



CITY OF TITUSVILLE

PLANNING AND ZONING COMMISSION

AGENDA

Regular Meeting

April 8, 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 18, 2026

Approve Minutes

6. QUASI-JUDICIAL CONFIRMATION PROCEDURES

7. PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

8. OLD BUSINESS

9. NEW BUSINESS

A. Certified Recovery Residences Ordinance

Approve the ordinance.

The City Council will hold the public hearing on April 28, 2026.

B. Trucks on Local Roads Ordinance

Approve the ordinance

The City Council will hold the public hearing on April 28, 2026.

C. Election of Officers

Elect Vice Chairman

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 18, 2026**
Department/Office: Planning

Recommended Action:

Approve Minutes

Summary Explanation & Background:

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. 03.18.26 Minutes Draft P&Z

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 18, 2026 at 6:00 p.m.

XXX

Chairman Aton called the meeting to order at 6:00 p.m.

XXX

L. V. “Woody” Rice and Larry Graham were sworn in as new members.

XXX

Present were Member L. V. “Woody” Rice, Member Larry Graham, and Member John Scully. Member Janay Mack-Daniel arrived late. Secretary Erron Fayson, Member Ted Garrod, Alternate Member James Troutman and Alternate Member AnnMarie Seidler were absent. Also, in attendance were Senior Planner Christie Anderson, Assistant City Attorney David Melito and Recording Secretary Kim Amick.

XXX

Member Scully made a motion to approve the minutes of the March 4, 2026 meeting as presented. Member Rice seconded. There was a unanimous voice vote in favor.

XXX

Quasi-Judicial Confirmation Procedures

XXX

Petitions and Requests from the Public Present

Stan Johnston of Titusville, Florida came to speak. Mr. Johnson spoke on the thickness of asphalt in the City of Titusville and Brevard County.

XXX

Old Business

None

XXX

New Business**Live Local Ordinance**

Senior Planner Christie Anderson gave an overview of this item.

Member Rice stated the bill passed July 1, 2025, but the reporting does not take place until November 2026 and asked what the city does during that time if they have not changed the LDR's but the state legislators have adopted the ordinance. Senior Planner Christie Anderson stated they would be regulated under the current code.

Assistant City Attorney David Melito stated the bills will have an effective date a couple of months later than the date that they are passed. He stated if the city had not caught up yet, the city would proceed under its own ordinances to the extent they don't conflict with any new law but the new law would supersede any of the city's ordinances if there is a conflict then they would have to follow the state provision.

Member Rice stated was there anything in the city's ordinance that went beyond what the state said, or did they just match what the state bill was indicating. Senior Planner Christie Anderson stated the intent of this amendment was just to be compliant with the state law so most of the changes are basically verbatim from the state but there were some clean up of some inaccurate language but primarily it is to comply with state law.

Member Rice stated on Page 30, looking at number five, it states "Live Local projects may not be located on recreational/commercial working waterfront zoned industrial areas". He asked what zoning categories in the city this would fall under. Senior Planner Christie Anderson stated she was not sure what zoning district that would fall under but would make a notation to find out.

Member Rice stated with regard to the height portion of the ordinance, you are following what the state says, that trumps the city's zoning ordinance. Senior Planner Christie Anderson stated yes, but the new language allowed them to provide additional restrictions for areas that were single family because the state had a lot of issues with this, so they proposed this change to add additional regulation to protect those single-family areas.

Member Rice stated on Page 31, open space, they are taking it from 25% to 10% according to the bill. Senior Planner Christie Anderson stated yes. Member Rice asked how that affects landscape buffers because the city has minimum landscape buffers so do those get reduced once you hit the 10%. Senior Planner Christie Anderson stated they would still be required to meet the minimum buffer requirements, but they would also be required to provide at least 10% of open space which is in addition to the landscape buffer requirement. Member Rice stated the definition of open space doesn't it include landscape buffers. Senior Planner Christie Anderson stated it does, but they would be required to meet the minimum standards for the landscape buffer requirements. Member Rice stated it would trump the open space requirement, if there was 10% open space and landscape buffers were beyond that, the landscape buffer requirement would trump that. Senior Planner Christie Anderson stated yes that would be considered beyond the 10% so if they did exceed the 10%, just utilizing the landscape buffers, that could potentially happen.

XXX

Member Rice made a motion to approve the ordinance as written. Member Scully seconded.

Roll call was as follows:

Member Rice	Yes
Member Graham	Yes
Member Mack-Daniel	Yes
Member Scully	Yes
Chairman Aton	Yes

Motion passed.

XXX

Petitions & Requests from the Public Present

None

XXX

Reports

Senior Planner Christie Anderston stated the election for Vice-Chairman would be on the agenda for the next meeting.

Member Rice stated he is hearing impaired and has to use a lot of devices and he may need to use large headphones at times.

XXX

Adjournment 6:23 pm.

City of Titusville
"Gateway to Nature and Space"

REPORT

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

Recommended Action:

Approve the ordinance.

The City Council will hold the public hearing on April 28, 2026.

Summary Explanation & Background:

Chapter 2025-182 of the Laws of Florida require counties and municipalities, by January 1, 2026, to adopt an ordinance establishing procedures for the review and approval of certified recovery residences, including a process for requesting reasonable accommodations from land use regulations that otherwise prohibit such establishment. The ordinance may establish additional requirements for the review or approval of reasonable accommodation requests, but may not require public hearings beyond the minimum required by law to grant the requested accommodation. The ordinance may include provisions for the revocation of a granted accommodation for cause such as a violation of conditions or failure to maintain certification. The effective date of the new law was July 1, 2025. Enclosed for review is Chapter 2025-182 and the Senate Bill Analysis report.

Alternatives:

- Approve the ordinance with changes.
- Do not recommend approval of the ordinance.

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. Recovery Residence Waiver Ord. Ver2b
2. Chapter 2025-182
3. SB 954 Analysis

ORDINANCE NO. X-2026

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE CODE OF ORDINANCES TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF CERTIFIED RECOVERY RESIDENCE WITHIN THE CITY CONSISTENT WITH CHAPTER 2025-182, LAWS OF FLORIDA BY CREATING SECTIONS 28-21 “ACCOMMODATIONS FOR A CERTIFIED RECOVERY RESIDENCE”; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE, AND EFFECTIVE DATE.

WHEREAS, Chapter 2025-182, Laws of Florida, effective July 1, 2025, requires that each county or municipality adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction; and

WHEREAS, the City of Titusville recognizes that persons suffering from addiction have a higher success rate of achieving long-term sobriety when given the opportunity to build a strong foundation by living in a recovery residence; and

WHEREAS, the City of Titusville recognizes that the placement of any group living facility within existing residential areas of this City may impact the character of that area if such facilities are developed without appropriate zoning controls; and

WHEREAS, in light of these recognitions, City Council finds it necessary to amend the City Code of Ordinances in order to establish equitable policies, procedures, and regulations for the development of recovery residences as well as to implement the provisions of Chapter 2025-182, Laws of Florida, 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, is hereby amended by adding a section to be numbered Chapter 28 “Zoning”, Article I “General Provisions”, Section 28-21 “Certified recovery residences”, which said section reads as follows:

Sec. 28-21. Certified recovery residences.

(a) Definitions. For purposes of this section, the following terms shall have the following definitions:

(1) Certified recovery residence—A recovery residence that holds a valid certificate of compliance and is actively managed by a certified recovery residence administrator as defined in F.S. § 397.311, as amended, including level I through level IV certified recovery residences.

(2) Certificate of compliance—A certificate issued by a credentialing entity to a recovery residence or administrator.

- (3) Certified recovery residence administrator—An administrator who holds a valid certificate of compliance.
- (4) Reasonable accommodation—A waiver or modification of land use, zoning, or other regulations to afford persons with disabilities an equal opportunity to use and enjoy a dwelling, consistent with the Fair Housing Amendments Act and the Americans with Disabilities Act.
- (b) Applicability. This section applies to a certified recovery residence seeking a reasonable accommodation from land use, zoning or land development code regulations within the city. This section shall not supersede any declaration of covenants, conditions, or restrictions of a condominium, cooperative, or homeowners' association governed by in Chapters 718, 719, and 720 of the Florida Statutes. Except for the seeking of a reasonable accommodation, the review and approval of a certified recovery residence is governed by the city's standard review and approval processes and compliance with applicable codes and ordinances.
- (c) Application for reasonable accommodation.
- (1) Form of application. Applications under this section shall be filed with the City on a form provided by the city and shall include:
- a. Applicant's name, mailing address, telephone number, and email address;
 - b. Address and parcel identification number of the subject property;
 - c. Identification of the specific regulation from which relief is sought;
 - d. A description of the reasonable accommodation requested along with citations to the applicable code or ordinance provisions at issue and the basis for requesting such accommodation; and
 - e. A copy of the applicable certificate of compliance pertaining to the applicant.
- (2) Processing.
- a. The Community Development department shall date-stamp all applications upon receipt.
 - b. Within thirty (30) days of receipt, the city may request additional information in writing. Applicants shall have at least thirty (30) days to respond.
 - c. Within 60 days of receipt of a completed application, the Community Development Department Director shall issue a written determination approving, approving with conditions, or denying the request based on evidence-based findings.
 - d. If no determination is issued within sixty (60) days of a completed application, and no written extension has been agreed to, the request shall be deemed approved.
- (d) Review criteria. Decisions on a request for a reasonable accommodation under this section shall be based on making the minimum reasonable accommodation necessary to accomplish the purpose of the request and meet the requirements of the Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act. Conditions may be imposed on the reasonable accommodation provides such conditions are consistent with federal and state law.
- (e) Distance requirement. A certified recovery residence shall not be located within a radius of 1,200 feet of another existing certified recovery residence.
- (f) Revocation and reinstatement.

- (1) *Revocation.* An accommodation granted under this section may be revoked by the City if the certified recovery residence: (i) loses its certificate of compliance under Florida law; (ii) closes or vacates the premises, (iii) causes a nuisance, or (iv) is in violation of the Business Tax Receipt.
- (2) *Reinstatement.* If certificate of compliance is reinstated within one hundred eighty (180) days of revocation, the accommodation may be reinstated administratively by the City Manager or the City Manager's designee.
- (3) *Appeal.* Any certified recovery residence who is adversely affected by a decision made concerning a request for a reasonable accommodation or revocation of accommodation shall have the right to appeal such decision to the Code Enforcement Special Magistrate by filing a notice of appeal with the city clerk within ten (10) days of the applicable decision along with stating the specific basis of the appeal. The City Council will conduct a quasi-judicial hearing on the appeal within sixty (60) days of the filing of the appeal unless otherwise agreed to by the City Manager or designee and the certified recovery residence.

