



CITY OF TITUSVILLE

PLANNING AND ZONING COMMISSION

AGENDA

Regular Meeting

May 7, 2025 - 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 April 16, 2025

Approve minutes

6. QUASI-JUDICIAL CONFIRMATION PROCEDURES

7. PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

8. OLD BUSINESS

9. NEW BUSINESS

A. Expedited Residential Building Permits in Subdivisions Ordinance No. 15-2025

Conduct the public hearing and make a recommendation to City Council on Ordinance No. 15-2025, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE CODE OF ORDINANCES TO CREATE A PROCESS FOR ISSUANCE OF RESIDENTIAL BUILDING PERMITS IN SUBDIVISIONS PRIOR TO APPROVAL OF FINAL PLAT AND REPLACING THE TERM "SKETCH PLAT" WITH "PRELIMINARY PLAT" AND CLARIFYING THAT "PRELIMINARY PLAT" IS NOW TITLED "SITE PLAN" BY AMENDING SECTIONS 30-40 "TREE SURVEY REQUIRED BEFORE PERMIT", 34-8 "PUBLIC HEARING APPROVALS REQUIRED", 34-60 "CONCEPTUAL PLAT", 34-92 "MINIMUM REQUIREMENTS/APPLICATION AND APPROVAL", 34-93 "ADDITIONAL REQUIREMENTS", 34-144 "APPROVAL"; THAT CHAPTER 34 "PROCEDURES", ARTICLE III "SUBDIVISIONS", DIVISION 5 "PLAT", SUBDIVISION 1 "SKETCH PLAT (CONCEPTUAL PLAN) IS RENAMED PRELIMINARY PLAT (CONCEPTUAL PLAN), AND AMENDING SECTION 34-151 "PROCEDURE"; AND BY CREATING SECTIONS 34-153 "SUBMITTAL PROCEDURES"; AMENDING SUBDIVISION 2 "PRELIMINARY PLAT (SITE PLAN) TO BE RENAMED "SITE PLAN" AND AMENDING SECTIONS 34-161 "PRELIMINARY PLAT DEFINITION" TO BE RENAMED "SITE PLAN DEFINITION" AND AMENDING 34-162 "SUBMITTAL PROCEDURES", 34-163 "REQUIRED EXHIBITS", AND 34-164 "REVIEW PROCEDURES", AND SUBDIVISION 3 "FINAL PLAT", SECTIONS 34-171 "DEFINITION", 34-172 "PROCEDURE", AND 34-173 "REQUIRED EXHIBITS"; BY AMENDING CHAPTER 34 "PROCEDURES", ARTICLE III "SUBDIVISIONS", TO CREATE A NEW DIVISION 9 "PROCEDURE FOR ISSUANCE OF BUILDING PERMITS PRIOR TO APPROVAL OF FINAL PLAT", BY ADDING SECTIONS 34-174 "PURPOSE", 34-175 "PROCEDURE", 34-176 "REQUIRED SUBMITTALS AND EXHIBITS", 34-177 "CONSTRUCTION", 34-178 "PROCEDURE FOR ISSUANCE OF BUILDING PERMITS PRIOR TO APPROVAL OF FINAL PLAT", 34-179 "FINAL PLAT" AND 34-180 "RECORDING OF FINAL PLAT REQUIRED"; AMENDING SECTIONS 34-201 "RECORDING OF FINAL PLAT REQUIRED", 34-214 "APPLICATION CLASSIFICATIONS AND REVIEW SCHEDULES" AND 37-1 "DEFINITIONS", AND BY AMENDING DEVELOPMENT REVIEW PROCEDURES MANUAL SECTIONS 6 "MASTER PLANS", 11 "SKETCH PLAT" TO BE RENAMED "PRELIMINARY PLAT", 12 "PRELIMINARY PLAT" TO BE RENAMED "REQUIRED SUBMITTALS FOR EXPEDITED PERMITTING FOR RESIDENTIAL PERMITS PRIOR TO APPROVAL OF THE FINAL PLAT", 14.5 "SITE PLAN REQUIRED EXHIBITS" AND 17.2 "LAND DEVELOPMENT FEES"; PROVIDING FOR GRANDFATHER PROVISIONS, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE AND AN EFFECTIVE DATE. This is a legislative item.

B. Sidewalk Waiver Ordinance

Conduct the public hearing and make a recommendation to City Council on the Sidewalk waiver ordinance.

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE

CODE OF ORDINANCES RELATED TO WAIVERS TO SIDEWALK CONSTRUCTION REQUIREMENTS BY AMENDING CHAPTER 30 "DEVELOPMENT STANDARDS", SECTION 30-238 "ROAD AND SIDEWALK REQUIREMENTS" AND SECTION 30-239 "BICYCLE FACILITIES"; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE AND AN EFFECTIVE DATE.

This is a legislative item.

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: Brad Parrish, Community Development Director
Subject: **Minutes April 16, 2025**
Department/Office: Planning

Recommended Action:

Approve minutes

Summary Explanation & Background:

Minutes April 16, 2025

Alternatives:

Modify the Minutes.

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. 04.16.25 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 April 16, 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, Secretary Romie Grant, Member John Scully, Member Janay Gelin, Member Erron Fayson, Member Theodore Garrod, Alternate John Rogers and Alternate Member Michael Fendler. Also, in attendance were Senior Planner Christie Anderson, Assistant City Attorney Chelsea Farrell and Recording Secretary Laurie Dargie.

XXX

Vice Chairman Childs made a motion to approve the minutes from the April 2, 2025 meeting with corrections. Member Scully 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

Rezoning REZ#4-2024 – Verona (AKA Willow Creek) PD Master Plan Amendment

Senior Planner Christie Anderson gave an overview of this item.

The Planning & Zoning Commission had brief discussion.

Rodney Honeycutt, applicant of Titusville, Florida, came to speak in favor of this item. Mr. Honeycutt provided further explanations of the requests that are being made.

The Planning & Zoning Commission had discussion with Mr. Honeycutt.

Stephen White, with KB Homes, came to speak in favor of this item and answered questions.

Member Garrod had concerns with the model homes not having stipulated time for when they must stop their use of a model home and become a residence.

The Planning and Zoning Commission members had discussion regarding the request for setback reductions in Village C.

XXX

Member Garrod made a motion to recommend approval of the requested fifteen (15) foot setback, reduced from twenty (20), for identified lots but only for those lots whose lot width fully abuts the stormwater retention lakes in Village C. If the lots are not abutting that boundary, the rear setback cannot be reduced. Secretary Grant seconded.

Roll call was as follows:

Member Garrod	Yes
Member Scully	Yes
Vice Chairman Childs	Yes
Member Gelin	Yes
Secretary Grant	Yes
Member Fayson	Yes
Chairman Aton	Yes

Motion passed.

XXX

Member Garrod made a motion to recommend approval of the request to reduce the minimum lot width from forty (40) feet to twenty (20) feet for multifamily Village E. Member Fayson seconded.

Roll call was as follows:

Secretary Grant	Yes
Member Fayson	Yes
Vice Chairman Childs	Yes
Member Scully	Yes
Member Garrod	Yes
Member Gelin	Yes
Chairman Aton	Yes

Motion passed.

XXX

Member Garrod made a motion to recommend approval the developer's request to allow model home clusters of up to four (4) model homes in each development phase of Villages A, B, C, & E with each model home cluster including a real estate sales office and an adjacent ancillary stabilized temporary parking area for the model home cluster/real estate sales office. Member Fayson seconded.

Roll call was as follows:

Member Fayson	Yes
Member Gelin	Yes
Member Garrod	Yes
Member Scully	Yes
Vice Chairman Childs	Yes
Secretary Grant	Yes
Chairman Aton	Yes

Motion passed.

XXX

Member Garrod made a motion to recommend that the following conditions be included within the draft PD rezoning ordinance:

1. Accessory building and structures setback standards be incorporated in the conditions of approval.
2. Townhouse and multifamily developments shall have a minimum distance between structures of twenty (20) feet and a maximum of six (6) dwelling units shall be allowed in a building group of townhouse units. Townhouse building groups shall also have staggered setbacks to lessen the straight row effect.

Vice Chairman Childs seconded.

Roll call was as follows:

Member Gelin	Yes
Member Garrod	Yes
Secretary Grant	Yes
Vice Chairman Childs	Yes
Member Fayson	Yes
Member Scully	Yes
Chairman Aton	Yes

Motion passed.

XXX

Petitions & Requests from the Public Present

None

XXX

Reports

Secretary Grant brought up an article from the Talk of Titusville regarding the County Commissioners defunding the North Brevard Economic Development Zone and how Titusville might follow. Secretary Grant read the article. The Planning and Zoning Commission members had discussion.

XXX

Adjournment 7:56pm

City of Titusville
"Gateway to Nature and Space"

REPORT

To: Members of the Planning and Zoning Commission
From: Tom Abbate, Acting City Manager
Subject: **Expedited Residential Building Permits in Subdivisions Ordinance No. 15-2025**
Department/Office: Community Development

Recommended Action:

Conduct the public hearing and make a recommendation to City Council on Ordinance No. 15-2025, AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE CODE OF ORDINANCES TO CREATE A PROCESS FOR ISSUANCE OF RESIDENTIAL BUILDING PERMITS IN SUBDIVISIONS PRIOR TO APPROVAL OF FINAL PLAT AND REPLACING THE TERM "SKETCH PLAT" WITH "PRELIMINARY PLAT" AND CLARIFYING THAT "PRELIMINARY PLAT" IS NOW TITLED "SITE PLAN" BY AMENDING SECTIONS 30-40 "TREE SURVEY REQUIRED BEFORE PERMIT", 34-8 "PUBLIC HEARING APPROVALS REQUIRED", 34-60 "CONCEPTUAL PLAT", 34-92 "MINIMUM REQUIREMENTS/APPLICATION AND APPROVAL", 34-93 "ADDITIONAL REQUIREMENTS", 34-144 "APPROVAL"; THAT CHAPTER 34 "PROCEDURES", ARTICLE III "SUBDIVISIONS", DIVISION 5 "PLAT", SUBDIVISION 1 "SKETCH PLAT (CONCEPTUAL PLAN) IS RENAMED PRELIMINARY PLAT (CONCEPTUAL PLAN), AND AMENDING SECTION 34-151 "PROCEDURE"; AND BY CREATING SECTIONS 34-153 "SUBMITTAL PROCEDURES"; AMENDING SUBDIVISION 2 "PRELIMINARY PLAT (SITE PLAN) TO BE RENAMED "SITE PLAN" AND AMENDING SECTIONS 34-161 "PRELIMINARY PLAT DEFINITION" TO BE RENAMED "SITE PLAN DEFINITION" AND AMENDING 34-162 "SUBMITTAL PROCEDURES", 34-163 "REQUIRED EXHIBITS", AND 34-164 "REVIEW PROCEDURES", AND SUBDIVISION 3 "FINAL PLAT", SECTIONS 34-171 "DEFINITION", 34-172 "PROCEDURE", AND 34-173 "REQUIRED EXHIBITS"; BY AMENDING CHAPTER 34 "PROCEDURES", ARTICLE III "SUBDIVISIONS", TO CREATE A NEW DIVISION 9 "PROCEDURE FOR ISSUANCE OF BUILDING PERMITS PRIOR TO APPROVAL OF FINAL PLAT", BY ADDING SECTIONS 34-174 "PURPOSE", 34-175 "PROCEDURE", 34-176 "REQUIRED SUBMITTALS AND EXHIBITS", 34-177 "CONSTRUCTION", 34-178 "PROCEDURE FOR ISSUANCE OF BUILDING PERMITS PRIOR TO APPROVAL OF FINAL PLAT", 34-179 "FINAL PLAT" AND 34-180 "RECORDING OF FINAL PLAT REQUIRED"; AMENDING SECTIONS 34-201 "RECORDING OF FINAL PLAT REQUIRED", 34-214 "APPLICATION CLASSIFICATIONS AND REVIEW SCHEDULES" AND 37-1 "DEFINITIONS", AND BY AMENDING DEVELOPMENT REVIEW PROCEDURES MANUAL SECTIONS 6

“MASTER PLANS”, 11 “SKETCH PLAT” TO BE RENAMED “PRELIMINARY PLAT”, 12 “PRELIMINARY PLAT” TO BE RENAMED “REQUIRED SUBMITTALS FOR EXPEDITED PERMITTING FOR RESIDENTIAL PERMITS PRIOR TO APPROVAL OF THE FINAL PLAT”, 14.5 “SITE PLAN REQUIRED EXHIBITS” AND 17.2 “LAND DEVELOPMENT FEES”; PROVIDING FOR GRANDFATHER PROVISIONS, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE AND AN EFFECTIVE DATE. This is a legislative item.

Summary Explanation & Background:

In 2024, the Florida Legislature adopted Chapter 210-2024 Laws of Florida requiring that local governments establish a program to allow residential permits approved by a preliminary plat if certain conditions are met prior to approval of the final plat. The legislation provided that the program allow up to fifty (50) percent of the residential permits after October 1, 2024, and up to seventy-five (75) percent of permits to be approved shall be in place after December 31, 2027. The ordinance creates an expedited permitting process to issue residential building permits within subdivisions prior to approval of a final plat consistent with Section 177.073, Florida Statutes by changing terms, modifying existing procedures and creating new procedures related to the review and approval of the plat process. Enclosed for the Commission's review is Chapter 210-2024, the Bill Analysis from the Legislature, and a diagram illustrating the changes to the City's plat process.

On July 9, 2024, the City Council approved advisability directing the staff to draft an ordinance consistent with Chapter No. 2024-210 Laws of Florida. Member Stoeckel requested staff make notes of issues/concerns as they are drafting the ordinance that can be provided to the Florida League of Cities. The most significant issue was the potential lack of infrastructure necessary to serve the residential homes. The ordinance clarifies that an approved site plan will be required prior to approval of the master building plan by City Council if the expedited permitting process is utilized.

Alternatives:

1. Recommend approval of the ordinance.
2. Recommend approval of the ordinance with changes.
3. Do not recommend approval of the ordinance.

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. Highlights
2. Expedited Permit Ord PlanC Ver6
3. Flow Charts Ver4
4. Chapter 2024-210 bill analysis and fiscal impact statemetn
5. Chapter 2024-210
6. BIE - Expedited Plat ord

HB 665/ SB 812 Expedited Approval of Building Permits

- Requires local governments to create a program to issue building permits with final plat approval (before final plat).
 - Applies to communities with a population of 25,000 or more
 - By Oct. 2024, the program must allow 50% of permits to be issued
 - By Dec. 2027, the program must allow 75% of permits to be issued.

Requires local gov. to create a master building permit process for residential subdivisions or planned communities.

- valid for three consecutive years until the adoption of a new Building Code
- Revises commonly accepted requirements for vesting properties.



Senator Blais Ingolia



Senator Nick DeCeglie



Representative Stan McClain

ORDINANCE NO. 15-2025

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE CODE OF ORDINANCES TO CREATE A PROCESS FOR ISSUANCE OF RESIDENTIAL BUILDING PERMITS IN SUBDIVISIONS PRIOR TO APPROVAL OF FINAL PLAT AND REPLACING THE TERM "SKETCH PLAT" WITH "PRELIMINARY PLAT" AND CLARIFYING THAT "PRELIMINARY PLAT" IS NOW TITLED "SITE PLAN" BY AMENDING SECTIONS 30-40 "TREE SURVEY REQUIRED BEFORE PERMIT", 34-8 "PUBLIC HEARING APPROVALS REQUIRED", 34-60 "CONCEPTUAL PLAT", 34-92 "MINIMUM REQUIREMENTS/APPLICATION AND APPROVAL", 34-93 "ADDITIONAL REQUIREMENTS", 34-144 "APPROVAL"; THAT CHAPTER 34 "PROCEDURES", ARTICLE III "SUBDIVISIONS", DIVISION 5 "PLAT", SUBDIVISION 1 "SKETCH PLAT (CONCEPTUAL PLAN) IS RENAMED PRELIMINARY PLAT (CONCEPTUAL PLAN), AND AMENDING SECTION 34-151 "PROCEDURE"; AND BY CREATING SECTIONS 34-153 "SUBMITTAL PROCEDURES"; AMENDING SUBDIVISION 2 "PRELIMINARY PLAT (SITE PLAN) TO BE RENAMED "SITE PLAN" AND AMENDING SECTIONS 34-161 "PRELIMINARY PLAT DEFINITION" TO BE RENAMED "SITE PLAN DEFINITION" AND AMENDING 34-162 "SUBMITTAL PROCEDURES", 34-163 "REQUIRED EXHIBITS", AND 34-164 "REVIEW PROCEDURES", AND SUBDIVISION 3 "FINAL PLAT", SECTIONS 34-171 "DEFINITION", 34-172 "PROCEDURE", AND 34-173 "REQUIRED EXHIBITS"; BY AMENDING CHAPTER 34 "PROCEDURES", ARTICLE III "SUBDIVISIONS", TO CREATE A NEW DIVISION 9 "PROCEDURE FOR ISSUANCE OF BUILDING PERMITS PRIOR TO APPROVAL OF FINAL PLAT", BY ADDING SECTIONS 34-174 "PURPOSE", 34-175 "PROCEDURE", 34-176 "REQUIRED SUBMITTALS AND EXHIBITS", 34-177 "CONSTRUCTION", 34-178 "PROCEDURE FOR ISSUANCE OF BUILDING PERMITS PRIOR TO APPROVAL OF FINAL PLAT", 34-179 "FINAL PLAT" AND 34-180 "RECORDING OF FINAL PLAT REQUIRED"; AMENDING SECTIONS 34-201 "RECORDING OF FINAL PLAT REQUIRED", 34-214 "APPLICATION CLASSIFICATIONS AND REVIEW SCHEDULES" AND 37-1 "DEFINITIONS", AND BY AMENDING DEVELOPMENT REVIEW PROCEDURES MANUAL SECTIONS 6 "MASTER PLANS", 11 "SKETCH PLAT" TO BE RENAMED "PRELIMINARY PLAT", 12 "PRELIMINARY PLAT" TO BE RENAMED "REQUIRED SUBMITTALS FOR EXPEDITED PERMITTING FOR RESIDENTIAL PERMITS PRIOR TO APPROVAL OF THE FINAL PLAT", 14.5 "SITE PLAN REQUIRED EXHIBITS" AND 17.2 "LAND DEVELOPMENT FEES"; PROVIDING FOR GRANDFATHER PROVISIONS, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature adopted Chapter 2024-210 Laws of Florida requiring that local governments establish a program to approve residential permits approved by a preliminary plat if certain conditions are met prior to approval of the final plat; and

WHEREAS, the legislation provides that the program permitting up to fifty (50) percent of the residential permits to be approved shall be in place by October 1, 2024 and up to seventy-five (75) percent of permits to be approved shall be in place by December 31, 2027; and

WHEREAS, the Titusville City Council desires to create an expedited permitting process to issue residential building permits within subdivisions prior to approval of a final plat consistent with Section Expedited preliminary plat and permitting ordinance

177.073, Florida Statutes by changing terms, modifying existing procedures and creating new procedures related to review and approval of the plat process.

