



CITY OF TITUSVILLE

PLANNING AND ZONING COMMISSION

AGENDA

Regular Meeting

November 6, 2024 - 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. ROLL CALL**
- 3. DETERMINATION OF A QUORUM**
- 4. PLEDGE OF ALLEGIANCE**
- 5. APPROVAL OF MINUTES**
 - A. Minutes October 2, 2024**
Approve Minutes
- 6. QUASI-JUDICIAL CONFIRMATION PROCEDURES**
- 7. PETITIONS AND REQUEST FROM THE PUBLIC PRESENT**

8. OLD BUSINESS

9. NEW BUSINESS

- A. Consolidated Fees for Development Applications and Legal Advertising Ordinance
- B. Presentation by TEC Chair Laurilee Thompson

10. PETITIONS AND REQUEST 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 COUNCIL

To: Members of the Planning and Zoning Commission
From: Brad Parrish, Community Development Director
Subject: **Minutes October 2, 2024**
Department/Office: Planning

Recommended Action:

Approve Minutes

Summary Explanation & Background:

Alternatives:

Modify the Minutes.

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. 10.02.24 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 October 2, 2024 at 6:00 p.m.

XXX

Chairman Joseph Richardson called the meeting to order at 6:00 p.m. Present were Secretary Romie Grant, Member Theodore Garrod, Member Megan Moscoso, Member Christopher Childs, and Member Erron Fayson. Vice Chairman Dan Aton, Alternate Member Michael Fendler, Alternate John Rogers, and School Board Member Jaqueline McLaughlin were absent. Also, in attendance were Principal Planner Eddy Galindo, Assistant City Attorney Chelsea Farrell and Recording Secretary Laurie Dargie.

XXX

A moment of silence was taken for all those who have been impacted by Hurricane Helene.

XXX

Member Fayson made a motion to approve the minutes from the September 18, 2024 meeting as presented. Member Moscoso seconded. There was a unanimous voice vote in favor.

XXX

Quasi-Judicial Confirmation Procedures

XXX

Petitions and Requests from Public Present and Press

None

XXX

Consent Agenda Items

None

XXX

Chairman Richardson asked that item 9A: Titusville Plain Language Initiative be the last item after new business. The Planning and Zoning Commission members agreed to this change on the agenda.

XXX

New Business

Rezoning REZ#3-2024 – Titusville Resort & Destination Master Plan Amendment

Principal Planner Eddy Galindo gave an overview of this item.

Chairman Richardson disclosed that he has had conversations with Jesse Wright but not relating to this agenda item.

Member Moscoso said that she has had lunch with Jesse Wright.

Member Childs said he attended the debate.

Chelsea Anderson, attorney and representative of the applicant came to speak in favor of this item and answer any questions.

Jesse Wright, applicant and owner of the property, came to speak in favor of this item and answer questions.

Member Moscoso asked Mr. Wright for an update as to the Cumberland Farms fuel leak in the ground. Mr. Wright said that nothing is being done by the City of Titusville. The Department of Environmental Protection has jurisdiction over this situation.

The Planning and Zoning Commission members had discussion relating to the concerns of the Cumberland Farms.

Member Garrod provided the Planning and Zoning Commission members, staff, and Mr. Wright a handout showing shadow effects from building heights. Member Garrod explained his concerns regarding how height is determined in order to ensure that it is clear to all involved on where building height is measured from. Mr. Wright said that a shading study was done and the height of the buildings will not exceed 74.5ft in height.

James Troutman of Titusville, Florida came to speak about his concerns regarding the Cumberland Farms. Mr. Troutman said that inspections should be taking place to monitor the fuel leak.

XXX

Member Fayson made a motion to recommend approval of Rezoning REZ#3-2024 – Titusville Resort & Destination Master Plan Amendment as presented. Secretary Grant seconded.

Roll call was as follows:

Member Garrod	Yes
Member Childs	Yes
Member Moscoso	Yes
Secretary Grant	Yes
Member Fayson	Yes
Chairman Richardson	Yes

Motion passed.

XXX

Building Trade Services Clean Up Ordinance

Principal Planner Eddy Galindo gave an overview of this item.

Secretary Grant referred to page 66 of the agenda packet Section 28-203 (c)(4) and asked if the word “and” between collector and arterial roadways should be “or”. Mr. Galindo said yes.

XXX

Member Moscoso made a motion to recommend approval of the Building Trade Services Clean Up Ordinance as presented. Member Garrod seconded.

Roll call was as follows:

Secretary Grant	Yes
Member Fayson	Yes
Member Childs	Yes
Member Garrod	Yes
Member Moscoso	Yes
Chairman Richardson	Yes

Motion passed.

XXX

Outdoor Storage Clean Up Ordinance

Principal Planner Eddy Galindo gave an overview of this item.