SECTION 3. SEVERABILITY. If any provisions 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 4. 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 5. 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.

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.

PASSED AND ADOPTED this ____th day of _____.

ATTEST:

Andrew Connors, Mayor

Wanda F. Wells, City Clerk

CHAPTER 2025-182

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 954

An act relating to certified recovery residences; amending s. 397.487, F.S.; requiring, by a specified date, the governing body of each county or municipality to adopt an ordinance to establish procedures for the review and approval of certified recovery residences; requiring that such ordinance include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence; specifying criteria for the ordinance; providing that the ordinance may establish additional requirements for the review and approval of reasonable accommodation requests; requiring that such additional requirements be consistent with federal law and not conflict with the act; prohibiting the ordinance from requiring public hearings beyond the minimum required by law; providing that the ordinance may include provisions for revocation of a granted accommodation for cause, if the accommodation is not reinstated within a specified timeframe; providing construction; amending s. 397.4871, F.S.; providing that the personnel-to-resident ratio for a certified recovery residence must be met only when the residents are at the residence; providing that a certified recovery residence administrator for Level IV certified recovery residences which maintains a specified personnel-to-patient ratio has a limitation on the number of residents it may manage; providing an effective date.

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

Section 1. Subsections (15) and (16) are added to section 397.487, Florida Statutes, to read:

397.487 Voluntary certification of recovery residences.—

(15)(a) By January 1, 2026, the governing body of each county or municipality shall adopt an ordinance establishing procedures for the review and approval of certified recovery residences within its jurisdiction. The ordinance must include a process for requesting reasonable accommodations from any local land use regulation that serves to prohibit the establishment of a certified recovery residence.

(b) At a minimum, the ordinance must:

1. Be consistent with the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq.

2. Establish a written application process for requesting a reasonable accommodation for the establishment of a certified recovery residence, which application must be submitted to the appropriate local government office.

3. Require the local government to date-stamp each application upon receipt. If additional information is required, the local government must notify the applicant in writing within the first 30 days after receipt of the application and allow the applicant at least 30 days to respond.

4. Require the local government to issue a final written determination on the application within 60 days after receipt of a completed application. The determination must:

a. Approve the request in whole or in part, with or without conditions; or

b. Deny the request, stating with specificity the objective, evidence-based reasons for denial and identifying any deficiencies or actions necessary for reconsideration.

5. Provide that if a final written determination is not issued within 60 days after receipt of a completed application, the request is deemed approved unless the parties agree in writing to a reasonable extension of time.

6. Require that the application include, at a minimum:

a. The name and contact information of the applicant or the applicant's authorized representative;

b. The property address and parcel identification number; and

c. A description of the accommodation requested and the specific regulation or policy from which relief is sought.

(c) The ordinance may establish additional requirements for the review or approval of reasonable accommodation requests for establishing a certified recovery residence, provided such requirements are consistent with federal law and do not conflict with this subsection.

(d) The ordinance may not require public hearings beyond the minimum required by law to grant the requested accommodation.

(e) The ordinance may include provisions for the revocation of a granted accommodation of a certified recovery residence for cause, including, but not limited to, a violation of the conditions of approval or the lapse, revocation, or failure to maintain certification or licensure required under this section, if not reinstated within 180 days.

(f) The ordinance and establishment of a reasonable accommodation process does not relieve the local government from its obligations under the Fair Housing Amendments Act of 1988, 42 U.S.C. ss. 3601 et seq., and Title II of the Americans with Disabilities Act, 42 U.S.C. ss. 12131 et seq. The

regulation for which the applicant is seeking a reasonable accommodation must not facially discriminate against or otherwise disparately impact the applicant.

(16) The application of this section does not supersede any current or future declaration or declaration of condominium adopted pursuant to chapter 718; any cooperative document adopted pursuant to chapter 719; or any declaration or declaration of covenant adopted pursuant to chapter 720.

Section 2. Paragraph (c) of subsection (8) of section 397.4871, Florida Statutes, is amended to read:

397.4871 Recovery residence administrator certification.—

(8)

(c) Notwithstanding paragraph (b), a Level IV certified recovery residence operating as community housing as defined in s. 397.311(9), which residence is actively managed by a certified recovery residence administrator approved for 100 residents under this section and is wholly owned or controlled by a licensed service provider, may:

1. Actively manage up to 150 residents so long as the licensed service provider maintains a service provider personnel-to-patient ratio of 1 to 8 and maintains onsite supervision at the residence during times when residents are at the residence 24 hours a day, 7 days a week, with a personnel-to-resident ratio of 1 to 10.

2. Actively manage up to 300 residents, so long as the licensed service provider maintains a service provider personnel-to-patient ratio of 1 to 8 and maintains onsite supervision at the residence during times when residents are at the residence with a personnel-to-resident ratio of 1 to 6.

A certified recovery residence administrator who has been removed by a certified recovery residence due to termination, resignation, or any other reason may not continue to actively manage more than 50 residents for another service provider or certified recovery residence without being approved by the credentialing entity.

Section 3. This act shall take effect July 1, 2025.

Approved by the Governor June 25, 2025.

Filed in Office Secretary of State June 25, 2025.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: CS/CS/CS/SB 954

INTRODUCER: Rules Committee; Appropriations Committee on Health and Human Services;
Community Affairs Committee; Senators Gruters and Rouson

SUBJECT: Certified Recovery Residences

DATE: April 22, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Fleming</u>	<u>CA</u>	<u>Fav/CS</u>
2.	<u>Sneed</u>	<u>McKnight</u>	<u>AHS</u>	<u>Fav/CS</u>
3.	<u>Hackett</u>	<u>Yeatman</u>	<u>RC</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 954 requires local governments to adopt an ordinance, subject to certain restrictions, to formalize and streamline the process for applicants seeking reasonable accommodations from land use regulations in order to open a certified recovery residence.

For certain Level IV certified recovery residences, the bill also eliminates staffing requirements when patients are not present, and increases the number of residents that a recovery residence administrator can oversee from 150 to 300 if the operator maintains a minimum 1:6 personnel-to-resident ratio when residents are present.

The bill has no fiscal impact on state revenues or expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2025.

II. Present Situation:

Substance abuse is the harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs.¹ According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth

¹ The World Health Organization, *Mental Health and Substance Abuse*, available at <https://www.who.int/westernpacific/about/how-we-work/programmes/mental-health-and-substance-abuse>; (last visited

Edition (DSM-5), a diagnosis of substance use disorder (SUD) is based on evidence of impaired control, social impairment, risky use, and pharmacological criteria.² SUD occurs when an individual chronically uses alcohol or drugs, resulting in significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home.³ Repeated drug use leads to changes in the brain's structure and function that can make a person more susceptible to developing a substance abuse disorder.⁴ Imaging studies of brains belonging to persons with SUD reveal physical changes in areas of the brain critical to judgment, decision making, learning and memory, and behavior control.⁵

In 2021, approximately 46.3 million people aged 12 or older had a SUD related to corresponding use of alcohol or illicit drugs within the previous year.⁶ The most common substance abuse disorders in the United States are from the use of alcohol, tobacco, cannabis, opioids, hallucinogens, and stimulants. Provisional data from the CDC's National Center for Health Statistics indicate there were an estimated 107,622 drug overdose deaths in the United States during 2021 (the last year for which there is complete data), an increase of nearly 15% from the 93,655 deaths estimated in 2020.⁷

Substance Abuse Treatment in Florida

In the early 1970s, the federal government enacted laws creating formula grants for states to develop continuums of care for individuals and families affected by substance abuse. The laws resulted in separate funding streams and requirements for alcoholism and drug abuse. In response to the laws, the Florida Legislature enacted chs. 396 and 397, F.S., relating to alcohol and drug abuse, respectively.⁸ Each of these laws governed different aspects of addiction, and thus had different rules promulgated by the state to fully implement the respective pieces of legislation.⁹ However, because persons with substance abuse issues often do not restrict their misuse to one substance or another, having two separate laws dealing with the prevention and treatment of addiction was cumbersome and did not adequately address Florida's substance abuse problem.¹⁰

March 28, 2025); the National Institute on Drug Abuse (NIDA), *The Science of Drug Use and Addiction: The Basics*, available at <https://www.drugabuse.gov/publications/media-guide/science-drug-use-addiction-basics> (last visited March 28, 2025).

² The National Association of Addiction Treatment Providers, *Substance Use Disorder*, available at <https://www.naatp.org/resources/clinical/substance-use-disorder> (last visited March 28, 2025).

³ Substance Abuse and Mental Health Services Administration (SAMHSA), *Substance Use Disorders*, <http://www.samhsa.gov/disorders/substance-use> (last visited March 28, 2025).

⁴ The NIDA, *Drugs, Brains, and Behavior: The Science of Addiction*, available at <https://www.drugabuse.gov/publications/drugs-brains-behavior-science-addiction/drug-abuse-addiction> (last visited March 28, 2025).

⁵ *Id.*

⁶ SAMHSA, *Highlights for the 2021 National Survey on Drug Use and Health*, p. 2, available at <https://www.samhsa.gov/data/sites/default/files/2022-12/2021NSDUHFFRHighlights092722.pdf> (last visited March 28, 2025).

⁷ The Center for Disease Control and Prevention, National Center for Health Statistics, *U.S. Overdose Deaths In 2021 Increased Half as Much as in 2020 – But Are Still Up 15%*, available at https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2022/202205.htm (last visited March 28, 2025).

⁸ *Id.*

⁹ *Id.*

¹⁰ The Center for Disease Control and Prevention, National Center for Health Statistics, *U.S. Overdose Deaths In 2021 Increased Half as Much as in 2020 – But Are Still Up 15%*, available at https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2022/202205.htm (last visited March 28, 2025).

In 1993, legislation was adopted to combine ch. 396 and 397, F.S., into a single law, the Hal S. Marchman Alcohol and Other Drug Services Act (Marchman Act).¹¹

The Marchman Act encourages individuals to seek services on a voluntary basis within the existing financial and space capacities of a service provider.¹² However, denial of addiction is a prevalent symptom of SUD, creating a barrier to timely intervention and effective treatment.¹³ As a result, treatment typically must stem from a third party providing the intervention needed for SUD treatment.¹⁴

The Department of Children and Families (DCF) administers a statewide system of safety net services for substance abuse and mental health (SAMH) prevention, treatment, and recovery for children and adults who are otherwise unable to obtain these services. Services are provided based upon state and federally established priority populations.¹⁵ The DCF provides treatment for SUD through a community-based provider system offering detoxification, treatment, and recovery support for individuals affected by substance misuse, abuse, or dependence.¹⁶

- **Detoxification Services:** Detoxification services use medical and clinical procedures to assist individuals and adults as they withdraw from the physiological and psychological effects of substance abuse.¹⁷
- **Treatment Services:** Treatment services¹⁸ include a wide array of assessment, counseling, case management, and support that are designed to help individuals who have lost their ability to control their substance use on their own and require formal, structured intervention and support.¹⁹
- **Recovery Support:** Recovery support services, including transitional housing, life skills training, parenting skills, and peer-based individual and group counseling are offered during and following treatment to further assist individuals in their development of the knowledge and skills necessary to maintain their recovery.²⁰

¹¹ Chapter 93-39, s. 2, L.O.F., which codified current ch. 397, F.S.