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 Chapter 30 “Development Standards”, Article II “Environmental”, Division 2 “Trees and Vegetation (Preservation and Mitigation)”, Section 30-40 “Tree survey required before permit” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 30-40. Tree survey required before permit.

- (a) Before obtaining a clearing and grubbing permit, building permit, ~~sketch plat~~, preliminary plat approval or site plan approval, in addition to other requirements set out in these regulations all applicants shall submit a survey provided by a registered land surveyor, landscape architect or Florida Nursery Growers and Landscaping Association (FNGLA) certified horticulture professional detailing the information shown below.
- (b) As a condition of granting a permit, the developer shall work with staff to adjust the proposed layout to achieve preservation of healthy native trees where feasible. The developer shall be required to consider, and where feasible, implement the recommendations of staff regarding the redesign of the site and utilize low impact development methods to preserve such trees.
- (c) Tree survey requirements.
 - (1) For commercial, industrial, and non-residential subdivision developments five (5) acres or less, residential subdivisions, and other developments voluntarily satisfying the minimum preserved and total canopy area requirements, the applicant shall provide the following:
 - a. A survey of trees and a sampling of understory vegetation prepared by a Florida registered land surveyor, Florida licensed landscape architect, or Florida Nursery Growers and Landscaping Association (FNGLA) certified horticultural professional that lists the tree species, dbh, and quantity of each tree species with fourteen-inch dbh and greater in the development area. Smaller size trees may be shown in order to meet landscape planting requirements. A general description of the understory species and coverage shall be provided.
 - b. The survey shall also include a sampling of vegetation that is representative of the species diversity and distribution throughout the interior of the site as follows: one hundred (100) feet by one hundred (100) feet sample areas at the rate of one (1) sample area per three (3) acres of development area. An inventory in each sample area shall list all trees six-inch dbh and greater, and show their species, quantity, and dbh. The City reserves the right to request additional sample areas based on site conditions.
 - (2) For commercial, industrial, and non-subdivision residential developments greater than five acres that do not meet the minimum preserved and total canopy area requirements, the applicant shall submit a survey prepared by a Florida registered land surveyor, Florida licensed landscape architect, or Florida Nursery Growers and Landscaping Association (FNGLA) certified horticultural professional detailing the following:
 - a. An aerial photograph of the subject property which indicates where the streets and utilities are planned and which trees are proposed to be removed.

- b. Written evaluation of the number of trees to be removed and any reasons for the proposed layout. All trees twelve (12) inches dbh and greater proposed to be removed shall be flagged or painted in the field.
- c. The location of all mitigation size trees twenty (20) inches dbh and greater, as located by a Florida registered land surveyor, Florida licensed landscape architect, or Florida Nursery Growers and Landscaping Association (FNGLA) certified horticultural professional.
- d. The location of trees six (6) inches dbh and greater in buffer areas or twenty (20) feet from property lines.

SECTION 3: That Chapter 34 “Procedures”, Article I “General Provisions”, Section 34-8 “Public hearing approvals required” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 34-8. Public hearing approvals required.

- (a) The following actions require the approval of City Council after review and recommendation by the Planning and Zoning Commission and approval from the Community Redevelopment Agency when required:
 - (1) Annexations;
 - (2) Amendments to the adopted Comprehensive Plan of the City of Titusville, including:
 - a. Amendments to the adopted goals, objectives and policies of the Comprehensive Plan;
 - b. Amendments to the future land use map (Comprehensive Plan amendment or CPA);
 - (3) Land Development Regulations;
 - (4) Conditional uses in the districts where so designated (see Chapter 28, Zoning);
 - (5) Community Redevelopment district activities, acting as the Community Redevelopment Agency (CRA);
 - (6) Planned Development, Planned Industrial Development, Planned Office Park, Regional Mixed-Use, and Urban Village applications.
 - a. Master Plan.
 - (7) Subdivision approval for:
 - a. ~~Sketch-Preliminary~~ plat.
 - b. Final plat.
 - (8) Other actions as directed by the City Council.

SECTION 4: That Chapter 34 “Procedures”, Article III “Subdivisions”, Division 1 “Applicability”, Section 34-60 “Conceptual plat” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 34-60. Conceptual plat.

A conceptual plat may be submitted with a Master Plan and approved as part of the rezoning. All information required to review and approve a Master Plan shall be submitted per Chapter 34, Procedures, Article III, Subdivisions, Division 4, Plat, Subdivision 1, ~~Sketch-Preliminary~~ plat of the Land Development Regulations. The Master Plan procedures shall not preclude the need for a recorded plat or approved site plan prior to the first lot conveyance or certificate of occupancy.

SECTION 5: That Chapter 34 “Procedures”, Article I “General Provisions”, Section 34-92 “Minimum requirements/application and approval” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 34-92. Minimum requirements/application and approval.

- (a) The process for application and specific requirements and exhibits for a subdivision are contained in Chapter 34, Article III, Subdivisions, of these [Land Development] Regulations. Every subdivision of land within the City shall include the requirements contained in these [subdivision] regulations. Such requirements include:
- ~~(1)~~ A pre-application as provided in Section 34-4.
 - ~~(2)~~ ~~Sketch Preliminary~~ plat as provided in Chapter 34, Article III, Division 5, Subdivision 1 et seq.,
 - ~~A preliminary plat as provided in Chapter 34, Article III, Division 5, Subdivision 2 et seq.,~~
 - ~~(3)~~ A site plan as provided in Chapter 34, Article IV et seq.,
 - ~~(4)~~ And a final plat as provided in Chapter 34, Article III, Division 5, Subdivision 3 et seq.
 - ~~(5)~~ Site plan approval process as provided in Chapter 34, Article IV.
- (b) The requirements contained within these sections shall constitute the minimum requirements and no omissions of required exhibits shall be permitted without prior approval of the Administrator.

SECTION 6: That Chapter 34 “Procedures”, Article I “General Provisions”, Section 34-93 “Additional requirements” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 34-93. Additional requirements.

- (a) Where deemed necessary to address special conditions or circumstances, the Administrator shall have the authority to require additional exhibits for any ~~sketch plat~~, preliminary plat, site plan or final plat.
- (b) Off-site improvements, as defined in Chapter 37 and set forth in the performance requirements of Chapter 30, shall be complied with as necessary for the approval of any subdivision proposal.
- (c) It shall be the duty of the subdivider to consider the following before seeking subdivision approval:
- (1) The availability of highways, regional thoroughfares, and local thoroughfares to adequately serve the needs of the proposed development.
 - (2) Whether the proposed area for development can be served by public utilities without excessive costs for utility extensions beyond presently developed areas.
 - (3) Whether the proposed development conforms with the stormwater management plan of the City.
 - (4) That the proposed development will be in accordance with the latest adopted Comprehensive Plan and Land Development Regulations of the City.
- (d) The City Council may disapprove development in unsuitable areas that are inaccessible, lack adequate paved road access, or lack nearby utilities. This shall be done in accordance with the City's Land Use Policies.

SECTION 7: That Chapter 34 “Procedures”, Division 4 “Small Scale Plat”, Section 34-144 “Approval” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 34-144. Approval.

- (a) *Small-scale plat approval.* The small-scale plat approval will follow the procedure outlined in Section 34-172 with exception that a ~~preliminary plat~~site plan is not required and there are no right-of-way dedications.
- (b) *Disapproval.* If the division is disapproved, the Administrator shall within ten (10) days furnish the applicant with a written statement of the reason for disapproval. Sec. 34-151. Procedure.
- (a) The applicant is required to consult with staff prior to formal submittal of the sketch plat, as set forth in Section 34-210 of these regulations. A complete submittal as set forth in Section 34-152 below, shall be made to the Administrator. The Administrator shall determine completeness of any sketch plat submittal. Once the application has been determined to be complete, the sketch plat will be scheduled for review in accordance with the review schedule set forth in Section 34-214. The Administrator shall review the sketch plat and provide comments and recommendations for modifications to the proposed plat. The applicant shall revise the sketch plat as required and re-submit the amended sketch plat to the Administrator.
- (b) Resubmittals shall address all comments as provided by the Administrator. If the applicant elects not to address all comments required by the Administrator, the applicant shall note the reasons for electing not to respond to the comment. If subsequent reviews are required by the Administrator the reviews shall follow the same time frames and procedures as the initial review. Upon completion of the review process the Administrator shall prepare a report for the Planning and Zoning Commission recommending approval of sketch plat, approval of the sketch plat with conditions, or denial of the sketch plat. A recommendation for conditional approval shall state the conditions for approval, and a recommendation for denial of the sketch plat shall state the code requirements or comprehensive plan goals, objectives or policies with which the proposed sketch plat fails to comply. The administrator shall then schedule the sketch plat for the next available Planning and Zoning Commission meeting.
- (c) After consideration of the Administrator's recommendations, the Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the sketch plat based upon the review criteria contained in these [Land Development] Regulations. The Planning and Zoning Commission shall forward its findings to the City Council, who upon receipt of said findings, shall either approve, approve with conditions or deny the sketch plat. Approval of the sketch plat by the City Council authorizes the applicant to proceed with the site plans and the preliminary plat. Approval of the sketch plat with conditions authorizes the applicant to proceed with the site plans and the preliminary plat once the Administrator certifies in writing, to the applicant, that all conditions have been met.
- (d) If a sketch plat is denied, no similar submittal on said property shall be made for one (1) year from the date of denial.

SECTION 8: That Chapter 34 “Procedures”, Article III “Subdivisions”, Division 5 “Plat”, Subdivision 1 “Sketch Plat (Conceptual Plan)”, Section 34-151 “Procedure” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Subdivision 1. ~~Sketch~~Preliminary Plat (Conceptual Plan)

Sec. 34-151. Procedure.

- (a) The applicant is required to consult with staff prior to formal submittal of the ~~sketch~~preliminary plat, as set forth in Section 34-210 of these regulations. A complete submittal as set forth in Section 34-152 below, shall be made to the Administrator. The Administrator shall determine completeness of

any ~~sketch~~preliminary plat submittal. Once the application has been determined to be complete, the ~~sketch~~preliminary plat will be scheduled for review in accordance with the review schedule set forth ~~is in~~ Section 34-214. The Administrator shall review the ~~sketch~~preliminary plat and provide comments and recommendations for modifications to the proposed plat. The applicant shall revise the ~~sketch~~preliminary plat as required and re-submit the amended ~~sketch~~preliminary plat to the Administrator.

- (b) Resubmittals shall address all comments as provided by the Administrator. If the applicant elects not to address all comments required by the Administrator, the applicant shall note the reasons for electing not to respond to the comment. If subsequent reviews are required by the Administrator, the reviews shall follow the same time frames and procedures as the initial review. Upon completion of the review process the Administrator shall prepare a report for the Planning and Zoning Commission recommending approval of ~~sketch~~preliminary plat, approval of the ~~sketch~~preliminary plat with conditions, or denial of the ~~sketch~~preliminary plat. A recommendation for conditional approval shall state the conditions for approval, and a recommendation for denial of the ~~sketch~~preliminary plat shall state the code requirements or comprehensive plan goals, objectives or policies with which the proposed ~~sketch~~preliminary plat fails to comply. The administrator shall then schedule the ~~sketch~~preliminary plat for the next available Planning and Zoning Commission meeting.
- (c) After consideration of the Administrator's recommendations, the Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the ~~sketch~~preliminary plat based upon the review criteria contained in these [Land Development] Regulations. The Planning and Zoning Commission shall forward its findings to the City Council, who upon receipt of said findings, shall either approve, approve with conditions or deny the ~~sketch~~preliminary plat. Approval of the ~~sketch~~preliminary plat by the City Council authorizes the applicant to proceed with the site plans and the preliminary plat. Approval of the ~~sketch~~preliminary plat with conditions authorizes the applicant to proceed with the site plans ~~and the preliminary plat~~ once the Administrator certifies in writing, to the ~~applicant, applicant~~ that all conditions have been met.
- (d) If a ~~sketch~~preliminary plat is denied, no similar submittal on said property shall be made for one (1) year from the date of denial.

SECTION 9: That the Code of Ordinances, City of Titusville is hereby amended by adding a section, to be numbered Chapter 34 "Procedures", Article III "Subdivisions", Division 5 "Plat", Subdivision 1 "Sketch Plat (Conceptual Plan)", Section 34-153 "Submittal procedures" which said section reads as follows:

Sec. 34-153. Submittal procedures.

(a) The preliminary plat application shall include, at a minimum the following information:

- (1) An application and review fee on the appropriate forms.
- (2) The proposed subdivision preliminary plat shall require the exhibits, as specified in the Development Review Procedures Manual and be reviewed and approved with the site plan approval process as specified in Chapter 34, Article IV.
- (3) One (1) electronic copy of the proposed subdivision preliminary plat in a format to be specified by the City.

Secs. 34-~~153~~154—34-160. Reserved.

SECTION 10: That Chapter 34 "Procedures", Article III "Subdivisions", Division 5 "Plat", Subdivision 2 "Preliminary Plat (Site Plan)" of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Subdivision 2. Preliminary Plat (Site Plan)

Expedited preliminary plat and permitting ordinance

Sec. 34-161. Preliminary platSite plan definition.

Following review and approval of the ~~sketch-preliminary~~ plat the subdivider may prepare a ~~preliminary-platsite plan~~, which shall be in accordance with the ~~sketchpreliminary~~ plat including such changes and considerations as shall have been adopted by the City Council or approved engineering information not available at time of ~~sketchpreliminary~~ plat approval. Failure to apply for ~~preliminary-platsite plan~~ approval within two (2) years of ~~sketchpreliminary~~ plat approval shall cause approval of the ~~sketchpreliminary~~ plat to cease and become void.

Sec. 34-162. Submittal procedures.

(a) The ~~preliminary-platsite plan~~ application shall include, at a minimum the following information:

- (1) An application and review fee on the appropriate forms.
- (2) The proposed subdivision ~~preliminary-platsite plan~~ shall require the exhibits, as specified in the Development Review Procedures Manual and be reviewed and approved with the site plan approval process as specified in Chapter 34, Article IV.
- (3) One (1) electronic copy of the proposed subdivision ~~preliminary-plat and~~ site plans in a format to be specified by the City.

Sec. 34-163. Required exhibits.

The ~~preliminary-platsite plan~~ shall be prepared by a professional land surveyor (PLS) or engineer (PE) and shall provide information as set forth in the Development Review Procedures Manual Section ~~12.4~~14.5. All plans shall be prepared to accepted design standards and signed and sealed by the appropriate design professional.

Sec. 34-164. Review Procedures.

- (a) Upon determination by the Administrator that the application is complete, the Administrator shall review the application in accordance with the schedule in Section 34-214.
- (1) *Resubmittal and review of the ~~preliminary-platsite plan~~*: If there are any comments requiring modification ~~to the preliminary-plat~~ during the site plan review, the applicant shall proceed to make any required revisions to the ~~preliminary-platsite plan~~ then resubmit the ~~preliminary-plat with the~~ site plans in accordance with the procedures outlined in Chapter 34, Article III, Subdivisions.
 - (2) *Approval of the ~~preliminary-platsite plan~~*: Approval shall not be construed as authority for filing of the plat with the Clerk of the Circuit Court of Brevard County, nor as authority for the ~~sale transfer of ownership~~ of lots in reference thereto. Approval of the ~~preliminary-platsite plan~~ shall, however, authorize the subdivider to exercise ~~either of~~ the following options prior to submitting the final plat:
 - a. *Required site improvement Option No. 1*. Prepare detailed cost breakdowns, and specifications for all required site improvements which meet the approval of the City, and install all required site improvements in accordance with the approved plans and specifications. All work shall be inspected and subject to the approval of the City. A fee equivalent to two and one-half (2.5) percent of the site construction costs shall be paid to the City (at this time) to defray costs of such inspections.
 - b. *Required site improvement Option No. 2*. Prepare detailed cost breakdowns and specifications for all required site improvements which meet the approval of the City, and provide a performance and material and labor payment bond or escrow agreement acceptable to the City, in the amount of one hundred and twenty (120) percent of the site construction costs, to guarantee the installation of the required improvements. Any

performance and payment bond shall be from a company licensed as a surety in the State of Florida, listed by the U.S. Treasury Department and A:AAAA in Best's Insurance Guide. All work shall be inspected and approved by the City. A fee equivalent to two and one-half (2.5) percent of the estimated site construction costs shall be paid to the City (at this time) by the applicant or if necessary from the performance bond to defray costs of such inspection.

