



CITY OF TITUSVILLE

TITUSVILLE ENVIRONMENTAL COMMISSION

AGENDA

Regular Meeting

March 11, 2026 - 5:30 PM

Council Chamber at City Hall

555 South Washington Avenue, Titusville, FL 32796

All persons who anticipate speaking on any Public Hearing item must fill out an Oath Card to be heard on that agenda item and sign the oath contained thereon. These cards are located on the table near the entrance to the Council Chamber or may be obtained from the Recording Secretary. This meeting will be conducted in accordance to the procedures adopted in Resolution No. 24-1997.

Those speaking in favor of a request will be heard first, those opposed will be heard second, and those who wish to make a public comment on the item will speak third. The applicant may make a brief rebuttal if necessary. A representative from either side, for or against, may cross-examine a witness.

Anyone who speaks is considered a witness. If you have photographs, sketches, or documents that you desire for the Commission to consider, they must be submitted into evidence and will be retained by the City. Please submit such exhibits to the Recording Secretary.

1. CALL TO ORDER

2. ROLL CALL

3. DETERMINATION OF A QUORUM

4. PLEDGE OF ALLEGIANCE

5. APPROVAL OF MINUTES

A. Minutes February 26, 2026

Approve Minutes

6. PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT (NON-AGENDA ITEMS)

7. OLD BUSINESS

A. Wetlands

8. NEW BUSINESS

9. PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

10. REPORTS

11. FUTURE AGENDA ITEMS

12. ADJOURNMENT

Any person who decides to appeal any decision of the Titusville Environmental Commission with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26 Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the chairperson that the physically handicapped person desires to attend the meeting.

City of Titusville
"Gateway to Nature and Space"

REPORT

To: Members of the Titusville Environmental Commission
From: Bradley Parrish, Community Development Director
Subject: **Minutes February 26, 2026**
Department/Office: Planning

Recommended Action:

Approve Minutes

Summary Explanation & Background:

Minutes February 26, 2026

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. 2.26.26 TEC Minutes Draft LG

The Titusville Environmental Commission (TEC) of the City of Titusville, Florida met in special session at City Hall in the Council Chamber located at 555 South Washington Avenue on Thursday, February 26, 2026, at 5:30 pm.

XXX

Chairman Myjak called the meeting to order at 5:30pm. Present were, Vice Chairwoman Laurilee Thompson, Member Beth Ann Tucker, Member John Nico, Member Hector Delgado, Member Jason Miller, Member Jonathan Burdette, and Alternate Member William Young. Alternate Member Kevin Rosa was absent. Staff present were Sustainability Program Coordinator Lily Galleo and Assistant City Attorney David Melito.

XXX

Member Miller made a motion to approve the February 11, 2026 meeting minutes with a correction. Member Tucker seconded. There was a unanimous voice vote in favor.

Member Nico TEC Suggested edits wrong date 11.12.26

XXX

Petitions and Requests from Public Present

Stan Johnston spoke on the City's drainage issues, the stormwater master plan, SNJ Oaks issues, and other problems.

Vice Chairwoman Thompson asked where the blocked ditches are located and Chairman Myjak asked for the 1966 Stormwater Master Plan and the documentation reported missing from the sustainability report.

Mr. Johnston responded about ditches blocked from Fox Lake Road under I-95.

XXX

Old Business

Wetland Conservation

Mary Sphar of Cocoa, Florida came to speak on Wetland Policy 1.16.3 draft options.

Member Tucker asked what a cumulative basis was referencing in Choice 2.

Ms. Sphar responded that the verbiage was taken from the County but tied to the owner(s) of the property.

There was further discussion on clarification.

Member Miller voiced support for removing Mixed Use from Choice 2 and drafted a justification rationale and researched similar policies. Member Miller pointed out that the 4,000 sq/ft is referencing impervious surfaces and a strategic developer could be encouraged to use more pervious strategies.

Member Young had questions about raised houses and if they would be considered impervious.

Discussion was had.

