



CITY OF TITUSVILLE

PLANNING AND ZONING COMMISSION

AGENDA

Regular Meeting

March 18, 2026 - 6:00 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 #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. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

**4. DETERMINATION OF A QUORUM**

**5. APPROVAL OF MINUTES**

**A. Minutes March 4, 2026**

**6. QUASI-JUDICIAL CONFIRMATION PROCEDURES**

**7. PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT**

**8. OLD BUSINESS**

**9. NEW BUSINESS**

**A. Live Local Ordinance**

Approve the ordinance

**10. PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT**

**11. REPORTS**

**A. City Staff**

**B. City Attorney**

**C. Chairman**

**D. Members**

**12. ADJOURNMENT**

Any person who decides to appeal any decision of the Planning and Zoning 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 Planning and Zoning Commission  
**From:** Bradley Parrish, Community Development Director  
**Subject:** **Minutes March 4, 2026**  
**Department/Office:** Planning

**Recommended Action:**

**Summary Explanation & Background:**

Minutes March 4, 2026

**Alternatives:**

**Item Budgeted:**

**Source/Use of Funds/Budget Book Page:**

**Strategic Plan:**

**Strategic Plan Impact:**

**ATTACHMENTS:**

1. 03.04.26 Minutes Draft PZ EG

The Planning and Zoning Commission (P&Z) of the City of Titusville, Florida met in regular session in City Hall Council Chamber located at 555 South Washington Avenue on Wednesday March 4, 2026 at 6:00 p.m.

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Chairman Aton called the meeting to order at 6:00 p.m. Present were, Vice Chairman Christopher Childs, Secretary Erron Fayson, Member John Scully, Member Theodore Garrod, and Alternate Member James Troutman. Member Janay Gelin and Alternate Member AnnMarie Seidler were absent. Also, in attendance were Principal Planner Eddy Galindo, Assistant City Attorney David Melito and Recording Secretary Laurie Dargie.

XXX

Member Troutman made a motion to approve the minutes of the February 18, 2026 meeting as presented. Vice Chairman Childs seconded. There was a unanimous voice vote in favor.

XXX

**Quasi-Judicial Confirmation Procedures**

Chairman Aton said Mr. Oliver called him to say he wasn't able to come to the meeting in person but would be sending a representative.

XXX

**Petitions and Requests from the Public Present**

Stan Johnston of Titusville, Florida came to speak. Mr. Johnston provided a handout from 1966. Mr. Johnston made comments about the handout.

Member Troutman asked about the canals in the City of Titusville being maintained. Principal Planner Eddy Galindo said that the Public Works Department is included in Mr. Johnston's emails and is aware of the concerns that Mr. Johnston brings to the City's attention.

XXX

**Old Business**

None

XXX

**New Business**

Rezoning REZ#8-2025 – 317 Oleander Place

Principal Planner Eddy Galindo gave an overview of this item.

Member Garrod made comments regarding a dilemma this situation causes with needing a variance. Principal Planner Eddy Galindo spoke about Development Standards.

Assistant City Attorney Melito said that he agrees with the intent in the analysis, the issue is, even if we all agree on that we are bound by the plain text of the code where there is a minimum 10,000 square foot lot area. Assistant City Attorney Melito said this would be a classic hardship and the entire reason for a variance process existence especially more so than self-created hardships. The lot of record issue is definitionally a hardship that a variance should be applied too.

Member Garrod would suggest that this issue be further reviewed by staff.

Member Troutman had the same concerns as Member Garrod regarding the applicant having to go through a variance process for density.

Member Garrod explained lot area and density and stated that he does not believe density should belong in a code that also requires lot area because this creates a conflict. Principal Planner Eddy Galindo stated that the density is not listed in the Comprehensive Plan but only in the zoning district in this designation. The US1 Future Land Use designation does not have the density.

Chairman Aton said that unfortunately the Commission is unable to help this applicant's situation but the Commission can make a recommendation to City Council to have staff look into how to streamline the process so in the future someone is not in this same type of situation.

Norman White of Titusville, Florida, applicant, came to speak in favor of this item.

Lawrence Graham of Titusville, Florida came to speak against this item. After discussion took place, it was found that there was a misunderstanding of the address as Mr. Graham thought the address was 317 Delespine Avenue that was being discussed.

Donn Mount of Titusville, Florida came to speak against this item, however thought the address being discussed was 317 Delespine Avenue.

The Planning and Zoning Commission had some discussion.

XXX

Member Garrod made a motion to recommend approval of Rezoning REZ# 8-2025 – 317 Oleander Place. Vice Chairman Childs seconded.

Roll call was as follows:

Member Garrod                      Yes

Member Scully	Yes
Vice Chairman Childs	Yes
Member Troutman	Yes
Secretary Fayson	Yes
Chairman Aton	Yes

Motion passed.

XXX

Member Garrod made a motion to recommend that City Council advise staff to investigate the issue of density as it relates to Section 34-347. – Nonconforming lots. Specifically, to ensure that if a lot is made non-conforming due to a density standard of a zoning district that the lot be eligible for the remedies of this section without the need for a variance. Member Troutman seconded.

Roll call was as follows:

Member Troutman	Yes
Secretary Fayson	Yes
Vice Chairman Childs	Yes
Member Scully	Yes
Member Garrod	Yes
Chairman Aton	Yes

Motion passed.

XXX

**Conditional Use Permit – CUP#9-2024 – Titusville Storage**

Principal Planner Eddy Galindo gave an overview of this item.

Secretary Fayson feels that there are too many storage facilities in Titusville.

Member Troutman asked for clarification as to why mini warehouses are required to obtain a Conditional Use Permit. Principle Planner Eddy Galindo explained why this use goes through the Conditional Use Permit process.

The Planning and Zoning Commission had discussion.

Krista Runte, the counsel for the applicant, came to speak in favor of this item.

XXX

Vice Chairman Childs made a motion to approve the Conditional Use Permit CUP#9-2024 – Titusville Storage as presented. Member Garrod seconded.

Roll call was as follows:

Secretary Fayson	No
Member Garrod	Yes
Member Troutman	Yes
Member Scully	Yes
Vice Chairman Childs	Yes
Chairman Aton	Yes

Motion passed.