- (b) No work shall be commenced in the subdivision until such time as the final site plans and specifications have been presented to and stamped approved by the Administrator, and the ~~fee~~ required ~~fees~~ above ~~has-have~~ been paid.

SECTION 11: That Chapter 34 "Procedures", Article III "Subdivisions", Division 5 "Plat", Subdivision 3 "Final Plat", Section 34-171 "Definition" of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 34-171. Definition.

A final plat legally establishes the division of property into separate parcels or tracts. The final plat shows lot boundaries, street dedications, easements, and any other divisions of land and shall be prepared by a professional land surveyor (PLS) or engineer (PE). The final plat shall conform to the approved preliminary-platsite plan, and may constitute only that portion of the approved preliminary-platsite plan which the developer proposes to record and develop at the time; provided however, that such portion conforms to all requirements of this chapter and Chapter 177 of the Florida Statutes.

SECTION 12: That Chapter 34 "Procedures", Article III "Subdivision", Division 5 "Plat", Subdivision 3 "Final Plat", Section 34-172 "Procedure" of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 34-172. Procedure.

- (a) To obtain final plat approval, the subdivider shall within two (2) years, unless otherwise extended, of the date of preliminary-platsite plan approval and at least thirty (30) calendar days prior to a regularly scheduled meeting of the City Council, submit to the Administrator along with a filing fee as adopted by City Council and other information as set forth in [Development Review Procedures Manual] Section 13.1.
- (b) Approval by the Council shall be based upon a report from the Administrator stating that all requirements of the preliminary-platsite plan and these regulations have been completed with the City Attorney indicating that all legal requirements for final plat approval have been met.
- (c) Failure to apply for final plat approval within two (2) years of the date of preliminary-platsite plan approval shall cause approval of the preliminary-platsite plan to cease and become void unless otherwise extended as hereinafter provided. The subdivider may, prior to expiration of the preliminary-platsite plan, make application for an extension of time to file for final plat approval. The City Council may grant an extension of time up to two (2) years provided the City Council has been shown good cause for the extension. If the subdivider has not obtained final plat approval prior to the expiration of the two-year extension, the subdivider may apply to the City Council for an additional extension up to two (2) years. The subdivider shall show good cause why the time for filing the final plat should be extended and if a performance bond was submitted, an extension on said bond shall be documented. No extensions will be granted beyond a total of four (4) years) from the original expiration date.
- (d) Approval of a two-year extension by City Council is in no way guaranteed. The City Council has the option to re-evaluate the development and place additional conditions/restrictions on the developer, including, but not limited to, requiring the developer to comply with any development

regulations enacted subsequent to the approval to the ~~preliminary plat~~ site plan and to ensure ~~to~~ that public health and safety is assured.

SECTION 13: That Chapter 34 “Procedures”, Article III “Subdivisions”, Division 5 “Plat”, Subdivision 3 “Final Plat”, Section 34-173 “Required exhibits” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 34-173. Required exhibits.

- (a) The final plat shall conform to the approved preliminary plat and shall meet the platting requirements of Florida Statutes Chapter 177 and the requirements of this section. In case of a large plat which may require two (2) or more sheets, the sheets are to be numbered and the number of the sheets are to be indicated on the first sheet below the title. The final plat shall be prepared by a registered land surveyor and shall provide information as set forth in the Development Review Procedures Manual Section 13.2.
- (b) Final plat will require meeting the requirements of Section 34-216, preliminary plat and site plan final acceptance, prior to being scheduled for City Council review and approval.
- (c) Where the required improvements have not been completed prior to the submission of the final plat, the approval of said plat shall be subject to the subdivider guaranteeing the installation of said improvements through one (1) of the following methods:
 - (1) Filing a performance, and labor and material payment bond by the developer or jointly by the developer and builder, in the amount of one hundred twenty (120) percent of the estimated construction cost, or other acceptable forms of security, as determined by the Administrator for any unconstructed portions.
 - (2) Depositing or placing in escrow a certified check, cash, or acceptable pledge, in the amount of one hundred twenty (120) percent of the construction cost as approved by the City.
- (d) Any performance bond shall be made from a company licensed as a surety in the State of Florida, listed by the U.S. Treasury Department and rated; AAAA in Best's Insurance Guide. Upon acceptance of all improvements by the City, the performance and payment bonds shall be released, and the subdivider shall furnish the city with a maintenance warranty bond as set forth in Section 34-216, site plan final acceptance.
- (e) Deed restrictions. A full and complete copy of the deed restrictions shall be a required exhibit to the final plat. Such restrictions must be approved by City Council prior to recording of the plat. Said deed restrictions shall include a provision requiring the owners of property in the subdivision to notify and obtain the City Council's approval of any and all changes, amendments or alterations to the deed restrictions. Said deed restrictions shall provide an indexed mechanism to assess and/or fund any needed repairs or replacements of commonly held improvements.

SECTION 14: That the Code of Ordinances, City of Titusville is hereby amended by adding a division, to be numbered Chapter 34 “Procedures”, Article III “Subdivision”, Division 9 “Procedure for Issuance of Building Permits Prior to Approve of Final Plat”, which said division reads as follows:

Division 9. Procedure for Issuance of Building Permits Prior to Approval of Final Plat

Sec. 34-174. Purpose.

- (a). The purpose of this subdivision is to set forth a procedure for the issuance of building permits prior to approval of a final plat pursuant to Section 177.073, F.S. Pursuant to Florida Statute an applicant may make application for up to fifty (50) percent [seventy-five (75) percent effective December 31, 2027] of the residential permits within the preliminary plat for approval by City Council as described in this division.
- (b). The general outline of this procedure is the simultaneous submittal of the preliminary plat, site plan and master building plan to the City. After administrative approval of the preliminary plat, site plan and master building plan, the preliminary plat and master building plan will be submitted to Planning and Zoning

Commission for recommendation, and City Council for approval. After completion of the required site improvements, building permit applications may be issued after determination that the applications meet all code requirements. Certificates of Occupancy will not be issued prior to approval and recordation of the final plat.

Sec. 34-175. Procedure.

- (a) The applicant is required to consult with staff prior to formal submittal of the preliminary plat and associated site plan, as set forth in Section 34-210 of these regulations. Subsequently, a complete submittal as set forth in Section 34-176, Required submittals and exhibits below, shall be made to the Administrator. The Administrator shall determine completeness of any preliminary plat and site plan submittal. Once the applications have been determined to be complete, the preliminary plat and site plan will be scheduled for review in accordance with the review schedule set forth in Section 34-214. The Administrator shall review the preliminary plat and site plan and provide comments and recommendations for modifications to the proposed preliminary plat and site plan. The applicant shall revise the preliminary plat and/or site plan as required and re-submit the amended preliminary plat and/or site plan to the Administrator.
- (b) Resubmittals shall address all comments as provided by the Administrator. If the applicant elects not to address all comments required by the Administrator, the applicant shall note the reasons for electing not to respond to the comment. If subsequent reviews are required by the Administrator, the reviews shall follow the same time frames and procedures as the initial review. Upon completion of the review process the Administrator shall prepare a report for the Planning and Zoning Commission recommending approval, approval with conditions, or denial of the preliminary plat and/or master building plan. A recommendation for conditional approval shall state the conditions for approval, and a recommendation for denial of the preliminary plat shall state the code requirements or comprehensive plan goals, objectives or policies with which the proposed preliminary plat and/or master building plan fails to comply. The administrator shall then schedule the preliminary plat and/or master building plan for the next available Planning and Zoning Commission meeting.
- (c) After consideration of the Administrator's recommendations, the Planning and Zoning Commission may recommend approval, approval with conditions, or denial of the preliminary plat and/or master building plan based upon the review criteria contained in these [Land Development] Regulations. The Planning and Zoning Commission shall forward its findings to the City Council, who upon receipt of said findings, shall either approve, approve with conditions or deny the preliminary plat. And/or master building plan Approval of the preliminary plat and master building plan by the City Council authorizes the applicant to proceed with construction per the approved site plan and preliminary plat. Approval of the preliminary plat with conditions authorizes the applicant to proceed with construction per the approved site plan and the preliminary plat once the Administrator certifies in writing, to the applicant, that all conditions have been met.
- (d) If a preliminary plat is denied, no similar submittal on said property shall be made for one (1) year from the date of denial.

Sec. 34-176. Required submittals and exhibits.

- (a) The preliminary plat and site plan shall be prepared by a professional land surveyor (PLS) or engineer (PE) and shall provide information as set forth in the Development Review Procedures Manual Sections 11.1, Preliminary Plat and 14.5 Site Plan Required Exhibits as well as the information shown below.
- (b) All plans shall be prepared to accepted design standards and signed and sealed by the appropriate design professional. Required submittals must be complete and done to accepted professional standards of design including a reasonable scale (maximum allowed one (1) inch = one hundred (100) feet, north arrow, etc.). An aerial photograph should be provided showing the project site and adjacent properties.

 - (1) A master building permit plan consistent with Section 553.794, F.S., to be reviewed and administratively approved by the City and applicable outside entities. Building permits can be reviewed but not issued until the site development permit is issued after approval of the preliminary plat by City Council.

- (2) A hold harmless agreement which indemnifies the City of Titusville, its governing body, its employees, and its agents from liability or damages resulting from the issuance of a building permit or the construction, reconstruction, or improvement or repair of any residential building or structure, including any associated utilities located in the residential subdivision or planned community. Additionally, the hold harmless must indemnify and hold harmless the City of Titusville, its governing body, its employees, and its agents from liability or disputes resulting from the issuance of a certificate of occupancy for a residential building or structures that is constructed, reconstructed, improved or repaired before the approval and recordation of the final plat of the project. This indemnification includes, but is not limited to, any liability and damage resulting from wind, fire, flood, construction defects, bodily injury, and any actions, issues or disputes arising out of a contract, or other agreement between the developer and a utility operating in the residential subdivision or planned community. This indemnification does not extend to governmental actions that infringe on the applicant's vested rights.
- (3) Identification and contact information of any private provider pursuant to Section 553.7091, F.S. chosen by the applicant to expedite the application process for building permits after a preliminary plat is approved by City Council.

Sec. 34-177. Construction.

- (a) Approval of the site plan and preliminary plat shall not be construed as authority for filing of the final plat with the Clerk of the Circuit Court of Brevard County, nor as authority for the transfer of ownership of lots in reference thereto. Approval of the preliminary plat and site plan shall, however, authorizes the subdivider to exercise required site improvement option no. 3 below, if approved by the City Council.
- (1) Prepare detailed cost breakdowns and specifications for all required site improvements which meet the approval of the City and install all site improvements required for construction of single-family homes.
- (2) Provide a performance and material and labor payment bond or escrow agreement acceptable to the City, in the amount of one hundred and thirty (130) percent of the site construction costs not required for construction of single-family homes, to guarantee the installation of the required improvements.
- (3) Any performance and payment bond shall be from a company licensed as a surety in the State of Florida, listed by the U.S. Treasury Department and A:AAAA in Best's Insurance Guide. All work shall be inspected and approved by the City. A fee equivalent to two and one-half (2.5) percent of the estimated site construction costs shall be paid to the City (at this time) by the applicant or if necessary, from the performance bond to defray costs of such inspection.
- (b) No work shall be commenced in the subdivision until such time as the construction permit and specifications have been presented to and stamped approved by the Administrator, and the required fees above have been paid.

Sec. 34-178. Procedure for issuance of building permits prior to approval of final plat.

- (a) Pursuant to Section 177.073, FS an applicant may make application for up to fifty (50) percent [seventy-five (75) percent effective December 31, 2027] of the residential permits within the preliminary plat for approval by City Council consistent with this division and the following conditions.
- (2) The City reserves the right to deny authorization for development on a specific lot or lots to protect the interests of the City.
- (3) The governing body has approved a preliminary plat for each residential subdivision or planned community. The site plan shall be administratively approved prior to submission of the preliminary plat to the governing body.
- (4) The applicant shall provide proof to the governing body that the applicant has provided a copy of the approved preliminary plat, along with the approved plans, to the relevant electric, gas, water, and wastewater utilities.
- (5) The applicant holds a valid performance bond for up to one hundred thirty (130) percent of the necessary improvements, as defined in s. 177.031(9), that have not been completed upon submission of the application under this section. For purposes of a master planned community as defined in s. 163.3202(5)(b), a valid performance bond is required on a phase-by-phase basis.

(6) Prior to issuance of a building permit all infrastructure and other improvements required by the City and Authority Having Jurisdiction for the lots shown in the approved master building permit plan shall be in place as approved by the appropriate entity (City, private utility, etc.). These improvements include, but are not limited to, fire access to structures, water mains, hydrants, grading, stormwater improvements and other improvements as determined by the City to be necessary for life safety and to protect surrounding properties.

(7) Prior to issuance of a building permit, the City shall approve a master building permit plan consistent with Section 553.794, F. S. Building permits can be reviewed but not issued until the site development permit is issued after approval of the preliminary plat by City Council.

(8) An applicant may not obtain a temporary or final certificate of occupancy for each residential structure or building located in the residential subdivision or planned community until the final plat is approved and recorded in the public records by the Clerk of the Circuit Court.

(9) An applicant may contract to sell but may not transfer ownership of a residential structure or building located in the preliminary plat before the final plat is approved and recorded in the public records by the Clerk of the Circuit Court.

(10) The approval of the preliminary plat, site plan, master building plan and required supplemental materials are valid for twenty-four (24) months. If the final plat is not submitted and approved within the twenty-four-month period, the conditional approvals are null and void.

(b) An applicant shall be permitted to use a private provider pursuant to Section 553.7091, F.S. to expedite the application process for building permits after a preliminary plat is approved by City Council.

(c) The City shall establish a registry of at least three (3) qualified contractors whom the governing body may use to supplement staff resources in ways determined by the City for processing and expediting the review of an application for a preliminary plat or any plans related to such application. A qualified contractor on the registry who is hired pursuant to this section to review an application, or any part thereof, for a preliminary plat, or any part thereof, may not have a conflict of interest with the applicant. For purposes of this paragraph, the term "conflict of interest" has the same meaning as in s. 112.312, F.S. The City may create a pass-through fee to utilize the services of contractors shown on the registry of qualified contractors for processing and expediting of the application

(d) The City shall coordinate with Brevard County E-911, Address Assignment and Brevard County Property Appraiser in regard to addresses and lot numbers, respectively.

Sec. 34-179. -Final Plat

(a) The final plat shall conform to the approved preliminary plat and shall meet the platting requirements of Florida Statutes Chapter 177 and the requirements of this section. In case of a large plat which may require two (2) or more sheets, the sheets are to be numbered, and the number of the sheets are to be indicated on the first sheet below the title. The final plat shall be prepared by a registered land surveyor and shall provide information as set forth in the Development Review Procedures Manual Section 13.2.

(b)- Final plat will require meeting the requirements of Section 34-216, preliminary plat and site plan final acceptance, prior to being scheduled for City Council review and approval.

(c) Where the required improvements have not been completed prior to the submission of the final plat, the approval of said plat shall be subject to the subdivider guaranteeing the installation of said improvements through one (1) of the following methods:

(1) Filing a performance, and labor and material payment bond by the developer or jointly by the developer and builder, in the amount of one hundred thirty (130) percent of the estimated construction cost, or other acceptable forms of security, as determined by the Administrator for any unconstructed portions.

(2) Depositing or placing in escrow a certified check, cash, or acceptable pledge, in the amount of one hundred thirty (130) percent of the construction cost as approved by the City.

(d) Any performance bond shall be made from a company licensed as a surety in the State of Florida, listed by the U.S. Treasury Department and rated; AAAA in Best's Insurance Guide. Upon acceptance of all

improvements by the City, the performance and payment bonds shall be released, and the subdivider shall furnish the city with a maintenance warranty bond as set forth in Section 34-216, site plan final acceptance.

- (e) Deed restrictions. A full and complete copy of the deed restrictions shall be a required exhibit to the final plat. Such restrictions must be approved by City Council prior to recording of the plat. Said deed restrictions shall include a provision requiring the owners of property in the subdivision to notify and obtain the City Council's approval of any and all changes, amendments or alterations to the deed restrictions. Said deed restrictions shall provide an indexed mechanism to assess and/or fund any needed repairs or replacements of commonly held improvements.

Sec. 34-180. Recording of final plat required.