XXX

Member Childs made a motion to recommend approval of the Outdoor Storage Clean Up Ordinance as presented. Secretary Grant seconded.

Roll call was as follows:

Member Fayson	Yes
Member Moscoso	Yes
Member Garrod	Yes
Member Childs	Yes
Secretary Grant	Yes
Chairman Richardson	Yes

Motion passed.

XXX

Conditional Use Permit CUP Legal Ad Requirement Ordinance

Principal Planner Eddy Galindo gave an overview of this item.

XXX

Secretary Grant made a motion to recommend approval of the Conditional Use Permit (CUP) Legal Ad Requirement Ordinance as presented. Member Moscoso seconded.

Roll call was as follows:

Member Fayson	Yes
Member Childs	Yes
Secretary Grant	Yes
Member Moscoso	Yes
Member Garrod	Yes
Chairman Richardson	Yes

Motion passed.

XXX

Old Business

Titusville Plain Language Initiative

Chairman Richardson gave a brief introduction as to why he wanted to bring this up to the Planning and Zoning Commission for discussion. Chairman Richardson said he would like for the code to be easily read and understood by citizens.

Mr. Galindo said that staff does intend to write the code so that it is clear and easily understood.

Member Moscoso said that the Planning and Zoning Commission can work with staff when there is language that the Planning and Zoning Commission does not think it is clear so that it can be clarified and understood better.

Member Childs agreed with Member Moscoso.

Chairman Richardson said he is bringing this up so that the code would be easily understood by the public citizens who are using the code.

Assistant City Attorney Chelsea Farrell said that she would caution the Planning and Zoning Commission with changing ordinance language during meetings as it does not allow for adequate review

of unintended consequences and may not be the best language possible. She suggested that the Planning and Zoning Commission could table future agenda items if they were unclear.

Chairman Richardson said that the Planning and Zoning Commission members should take the opportunity during their staff one on one meetings to point out unclear language.

Mr. Galindo said that maybe staff can provide better tools to the public to help understand the code language better.

The Planning and Zoning Commission had additional discussion regarding the plain language initiative and decided that they do not want to move forward with any recommendation to City Council at this time.

XXX

Petitions & Requests

None

XXX

Reports

Chairman Richardson reminded the Planning and Zoning Commission members that the Boards & Commissions recognition dinner is coming up and that they need to RSVP if they haven't done so already.

Principal Planner Eddy Galindo stated that the dinner is on October 17, 2024.

Assistant City Attorney Chelsea Farrell thanked Chairman Richardson for having the moment of silence.

XXX

Adjournment 7:30pm

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Planning and Zoning Commission
From: Brad Parrish, Community Development Director
Subject: **Consolidated Fees for Development Applications and Legal Advertising Ordinance**
Department/Office: Community Development

Recommended Action:

Conduct the public hearing for Consolidated Fees for Development Applications and Legal Advertising and make recommendation to City Council.

The City Council will hold a public hearing on November 26, 2024.

Summary Explanation & Background:

The City offers a number of significant services to its residents, business owners and visitors for which it charges fees that should be commensurate with the cost incurred by the City to perform the services. Currently, the City's development application fees are separated by the cost of processing the application and the cost of advertising any necessary public hearing. The City regularly evaluates the true cost of services and proposes adjustments where necessary. Based on an evaluation of advertising costs for the past year, it is recommended the advertising fees be increased. Further, the advertising fees should be consolidated into the development application fees. The consolidated fees will provide ease of understanding by the public and implementation by the City. The staff recommends amending the Development Review Procedures Manual Section 17 by this ordinance, and updating the development application fees in order to include the cost of required advertising.

Alternatives:

1. Recommend approval of the ordinance as written.
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:

Goal 2 - Efficient & Effective Services

Goal 5 - Effective Governance

Strategic Plan Impact:

The updated advertising fees will cover the costs for services. The consolidated fees will provide ease of understanding by the public and implementation by the City.

ATTACHMENTS:

