



CITY OF TITUSVILLE

TITUSVILLE ENVIRONMENTAL COMMISSION

AGENDA

Regular Meeting

July 15, 2026 - 5:30 PM

Council Chamber at City Hall

555 South Washington Avenue, Titusville, FL 32796

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

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

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

1. CALL TO ORDER

2. ROLL CALL

3. DETERMINATION OF A QUORUM

4. PLEDGE OF ALLEGIANCE

5. APPROVAL OF MINUTES

A. Minutes June 10, 2026

Approve Minutes

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

7. OLD BUSINESS

A. Wetlands

8. NEW BUSINESS

9. PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

10. REPORTS

11. FUTURE AGENDA ITEMS

12. ADJOURNMENT

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

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

City of Titusville
"Gateway to Nature and Space"

REPORT

To: Members of the Titusville Environmental Commission
From: Bradley Parrish, Community Development Director
Subject: **Minutes June 10, 2026**
Department/Office: Planning

Recommended Action:

Approve Minutes

Summary Explanation & Background:

Minutes June 10, 2026

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. 06.10.26 TEC Minutes Draft

The Titusville Environmental Commission (TEC) of the City of Titusville, Florida met in regular session at City Hall in the Council Chamber located at 555 South Washington Avenue on Wednesday, June 10, 2026, at 5:30 pm.

XXX

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

XXX

Member Miller made a motion to approve the May 13, 2026 meeting minutes with a correction. Member Delgado seconded. There was a unanimous voice vote in favor.

XXX

Petitions and Requests from Public Present

Stan Johnston of Titusville, Florida came to speak about two items: 1. Fresh sewage is odorless 2. Water flows downhill.

XXX

Chairwoman Thompson made a motion to receive the Comprehensive Plan Evaluation and Appraisal Report (EAR) first during the meeting. Member Delgado seconded. There was a unanimous voice vote in favor.

XXX

New Business

Comprehensive Plan Evaluation and Appraisal Report (EAR)

Principal Planner Eddy Galindo provided a handout to the Titusville Environmental Commission members. Mr. Galindo gave a brief overview of this item and the provided handout.

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Draft

Member Miller made a motion to recommend approval and transmittal to the state of the Comprehensive Plan Evaluation and Appraisal Report (EAR). Vice Chairwoman Thompson seconded.

Roll call was as follows:

Member Young	Yes
Member Delgado	Yes
Member Nico	Yes
Vice Chairwoman Thompson	Yes
Member Miller	Yes
Chairman Myjak	Yes

Motion passed.

XXX

Old Business

Wetland Conservation

Mary Sphar of Cocoa, Florida came to continue the in-depth review of the wetlands policies and strategies. Ms. Sphar started with Policy 1.16.2. Ms. Sphar provided a handout with the existing, proposed with markups and recommended clean version that she is recommending.

XXX

Vice Chairwoman Thompson made a motion to recommend the clean version of Policy 1.16.2 that Ms. Sphar handed out with the change to have “an environmental study” in place of the word documentation in the clean version provided. Member Nico seconded.

Roll call was as follows:

Member Miller	Yes
Vice Chairwoman Thompson	Yes
Member Young	Yes
Member Delgado	Yes
Member Nico	Yes
Chairman Myjak	Yes

Motion passed.

XXX

Ms. Sphar provided a handout for Objective 1.1: Natural Resources. Ms. Sphar's handout provided her recommended changes for each Policy and Strategy in this Objective.

The Titusville Environmental Commission members followed along as Ms. Sphar went over each policy and strategy. Below are the minor edits that were provided during the review with Ms. Sphar.

Policy 1.1.6 – Add “s” to the word Right.

Policy 1.1.7 – Change all “and” to “or”. Add “s” to the word States.

Discussion took place at length regarding the wording for Policy 1.1.9. The Titusville Environmental Commission would like to be sure that development stops immediately if any state or federal listed wildlife species are present. The Titusville Environmental Commission has concerns with any land clearing being done without first ensuring that state or federal listed wildlife species are not present. The Titusville Environmental Commission discussed possible changes to the Policy's wording.

Assistant City Attorney Melito said he would work on the language for Policy 1.1.5 and Policy 1.1.9 based on the discussion he heard from the Commission tonight.

XXX

Vice Chairwoman Thompson made a motion to accept the discussed changes in Policy 1.1.6 and Policy 1.1.7 and accept all the recommendations provided by Mary Sphar for all policies and strategies provided in the handout with the exception of Policy 1.1.5 and Policy 1.1.9 to allow further review and changes to these at the July 15, 2026 Titusville Environmental Commission meeting. Member Nico seconded.

Roll call was as follows:

Member Young	Yes
Member Delgado	Yes
Member Miller	Yes
Vice Chairwoman Thompson	Yes

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Draft

Member Nico	Yes
Chairman Myjak	Yes

Motion passed.

XXX

Mary Sphar provided a handout regarding Conservation Element Objective 1.6. Ms. Sphar's handout provided her recommended changes for each Policy and Strategy in this Objective.

The Titusville Environmental Commission members followed along as Ms. Sphar went over each policy and strategy. Below are the minor edits that were provided during the review with Ms. Sphar.

Policy 1.6.4 – Add number 9. Drainage to the Indian River Lagoon or St. Johns River

Member Miller left the meeting at 7:58pm.

The Titusville Environmental Commission members had lengthy discussion regarding Policy 1.6.5. It was determined that more time is needed to review and discuss this policy in more depth. Ms. Sphar agreed that more time is needed to review Policy 1.6.5.

XXX

Vice Chairwoman Thompson made a motion to recommend approval of the changes in all policies and strategies in the Conservation Element Objective 1.6 provided by Mary Sphar and the discussed addition in Policy 1.6.4, with the exception of Policy 1.6.5 which will be discussed further at the July 15, 2026 Titusville Environmental Commission meeting. Member Young seconded.

Roll call was as follows:

Member Nico	Yes
Vice Chairwoman Thomson	Yes
Member Delgado	Yes
Member Young	Yes
Chairman Myjak	Yes

Motion passed.

XXX

New Business

Semi-Annual Report

The Titusville Environmental Commission members went over the Semi-Annual report.

Vice Chairwoman Thompson recommended the following changes:

Correct the word “be” to “by” in the second bullet point under Wetland Conservation in Comprehensive Plan (Primary Ongoing Focus)

Add the following under Notable Presentations & Events: Member Miller “is also the Chairman of the Environmental Endangered Lands Selection & Management Committee (EELS)”

Add the following under Notable Presentations & Events: Chairwoman Thompson later organized and hosted a bus tour for the EELS SMC committee.

Chairman Myjak said that Member Miller told him that he would volunteer to give the semi-annual report to City Council in person if the Commission would agree to allow him to present.

XXX

Vice Chairwoman Thompson made a motion to accept the Semi-Annual report to City Council with the discussed changes to the report. Chairman Myjak seconded. There was a unanimous voice vote in favor.

The Titusville Environmental Commission members were in favor of Member Miller giving the Semi-Annual report in person to City Council.

XXX

Petitions and Requests from Public Present

None

XXX

Reports

Member Young said he is unavailable to attend the July and August Titusville Environmental Commission meetings due to traveling. It was suggested that Member Young email a request for excused absences to be provided to City Council.