- (a) Small-scale plats and major subdivisions require a plat to be approved by the City Council and endorsed by the Mayor and the City of Titusville, as set forth herein.
- (b) The final plat shall be recorded by the Brevard County Clerk of Circuit Court within ninety (90) days of approval of said plat by City Council. After final plat approval by the City Council, the Administrator shall see that all requirements of Chapter 177 of the Florida Statutes have been complied with, before the plat is presented to the Clerk of the Circuit Court of Brevard County for recording. No plat of land within the corporate limits of the City shall be recorded by the Clerk of the Circuit Court unless it shall have the approval of the Council inscribed thereon or endorsed in conformity with Article III of these [Subdivision] Regulations.
- (c) Use of plat. The transfer of, sale of, or other use of a plat of a subdivision, or portion thereof, that has not been given final approval by the City Council or the Administrator as provided in Article II of these [Subdivision] Regulations and recorded in the official records of Brevard County, Florida is prohibited. The description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such prohibition.
- (d) The Administrator shall not issue a certificate of occupancy until all drainage, street and utility improvements have been installed and accepted by the City.
- (e) Any plat of land recorded by the Clerk of the Circuit Court of Brevard County without said approval and endorsement shall not be considered valid by the City of Titusville for the purpose of creating legally buildable lots. The transfer of, sale of, or other use of a plat of a division or subdivision, or portion thereof, that has not been given final approval, endorsement and recordation as provided in this section shall not exempt any such lot from the provisions of this section.
- (f) Any division of land by metes and bounds description as the instrument of recording and/or transfer shall not exempt said lot or lots created from the requirements set forth above.
- (g) No certificates of occupancy shall be issued by the Administrator until final plat approval, endorsement and recordation and all fees required herein have been paid. Proof of recordation shall be furnished to the Administrator prior to issuance of a certificate of occupancy

Secs. ~~34-174~~—34-180. Reserved.

SECTION 15: That Chapter 34 “Procedures”, Article III “Subdivisions”, Division 8 “Endorsement, Recording”, Section 34-201 “Recording of final plat required” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 34-201. Recording of final plat required.

- (a) Small-scale plats and major subdivisions require a plat to be approved by the City Council and endorsed by the Mayor and the City of Titusville, as set forth herein.
- (b) The final plat shall be recorded by the Brevard County Clerk of Circuit Court within ninety (90) days of approval of said plat by City Council. After final plat approval by the City Council, the Administrator shall see that all requirements of Chapter 177 of the Florida Statutes have been complied with, before the plat is presented to the Clerk of the Circuit Court of Brevard County for recording. No plat of land within the corporate limits of the City shall be recorded by the Clerk of

the Circuit Court unless it shall have the approval of the Council inscribed thereon or endorsed in conformity with Article III of these [Subdivision] Regulations.

- (c) Use of plat. The transfer of, sale of, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a plat of a subdivision, or portion thereof, that has not been given final approval by the City Council or the Administrator as provided in Article II of these [Subdivision] Regulations and recorded in the official records of Brevard County, Florida is prohibited. The description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such prohibition.
- (d) The Administrator shall not issue a certificate of occupancy until all drainage, street and utility improvements have been installed and accepted by the City.
- (e) Any plat of land recorded by the Clerk of the Circuit Court of Brevard County without said approval and endorsement shall not be considered valid by the City of Titusville for the purpose of creating legally buildable lots. The transfer of, sale of, ~~agreement to sell or negotiation to sell land by references to or exhibition of,~~ or other use of a plat of a division or subdivision, or portion thereof, that has not been given final approval, endorsement and recordation as provided in this section shall not exempt any such lot from the provisions of this section.
- (f) Any division of land by metes and bounds description as the instrument of recording and/or transfer shall not exempt said lot or lots created from the requirements set forth above.
- (g) No ~~building permits certificates of occupancy~~ shall be issued by the Administrator until final plat approval, endorsement and recordation and all fees required herein have been paid. Proof of recordation shall be furnished to the Administrator prior to issuance of a ~~building permit certificates of occupancy~~.

SECTION 16: That Chapter 34 "Procedures", Article IV "Site Plans", Section 34-214 (b) "Application classifications and review schedules" of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 34-214. Application classifications and review schedules.

- (a) Applications for site plan and subdivision review are divided into two (2) classifications as follows. The Administrator shall make the final decision on the assignment of each application to a specific classification.
 - (1) Class I minor improvement applications shall include:
 - a. Commercial/industrial landscape improvement.
 - b. Clearing permit.
 - c. Stormwater drainage improvement, such as swales.
 - d. Service lateral repair or upgrade.
 - e. Drives and walks accessory to an existing structure.
 - f. Resurfacing and/or restriping of previously approved parking areas.
 - g. New parking lots of less than one thousand (1,000) square feet.
 - h. Additions to nonresidential or multifamily residential structures where the addition is less than one thousand (1,000) square feet or less.
 - i. [Reserved.]
 - j. A single item improvement not included in a Class II application such as a trash enclosure, a sidewalk, a driveway connection, etc.

(2) Class II applications shall include:

- a. New construction, expansions or additions to existing nonresidential or multifamily development that will have one thousand (1,000) square feet or more of floor area and its required parking.
- b. Paving of parking lots not previously paved.
- c. New parking lots or additions to parking lots one thousand (1,000) square feet or more.
- d. All new multifamily developments.
- e. Small-scale plat with previously permitted streets and/or utilities (potable water, sanitary sewer, stormwater management).
- f. All subdivisions.
- g. A combination of three (3) or more Class I items for a single project.

(b) For each class of development the review times shall be as specified on the following table. Review times noted are for each individual submittal and not the entire review period. Applications requiring resubmittal based on comments from staff will be subject to these time frames for each subsequent review. All review times are calendar days. The review times listed below are guidelines and may be adjusted by the Administrator.

Action	Class I	Class II
Pre-Application	N/A	7 days
Site Plan	15 days	30 days
Lot Split and Small-Scale Plat	15 days	15 days
Sketch Preliminary Plat	N/A	15 days
Preliminary Plat Site Plan / Site Engineering	N/A	30 days
Preliminary Plat and Site Plan Submitted Simultaneously Per Division 9, Procedure for Issuance of Building Permits Prior to Approval of Final Plat N/A 30 days	N/A	30 days
Final Plat	N/A	15 days

SECTION 17: That Chapter 37 “Definitions”, Section 37-1 “Definitions” of the Code of Ordinances of the City of Titusville is hereby amended to amend the following which reads as follows:

Sec. 37-1. Definitions.

Unless otherwise specifically provided, or unless clearly defined within the context of these regulations, the following definitions shall apply to the words and phrases in the Land Development Regulations:

~~Sketch Preliminary~~ plat: A ~~rough sketch map~~ conceptual plan of a proposed subdivision of sufficient accuracy to be used for the purpose of discussion and classification, meeting the requirements of Sections 34-152, "Required submittals and exhibits".

SECTION 18: That Development Review Procedures Manual, Section 6 “Master Plans” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

6. MASTER PLANS.¹

This section includes submittal requirements and procedures for submitting and processing master plans.

6.1. Master Plan Submittal Requirements.

The following information/exhibits shall be required with the application for a Master Plan:

- 6.1.1. All information required for a ~~sketch-preliminary~~ plat, except the tree survey as described in Section 30-40, Tree survey required before permit.
- 6.1.2. Development plan identifying the location and acreage of each component and district of the project, including the location and placement of proposed land uses by type and density, density, layout of lots, open space designation, location of landscape buffer areas required by these regulations, recreational facilities, commercial uses, other permitted uses, off-street parking and loading locations and refuse collection locations.
- 6.1.3. Development plans showing access and buffer areas (both external and internal) to the development and how pedestrian and other non-motoring travel will be safely integrated.
- 6.1.4. Tabulations of acreage devoted to each use and total gross acreage of the project. These tabulations shall include acreage totals for each use, open space designations, recreation facilities, streets, parks, schools and other uses. Within these tabulations, information relative to the total number and type of residential units, the residential density for each type of unit, and the overall residential density of the project shall be provided.
- 6.1.5. An environmental component, including maps and analyses, which determine the effect of the proposed development upon the conservation/preservation of native habitat, wildlife, floodplains, recreation advantages wetlands and other natural resources. Additional 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 map or U.S. Fish and Wildlife Service National Wetlands Inventory, the wetlands survey is not required.
- 6.1.6. Documentation as to the impact of the proposed development on the levels of service for roads, potable water, sanitary sewer, solid waste drainage, parks and any other public facilities and services.
- 6.1.7. A stormwater management plan with sufficient detail included to demonstrate that the proposed development can comply with the requirements of the Land Development Regulations.
- 6.1.8. In addition to the above, the Planning and Zoning Commission and City Council may require additional material such as plans, maps, studies and reports which may be needed in order to make the necessary findings and determinations that the project is in compliance with the applicable guidelines of the Comprehensive Plan and these regulations.
- 6.1.9. The Master Plan shall be drawn to a scale no smaller than one hundred (100) feet to one (1) inch on a minimum sheet size of 24 inches × 36 inches.

6.2. Resolution and Ordinance Format.

- 6.2.1. All Master Planned Resolutions and Planned Development rezoning ordinances shall be in the following standard format. Exceptions to this requirement are planned developments in

the Urban Village (UV), Regional Mixed Use (RMU), and Planned Industrial Development (PID) zoning districts. These zoning districts establish allowable uses and development standards.

1.1 DESCRIPTION

1.2 LEGAL DESCRIPTION

1.3 REFERENCE TO GENERAL DEVELOPMENT PLAN

1.4 PERMITTED USES (List permitted uses - do not refer to zoning district/consider Use Classifications)

1.5 DENSITY/INTENSITY MINIMUMS AND MAXIMUMS

1.6 CRITICAL DESIGN FEATURES

1.7 LAND USE ALLOCATION TABLE

1.8 AREA, HEIGHT, BULK & OPEN SPACE REQUIREMENTS (prescribe standards for all development areas)

1.9 ROADWAY DESIGN/TRAFFIC CIRCULATION

1.10 UTILITIES

1.11 NATURAL RESOURCES

1.12 BUFFERING/SCREENING

1.13 PROCEDURES (Describe procedures to be followed for implementation. Normal progress through site and subdivision should be rule. Prescribe special procedures if necessary. Address "unity of title/control" for PD's, additional public hearing requirements for each phase if phasing is proposed may be inserted here at the discretion of the City Council)

6.3. *Amendment to the Master Plan.*

The procedures below shall be followed when amending an adopted Master Plan:

6.3.1. Requests to modify the original Master Plan may be executed by the Administrator in cases where the modification is classified as a minor modification in the Modification Classification table.

6.3.2. Modifications determined to be Substantial Modifications are considered non-administrative and shall require approval from the City Council with recommendation from the Planning and Zoning Commission through the Rezoning process as an amendment to the master plan. Requests for non-administrative modifications are listed in the Modification Classification table. Requests shall be submitted to the Administrator in writing, and shall include the overall master plan, location of proposed changes, a detailed listing of existing and proposed uses, and detailed documentation of acreage. Additional conditions may be imposed through the amendment process.

6.3.3. Modification Classification Table.

MINOR MODIFICATION	SUBSTANTIAL MODIFICATION
<i>General</i>	
	Any change in a condition specifically required by the City Council.

	Any other modifications that affect the area depicted on the development concept plan or the perimeter of the proposed site.
<i>Use</i>	
A change from one permitted use to another permitted use	
	A request for a Conditional Use
A change from multifamily residential to single-family residential	A change from single-family residential to multifamily residential
<i>Building Area/Units</i>	
A decrease in total residential units or non-residential floor area	An increase in non-residential floor area of five (5) percent or more.
	An increase in residential units
<i>Site Characteristics</i>	
Modification of the size and configuration of perimeter stormwater lakes or any internal lakes.	
A decrease in the amount of open space of less than five (5) percent, provided the remaining open space is not less than that required in the district, and further provided the land was not designated as conservation or preservation land on the Master Plan.	A reduction in the amount of open space, recreation areas, preservation areas or buffer areas of more than five (5) percent, or any change in the location of open space or recreational uses within the minimum perimeter buffer of the planned development. Any change made to the boundaries of open space, recreation or preservations areas previously recorded shall be considered a substantial modification.
Modification to off-street parking layout, provided all other requirements of the City's Land Development Regulations are met.	
<i>Access</i>	
Modification or addition to the external access points adjacent to non-residential development or undeveloped residentially zoned property.	Additional or substantial relocation of an access point as shown on an approved development concept plan.
Modification to internal roads, internal bike lanes or sidewalks, provided all other City requirements for such facilities are met.	

SECTION 19: That Development Review Procedures Manual, Section 11 “Sketch Plat” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

11. ~~SKETCH PRELIMINARY~~ PLAT.²

This section includes submittal requirements for a ~~Sketch Preliminary~~ Plat.

11.1. ~~Sketch Preliminary~~ Plat Required Submittals.

The following information/exhibits shall be required with the application for a ~~Sketch Preliminary~~ Plat:

11.1.1. Application and fees.

²From Chapter 34 - Procedures, Article III, Division 4, Subdivision 1.

11.1.2. Cover page containing the following information:

11.1.3. Name of the proposed development.

11.1.4. Name or names of the developer(s), owner(s), engineer, architect, surveyor, land planner, landscape architect and/or other design professional. Name of the proposed development, name or names of the developers, name of owner, architect, landscape architect, surveyor, engineer and/or land planner.

11.1.35. Location map, showing the relationship of the proposed subdivision to the existing and proposed streets shown on the Existing Street Classification Map, Future Traffic Circulation Map and the City's Future Land Use Map, and any other property owned by the subdivider in that vicinity.

11.1.6. Acreage in the total tract and acreage for each proposed use (public, residential, recreation, preservation, etc.).

11.1.74. 12.1.2. Survey of the tract with the following information:

11.1.7.1. Boundaries of the tract shown with bearings, distances, closures and bulkhead lines, if any.

11.1.7.2. Existing contours based on North American datum of 1983 with a contour interval of one (1) foot and proposed finished contours. With prior approval by the City Engineer and City Surveyor, spot elevations may be used in place of one-foot contours.

11.1.7.3. Location of jurisdictional wetlands. 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 map or U.S. Fish and Wildlife Service National Wetlands Inventory, the wetlands survey is not required.

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

11.1.7.4. Adjoining subdivisions and parcels.

11.1.7.5. Legal description of the subdivision boundaries with bearings and distances and with a reference to a subdivision corner tie.

Survey of the parcel showing boundaries, total acreage, parcel numbers, legal description and all encumbrances such as easements, rights-of-way, etc.

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

11.1.96. Site data including parcel size, current Zoning and Future Land Use classification, lands to be dedicated to public use, proposed easements, rights-of-way.

11.1.107. Existing site characteristics including general information on site conditions and characteristics including adjacent development, wooded areas, existing utilities, ditches, swales, wetlands and water bodies, flood zones, topography, soils types, and areas of critical concern. Note any variances or conditional use permits that have been granted for the site. Additional 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 map or U.S. Fish and Wildlife Service National Wetlands Inventory, the wetlands survey is not required.

- 11.1.8. Proposed ~~Sketch~~ Preliminary Plat showing streets, lots and other subdivision features such as common areas, retention areas, parks, etc. Street layouts shall indicate the type of street and proposed rights-of-way. Lot layouts shall identify the proposed number of lots and proposed lot sizes. Any required regulatory waivers or revisions shall be noted.
- 11.1.9. The general layout of water, sewer and storm water systems including proposed connections for water and sewer and the legal positive outfall location for the storm water management system. Summary should include estimate of water allocation permit quantities (total average daily water demand - gallons).
- 11.1.10. Proposed phasing if any with projected build-out date.
- 11.1.11. An analysis of the proposed project relative to the City's concurrency management standards.

12.1.1.6. Index listing all pages in the Preliminary Plat submittal.

- 11.1.12. Any other information the applicant or staff believes is necessary to adequately convey the proposed development concept to the Planning and Zoning Commission and City Council.

SECTION 20: That Development Review Procedures Manual, Section 12 "Preliminary Plat" of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

12. PRELIMINARY PLAT REQUIRED SUBMITTALS FOR EXPEDITED PERMITTING FOR RESIDENTIAL PERMITS PRIOR TO APPROVAL OF THE FINAL PLAT.

Pursuant to Section 177.073, FS an applicant may make application for up to fifty (50) percent [seventy-five (75) percent effective December 31, 2027] of the residential permits within the preliminary plat for approval by City Council consistent with Division 5, Plat of this Article This section includes submittal requirements for Preliminary Plats.