Chairman Myjak asked to include this on the list of future discussion topics.

Ms. Sphar spoke of the added strategy along with compensatory storage requirements.

Chairman Myjak asked to increase Strategy 1.16.3.1 reference of the 100-year floodplain to the 500-year floodplain.

Vice Chairwoman Thompson mentioned the 500-year maps were not floodplains but inundation maps and voiced concern about building in the upland borders.

Member Delgado mentioned that if the uplands are changed then that changes the flow of water and asked why to contemplate changing and asked why would you allow for changes in the uplands where Vice Chairwoman Thompson stated this was because the uplands aren't protected.

Assistant City Attorney Melito mentioned that broadening the language could cover a variety of other uses depending on how the TEC wanted to go about editing Policy 1.16.3

XXX

Vice Chairwoman Thompson made a motion to recommend Option 2 changes to Policy 1.16.3 along with a new strategy labeled 1.16.3.1 to read

Policy 1.16.3:

Allowable uses within the Conservation Land Use area shall be limited to residential uses of one unit per five acres, Conservation, Recreation, Open Space, and stormwater management systems consistent with the policies of the Conservation Element and the land development regulations. The preceding limitation of one (1) dwelling unit per five (5) acres within the Conservation land use category may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total Conservation land use on a cumulative basis for residential developments. Commercial and Industrial uses are not permissible in the Conservation Land Use category.

Strategy 1.16.3.1:

Impacts to wetlands in the Conservation Land Use category area shall not cause secondary impacts to adjacent properties. Allowable uses for Conservation Land Use located in the 100-year floodplain shall comply with the requirement for compensatory storage for fill stated in Conservation Element Objective 1.12 Stormwater Management.

Member Tucker seconded.

Roll call was as follows:

Member Miller	Yes
Member Burdette	Yes
Member Delgado	Yes
Member Nico	Yes
Member Tucker	Yes
Vice Chairwoman Thompson	Yes
Chairman Myjak	Yes

Motion passed.

XXX

Ms. Sphar moved to Policy 1.16.4 on deferring to the district on wetland impact review and handed out a revised edit to replace the last sentence Policy 1.16.4

Member Nico made the motion to substitute the last sentence of Policy 1.16.4 that currently reads “The allowable impacts shall be based upon site specific evaluation determined through the permitting process conducted by all the regulatory agencies with jurisdiction.” To state

No wetlands shall be impacted by development activities without appropriate land use review and approval by the City. The City shall apply the land use planning policies of **this Objective** in a manner consistent with Objective 1.6 of the Conservation Element which pertains to wetlands. Permit approval by a regulatory agency shall not substitute for independent land use review and approval by the City, and the City’s land use review and approval shall not be influenced by any action taken in response to a regulatory agency’s permitting decision.

Vice Chairwoman Thompson seconded.

Roll call was as follows:

Member Miller	Yes
Member Burdette	Yes
Member Delgado	Yes
Member Nico	Yes
Member Tucker	Yes
Vice Chairwoman Thompson	Yes
Chairman Myjak	Yes

Motion passed.

XXX

Ms. Sphar referred to page 15 and 16 in the agenda packet in reference to Policy language 1.16.4

Assistant City Attorney Melito reviewed legal language questions as well as inornate burden.

Ms. Sphar introduced the topic and deferred the topic to the next meeting.

XXX

New Business

None

XXX

Petitions and Requests from Public Present

None

XXX

Reports

Vice Chairwoman Thompson asked for the current total attendance at the Community Conference. Sustainability Coordinator Lily Galleo mentioned the total count was 77.

Member Delgado mentioned a Brevard County Commission action and forwarded the summary email request

Vice Chairwoman Thompson announced the March 3rd nanobubble event.

XXX

Future Agenda Items

Wetland Conservation

XXX

Adjournment 7:40 p.m.