¹² See s. 397.601(1) and (2), F.S. An individual who wishes to enter treatment may apply to a service provider for voluntary admission. Within the financial and space capabilities of the service provider, the individual must be admitted to treatment when sufficient evidence exists that he or she is impaired by substance abuse and his or her medical and behavioral conditions are not beyond the safe management capabilities of the service provider.

¹³ Darran Duchene and Patrick Lane, *Fundamentals of the Marchman Act*, Risk RX, Vol. 6 No. 2 (Apr. – Jun. 2006) State University System of Florida Self-Insurance Programs, available at <http://flbog.sip.ufl.edu/risk-rx-article/fundamentals-of-the-marchman-act/> (last visited March 28, 2025) (hereinafter cited as “Fundamentals of the Marchman Act”).

¹⁴ *Id.*

¹⁵ See chs. 394 and 397, F.S.

¹⁶ The Department of Children and Families, *Treatment for Substance Abuse*, available at <https://www.myflfamilies.com/services/samh/treatment> (last visited March 28, 2025).

¹⁷ *Id.*

¹⁸ *Id.* Research indicates that persons who successfully complete substance abuse treatment have better post-treatment outcomes related to future abstinence, reduced use, less involvement in the criminal justice system, reduced involvement in the child-protective system, employment, increased earnings, and better health.

¹⁹ *Id.*

²⁰ The Department of Children and Families, *Treatment for Substance Abuse*, available at <https://www.myflfamilies.com/services/samh/treatment> (last visited March 28, 2025).

Day or Night Treatment with Community Housing

The DCF licenses “Day or Night Treatment” facilities both with and without community housing components. Day or night treatment programs provide substance use treatment as a service in a nonresidential environment, with a structured schedule of treatment and rehabilitative services.²¹ Day or night treatment programs with community housing are intended for individuals who can benefit from living independently in peer community housing while participating in treatment services for a minimum of 5 hours a day or 25 hours per week.²²

Day or night treatment with community housing is appropriate for individuals who do not require structured, 24 hours a day, 7 days a week residential treatment.²³ The housing must be provided and managed by the licensed service provider, including room and board and any ancillary services such as supervision, transportation, and meals. Activities for day or night treatment with community housing programs emphasize rehabilitation and treatment services using multidisciplinary teams to provide integration of therapeutic and family services.²⁴ This component allows individuals to live in a supportive, community housing location while participating in treatment. Treatment must not take place in the housing where the individuals live, and the housing must be utilized solely for the purpose of assisting individuals in making a transition to independent living.²⁵ Individuals who are considered appropriate for this level of care:

- Would not have active suicidal or homicidal ideation or present a danger to self or others;
- Are able to demonstrate motivation to work toward independence;
- Are able to demonstrate a willingness to live in supportive community housing;
- Are able to demonstrate commitment to comply with rules established by the provider;
- Are not in need of detoxification or residential treatment; and
- Typically need ancillary services such as transportation, assistance with shopping, or assistance with medical referrals and may need to attend and participate in certain social and recovery oriented activities in addition to other required clinical services.²⁶

Services provided by such programs may include:

- Individual counseling;
- Group counseling;
- Counseling with families or support system;
- Substance-related and recovery-focused education, such as strategies for avoiding substance use or relapse, information regarding health problems related to substance use, motivational enhancement, and strategies for achieving a substance-free lifestyle;
- Life skills training such as anger management, communication skills, employability skills, problem solving, relapse prevention, recovery management, decision-making, relationship skills, symptom management, and food purchase and preparation;

²¹ Section 397.311(26)(a)2., F.S.

²² Section 397.311(26)(a)3., F.S.

²³ Rule 65D-30.0081(1), F.A.C.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

- Expressive therapies, such as recreation therapy, art therapy, music therapy, or dance (movement) therapy to provide the individual with alternative means of self-expression and problem resolution;
- Training or provision of information regarding health and medical issues;
- Employment or educational support services to assist individuals in becoming financially independent;
- Nutrition education; and
- Mental health services for the purpose of:
 - Managing individuals with disorders who are stabilized,
 - Evaluating individuals' needs for in-depth mental health assessment,
 - Training individuals to manage symptoms; and
 - If the provider is not staffed to address primary mental health problems that may arise during treatment, the provider shall initiate a timely referral to an appropriate provider for mental health crises or for the emergence of a primary mental health disorder in accordance with the provider's policies and procedures.²⁷

Each enrolled individual must receive a minimum of 25 hours of service per week, including:

- Counseling;
- Group counseling; or
- Counseling with families or support systems.²⁸

Each provider is required to arrange for or provide transportation services, if needed and as appropriate, to clients who reside in community housing.²⁹ Each provider must have an awake, paid employee on the premises at all times at the treatment location when one or more individuals are present.³⁰ For adults, the provider must have a paid employee on call during the time when individuals are at the community housing location.³¹ In addition, the provider must have an awake, paid employee at the community housing location at all times if individuals under the age of 18 are present.³² No primary counselor may have a caseload that exceeds 15 individuals.³³ For individuals in treatment who are granted privilege to self-administer their own medications, provider staff are not required to be present for the self-administration.³⁴

Recovery Residences

Recovery residences (also known as “sober homes” or “sober living homes”) are alcohol- and drug-free living environments for individuals in recovery who are attempting to maintain abstinence from alcohol and drugs.³⁵ These residences offer no formal treatment and are, in some cases, self-funded through resident fees.

²⁷ Rule 65D-30.0081(2), F.A.C.

²⁸ Rule 65D-30.0081(4), F.A.C.

²⁹ Rule 65D-30.0081(5), F.A.C.

³⁰ Rule 65D-30.0081(6), F.A.C.

³¹ *Id.*

³² *Id.*

³³ Rule 65D-30.0081(7), F.A.C.

³⁴ Rule 65D-30.0081(8), F.A.C.

³⁵ SAMSHA, *Recovery Housing: Best Practices and Suggested Guidelines*, p. 2, available at <https://www.samhsa.gov/sites/default/files/housing-best-practices-100819.pdf> (last visited March 28, 2025).

A recovery residence is defined as “a residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written, electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment.”³⁶

Staffing Requirements for Certified Recovery Residences

A certified recovery residence administrator (CRAA) may actively manage up to 50 residents at any given time, though may manage up to 100 residents if written justification is provided to, and approved by, the credentialing entity as to how the administrator is able to effectively and appropriately respond to the needs of the residents, maintain residence standards, and meet the residence certification requirements.³⁷ CRRAs at certain Level IV certified recovery residences (those operating as community housing as defined in s. 397.311(9), F.S., which residence is actively managed by a certified recovery residence administrator approved for 100 residents under this section and is wholly owned or controlled by a licensed service provider) are allowed to actively manage up to 150 residents provided certain conditions are met:

- Maintains a personnel-to-patient ratio of 1 to 8;
- Maintains onsite supervision at the residence 24 hours a day, 7 days a week; and
- Has a personnel-to-resident ratio of 1 to 10.³⁸

Recovery Residence Levels of Support

Section 397.311(5), F.S., establishes a four level-classification of certified recovery residences, including:

- Level I—houses individuals in recovery who have completed treatment, with a minimum of 9 months of sobriety. A Level I certified recovery residence is democratically run by the members who reside in the home.
- Level II—encompasses the traditional perspectives of sober living homes. There is oversight from a house manager who has experience with living in recovery. Residents are expected to follow rules outlined in a resident handbook provided by the certified recovery residence administrator. Residents must pay dues, if applicable, and work toward achieving realistic and defined milestones within a chosen recovery path.
- Level III—offers higher supervision by staff with formal training to ensure resident accountability. Such residences are staffed 24 hours a day, 7 days a week, and offer residents peer-support services, which may include, but are not limited to, life skill mentoring, recovery planning, and meal preparation. Clinical services may not be performed at the residence. Such residences are most appropriate for persons who require a more structured environment during early recovery from addiction.
- Level IV—is a residence offered, referred to, or provided by, a licensed service provider to its patients who are required to reside at the residence while receiving intensive outpatient and higher levels of outpatient care. Such residences are staffed 24 hours a day and combine outpatient licensable services with recovery residential living. Residents are required to follow a treatment plan and attend group and individual sessions, in addition to developing a

³⁶ Section 397.311(38), F.S.

³⁷ Section 397.4871(6)(b), F.S.

³⁸ Section 397.4871(8)(b) and (c), F.S.

recovery plan within the social model of living in a sober lifestyle. No clinical services are provided at the residence and all licensable services are provided offsite.

Voluntary Certification of Recovery Residences and Administrators in Florida

Florida has a voluntary certification programs for recovery residences and recovery residence administrators, conducted by private credentialing entities.³⁹ Under the voluntary certification program, the DCF has approved two credentialing entities to design the certification programs and issue certificates: the Florida Association of Recovery Residences (FARR) certifies recovery residences and the Florida Certification Board (FCB) certifies recovery residence administrators.⁴⁰ Under the voluntary certification program, recovery residences are classified into four levels of care, with Level IV being the most intense level.⁴¹

Credentialing entities must require prospective recovery residences to submit the following documents with a completed application and fee:

- A policy and procedures manual containing:
 - Job descriptions for all staff positions;
 - Drug-testing procedures and requirements;
 - A prohibition on the premises against alcohol, illegal drugs, and the use of prescribed medications by an individual other than the individual for whom the medication is prescribed;
 - Policies to support a resident’s recovery efforts; and
 - A good neighbor policy to address neighborhood concerns and complaints.
- Rules for residents;
- Copies of all forms provided to residents;
- Intake procedures;
- Sexual predator and sexual offender registry compliance policy;
- Relapse policy;
- Fee schedule;
- Refund policy;
- Eviction procedures and policy;
- Code of ethics;
- Proof of insurance;
- Proof of background screening; and
- Proof of satisfactory fire, safety, and health inspections.⁴²

Patient Referrals

While certification is voluntary, Florida law incentivizes certification. Since 2016, Florida has prohibited licensed substance abuse service providers from referring patients to a recovery residence unless the recovery residence holds a valid certificate of compliance and is actively

³⁹ Sections 397.487 through 397.4872, F.S.