12.1. Preliminary Plat Required Submittals.

In addition to the submittal requirements required in Section 11, Preliminary Plat, The the following information/exhibits shall be required with the application for expedited permitting for residential permits prior to approval of the final plat a Preliminary Plat (Site Plan):

- 12.1.1 A master building permit plan consistent with Section 555.794, F.S. identifying the specific lots of the subdivision, not to exceed fifty (50) percent [seventy-five (75) percent effective December 31, 2027] of the total, for which the applicant plans to submit application for a building permit prior to the approval of the final plat by City Council.
- 12.1.2 Engineered plans for all infrastructure and other improvements required by the City and Authority Having Jurisdiction prior to issuance of a building permit. These improvements include, but are not limited to, fire access to structures, water mains, hydrants, grading, stormwater improvements and other improvements as determined by the City to be necessary for life safety and to protect surrounding properties.
- 12.1.3 The applicant shall provide proof to the governing body that the applicant has provided a copy of the approved preliminary plat, along with the approved plans, to the relevant electric, gas, water, and wastewater utilities. Engineered plans for all
- 12.1.4 The applicant holds a valid performance bond for up to one hundred thirty (130) percent of the necessary improvements, as defined in s. 177.031(9), that have not been completed upon submission of the application under this section. For purposes of a master planned community as defined in s. 163.3202(5)(b), a valid performance bond is required on a phase-by-phase basis.
- 12.1.5 A valid performance bond for up to one-hundred thirty (130) percent of the necessary improvements, as defined in Section 177.031(9), that have not been completed upon submission of the application under this section. For purposes of a master planned community as defined in Section 163.3202(5)(b), a valid performance bond is required on a phase-by-phase basis.
- 12.1.5 A warranty of title.

12.1.7 A hold harmless agreement which indemnifies the City of Titusville, its governing body, its employees, and its agents from liability or damages resulting from the issuance of a building permit or the construction, reconstruction, or improvement or repair of any residential building or structure, including any associated utilities located in the residential subdivision or planned community. Additionally, the hold harmless must indemnify and hold harmless the City of Titusville, its governing body, its employees, and its agents from liability or disputes resulting from the issuance of a certificate of occupancy for a residential building or structures that is constructed, reconstructed, improved or repaired before the approval and recordation of the final plat of the project. This indemnification includes, but is not limited to, any liability and damage resulting from wind, fire, flood, construction defects, bodily injury, and any actions, issues or disputes arising out of a contract, or other agreement between the developer and a utility operating in the residential subdivision or planned community. This indemnification does not extend to governmental actions that infringe on the applicant's vested rights.

12.1.8 Identification and contact information of any private provider pursuant to Section 553.7091, F.S. chosen by the applicant to expedite the application process for building permits after a preliminary plat is approved by City Council.

Cover page containing the following information:

—Name of the proposed development.

~~12.1.1.2. Name or names of the developer(s), owner(s), engineer, surveyor, planner, landscape architect or other design professional.~~

~~12.1.1.3. Vicinity map showing the relationship between the subdivision and its surrounding area including adjacent street and the existing street classification map.~~

~~12.1.1.4. Acreage in the total tract and acreage for each proposed use (public, residential, recreation, preservation, etc.).~~

~~12.1.1.5. Zoning of the tract.~~

~~12.1.1.6. Index listing all pages in the Preliminary Plat submittal.~~

~~12.1.2. Survey of the tract with the following information:~~

~~12.1.2.1. Boundaries of the tract shown with bearings, distances, closures and bulkhead lines, if any.~~

~~12.1.2.2. Existing contours based on North American datum of 1983 with a contour interval of one (1) foot and proposed finished contours. With prior approval by the City Engineer and City Surveyor, spot elevations may be used in place of one-foot contours.~~

~~12.1.2.3. Location of jurisdictional wetlands. 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 map or U.S. Fish and Wildlife Service National Wetlands Inventory, the wetlands survey is not required.~~

~~12.1.2.4. A survey of trees and a sampling of understory vegetation as described in Section 30-40, Tree survey required before permit.~~

~~12.1.2.4. Adjoining subdivisions and parcels.~~

~~12.1.2.5. Legal description of the subdivision boundaries with bearings and distances and with a reference to a subdivision corner tie.~~

~~12.1.3. Preliminary Plat, prepared at a scale no smaller than one hundred feet (100') to one inch showing graphically or by notes:~~

~~12.1.3.1. Title, date, name and vicinity map showing the location of the subdivision and graphic scale.~~

- ~~12.1.3.2.—Proposed rights-of-way and names of all streets and roads (including 911 approval).~~
- ~~12.1.3.3.—Proposed lot lines, and lot and block numbers.~~
- ~~12.1.3.4.—Location and width of canals and waterways.~~
- ~~12.1.3.5.—Proposed parks, school sites, or other public or private open spaces.~~
- ~~12.1.3.6.—Proposed reservations, easements, alleys and any areas to be dedicated to public uses or sites for other than residential use with notes stating their purpose and any limitations (storm drainage, retention, detention, utility, conservation, etc.).~~
- ~~12.1.3.7.—Sufficient data to determine the location, bearing and length of every street line, lot line, boundary line and block line, whether curved or straight.~~
- ~~12.1.3.8.—The radius, central angle, point of tangent, tangent distance, and arcs and chords of all curved streets and curved property lines.~~
- ~~12.1.3.9.—An accurate legal description of the subdivision boundaries with bearings, distances, and tie point.~~
- ~~12.1.3.10.—Accurate location and descriptions of all monumentation and markers.~~
- ~~12.1.3.11.—The names and locations of adjoining parcels, subdivisions and streets.~~

SECTION 21: That Development Review Procedures Manual, Section 14.5 “Site Plan Required Exhibits” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

14. SITE PLANS.³

This section includes duties of the Administrator, Pre-application meeting submittals, concept plan approval requirements, application procedures, required exhibits, and site plan closeout submittals.

14.5. Site Plan Required Exhibits.

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

- 14.5.1. Project label: The project label shall consist of the name of the project; what type of development the project is; the name of the owner/developer, including address and contact telephone; the engineer/surveyor/architect/landscape architect/planner name, address and contact telephone. A sheet index must be provided on the cover sheet.
- 14.5.2. Site Data: Information 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 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. Certification block: This area shall include 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. North Arrow and Scale: Included the north arrow and a scale at which the project is drawn.
- 14.5.6. Current Survey: Including a boundary map. Boundaries of all tracts, lots, blocks, streets, and boundaries shown with bearings, distances, closures and bulkhead lines, if any and Tax Parcel I.D. #. Adjoining subdivisions and parcels, rights-of-way, city limit lines, and easements.

- 14.5.7. Vicinity Map: 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. 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.
- 14.5.9. Location of jurisdictional wetlands. Additional 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 map or U.S. Fish and Wildlife Service National Wetlands Inventory, the wetlands survey is not required.
- 14.5.10 A survey of trees and a sampling of understory vegetation as described in Section 30-40, Tree survey required before permit
- 14.5.11. 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.
- 14.5.12. Geotechnical report, hydraulic analysis for fire flow requirements, sanitary sewer pumping station calculations and the stormwater summary sheet as provided by the City.
- 14.5.13. Existing utility lines, stormwater management systems and offsite contributing drainage areas.
- 14.5.14. Existing and proposed structures. [Proposed rights-of-way and names of all streets and roads \(including 911 approval\). Location of proposed lot lines, lot and block numbers, parks, school sites, or other public or private open spaces](#)
- 14.5.14. Hundred (100) year floodplain as shown on the appropriate FEMA map panels.
- 14.5.16. Typical cross-sections of proposed grades, roads, driveways, parking areas, retention ponds, drainage conveyances and other applicable features.
- 14.5.17. 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.
- 14.5.18. Temporary construction erosion control plan meeting all National Pollutant Discharge Elimination System (NPDES) requirements.
- 14.5.19. Copy of all permits and reports as approved by County, Regional and State agencies including environmental reviews/reports.
- 14.5.20. The required improvements must address the following areas if applicable:
- 14.5.20.1. Protection and Removal of Trees (Development Standards Chapter 30, Article II, Division 2).
 - 14.5.20.2. Landscaping (Development Standards Chapter 30, Article III, Division 10).
 - 14.5.20.3. Stormwater Management, Conservation and Aquifer Protection (Development Standards Chapter 30, Article III, Division 6). In the case of residential subdivisions in the Area of Critical Concern, sufficient information should be submitted to determine the total amount of maximum impervious surface for each lot. The maximum impervious surface for the entire development area in the ACC is [to](#) be 40% of the site, excluding any open space requirement.
 - 14.5.20.4. Protection of Natural Topography (Development Standards Chapter 30, Article II, Division 6).
 - 14.5.20.5. Flood Damage Prevention (Development Standards Chapter 30, Article II, Division 7).

- 14.5.20.6. Bulkheads (Development Standards Chapter 30, Article II, Division 5).
- 14.5.20.7. General Provisions Chapter 30, Article 1, Division 1.
- 14.5.20.8. Streets, Sidewalks, Bicycle Facilities (Development Standards Chapter 30, Article III, Division 7).
- 14.5.20.9. Parking (Development Standards Chapter 30, Article III, Division 9).
- 14.5.20.10. Utilities (Development Standards Chapter 30, Article III, Division 8).
- 14.5.20.11. Signage (Signs Chapter 32).
- 14.5.20.12. Subdivisions (Development Standards Chapter 30, Article III, Division 1).
- 14.5.20.13. Street signs and traffic control signage or signals in compliance with the Uniform Manual on Traffic Control Devices (Signs Chapter 32).
- 14.5.20.14. Permanent reference points as required by Chapter 177, Florida Statutes (2005) and as hereafter amended.
- 14.5.20.15. Florida Fire Prevention Code (Chapter 633, Florida Statutes, as amended).
- 14.5.20.16. All City Standards, Details and Specifications.
- 14.5.21. Any off-site improvements necessary and/or required by the review process shall be included as part of the required exhibits of the final approved site plan.
- 14.5.22. Proposed Development Layout: Including proposed access and parking areas, site configuration, connections to the surrounding existing streets, stub-outs to non-developed adjacent areas, retention areas, detention areas, lakes, wetlands, open areas, recreational areas, drainage and utility easements or other applicable easements, and other development related information.
- 14.5.23. Sewage Disposal and Water Supply Plan: Shall show the utility lines, collection and distribution system with proposed dimensions and proposed layouts.
- 14.5.24. Stormwater Management/Drainage Plan: This plan shall note directional flows, easements, retention areas, anticipated capacities, detention areas and anticipated capacities, compensatory storage areas and anticipated capacities, as well as legal positive outfalls for the project. Any mitigation of wetland area loss as required by Development Standards Chapter 30, Article II, Division 3 of these regulations shall also be included.
- 14.5.25. Landscape Plan: The plan shall be based upon a tree survey, or other such information, as required by Development Standards Chapter 30, Article III, Division 10 of these regulations. Groups or clusters of trees may be noted as such, provided predominant species and size is identified. Trees to be removed and trees to be retained shall both be noted on the plan. In addition, the landscape plan shall note planting areas as required by these regulations.
- 14.5.26. Project Phasing Plan (if applicable): If the project is to be phased, a project phasing plan must be submitted at this time.
- 14.5.27. Any other information required as a result of the pre-application conference or conditions of approval of the concept plan, or conditions of approval stated by City Council through the Conditional Use Permit process and/or Board of Adjustments and Appeals through the variance process. Any other documentation/submittals that may be required by City staff to clearly show the design and constructability of the proposed improvements such as traffic analysis/studies, etc.
- 14.5.28. All sites that are within the area of critical concern must also provide detail cut and fill calculations supporting no net volume loss or transfer of soils from the site.

SECTION 22: That Development Review Procedures Manual, Section 17.2 “Land Development Fees” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

17.2. Land Development Fees.

- (a) If additional reviews beyond the initial three (3) are required, the applicant must submit an additional fifty (50) percent of original review fee.
- (b) Class I Improvement Review
1. Residential\$105.00
 2. Nonresidential\$265.00
 3. Right-of-Way\$210.00
 4. Tree Removal (All Uses)\$105.00
- (c) Class II Site Plan Review
1. Pre-Application, plus \$10.00 per acre\$265.00
 2. Landscape Non-Subdivision, plus \$50.00 per acre\$525.00
 3. Site Plan/Engineering, plus \$100.00 per acre\$1,155.00
 4. Multifamily Engineering, plus \$10.00 per unit\$1,155.00
 5. Marina Facilities, plus \$10.00 per slip\$1,155.00
 6. Late Resubmittal Reinstatement
 - Prior to 90 days from delinquent response date\$525.00
 - After 90 days new review fees are required
 7. Amendments to Approved Site Plans:
 - Minor Changes (less than 10%)\$265.00
 - Major Changes (greater than 10%)½ original review fee
- (d) Subdivision Review
1. Lot Split\$300.00
 2. Non-residential Minor Division (max 5 lots)\$525.00
 3. Small Scale Plat (maximum 10 lots)\$1,155.00
 4. Subdivision Pre-Application, plus \$10.00 per acre\$265.00
 5. Subdivision ~~Sketch~~Preliminary Plat, plus \$15.00 per lot\$630.00
 6. Subdivision ~~Preliminary Plat~~Site Plan w/Engineering, plus \$30.00 per lot\$2,100.00
 7. Landscape Subdivision, plus \$10.00 per lot\$525.00
 8. Subdivision Final Plat, plus \$20.00 per lot\$1,050.00
 9. Late Resubmittal Reinstatement
 - Prior to 90 days from delinquent response date\$525.00
 - After 90 days new review fees are required
 10. Amendments to Approved Site Plans
 - Minor Changes (less than 10%)\$265.00
 - Major Changes (greater than 10%)½ original review fee
- (e) Expedited Plan Review.

1. In addition to the plan review fees set forth above, an expedited review of a completed site plan submittal may be completed in part by Artificial Intelligence (AI) for the additional charge of \$1,000.00.
2. Pursuant to Sec. 34-165, Procedure for issuance of building permits prior to approval of final plat, for an additional fee of \$600.

Note: All fees calculated on acres/lots are based on total acres/lots including fraction thereof.

SECTION 23. GRANDFATHER PROVISION. All lawful existing development approvals, to the extent of any conflict with these regulations shall be entitled to be continued as provided for in the Land Development Regulations.

SECTION 24. SEVERABILITY. If any provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 25. 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 26. INCORPORATION INTO THE 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 27. EFFECTIVE DATE. This Ordinance shall become in full force and effect upon adoption by the City Council in accordance with the Charter of the City of Titusville, Florida.

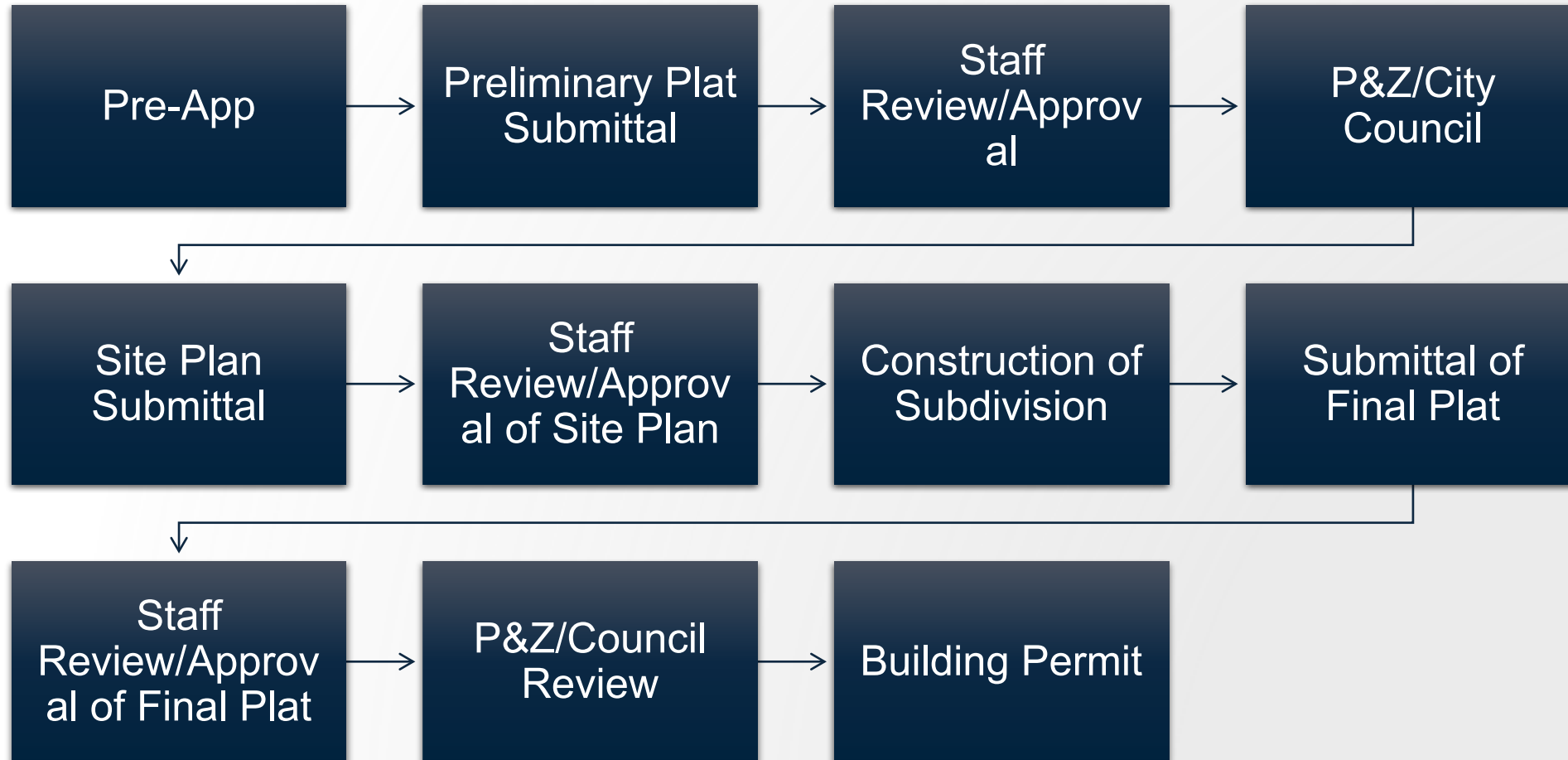
PASSED AND ADOPTED, this ___th day of _____, 2025.