Secretary Fayson voted no as he feels there are too many storage facilities in Titusville and the city should stop or pause to take time and evaluate what is being allowed in the city.

XXX

**Petitions & Requests from the Public Present**

None

XXX

**Reports**

Principal Planner Eddy Galindo informed the Planning and Zoning Commission members that may have registered for the Community Conference Event that it is Saturday March 7, 2026 at 8:00am.

Member Garrod reminded staff that he had asked a few months ago that it would be helpful to have a map of the location of the properties that are being brought up as items on the agenda in the packet at the beginning of the staff reports rather than later in the report. Member Garrod said it would be helpful to see the location of the property early to have a better understanding of the location as they read the report. Principle Planner Eddy Galindo said he would inform staff of this request.

XXX

**Adjournment 7:35pm**

**City of Titusville**  
"Gateway to Nature and Space"

REPORT

**To:** Members of the Planning and Zoning Commission  
**From:** Bradley Parrish, Community Development Director  
**Subject:** **Live Local Ordinance**  
**Department/Office:** Community Development

**Recommended Action:**

Approve the ordinance

**Summary Explanation & Background:**

On July 1, 2025, Senate Bill 1730 became law, which amended critical portions of the Live Local Act. The most significant changes address Planned Unit Developments, parcels owned by religious institutions, a new mixed-use definition, historic preservation protections, flexible parking provisions, and a new annual reporting requirement. Enclosed for Council's consideration and approval is a draft ordinance amending the City's affordable housing regulations to be consistent with Chapter 2025-172 of the Laws of Florida. The ordinance specifically amends Chapter 29 "Special Districts and Overlays," Article VIII "Special Land Use Standards," Division 4 "Affordable Housing" of the City's Land Development Regulations. The ordinance includes new definitions, amends the definition of a mixed-use residential development, amends the development standards, and includes restrictions in historic districts. The ordinance does not include the optional allowances for affordable housing developments on lands owned by a religious institution.

**Alternatives:**

1. Approve the ordinance with changes.
2. Do not approve the ordinance.

**Item Budgeted:**

**Source/Use of Funds/Budget Book Page:**

**Strategic Plan:**

**Strategic Plan Impact:**

**ATTACHMENTS:**

1. Bill Summary
2. 172
3. Live Local 2025 Update Ord Ver12

THE FLORIDA SENATE  
2025 SUMMARY OF LEGISLATION PASSED  
**Committee on Community Affairs**

**CS/CS/SB 1730 — Affordable Housing**

by Rules Committee; Community Affairs Committee; and Senator Calatayud

The bill amends various provisions of the Live Local Act, passed during the 2023 Regular Session, related to the preemption of certain zoning and land use regulations to authorize affordable housing developments. Specifically, the bill:

- Clarifies the application of the zoning preemption by defining “commercial,” “industrial,” and “mixed-use,” and providing that the preemption applies in areas such as planned unit developments with different zoning;
- Prohibits local governments from requiring transfer of density or development units or amendments to developments of regional impact before allowing development;
- Prohibits local governments from requiring a certain amount of residential usage in mixed-use developments;
- Clarifies the nature of administrative approval of affordable housing developments;
- Defines a “story” for purposes of municipalities located in an area of critical state concern;
- Allows local governments to restrict height and regulate architectural design for developments in historic districts for structures listed in the National Register for Historic Places before January 1, 2020;
- Requires local governments to administratively approve the demolition of an existing structure associated with a proposed development;
- Requires local governments to reduce parking requirements by 15 percent, as opposed to “considering” such reduction, as provided in current law;
- Provides for priority docketing and prevailing party attorneys’ fees and costs, up to \$250,000, in lawsuits brought under the Live Local Act;
- Authorizes a local government to include an adjacent parcel of land to be included in a project authorized under the Live Local Act;
- Provides that the Live Local Act does not apply in the Wekiva Study Area or Everglades Protection Area;
- Prohibits local governments from enforcing building moratoria that would have the effect of delaying the permitting or construction of affordable housing developments, except in certain circumstances, and authorizes civil action for violation of this prohibition, including award of prevailing party attorneys’ fees and costs up to \$250,000; and
- Requires annual reporting beginning November 1, 2026, of litigation related to and projects proposed or approved under the Live Local Act.

The bill provides that an applicant in the process of utilizing the Live Local Act prior to the amendments may opt to utilize the law as it existed upon their initial application.

Outside of the Live Local Act, the bill also authorizes local governments to approve affordable housing development on land owned by a religious institution containing a house of worship regardless of underlying zoning.

The bill enacts a state policy related to support public sector, health care facility, and hospital employer-sponsored housing to meet a federal requirement related to tax-advantaged funding.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2025.

*Vote: Senate 37-0; House 105-0*

## CHAPTER 2025-172

### Committee Substitute for Committee Substitute for Senate Bill No. 1730

An act relating to affordable housing; amending ss. 125.01055 and 166.04151, F.S.; authorizing the board of county commissioners and the governing board of a municipality, respectively, to approve the development of housing that is affordable, including mixed-use residential, on any parcel owned by religious institutions; requiring counties and municipalities to authorize multifamily and mixed-use residential as allowable uses in portions of flexibly zoned areas under certain circumstances; prohibiting counties and municipalities from imposing certain requirements on proposed multifamily developments; prohibiting counties and municipalities from requiring that more than a specified percentage of a mixed-use residential project be used for certain purposes; revising the density, floor area ratio, or height below which counties and municipalities may not restrict certain developments; defining the term “highest currently allowed, or allowed on July 1, 2023”; revising the definition of the term “floor area ratio”; authorizing counties and municipalities to restrict the height of proposed developments on certain parcels with structures or buildings listed in the National Register of Historic Places; requiring the administrative approval of certain proposed developments without further action by a quasi-judicial or administrative board or reviewing body under certain circumstances; defining the term “allowable density”; requiring the administrative approval of the demolition of an existing structure associated with a proposed development in certain circumstances; providing construction; authorizing counties and municipalities to administratively require that certain proposed developments comply with architectural design regulations under certain circumstances; requiring counties and municipalities to reduce parking requirements by a specified percentage for certain proposed developments under certain circumstances; authorizing counties and municipalities to allow adjacent parcels of land to be included within certain proposed developments; requiring a court to give priority to and render expeditious decisions in certain civil actions; requiring a court to award reasonable attorney fees and costs to a prevailing party in certain civil actions; providing that such attorney fees or costs may not exceed a specified dollar amount; prohibiting the prevailing party from recovering certain other fees or costs; defining terms; revising applicability; prohibiting counties and municipalities from enforcing certain building moratoriums; providing an exception, subject to certain requirements; requiring the court to assess and award reasonable attorney fees and costs to the prevailing party in certain civil actions; providing that such attorney fees or costs may not exceed a specified dollar amount; prohibiting the prevailing party from recovering certain other fees or costs; providing applicability; providing annual reporting requirements beginning on specified dates; authorizing applicants for certain proposed developments to notify the

