



CITY OF TITUSVILLE

TITUSVILLE ENVIRONMENTAL COMMISSION

AGENDA

Regular Meeting

November 13, 2024 - 5:30 PM

Council Chamber at City Hall

555 South Washington Avenue, Titusville, FL 32796

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

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

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

1. CALL TO ORDER

2. ROLL CALL

3. DETERMINATION OF A QUORUM

4. PLEDGE OF ALLEGIANCE

5. APPROVAL OF MINUTES

A. Minutes September 11, 2024

Approve Minutes

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

7. OLD BUSINESS

A. Native Municipal Tree, Canopy, and Landscape Management Trust Fund

Discuss the Native Municipal Tree, Canopy, and Landscape Management Trust Fund concept.

8. NEW BUSINESS

A. Election of Officers

Elect officers

9. PETITIONS AND REQUEST FROM THE PUBLIC PRESENT

10. REPORTS

A. Staff Report - Draft ordinances

Discuss and provide input on the draft ordinances.

B. Member Reports

11. ADJOURNMENT

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

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

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Titusville Environmental Commission
From: Brad Parrish, Community Development Director
Subject: **Minutes September 11, 2024**
Department/Office: Community Development

Recommended Action:

Approve Minutes

Summary Explanation & Background:

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. 09.11.24 TEC Minutes Draft

Titusville Environmental Commission
Regular Meeting
September 11, 2024

The Titusville Environmental Commission (TEC) of the City of Titusville, Florida met in regular session at City Hall in the Council Chamber located at 555 South Washington Avenue on Wednesday, September 11, 2024 at 5:30pm.

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Chairwoman Thompson called the meeting to order at 5:30pm. Present were, Member Delgado, Member Perez, Member Tucker, Member Flis and Alternate Member Young. Vice Chairman Myjak and Alternate Member Koci were absent. Staff present were Community Development Director Brad Parrish, and Recording Secretary Laurie Dargie.

XXX

Member Perez made a motion to approve the August 14, 2024 meeting minutes. Member Tucker seconded. There was a unanimous voice vote in favor.

XXX

Petitions and Requests from Public Present

Toni Shifalo of Titusville came to make comment about the September 10, 2024 City Council meeting and encouraged the Titusville Environmental Commission (TEC) members to be present at all those meetings when they are discussing TEC recommendations.

Stel Bailey came to make comments about the September 10, 2024 City Council meeting and spoke of her displeasure regarding how the City of Titusville handled past sewage spills. She also said that all TEC meetings should be televised.

XXX

Old Business

None

XXX

***Titusville Environmental Commission
Regular Meeting
September 11, 2024***

New Business

Natural Resources Public Engagement Report

Chairwoman Thompson commented that the report is outstanding and the consultant did a wonderful job.

Chris Dougherty, Jay Exum and Gabby Castro were present from Inspire Placemaking to present a PowerPoint presentation of the Titusville Natural Resources report.

Kay St. Onge of Titusville, Florida came to make comments about the report. Ms. St. Onge said that all the recommendations are monumental. Ms. St. Onge suggested that the requirement for Florida friendly landscaping plantings be removed as the Titusville Environmental Commission is promoting Florida native plantings. Ms. St. Onge also said that there needs to be an emphasis on tree plantings. Ms. St. Onge wants to see these recommendations and initiative be successful.

Jeff Greenberg of Titusville, Florida came to make comments on the report. Mr. Greenberg thought the recommendations were good and hopes that the TEC will succeed in meeting these goals. Mr. Greenberg stressed the importance of water testing of the stormwater outfalls. Mr. Greenberg promoted responsible development.

Mary Sphar of Cocoa, Florida came to comment about the report. Ms. Sphar asked if the TEC members received her email with the detailed comments regarding the report. Mr. Parrish said that Ms. Sphar's email was provided on their laptops for review. Ms. Sphar said that the consultant did a great job but was concerned that the recommendations are too much to digest at one time. Ms. Sphar referred to her email and provided additional details to her intent of the comments she made in the email.

Member Delgado asked what the expectation of the Titusville Environmental Commission (TEC) was at tonight's meeting. Chairwoman Thompson said approval of the report.

Mr. Parrish said that he does not want the TEC members to feel overwhelmed by the report and to look at the report as a long-term blue print for TEC goals. A tool to be referred back to in achieving their goals for the City of Titusville.

Member Perez thanked Mr. Parrish for his comment and agreed that this will be a great tool to be used long-term and to help set priorities.