Andrew Connors, Mayor

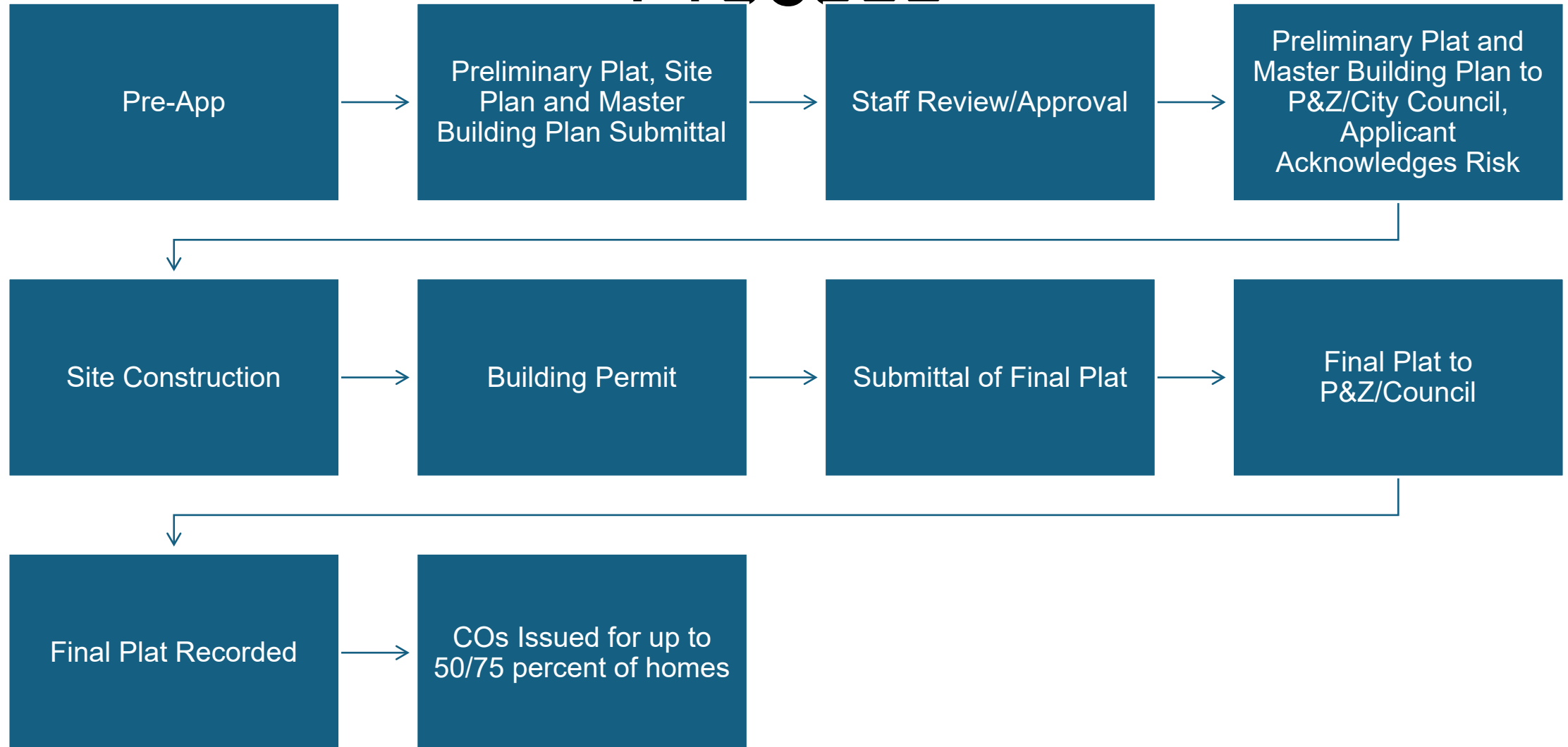
ATTEST:

Wanda F. Wells, City Clerk

Proposed Regular Non-expedited Subdivision Process



Proposed Expedited Subdivision Process



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 Regulated Industries

BILL: CS/SB 812

INTRODUCER: Community Affairs Committee and Senator Ingoglia

SUBJECT: Expedited Approval of Residential Building Permits

DATE: February 2, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	Fav/CS
2.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	Pre-meeting
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 812 requires counties that have 75,000 residents or more and municipalities that have 30,000 residents or more to create a process to expedite the issuance of building permits based on a preliminary plat and to issue the number or percentage of building permits requested by an applicant, under certain circumstances, by October 1, 2024. A local government must update its expedited building permit program with certain increased percentages by December 31, 2027.

The bill allows an applicant to contract to sell, but not transfer ownership of, a residential structure or building located in the preliminary plat before the final plat is approved by the local government. The bill also requires all local governments to create a master building permit process.

The bill allows an applicant to use a private provider to review a preliminary plat and to obtain a building permit for each residential building or structure.

The bill provides that vested rights may be formed in a preliminary plat, under certain circumstances.

To date, no analysis by the Department of Business and Professional Regulation or the Department of Commerce of the impact of the bill on their respective operations, revenue, and expenditures has been provided. See Section V, Fiscal Impact Statement.

The bill takes effect upon becoming law.

II. Present Situation:

The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.¹

In 1992 Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study's commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.² The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.³

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.⁴

The Florida Building Commission (Commission) was statutorily created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body consisting of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council,⁵ the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.⁶

¹ The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Jan. 18, 2024).

² *Id.*

³ See the Department of Business and Professional Regulation's Building Code Information System website at <https://floridabuilding.org/c/default.aspx> (last visited Jan. 26, 2024).

⁴ Section 553.72(1), F.S.

⁵ The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." International Code Council, *About the ICC*, <https://www.iccsafe.org/about/who-we-are/> (last visited Jan. 18, 2024).

⁶ Section 553.73(7)(a), F.S.

Platting

In Florida law, “plat” means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable state requirements and of any local ordinances.⁷ Generally, platting is required whenever a developer wishes to subdivide a large piece of property into smaller parcels and tracts. These smaller areas become the residential lots, streets and parks of a new residential sub-division.⁸

State law establishes consistent minimum requirements for the establishment of plats, and local governing bodies have the power to regulate and control the platting of lands.⁹ Prior to approval by the appropriate governing body, the plat must be reviewed for conformity with state and local law and sealed by a professional surveyor and mapper who is either employed by or under contract to the local governing body.¹⁰

Before a plat is offered for recording with the clerk of the circuit court, it must be approved by the appropriate governing body, and evidence of such approval must be placed on the plat. If not approved, the governing body must return the plat to the professional surveyor and mapper or the legal entity offering the plat for recordation.¹¹

Jurisdiction over plat approval is as follows:¹²

- When the plat to be submitted for approval is located wholly within the boundaries of a municipality, the governing body of the municipality has exclusive jurisdiction to approve the plat.
- When a plat lies wholly within the unincorporated areas of a county, the governing body of the county has exclusive jurisdiction to approve the plat.
- When a plat lies within the boundaries of more than one governing body, two plats must be prepared and each governing body has exclusive jurisdiction to approve the plat within its boundaries, unless the governing bodies having said jurisdiction agree that one plat is mutually acceptable.

Every plat of a subdivision offered for recording must have certain information, including providing:¹³

- The name of the plat in bold legible letters, and the name of the subdivision, professional surveyor and mapper or legal entity, and street and mailing address on each sheet.
- The section, township, and range immediately under the name of the plat on each sheet included, along with the name of the city, town, village, county, and state in which the land being platted is situated.

⁷ Section 177.031(14), F.S.

⁸ Harry W. Carls, Florida Condo & HOA Law Blog, May 17, 2018, *Why is a Plat so Important?*, <https://www.floridacondohoalawblog.com/2018/05/17/why-is-a-plat-so-important/> (last visited Jan. 18, 2024).

⁹ Section 177.011, F.S.

¹⁰ Section 177.081(1), F.S.

¹¹ Section 177.071(1) F.S.

¹² Section 177.071(1), F.S.

¹³ Section 177.091, F.S.

- The dedications and approvals by the surveyor and mapper and local governing body, and the circuit court clerk's certificate and the professional surveyor and mapper's seal and statement.
- All section lines and quarter section lines occurring within the subdivision. If the description is by metes and bounds, all information called for, such as the point of commencement, course bearings and distances, and the point of beginning. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and courses.
- Location, width, and names of all streets, waterways, or other rights-of-way.
- Location and width of proposed easements and existing easements identified in the title opinion or property information report must be shown on the plat or in the notes or legend, and their intended use.
- All lots numbered either by progressive numbers or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions.
- Sufficient survey data to positively describe the bounds of every lot, block, street easement, and all other areas shown on the plat.
- Designated park and recreation parcels.
- All interior excepted parcels clearly indicated and labeled "Not a part of this plat."
- The purpose of all areas dedicated clearly indicated or stated on the plat.
- That all platted utility easements must provide that such easements are also easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services interferes with the facilities and services of an electric, telephone, gas, or other public utility.

Preliminary Plat Approval

Many local governments around the state have a process to approve a preliminary plat before approving a final plat. Generally, a preliminary plat is a technical, graphic representation of a proposed development, including plans for streets, utilities, drainage, easements, and lot lines, for a proposed subdivision. If a preliminary plat is required, it is generally a prerequisite for a final plat approval and the submission of any property improvement plans or permit applications.¹⁴

Generally, a preliminary plat approval is approval of the development plan, and a final plat approval is approval of a finalized development plan; engineering plans, if required; and documents confirming the parties with a property interest; which is then recorded with the clerk of the circuit court.¹⁵

¹⁴ For examples, see City of Zephyrhills Code of Ordinances s. 11.03.02.01; Palm Beach County Code of Ordinances Art. 11., Ch. A.; Seminole County, SEMINOLE COUNTY PLANNING & DEVELOPMENT DIVISION, Subdivision Application, <https://www.seminolecountyfl.gov/core/fileparse.php/3307/urlt/SUBDIVISION-05-2023.ADA.pdf> (last visited Jan. 18, 2024).

¹⁵ Advance Surveying & Engineering, *An In-Depth Look At Preliminary and Final Plats*, <https://www.advsur.com/2019/07/an-in-depth-look-at-preliminary-and-final-plats/> (last visited Jan. 18, 2024).

Based on a preliminary plat approval, some local governments allow a developer to commence construction before the plat is finalized. For example, the City of Jacksonville, Village of Royal Palm Beach, and the City of Tallahassee allow for a preliminary plat approval process.¹⁶

In Jacksonville, the Planning and Development Department (Department) of the City of Jacksonville, upon request of an applicant, may allow up to 50 percent of the lots within a proposed subdivision to be developed, but not occupied, based on a preliminary plat approval so long as the developer or owner meets the following conditions for construction:¹⁷

- Prior to Civil Plans submittal to the Department, the developer must submit the development proposal to Jacksonville Electric Authority (JEA) for review.
- Once JEA has granted preliminary approval, the Department will review the preliminary site plan, the preliminary and final engineering plans for the required improvements, and the sheet identifying the lots being requested for home construction prior to platting as approved by JEA. The Department reserves the right to deny authorization for development on a specific lot or lots to protect City interests.
- The developer or owner must provide a guarantee for required improvements and warranty of title.
- A Certificate of Occupancy may not be issued until the final plat is approved by JEA and the Department and recorded in the current public records of Duval County, Florida.
- Approval of the preliminary plat and required supplemental material are valid for 12 months from the date of approval. If the final plat is not submitted to and approved during the 12-month period, the conditional approvals are null and void.¹⁸

Vested Rights in Property Based on a Plat

In general, vested rights¹⁹ form when a property owner or developer acquires real property rights that cannot be taken by governmental regulation.²⁰ Property owners or developers who do not have vested rights will be subject to subsequently enacted land regulations, while subsequently enacted land regulations do not apply to the property owners or developers who are determined to have vested rights.²¹

¹⁶ City of Jacksonville Code of Ordinances s. 654-109, Village of Royal Palm Beach Code of Ordinances s. 22-22, City of Tallahassee Code of Ordinances s. 9-92.

¹⁷ City of Jacksonville Code of Ordinances s. 654-139(d).

¹⁸ City of Jacksonville Code of Ordinances s. 654-109(b).

¹⁹ Florida courts have used the concepts of vested rights and equitable estoppel interchangeably in deciding fault in property rights cases. Equitable estoppel, in this instance, means focusing on whether it would be inequitable or fair to allow a local government to deny prior conduct or position on building or development decisions. Robert M. Rhodes and Cathy M. Sellers, *Equitable Estoppel and Vested Rights in Land Use*, The Florida Bar, II Florida Environmental and Land Use Law 8, (1994).

²⁰ *Id.*; Heeter, *Zoning Estoppel: Application of the Principles of Equitable Estoppel and Vested Rights to Zoning Disputes*, Urb.L. Ann. 63, 64-65 (1971).

²¹ *Monroe County v. Ambrose*, 866 So.2d 707, 712 (Fla. 3d DCA 2003); Kristin Melton, de la Parte & Gilbert P.A., *When are Rights Vested in a Platted Development?*, 2016, <https://www.dgfirm.com/email/2016summer/article2.html#:~:text=Florida%20common%20law%20provides%20that,it%20would%20make%20it%20highly> (last visited Jan. 18, 2024).

Florida common law provides that vested rights in a property may be established if a property owner or developer has:²²

- In good faith reliance,
- Upon some act or omission of government,
- Made such a substantial change in position or has incurred such extensive obligations and expenses,
- That it would make it highly inequitable to interfere with the acquired right.

Recordation of a final plat with the clerk of the circuit court alone is not sufficient to establish vested rights²³ in the land development regulations in existence at that time.²⁴ Instead, the property owner or developer must take meaningful steps towards development of the property, such as applying for development permits or expending certain monies,²⁵ to constitute a substantial change in position or be considered extensive obligations and expenses towards development of the property in reliance on some action by the local government.²⁶

Additionally, a property owner or developer may obtain vested rights in both a local government-approved preliminary plat and a final plat, as long as expenditures or a substantial change have been made by the property owner or developer based on such preliminary plat or plat.²⁷

Private Providers

In 2002, s. 553.791, F.S., was enacted to allow property owners and contractors to hire licensed building code officials, engineers, and architects, referred to as private providers, to review building plans, perform building inspections, and prepare certificates of completion.

Private providers are able to approve building plans and perform building code inspections as long as the plans approval and building inspections are within the scope of the provider's license.²⁸

When a property owner or a contractor elects to use a private provider, he or she must notify the building official, on a form adopted by the Florida Building Commission, at the time of the permit application or no less than two business days before the first or next scheduled inspection.²⁹ A private provider who approves building plans must sign a sworn affidavit that the plans comply with the Building Code and the private provider is authorized to review the plans.³⁰

A local building official may visit a building site as often as necessary to ensure the private provider is performing the required inspections. Construction work on a building may continue

²² *Monroe County*, 866 So.2d at 710.

²³ *Id.*

²⁴ *Melton, supra*, at 42.

²⁵ *Town of Largo v. Imperial Homes Corp.*, 309 So.2d 571, 573 (Fla. 2d DCA 1975).

²⁶ *Id.*; *Melton, supra*, at 42.

²⁷ *The Florida Companies v. Orange County*, 411 So.2d 1008, 1011 (Fla. 5th DCA 1982)

²⁸ Section 553.791(1)(n) and (3), F.S.

²⁹ Section 553.791(4)-(5), F.S.

³⁰ Section 553.791(6), F.S.

as long as the private provider passes each inspection and the private provider gives proper notice of each inspection to the building official.³¹

III. Effect of Proposed Changes:

The bill requires the governing body of certain municipalities and counties to create:

- A two-step application process for the adoption of a preliminary plat and for a final plat in order to expedite the issuance of building permits related to such plats. The application must allow an applicant to identify the percentage of planned homes, that the governing body must issue for the residential subdivision or planned community indicated in the preliminary plat. The governing body must maximize its administrative processes to expedite the review and approval of applications, plats, and plans.
- A master building permit process consistent with existing master building permit application requirements for applicants seeking multiple building permits for residential subdivisions or planned communities.
 - The bill provides that a master building permit issued pursuant to this requirement is valid for three consecutive years after its issuance or until the adoption of a new Building Code, whichever is earlier. After a new Building Code is adopted, the applicant may apply for a new master building permit, which, upon approval, is valid for three consecutive years.

The bill requires the governing body to issue the number or percentage of building permits requested by an applicant, provided the residential buildings or structures are unoccupied and all of the following conditions are met:

- The governing body has approved a preliminary plat for each residential subdivision or planned community.
- The applicant provides proof to the governing body that the applicant has provided a copy of the approved preliminary plat, along with the approved plans, to the relevant electric, gas, water, and wastewater utilities.
- The applicant holds a valid performance bond for up to 130 percent of the necessary utilities, roads, and stormwater improvements that have not been completed upon submission of the application. For purposes of master planned communities,³² a valid performance bond is required on a phase-by-phase basis.