county or municipality, as applicable, by a specified date of its intent to proceed under certain provisions; requiring counties and municipalities to allow certain applicants to submit revised applications, written requests, and notices of intent to account for changes made by the act; creating s. 420.5098, F.S.; providing legislative findings and intent; defining terms; providing that it is the policy of the state to support housing for certain employees and to allow developers in receipt of certain tax credits and funds to create a specified preference for housing certain employees; requiring that such preference conform to certain requirements; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (6) and paragraphs (a) through (f), (k), and (l) of subsection (7) of section 125.01055, Florida Statutes, are amended, new paragraphs (k) through (n) are added to subsection (7), and subsections (9) and (10) are added to that section, to read:

125.01055 Affordable housing.—

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the board of county commissioners may approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for commercial or industrial use, or on any parcel, including any contiguous parcel connected thereto, which is owned by a religious institution as defined in s. 170.201(2) which contains a house of public worship, regardless of underlying zoning, so long as at least 10 percent of the units included in the project are for housing that is affordable. The provisions of this subsection are self-executing and do not require the board of county commissioners to adopt an ordinance or a regulation before using the approval process in this subsection.

(7)(a) A county must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, and in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a county may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, amendment to a development of regional impact, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. The county may not require that more than 10 percent of the total square footage of such mixed-use residential projects be used for nonresidential purposes.

(b) A county may not restrict the density of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, density on any unincorporated land in the county where residential development is allowed under the county's land development regulations. For purposes of this paragraph, the term "highest currently allowed density" does not include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, or other special exception for density provided in the county's land development regulations as an incentive for development. For purposes of this paragraph, "highest currently allowed, or allowed on July 1, 2023," means whichever is least restrictive at the time of development.

(c) A county may not restrict the floor area ratio of a proposed development authorized under this subsection below 150 percent of the highest currently allowed, or allowed on July 1, 2023, floor area ratio on any unincorporated land in the county where development is allowed under the county's land development regulations. For purposes of this paragraph, the term "highest currently allowed floor area ratio" does not include the floor area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception for floor area ratio provided in the county's land development regulations as an incentive for development. For purposes of this subsection, the term "floor area ratio" includes floor lot ratio and lot coverage.

(d)1. A county may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the county's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use which is within a single-family residential development with at least 25 contiguous single-family homes, the county may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed, or allowed on July 1, 2023, height for the property provided in the county's land development regulations, or 3 stories, whichever is higher, not to exceed 10 stories. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road.

3. If the proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000, or is on a parcel with a structure or building individually listed in the National Register of Historic Places, the county may restrict the height of the proposed development to the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within three-fourths of a mile of the proposed development or 3 stories, whichever is higher. The term “highest currently allowed” in this paragraph includes the maximum height allowed for any building in a zoning district irrespective of any conditions.

(e)1. A proposed development authorized under this subsection must be administratively approved ~~without and no~~ further action by the board of county commissioners ~~or any quasi-judicial or administrative board or reviewing body~~ is ~~required~~ if the development satisfies the county’s land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each county shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection. For purposes of this subparagraph, the term “allowable density” means the density prescribed for the property in accordance with this subsection without additional requirements to procure and transfer density units or development units from other properties.

2. The county must administratively approve the demolition of an existing structure associated with a proposed development under this subsection, without further action by the board of county commissioners or any quasi-judicial or administrative board or reviewing body, if the proposed demolition otherwise complies with all state and local regulations.

3. If the proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000, or is on a parcel with a structure or building individually listed in the National Register of Historic Places, the county may administratively require the proposed development to comply with local regulations relating to architectural design, such as facade replication, provided it does not affect height, floor area ratio, of density of the proposed development.

(f)1. A county must, upon request of an applicant, ~~reduce~~ consider ~~reducing~~ parking requirements by 15 percent for a proposed development authorized under this subsection if the development;

a. Is located within one-quarter mile of a transit stop, as defined in the county’s land development code, and the transit stop is accessible from the development;

~~2.—A county must reduce parking requirements by at least 20 percent for a proposed development authorized under this subsection if the development:~~

~~b.a.~~ Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; or and

~~c.b.~~ Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development. However, a county may not require that the available parking compensate for the reduction in parking requirements.

~~2.3.~~ A county must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the county as a transit-oriented development or area, as provided in paragraph (h).

~~3.4.~~ For purposes of this paragraph, the term “major transportation hub” means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(k) Notwithstanding any other law or local ordinance or regulation to the contrary, a county may allow an adjacent parcel of land to be included within a proposed multifamily development authorized under this subsection.

(l) The court shall give any civil action filed against a county for a violation of this subsection priority over other pending cases and render a preliminary or final decision as expeditiously as possible.

(m) If a civil action is filed against a county for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this subsection may not exceed \$250,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(n) As used in this subsection, the term:

1. “Commercial use” means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food

service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, public lodging establishments as described in s. 509.242(1)(c), or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

~~(o)(k)~~ This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.
2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.
3. The Wekiva Study Area, as described in s. 369.316.
4. The Everglades Protection Area, as defined in s. 373.4592(2).

(p)(4) This subsection expires October 1, 2033.