***Titusville Environmental Commission
Regular Meeting
September 11, 2024***

Member Tucker thanked the consultants for doing a great job and sees the report as a comprehensive bullet list to help with prioritizing goals. Member Tucker agrees with Mr. Parrish about it being a blue print.

Member Young asked where in the report does it state what is actually being done now? Member Young asked for the baseline data. Mr. Dougherty said that was not part of their job tasks for this project.

Mr. Parrish said that this report can be used as a dashboard.

Chairwoman Thompson said that tonight is the Commission's opportunity to make recommendations to the consultant regarding any corrections, changes or additions to the report.

Chairwoman Thompson asked if it is legal to strengthen language for wetlands beyond the restrictions of the State, as mentioned in one of the recommendations? Mr. Dougherty said he believes it is legal to do so. Mr. Parrish said these additional restrictions would have to be approved by the Florida Department of Environmental Protection. Mr. Exum said that these restrictions are sometimes site specific.

Chairwoman Thompson said that she agrees overall with the comments made in Mary Sphar's email.

Chairwoman Thompson asked if the consultant could change the front cover photo and use a picture of the Max Brewer bridge to make it personalized to Titusville. She also suggested using photos of Titusville within the report also. Mr. Dougherty said yes, they could change out the photos if they are provided photos to use.

The Titusville Environmental Commission members had discussion regarding page 6 of the report (page 16 of 59 of the agenda) on question 6. The Commission discussed whether or not to specifically name the entities with regards to partnerships. They also discussed projects being included. After much discussion it was determined to include the following: Enchanted Forest, Titusville Garden Club, Native Plant Society, Environmental Native Lands (EEL), Space Industries, Space Florida and NASA.

Kay St. Onge of Titusville spoke again and reiterated her suggestion of taking out the requirement of Florida-Friendly landscaping and putting in Florida native landscaping from page 27 of the report (page 37 of 59 of the agenda packet). Chairwoman Thompson said that she would like to promote Florida native landscaping plantings, however she doesn't think that Florida-Friendly

***Titusville Environmental Commission
Regular Meeting
September 11, 2024***

plantings should be removed as an alternative. Florida native is preferred by the Commission but Florida-Friendly should be an option.

Member Delgado said he would like to have water testing be a project under question 6 on page 6 of the report, as there is no testing done in Titusville.

Member Flis stated that Florida Department of Environmental Protection (FDEP) requires testing at the sewer plants or else it would be shut down.

Jeff Greenberg of Titusville came to speak and said that there are 1,800 outfalls in Brevard County. Mr. Greenberg said they are looking to do testing at the Chain of Lake outfalls.

Member Young said that there are wells being put down on the property behind his house in order to do testing of the well water by FDEP.

Chairwoman Thompson said she would like a project for re-directing freshwater away from the Indian River Lagoon.

Member Tucker suggested having connective green spaces. Chairwoman Thompson added also to have connective wetlands.

Member Delgado asked the consultant if there was an implementation of this report. Mr. Dougherty said not at this time. Chairwoman Thompson said that this will be something that city staff will work towards implementing.

Chairwoman Thompson said the Commission will need more information regarding the recommendations as they pertain to the city's Comprehensive Plan or the Land Development Regulations. Chairwoman Thompson would like to see consistency with both of these. Mr. Dougherty said that they can provide this information to make it easier for the Commission members to know what they are looking at. Chairwoman Thompson said that the City of Titusville will be working on the Evaluation and Appraisal (EAR) report and it would be a good time to look at making changes as this report is reviewed and updated.

Chairwoman Thompson asked if the consultants received Mary Sphar's email. They confirmed that they received it.

Mr. Exum made comments as to how to look at incorporating Ms. Sphar's suggestions into the report. Mr. Exum said he can add "Next Steps" to the report to help with prioritizing.

Titusville Environmental Commission
Regular Meeting
September 11, 2024

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Member Flis made a motion approving the consultant to incorporate Mary Sphar's comments from her email into the report at the consultant's discretion. Member Perez seconded.

Roll call was as follows:

Member Young	Yes
Member Flis	Yes
Member Delgado	Yes
Member Tucker	Yes
Member Perez	Yes
Chairwoman Thompson	Yes

Motion passed.

XXX

Member Flis made a motion approving the report with the additions discussed at tonight's meeting. Member Perez seconded.