By October 1, 2024, the bill requires a governing body of a county that has 75,000 residents or more and a governing body of a municipality that has 30,000 residents or more to create a program to expedite the process for issuing building permits for residential subdivisions or planned communities before a final plat is recorded with the clerk of the circuit court.

Such expedited process must include an application for an applicant to identify the percentage of planned homes, or the number of building permits, that the governing body must issue for the residential subdivision or planned community, not to exceed 50 percent of the residential

³¹ Section 553.791(9) and (18), F.S.

³² “Planned unit development” or “master planned community” means an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots. S. 163.3202(5)(b), F.S.

subdivision or planned community. However, such a local government may issue building permits that exceed 50 percent of the residential subdivision or planned community.

By December 31, 2027, the bill requires such governing bodies to update its expedited process to contain an application that allows an applicant to request an increased percentage of up to 75 percent of building permits for planned homes that the local governing body must issue for the residential subdivision or planned community. However, such a local government may issue building permits that exceed 75 percent of the residential subdivision or planned community.

If a governing body had a program in place before July 1, 2023, to expedite the building permit process, the bill requires such governing body to only update their program to approve an applicant's written application to issue up to 50 percent of the building permits for the residential subdivision or planned community. However, such a local government may issue building permits that exceed 50 percent of the residential subdivision or planned community.

The bill exempts Monroe County from the provisions which require the governing body to create a program to issue a certain percentage of permits pursuant to a preliminary plat.

The bill allows an applicant to use a private provider to review a preliminary plat and to obtain a building permit for each residential building or structure.

The bill allows a governing body to work with appropriate local government agencies to issue an address and a temporary parcel identification number for lot lines and lot sizes based on the metes and bounds of the plat contained in an application.

The bill allows an applicant to contract to sell, but not transfer ownership of, a residential structure or building located in the residential subdivision or planned community until the final plat is approved by the governing body and recorded in the public records by the clerk of the circuit court.

The bill prohibits an applicant from obtaining a final certificate of occupancy for each residential structure or building for which a building permit is issued until the final plat is approved by the governing body and recorded in the public records by the clerk of the circuit court.

The bill requires an applicant to indemnify and hold harmless the governing body and its agents and employees from damages accruing and directly related to the issuance of a building permit for a residential building or structure located in the residential subdivision or planned community before the approval and recording of the final plat by the governing body. This includes damage resulting from fire, flood, construction defects, and bodily injury. However, such indemnification does not extend to governmental action that infringe on the applicant's vested rights.

An applicant has a vested right in a preliminary plat that has been approved with conditions by a governing entity, if all of the following conditions are met:

- The applicant relies in good faith on the approved preliminary plat, and
- The applicant incurs obligations and expenses, commences construction of the residential subdivision or planned community, and is continuing in good faith with the development of the property.

Upon the establishment of an applicant's vested rights a governing body may not make substantive changes to the preliminary plat without the applicant's written consent.

The bill provides the following definitions:

- "Applicant" means a homebuilder or developer that files an application with the local governing body to identify the percentage of planned homes, or the number of building permits, that the local governing body must issue for the residential subdivision or planned community.
- "Final plat" means the final tracing, map, or site plan presented by the subdivider to a governing body for final approval, and, upon approval by the appropriate governing body, is submitted to the clerk of the circuit court for recording.
- "Preliminary plat" means a map or delineated representation of the subdivision of lands that is a complete and exact representation of the residential subdivision or planned community and contains required land boundary information.
- "Local building official" has the same meaning as in s. 553.791(1), F.S.
- "Plans" means any building plans, construction plans, engineering plans, or site plans, or their functional equivalent, submitted by an applicant for a building permit.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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 streamlined platting processes in the bill may expedite some single family residential development across the state.

C. Government Sector Impact:

This bill could impact local governments to the extent they may have to hire more employees to meet the prescribed timeframes.

To date, no analysis by the Department of Business and Professional Regulation or the Department of Commerce of the impact of the bill on their respective operations, revenue, and expenditures has been provided.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 177.073 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on January 22, 2024:

The committee substitute makes the following changes:

- Revises the vested rights provisions by removing certain requirements by a local governing body. Also the CS clarifies that an applicant must commence construction and continue to develop the property in good faith in order to obtain vested rights.
- Requires the governing body to obtain written consent of the applicant before it may make substantive changes to the preliminary plat upon establishment of an applicant's vested rights.
Requires the applicant to indemnify and hold harmless local governing body from certain liability related to the improvement of property. However, such indemnification does not extend to governmental action that infringe on vested rights.
- Changes dates relating to when a governing body must allow an applicant to obtain certain percentages of permits.
- Exempts Monroe County from the provisions which require the governing body to issue a certain percentage of permits pursuant to a preliminary plat.

- Provides that a master building permit is valid for 3 consecutive years after its issuance or until the adoption of a new Florida Building Code, whichever is earlier, instead of later.
- Requires an applicant for permits pursuant to a preliminary plat to provide a copy of the approved plat to gas utilities.
- Removes provisions requiring reporting to the Department of Business and Professional Regulation and the Department of Commerce.
- Clarifies language and corrects grammatical errors.

B. Amendments:

None.

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

CHAPTER 2024-210

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 812

An act relating to expedited approval of residential building permits; creating s. 177.073, F.S.; providing definitions; requiring certain governing bodies, by a date certain, to each create a program to expedite the process for issuing residential building permits before a final plat is recorded; requiring the expedited process to include a certain application; prohibiting the application or local government final approval from altering or restricting the number of building permits requested under certain circumstances; requiring certain governing bodies to update their program in a specified manner; providing applicability; requiring a governing body to create certain processes for purposes of the program; authorizing applicants to use a private provider to expedite the process for certain building permits; requiring a governing body to establish a registry of qualified contractors for a specified purpose; prohibiting such qualified contractors hired to review an application from having a conflict of interest with the applicant; defining the term “conflict of interest”; authorizing a governing body to issue addresses and temporary parcel identification numbers for specified purposes; requiring a governing body to issue a specified number or percentage of building permits requested in an application when certain conditions are met; setting forth certain conditions for applicants who apply to the program; providing that an applicant has a vested right in an approved preliminary plat when certain conditions are met; prohibiting a governing body from making substantive changes to a preliminary plat without written consent; requiring an applicant to indemnify and hold harmless certain entities and persons; providing an exception; providing an effective date.

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

Section 1. Section 177.073, Florida Statutes, is created to read:

177.073 Expedited approval of residential building permits before a final plat is recorded.—

(1) As used in this section, the term:

(a) “Applicant” means a homebuilder or developer who files an application with the local governing body to identify the percentage of planned homes, or the number of building permits, that the local governing body must issue for a residential subdivision or planned community.

(b) “Final plat” means the final tracing, map, or site plan presented by the subdivider to a governing body for final approval, and, upon approval by the appropriate governing body, is submitted to the clerk of the circuit court for recording.

(c) “Local building official” has the same meaning as in s. 553.791(1).

(d) “Plans” means any building plans, construction plans, engineering plans, or site plans, or their functional equivalent, submitted by an applicant for a building permit.

(e) “Preliminary plat” means a map or delineated representation of the subdivision of lands that is a complete and exact representation of the residential subdivision or planned community and contains any additional information needed to be in compliance with the requirements of this chapter.

(f) “Qualified contractor” includes, but is not limited to, an engineer or engineering firm licensed under chapter 471; a surveyor or mapper or a surveyor’s or mapper’s firm licensed under chapter 472; an architect or architecture firm licensed under part I of chapter 481; a landscape architect or landscape architecture firm registered under part II of chapter 481; or any other qualified professional who is certified in urban planning or environmental management.

(2)(a) By October 1, 2024, the governing body of a county that has 75,000 residents or more and any governing body of a municipality that has 10,000 residents or more and 25 acres or more of contiguous land that the local government has designated in the local government’s comprehensive plan and future land use map as land that is agricultural or to be developed for residential purposes shall create a program to expedite the process for issuing building permits for residential subdivisions or planned communities in accordance with the Florida Building Code and this section before a final plat is recorded with the clerk of the circuit court. The expedited process must include an application for an applicant to identify the percentage of planned homes, not to exceed 50 percent of the residential subdivision or planned community, or the number of building permits that the governing body must issue for the residential subdivision or planned community. The application or the local government’s final approval may not alter or restrict the applicant from receiving the number of building permits requested, so long as the request does not exceed 50 percent of the planned homes of the residential subdivision or planned community or the number of building permits. This paragraph does not:

1. Restrict the governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community.

2. Apply to a county subject to s. 380.0552.

(b) A governing body that had a program in place before July 1, 2023, to expedite the building permit process, need only update their program to approve an applicant’s written application to issue up to 50 percent of the building permits for the residential subdivision or planned community in order to comply with this section. This paragraph does not restrict a

governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community.

(c) By December 31, 2027, the governing body of a county that has 75,000 residents or more and any governing body of a municipality that has 10,000 residents or more and 25 acres or more of contiguous land that the local government has designated in the local government's comprehensive plan and future land use map as land that is agricultural or to be developed for residential purposes shall update their programs to expedite the process for issuing building permits for residential subdivisions or planned communities in accordance with the Florida Building Code and this section before a final plat is recorded with the clerk of the circuit court. The expedited process must include an application for an applicant to identify the percentage of planned homes, not to exceed 75 percent of the residential subdivision or planned community, or the number of building permits that the governing body must issue for the residential subdivision or planned community. This paragraph does not:

1. Restrict the governing body from issuing more than 75 percent of the building permits for the residential subdivision or planned community.

2. Apply to a county subject to s. 380.0552.

(3) A governing body shall create:

(a) A two-step application process for the adoption of a preliminary plat, inclusive of any plans, in order to expedite the issuance of building permits under this section. The application must allow an applicant to identify the percentage of planned homes or the number of building permits that the governing body must issue for the residential subdivision or planned community.

(b) A master building permit process consistent with s. 553.794 for applicants seeking multiple building permits for residential subdivisions or planned communities. For purposes of this paragraph, a master building permit is valid for 3 consecutive years after its issuance or until the adoption of a new Florida Building Code, whichever is earlier. After a new Florida Building Code is adopted, the applicant may apply for a new master building permit, which, upon approval, is valid for 3 consecutive years.

(4)(a) An applicant may use a private provider pursuant to s. 553.791 to expedite the application process for building permits after a preliminary plat is approved under this section.

(b) A governing body shall establish a registry of at least three qualified contractors whom the governing body may use to supplement staff resources in ways determined by the governing body for processing and expediting the review of an application for a preliminary plat or any plans related to such application. A qualified contractor on the registry who is hired pursuant to this section to review an application, or any part thereof, for a preliminary

plat, or any part thereof, may not have a conflict of interest with the applicant. For purposes of this paragraph, the term “conflict of interest” has the same meaning as in s. 112.312.

(5) A governing body may work with appropriate local government agencies to issue an address and a temporary parcel identification number for lot lines and lot sizes based on the metes and bounds of the plat contained in the application.

(6) The governing body must issue the number or percentage of building permits requested by an applicant in accordance with the Florida Building Code and this section, provided the residential buildings or structures are unoccupied and all of the following conditions are met:

(a) The governing body has approved a preliminary plat for each residential subdivision or planned community.

(b) The applicant provides proof to the governing body that the applicant has provided a copy of the approved preliminary plat, along with the approved plans, to the relevant electric, gas, water, and wastewater utilities.

(c) The applicant holds a valid performance bond for up to 130 percent of the necessary improvements, as defined in s. 177.031(9), that have not been completed upon submission of the application under this section. For purposes of a master planned community as defined in s. 163.3202(5)(b), a valid performance bond is required on a phase-by-phase basis.

(7)(a) An applicant may contract to sell, but may not transfer ownership of, a residential structure or building located in the residential subdivision or planned community until the final plat is approved by the governing body and recorded in the public records by the clerk of the circuit court.

(b) An applicant may not obtain a temporary or final certificate of occupancy for each residential structure or building for which a building permit is issued until the final plat is approved by the governing body and recorded in the public records by the clerk of the circuit court.

(8) For purposes of this section, an applicant has a vested right in a preliminary plat that has been approved by a governing body if all of the following conditions are met:

(a) The applicant relies in good faith on the approved preliminary plat or any amendments thereto.

(b) The applicant incurs obligations and expenses, commences construction of the residential subdivision or planned community, and is continuing in good faith with the development of the property.

(9) Upon the establishment of an applicant’s vested rights in accordance with subsection (8), a governing body may not make substantive changes to the preliminary plat without the applicant’s written consent.

(10) An applicant must indemnify and hold harmless the local government, its governing body, its employees, and its agents from liability or damages resulting from the issuance of a building permit or the construction, reconstruction, or improvement or repair of a residential building or structure, including any associated utilities, located in the residential subdivision or planned community. Additionally, an applicant must indemnify and hold harmless the local government, its governing body, its employees, and its agents from liability or disputes resulting from the issuance of a certificate of occupancy for a residential building or structure that is constructed, reconstructed, improved, or repaired before the approval and recordation of the final plat of the qualified project. This indemnification includes, but is not limited to, any liability and damage resulting from wind, fire, flood, construction defects, bodily injury, and any actions, issues, or disputes arising out of a contract or other agreement between the developer and a utility operating in the residential subdivision or planned community. However, this indemnification does not extend to governmental actions that infringe on the applicant's vested rights.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor May 29, 2024.

Filed in Office Secretary of State May 29, 2024.

City of Titusville, Florida
Business Impact Estimate

This form should be included in the City Council agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Titusville website by the time notice of the proposed ordinance is published, excluding the exceptions provided in 166.041(4), Florida Statutes.

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AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE CODE OF ORDINANCES TO CREATE A PROCESS FOR ISSUANCE OF RESIDENTIAL BUILDING PERMITS IN SUBDIVISIONS PRIOR TO APPROVAL OF FINAL PLAT AND REPLACING THE TERM “SKETCH PLAT” WITH “PRELIMINARY PLAT” AND CLARIFYING THAT “PRELIMINARY PLAT” IS NOW TITLED “SITE PLAN” BY AMENDING SECTIONS 30-40 “TREE SURVEY REQUIRED BEFORE PERMIT”, 34-8 “PUBLIC HEARING APPROVALS REQUIRED”, 34-60 “CONCEPTUAL PLAT”, 34-92 “MINIMUM REQUIREMENTS/APPLICATION AND APPROVAL”, 34-93 “ADDITIONAL REQUIREMENTS”, 34-144 “APPROVAL”; THAT CHAPTER 34 “PROCEDURES”, ARTICLE III “SUBDIVISIONS”, DIVISION 5 “PLAT”, SUBDIVISION 1 “SKETCH PLAT (CONCEPTUAL PLAN) IS RENAMED PRELIMINARY PLAT (CONCEPTUAL PLAN), AND AMENDING SECTION 34-151 “PROCEDURE”; AND BY CREATING SECTIONS 34-153 “SUBMITTAL PROCEDURES”; AMENDING SUBDIVISION 2 “PRELIMINARY PLAT (SITE PLAN) TO BE RENAMED “SITE PLAN” AND AMENDING SECTIONS 34-161 “PRELIMINARY PLAT DEFINITION” TO BE RENAMED “SITE PLAN DEFINITION” AND AMENDING 34-162 “SUBMITTAL PROCEDURES”, 34-163 “REQUIRED EXHIBITS”, AND 34-164 “REVIEW PROCEDURES”, AND SUBDIVISION 3 “FINAL PLAT”, SECTIONS 34-171 “DEFINITION”, 34-172 “PROCEDURE”, AND 34-173 “REQUIRED EXHIBITS”; BY AMENDING CHAPTER 34 “PROCEDURES”, ARTICLE III “SUBDIVISIONS”, TO CREATE A NEW DIVISION 9 “PROCEDURE FOR ISSUANCE OF BUILDING PERMITS PRIOR TO APPROVAL OF FINAL PLAT”, BY ADDING SECTIONS 34-174 “PURPOSE”, 34-175 “PROCEDURE”, 34-176 “REQUIRED SUBMITTALS AND EXHIBITS”, 34-177 “CONSTRUCTION”, 34-178 “PROCEDURE FOR ISSUANCE OF BUILDING PERMITS PRIOR TO APPROVAL OF FINAL PLAT”, 34-179 “FINAL PLAT” AND 34-180 “RECORDING OF FINAL PLAT REQUIRED”; AMENDING SECTIONS 34-201 “RECORDING OF FINAL PLAT REQUIRED”, 34-214 “APPLICATION CLASSIFICATIONS AND REVIEW SCHEDULES” AND 37-1 “DEFINITIONS”, AND BY AMENDING DEVELOPMENT REVIEW PROCEDURES MANUAL SECTIONS 6 “MASTER PLANS”, 11 “SKETCH PLAT” TO BE RENAMED “PRELIMINARY PLAT”, 12 “PRELIMINARY PLAT” TO BE RENAMED “REQUIRED SUBMITTALS FOR EXPEDITED PERMITTING FOR RESIDENTIAL PERMITS PRIOR TO APPROVAL OF THE FINAL PLAT”, 14.5 “SITE PLAN REQUIRED EXHIBITS” AND 17.2 “LAND DEVELOPMENT FEES”; PROVIDING FOR GRANDFATHER PROVISIONS, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE AND AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with Section 166.041(4), *Florida Statutes*. If one or more boxes are checked below, this means the City of Titusville is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- X The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in s. 163.3164, and, development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
 - b. Comprehensive Plan Amendments and land development regulation amendments initiated by an application by a private party other than the county;
 - c. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - d. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - e. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Titusville hereby publishes the following information:

¹ See Section 166.041(4)(c), *Florida Statutes*.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

Florida Legislature adopted Chapter 2024-210 Laws of Florida requiring that local governments establish a program to approve residential permits approved by a preliminary plat if certain conditions are met prior to approval of the final plat.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Titusville, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

(b) A new fee in the imposed by the proposed ordinance for which businesses will be financially responsible; and

(c) An estimate of the City of Titusville regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

Response:

(a) There is a possible additional cost for compliance when utilizing the optional expedited subdivision process.