⁴⁰ The Department of Children and Families, *Recovery Residence Administrators and Recovery Residences*, available at <https://www.myflfamilies.com/services/samh/recovery-residence-administrators-and-recovery-residences> (last visited March 28, 2025).

⁴¹ Section 397.311, F.S., and sections 397.487 through 397.4873, F.S.

⁴² Section 397.487(3), F.S.

managed by a certified recovery residence administrator (CRRRA).⁴³ There are certain exceptions that allow referrals to or from uncertified recovery residences, including any of the following:

- A licensed service provider under contract with a behavioral health managing entity.
- Referrals by a recovery residence to a licensed service provider when the recovery residence or its owners, directors, operators, or employees do not benefit, directly or indirectly, from the referral.
- Referrals made before July 1, 2018, by a licensed service provider to that licensed service provider's wholly owned subsidiary.
- Referrals to, or accepted referrals from, a recovery residence with no direct or indirect financial or other referral relationship with the licensed service provider, and that is democratically operated by its residents pursuant to a charter from an entity recognized or sanctioned by Congress, and where the residence or any resident of the residence does not receive a benefit, directly or indirectly, for the referral.⁴⁴

Service providers are required to record the name and location of each recovery residence that the provider has referred patients to or received referrals from in the DCF Provider Licensure and Designations System.⁴⁵ Prospective service providers must also include the names and locations of any recovery residences which they plan to refer patients to, or accept patients from, on their application for licensure.⁴⁶

Residences managed by a certified recovery residence administrator approved for up to 100 residents and wholly owned or controlled by a licensed service provider may accommodate up to 150 residents under certain conditions.⁴⁷ These conditions include maintaining a service provider personnel-to-patient ratio of 1 to 8 and providing onsite supervision 24/7 with a personnel-to-resident ratio of 1 to 10. Additionally, administrators overseeing Level IV certified recovery residences with a personnel-to-resident ratio of 1 to 6 are not subject to limitations on the number of residents they may manage.

Zoning and Land Use

The Growth Management Act requires every city and county to create and implement a comprehensive plan to guide future development.⁴⁸ All development, both public and private, and all development orders⁴⁹ approved by local governments must be consistent with the local government's comprehensive plan unless otherwise provided by law.⁵⁰ The Future Land Use Element in a comprehensive plan establishes a range of allowable uses and densities and

⁴³ Section 397.4873(1), F.S.

⁴⁴ Section 397.4873(2)(a)-(d), F.S.

⁴⁵ Section 397.4104(1), F.S.

⁴⁶ Section 397.403(1)(j), F.S.

⁴⁷ Section 397.4871(8)(c), F.S.

⁴⁸ Section 163.3167(2), F.S.

⁴⁹ "Development order" means any order granting, denying, or granting with conditions an application for a development permit. See s. 163.3164(15), F.S. "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. See s. 163.3164(16), F.S.

⁵⁰ Section 163.3194(3), F.S.

intensities over large areas, and the specific use and intensities for specific parcels within that range are decided by a more detailed, implementing zoning map.⁵¹

III. Effect of Proposed Changes:

Section 1 amends s. 397.487, F.S., to require counties and municipalities, by January 1, 2026, to adopt an ordinance establishing procedures for the review and approval of certified recovery residences, including a process for requesting reasonable accommodations from land use regulations that otherwise prohibit such establishment. The bill requires that the ordinance:

- Be consistent with state and federal law;
- Establish a written application process;
- Require the local government to date-stamp each application upon receipt, and request additional information within 30 days if required, giving 30 days for such response;
- Require final written determination within 60 days which either approves in whole or part, with or without conditions, or denies the request, stating with specificity the objective reasons for denial and process for reconsideration;
- Provide that an application which does not receive final determination within 60 days is deemed approved unless the parties agree to extension; and
- Require the application to include the name and contact information of the applicant, the property address and parcel identification number, and a description of any accommodation requested.

The ordinance may establish additional requirements for the review or approval of reasonable accommodation requests, but may not require public hearings beyond the minimum required by law to grant the requested accommodation. The ordinance may include provisions for the revocation of a granted accommodation for cause such as a violation of conditions or failure to maintain certification.

The bill also clarifies that the ordinance does not supersede covenants and restrictions related to condominium or homeowners' associations.

Section 2 amends s. 397.4871, F.S., to provide that a certified recovery residence administrator for level IV certified recovery residence which maintains a personnel-to-resident ratio of 1 to 6 may manage up to 300 residents. Currently the maximum allowed is 150 residents with a 1 to 8 ratio. The bill also amends the 24/7 onsite supervision requirement to only apply during times when residents are at the residence.

The bill takes effect July 1, 2025.

⁵¹ Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing Brevard Cty. v. Snyder, 627 So. 2d 469, 475 (Fla. 1993).

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Article VII, s. 18(a) of the Florida Constitution provides, in part, that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. The bill requires counties and municipalities to expend funds associated with the requirement to enact an ordinance for the review and approval of certified recovery residences. However, the mandate requirement does not apply to laws having an insignificant impact,⁵² which for Fiscal Year 2025-2026 is forecast at approximately \$2.4 million.⁵³ The aggregate cost for local governments to implement this provision is likely insignificant.

However, if the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The overall effect of the bill may be to simplify the establishment and maintenance of a recovery residence, providing an indeterminate positive impact.

⁵² FLA. CONST. art. VII, s. 18(d).

⁵³ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Fla. Senate Comm. On Cmty. Affairs, Interim Report 2012-115: Insignificant Impact (Sept. 2011), available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf>.

C. Government Sector Impact:

Counties and municipalities will likely incur administrative expenses associated with the development and noticing of the ordinance required in section 1 of the bill.

The bill has no fiscal impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 397.487 and 397.4871.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS/CS by Rules on April 21, 2025:

The committee substitute revises the mechanic for local approval of certified recovery residences to require that local governments adopt an ordinance outlining procedures for approving certified recovery residences within their jurisdiction, with certain conditions on the nature and scope of the ordinance.

CS/CS by Appropriations Committee on Health and Human Services on April 15, 2025:

The committee substitute changes the maximum number of residents that can be actively managed by a certified recovery residence administrator for Level IV certified recovery residence to 300 residents.

CS by Community Affairs on March 31, 2025:

The committee substitute removes all provisions of the bill except:

- The provisions of section 4 declaring a certified recovery residence is deemed a nontransient residential use of land for the purposes of all local zoning ordinances. The provisions requiring administrative approval and a reduction of parking requirements are removed.
- Section 5, adjusting bed limits by personnel-to-resident ratio. This provision is modified to provide a 500 resident limit.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

City of Titusville
"Gateway to Nature and Space"

REPORT

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

Recommended Action:

Approve the ordinance

The City Council will hold the public hearing on April 28, 2026.

Summary Explanation & Background:

Background

On December 10, 2024, the Council provided an advisability to restrict heavy vehicle equipment from having access to residential areas. Discussion included the concern of moving and delivery trucks, limiting to construction vehicles, etc. On January 28, 2025, the City Attorney provided a memorandum with examples of local ordinances. Council directed staff to bring back additional information on the site plan review process. In addition, Council requested the memorandum prepared by the City Attorney be sent to the Planning and Zoning Commission to review and make recommendations. Council also directed staff to prepare an ordinance to establish "No Thru Truck Zones" that will prohibit trucks from traveling on certain local roads when an alternative route is available. On February 19, 2025, the Planning and Zoning Commission provided comments on the City Attorney's memorandum.

Summary

The ordinance will create a new Section to the Land Development Regulations 17-34 titled "Restrictions on truck use of streets." It describes how No-thru-truck zones may be established by the Council, through the adoption of a resolution designating the specific right-of-way on which thru-truck traffic shall be prohibited, and where signs shall be posted. In addition, the ordinance requires a site plan to include information describing the proposed routes for heavy trucks to be utilized during construction.

Alternatives:

- Approve the ordinance with changes.
- Do not recommend approval of the ordinance.

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. Trucks on Local Streets-Construction Traffic Ord Ver2
2. 1-28-25 Council agenda Attorney
3. 02.19.25 Minutes Approved P&Z

ORDINANCE NO. X-2026

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES TO REGULATE TRUCK TRAFFIC IN AND ON CERTAIN RESIDENTIAL STREETS BY CREATING SECTION 17-34 “RESTRICTIONS ON TRUCK USE OF STREETS” AND AMENDING SECTION 20-26 “POWERS AND DUTIES OF CITY MANAGER RELATIVE TO TRAFFIC” AND DEVELOPMENT REVIEW PROCEDURES TECHNICAL MANUAL SECTIONS 14.2 “PRE-APPLICATION MEETING”, 14.3 “CONCEPT PLAN”, 14.4 “APPLICATION PROCEDURES”, AND 14.5 “SITE PLAN REQUIRED EXHIBITS”; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE, AND AN EFFECTIVE DATE.

WHEREAS, Section 316.008(1)(g), Florida Statutes, grants authority to the City to restrict the use of streets and highways under the City’s jurisdiction; and

WHEREAS, the City desires to balance the needs of commerce and commercial traffic against the negative impacts of heavy traffic on the City’s roadways and neighborhoods, including but not limited to, the safety of pedestrians and bicyclists, and to reduce noise, pollution, and excessive wear and tear on City streets; and

WHEREAS, heavy traffic is increasing in many residential neighborhoods due to increased development within the City; and

WHEREAS, large trucks and excessive traffic during construction can pose safety risks and slow traffic on narrow or residential streets; and

WHEREAS, heavy trucks can cause excessive wear and tear on local roads not designed for such loads; and

WHEREAS, appropriate restrictions help preserve the lifespan of residential streets and reduce impacts on residential neighborhoods; and

WHEREAS, the State of Florida has granted the City the authority to restrict the use of streets and highways under the City’s jurisdiction through Section 316.008(1)(g), Florida Statutes; and

WHEREAS, in order to alleviate the heavy traffic on certain streets in Titusville, the City Council finds it necessary to implement regulations for thru-traffic on certain residential streets.

BE IT ENACTED BY THE CITY COUNCIL OF 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, is hereby amended by adding a section, to be numbered Chapter 17 “Streets, Sidewalks and Certain Other Public Places”, Article II “Streets”, Section 17-34 “Restrictions on truck use of streets”, which said section reads as follows:

Sec. 17-34. Restrictions on truck use of streets.