1. Consolidated Fees for Development Applications and Legal Advertising
Ordinance Council

ORDINANCE NO. XX-2024

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING COMMUNITY DEVELOPMENT FEES BY AMENDING DEVELOPMENT REVIEW PROCEDURES MANUAL SECTIONS 17.1 "COMPREHENSIVE PLAN AMENDMENT, ZONING/REZONING, CONDITIONAL USE PERMITS, DEVELOPMENT REVIEW COMMITTEE AND MASTER PLAN FEES", 17.4 "BOARD OF ADJUSTMENTS AND APPEALS FEES", 17.5. DEVELOPMENT AGREEMENT/VESTED RIGHTS APPLICATION/BENEFICIAL USE DETERMINATION/TRANSFER OF DEVELOPMENT RIGHTS/ADMINISTRATIVE WAIVER", AND 17.6 "VACATING RIGHTS-OF-WAY AND EASEMENT/STREETS RENAMING"; BY ADDING A NEW SECTION 17.8 "BUILDING RELOCATION PURSUANT TO CHAPTER 6-10, BUILDINGS AND BUILDING REGULATIONS, AMENDMENTS" TO PROVIDE A BUILDING RELOCATION FEE; BY RENUMBERING AND AMENDING SECTION 17.8 "FEE REFUND/WAIVER POLICY" TO BE SECTION 17.9; AND BY ADDING A NEW SECTION 17.10 "SPECIAL CIRCUMSTANCES" AUTHORIZING CITY TO COLLECT FEES EQUAL TO COST IF NEW ADVERTISING REQUIREMENTS ARE CREATED; PROVIDING FOR FINDINGS, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE AND AN EFFECTIVE DATE.

WHEREAS, the City of Titusville offers a number of significant services to its residents, businesses owners and visitors for which it charges fees that should be commensurate with the cost incurred by the City to perform the services including the cost of advertising as required by Statute, and

WHEREAS, these fees have been established by the City, and the City desires to amend the Development Review Procedures Manual Section 17 by this ordinance, and adopt certain new fees in order to include the cost of required advertising into the fees for ease of understanding by the public and implementation by the City.

NOW, THEREFORE, BE IT ENACTED by the City of Titusville, Florida as follows:

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

SECTION 2: That the Code of Ordinances, City of Titusville Development Review Procedures Manual, Section 17.1 "Comprehensive Plan Amendment, Zoning/Rezoning, Conditional Use Permits, Development Review Committee and Master Plan Fees", is hereby amended to read as follows:

17.1. *Comprehensive Plan Amendment, Zoning/Rezoning, Conditional Use Permits, Development Review Committee, and other Master Plan Fees.*

(a) Comprehensive Plan Amendment (CPA) ~~\$1,575.00~~ \$3,025.00,
Plus \$8.00 per acre, ~~Plus legal advertisement cost Amendment (SSA) \$1950.~~

(b) Comprehensive Plan Amendment with Annexation \$4,475 Plus \$8.00 per acre.

(c) Small Scale Comprehensive Plan Amendment (SSA) \$1950 Plus \$8.00 per acre.

(d) Comprehensive Plan Amendment (Text Amendment) ~~\$735.00~~ 2,185.00

~~Plus legal advertisement cost~~

(~~ee~~) Land Development Regulations Amendment ~~\$ 1,575.00~~ 2,575.00

~~Plus legal advertisement cost~~

(~~fd~~) Zoning/Rezoning (When not accompanied by a CPA) ~~\$ 1,575.00~~ 1,875.00

Plus \$8.00 per acre, ~~Plus legal advertisement cost~~

(~~ge~~) Conditional Use (CUP) ~~\$ 1,575.00~~ 1,775.00

Plus \$8.00 per acre, ~~Plus legal advertisement cost~~

(~~hf~~) Planned Industrial Park, Planned Unit Development, Urban Village Zoning and other Master Plan approval or amendment ~~\$ 1,575.00~~ 1,825.00

Plus \$8.00 per acre and \$8.00 per lot/dwelling unit, ~~Plus legal advertisement cost~~ (The \$8.00 per acre fee for a Master Plan will not be collected when the Master Plan is accompanied by a CPA or REZ.)

(~~ig~~) Development Review Committee ~~\$250.00~~

SECTION 3: That the Code of Ordinances, City of Titusville Development Review Procedures Manual, Section 17.4 "Board of Adjustment and Appeals Fees", is hereby amended to read as follows:

17.4. *Board of Adjustment and Appeals Fees.*

(a) Appeals from decision of an administrative official: ~~\$475.00~~ 650.00

~~plus legal advertisement fee.~~ (Should the Board sustain the appeal, ~~\$475.00~~ fee and advertisement fee is refunded.)

(b) Variances:

(1) Single-family, multifamily zoning districts and non-profit organization properties: ~~\$265.00~~ 440.00

~~plus legal advertisement fee.~~

(2) All commercial, industrial, mixed use and any other district/uses not listed in subsection (b)(1) above: ~~\$525.00~~ 700.00

~~plus legal advertisement fee.~~

(3) Subsequent items processed at the same time as the first item: \$100.00 per additional request

(c) Public Purpose Variances ~~\$525.00~~ 700.00

~~plus legal advertisement fee.~~

SECTION 4: That the Code of Ordinances, City of Titusville Development Review Procedures Manual, Section 17.5 "Development agreement/vested rights application/beneficial use determination/transfer of development rights/administrative waiver", is hereby amended to read as follows:

17.5. *Development agreement/vested rights application/beneficial use determination/transfer of development rights/administrative waiver.*