City of Titusville
"Gateway to Nature and Space"

REPORT

To: Members of the Titusville Environmental Commission
From:
Subject: **Wetlands**
Department/Office: Planning

Recommended Action:

Summary Explanation & Background:

Ongoing wetlands discussion. Review the TEC Motions tracker sheet and continue reviewing Wetland policy in the Comprehensive Plan.

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. Wetlands Confusion and Clarification -- FLUE 1-07-26
2. Connection 1.16.4 sentence one and 1.16.3 page 1
3. Connection 1.16.4 sentence one and 1.16.3 pages 2 and 3
4. TEC Edits and Motions

Wetlands Confusion and Clarification

FLUE Policies

Point of Confusion	Suggested Clarification Future Land Use Element policies for Conservation land use
<p>Comprehensive Plan Conservation Element Strategy 1.6.3.2 states: “At a minimum, wetlands 5 acres or more in size <u>shall</u> be designated as a conservation land use.” This is <u>very important</u> because there is a density limitation of one residential unit per 5 acres stated in FLUE Policy 1.16.3.</p> <p>FLUE Policy 1.16.2 contains an outdated loophole allowing removal of some wetlands 5 acres or greater from the Conservation land use. Strategy 1.16.2.1 does not require a wetland delineation when wetlands are suspected on land not designated as Conservation.</p>	<p>Revise the language in Policy 1.16.2 and Strategy 1.16.2.1 so that all wetlands 5 acres and greater in size are designated Conservation land use and always remain in Conservation.</p>
<p>When a property contains only a small portion (less than 5 acres) of a large wetland totaling 5 acres or greater, how should the City ensure that this small part of the larger wetland is designated Conservation land use? How can the City ensure that wetland size determination does not stop at property boundaries?</p>	<p>Add language ensuring that the best available and appropriate data shall be used to determine whether a wetland continuing onto adjacent property is 5 acres or greater in size.</p>
<p>How is compliance with the residential limitation of one unit per five acres to be assessed? Should the density limitation be interpreted as a percentage, such as 1.8% of the Conservation land use?</p> <p>Does “residential uses of one unit per five acres” allow for any residential types other than single-family?</p>	<p>Add language to Policy 1.16.3 specifying a method for assessing compliance with the one residential unit per five acres limitation.</p> <p>Also clarify in this policy whether or not “residential uses of one unit per five acres” can include residential types other than single-family.</p>
<p>How can the City discourage applicants from using “reasonable use of the land” as an excuse to try to wiggle out of the Conservation land residential density limitation?</p> <p>How should the City and the permitting agencies work together to regulate wetlands, but avoid duplication of effort?</p>	<p>Replace the confusing and problematic FLUE Policy 1.16.4 wording with a statement saying that the City shall apply the Comprehensive Plan land use and density requirements when wetland destruction or degradation has been permitted by SJRWMD or any applicable permitting agency.</p>

CONNECTION between FLUE Policy 1.16.3 and FLUE Policy 1.16.4

FLUE Policy 1.16.3

Permitted uses within the Conservation land use area shall be limited to residential uses of one unit per five acres,

Beginning of FLUE Policy 1.16.4:

Impacts to areas designated as Conservation land use designation shall be considered if it is unavoidable due to absence of feasible and/or practical alternatives for reasonable use of the land,

A very important addition made to Policy 1.16.3 in 2010 that affects Policy 1.16.4:

Pre-2010 Policy 1.16.3 -- No provision for residential uses in Conservation land use

2010 Change -- Permitted uses within the Conservation land use area shall be limited to residential uses of one (1) unit per five (5) acres . . .

Comment -- With this addition, the City has **added a criterion that specifies reasonable use of Conservation land for single-family homes**. This is similar to the criterion used by Brevard County, which says "Residential land uses within wetlands shall be limited to not more than one (1) dwelling unit per five (5) acres . . .

What the 2010 change does **not** accomplish -- Although there is a reasonable use standard for single-family homes in Conservation land use, there is **NO REASONABLE USE STANDARD** for residential subdivisions, multifamily projects, or residential portions of mixed-use development projects.