Member Young spoke about the monitoring being done by Rollins College in Cape Canaveral relating to the impacts of rocket launches to the community.

Member Nico said that Sand Point Park is beautiful and appreciates the work that has been done to bring it to its current state.

Chairman Myjak brought up the Blue Origin explosion and the impacts that it had and the impacts of future launches. Chairman Myjak said that this should be part of the Emergency Management Plan and the city should take proactive measures to ensure the safety of Titusville.

The Titusville Environmental Commission members had discussion relating to the explosion, the current and future impacts of launches etc. Member Delgado asked the Sustainability Program Coordinator Lily Galleo to provide the reports that are being done to the Commission members once the reports are complete.

Sustainability Program Coordinator Lily Galleo spoke to the Titusville Environmental Commission about future outreach opportunities and asked the Commission members what they would like to pursue. Ms. Galleo referred to the Natural Resources Plan regarding education and outreach. Ms. Galleo stated that there will be an opportunity for outreach every fourth Friday of the month at the Titusville Chamber events located at the Welcome Center. Ms. Galleo will put this on the agenda for discussion in the future.

Sustainability Program Coordinator Lily Galleo said that the Summer Youth Intern is working on the city's website and has put the "How to get involved" information on the city's website.

Sustainability Program Coordinator Lily Galleo said that Vinne Taranto Jr. can attend the August 12, 2026 Titusville Environmental Commission meeting to give his presentation on stormwater and swales etc.

XXX

The Titusville Environmental Commission members discussed future agenda items. Vice Chairwoman Thompson said she would like to focus on the wetlands discussion to finish it. The outreach item can be on the agenda also to discuss if there is time.

Mary Sphar said that she would like to have discussion regarding the rationale for the changes to the Wetlands Conservation Element. Ms. Sphar said she will prepare this information to discuss at the July 15, 2026 meeting.

Future Agenda Items

1. Wetland Conservation
2. TEC Outreach Opportunities

XXX

Adjournment 8:39 p.m.

City of Titusville
"Gateway to Nature and Space"

REPORT

To: Members of the Titusville Environmental Commission

From:

Subject: **Wetlands**

Department/Office: Planning

Recommended Action:

Summary Explanation & Background:

Continue discussion on wetlands

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. TEC Edits and Motions
2. CE Obj 1.1 for TEC 7-08-26
3. Conservation Element Obj 1.6--7-08-26
4. FLUE Obj 1.16 with rationales 7-07-26
5. TEC recommendations - FLUE Obj-1.16

TEC Suggested Edits

FLUE Policy 1.16.2 (Motion made on 11.12.26 and 3.28.26 and 6.10.26)

As of 2009, the wetlands shown as Conservation Land Use on the Future Land Use Map were established using the National Wetlands Inventory Map of 1988. These wetlands shown on this map have not been ground truthed. In order to ~~achieve~~ provide more accurate mapping of wetlands, an environmental assessment including when the City receives a wetland delineation shall be provided where wetlands have been identified on site based upon the Future Land Use Map. The USFWS National Wetlands Inventory Map as amended, SJRWMD FLUCCS mapping, or other relevant and appropriate data sources, on specific sites, When the City receives a wetland delineation on specific sites, the delineations will be accepted by the City of Titusville. Prior to any future development, and the Future Land Use Map will be amended ~~accordingly to include as~~ as. The Conservation Land Use all wetlands five (5) acres or greater in size and additional wetland areas on the site shall be amended to include all wetland areas on the site to be preserved, ~~unless such wetlands are preserved by a conservation easement as part of a Planned Development (PD) or other master-planned development, and any other~~ along with any upland areas to be permitted for preservation for state and/or federal listed wildlife species.

Strategy 1.16.2.1

Before consideration of a change from Conservation land use beyond a wetland delineation adjustment for a wetland with onsite acreage less than five (5) acres abutting the boundary of the property, a determination shall be made of whether the wetland size onsite and any acreage offsite total at least five (5) acres. Relevant and appropriate data from professionally accepted sources shall be utilized for the determination. If the total acreage of the wetland is determined to be five (5) acres or greater, the Conservation land use designation shall remain, consistent with Conservation Element Strategy 1.6.3.2.

1.16.2.2

When Conservation Land Use is present on a specific site, a property owner shall submit a preliminary environmental assessment, including a wetland delineation when wetlands are present, prior to any future development. If the environmental assessment on a specific site required by Policy 1.16.2 indicates that state and/or federal listed wildlife are present or may be present, within the areas of the site that are designated as Conservation Land Use, the City shall not amend the Conservation Land Use until the property owner shall submit an environmental study which confirms the presence and potential locations of the state and/or federal-listed wildlife species. If the study identifies a location or

locations on the site for suitable habitat for preservation, and these areas are accepted by the permitting agencies as preservation for the identified species, then the City shall amend the Conservation Land Use to include these areas.

Rationale for proposed changes to FLUE Policy 1.16.2

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

FLUE Policy 1.16.3 (Motion made on 2.26.26 and edits on 3.28.26)

~~Permitted. Allowable~~ uses within the Conservation land use area shall be limited to residential uses of one (1) unit per five (5) acres, conservation, ~~and passive recreation, open space, and stormwater management systems consistent with the policies of the Conservation Element and the land development regulations. The limitation of one (1) dwelling unit per five (5) acres may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of each residential development's total Conservation land use on a cumulative basis. Any impacts to wetlands shall not cause secondary impacts to adjacent properties. The Conservation land use designation shall remain on wetlands that are impacted as allowed in this policy. Commercial and industrial uses are not permissible in the Conservation land use category.~~

Rationale (via Mary Sphar Suggestions for small changes to motion made on 3-11-2026)

To clarify that the 1.8% is to be applied project by project

Strategy 1.16.3.1:

~~Impacts to wetlands in the Conservation land use category area shall not cause secondary impacts to adjacent properties.~~

Rationale (via Mary Sphar Suggestions for small changes to motion made on 3-11-2026)

It is premature to suggest such language because the City will be having a workshop on stormwater. Lately, "inundation areas" have been the focus, instead of restricting any solution to the 100-year flood plain.

FLUE Policy 1.16.4 (Motion made on 1.27.26 and Edits on 2.26.26 and 3.11.26)

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

Conservation Element 1.1 (Motion made on 6/10/26)

Objective 1.1: - Natural Resources.

To ensure the preservation of environmentally endangered land and the protection of wildlife, particularly threatened and endangered species ~~and the protection of their habitat~~, identify and conserve important natural resources and essential critical habitat where economically and environmentally feasible, to prevent adverse alterations to these areas.

Policy 1.1.1:

~~Identify state and federal listed wildlife species habitat: Potential wildlife habitat and sites of listed species shall be depicted in a Map by 2012 which will indicate the presence of state and federal listed wildlife species as per data provided by Florida Fish and Wildlife Conservation Commission (FFWCC), United States Fish and Wildlife Services (USFWS) and other agencies.~~

Policy 1.1.2:

The City shall work with other agencies having jurisdiction to conduct an inventory of state and federal listed wildlife species habitat remaining within its boundaries.

Policy 1.1.3:

The City shall inventory, identify and define environmentally endangered lands within the City utilizing applicable data from state and federal agencies and will cooperate with the

State ~~and with Brevard County~~ in acquiring and conserving environmentally endangered lands to be preserved through acquisition and/or regulations.