Roll call was as follows:

Member Perez	Yes
Member Young	Yes
Member Delgado	Yes
Member Flis	Yes
Member Tucker	Yes
Chairwoman Thompson	Yes

Motion passed.

XXX

The Titusville Environmental Commission asked that the report with the changes be brought back for their review before it goes to City Council.

***Titusville Environmental Commission
Regular Meeting
September 11, 2024***

Mr. Parrish said the report would be brought back to them at their November 13, 2024 meeting, as the consultant must have the report to the city by September 30, 2024 and staff will need time to review the report.

XXX

Chairwoman Thompson suggested working on changes to the wetlands' language in the Comprehensive Plan and Land Development Regulations.

XXX

Member Flis made a motion to prioritize changes to the wetlands' language in the Comprehensive Plan and Land Development Regulations. Member Perez seconded.

Roll call was as follows:

Member Young	Yes
Member Delgado	Yes
Member Flis	Yes
Member Perez	Yes
Member Tucker	Yes
Chairwoman Thompson	Yes

Motion passed.

XXX

Kay St. Onge of Titusville suggested that the TEC have two meetings a month since they have so much work to do. Chairwoman Thompson said that city staff will have to work on those changes to the Comprehensive Plan and Land Development Regulations.

Mr. Parrish asked if this was for discussion at their next meeting. Chairwoman Thompson said that it was for staff to look into. Mr. Parrish said that the TEC will be involved in the Evaluation and Appraisal Report (EAR) process and review of the environmental regulations.

XXX

Discussion took place regarding the Landscape Trust Fund and decided that it should be tabled until the November 13, 2024 meeting when Vice Chairman Myjak will return.

Titusville Environmental Commission
Regular Meeting
September 11, 2024

XXX

Member Flis made a motion to table the Landscape Trust Fund item to the November 13, 2024 meeting. Member Perez seconded.

Roll call was as follows:

Member Perez	Yes
Member Delgado	Yes
Member Flis	Yes
Member Young	Yes
Member Tucker	Yes
Chairwoman Thompson	Yes

Motion passed.

XXX

Petitions & Requests from Public Present

None

XXX

Recording Secretary Laurie Dargie asked for clarification as to the motion for prioritizing the wetlands discussion for the Comprehensive Plan and Land Development Regulations as an agenda item at next meeting or what the intent of that motion was. Chairwoman Thompson said she feels that this motion should be withdrawn and made at a later time when the Commission gets the final report and will address it at a future meeting.

XXX

Member Flis withdrew the below motion:

“Member Flis made a motion to prioritize changes to the wetlands language in the Comprehensive Plan and Land Development Regulations. Member Perez seconded.”

Member Perez withdrew his second. This motion is withdrawn.

***Titusville Environmental Commission
Regular Meeting
September 11, 2024***

XXX

Reports

None

XXX

Mr. Parrish said he will look at the ordinances regarding artificial turf and minimum native landscaping ordinances that are being worked on by staff and will potentially bring draft ordinances to the Commission to review their October meeting.

Member Flis said that the Titusville Environmental Commission should discuss the topic of recharge water in Titusville and how it relates to capacity and growth in Titusville. Mr. Parrish said he will share a report that was done about a year ago that staff has on water capacity as part of a concurrency review.

XXX

Discussion of Future Agenda Items

1. Draft Ordinances (artificial turf & minimum native landscape plantings)
2. Recharge Water

XXX

Adjournment 7:58 p.m.

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Titusville Environmental Commission
From: Brad Parrish, Community Development Director
Subject: **Native Municipal Tree, Canopy, and Landscape Management Trust Fund**
Department/Office: Community Development

Recommended Action:

Discuss the Native Municipal Tree, Canopy, and Landscape Management Trust Fund concept.

Summary Explanation & Background:

At the May 15, 2024, TEC meeting, the commission moved to table the discussion of the Native Landscape Trust Fund to the July 10, 2024, meeting. The item was again tabled to the November agenda.

Enclosed for discussion are two exhibits provided by Vice-Chair Myjak.

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. Native Municipal Tree, Canopy, and Landscape Management Trust Fund (Native Landscape Trust Fund)

Native Municipal Tree, Canopy, and Landscape Management Trust Fund
or simply,
the Native Landscape Trust Fund

Summary

There is a growing loss of native Florida due to human development.

Our environment, the natural life-giving habitat, is being consumed by concrete, impervious surfaces and compaction. If this continues, it will squeeze “the Nature” right out of Titusville’s Motto.