(b) The proposed application fees is \$600.

(c) The City estimates \$600 per year in revenue.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

1 large subdivision developer may be impacted if they choose the optional process.

4. Additional information the governing body deems useful (if any):

[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: City of Titusville staff solicited comments from businesses in the City of Titusville as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City of Titusville website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses.]

City of Titusville
"Gateway to Nature and Space"

REPORT

To: Members of the Planning and Zoning Commission
From: Brad Parrish, Community Development Director
Subject: **Sidewalk Waiver Ordinance**
Department/Office: Community Development

Recommended Action:

Conduct the public hearing and make a recommendation to City Council on the Sidewalk waiver ordinance.

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE CODE OF ORDINANCES RELATED TO WAIVERS TO SIDEWALK CONSTRUCTION REQUIREMENTS BY AMENDING CHAPTER 30 "DEVELOPMENT STANDARDS", SECTION 30-238 "ROAD AND SIDEWALK REQUIREMENTS" AND SECTION 30-239 "BICYCLE FACILITIES"; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE AND AN EFFECTIVE DATE.

This is a legislative item.

Summary Explanation & Background:

Summary

On August 27, 2024, the City Council approved advisability directing staff to propose amendments to the sidewalk waiver criteria; specifically, clarifying how a sidewalk is determined to be "not practical," and standards on the calculation of the fee and use of the sidewalk trust fund. Enclosed is a draft ordinance for review.

The draft ordinance strengthens the waiver criteria and removes the "not practical" option. Requests to waive the construction of a sidewalk may only be approved if a sidewalk is scheduled in a 5-year capital plan or if the lot or parcel is located on a local street where over seventy-five (75) percent of the lots on the local street are within 400 feet from the lot or parcel. With the removal of the "not practical" option, the sidewalk trust fund will be eliminated. Requests that do not meet the waiver criteria may seek a variance from the Board of Adjustments and Appeals.

Background

On March 26, 2024, the staff gave the City Council an update on the Mobility plan on trails, bicycle lanes and sidewalks. Council discussed the sidewalks on Hopkins Avenue, grants and matching funds, sidewalk trust fund, developer installed sidewalks, bike trails, etc. Enclosed are the minutes from the Council's discussion on March 26th.

In 2019, the Mobility Plan was adopted with recommendations to amend the city's sidewalk waiver criteria. Section 30-238 of the City's Land Development Code requires new development to construct sidewalk along the portion of the parcel that abuts a street. This requirement can be waived by the City Administrator if stated criteria are met, or if it is deemed to not be practical. If not practical, a payment can be made into the sidewalk trust fund, based on the City's average cost of sidewalk (per linear foot). While this policy may be appropriate for areas that will never need sidewalks, the policy likely inadvertently increases the future cost of adding sidewalks and makes it more difficult to add sidewalks at a later time. Many of the factors, such as a lack of connectivity, are temporary and don't address the future need for a sidewalk. Reconstruction or the retrofitting of a site to add sidewalks at a future date is significantly more difficult and expensive than it is to incorporate a sidewalk in the initial design of the site. It is recommended that this policy be modified to better incentivize the construction of sidewalks.

Alternatives:

Approve the ordinance.

Approve the ordinance with changes.

Do not approve the ordinance.

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. Sidewalk Waiver Ordinance Ver 12
2. Mobility Plan recommendation
3. Council_minutes_3-26-24_530

ORDINANCE NO. X-2025

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE CODE OF ORDINANCES RELATED TO WAIVERS TO SIDEWALK CONSTRUCTION REQUIREMENTS BY AMENDING CHAPTER 30 “DEVELOPMENT STANDARDS”, SECTION 30-238 “ROAD AND SIDEWALK REQUIREMENTS” AND SECTION 30-239 “BICYCLE FACILITIES”; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE AND AN EFFECTIVE DATE.

WHEREAS, the Transportation Element of the Titusville Comprehensive Plan sets forth that the City shall promote “Complete Streets” which include facilities for the use of pedestrians and bicyclists; and

WHEREAS, Transportation Policy 1.3.2 states that “...In new development or redevelopment, walking and bicycling shall be promoted by establishing pedestrian-friendly streets with sidewalks and/or bike paths”; and

WHEREAS, the City of Titusville completed a Multimodal Master Plan to help promote connectivity and improve safety for overall safety for all users of the City’s transportation network. The goal of the plan is to develop several bicycle, pedestrian and transit improvements within the City. Much of the plan was influenced by input from citizens, business owners and community representatives; and

WHEREAS, the Land Development Regulations includes standards for construction of sidewalks, including waiver for construction of sidewalks; and

WHEREAS, the City’s Multimodal Master Plan contains recommendations to amend the waiver standards to encourage a safe and efficient network of facilities to be used by pedestrians and bicyclists; and

WHEREAS, the City Council desires to implement the Comprehensive Plan, the Multimodal Master Plan and enhance public safety by limiting the number of waivers and “practical” exceptions to the sidewalk requirements and eliminating the need for the sidewalk trust fund; and

WHEREAS, the proposed amendments to the City’s land development regulations have been reviewed by the Planning and Zoning Commission who made a recommendation to the City Council prior to Council’s consideration of this ordinance.

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 Chapter 30 “Development Standards”, Article III “Improvements”, Division 7 “Streets/Sidewalks/Bikes”, Section 30-238 “Road and sidewalk requirements” of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 30-238. Road and sidewalk requirements.

- (a) Sidewalks shall be constructed along any lot or parcel of ground abutting any public or private street, on which a permit for new construction is granted, except as provided herein. Such sidewalks shall be of concrete and shall be inspected by the City. No building permits shall be issued by the Administrator, nor shall a certificate of occupancy be issued unless such

sidewalk(s) are shown, with elevations, on the plans for construction, unless the requirement for sidewalks is specifically waived by the Administrator, based upon the following criteria:

- ~~(1) There are future plans for widening or improving the abutting road right-of-way within five (5) years and the construction of the sidewalk would be currently imprudent.~~
- ~~(21) The lot or parcel is located on a local street within an existing unplatted/platted subdivision, as defined in the Titusville Transportation Infrastructure Technical Manual where over seventy-five (75) percent of the lots on the local street are 400 feet from the subject lot or parcel and are developed and no sidewalks exist adjoining the developed lots.~~
- ~~(32) When the construction of the required sidewalk is programmed within the proposed City capital improvements program or and funds have been appropriated for its construction through an assessment program or other funding mechanisms.~~
- ~~(b) (4) No certificate of occupancy shall be issued by the Administrator until required sidewalks are constructed or the requirements for sidewalks are waived or delayed as provided herein. When the requirements for sidewalks are deemed by the Administrator to be "not practical", monetary contributions to the sidewalk trust fund shall be made required as described in paragraph (c) below, prior to the issuance of a certificate of occupancy. The provision of payment into the sidewalk trust fund shall not be eligible for a variance before the Board of Adjustment and Appeals.~~
- ~~(bc) Sidewalk standards as set forth per the Transportation Infrastructure Technical Manual.~~
- ~~(c) Sidewalk trust fund.~~
 - ~~(1) There is hereby established a sidewalk trust fund to be used for the deposit, maintenance and distribution of all monetary contributions made in lieu of constructing a sidewalk pursuant to Section 30-238 of this Code, or a trail pursuant to Section 30-239 of this Code. The sidewalk trust fund shall be administered by the City's Public Works Department and shall be appropriated within the City's Roads and Streets Capital Improvement Fund and approved by the City Council annually, or as contributions are made to the trust fund. All contributions made pursuant to Sections 30-238 and 30-239 of this Code shall be monetary payments into the sidewalk trust fund. All contributions made to and interest derived from the sidewalk trust fund shall be used solely for the purpose of constructing, upgrading, or improving sidewalks along or on public streets within the City limits.~~
 - ~~(2) If a sidewalk is required by this Code, but the construction of the sidewalk is determined to be not practical, then the property owner or permit applicant shall make a contribution to the sidewalk trust fund. (3) The Administrator shall make the decision as to whether the construction of a sidewalk is "not practical." The following factors shall be utilized in making such a decision:~~
 - ~~a. The project does not meet the waiver requirements in paragraph (b) above;~~
 - ~~b. There is no connectivity for the required sidewalk; and~~
 - ~~c. The required sidewalk will provide functional pedestrian access when connectivity is created.~~
 - ~~(4) The sidewalk trust fund fee shall be established by City Council resolution. The fees shall be set on per linear foot of street frontage basis and shall be calculated as one hundred thirty (100) percent of the average of the sidewalk construction costs on a per linear foot of street frontage basis as established by the City.~~

~~(d) Appeals. Appeals of the Administrator's determination as to the practicality of installing required sidewalks shall be processed as described in Section 34-248(b). If the appeal is granted by the Board of Adjustment and Appeals, the applicant shall make the required payment into the City's Sidewalk Trust Fund.~~

SECTION 3: That Chapter 30 "Development Standards", Article III "Improvements", Division 7 "Streets/Sidewalks/Bikes", Section 30-239 "Bicycle facilities" of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 30-239. Bicycle facilities.

- (a) All developments are required to construct those bicycle facilities designated in the Titusville Trailways Mobility Plan that about their project. ~~In lieu of construction, developments may complete all engineering and site work to construct the bicycle facility, including dedication of the required easement to the City of Titusville if necessary, and make a monetary contribution to the sidewalk trust fund equivalent to a sidewalk, as described in Section 30-238(c) of this Code.~~ All facilities shall, at a minimum, meet the standards adopted by FDOT for bicycle facilities and the Transportation Infrastructure Technical Manual. ~~The provision of payment into the sidewalk trust fund shall not be eligible for a variance before the Board of Adjustment and Appeals.~~
- (b) If it is contemplated that state controlled roads will provide bicycle paths within the road pavement area then pedestrian sidewalks only will be required. The Administrator shall make the final determination.
- (c) Lighting, curbouts, slope, vertical clearance as set forth per the Transportation Infrastructure Technical Manual.

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

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

SECTION 6. INCORPORATION INTO THE 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 7. EFFECTIVE DATE. This Ordinance shall be become in full force and effect upon adoption by the City Council in accordance with the Charter of the City of Titusville, Florida.

PASSED AND ADOPTED, this _____ day of _____, 2025

Andrew Connors, Mayor

ATTEST:

Wanda F. Wells, City Clerk

Funding Opportunities

Current Sources

Improvement recommendations to address mobility are broad and wide ranging, so they will take time to implement. As detailed in the City's capital improvement plan, the City currently allocates \$100,000 per year for sidewalk repair, \$100,000 for sidewalk infill, and another \$40,000 for sidewalk infill within the Community Redevelopment Area. The City should consider increasing the annual budget for sidewalks and setting aside funding for adding bicycle facilities and transit improvements (in coordination with applicable agencies).

Current City funding sources include the general fund, impact fee funds, and funds from the Community Redevelopment Agency. The City has a Sidewalk Trust Fund that developers can pay into if it is determined that they don't need to build a sidewalk across their frontage.

Current Policies

Section 30-238 of the City's Land Development Code requires new development to construct sidewalk along the portion of the parcel that abuts a street. This requirement can be waived by the City Administrator if stated criteria are met, or if it is deemed to not be practical. If not practical, a payment can be made into the sidewalk trust fund, based on the City's average cost of sidewalk (per linear foot).

While this policy may be appropriate for areas that will never need sidewalks, the policy likely inadvertently increases the future cost of adding sidewalk and makes it more difficult to add sidewalks at a later time. Many of the factors, such as a lack of connectivity, are temporary and don't address the future need for a sidewalk. Reconstruction or retrofitting of a site to add sidewalk at a future date is significantly more difficult and expensive than it is to incorporate a sidewalk in the initial design of the site. It is recommended that this policy is modified to better incentivize the construction of sidewalks.

Specific changes to consider to Section 30-238 are as follows:

- Remove 30-238(a)(1) and (3) since the future improvement would benefit from having existing sidewalk
- Modify 30-238(c)(3)b as follows (new portion underlined): There is no connectivity for the required sidewalk and there will likely be no benefit from sidewalk connections within the next 25 years; and
- Modify 30-238(c)(4) to require 130% of the average cost (rather than 100%), since retrofitting sidewalk is more expensive than installing sidewalk on an undeveloped site.

Additional Funding Sources

Funding for several of the projects should be pursued from the Space Coast TPO. As the City takes initial steps to determine project readiness and define the scope for the next steps, the TPO will have more confidence in ranking the projects as part of the Needs Assessment and update to the Long Range Transportation Plan.

VISIT FLORIDA Grants

VISIT FLORIDA is the state's official tourism marketing corporation created in 1996. VISIT FLORIDA is not a government agency, but rather a not-for-profit corporation that carries out the work of the Florida Commission on Tourism, which was created as a public-private partnership by the Florida Legislature in 1996. The Commission, in partnership with the

There was no action or discussion by the Council.

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Multimodal Transportation Plan - No action was requested. City Manager Larese introduced and highlighted information provided in the Council agenda packet. Economic and Redevelopment Coordinator Nicholas Gow, joined by Community Development Director Brad Parrish, gave a presentation that highlighted information on the Multimodal Transportation Master Plan, as followed:

- Multimodal Plan adopted in 2019
- Overview
- Project goals and details specific to individual projects
- Projects, prioritization chart, and projects summary
- Funding
- City budget
- Grants
- Sidewalk Trust Fund

Member Nelson desired adding a sidewalk(s) on Hopkins Avenue, starting from Titusville High School and extending south to the mall area along Hopkins Avenue. Mayor Diesel also desired installing sidewalks on Hopkins Avenue, beginning north of Titusville High School, past Sycamore, or areas even further north of this geographical area. City Manager Larese commented on the installation of traffic light poles planned in this area over the next few weeks, which would complete intersection changes; however, he would need to report back to Council on sidewalks.

Member Stoeckel and staff discussed grants, the status of grant funding, grant openings, matching funds and related criteria, other sources of funding, unique grant requirements, Safe Streets Program federal funding and the possible use of this funding, funding restrictions, seeking assistance and collaboration through other agencies, etc.

City Manager Larese provided an update on construction and improvements being completed at a crossing on State Road 405 and along Cheney Highway extending all the way to U.S. Highway 1. He advised the Florida Department of Transportation (FDOT) was improving the intersections all along Cheney Highway. This work would also improve pedestrian safety.

Member Stoeckel and staff discussed how projects were prioritized, the use of funding, road repaving funding, revenue from impact fees, bicycle lanes, prioritizing filling-in sidewalk gap areas and making an interconnected network in anticipation of the regional trails coming to the community, the rationale for providing a status update on the Multimodal Transportation Plan since its adoption in 2019, difficulties completing projects due to funding issues, goals to encourage individuals not to drive as much, making a cultural shift in the community to other forms of transportation, making improvements to safety, etc.

Member Cole and staff discussed the City's Sidewalk Trust Fund and an associated, longstanding, Code policy that might allow or approve a waiver for the requirement for a developer to install sidewalks for their project, review of such waiver requests by a City Administrator against the Code criteria and whether or not the developer planned for the installation of a sidewalk later in the project timeline (within 5-years), criteria to determine if a request for a waiver was practical or not, judging the development's site conditions, topography, and engineering analysis, development requirements, waivers that were approved and determined to be practical did not require a developer to contribute money to the trust fund; however, for requests determined not practical, then developers were required to contribute the cost to the trust fund, a consultant's recommendation to make avoiding installing sidewalks as difficult as possible, the cost to install sidewalks was higher when offset to the future and future costs, etc.

Member Nelson and staff briefly discussed the possible changes to the Code for the Sidewalk Trust Fund and a consultant's recommendation on this matter was provided on Page 30 of the Council meeting agenda packet.

Vice-Mayor Robinson and staff discussed how the overarching collaboration by the Transportation Planning Organization (TPO), bike trails programs, and other agencies were blended and working together, in order to complete the goals on the transportation related goals.

Lastly, Member Nelson and City Manager Larese discussed a bike trail project intended to extend all the way to the beach and whether it would be completed by 2027. This discussion included information on construction, funding, the current scope of the project ended at the beach entrance pay station (booth), the roadway thereafter (going east) to the beach was dual use after the pay station, but this was not ideal for bike safety concerns, and efforts or proposals were underway to extend this bike trail project all the way to the beach.

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Community Development Department Spotlight - No action was requested. Community Development Director Parrish provided a video presentation and overview of the Community Development Department, department divisions, and services.

xxx

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

Izell Hickman expressed concern regarding a tree that was located on City property. The tree was in a ditch located behind his property and he was unable to get insurance until it was removed. He advised that the City was unable to remove the tree unless he signed a document taking responsibility for his home and shed.

Community Development Director Brad Parrish requested Mr. Hickman reach out to him to discuss his concern.

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