Strategy 1.1.3.1:

The City shall develop a procedure to identify such lands. Review and evaluation shall include at a minimum the following:

1.State and federal listed wildlife and estuary life species habitats.

~~2. Wetlands five acres or greater in size and crucial adjoining portion of their respective watersheds.~~

~~23. Wetlands, n~~Natural lakes, lagoon and rivers.

~~34.~~Upland native vegetation that are rare and depleting in the City/County.

~~45.~~Undisturbed and undeveloped 100-year flood plains.

~~56.~~Wellhead protection area and Areas of Critical Concern.

~~67.~~Critical ~~or essential~~ habitats ~~identified by the East Coast Florida Regional Planning Council (ECFRPC) for state and federally listed species and lands providing habitat connectivity.~~

7.Habitat Corridors.

Policy 1.1.4:

The City shall maintain, to the best of its abilities, the populations of wildlife species which are state and federal listed and their habitat, and shall restrict activities within these areas known to adversely affect the survival of these species as per regulations by permitting agencies.

Policy 1.1.5:

The owner/developer of ~~development property~~ in the City of Titusville which requires formal site plan approval, including, but not limited to any platting of land shall be required to perform an environmental study, as appropriate. These stipulations and/or management plans required by the applicable regulatory agency or agencies will be included in the City's site plan approval.

Commented [LG1]: Replacement language excluded from motion on 6.10.26

Policy 1.1.6:

~~The City shall purchase, if economically feasible, properties identified as critical habitat by the East Coast Florida Regional Planning Council (ECFRPC), or properties identified as in~~

Policy 1.1.3 in their capacity as a clearinghouse for this information. The selection criteria to be used in determining these properties shall place greater weight on the selection of lands, which appear on inventories of endangered or threatened species, even though public use and recreation may not be appropriate. The following criteria shall be adhered to in the implementation of this policy: The protection of critical habitat can be accomplished through acquisition, easements, Transfer Development Rights, Purchase Development Right and other planning tools.

The City shall purchase, if economically feasible, properties identified as environmentally endangered lands. The City shall also consider alternate methods of protecting these lands, including easements, land donation, mitigation bank establishment, Transfer of Development Rights, and other planning tools.

Strategy 1.1.6.1:

Acquired land should be selected based on the need to prioritize all current fiscal obligations of the City's resources.

Strategy 1.1.6.2:

Priority shall be given to the acquisition of lands which are identified as environmentally endangered lands and to those areas known to be important as "habitat corridors" in the movement of wildlife. Environmental value shall be prioritized, even where public use maybe limited or inappropriate.

Policy 1.1.7:

Where acquisition of identified ~~wildlife property~~ habitat is not fiscally possible, any public or private use of such land ~~greater than three (3) acres in an area shall require a management plan designated~~ to minimize harm to the state and federal listed wildlife species and its habitat. The City shall recognize the species as "listed" by the United States Fish and Wildlife Services (FWS), National Marine Fisheries Services (NMFS), Florida Department of Environmental Protection (FDEP), Florida Fish and Wildlife Conservation Commission (FFWCC), or Florida Department of Agriculture and Consumer Services (FDACS).

Strategy 1.1.7.1:

The City shall recognize the species as "listed" by the United State Fish and Wildlife Services (USFWS), National Marine Fisheries Services (NMFS), Florida Department of Environmental Protection (FDEP), Florida Fish and Wildlife Conservation Commission (FFWCC), and Florida Department of Agriculture and Consumer Services (FDACS) as

~~compiled by the East Central Florida Regional Planning Council (ECFRPC), acting as a data source and information clearinghouse.~~

Policy 1.1.8:

The City shall work cooperatively with the US Fish and Wildlife Service (FWS) and the Florida Fish and Wildlife Conservation Commission (FFWCC) to protect and promote the recovery of species designated by these agencies as listed wildlife species.

Strategy 1.1.8.1:

The City shall require applicants of a development order to provide determination of these agencies when development proposals are received for sites documented as having historic and/or current occurrences of state or federal listed wildlife species;

Strategy 1.1.8.2:

The City shall consult with these agencies for technical assistance consultation as appropriate; ~~or.~~

Strategy 1.1.8.3:

The City shall cooperate with these agencies in locating potential introduction sites for designated species ~~on existing conservation lands.~~

Policy 1.1.9:

When one (1) or more individuals of state or federal listed wildlife species are found on a site undergoing development activities for which no management plan has been adopted, said activities shall cease until a management plan has been prepared by the developers and found to be acceptable by the City.

Commented [LG2]: Replacement language excluded from motion on 6.10.26

Policy 1.1.10:

~~The City shall protect existing natural reservations including recreation and publicly protected conservation lands according to the strategies set forth in the Recreation and Open Space Element.~~

Policy 1.1.101:

All costs for restoring environmentally damaged areas shall be borne by the party directly responsible for the damage. Mitigation (wetlands/seagrass) shall occur as per State and Federal regulations. If within a reasonable time, for the particular plant species, mitigation has not been successful, the responsible party shall replant or act to "mitigate" the problem.

Conservation Element 1.6 (Motion made on 6/10/26)

Objective 1.6:

To encourage the preservation/protection of wetlands according to their function by implementing programs both locally and in conjunction with other governmental entities, toward this effort:

Policy 1.6.1:

The development of wetlands shall be addressed in the development regulations according to the following criteria:

Strategy 1.6.1.1

The protection of the wetlands shall be determined by the functional value of the wetland in order to achieve no net loss of wetlands function.

Strategy 1.6.1.2:

The development of land under all land uses categories shall take into consideration natural constraints such as flood hazard, wetlands, soil suitability and aquifer recharge potential.

Policy 1.6.2

Proposed land uses, which are compatible with the function of wetlands, shall be identified within a conservation land use designation on the Future Land Use Map and further addressed in the land development regulations. In addition, conditional use in wetlands may be considered when necessary to ensure access to uplands on the property or provide utility right-of-way through wetlands.

Strategy 1.6.2.1:

In addition to the permitted land uses identified in the Future Land Use Element, conditional uses may be considered as provided for in the land development regulations, with criteria based upon the mitigation policies of the U.S. Fish and Wildlife Service. At a minimum, the criteria to be considered for approval of a conditional use shall include:

- 1.The use is ecologically sound;
- 2.The use is water dependent or water related and there is a documented public need;
- 3.The use is the least environmentally damaging alternative;

~~4. There is no practical alternative to insure reasonable use of the applicant's property; and~~
~~5. Any unavoidable damage or loss of wetland shall be mitigated to insure no net loss of wetlands and no loss of functional value.~~

Policy 1.6.3:

Wetlands shall be defined consistent with existing state and federal regulatory agencies.

Strategy 1.6.3.1:

At a minimum, the U.S. Department of the Interior Fish and Wildlife Service Wetland Maps (1988), or as most recently updated, shall be used to define the Conservation Land Use areas within the City.

Strategy 1.6.3.2:

At a minimum, wetlands five (5) acres or more in size shall be designated as a conservation land use and wetlands less than five (5) acres will be subject to review to determine what protection, if any, they should receive from development. Said review shall be based on the functional value criteria specified in Strategy 1.6.4. If based on this determination, protection is warranted, development may be permitted, based upon criteria set forth in the environmental performance standards of the land development regulations.