Question -- Should the Titusville Planning Staff and City Council be put in the position of having to wrestle with the question of exactly how much wetland impact constitutes a reasonable use of the land for subdivisions, multifamily projects, or residential portions of mixed-use development projects when land use and zoning changes are requested? That is exactly what happened with the Lieberman Multifamily proposed Comp Plan change and rezoning request.

Two Changes in to Policy 1.16.4 in 2010

Change 1 -- A relatively minor change

Pre - 2010 -- **Conditional uses** within the Conservation land use designation **shall be considered if there is no practical alternative to insure reasonable use of the applicant's propertyand**

2010 Change -- **Impacts to areas** designated as Conservation land use designation **shall be considered if it is unavoidable due to absence of feasible and/or practical alternatives for reasonable use of the land**

Change 2 -- A very big change

Pre - 2010 -- Conditional uses within the Conservation land use designation . . . shall be based upon . . . [conditional use criteria].

2010 Change -- Impacts to areas designated as Conservation land use designation shall be considered if . . . **the regulations create an inordinate burden on an existing use of the land or a vested right to a specific use of the land¹, or due to significant site constraint and/or practical design modification constraint².**

¹ Comment 1

The words “if the regulations create an **inordinate burden** on an existing use of the land or a **vested right** to a specific use of the land” mirror the Bert Harris property rights law passed in 1995 which addresses an inordinate burdens and vested rights. The Bert Harris Act says: “When a specific action of a governmental entity has **inordinately burdened** an existing use of real property or a **vested right** to a specific use of real property, the property owner of that real property is entitled to relief.” This law can be used by landowners, and **the first sentence in Policy 1.16.4 is not needed for a Bert Harris challenge**. The logical target of any Bert Harris challenge would be Conservation Element Strategy 1.6.3.2 (nicknamed the Five Acre Rule). However, the Bert Harris law states: “No cause of action exists under this section as to the application of any law enacted on or before May 11, 1995”, and Strategy 1.6.3.2 became part of the Comp Plan before 5/24/1990.

With regard to vested rights, Titusville has vested right procedures which are stated in the Land Development Regulations, Chapter 34, Article VII, Division 3. **The first sentence in FLUE Policy 1.16.4 is not needed to guarantee the opportunity for vested rights determination and relief.**

² Comment 2

The phrase “significant site constraint and/or practical design modification constraint” is similar to regulatory permitting language that has been in Florida permitting agencies’ Applicant’s Handbooks for many years, including 2008 and 2009 when the language in Policy 1.16.4 was being revised. From the current *Environmental Resource Permit Applicant’s Handbook, Volume I*, effective June 28, 2024 :

10.2.1.1 Except as provided in subsection 10.2.1.2, below, if the proposed activity will result in adverse impacts to wetland functions and other surface water functions such that it does not meet the requirements of subsections 10.2.2 through 10.2.3.7, below, then the Agency in determining whether to grant or deny a permit shall consider whether the applicant has implemented **practicable design modifications** to reduce or eliminate such adverse impacts.

The term "modification" shall not be construed as including the alternative of not implementing the activity in some form, nor shall it be construed as requiring a project that is significantly different in type or function. A proposed modification that is not technically capable of being completed, is not economically viable, or that adversely affects public safety through the endangerment of lives or property is not considered "practicable."

Basically what this language is implying is that in some cases, an applicant’s project can be granted a permit even if it is not going to really meet the environmental criteria. This can happen if enough mitigation is offered. As Margaret Spontak stated in her memo *Partnership for Wetlands Protection: The Need for Land Use Planning and Permitting*:

It is a losing proposition to attempt to achieve proper land use planning through a regulatory program. By the time a developer requests a permit application, it is too late for planning. All that can be done at this point is to minimize the negative impacts as best the regulatory agency can. The burden has been passed on to the permitting staff rather than dealt with as a land use policy and a natural resource protection policy in the comprehensive plan and implemented through local government land development regulations.