- (a) Authority and purpose. This section is created pursuant to authority granted under the Florida Uniform Traffic Control Law. The purpose of this section is to promote the public health, safety, and welfare by prohibiting thru-truck traffic on streets and roads which are unsuitable for such traffic by reason of their construction, or by reason of the character and nature of abutting property, where reasonably adequate alternative truck routes exist.
- (b) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) “No-thru-truck zone” means a street or road, or segment thereof, on which trucks are prohibited, except trucks traveling to or from a place abutting the zone, which place would otherwise be inaccessible by truck.
- (2) “Truck” means a truck as defined in the Florida Uniform Traffic Control Law.
- (c) Establishment of zones. No-thru-truck zones shall be established by the city council, through the adoption of a resolution designating the specific right-of-way on which thru-truck traffic shall be prohibited, and where signs shall be posted as provided for in subsection (e) of this section.
- (d) Considerations and guidelines. The city council may establish a no-thru-truck zone if one or more of the following conditions exists; however, a no-thru-truck zone shall not be established unless truck traffic that would otherwise travel through the zone has an alternate route available:
- (1) Traffic lanes are less than 12 feet wide.
- (2) The street or road cannot adequately carry truck traffic because of damage to the surface or to abutting structures.
- (3) Land use on both sides of the street or road is predominantly residential.
- (4) The character of the greater right-of-way is pedestrian in nature.
- (e) Signage. No-thru truck zones shall be signed at the beginning and end thereof, and at other places as the city may determine to be necessary, in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways published by the U.S. Department of Transportation, Federal Highway Administration.
- (f) Prohibition. It is unlawful for any person to drive a truck in a no-thru-truck zone, unless the driving of such truck is within the exceptions specified in paragraph (b)(1) or subsection (g) of this section.
- (g) Exceptions. The restrictions set forth in this article shall not apply to the following:
- (1) Any truck making a delivery or providing services to or from a location in or abutting the no-thru-truck zone, which location would otherwise be inaccessible by such vehicle.

(2) The operation of a truck where necessary to reach the truck driver's personal residence. This exception shall not authorize the parking of a truck in front of a personal residence or at any location otherwise prohibited under this article.

(3) Public service or other government-owned vehicles.

(4) Emergency vehicles.

SECTION 3. That Chapter 20 “Traffic and Motor Vehicles”, Article II “Administration”, Section 20-26 “Powers and duties of City Manager relative to traffic”, of the Code of Ordinances, City of Titusville, is hereby amended to read as follows:

Sec. 20-26. Powers and duties of city manager relative to traffic.

The City Manager, except as otherwise provided by this chapter, and except as otherwise directed from time to time by the City Council, shall have power and is hereby authorized:

- (1) *In general.* To regulate the operation and parking of vehicles within the city by the erection or placing of proper signs and markers indicating prohibited or limited parking, restricted speed areas, one-way streets, through or arterial streets, stop streets, U-turns, play streets, school zones, hospital zones, quiet zones, and other signs or markers indicating the place and manner of operating or parking vehicles within the corporate limits of the city.
- (2) *Safety zones, etc.* To designate crosswalks, safety zones, bus stops, and taxicab stands and to erect signs prohibiting the parking of vehicles other than buses and taxicabs in such stands.
- (3) *Truck routes.* To designate truck routes, including those designated pursuant to Section 17-34 “Restrictions on truck use of streets” and to regulate the parking of vehicles of various sizes and weights.
- (4) *Signs and markers.* To cause all such necessary signs or markers to be erected or placed on any street or part of a street when ~~he deems~~ such action is deemed necessary.
- (5) *Traffic-control devices.* To determine the installation and proper timing and maintenance of traffic-control devices.
- (6) *Closing streets.* When ~~he deems it~~ in the interest of public safety or convenience, to temporarily ~~to~~ close any street, alley, or portion of the same to vehicular or foot traffic, or to divert such traffic therefrom.
- (7) *Violations.* Any person failing or refusing to comply with the directions indicated or any sign or marker erected or placed in accordance with the provisions of this section when so placed or erected shall be guilty of a misdemeanor and punished as provided in Section 1-15.

SECTION 4. That Technical Manuals, Chapter 1 “Development Review Procedures”, Section 14.2 “Site Plans, Pre-application Meeting”, of the Code of Ordinances, City of Titusville, is hereby amended to read as follows:

14.2. *Pre-application Meeting.*

The following information/exhibits shall be required with the application for a Pre-application conference:

- 14.2.1. Legal description of the property including total area contained within the parcel (sites under one (1) acre shall state total area in square feet).
- 14.2.2. Future Land Use and current Zoning designations of the subject parcel and surrounding adjacent properties.
- 14.2.3. General information regarding the existing site conditions relative to natural topography, soils conditions, adjacent public facilities (i.e. roads, sewer, water, reuse), rights-of-ways, easements, and the intended legal positive drainage outfall.
- 14.2.4. Location of environmentally sensitive areas, including area of critical concern, watercourses, floodplains, floodways, wetlands, and natural habitat of threatened or endangered species.
- 14.2.5. A survey of trees and a sampling of understory vegetation as described in Section 30-40, ~~Tree survey required before permit.~~
- 14.2.67. The owner(s) name(s), developer name(s), and the names, addresses, and telephone numbers of the engineer, architect, landscape architect, planner, or surveyor as appropriate to the project.
- 14.2.76. A tentative street and lot arrangement if applicable.
- 14.2.87. A general description of the proposed development, general site data in sufficient detail to determine project suitability and impacts, proposed name, proposed principal and accessory uses, proposed density, parcels, open space, general building location(s), lot coverage, building(s) footprint square footage, building height, and parking requirements.
- 14.2.98. Identification of any significant departure from normal demand on available levels of service for public facilities and services as set forth in Chapter 30, Article IV Concurrency.
- 14.2.109. Any off-site improvements required for project feasibility and the provision of necessary public facilities and services.
- 14.2.110. Proposed route(s) for heavy trucks utilized during construction for the purpose of reducing impacts on local streets.

SECTION 5. That Technical Manuals, Chapter 1 “Development Review Procedures”, Section 14.3 “Site Plans, Concept Plan”, of the Code of Ordinances, City of Titusville, is hereby amended to read as follows:

14.3. *Concept Plan.*

The following information/exhibits shall be required with the submittal of a conceptual plan:

- 14.3.1. Location, land use designation, zoning district, project name, owner(s) name(s), developer name(s), and the names, addresses, and telephone numbers of the engineer, architect, landscape architect, planner, or surveyor as appropriate to the project.
- 14.3.2. Location of environmentally sensitive areas, including watercourses, floodplains, wetlands, natural habitat of threatened or endangered species, and major trees or

major groups of trees. A wetlands survey less than five (5) years old prepared by a professional land surveyor registered in the state shall be provided depicting the boundaries of the wetlands and surface waters (ponds, canals, ditches). The wetlands survey shall be based upon a delineation utilizing F.A.C. Ch. 62-340, as amended, or other standards accepted by the appropriate regulatory agency. Where no wetlands or surface waters have been identified on site based upon either the Future Land Use ~~M~~map or the U.S. Fish and Wildlife Service National Wetlands Inventory, ~~a~~the wetlands survey is not required.

- 14.3.3. General site data in sufficient detail to determine project suitability and impacts, including area of site, topography, proposed density, open space, general building location(s), lot coverage, building(s) footprint square footage, and purpose.
- 14.3.4. Identification of any significant departure from normal demand on available levels of service for public facilities and services as set forth in Chapter 30, Article IV Concurrency.
- 14.3.5. Any off-site improvements required for project feasibility and the provision of necessary public facilities and services.
- 14.3.6. Proposed route(s) for heavy trucks utilized during construction for the purpose of reducing impacts on local streets.

SECTION 6. That Technical Manuals Chapter 1 “Development Review Procedures”, Section 14.4 “Site Plans, Application Procedures” of the Code of Ordinances, City of Titusville is hereby amended to read as follows:

14.4. *Application Procedures.*

The application procedures for site plan submittals are as follows ~~(Cross citation Sec. 34-203)~~:

- 14.4.1. All applications must be accompanied with the proposed development plan at a scale of no greater than 1/60, (one (1) inch to sixty (60) feet) on blue or black line print, and be submitted through the City's online portal.
- 14.4.2. The Administrator shall determine whether the application meets the minimum requirements identified within this section within three (3) working days of date of application. If the Administrator determines that the application meets the minimum requirements under this section it shall be submitted to the various development-related departments for their review and comment. Should the Administrator determine that the application does not meet the minimum requirements as set forth in this section, they shall transmit a notice of rejection identifying those elements not addressing the minimum requirements and return the application with ~~said~~ supporting documentation.
- ~~14.4.3. Reserved.~~
- 14.4.~~5~~4. Upon receipt of the project review comments, the Administrator shall take one of the following actions:
 - 14.4.~~5~~4.1. If the application addresses all City regulations and requirements, the Administrator shall notify the applicant of final site plan approval.

14.4.54.2. In the event that comments are generated, the Administrator shall notify the applicant and identify the deficiencies. The applicant shall have a period of one hundred eighty (180) days to respond to City staff comments.

14.4.65. If the applicant fails to respond to staff comments within this one hundred eighty (180) day period, the application shall be deemed to have been withdrawn.

14.4.76. Responses to comment may be extended by the Administrator beyond the one hundred eighty (180) day period ~~providing the applicant can provide justification why such extension is needed upon a showing of good cause by the applicant.~~ The Administrator ~~will~~ determine whether good cause exists ~~the request is justified~~ and the length of time for the extension.

SECTION 7. That Technical Manuals Chapter 1 “Development Review Procedures”, Section 14.5 “Site Plans, Site Plan Required Exhibits” of the Code of Ordinances, City of Titusville is hereby amended to read as follows:

14.5. *Site Plan Required Exhibits.*

The following information/exhibits shall be required with the application for a site plan:

14.5.1. ~~A P~~project label: ~~The project label shall that~~ consists of the name of the project; what type of development the project is; the name of the owner/developer, including address and contact telephone number; the engineer/surveyor/architect/landscape architect/planner name, address, and contact telephone number. A sheet index must be provided on the cover sheet.

14.5.2. Site ~~d~~Data: ~~i~~nformation, ~~including to include~~, but not limited to, total project area or acreage; the square footage of commercial or industrial buildings; density (units/acre); ~~and~~ number of buildings; building coverage; number of floors with square footage of each floor ~~areas~~; type of building construction; total impervious coverage; area to remain in a native state; acreage of wetlands; acreage in 100 year flood plain; current zoning and land uses; and other such information as the applicant or Administrator determines necessary to fully describe the impacts of development on the site.

14.5.3. ~~A C~~certification block ~~that~~ : ~~This area shall~~ includes an area for appropriate engineer/surveyor/architect/landscape architect seal and registration number as required, the date of the submission, indication of whether it is a revision, who drafted or designed the project, and what sheet it is.

14.5.4. ~~Property Legal description:~~ The property legal description from the ~~warranty~~ deed or title.

14.5.5. ~~A N~~north ~~A n~~arrow and ~~the Scale:~~ ~~Included the north arrow and a~~ scale at which the project is drawn.