(9)(a) Except as provided in paragraphs (b) and (d), a county may not enforce a building moratorium that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development authorized under subsection (7).

(b) A county may, by ordinance, impose or enforce such a building moratorium for no more than 90 days in any 3-year period. Before adoption of such a building moratorium, the county shall prepare or cause to be prepared an assessment of the county's need for affordable housing at the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, including projections of such need for the next 5 years. This assessment must be posted on the county's website by the date the notice of proposed enactment is published, and presented at the same public meeting at which the proposed ordinance imposing the building moratorium is adopted by the board of county commissioners. This assessment must be included in the business impact estimate for the ordinance imposing such a moratorium required by s. 125.66(3).

(c) If a civil action is filed against a county for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this subsection may not exceed \$250,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(d) This subsection does not apply to moratoria imposed or enforced to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratoria apply equally to all types of multifamily or mixed-use residential development.

(10)(a) Beginning November 1, 2026, each county must provide an annual report to the state land planning agency which includes:

1. A summary of litigation relating to subsection (7) that was initiated, remains pending, or was resolved during the previous fiscal year.

2. A list of all projects proposed or approved under subsection (7) during the previous fiscal year. For each project, the report must include, at a minimum, the project's size, density, and intensity and the total number of units proposed, including the number of affordable units and associated targeted household incomes.

(b) The state land planning agency shall compile the information received under this subsection and submit the information to the Governor, the President of the Senate, and the Speaker of the House of Representatives annually by February 1.

Section 2. Subsection (6) and paragraphs (a) through (f), (k), and (l) of subsection (7) of section 166.04151, Florida Statutes, are amended, new paragraphs (k) through (n) are added to subsection (7), and subsections (9) and (10) are added to that section, to read:

166.04151 Affordable housing.—

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for commercial or industrial use, or on any parcel, including any contiguous parcel connected thereto, which is owned by a religious institution as defined in s. 170.201(2) which contains a house of public worship, regardless of underlying zoning, so long as at least 10 percent of the units included in the project are for housing that is affordable. The provisions of this subsection are self-executing and do not require the governing body to adopt an ordinance or a regulation before using the approval process in this subsection.

(7)(a) A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use, and in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, if at least 40 percent of the residential units in a proposed multifamily development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, transfer of density or development units, amendment to a development of regional impact, amendment to a municipal charter, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes. The municipality may not require that more than 10 percent of the total square footage of such mixed-use residential projects be used for nonresidential purposes.

(b) A municipality may not restrict the density of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, density on any land in the municipality where residential development is allowed under the municipality's land development regulations. For purposes of this paragraph, the term "highest currently allowed density" does not include the density of any building that met the requirements of this subsection or the density of any building that has received any bonus, variance, or other special exception for density provided in the municipality's land development regulations as an incentive for development. For purposes of this paragraph, "highest currently allowed, or allowed on July 1, 2023," means whichever is least restrictive at the time of development.

(c) A municipality may not restrict the floor area ratio of a proposed development authorized under this subsection below 150 percent of the highest currently allowed, or allowed on July 1, 2023, floor area ratio on any land in the municipality where development is allowed under the municipality's land development regulations. For purposes of this paragraph, the term "highest currently allowed floor area ratio" does not include the floor area ratio of any building that met the requirements of this subsection or the floor area ratio of any building that has received any bonus, variance, or other special exception for floor area ratio provided in the municipality's land development regulations as an incentive for development. For purposes of this subsection, the term "floor area ratio" includes floor lot ratio and lot coverage.

(d)1. A municipality may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any building that met the requirements of this subsection or the height of any building that has received any bonus, variance, or other special exception for height provided in the municipality's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the municipality may restrict the height of the proposed development to 150 percent of the tallest building on any property adjacent to the proposed development, the highest currently allowed, or allowed on July 1, 2023, height for the property provided in the municipality's land development regulations, or 3 stories, whichever is higher, not to exceed 10 stories. For the purposes of this paragraph, the term "adjacent to" means those properties sharing more than one point of a property line, but does not include properties separated by a public road or body of water, including manmade lakes or ponds. For a proposed development located within a municipality within an area of critical state concern as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code, the term "story" includes only the habitable space above the base flood elevation as designated by the Federal Emergency Management Agency in the most current Flood Insurance Rate Map. A story may not exceed 10 feet in height measured from finished floor to finished floor, including space for mechanical equipment. The highest story may not exceed 10 feet from finished floor to the top plate.

3. If the proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000, or is on a parcel with a structure or building individually listed in the National Register of Historic Places, the municipality may restrict the height of the proposed

development to the highest currently allowed, or allowed on July 1, 2023, height for a commercial or residential building located in its jurisdiction within three-fourths of a mile of the proposed development or 3 stories, whichever is higher. The term “highest currently allowed” in this paragraph includes the maximum height allowed for any building in a zoning district irrespective of any conditions.

(e)1. A proposed development authorized under this subsection must be administratively approved ~~without and no~~ further action by the governing body of the municipality ~~or any quasi-judicial or administrative board or reviewing body is required~~ if the development satisfies the municipality’s land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, floor area ratios, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each municipality shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection. For purposes of this paragraph, the term “allowable density” means the density prescribed for the property in accordance with this subsection without additional requirements to procure and transfer density units or development units from other properties.

2. The municipality must administratively approve the demolition of an existing structure associated with a proposed development under this subsection, without further action by the governing body of the municipality or any quasi-judicial or administrative board or reviewing body, if the proposed demolition otherwise complies with all state and local regulations.

3. If the proposed development is on a parcel with a contributing structure or building within a historic district which was listed in the National Register of Historic Places before January 1, 2000, or is on a parcel with a structure or building individually listed in the National Register of Historic Places, the municipality may administratively require the proposed development to comply with local regulations relating to architectural design, such as facade replication, provided it does not affect height, floor area ratio, of density of the proposed development.