Titusville’s land use planning policies should not duplicate permitting policies of regulatory agencies. Land use decisions should not involve evaluating whether wetland impacts can be considered due to “**significant site constraint and/or practical design modification constraint.**” Therefore, this phrase is not appropriate in FLUE Policy 1.16.4.

TEC Suggested Edits

FLUE Policy 1.16.2 (Motion made on 11.12.26)

As of 2009, the wetlands shown as Conservation Land Use on the Future Land Use Map were established using the National Wetlands Inventory Map of 1988. These wetlands shown on this map have not been ground truthed. In order to provide more accurate mapping of wetlands, when the City receives a wetland delineation on specific sites, the delineations will be accepted by the City of Titusville and the Future Land Use Map will be amended accordingly. The Conservation Land Use shall be amended to include all wetland areas on the site to be preserved, ~~unless such wetlands are preserved by a conservation easement as part of a Planned Development (PD) or other master-planned development, and any other~~ along with any upland areas to be permitted for preservation for state and/or federal listed wildlife species.

Rationale for proposed changes to FLUE Policy 1.16.2

The wording in strike-through was added in 2017 to accommodate clustered development patterns, including conservation subdivisions, using Planned Development (PD) zoning. At that time, PD zoning was not was not allowed in Conservation land use. This was changed on February 27, 2018 with the passage of Ordinance 6-2018, rendering the language in strike-through no longer needed to accomplish its original purpose. Since 2017, problems with the language have surfaced. First of all, it is inconsistent with Conservation Element Strategy 1.16.3.2 (“Five Acre Rule”). Second, SJRWMD conservation easements are no longer guaranteed to be permanent, and the amendment aims to head off potential problems resulting from that fact.

FLUE Policy 1.16.3 (Motion made on 2.26.26)

~~Permitted- Allowable~~ uses within the Conservation land use area shall be limited to residential uses of one (1) unit per five (5) acres, conservation, recreation, open space, and stormwater management systems consistent with the policies of the Conservation Element and the land development regulations. ~~The preceding limitation of one (1) dwelling unit per five (5) acres within the Conservation land use category may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total Conservation land use on a cumulative basis for residential developments. Commercial and industrial uses are not permissible in the Conservation land use category.~~

Strategy 1.16.3.1:

Impacts to wetlands in the Conservation land use category area shall not cause secondary impacts to adjacent properties. Allowable uses for Conservation land use located in the 100-year floodplain shall comply with the requirement for compensatory storage for fill stated in Conservation Element Objective 1.12 Stormwater Management.

FLUE Policy 1.16.4 (Motion made on 1.27.26 and Edits on 2.26.26)

Impacts to areas designated as Conservation land use designation shall be considered if it is unavoidable due to absence of feasible and/or practical alternatives for reasonable use of the land, or the regulations create an inordinate burden on an existing use of the land or a vested right to a specific use of the land, or due to significant site constraint and/or practical design modification constraint. ~~The allowable impacts shall be based upon site specific evaluation determined through the permitting process conducted by all the regulatory agencies with jurisdiction. No wetlands shall be impacted by development activities without appropriate land use review and approval by the City. The City shall apply the land use planning policies of this Objective in a manner consistent with Objective 1.6 of the Conservation Element which pertains to wetlands. Permit approval by a regulatory agency shall not substitute for independent land use review and approval by the City, and the City’s land use review and approval shall not be influenced by any action taken in response to a regulatory agency’s permitting decision.~~

TEC MOTIONS

10/15/2025	Member Miller made a motion to recommend to City Council to have city staff look at Policy 1.16.2 and specifically into the language regarding conservation easements. Seconded by Member Burdette. There was a unanimous voice vote in favor. Member Miller made a motion recommending that city staff review and find the best place within the Comprehensive Plan Future Land Use Element Wetland Policy 1.16 to include the language that decisions on these smaller parcels are made using the best and available appropriate data, I E and GIS or staff reports. Member Tucker seconded.
11/12/2025	Vice Chairwoman Thompson made a motion to recommend removing the following sentence from FLUE Policy 1.16.2 “unless such wetlands are preserved by a conservation easement as part of a Planned Development (PD) or other master-planned development”. Member Young Seconded.
11/12/2025	Member Browning made a motion to recommend changing the following language in FLUE Policy 1.16.2. Delete the words “and any other” and replacing them with “along with any”. Vice Chairwoman Thompson seconded.

