amendments Act (42 U.S.C. ss. 3601 et seq.), and Title II of the American with Disabilities Act (42 U.S.C. ss. 12131 et seq.), and Section 397.487(15)(a), Florida Statutes (collectively, “Applicable Laws”).

A. Definitions. As used in this Section, the following words and phrases shall have the following meanings:

1. “Certified Recovery Residence”: A residential dwelling unit offered as a peer-supported, alcohol-free, and drug-free living environment, which has been voluntarily certified by a credentialing entity.
2. “Certified Recovery Residence Administrator”: A recovery residence administrator who holds a valid certificate of compliance.
3. “License service provider”: A public agency, a private for-profit or not-for profit agency, a physician or any other private practitioner licensed under Chapter 397 of the Florida Statutes, or a hospital that offers substance abuse services through one (1) or more licensed service components.
4. “Local land use regulation”: Any local law, ordinance, or regulation that governs the use of land, including but not limited to zoning, parking, and building codes.
5. “Reasonable accommodation”: A modification or exception to a local land use regulation that may be necessary to provide individuals with disabilities an equal opportunity to use and enjoy a dwelling, consistent with the requirements of federal fair housing and disability law.
6. “Recovery Residence”: A residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free living environment.

B. Application Process

1. Written application: An applicant requesting a reasonable accommodation for a certified recovery residence must submit a written application. The Application Form is available at the Town Administrator's Office. The Town Administrator is authorized to amend the Application Form at any time without notice to the Town or its citizens so long as such amendment does not place additional obligations on applicants not contemplated by this Ordinance.
2. Application information: The application must include, at a minimum, the following:
 - a. Name and contact information of the Applicant or authorized representative.
 - b. Property address and parcel identification number;
 - c. Consent of the current owner of the subject property, if the applicant is not the owner of the subject property;
 - d. A letter of intent identifying the existing zoning district of the property, including any previously approved conditions or modifications;
 - e. Description of the requested accommodation;
 - f. Description of the general location of off-street parking; and
 - d. Specific regulation from which relief is sought.
3. Submission and completeness review: Applications will be date-stamped by the Town Administrator or Town Clerk upon receipt. Within thirty (30) days, the Town must notify the applicant of any required additional information, to which the applicant has thirty (30) days to respond. This provision does not preclude the identification and correction of information submitted by the applicant after an application is accepted.
4. Fees: No fees or costs may be imposed for applications submitted under this section or an appeal of a decision on such application to the Town Commission.

C. Review and Determination

1. 60-day review period: A final written decision must be issued by the Town Administrator within sixty (60) days of receiving a completed application.
2. Request for Additional Information: If necessary, within the first thirty (30) calendar days after receipt of the application, the Town Administrator may request additional information from the applicant, specifying in sufficient detail what information is required. The applicant shall have at least thirty (30) calendar days after the date the information is requested to respond. The Town's sixty (60)-day decision deadline, set forth in 25-13.C.1 shall be tolled as of the date of requested additional information and shall resume upon receipt of same from the applicant.
3. Failure to Provide Additional Information: If the applicant fails to respond to the request for additional information within thirty (30) calendar days after the date the

information is requested, the Town Administrator shall deny the request for relief upon the basis that it has been deemed abandoned and/or withdrawn. No further action by the Town concerning said relief shall be required.

4. Required determinations: The Town Administrator shall either approve, approve with conditions, or deny the request in writing. If the request is denied, the Town Administrator shall provide the specific, evidence-based reasons for denial and identify any deficiencies or actions necessary for reconsideration.
5. Deemed approval: Failure to issue a decision within sixty (60) days results in deemed approval, unless a written extension is mutually agreed upon.
6. Criteria: The Town Administrator shall apply the following criteria in considering a reasonable accommodation request for establishing a Certified Recovery Residence:
 - a. Whether the applicant has established that he/she, or the individual on whose behalf the application was submitted, is protected under applicable laws.
 - b. Whether the applicant has established that the requested accommodation is reasonable and necessary to afford the disabled individual an equal opportunity to use and enjoy the property.
 - c. Whether the requested accommodation would impose an undue financial or administrative burden on the Town.
 - d. Whether the requested accommodation would require a fundamental alteration in the nature of the land use and zoning regulations of the Town.
 - e. If applicable, whether alternative reasonable accommodations could provide an equivalent level of benefit.
 - f. Any other relevant criteria under applicable laws.
 - g. That applicant adheres to all applicable state and federal laws relating to certified recovery residences and can demonstrate the same, inclusive of all required licensures or credentials for operation of a certified recovery residence.
 - h. That the licensed service provider must have a paid certified employee on call during the time when individuals are at a community housing location, if applicable.
 - i. That the certified recovery residence is actively managed by a certified recovery residence administrator approved for one hundred (100) residents pursuant to Florida Statutes and is wholly owned or controlled by a licensed service provider electing to manage up to one hundred (150) residents;
 - j. That the certified recovery residence actively managed by a certified recovery residence administrator approved for one hundred (100) residents pursuant to Florida Statutes and is wholly owned or controlled by a licensed