(f)1. A municipality must, upon request of an applicant, reduce ~~consider reducing~~ parking requirements for a proposed development authorized under this subsection by 15 percent if the development:

a. Is located within one-quarter mile of a transit stop, as defined in the municipality’s land development code, and the transit stop is accessible from the development;

~~2. A municipality must reduce parking requirements by at least 20 percent for a proposed development authorized under this subsection if the development:~~

~~b.a. Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; or-~~

~~c.b. Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development. However, a municipality may not require that the available parking compensate for the reduction in parking requirements.~~

~~2.3. A municipality must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the municipality as a transit-oriented development or area, as provided in paragraph (h).~~

~~3.4. For purposes of this paragraph, the term “major transportation hub” means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.~~

~~(k) Notwithstanding any other law or local ordinance or regulation to the contrary, a municipality may allow an adjacent parcel of land to be included within a proposed multifamily development authorized under this subsection.~~

~~(l) The court shall give any civil action filed against a municipality for a violation of this subsection priority over other pending cases and render a preliminary or final decision as expeditiously as possible.~~

~~(m) If a civil action is filed against a municipality for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this subsection may not exceed \$250,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.~~

~~(n) As used in this subsection, the term:~~

~~1. “Commercial use” means activities associated with the sale, rental, or distribution of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as retail sales; wholesale sales; rentals of equipment, goods, or products; offices; restaurants; public lodging establishments as described in s. 509.242(1)(a); food service vendors; sports arenas; theaters; tourist attractions; and other for-profit business activities. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered~~

commercial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, public lodging establishments as described in s. 509.242(1)(c), or uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial use, irrespective of how they are operated.

2. "Industrial use" means activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. The term includes, but is not limited to, such uses or activities as automobile manufacturing or repair, boat manufacturing or repair, junk yards, meat packing facilities, citrus processing and packing facilities, produce processing and packing facilities, electrical generating plants, water treatment plants, sewage treatment plants, and solid waste disposal sites. A parcel zoned to permit such uses by right without the requirement to obtain a variance or waiver is considered industrial use for the purposes of this section, irrespective of the local land development regulation's listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not industrial use, irrespective of how they are operated.

3. "Mixed use" means any use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed use, irrespective of how they are operated.

4. "Planned unit development" has the same meaning as provided in s. 163.3202(5)(b).

~~(o)(k)~~ This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.
2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.
3. The Wekiva Study Area, as described in s. 369.316.
4. The Everglades Protection Area, as defined in s. 373.4592(2).

~~(p)(4)~~ This subsection expires October 1, 2033.

(9)(a) Except as provided in paragraphs (b) and (d), a municipality may not enforce a building moratorium that has the effect of delaying the permitting or construction of a multifamily residential or mixed-use residential development authorized under subsection (7).

(b) A municipality may, by ordinance, impose or enforce such a building moratorium for no more than 90 days in any 3-year period. Before adoption of such a building moratorium, the municipality shall prepare or cause to be prepared an assessment of the municipality's need for affordable housing at the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, including projections of such need for the next 5 years. This assessment must be posted on the municipality's website by the date the notice of proposed enactment is published and must be presented at the same public meeting at which the proposed ordinance imposing the building moratorium is adopted by the governing body of the municipality. This assessment must be included in the business impact estimate for the ordinance imposing such a moratorium required by s. 166.041(4).

(c) If a civil action is filed against a municipality for a violation of this subsection, the court must assess and award reasonable attorney fees and costs to the prevailing party. An award of reasonable attorney fees or costs pursuant to this subsection may not exceed \$250,000. In addition, a prevailing party may not recover any attorney fees or costs directly incurred by or associated with litigation to determine an award of reasonable attorney fees or costs.

(d) This subsection does not apply to moratoria imposed or enforced to address stormwater or flood water management, to address the supply of potable water, or due to the necessary repair of sanitary sewer systems, if such moratoria apply equally to all types of multifamily or mixed-use residential development.

(10)(a) Beginning November 1, 2026, each municipality must provide an annual report to the state land planning agency which includes:

1. A summary of litigation relating to subsection (7) that was initiated, remains pending, or was resolved during the previous fiscal year.

2. A list of all projects proposed or approved under subsection (7) during the previous fiscal year. For each project, the report must include, at a minimum, the project's size, density, and intensity and the total number of units proposed, including the number of affordable units and associated targeted household incomes.

(b) The state land planning agency shall compile the information received under this subsection and submit the information to the Governor, the President of the Senate, and the Speaker of the House of Representatives annually by February 1.

Section 3. An applicant for a proposed development authorized under s. 125.01055(7), Florida Statutes, or s. 166.04151(7), Florida Statutes, who submitted an application, a written request, or a notice of intent to use such provisions to the county or municipality and which application, written request, or notice of intent has been received by the county or municipality, as applicable, before July 1, 2025, may notify the county or municipality by July 1, 2025, of its intent to proceed under the provisions of s. 125.01055(7), Florida Statutes, or s. 166.04151(7), Florida Statutes, as they existed at the time of submittal. A county or municipality, as applicable, shall allow an applicant who submitted such application, written request, or notice of intent before July 1, 2025, the opportunity to submit a revised application, written request, or notice of intent to account for the changes made by this act.

Section 4. Section 420.5098, Florida Statutes, is created to read:

420.5098 Public sector and hospital employer-sponsored housing policy.

(1) The Legislature finds that it is in the best interests of the state and the state's economy to provide affordable housing to state residents employed by hospitals, health care facilities, and governmental entities in order to attract and maintain the highest quality labor by incentivizing such employers to sponsor affordable housing opportunities. Section 42(g)(9)(B) of the Internal Revenue Code provides that a qualified low-income housing project does not fail to meet the general public use requirement solely because of occupancy restrictions or preferences that favor tenants who are members of a specified group under a state program or policy that supports housing for such specified group. Therefore, it is the intent of the Legislature to establish a policy that supports the development of affordable workforce housing for employees of hospitals, health care facilities, and governmental entities.

(2) For purposes of this section, the term:

(a) "Governmental entity" means any state, regional, county, local, or municipal governmental entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of the state; any public school, state university, or Florida College System institution; or any special district as defined in s. 189.012.

(b) "Health care facility" has the same meaning as provided in s. 159.27(16).