Policy 1.6.4:

Land development impacts on designated wetlands shall be assessed based upon the functional value of wetlands. The functional value assessment criteria for wetlands shall include, at a minimum, consideration of:

1. Size;
2. Capacity for ~~flood~~ storage or flow regulation;
3. Potential as wildlife and/or fisheries habitat;
4. Provision of habitat for state or federally protected species;
5. Rarity as a vegetative community type;
6. Degree of prior adverse impacts which would limit the future viability of wetland (e.g., invasion by upland or exotic species, fire, permanent alteration of drainage patterns); ~~and~~
7. Potential for recreational use, ~~and~~

8. Proximity to the Indian River Lagoon or St. Johns River

9. Drainage to the Indian River or St. Johns River

Policy 1.6.5:

Activities whose impacts are assessed to be minimal, or offset by mitigation measures, shall be addressed in the land development regulations and shall utilize the following criteria:

- 1.The activity is necessary to prevent or eliminate a public hazard;
- 2.The activity would provide direct public benefits which would exceed those lost to the public as a result of the degradation or destruction of wetlands (e.g., right-of-way for public roads or utilities); and
- 3.The activity is proposed for wetlands whose functional values are so limited that their loss does not significantly affect the public interest (i.e., inherent in this statement is that this land can be utilized as recreational, conservation, open space or low density residential areas.).

Policy 1.6.6:

~~Mitigation for unavoidable impacts to wetlands, which possess significant functional value, as determined by a functional assessment, will be addressed in the land development regulations.~~

~~Establishment of a wetlands mitigation bank within the City limits will be addressed in the land development regulations. Mitigation banking by the City shall be coordinated with state regulatory agencies to achieve optimal participation by applicants require to provide mitigation.~~

Policy 1.6.7:

~~Monitoring shall be required to ensure that all mitigation or compensation efforts as outlined in the land development regulations are successful consisting of preservation and maintenance, as documented by deed restriction or conservation easement executed in favor of the City of Titusville, remains legally compliant.~~

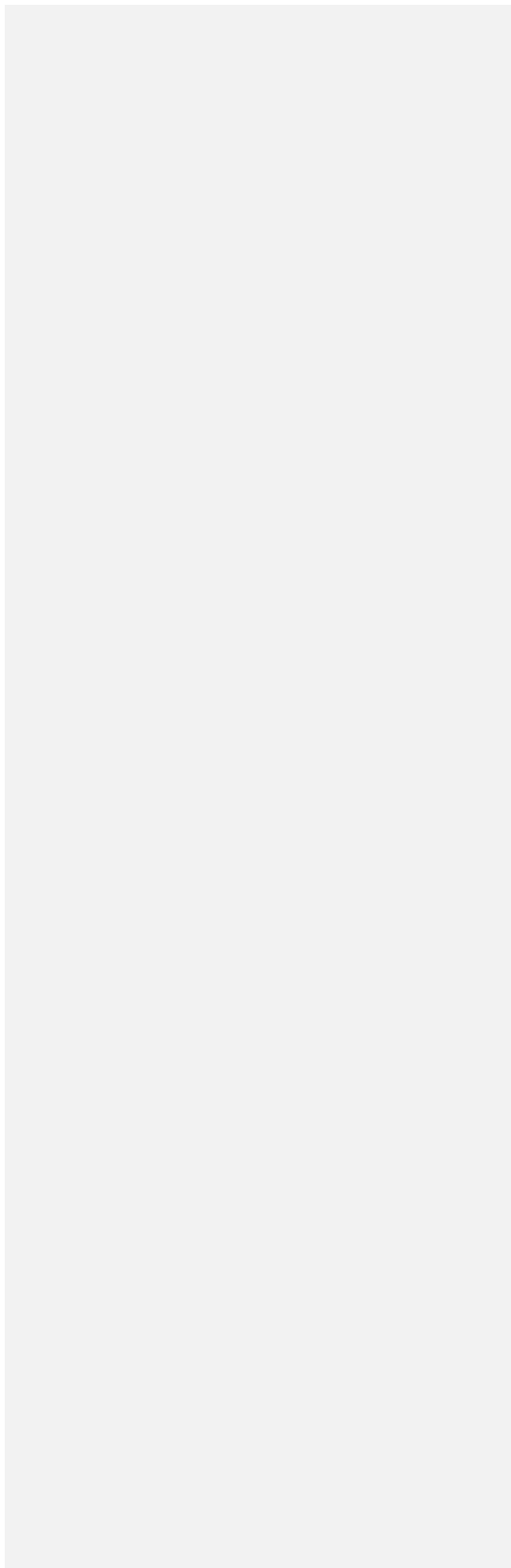
Commented [LG3]: Replacement language excluded from the motion on 6.10.26

TEC MOTIONS

10/15/2025	Member Miller made a motion to recommend to City Council to have city staff look at Policy 1.16.2 and specifically into the language regarding conservation easements. Seconded by Member Burdette. There was a unanimous voice vote in favor. Member Miller made a motion recommending that city staff review and find the best place within the Comprehensive Plan Future Land Use Element Wetland Policy 1.16 to include the language that decisions on these smaller parcels are made using the best and available appropriate data, I E and GIS or staff reports. Member Tucker seconded.
11/12/2025	Vice Chairwoman Thompson made a motion to recommend removing the following sentence from FLUE Policy 1.16.2 “unless such wetlands are preserved by a conservation easement as part of a Planned Development (PD) or other master-planned development”. Member Young Seconded.
11/12/2025	Member Browning made a motion to recommend changing the following language in FLUE Policy 1.16.2. Delete the words “and any other” and replacing them with “along with any”. Vice Chairwoman Thompson seconded.
11/12/2025	Member Delgado made a motion to recommend that when a wetland touches the property line the delineation continues to be counted beyond that property line until the entire wetland is fully delineated. Chairman Myjak seconded. Vice Chairwoman Thompson suggested that it should be delineated until it is determined to be five (5) acres in size.
1/14/2026	Vice Chairwoman Thompson made a motion to recommend the changes that have been discussed for FLUE Policy 1.16.2 as amended to staff to get their review and opinion. Member Miller Seconded. There was a unanimous voice vote in favor.
1/14/2026	Vice Chairwoman Thompson made a motion that Ms. Galleo pose a question to the GIS staff asking if the latest version of GIS mapping show that wetlands extend beyond a single property boundary to be five acres or more in size. Member Tucker seconded. There was a unanimous voice vote in favor.
1/27/2026	Member Thompson made a motion for Staff to review and comment on the proposed language added to 1.16.4 “Where the wetland degradation or destruction has been permitted or may be permitted in the future by the applicable regulatory agencies, no wetlands shall be impacted by development activities without appropriate review and approval by the City. The City shall apply the land use planning policies and density requirements for protecting wetlands and their functions as stated in the Future Land Use Element Objective 1.16 and the Conservation Element.
2/11/2026	Vice Chairwoman Thompson made a motion to reaffirm their previous motion from January 14, 2026 in removing the following sentence from Policy 1.16.2, <i>unless such wetlands are preserved by a conservation easement as part of a Planned Development (PD) or other master planned development, and any other.</i> Member Tucker seconded