(a) Development Agreement ~~\$1,575.00~~ 1,825.00
plus \$8.00 per dwelling unit/1,000 square feet nonresidential ~~plus legal advertisement cost.~~

(b) Vested Rights Application \$1,575.00
plus \$8.00 per dwelling unit/1,000 square feet nonresidential ~~plus legal advertisement cost.~~

(c) Beneficial Use Determination ~~\$1,575.00~~ Based upon remedy requested:

(1) Comprehensive Plan Amendment \$3,025.00 Plus \$8 per acre per dwelling unit/1,000 square feet nonresidential

(2) Small Scale Comprehensive Plan Amendment \$1,950.00 Plus \$8 per acre per dwelling unit/1,000 square feet nonresidential

(3) Comprehensive Plan Text Amendment \$2,185.00

(4) Rezoning (When not accompanied by a CPA) \$1,875.00 Plus \$8 per acre per dwelling unit/1,000 square feet nonresidential

(5) Conditional Use Permit \$1,775.00

plus \$8.00 per dwelling unit/1,000 square feet nonresidential ~~plus legal advertisement cost.~~

(d) Transfer of Development Rights ~~\$475.00~~ 725.00
plus \$8.00 per dwelling unit.

(e) Administrative Waiver of Setbacks/Minimum Lot Size \$105.00

SECTION 5: That the Code of Ordinances, City of Titusville Development Review Procedures Manual, Section 17.6 "Vacating rights-of-way and easements/street renaming", is hereby amended to read as follows:

17.6. *Vacating rights-of-way and easements/street renaming.*

(a) Vacating and Abandoning Rights-of-Way (ROWs) Streets and Alleys: ~~\$935.00~~ 1,410.00
~~plus legal advertisement cost.~~

(b) Vacating and Abandoning of Plats: \$1475.00

~~(c)~~ Vacating Easement: ~~\$935.00~~ 1,410.00
~~plus legal advertisement cost.~~

~~(d)~~ Street Renaming: \$630.00

SECTION 6. That the Code of Ordinances, City of Titusville is hereby amended by adding a section, to be numbered Development Review Procedures Manual, Section 17.8 "Building Relocation Pursuant to Chapter 6-10, Buildings and Building Regulations, Amendments", which said section reads as follows:

17.8 Building Relocation Pursuant to Chapter 6-10, Buildings and Building Regulations, Amendments

(a) Building Relocation: \$200.

SECTION 7: That the Code of Ordinances, City of Titusville Development Review Procedures Manual, Section 17.8 “Fee Refund/Waiver Policy”, is hereby amended to read as follows:

17.98. *Fee Refund/Waiver Policy.* Requests for fee refunds or waivers shall be provided to the City Manager or designee in writing, and the request shall be evaluated based upon the following criteria:

- (a) Advertising fees, which in some cases are included within the application fee, will be refunded if an application is withdrawn in writing prior to the City submitting the advertisement to the newspaper.
- (b) With the exception of building permit fees and advertising fees, waivers may be approved by the City Manager or designee for public projects or affordable housing projects.
- (c) The City Manager may waive fees during declared emergencies, for projects or situations related to the said emergency.
- (d) The City Manager may waive all or a portion of a fee, if the fee is the result of staff error.
- (e) The City Manager or designee may waive the double building permit fee when justifiable cause has been demonstrated in writing.

SECTION 8: That the Code of Ordinances, City of Titusville is hereby amended by adding a section, to be numbered Development Review Procedures Manual, Section 17.9 “Special Circumstances”, which section reads as follows:

17.10. *Special Circumstances.* Changes in Florida Statutes or special circumstances may require advertising of applications not listed above. The City Manager or designee shall require payment of advertising fees equal to the charge made to the City for the required advertisement(s).

SECTION 9: SEVERABILITY. If any provisions of this Ordinance are 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 10: REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS. 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 11: INCORPORATION INTO CODE. This ordinance shall be incorporated into the City of Titusville Code of Ordinances and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the Code may be made.

SECTION 12: EFFECTIVE DATE. This Ordinance shall be 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 _____ 2024.

Daniel E. Diesel, Mayor

ATTEST:

Wanda F. Wells, City Clerk

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Planning and Zoning Commission
From: Brad Parrish, Community Development Director
Subject: **Presentation by TEC Chair Laurilee Thompson**
Department/Office: Planning

Recommended Action:

Receive the presentation.

Summary Explanation & Background:

TEC Chair Laurilee Thompson was requested to provide a presentation to the Planning and Zoning Commission regarding historic drainage patterns across the City.

Alternatives:

N/A

Item Budgeted:

N/A

Source/Use of Funds/Budget Book Page:

N/A

Strategic Plan:

N/A

Strategic Plan Impact:

N/A

ATTACHMENTS:

None