14.5.6. ~~A C~~current ~~S~~urvey: ~~i~~ncluding a boundary map ~~with:~~ ~~B~~boundaries of all tracts shown with bearings, distances, closures, and bulkhead lines, if any, and Tax Parcel I.D. #.; ~~A~~ adjoining subdivisions and parcels, rights-of-way, city limit lines, and easements.

14.5.7. ~~A V~~vicinity ~~m~~Map ~~that includes:~~ ~~Included within the vicinity map shall be~~ the surrounding land use designations and zoning classifications for adjoining/adjacent properties as well as for the project itself.

14.5.8. Proposed route(s) for heavy trucks utilized during construction for the purpose of reducing impacts on local streets.

14.5.~~98~~. ~~A~~ Topographical Survey: ~~There shall be a site-~~specific topographical survey provided with contour intervals of at least one (1) foot in elevation, as appropriate to the site and scale of the plan. Datum must be clearly identified on plans.

14.5.~~109~~. ~~The~~ Location of jurisdictional wetlands ~~with-~~ Aadditional site-specific data as necessary to describe any impacts to conservation/wetland areas, and other environmentally sensitive resources, including any mitigation efforts to be proposed or required by these regulations. A wetlands survey less than five (5) years old prepared by a professional land surveyor registered in the state shall be provided depicting the boundaries of the wetlands and surface waters (ponds, canals, ditches). The wetlands survey shall be based upon a delineation utilizing F.A.C. Ch. 62-340, as amended, or other standards accepted by the appropriate regulatory agency. Where no wetlands or surface waters have been identified on site based upon either the Future Land Use Mmap or the U.S. Fish and Wildlife Service National Wetlands Inventory, ~~at~~ the wetlands survey is not required.

14.5.~~110~~. A survey of trees and a sampling of understory vegetation as described in Section 30-40, ~~Tree survey required before permit.~~

14.5.~~124~~. A General soils map, as provided in the Soil Survey of Brevard County, Florida, as prepared by the United States Department of Agriculture Soil Conservation Service.

14.5.~~132~~. A Geotechnical report, hydraulic analysis for fire flow requirements, sanitary sewer pumping station calculations, and the stormwater summary sheet as provided by the City.

14.5.~~143~~. ~~The~~ Eexisting utility lines, stormwater management systems, and offsite contributing drainage areas.

14.5.~~154~~. ~~The~~ Eexisting and proposed structures.

14.5.~~164~~. ~~The~~ Hundred (100) year floodplain, as shown on the appropriate FEMA map panels.

14.5.~~176~~. ~~The~~ Typical cross-sections of proposed grades, roads, driveways, parking areas, retention ponds, drainage conveyances, and other applicable features.

14.5.~~187~~. ~~The~~ Water, Sanitary, and Reuse distribution system with plans and profiles, meeting all City design requirements and specifications, and showing crossings and connections to the existing utilities including any proposed off-site construction.

14.5.~~198~~. ~~The~~ Temporary construction erosion control plan meeting all National Pollutant Discharge Elimination System ~~(NPDES)~~ requirements.

SECTION 8. SEVERABILITY. If any provisions 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 9. 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 10. 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.

SECTION 11. EFFECTIVE DATE. This Ordinance shall become effective upon adoption by the City Council in accordance with the Charter of the City of Titusville, Florida.

PASSED AND ADOPTED, this ___th day of _____, 2026.

Andrew Connors, Mayor

ATTEST:

Wanda F. Wells, City Clerk

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the City Council
From: Richard Broome, City Attorney
Subject: **Memo re: Trucks on Local Roads**
Department/Office: City Attorney

Recommended Action:

Consider the attached memorandum regarding the City's ability to regulate trucks on local roads.

Summary Explanation & Background:

City Council requested information regarding the City's ability to regulate trucks on local roads. Attached hereto is a memorandum for Council's consideration.

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. Memo re Trucks on Local Roads

INTEROFFICE MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Chelsea A. Farrell, Assistant City Attorney

CP

SUBJECT: Trucks on Local Roads

DATE: December 11, 2024

At the December 10, 2024 City Council meeting, Council directed the City Attorney to research the ability to regulate construction vehicles and large trucks on local roads. Discussion included the concern of moving and delivery trucks, limiting construction vehicles, among other issues. This Memorandum intends to address the legal authorities on the matter, as well as potential solutions for Council to consider.

In 1971, the Florida Legislature enacted Ch. 316, F.S., the *Florida Uniform Traffic Control Law*, in order to “make uniform traffic laws to apply throughout the state and its several counties and uniform traffic ordinances to apply in all municipalities.” Section 316.002, F.S. The Legislature recognized that there are conditions which require municipalities to pass certain other traffic ordinances regulating municipal traffic, and it expressly specified that s. 316.008, F.S., enumerates the area within which the municipalities are authorized to control certain traffic movement in their respective jurisdictions, copy attached for reference. Section 316.002, F.S. Section 316.002 also makes it unlawful for a municipality to pass or attempt to enforce any ordinance in conflict with the provisions of Ch. 316.

Section 316.008, F.S, *Powers of local authorities*, provides the authority to municipalities, with respect to streets under their jurisdiction and within the reasonable exercise of the police power, to regulate traffic in the following subsections, which may relate to the health, safety, and welfare of residents on a particular road, including the following:

- (a) **Regulating or prohibiting stopping, standing, or parking.**
- (b) **Regulating traffic by means of police officers or official traffic control devices.**
- (c) Regulating or prohibiting processions or assemblages on the streets or highways, including all state or federal highways lying within their boundaries.
- (d) **Designating particular highways or roadways for use by traffic moving in one direction.**
- (e) Establishing speed limits for vehicles in public parks.
- (f) **Designating any street as a through street or designating any intersection as a stop or yield intersection.**
- (g) Restricting the use of streets.
- (h) Regulating the operation of bicycles.
- (i) **Regulating or prohibiting the turning of vehicles or specified types of vehicles.**
- (j) Altering or establishing speed limits within the provisions of this chapter.
- (k) Requiring written crash reports.
- (l) **Designating no-passing zones.**
- (m) Prohibiting or regulating the use of controlled access roadways by any class or kind of traffic.

(n) Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic.

(o) Designating hazardous railroad grade crossings in conformity to criteria promulgated by the Department of Transportation.

(p) Designating and regulating traffic on play streets.

(q) Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except on a crosswalk.

(r) Regulating pedestrian crossings at unmarked crosswalks.

(s) Regulating persons upon skates, coasters, and other toy vehicles.

(t) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions.

(u) Enacting ordinances or erecting signs in the rights-of-way to control, regulate, or prohibit hitchhiking on streets or highways, including all state or federal highways lying within their boundaries.

(v) Regulating, restricting, or prohibiting traffic within the boundary of any airport owned by the state, a county, a municipality, or a political subdivision and enforcing violations under the provisions of this chapter and chapter 318.

(w) Regulating, restricting, or monitoring traffic by security devices or personnel on public streets and highways, whether by public or private parties and providing for the construction and maintenance of such streets and highways.

However, sec. 316.008(3), F.S. does prohibit the City from erecting or maintaining any traffic control device at any location so as to regulate the traffic on any state road unless approval in writing has first been obtained from the Department of Transportation.

In our research, we have found that certain local governments have created ordinances establishing “No Thru Truck Zones” that prohibit trucks from travelling on particular roads, provided that certain criteria is met and provided that an alternative route of travel is possible. See attached code language from Bonita Springs, Florida. Some local governments require a traffic control plan in their land development code, with requirements for developers to manage traffic flow and safety during construction on a new development site, including details like construction routes, lane closures, signage, flagging procedures, hours of operation and other necessary traffic control measures, to ensure the smooth movement of vehicles while minimizing disruptions to existing traffic patterns.

Section 316.515, F.S., *Maximum width, height, length*; provides that local authorities may restrict the use of public roads by vehicles exceeding 96 inches in width on public roads that do not have at least one through lane of 12 feet or more in width in each direction, and the use of such public roads are deemed unsafe for wider vehicles on the basis of safety and engineering analyses, with respect to streets and highways under their jurisdiction. Section 316.555, F.S., *Weight, load, speed limits may be lowered; condition precedent*; further provides that local authorities may prescribe by notice loads and weights and speed limits lower than the limits prescribed by Chapter 316 with respect to streets and highways under their jurisdiction, whenever in its or their judgment, such regulation or prohibition is necessary to provide for the public safety and convenience on the highways, or parts thereof, by reason of traffic density, intensive use thereof by the traveling public, or other reasons of public safety and convenience. It should be noted that exemptions must be provided for garbage collection vehicles and local deliveries, or transport of agricultural goods or equipment, to or from residential or commercial properties within the restricted area, including but not limited to, sod deliveries, moving trucks, and construction equipment. Large-scale development construction traffic for which alternate access exists shall not be considered a local delivery and shall utilize other access.

To address safety concerns raised by construction and other large vehicles traveling through residential areas, or large trucks causing damage to local roads, Council could consider enacting an Ordinance that would establish “No Thru Truck Zones” that would prohibit trucks from traveling on certain local roads when an alternative route is available. In addition, Council may consider requiring a construction traffic management plan for large-scale development projects.

ARTICLE IV. LIMITATIONS ON THRU TRUCK TRAFFIC

Sec. 40-60. Restrictions on truck use of streets.

(a) *Authority and purpose.* This section is ordained pursuant to authority granted under the Florida Uniform Traffic Control Law. The purpose of this section is to promote the public health, safety and welfare by prohibiting thru-truck traffic on streets and roads which are unsuitable for such traffic by reason of their construction or by reason of the character and nature of abutting property, where reasonably adequate alternative truck routes exist.

(b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

No-thru-truck zone. A street or road, or segment thereof, on which trucks are prohibited, except trucks traveling to or from a place abutting the zone, which place would otherwise be inaccessible by truck.

Truck. A truck as defined in the Florida Uniform Traffic Control Law.

(c) *Establishment of zones.* No-thru-truck zones shall be established by the city council, through the adoption of a resolution designating the specific right-of-way on which thru-truck traffic shall be prohibited, and where signs shall be posted as provided for in subsection (e) of this section.

(d) *Considerations and guidelines.* The city council may establish a no-thru-truck zone if one or more of the following conditions exists; however, a no-thru-truck zone shall not be established unless truck traffic that would otherwise travel through the zone has an alternate route available:

- (1) Traffic lanes are less than 12 feet wide.
- (2) The street or road cannot adequately carry truck traffic because of damage to the surface or to abutting structures.
- (3) Land use on both sides of the street or road is predominantly residential.
- (4) The character of greater right-of-way is pedestrian in nature.