11/12/2025	<p>Member Delgado made a motion to recommend that when a wetland touches the property line the delineation continues to be counted beyond that property line until the entire wetland is fully delineated. Chairman Myjak seconded.</p> <p>Vice Chairwoman Thompson suggested that it should be delineated until it is determined to be five (5) acres in size.</p>
1/14/2026	<p>Vice Chairwoman Thompson made a motion to recommend the changes that have been discussed for FLUE Policy 1.16.2 as amended to staff to get their review and opinion. Member Miller Seconded. There was a unanimous voice vote in favor.</p>
1/14/2026	<p>Vice Chairwoman Thompson made a motion that Ms. Galleo pose a question to the GIS staff asking if the latest version of GIS mapping show that wetlands extend beyond a single property boundary to be five acres or more in size. Member Tucker seconded. There was a unanimous voice vote in favor.</p>
1/27/2026	<p>Member Thompson made a motion for Staff to review and comment on the proposed language added to 1.16.4 “Where the wetland degradation or destruction has been permitted or may be permitted in the future by the applicable regulatory agencies, no wetlands shall be impacted by development activities without appropriate review and approval by the City. The City shall apply the land use planning policies and density requirements for protecting wetlands and their functions as stated in the Future Land Use Element Objective 1.16 and the Conservation Element.</p>
2/11/2026	<p>Vice Chairwoman Thompson made a motion to reaffirm their previous motion from January 14, 2026 in removing the following sentence from Policy 1.16.2, <i>unless such wetlands are preserved by a conservation easement as part of a Planned Development (PD) or other master planned development, and any other.</i> Member Tucker seconded</p>
2/11/2026	<p>Member Miller made a motion to accept the rationale that Mary Sphar provided in her handout to better clarify the removal of the sentence in Policy 1.16.2. Member Delgado seconded.</p>
2/26/2026	<p>Vice Chairwoman Thompson made a motion and Member Tucker seconded it to recommend Option 2 changes to Policy 1.16.3 along with a new strategy labeled 1.16.3.1 to read</p> <p>Policy 1.16.3: Allowable uses within the Conservation land use area shall be limited to residential uses of one unit per five acres, conservation, recreation, open space, and stormwater management systems consistent with the policies of the Conservation Element and the land development regulations. The preceding limitation of one (1) dwelling unit per five (5) acres within the Conservation land use category may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total Conservation land use on a cumulative basis for residential developments. Commercial and industrial uses are not permissible in the Conservation land use category.</p> <p>Strategy 1.16.3.1:</p>

	<p>Impacts to wetlands in the Conservation land use category area shall not cause secondary impacts to adjacent properties. Allowable uses for Conservation land use located in the 100-year floodplain shall comply with the requirement for compensatory storage for fill stated in Conservation Element Objective 1.12 Stormwater Management.</p>
<p>2/26/26</p>	<p>Member Nico made the motion and Vice Chairwoman Thompson seconded to substitute the last sentence of Policy 1.16.4 that currently reads “The allowable impacts shall be based upon site specific evaluation determined through the permitting process conducted by all the regulatory agencies with jurisdiction.” To state</p> <p>No wetlands shall be impacted by development activities without appropriate land use review and approval by the City. The City shall apply the land use planning policies of this Objective in a manner consistent with Objective 1.6 of the Conservation Element which pertains to wetlands. Permit approval by a regulatory agency shall not substitute for independent land use review and approval by the City, and the City’s land use review and approval shall not be influenced by any action taken in response to a regulatory agency’s permitting decision.</p>