(c) "Hospital" means a hospital under chapter 155, a hospital district created pursuant to chapter 189, or a hospital licensed pursuant to chapter 395, including corporations not for profit that are qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and for-profit entities.

(3) It is the policy of the state to support housing for employees of hospitals, health care facilities, and governmental entities and to allow developers in receipt of federal low-income housing tax credits allocated pursuant to s. 420.5099, local or state funds, or other sources of funding available to finance the development of affordable housing to create a preference for housing for such employees. Such preference must conform to the requirements of s. 42(g)(9) of the Internal Revenue Code.

Section 5. This act shall take effect July 1, 2025.

Approved by the Governor June 23, 2025.

Filed in Office Secretary of State June 23, 2025.

**ORDINANCE NO. X-2026**

**AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING CHAPTER 29 “SPECIAL DISTRICTS AND OVERLAYS”, ARTICLE VIII “SPECIAL LAND USE STANDARDS” TO PROVIDE DEVELOPMENT STANDARDS FOR LIVE LOCAL ACT AFFORDABLE HOUSING PROJECTS, AMENDING SECTIONS 29-145 “DEFINITIONS” AND 29-146 “DEVELOPMENT STANDARDS”; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, EFFECTIVE DATE, SUNSET PROVISIONS, AND INCORPORATION INTO THE CODE.**

**WHEREAS**, Chapter 2025-172, Laws of Florida, effective July 1, 2025, amends the Live Local Act (“The Act”), which requires amendments to the City’s existing Code of Ordinances; and

**WHEREAS**, The Act preempts the City from regulating certain use, density, and height requirements of specified affordable multifamily and mixed-use rental housing in commercial, industrial, mixed-use, and certain flexibly zoned areas; and

**WHEREAS**, the City Council concurs with the judgement of the Legislature and recognizes that it is appropriate and in the public interest that the City’s land development regulations applicable to projects developed under The Act to be comparable to existing Code regulations applicable to multi-family in areas zoned for multifamily, including, but not limited to, minimum dwelling size, maximum intensity (building coverage) and setbacks to the extent permitted by Chapter 2025-172, Laws of Florida; and

**WHEREAS**, City Council supports affordable housing and finds it necessary to amend the City Code of Ordinances in order to establish policies, procedures, and regulations for the development of mixed income developments that meet the criteria established by The Act by the adoption of this ordinance.

**BE IT ENACTED BY THE CITY OF TITUSVILLE, FLORIDA**, as follows:

**SECTION 1. RECITALS.** The foregoing recitals are deemed true and correct and are hereby adopted and incorporated herein by this reference.

**SECTION 2.** That the Code of Ordinances, City of Titusville, Chapter 29, “Special Districts and Overlays”, Article VIII, “Special Land Use Standards”, Division 4, “Affordable Housing”, Section 29-145, “Definitions”, is hereby amended to read as follows:

**Sec. 29-145. - Definitions**

**Affordable Housing Project** shall mean a project in which a minimum of forty percent (40%) of the residential units within a proposed multifamily rental development meet the definition of affordability in Section 420.0004(3), Florida Statutes, for a minimum period of thirty (30) years.

**Airport-Impacted Area** shall mean the area designated in Chapter 29, “Special Districts and Overlays”, Article III, “Airport Impact Area Overlay District(s) (AIA)”, Section 29-45, “Airpark and airport runway protection zones; and regulations.”

**Commercial Use** shall mean activities associated with the sale, rental, or distribution of products or the performance of services related thereto. A parcel zoned to permit commercial uses by right without the requirement to obtain a variance or waiver is considered commercial use for purposes of this section, irrespective of the listed category or title. The term does not include home-based businesses or cottage food operations undertaken on residential property, public lodging establishments as described in Section 509.242(1)(c), Florida Statutes, or uses that are accessory, ancillary, incidental to the allowed uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not commercial uses, irrespective of how they are operated.

**Commercial Zoning Districts** shall ~~be as~~ mean those zoning districts designated in Chapter 28, "Zoning", Article IV, "Use Table", Section 28-54, "Use Table."

**Height** shall mean the vertical distance from grade plane to the average height of the highest roof surface.

**Historic District** shall mean a parcel lying within a historic district listed in the National Register of Historic Places before January 1, 2000.

**Historic Structure** shall mean a contributing structure or building within a historic district, or a structure or building individually listed in the National Register of Historic Places.

**Industrial Use** shall mean activities associated with the manufacture, assembly, processing, or storage of products or the performance of services related thereto. A parcel zoned to permit industrial uses by right without the requirement to obtain a variance or waiver is considered industrial use for purposes of this section, irrespective of the listed category or title. The term does not include uses that are accessory, ancillary, incidental to the allowed uses, or allowed only on a temporary basis.

**Industrial Zoning Districts** shall ~~be as~~ mean those zoning districts designated in Chapter 28, Article IV, "Use Table", Section 28-54, "Use Table."

**Mixed-Use Residential Development** (~~Pursuant to Chapter 2023-17, Laws of Florida, known as the "Live Local Act"~~) shall mean the development of a tract of land or building or structure with two (2) or more different uses to include affordable housing and uses permitted and limited in the underlying zoning district. At a minimum, sixty-five percent (65%) of the total square footage of the mixed-use development ~~Floor Area Ratio~~ must be residential, (lobby, service areas and amenity areas exclusively serving the residential uses shall be considered residential square footage) but no more than ~~eighty-ninety~~ percent (~~8090~~%) shall be residential. At a minimum, ~~ten~~ twenty percent (1020%) of the total square footage ~~of the Floor Area Ratio~~ of the development must be non-residential.

**Mixed-Use** shall mean any use that combines multiple types of approved land uses from at least two (2) of the residential use, commercial use, or industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowed uses, or allowed only on a temporary basis. Recreational uses, such as golf courses, tennis courts, swimming pools, and clubhouses, within an area designated for residential use are not mixed-use, irrespective of how they are operated.

**Mixed-use Zoning Districts** shall ~~be identified as mean~~ the following zoning districts: Downtown Mixed Use (DMU) Downtown; Uptown and Midtown Subdistricts; Urban Mixed Use (UMU); Shoreline Mixed Use (SMU), excluding “residential and commercial working waterfront” consistent with Section 342.201, Florida Statutes; Urban Village (UV); Regional Mixed Use Multifamily (RMU-300); and Indian River City Neighborhood Commercial (IRCN-C).