(e) *Signing.* No-thru truck zones shall be signed at the beginning and end thereof, and at other places as the city may determine to be necessary, in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways published by the U.S. Department of Transportation, Federal Highway Administration.

(f) *Prohibition.* It is unlawful for any person to drive a truck in a no-thru-truck zone, unless the driving of such truck is within the exception specified in the definition of "no-thru-truck" zone in subsection (b) of this section or pursuant to section 40-61.

(Ord. No. 23-03 , § 2(Exh. A), 5-3-2023)

Sec. 40-61. Exceptions.

The restrictions set forth in this article shall not apply to the following:

- (1) Any truck making a delivery or providing services to or from a location in or abutting the no-thru-truck zone, which location would otherwise be inaccessible by such vehicle.
- (2) The operation of a truck where necessary to reach the truck driver's personal residence. This exception shall not authorize the parking of a truck in front of a personal residence or at any location otherwise prohibited under this article.
- (3) Public service or other government-owned vehicles.
- (4) Emergency vehicles.

(Ord. No. 23-03 , § 2(Exh. A), 5-3-2023)

Sec. 40-62. Temporary truck routes.

The city manager may, in the event of an emergency, or as needed for maintenance, temporarily restrict truck traffic or establish specific temporary truck routes.

(Ord. No. 23-03 , § 2(Exh. A), 5-3-2023)

Sec. 40-63. Penalties.

A violation of this section shall be subject to the fines in Section 1-15 of the Bonita Springs Code. Further, violation of corresponding signage may be further enforced as a violation of § 316.074, Florida Statutes.

(Ord. No. 23-03 , § 2(Exh. A), 5-3-2023)

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 February 19, 2025 at 6:00 p.m.

XXX

Chairman Dan Aton called the meeting to order at 6:00 p.m. Present were Vice Chairman Christopher Childs, Member John Scully, Member Janay Gelin, Member Erron Fayson, Member Theodore Garrod and Alternate John Rogers. Secretary Romie Grant and Alternate Member Michael Fendler were absent. Also, in attendance were Principal Planner Eddy Galindo, Planner Tabitha Armstrong, Assistant City Attorney Chelsea Farrell and Recording Secretary Laurie Dargie.

XXX

Vice Chairman Childs made a motion to approve the minutes from the February 5, 2025 meeting as presented. Member Rogers seconded. There was a unanimous voice vote in favor.

XXX

Quasi-Judicial Confirmation Procedures

XXX

Petitions and Requests from the Public Present

None

XXX

Old Business

None

XXX

New Business

EAS#3-2024 – Easement Vacation – 1558 Meadow Lark Drive

Planner Tabitha Armstrong gave an overview of this item.

The Planning and Zoning Commission members had questions for staff regarding the drainage easement.

John Dacko, applicant, of Titusville came to speak in favor of this item. Mr. Dacko requested that the Planning & Zoning Commission members might approve his request to vacate the full ten (10) feet of the drainage easement.

Assistant City Attorney Farrell explained to the Planning & Zoning Commission that they could not make a recommendation to approve the full ten (10) foot easement vacation that Mr. Dacko is requesting as that is not what was advertised on tonight’s agenda.

The Planning & Zoning Commission had lengthy discussion with city staff and Mr. Dacko regarding the pictures of Mr. Dacko’s backyard depicting a berm and not a swale as the staff report indicates there is a swale. The Planning & Zoning Commission members asked that staff take another look at Mr. Dacko’s request based on his pictures and that a site visit take place to allow for an accurate assessment of his property for his request for an easement vacation of the ten (10) foot drainage easement.

XXX

Vice Chairman Childs made a motion to table Easement Vacation EAS#3-2024 – 1558 Meadow Lark Drive until a future Planning and Zoning Commission meeting to allow the applicant time to work with staff for his request to vacate ten (10) feet of the drainage easement. Member Scully seconded.

Roll call was as follows:

Member Garrod	Yes
Member Scully	Yes
Vice Chairman Childs	Yes
Member Gelin	Yes
Member Rogers	Yes
Member Fayson	Yes
Chairman Aton	Yes

Motion passed.

XXX

MEMO Regarding Trucks on Local Roads

Assistant City Attorney Chelsea Farrell gave an overview of this item.

Vice Chairman Childs said he was in support of this.

Member Garrod stated that there are “no thru trucks” signs near where he lives, but truck drivers do not always adhere to the signs. Member Garrod asked how this would be enforced. Member Garrod said that the greater issue is parking on the roads.

Kay St. Onge of Titusville, Florida came to speak about the concerns of trucks on Georgia Avenue in Titusville and that it is an issue she would support being addressed.

The Planning and Zoning Commission members had additional discussion relating to how to regulate this, enforce it, and their support of moving forward with an ordinance to address it.

XXX

Vice Chairman Childs made a motion to recommend to City Council, the Planning and Zoning Commission’s support of moving forward with an ordinance to address trucks on local roads. Member Gelin seconded.

Roll call was as follows:

Member Rogers	Yes
Member Fayson	Yes
Vice Chairman Childs	Yes
Member Scully	Yes
Member Garrod	Yes
Member Gelin	Yes
Chairman Aton	Yes

Motion passed.

XXX

Clarification on Recommendation to City Council regarding Future Land Use Policy 1.9.1

Principal Planner Eddy Galindo asked that the Planning and Zoning Commission members provide clarification to staff regarding the recommendation made at their February 5, 2025 meeting.

The Planning and Zoning Commission members provided feedback and clarification.

Member Rogers suggested that road classifications only be done every seven years.

Mr. Galindo summarized the intent of the Commission’s recommendation regarding Future Land Use Policy 1.9.1: to add flexibility to the locational criteria so that, beyond roadway classifications, certain roadway characteristics and functionality; such as roadway width, traffic volume, or other characteristics; could be used to allow the land use where appropriate. Mr. Galindo advised that any proposed changes would likely be brought before the Commission as part of the City’s upcoming Evaluation and Appraisal Report (EAR) comprehensive plan amendments.

XXX

Petitions & Requests from the Public Present

None

XXX

Reports

Principal Planner Eddy Galindo introduced Tabitha Armstrong, one of the city’s Planners, to the Planning and Zoning Commission.

**Planning and Zoning Commission
Regular Meeting
February 19, 2025**

Assistant City Attorney Chelsea Farrell proposed that the Planning and Zoning Commission members consider reviewing their By-Laws. The city transitioned to a new publishing software and the By-Laws for all Commissions & Boards were provided as the official agenda layout. Assistant City Attorney Farrell spoke in regards to the Planning and Zoning Commission’s By-Laws and said that the Pledge of Allegiance is not on the agenda layout and the agenda also has separate sub-categories in the By-Laws for New Business and this could be removed to show simply as New Business which will encompass all applications and requests that come before the Commission.

XXX

Vice Chairman Childs made a motion to change the Planning and Zoning Commission By-Laws to include the Pledge of Allegiance and to simplify the New Business agenda portion by removing the following sub-categories: Rezoning, Annexations, Conditional Use Permit and Miscellaneous. Member Fayson seconded.

Roll call was as follows:

Member Fayson	Yes
Member Gelin	Yes
Member Garrod	Yes
Member Rogers	Yes
Member Childs	Yes
Secretary Grant	Yes
Chairman Aton	Yes

Motion passed.

XXX

Member Garrod informed the Planning and Zoning Commission that there is new legislation being proposed regarding “time restrictions on applicants” for local municipalities. Member Garrod said that 1,000 Friends of Florida is having a webinar that will explain this proposed legislation in depth.

Mr. Galindo clarified that the City of Titusville did not hold up the applicant’s request for seven years.

Member Rogers commented that he feels that the local government did not function smoothly with regards to Mr. Dacko’s request and hopes that it would run more smoothly for these types of reasonable requests in the future. He asked that staff would go in person to verify what is actually on the property.

XXX

Adjournment 7:51pm

City of Titusville
"Gateway to Nature and Space"

REPORT

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

Recommended Action:

Elect Vice Chairman

Summary Explanation & Background:

ARTICLE IV. ELECTION OF OFFICERS

Section 1. The Chairman of the Planning and Zoning Commission shall be elected by said Commission from its number, for a term of one (1) year, or until a successor is qualified and elected. The Commission shall, from its number, fill any vacancy of the office of the Chairman. The election of Planning and Zoning Commission Officers shall be held the first regular meeting in the month of February each year.

Section 2. The Vice-Chairman and Secretary shall be elected by the Planning and Zoning Commission from its number, and the terms of office shall be concurrent with that of the Chairman. The Commission shall, from its number, fill any vacancy in the office of the Vice-Chairman or Secretary.

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. PZ Bylaws Amended March 2025

1
2 **City of Titusville, Florida**

3
4 **PLANNING AND ZONING COMMISSION**
5 **BYLAWS**
6

7
8 **ARTICLE I. OBJECTIVES AND PURPOSES**
9

10 Section 1. The objective and purpose of the City Planning and Zoning Commission
11 shall be those set forth in the City Charter and Code of Ordinances of the
12 City of Titusville.
13

14
15 **ARTICLE II. MEMBERSHIP**
16

17 Section 1. Membership shall be in accordance with the provisions of the City Charter
18 and Code of Ordinances of the City of Titusville.
19

20 Section 2. The City Council may in its discretion remove any member appointed to
21 the Planning and Zoning Commission by a majority vote upon first giving
22 two (2) weeks written notice by first class mail to the address on file with
23 the City Clerk. The affected Commission Member may request a hearing
24 before City Council provided that written notice is filed with the City
25 Clerk at least twenty-four (24) hours prior to the meeting at which the
26 matter is to be acted upon. If any member of the Commission is convicted
27 of a felony, that position on the Commission shall be forfeited
28 immediately and the seat vacated. Any member of the commission who
29 fails to attend three (3) or more consecutive regular meetings (not
30 including special or workshop meetings) shall automatically forfeit
31 membership in the Commission and the Chairman shall so inform the City
32 Council. Any member of the Commission who fails to attend more than
33 fifty percent (50%) of the regular, special or workshop meetings during a
34 six (6) month period shall automatically forfeit membership and
35 appointment on the Commission and the Chairman shall so inform the
36 City Council. Upon the approval of the City Council, the Council may
37 authorize a member to miss more than three (3) consecutive meetings or
38 more than fifty percent (50%) of the regular, special or workshop meetings
39 during a six (6) month period. All members shall abide by the Standards
40 of Conduct set forth in City of Titusville Code of Ordinances, Chapter 2,
41 Article IV., Division 4.
42
43
44