service provider electing to manage up to three hundred (300) residents maintains a service provider personnel-to-patient ratio of one (1) to eight (8) and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident ratio of one (1) to six (6).

4. No unnecessary public hearings: Public hearings will not be required beyond legal minimums.
 - a. If the request is legislative in nature, two (2) public hearings are required.
 - b. If the request is quasi-judicial in nature, one (1) public hearing is required.
 - c. If the request is neither legislative nor quasi-judicial in nature, no public hearing is required and the Town may approve, approve with conditions, or deny administratively.
5. Consistency with fair housing: The ordinance must be interpreted and applied in accordance with federal fair housing laws.
6. Appeal: An applicant may appeal a final determination within thirty (30) days of issuance to the Town Commission, which shall review the decision on the record at a properly noticed public hearing and may affirm, modify, or reverse the determination.

D. Enforcement and Revocation

1. The Town may revoke a granted accommodation for a certified recovery residence for cause, including, but not limited to, a violation of the conditions of approval or the lapse, revocation, or failure to maintain licensure required under this section, if not reinstated within one hundred eighty (180) calendar days.

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 _____, 2026.

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 _____, 2026.

Attest:

Town of Micanopy

Patty Polk
Town Clerk

Jiana Williams
Mayor, Town of Micanopy

Approved as to legal form and content:

Derek Folds
Town Attorney

**CERTIFIED RECOVERY RESIDENCE
REASONABLE ACCOMMODATION REQUEST
APPLICATION FORM
TOWN OF MICANOPY, FLORIDA**

A. Derek Folds, Town Attorney

(Ordinance 2026-01)

1. Applicant's Name: _____

2. Mailing Address: _____

3. Telephone Number: _____

4. Email Address: _____

5. Property Address: _____

6. Property Parcel Number: _____

7. Consent of Current Owner of Subject Property: Applicant is Current Owner

Consent attached hereto

8. Existing Zoning District: _____

9. Previously Approved Conditions/Modifications: _____

10. Location of Off-Street Parking: _____

11. Requested Accommodation: _____

12. Regulation from which relief is sought: _____

Date: _____

Applicant Signature: _____

Instructions:

- 1. Complete Application.**
- 2. File Application with the Town Administrator.**

To be completed by Town
Administrator/Clerk:

Date Received: _____

Date of Decision: _____

Approved

Approved with Conditions

Denied



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2009 NW 67th Place, Gainesville, FL 32653-1603 • 352.955.2200

January 9, 2026

Ms. Sara S. Owen
Town Administrator/Clerk
Town of Micanopy
P.O. Box 137
Micanopy, FL 32667-0137

TRANSMITTED VIA ELECTRONIC MAIL

RE: COO 26-01 (Town Commission)

Ordinance 2026-01
Amending the
Code of Ordinances

Dear Sara:

Please find enclosed the above referenced ordinance. **This ordinance serves as both the first read and adoption ordinance.**

If any changes are made to the document, please send a copy of the changes to be made in strike-through underline format to me.

The Town Attorney should review the ordinance as to legal form and sufficiency.

Subsequent to adoption of the ordinance, please send a copy of the signed ordinance to me.

If you have any questions concerning the matter, please do not hesitate to contact Sandra Joseph, Senior Planner, at 352.955.2200, ext. 111.

Sincerely,

Scott R. Koons, AICP
Executive Director
Enclosure

SRK/cf

xc: Kiersten Ballou, Esq., Attorney
Patty Polk, Deputy Town Clerk
Derek Folds, Esq., Town Attorney

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