2/11/2026	Member Miller made a motion to accept the rational that Mary Sphar provided in her handout to better clarify the removal of the sentence in Policy 1.16.2. Member Delgado seconded.
2/26/2026	Vice Chairwoman Thompson made a motion and Member Tucker seconded it to recommend Option 2 changes to Policy 1.16.3 along with a new strategy labeled 1.16.3.1 to read Policy 1.16.3: Allowable uses within the Conservation land use area shall be limited to residential uses of one unit per five acres, conservation, recreation, open space, and stormwater management systems consistent with the policies of the Conservation Element and the land development regulations. The preceding limitation of one (1) dwelling unit per five (5) acres within the Conservation land use category may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of the total Conservation land use on a cumulative basis for residential developments. Commercial and industrial uses are not permissible in the Conservation land use category. Strategy 1.16.3.1: Impacts to wetlands in the Conservation land use category area shall not cause secondary impacts to adjacent properties. Allowable uses for Conservation land use located in the 100-year floodplain shall comply with the requirement for compensatory storage for fill stated in Conservation Element Objective 1.12 Stormwater Management.
2/26/26	Member Nico made the motion and Vice Chairwoman Thompson seconded to substitute the last sentence of Policy 1.16.4 that currently reads “The allowable impacts shall be based upon site specific evaluation determined through the permitting process conducted by all the regulatory agencies with jurisdiction.” To state No wetlands shall be impacted by development activities without appropriate land use review and approval by the City. The City shall apply the land use planning policies of this Objective in a manner consistent with Objective 1.6 of the Conservation Element which pertains to wetlands. Permit approval by a regulatory agency shall not substitute for independent land use review and approval by the City, and the City’s land use review and approval shall not be influenced by any action taken in response to a regulatory agency’s permitting decision.
3/11/2026	Member Miller made a motion to remove the entire first sentence of FLUE Policy 1.16.4. Chairman Myjak seconded.
3/11/2026	Member Miller made a motion to accept the suggested change provided by Ms. Sphar to Policy 1.16.3 which is to have the language read as follows: “1.8% of each residential development’s total Conservation land use on a cumulative basis. Commercial and Industrial uses are not permissible in the Conservation land use category. Member Tucker seconded.

3/11/2026	Member Miller made a motion to remove the entire second sentence in Strategy 1.16.3.1 that reads "Allowable uses for Conservation land use located in the 100-year floodplain shall comply with the requirement for compensatory storage for fill stated in Conservation Element Objective 1.12 Stormwater Management." Member Tucker seconded
3/26/2026	Member Rosa made a motion to use paragraph 2 in the proposed policy as written on the "Try 3 – FLUE Policy 1.16.3" as the updated version for 1.16.3 that reads "Allowable uses within the Conservation land use area shall be limited to residential uses of one unit per five acres, conservation, and passive recreation. The limitation of one (1) dwelling unit per five (5) acres may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of each residential development's total Conservation land use on a cumulative basis. Any impacts to wetlands shall not cause secondary impacts to adjacent properties. The Conservation land use designation shall remain on wetlands that are impacted as allowed in this policy. Commercial and industrial uses are not permissible in the Conservation land use category" Member Nico seconded.
3/26/26	Member Nico made a motion to adopt the new Policy 1.16.2 as written in the handout titled "Policy 1.16.2 that reads "As of 2009, the wetlands shown as Conservation Land Use on the Future Land Use Map were established using the National Wetlands Inventory Map of 1988. The wetlands shown on this map have not been ground-truthed. In order to achieve more accurate mapping of wetlands, an environmental assessment including a wetlands delineation shall be provided where wetlands have been identified on site based upon the Future Land Use Map. The USFWS national Wetlands Inventory Map as amended, SJRWMD FLUCCS mapping, or other relevant and appropriate data sources. When the City receives a wetland delineation on specific sites, the delineations will be accepted by the City of Titusville. Prior to any future development, the Future Land Use Map will be amended to include as Conservation Land Use all wetlands five (5) acres or greater in size and additional wetland areas on the site to be preserved, along with any upland areas to be permitted for preservation for state and/or federal listed wildlife species." Member Rosa seconded
3/26/26	Member Rosa made a motion to recommend the proposed Strategy 1.16.2.1 as stated Before consideration of a change from Conservation land use beyond a wetland delineation adjustment for a wetland with onsite acreage less than five (5) acres abutting the boundary of the property, a determination shall be made of whether the wetland size onsite and any acreage offsite total at least five (5) acres. Relevant and appropriate data from professionally accepted sources shall be utilized for the determination. If the total acreage of the wetland is determined to be five (5) acres or greater, the Conservation land use designation shall remain, consistent with Conservation Element Strategy 1.6.3.2. Vice Chairwoman Thompson seconded.
6/10/26	Vice Chairwoman Thompson made a motion to recommend the clean version of Policy 1.16.2 that Ms. Sphar handed out with the change to have "an environmental study" in place of the word documentation in the clean version provided. Member Nico seconded.
6/10/26	Vice Chairwoman Thompson made a motion to accept the discussed changes in Policy 1.1.6 and Policy 1.1.7 and accept all the recommendations provided by Mary Sphar for all policies and strategies provided in the handout with the exception of Policy 1.1.5 and Policy 1.1.9 to allow further review and changes to these at the July 15, 2026 Titusville Environmental Commission meeting. Member Nico seconded.



Objective 1.1: Natural Resources.

To ensure the preservation of environmentally endangered land and the protection of wildlife, particularly threatened and endangered species and the protection of their habitat, identify and conserve important natural resources and critical essential habitat where economically and environmentally feasible; to prevent adverse alterations to these areas.

Policy 1.1.1:

~~Identify state and federal listed wildlife species habitat: Potential wildlife habitat and sites of listed species shall be depicted in a Map by 2012 which will indicate the presence of state and federal listed wildlife species as per data provided by Florida Fish and Wildlife Conservation Commission (FFWCC), United States Fish and Wildlife Services (USFWS) and other agencies.~~

Policy 1.1.2:

The City shall work with other agencies having jurisdiction to conduct an inventory of state and federal listed wildlife species habitat remaining within its boundaries.

Policy 1.1.3:

The City shall inventory, identify and define environmentally endangered lands within the City utilizing applicable data from state and federal agencies and will cooperate with the State and with Brevard County in acquiring and conserving environmentally endangered lands to be preserved through acquisition and/or regulations.

Strategy 1.1.3.1:

The City shall develop a procedure to identify such lands. Review and evaluation shall include at a minimum the following:

1. State and federal listed wildlife and estuary life species habitats.
2. Wetlands five acres or greater in size and crucial adjoining portions of their respective watersheds.
3. ~~Wetlands, natural~~ Natural lakes, lagoon and rivers.
- 3.4. Upland native vegetation that are rare and depleting in the City/County.
- 4.5. Undisturbed and undeveloped 100-year flood plains.
5. 6. Wellhead protection area and Areas of Critical Concern.
6. 7. Critical or essential habitats identified by the East Coast Florida Regional Planning Council (ECFRPC) for state and federally listed species and lands providing habitat connectivity.

Policy 1.1.4:

The City shall maintain, to the best of its abilities, the populations of wildlife species which are state and federal listed and their habitat, and shall restrict activities within these areas known to adversely affect the survival of these species as per regulations by permitting agencies.

Policy 1.1.5: TEC wants to look at this again.