**Non-residential Use** shall ~~mean be identified as~~ those uses in Chapter 28, Article IV, “Use Table”, Section 28-54, “Use Table”, identified as Recreation (excluding private parks), Commercial, and Industrial.

**Planned Unit Development shall have the same meaning as that provided in Section 163.3202 (5)(b), Florida Statutes.**

**SECTION 3.** That the Code of Ordinances, City of Titusville Chapter 29, “Special Districts and Overlays”, Article VIII “Special Land Use Standards” Division 4 “Affordable Housing”, Section 29-146 “Development Standards” is hereby amended to read as follows:

**Sec. 29-146. - Development Standards**

(a) Pursuant to the Live Local Act, ~~the City must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, mixed used, or in portions of any flexibly zoned area such as a planned unit development permitted for commercial, industrial, or mixed use, if~~ at least forty percent (40%) of the residential units within a proposed multifamily development are rental units that are ~~preemption project shall be deemed~~ “affordable” as defined in Section 420.0004, Florida Statutes, and shall remain affordable for a period of at least thirty (30) years.

~~(a)~~(b) This affordability requirement shall be incorporated as a condition into any administrative approval. As a prerequisite to the submittal of a Site Plan application, the property owner shall execute a Pre-Development Agreement ~~in a form acceptable to the City on a form provided and approved by the City Attorney~~ detailing the Live Local Act conditions and restrictions for Owner’s concurrence and acceptance. Additionally, prior to the issuance of a building permit, the property owner shall execute and deliver to the City, an Affordable Housing Development Agreement and Land Use Restriction Agreement ~~in a form acceptable to the City on a form approved by the City Attorney~~ detailing the affordable housing conditions, restrictions, and compliance for the preemption project including the City’s monitoring requirements. Furthermore, as a prerequisite to the issuance of a Certificate of Occupancy, the Land Use Restriction Agreement (~~LURA~~) confirming the thirty (30) year affordability period effective from the date of issuance of the Certificate of Occupancy, and confirming the conditions and restrictions of the preemption project, shall be ~~recorded in the public records of Brevard County, Florida~~ recorded with the Clerk of the Circuit Court of Brevard County.

~~(b)~~(c) The property owner shall provide to the City, ~~at lease up during the initial leasing period~~ and each year thereafter, on or before January 30<sup>th</sup>, an Affordable Housing Development Tenant Compliance Report in a format acceptable to the City, together with such other documentation necessary to demonstrate that the preemption project meets the affordability criteria as set forth in Section 420.0004(3), Florida Statutes, or as may be required in the Affordable Housing Development Agreement ~~Development~~ and/or Land Use Restriction Agreement. Failure to comply may result in revocation of approval, subjecting the development to the normal requirements of the Code and land development regulations.

~~(e)~~(d) Land area of the following zoning districts shall be used to calculate the percentage of commercial and industrial properties within the City: Community Commercial (CC), Hospital Medical (HM), Light Industrial Services and Warehousing (M-1), Industrial (M-2), Highway Industrial Infill (M-3), Neighborhood Commercial (NC), Office Professional (OP), Planned Industrial Development (PID), Regional Commercial (RC), and Tourist (T) ~~of the total land area of Titusville,~~ all Affordable housing projects developed pursuant to this article shall be required to be mixed-use developments. When a new application is received, the percentage of lands zoned commercial and industrial as described in this paragraph shall be reviewed. If the City designates less than twenty percent (20%) of the land area within its jurisdiction as commercial or industrial land use, it must authorize a proposed multifamily development as authorized in this division in areas zoned for commercial or industrial use only if the proposed multifamily development is mixed-use residential.

(e) A proposed development authorized under the Live Local Act must be administratively approved and no further action by the governing body of the municipality is required if the development satisfies the municipality's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. Notwithstanding any other law, local ordinance, or regulation to the contrary, the City may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use permit, variance, transfer of density or development units, amendments to a development of regional impact, amendment to the City's charter, or comprehensive plan amendment for building height, zoning, or densities authorized under this section.

~~(d)~~(f) *Commercial and Industrial Development.*

~~a~~-(1) The commercial/industrial uses shall be those permitted or limited uses consistent with the zoning district in which the project is located.

~~b~~-(2) The interior buffer between industrial and residential uses shall be at least thirty (30) feet.

~~e~~-(3) The commercial component of a mixed-use project shall share the same access as the multi-family component of the project.

(4) Loading and unloading and refuse collection areas servicing the non-residential uses shall be located to provide the ~~most minimal~~ minimum feasible impact to the adjacent residential community or communities.

~~d~~-(5) Live Local projects may not be located on recreational/commercial working waterfront zoned industrial areas.

~~(e)~~(g) Residential density within the project shall be a maximum of the highest currently allowed density or the highest density allowed on July 1, 2023, on any land in the city where residential development is allowed, whichever is least restrictive. For purposes of this paragraph, the terms "currently allowed density" and "highest density allowed" means the density prescribed for the property in accordance with this section without additional requirements to procure and transfer density units or development units from other properties.

~~(f)~~(h) Except as stated in this ~~division~~Division, development standards for residential units shall be found in Chapter 28, “Zoning”, Article VI, “Zoning District Standards”, Section 28-306, Multi-family Medium Density Residential (R-2).

~~(i)~~ Maximum height of the project cannot be restricted below the highest currently allowed height or the highest height allowed on July 1, 2023, of commercial or residential development in any zoning district, regardless of conditions, located in the city within one (1) mile of the project as measured from lot line to lot line, or three (3) stories, whichever is higher. Additional setbacks or other conditions established in the applicable zoning district or overlay upon which the maximum height is found will be required. For example, if the maximum height of the project is based upon Community Commercial (CC) which has no maximum height, the additional setbacks for structures over thirty-five (35) feet shall also be utilized. For purposes of this paragraph, the terms “highest currently allowed height” and “highest height allowed” do not include the height of any building that has received any bonus, variance, or other special exception for height as an incentive for development.