1
2 **ARTICLE III. OFFICERS AND DUTIES**
3

- 4 Section 1. The Officers of the Planning and Zoning Commission shall be:
5 a) A Chairman, who shall preside at all meetings and shall have special
6 duties as further prescribed in these bylaws.
7 b) A Vice-Chairman, who shall, in the absence of the Chairman or in the
8 event of the Chairman's inability to act, preside at all meetings, and
9 shall have the power to function in the same capacity as the Chairman.
10 c) A Secretary, who shall, in the absence of the Chairman and the Vice-
11 Chairman, or in the event of his or her inability to act, preside at all
12 meetings and shall have the power to function in the same capacity as
13 the Chairman.
14

15
16 **ARTICLE IV. ELECTION OF OFFICERS**
17

18 Section 1. The Chairman of the Planning and Zoning Commission shall be elected by
19 said Commission from its number, for a term of one (1) year, or until a
20 successor is qualified and elected. The Commission shall, from its
21 number, fill any vacancy of the office of the Chairman. The election of
22 Planning and Zoning Commission Officers shall be held the first regular
23 meeting in the month of February each year.
24

25 Section 2. The Vice-Chairman and Secretary shall be elected by the Planning and
26 Zoning Commission from its number, and the terms of office shall be
27 concurrent with that of the Chairman. The Commission shall, from its
28 number, fill any vacancy in the office of the Vice-Chairman or Secretary.
29

30
31 **ARTICLE V. MEETINGS**
32

33 Section 1. Regular Planning and Zoning Commission Meetings shall be held on the
34 Wednesday prior to the second Tuesday and Wednesday prior to the
35 fourth Tuesday of each month at 6:00 p.m., at the City Administration
36 Building of the City of Titusville.
37

38
39 Any Regular Meeting may be adjourned to a definite date and time, as
40 established by a majority of the Planning and Zoning Commission
41 members present.
42

43 Section 2. Adjourned, called or special meetings may be held at any time or place by
44 the Commission, provided that such meetings shall be held as required,
45 subject to the call of the Chairman, or in the absence of the Chairman, by
46 the Vice-Chairman, or in the absence of the Chairman and the Vice-
47 Chairman, by the Secretary. Upon written request of a majority of the

1 Planning and Zoning Commission, a special or called meeting shall be
2 held by the Chairman, or in the absence of the Chairman, by the Vice-
3 Chairman, or in the absence of the Chairman and Vice-Chairman, by the
4 Secretary.

5
6 Section 3. Each member shall be notified of the place and date of each meeting by a
7 written notice or by telephone at least 24 hours prior to any adjourned,
8 called, or special meeting.

9
10 Section 4. All meetings of the Planning and Zoning Commission and its committees
11 and sub-committees shall be open to the general public.

12
13
14 **ARTICLE VI. ORDER OF BUSINESS**

15
16 Section 1. At all Regular Planning and Zoning Commission meetings the general
17 order of business before the Commission shall be as follows:

- 18 1. Call to Order
- 19 2. Pledge of Allegiance
- 20 3. Roll Call
- 21 4. Determination of a Quorum
- 22 5. Approval of the Minutes
- 23 6. Quasi-Judicial Confirmation Procedures
- 24 7. Petitions and Request from Public Present
- 25 8. Old Business
- 26 9. New Business
- 27 10. Petitions and Request from Public Present
- 28 11. Reports
 - 29 a) City Staff
 - 30 b) City Attorney
 - 31 c) Chairman
 - 32 d) Members
- 33 12. Adjournment

34
35 Section 2. Citizens present having business before the Commission shall be invited to
36 speak only prior to the matter with which they are concerned. If, in the
37 opinion of the Chairman, time limitations are necessary in order to carry
38 out the agenda, the Chairman may place time limits for each speaker
39 appearing before the Commission.

40
41 Section 3. The Press shall not take part in the business of the meeting but may,
42 however, request clarification on matters or action of said Commission.
43 Prior to adjournment, after the completion of all business before the
44 Commission, the press may be invited to question the Commission
45 regarding matters of business which have been the subject of the meeting.
46

- 1 Section 4. The order of business for called or special meetings shall be as follows:
2 1. Call to Order
3 2. Roll Call
4 3. Determination of a Quorum
5 4. Business which is the Subject of the Special or Called Meeting
6 5. Adjournment
7

8 Section 5. It shall be the duty of the Chairman or Acting Chairman to state the matter
9 of business to the Commission and to provide a period of discussion of the
10 facts relevant to the problem prior to entertaining a motion relative to the
11 item of business. However, after a motion is made and seconded, the
12 Chairman may ask for additional discussion if deemed necessary.
13

14 Section 6. Any citizen desiring to comment under petitions and requests from the
15 public present does not need to submit a sign-up card to the recording
16 secretary. The first and second petitions and requests from the public
17 present will be an open forum. A citizen may speak at either the first or
18 second petitions and requests portion of the agenda but not both. Citizens
19 desiring to be heard under petitions and requests from the public present
20 shall be limited to three (3) minutes unless extended by a majority vote of
21 the Commission. A citizen shall not comment on a particular issue more
22 than one (1) time during the commission meeting.
23

24
25 **ARTICLE VII. QUORUM & ASSIGNMENT OF ALTERNATE MEMBERS**
26

27 Section 1. For the purpose of transacting business at any regular, adjourned, special
28 or called meeting, four (4) members shall constitute a quorum and a
29 majority vote shall be required to pass on any matter.
30

31 Section 2. If a regular member(s) is not present at the start of the meeting, or absent
32 from the meeting, the chairman shall designate which alternate member(s)
33 shall serve in that absent regular member(s) place. After the Roll Call but
34 prior to the determination of a quorum, the Chairman shall appoint an
35 alternate member to serve in the place of any absent regular member.
36

37 Section 3. In the event a member shows up late and an alternate member has been
38 assigned to that member's position, the alternate member shall complete
39 his or her service in that members position until that agenda item has been
40 acted upon at that specific meeting. This does not prevent the late arriving
41 regular member from voting on any actions regarding said agenda item(s)
42 which they have fully and/or partially missed due to his or her late arrival.
43 *Examples of such situations are:*
44 a) *Approval of minutes at future meeting regarding that agenda item(s),*
45 b) *A tabled agenda item that is being removed from the table for action.*

1 c) *Re-voting on an agenda item under Robert's Rules of Order -*
2 *Parliamentary Procedure Rule 13.*

3
4 Section 4. Prior to commencing with an agenda item, the Chairman shall ask the
5 Planning & Zoning Commission members to review the agenda items to
6 ensure they have no conflict of interest that would prevent them from
7 participating and voting on any particular items on the agenda. If a
8 member (regular or alternate members) has a conflict of interest regarding
9 an agenda item, the Chairman shall pick an alternate member to serve in
10 that member's place regarding that individual agenda item.

11
12 Section 5. In the event a member is unable to be present at the meeting through the
13 completion of a meeting, said member shall so advise the Chairman in
14 advance so that an alternate may be designated for maximum participation
15 on the pertinent agenda item(s) of the agenda. The Chairman shall inform
16 the recording secretary to note such installation of alternate members for
17 the record.

18
19
20 **ARTICLE VIII. MINUTES**

21
22 Section 1. The Planning and Zoning Commission shall keep a record of minutes of
23 all meetings, and these minutes shall become a public record after
24 approval by the Planning and Zoning Commission.

25
26 Section 2. It shall be the responsibility of the Community Development Department
27 to prepare minutes of all regular, adjourned, special and called meetings of
28 the Planning and Zoning Commission.

29
30 Section 3. All minutes, after preparation shall be presented to the Planning and
31 Zoning Commission for official acceptance and certifying that the minutes
32 are an accurate and correct record of the proceedings of the Meeting.
33 Minutes shall be accepted by official roll call vote of the Planning and
34 Zoning Commission.

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39 **ARTICLE IX. COMMITTEES**

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41 Section 1. The Chairman may appoint such Committees as deemed necessary.

42
43
44 **ARTICLE X. HEARINGS**

45
46 Section 1. The Planning and Zoning Commission may hold public hearings when
47 deemed expedient and necessary on all matters, which may come before it.

1 Notice of such hearings shall be in accordance with the provisions of the
2 City Charter and Code of Ordinances of the City of Titusville.

3
4 Section 2. Committees or sub-committees, either standing or special, may hold
5 hearings opens to the public on any matter before such committee as
6 deemed appropriate by the committee concerned with the subject matter.
7

8
9 **ARTICLE XI. VOTING**

10
11 Section 1. Voting on all matters of business before the Commission shall be made by
12 roll call. The Community Development Department assigned secretary
13 shall record the vote of each member in rotating order. In no case shall a
14 member request that a vote be deferred to a position on the roll call other
15 than in rotating order.
16

17 Section 2. No member present shall abstain from voting on roll call vote unless it is
18 established that such member has a conflict of interest in the matter being
19 voted upon.
20

21 Section 3. The Chairman shall be an ex-officio member on all committees, both
22 standing and special, but shall have no vote in the committee.
23

24 Section 4. Alternate members may be permitted to participate in discussion of and
25 provide input on agenda items as a member of the Planning and Zoning
26 commission when not officially appointed by the chairman to fill in for an
27 absent regular member. Alternate members may not be permitted to vote
28 unless appointed as a voting member, and participation shall be in
29 compliance with Resolution No. 24-1997.
30

31
32 **ARTICLE XII. PARLIAMENTARY AUTHORITY & ORGANIZATION**
33 **PROCEDURE**
34

35 Section 1. The rules contained in the most recent revised edition of Roberts Rules of
36 Order as published by the Scott Publishing Company shall apply in all
37 meetings of the Commission and Committees to the extent that such rules
38 are not in conflict with these bylaws. The Planning and Zoning
39 Commission and committees thereof shall comply with the organizational
40 procedure set forth in these bylaws.
41

42
43 **ARTICLE XIII. CORRESPONDENCE & COMMUNICATIONS**
44

45 Section 1. Official communications of the Planning and Zoning Commission to the
46 City Council of the City of Titusville shall be in writing, and all original

1 records, recommendations and reports shall be kept in the file of the City
2 Clerks Office.

3
4 Section 2. It shall be the duty of the Recording Secretary to draft all correspondence
5 necessary for the execution of the duties and the functions of the
6 Commission. Any correspondence, notices, (other than administrative
7 procedures) and communications originating from the Planning and
8 Zoning Commission shall be approved by a majority of the Planning and
9 Zoning Commission.

10
11 Section 3. All official minutes, papers, reports, studies, and plans involving the
12 authority of the Planning and Zoning Commission, after acceptance by a
13 majority of the Commission, shall be approved by the Commission.

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15

16 **ARTICLE XIV. AMENDMENT**

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19 Section 1. Amendments to these bylaws must be presented for discussion at one
20 Planning meeting and voted upon at one Planning meeting. All proposed
21 amendments must be presented in writing and must be approved by the
22 affirmative vote of at least four (4) members said Commission.