June TEC meeting:

The owner/developer of ~~development~~ property in the City of Titusville which requires formal site plan approval, including, but not limited to any platting of land shall be required to perform an environmental study, as appropriate. These stipulations and/or management plans required by the applicable regulatory agency or agencies will be included in the City's site plan approval.

July TEC – Possible improvement choice 1

The owner/developer of ~~development~~ property in the City of Titusville which requires formal site plan approval, including, but not limited to any platting of land shall be required to perform an environmental study, as appropriate. Applicants shall submit evidence of compliance with permitting requirements of Florida Fish and Wildlife Conservation Commission and with consultation requirements of United States Fish and Wildlife Service, before the commencement of development. ~~These~~ Any stipulations and/or management plans required by the applicable regulatory agency or agencies will be included in the City's site plan approval.

July TEC – Possible improvement choice 2

The owner/developer of ~~development~~ property in the City of Titusville which requires formal site plan approval, including, but not limited to any platting of land shall be required to perform an environmental study, as appropriate. If any permit, clearance, or consultation is required by a federal or state agency, the applicant will submit documentation showing compliance with all requirements before commencement of development. ~~These~~ Any stipulations and/or management plans required by the applicable regulatory agency or agencies will be included in the City's site plan approval.

Policy 1.1.6:

~~The City shall purchase, if economically feasible, properties identified as critical habitat by the East Coast Florida Regional Planning Council (ECFRPC), or properties identified as in Policy 1.1.3 in their capacity as a clearinghouse for this information. The selection criteria to be used in determining these properties shall place greater weight on the selection of lands, which appear on inventories of endangered or threatened species, even though public use and recreation may not be appropriate. The following criteria shall be adhered to in the implementation of this policy: The protection of critical habitat can be accomplished through acquisition, easements, Transfer Development Rights, Purchase Development Right and other planning tools.~~

The City shall purchase, if economically feasible, properties identified as environmentally endangered lands. The City shall also consider alternate methods of protecting these lands, including easements, land donation, mitigation bank establishment, Transfer of Development Rights, Purchase of Development Rights, and other planning tools.

Strategy 1.1.6.1:

Acquired land should be selected based on the need to prioritize all current fiscal obligations of the City's resources.

Strategy 1.1.6.2:

Priority shall be given to the acquisition and protection of ~~land~~ lands which are identified as environmentally endangered and to those areas known to be important as "~~habitat corridors~~" habitat corridors in the movement of wildlife. Environmental value shall be prioritized, even where public use may be limited or inappropriate.

Policy 1.1.7:

Note to TEC: Florida Department of Agriculture and Consumer Service is omitted because they just deal with plants.

Where acquisition of identified ~~property~~ wildlife habitat is not fiscally possible, any public or private use of such land ~~greater than three (3) acres in an area shall require a management plan designated~~ be designed to minimize harm to the state and federal listed wildlife species and its habitat. The City shall recognize the species as "listed" by the United State Fish and Wildlife Services (USFWS), National Marine Fisheries Services (NMFS), Florida Department of Environmental Protection (FDEP), and Florida Fish and Wildlife Conservation Commission (FFWCC).

Without strike-through and underline:

Where acquisition of identified wildlife habitat is not fiscally possible, any public or private use of such land shall be designed to minimize harm to the state and federal listed wildlife species and its habitat. The City shall recognize the species as "listed" by the United State Fish and Wildlife Services (FWS), National Marine Fisheries Services (NMFS), Florida Department of Environmental Protection (FDEP), and Florida Fish and Wildlife Conservation Commission (FFWCC).

Strategy 1.1.7.1:

~~The City shall recognize the species as "listed" by the United State Fish and Wildlife Services (USFWS), National Marine Fisheries Services (NMFS), Florida Department of Environmental Protection (FDEP), Florida Fish and Wildlife Conservation Commission (FFWCC), and Florida Department of Agriculture and Consumer Services (FDACS) as compiled by the East Central Florida Regional Planning Council (ECFRPC), acting as a data source and information clearinghouse.~~

Policy 1.1.8:

The City shall work cooperatively with the US Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FFWCC) (FWC) to protect and promote the recovery of species designated by these agencies as listed wildlife species.

Strategy 1.1.8.1:

The City shall require applicants of a development order to provide determination of these agencies when development proposals are received for sites documented as having historic and/or current occurrences of state or federal listed wildlife species.

Strategy 1.1.8.2:

The City shall consult with these agencies for technical assistance consultation as appropriate; ~~or~~ _.

Strategy 1.1.8.3:

The City shall cooperate with these agencies in locating potential introduction sites for designated species ~~on existing conservation lands~~.

Policy 1.1.9: TEC wants to look at this again.

Possible acceptable language:

When one (1) or more individuals of state or federal listed wildlife species are found on a site undergoing development activities for which no management plan has been adopted, said activities shall cease until a management plan has been prepared by the developers and found to be acceptable by the City. The applicant shall submit evidence of compliance with permitting requirements of Florida Fish and Wildlife Conservation Commission and consultation requirements of United States Fish and Wildlife Services, as appropriate. If any permit, clearance, or consultation is required by a federal or state agency, the applicant shall submit a copy of such documentation to the City.

Policy 1.1.10:

~~The City shall protect existing natural reservations including recreation and publicly protected conservation lands according to the strategies set forth in the Recreation and Open Space Element.~~

Policy ~~1.1.11~~ 1.1.10:

All costs for restoring environmentally damaged areas shall be borne by the party directly responsible for the damage. Mitigation (wetlands/seagrass) shall occur as per State and Federal regulations. If within a reasonable time, for the particular plant species, mitigation has not been successful, the responsible party shall replant or act to "mitigate" the problem.

Objective 1.6:

To encourage the preservation/protection of wetlands according to their function by implementing programs both locally and in conjunction with other governmental entities, toward this effort:

Policy 1.6.1:

The development of wetlands shall be addressed in the development regulations according to the following criteria:

Strategy 1.6.1.1:

The protection of the wetlands shall be determined by the functional value of the wetland in order to achieve no net loss of wetlands function.

Strategy 1.6.1.2:

The development of land under all land uses categories shall take into consideration natural constraints such as flood hazard, wetlands, soil suitability and aquifer recharge potential.

Policy 1.6.2:

Proposed land uses, which are compatible with the function of wetlands, shall be identified within a conservation land use designation on the Future Land Use Map and further addressed in the land development regulations.

Strategy 1.6.2.1:

~~In addition to the permitted land uses identified in the Future Land Use Element, conditional uses may be considered as provided for in the land development regulations, with criteria based upon the mitigation policies of the U.S. Fish and Wildlife Service. At a minimum, the criteria to be considered for approval of a conditional use shall include:~~

- ~~1. The use is ecologically sound;~~
- ~~2. The use is water dependent or water related and there is a documented public need;~~
- ~~3. The use is the least environmentally damaging alternative;~~
- ~~4. There is no practical alternative to insure reasonable use of the applicant's property; and~~
- ~~5. Any unavoidable damage or loss of wetland shall be mitigated to insure no net loss of wetlands and no loss of functional value.~~

In addition to the permitted uses identified in the Future Land Use Element for conservation land use, conditional uses may be considered as provided for in the land development regulations. All conditional uses shall be ecologically sound or the least environmentally damaging alternative, and any unavoidable damage or loss of wetland shall be mitigated to insure no net loss of wetlands and no loss of functional value. Additional use-specific criteria to be satisfied for conditional use approval include:

1. For water dependent or water related uses, there is a documented public need.
2. For right-of-way for public roads or utilities, direct public benefits shall exceed those lost to the public as a result of the degradation or destruction of wetlands.