~~(g)~~(j) If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least twenty-five (25) contiguous single-family homes, the height shall be restricted to one hundred-fifty percent (150%) of the tallest building on any property adjacent to the proposed development, the highest currently allowed, or the height allowed on July 1, 2023, for the property provided in the city’s land development regulations, or three (3) stories whichever is higher, but may not exceed ten (10) stories. For purposes of this paragraph, the term “adjacent to” means those properties sharing more than one (1) point of a property line, but shall not include properties separated by a public road or body of water, including manmade lakes or ponds.

~~(h)~~(k) Live Local projects are prohibited within the Airport-Impacted Area, as defined in Chapter 29, “Special Districts and Overlays”, Article VIII, “Special Land Use Standards”, Division 4, “Affordable Housing”, Section 29-145, “Definitions”. For developments within the Airport and Airpark Height Notification Zone (Section 29-44), the requirements of Article III “Airport Impact Area Overlay District”, Section 29-44 shall apply.

~~(i)~~(l) The proposed development may not be developed or platted in phases. All residential and non-residential components of the site plan shall be located on the same or unified lot. A unity of title is required and must be demonstrated by a document recorded in the office of the Clerk of the Circuit Court of Brevard County, stipulating that a lot, lots, parcel or parcels of land shall be held under single ownership, and prevent further subdivision, transfer, or conveyance of land in-on any unit other than in its entirety for the duration of the associated Land Use Restriction Agreement.

~~(j)~~(m) Open space.

(1) The minimum percentage of parks and open space required is ~~twenty five percent (25%)~~ten percent (10%) of the total ~~gross acreages~~square footage of the project. The open space shall meet the minimum standards set forth ~~per in~~ Chapter 30, “Development standards”, Article III, “Improvements”, Division 3, “Open space”, Sections 30-163, “Open space standards” and more specifically paragraphs (a) “required minimum open space” and (h) “Urban village”. A minimum of the total open space shall include at least fifty (50) percent pervious area, dedicated to active or passive recreation.

(2) All parks, open space and civic plazas shall be preserved for ~~their~~ intended purpose as expressed in the site plan. The developer shall choose a method of administering open space as specified in Chapter 30, "Development standards", Article I, "General provisions", Division 3, "Operations and maintenance".

~~(k)(n)~~ Prior to issuance of a ~~C~~ertificate of ~~O~~ccupancy for any portion of the project, a Land Use Restriction Agreement, ensuring the affordability period of thirty (30) years, shall be recorded with the ~~Brevard County~~ Clerk of ~~Circuit Courts of Brevard County~~. The deed restriction shall be in a form ~~approved by the City Attorney~~, acceptable to the City.

~~(l)(o)~~ The City must, upon requests of an applicant, consider reduced required parking requirements for the development by 15 percent (15%) if the development is located within one-quarter (1/4) mile of a transit stop, accessible via a continuous ADA compliant pedestrian pathway; within one-half (~~1/20.5~~) mile of a major ~~transit stop~~transportation hub that and is accessible ~~from the development~~ via a continuous ADA compliant pedestrian pathway, or there is parking available within six hundred (600) feet of the development. For purposes of this paragraph, major transportation hub means defined as a passenger rail station or intercity bus station, or a transit hub where two (2) or more transit routes converge. This determination as to accessibility and reduction in parking required shall be made by the Development Review Committee pursuant to Chapter 34, "Procedures", Article V, "Variances and Appeals", Division 5, "Waivers to the Technical Manuals". The developer must provide a plan demonstrating compliance with this paragraph.

~~(p)~~ The noise standards in the development shall be determined by the zoning district in which the development is constructed, as found in ~~Code of Ordinances~~ Chapter 13, "Nuisances", Article IV, "Noise".

~~(q)~~ Floor area ratio of a proposed development authorized under this section may be approved as one-hundred fifty percent (150%) of the highest currently allowed floor area ratio or the highest floor area ratio allowed on July 1, 2023, whichever is less restrictive. For purposes of this paragraph, the terms "highest currently allowed floor area ratio" and "highest floor area ratio" do not include floor area ratio of any building that has received any bonus, variance or other special exception for floor area ratio. For purposes of this section, the term "floor area ratio" includes floor lot ratio and lot coverage.

~~(r)~~ Demolition of an existing structure associated with a proposed development under this section must be administratively approved, without further action by the City Council or other city board or reviewing body, if the proposed demolition otherwise complies with all state and local regulations.

~~(s)~~ Historic Properties

(1) If the proposed development is on a parcel with a contributing structure or building within a Historic District, or is on a parcel or building individually designated as a historic structure, the height of the proposed development shall be restricted to the highest currently allowed, or highest height allowed on July 1, 2023, for a commercial or residential building located within three-quarter (3/4) of a mile of the proposed development or three (3) stories, whichever is higher. For purposes of this paragraph, the terms "highest currently allowed" and "highest height allowed" include the maximum height allowed for any building in any zoning district irrespective of any conditions.

(2) If the proposed development is on a parcel with a contributing structure or building within a Historic District or is on a parcel or building individually designated as a historic structure, the proposed development shall comply with all city regulations relating to architectural design provided that the regulation does not affect height, floor area ratio, or density of the proposed project.

**SECTION 4. SEVERABILITY.** If any provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 5. REPEAL OF CONFLICTING ORDINANCES.** All ordinances or parts of ordinances, and all resolutions and parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective upon adoption by the City Council in accordance with the Charter of the City of Titusville, Florida.

**SECTION 7. SUNSET PROVISIONS.** The provisions of this Ordinance shall apply to any application for the development of land authorized under Section 166.04151(7), Florida Statutes. The ability to submit an application for approval pursuant to this Ordinance shall expire with the expiration date of the Live Local Act.

**SECTION 8. INCORPORATION INTO CODE.** This Ordinance shall be incorporated into the City of Titusville Code of Ordinances and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the Code may be made.

**PASSED AND ADOPTED** this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_.

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**Andrew Connors, Mayor**

**ATTEST:**

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**Wanda F. Wells, City Clerk**