Policy 1.6.3:

3. In the case of properties with commercial and/or industrial land uses which include portions designated Conservation land use, there is no alternative to ensure any reasonable use of the upland portion of the applicant's property without impacting wetlands five acres or greater in size.

Strategy 1.6.2.2:

As of [date of adoption], subdivided commercial and industrial parcels that also include portions of Conservation land use shall contain sufficient uplands for the intended use and for any buffering necessary to ensure wetland functionality.

Policy 1.6.3:

Wetlands shall be defined consistent with existing state and federal regulatory agencies

Strategy 1.6.3.1:

At a minimum, the U.S. Department of the Interior Fish and Wildlife Service Wetland Maps (1988), or as most recently updated, shall be used to define the Conservation Land Use areas within the City.

Strategy 1.6.3.2:

At a minimum, wetlands five (5) acres or more in size shall be designated as a conservation land use and wetlands less than five (5) acres will be subject to review to determine what protection, if any, they should receive from development. Said review shall be based on the functional value criteria specified in Strategy 1.6.4. If based on this determination, protection is warranted, development may be permitted, based upon criteria set forth in the environmental performance standards of the land development regulations.

Policy 1.6.4:

Land development impacts on designated wetlands shall be assessed based upon the functional value of wetlands. The functional value assessment criteria for wetlands shall include, at a minimum, consideration of:

1. Size;
2. Capacity for ~~floor~~ flood storage or flow regulation;
3. Potential as wildlife and/or fisheries habitat;
4. Provision of habitat for state or federally protected species;
5. Rarity as a vegetative community type;
6. Degree of prior adverse impacts which would limit the future viability of wetland (e.g., invasion by upland or exotic species, fire, permanent alteration of drainage patterns); ~~and~~
7. Potential for recreational use;
8. Proximity to the Indian River Lagoon or St. Johns River; and

9. Drainage to the Indian River Lagoon or St. Johns River.

Policy 1.6.5:

Activities whose impacts are assessed to be minimal, or offset by mitigation measures, shall be addressed in the land development regulations and shall utilize the following criteria:

1. ~~The activity is necessary to prevent or eliminate a public hazard;~~
2. ~~The activity would provide direct public benefits which would exceed those lost to the public as a result of the degradation or destruction of wetlands (e.g., right-of-way for public roads or utilities); and~~
3. ~~The activity is proposed for wetlands whose functional values are so limited that their loss does not significantly affect the public interest (i.e., inherent in this statement is that this land can be utilized as recreational, conservation, open space or low density residential areas.);~~

In the event wetland buffer specifications are not part of a regulatory permit, the City shall require that vegetated buffer strips be created, or where natural systems are used, retained in their natural state along the perimeter of wetlands. The width of the buffer shall be sufficient to prevent erosion, trap sediment in overland runoff, provide access to the wetland and allow for normal periodic flooding without damage to adjacent structures. Care must be taken not to harm the functional value of the wetlands and transitional vegetation.

FYI: Replacement language above is based on Environmental Protection Technical Manual language:

Technical Manual language:

2.6.4. Vegetated buffer strips shall be created, or where natural systems are used, retained in their natural state along the banks of all watercourses, water bodies, or wetlands. The width of the buffer shall be sufficient to prevent erosion, trap sediment in overland runoff, provide access to water body and allow for periodic flooding without damage to structures.

2.6.5. Care must be taken not to harm the functional value of the wetlands and transitional vegetation.

Policy 1.6.5:

Policy 1.6.6:

Mitigation for unavoidable impacts to wetlands, which possess significant functional value, as determined by a functional assessment, will be addressed in the land development regulations.

Strategy 1.6.6.1:

Mitigation within the City limits may be addressed and encouraged in the land development regulations. Coordination with the regulatory agencies shall be required.

Strategy 1.6.6.2:

Establishment of a wetland mitigation bank within the City limits may be addressed in the land development regulations. Mitigation banking by the City should be coordinated with state regulatory agencies to achieve optimal participation by applicants required to provide mitigation.

Policy 1.6.7:

Monitoring shall be required to ensure that all mitigation or compensation efforts as outlined in the land development regulations are successful consisting of preservation and maintenance, as documented by deed restriction or conservation easement executed in favor of the City of Titusville, remains legally compliant.

FLUE Objective 1.16 Language with Rationales

TEC Recommendation

Policy 1.16.2:

As of 2009, the wetlands shown as Conservation Land Use on the Future Land Use Map were established using the National Wetlands Inventory Map of 1988. These wetlands shown on this map have not been groundtruthed. In order to ~~provide~~ achieve more accurate mapping of wetlands, ~~when an environmental assessment including a wetlands delineation shall be provided where wetlands have been identified on site based upon the Future Land Use Map, the USFWS National Wetlands Inventory Map as amended, SJRWMD FLUCCS mapping, or other relevant and appropriate data sources. When the City receives a wetland delineation on specific sites, the delineations will be accepted by the City of Titusville. and Prior to any future development, the Future Land Use Map will be amended accordingly. The Conservation Land Use shall be amended to include as Conservation Land Use all wetlands five (5) acres or greater in size and all additional wetland areas on the site to be preserved, unless such wetlands are preserved by a conservation easement as part of a Planned Development (PD) or other master-planned development, and any other~~ along with any upland areas to be permitted for preservation for state and/or federal listed wildlife species.

Rationale for deletion: The wording in strike-through starting with “unless such wetlands” was added in 2017 to accommodate clustered development patterns, including conservation subdivisions using Planned Development (PD) zoning. At that time, PD was not was not allowed in Conservation land use. This was changed on February 27, 2018 with the passage of Ordinance 6-2018, rendering the language in strike-through no longer needed to accomplish its original purpose. That ordinance change allows PD zoning on the whole project area including wetlands that are designated Conservation land use; this facilitates overall project planning while preserving an easy way to realize the extent of large wetlands in Titusville.

Since 2017, problems with the language in strike-through have surfaced. First of all, it is inconsistent with Conservation Element Strategy 1.16.3.2 (“Five Acre Rule”). Please note that Sec. 163.3177 (2), Florida Statutes states:

Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent.

The other problem that surfaced is that SJRWMD conservation easements are no longer guaranteed to be permanent, and the TEC-recommended deletion aims to head off potential problems resulting from this fact.

Rationale for additions: First, the requirement for an environmental assessment including a wetlands delineation has been moved into this Policy from its existing location in Strategy 1.16.2.1. However, instead of just requiring the wetlands delineation when Conservation Land Use is present on the site -- since Conservation Land Use on the Future Land Use Map (FLUM) was based on 1988 data -- additional relevant and appropriate data sources besides the FLUM have been listed. Second, the existing requirement that wetlands five acres or greater in size shall be designated Conservation land use has been mentioned to avoid any possible misunderstanding.

Strategy 1.16.2.1: **TEC will consider deleting the words “beyond a wetland delineation adjustment” to make the policy more understandable.**

~~When Conservation Land Use is present on a specific site, a property owner shall submit a preliminary environmental assessment, including a wetland delineation when wetlands are present, prior to any future development. If the environmental assessment indicates that only wetlands are present and the wetlands are to be preserved rather than mitigated, the City shall accept the wetland delineation and amend the Future Land Use Map to align the Conservation Land Use with that delineation.~~

Before consideration of a change from Conservation land use ~~beyond a wetland delineation adjustment~~ for a wetland with onsite acreage less than five (5) acres abutting the boundary of the property, a determination shall be made of whether the wetland size onsite and any acreage offsite total at least five (5) acres. Relevant and appropriate data from professionally accepted sources shall be utilized for the determination. If the total acreage of the wetland is determined to be five (5) acres or greater, the Conservation land use designation shall remain, consistent with Conservation Element Strategy 1.6.3.2.

Rationale for deletion: The requirement for an environmental assessment including a wetland delineation has been moved to Policy 1.16.2.

Rationale for substituted wording: The new wording addresses the situation (potential loophole) where a small portion of a large wetland exists on a property. Any portion of a wetland five acres in size or greater is to be designated Conservation, subject to the uses identified in Policy 1.16.3.

Strategy 1.16.2.2

~~When Conservation Land Use is present on a specific site, a property owner shall submit a preliminary environmental assessment, including a wetland delineation when wetlands are present, prior to any future development. If the environmental assessment on a specific site required by Policy 1.16.2 indicates that state and/or federal listed wildlife are present or may be present, within the areas of the site that are designated as Conservation Land Use, the City shall not amend the Conservation Land Use until the property owner submits shall submit an environmental study which confirms the presence and potential locations of the state and/or federal list listed wildlife species. If the study identifies a location or locations on the site for suitable habitat for preservation, and these areas are accepted by the permitting agencies as preservation for the identified species, then the City shall amend the Conservation Land Use to include these areas.~~

Rationale for deletion: The language requiring an environmental assessment has been moved to Policy 1.16.2. The language requiring a delay in changing the Conservation land use has been deleted so that the alignment of wetland boundaries with the Conservation land use as required by Policy 1.16.2 will not be held up by state or federal wildlife agencies.

Rationale for substituted wording: The designation of Conservation land use for listed species habitat should be the choice of the land owner and coordinated with state or federal wildlife agencies. Examples of the use of this strategy are the creation of state-approved gopher tortoise relocation sites and scrub land set aside for potential relocation of Florida scrub-jays.

Policy 1.16.3: TEC will consider deleting the last sentence and the rationale for it. The last sentence is not in the existing Comp Plan language.

~~Permitted Allowable~~ uses within the Conservation land use area shall be limited to residential uses of one (1) unit per five (5) acres, conservation, and passive recreation, ~~open space, and stormwater management systems consistent with the Conservation Element and the land development regulations.~~ The limitation of one (1) dwelling unit per five (5) acres may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of each residential development's total Conservation land use on a cumulative basis. Any impacts to wetlands shall not cause secondary impacts to adjacent properties. The Conservation land use designation shall remain on wetlands that are impacted as allowed in this policy. Commercial and industrial uses are not permissible in the Conservation land use category.

Rationale for deletion: The deleted language is unnecessary and heads off an unintended consequence of an applicant using protected natural wetlands as stormwater ponds.

Rationale for additions: First, the 1.8% language adds reasonable use criteria regarding wetland impacts for residential development other than single-family homes in Conservation land use designations. Without this language, subdivisions, multifamily developments, and residential portions of mixed-use developments cannot impact wetlands designated as Conservation land use except for very limited conditional uses. Second, the added wording prevents a project's wetlands impacts from causing negative effects on adjacent properties. Third, the language about the Conservation land use designation remaining on the wetlands aims to prevent confusion by an applicant. Fourth, the policy clearly states a fact that has been indicated in FLUE Policy 1.21.1 since prior to 2010: Non-residential uses are not allowed in Conservation land use.

Policy 1.16.4:

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

Rationale for deletions: First, reasonable use of land for all types of residential development has been added to Policy 1.16.3, and conditional uses are addressed in the Conservation Element, so the reasonable use wording is not needed. Second, the responsibility of City Council and Staff to determine inordinate burden and vested rights during Comprehensive Plan amendment and zoning public hearings has been removed since these are legal matters to be decided according to existing legal procedures which the City of Titusville and Florida law provide. Third, any inappropriate assumption by the City of the responsibility to decide complex regulatory permitting matters, specifically whether wetlands impacts should be allowed because of "practical design modifications" or "significant site constraints," has been removed; the City is tasked by the State with land use planning, not regulatory permitting. Fourth, the sentence starting with "The allowable impacts" has been deleted since it could be interpreted to allow deferral of the City's land use planning responsibilities to the regulatory agencies, which would be not only improper, but very unwise.

Rationale for substituted wording: The added language clarifies the difference between the City's land use planning responsibilities and the regulatory agencies' permitting responsibilities. It also makes clear that any permitting agency's decision does not diminish or override the City's land use planning responsibility.

TEC Recommendations for FLUE Objective 1.16 Language

(assuming approval of the two recommended wording deletions)

Policy 1.16.2:

As of 2009, the wetlands shown as Conservation Land Use on the Future Land Use Map were established using the National Wetlands Inventory Map of 1988. These wetlands shown on this map have not been groundtruthed. In order to achieve more accurate mapping of wetlands, an environmental assessment including a wetlands delineation shall be provided where wetlands have been identified on site based upon the Future Land Use Map, the USFWS National Wetlands Inventory Map as amended, SJRWMD FLUCCS mapping, or other relevant and appropriate data sources. When the City receives a wetland delineation on specific sites, the delineations will be accepted by the City of Titusville. Prior to any future development, the Future Land Use Map will be amended to include as Conservation Land Use all wetlands five (5) acres or greater in size and additional wetland areas on the site to be preserved, along with any upland areas to be permitted for preservation for state and/or federal listed wildlife species.

Strategy 1.16.2.1:

Before consideration of a change from Conservation land use for a wetland with onsite acreage less than five (5) acres abutting the boundary of the property, a determination shall be made of whether the wetland size onsite and any acreage offsite total at least five (5) acres. Relevant and appropriate data from professionally accepted sources shall be utilized for the determination. If the total acreage of the wetland is determined to be five (5) acres or greater, the Conservation land use designation shall remain, consistent with Conservation Element Strategy 1.6.3.2.

Strategy 1.16.2.2

If the environmental assessment on a specific site required by Policy 1.16.2 indicates that state and/or federal listed wildlife are present or may be present, the property owner shall submit an environmental study which confirms the presence and potential locations of the listed wildlife species. If the study identifies a location or locations on the site for suitable habitat for preservation, and these areas are accepted by the permitting agencies as preservation for the identified species, then the City shall amend the Conservation Land Use to include these areas.

Policy 1.16.3:

Allowable uses within the Conservation land use area shall be limited to residential uses of one (1) unit per five (5) acres, conservation, and passive recreation. The limitation of one (1) dwelling unit per five (5) acres may be applied as a maximum percentage limiting wetland impacts to not more than 1.8% of each residential development's total Conservation land use on a cumulative basis. Any impacts to wetlands shall not cause secondary impacts to adjacent properties. The Conservation land use designation shall remain on wetlands that are impacted as allowed in this policy.

Policy 1.16.4:

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