So we must prepare for the future. What will our city look like? Every citizen wants professional police protection, a high-quality fire department, and the best possible administrators the city can offer. But how many people insist that the welfare of their community’s treasure of trees be entrusted to professional management?

One university study indicates that only 39 percent of our municipalities systematically care for their publicly owned trees, and fewer than 15 percent hire foresters. The result is that many of our urban forests are in trouble. Throughout America’s cities, more shade trees are dying than are being replaced. Scarce financial resources are being wasted on plantings that are doomed from the start, and life-extending practices such soil improvements, pruning and disease control are often neglected.

By contrast, communities that employ a professional to manage their trees are the big winners. In our community, native plants, trees and shrubs win big! They have lived here for thousands of years, without fertilizers, insecticides or watering (once established.) They survive drought, fire, heavy rains and all manner of bugs because natives are naturally resistant to them. These are features of our land.

Development is not likely to stop. So proper resource management should be key.

Better practices are needed –

- Pocket Rain Gardens**
- Structured Wetlands**
- A Managed Urban Forest (yes, from Canopy to Mycelium, maintenance too)**
- Employ alternative and creative stormwater practices**
- In summary, lets do some engineering *with* nature.**

Outline of the NLTF plan

1. **Assess Mitigation fees**
2. **Assess Development Incentives using mitigation reimbursement to incentivise:**
 - **LID in any development**
 - **Contributions toward advancing Titusville's Urban Forest.**
 - **Promoting native habitats and conservation subdivision planning**
 - **Others?**
3. **Remainder of funds => a sustainable Urban Forest Management Program**
 - **Its what the Trust Fund funds with the remainder of the mitigation fees.**

➤ **Native Plant Mitigation Assessment – some considerations:**

- **Value of existing habitat and soil types**
 - Consider Environmental Value of existing Habitat(s) and Soil Types vs post development impacts
 - Consider the scenic heritage and natural beauty of Natural vs. Disturbed vs. Redeveloped lands
- **Hydrological services rendered -**
 - stormwater absorption
 - groundwater recharge
 - carbon capture
 - disturbance of the topology/mycelium
- **Endemic threatened or endangered Wildlife**
 - Can be inferred by soil/habitat type/loss
- **Nutrient load increases due to:**
 - Loss of vegetation => less transepiration => increased stormwater
 - Introduction of fertilizers, pesticides, herbicides, or *any* chemical available for retail
 - New Sanitary Sewers means increased black water processing, potential effluent releases, and biosolid production
 - Increased freshwater flow into the estuary
- **Groundwater Resource Impacts**
 - Groundwater recharge is diminished due to impervious surface
 - Future groundwater reserves will be diminished due to this loss.
 - Increased potable water demands with population growth

Native Plant Trust Fund Incentives

- **LID Development**
 - Recovers up to 50% of mitigation fee based on post development environment
- **Vouchered Brevard County Native Plants**
 - Recovers 0-25% of the mitigation fee when planting 30% to 80%, respectively of Brevard County Native plants vouchered in the Atlas of Florida Native Plants.
- **Florida Regional Native Plants**
 - Recovers 0-12.5% of the mitigation fee when planting 30% to 80% respectively, Florida Regionally Native Plants as vouchered in the Atlas of FNP
- **Non-Native or Exotic Plants not found in the following:**
 - **Federal Noxious Weed List** managed by USDA APHIS PP
 - **Florida Noxious Weed List** by the Florida Department of Agriculture and Consumer Services (FDACS)
 - **Florida Prohibited Aquatic Plant List** currently under the jurisdiction of FDACS (according to FDACS Rule 5B-64)
 - **Florida Exotic Pest Plant Council** ([FLEPPC Plant List](#)).
 - Recovers 0% of the mitigation fee.
- **Urban Forest Management**
 - Recovers the remainder of the Native Plant Trust Fund
 - Applies to:
 - Funding a year-round Urban Forest Management Program, which
 - Pays for a full time Urban Forester
 - Reports to the Tree Board
 - Oversees Community Tree Awareness Programs
 - Ensures fund resources are spent wisely
 - Initiates and Assists Volunteer Groups
 - e.g., TGC, FNPS, Forest Friends, etc.
 - Provides valuable, localized tree care
 - Train/Supervise city crews & contractors on ordinance compliance
 - Champions Tree Plantings and preservation of existing trees throughout the City
 - Works with engineers to protect trees during highway construction and road widening
 - Provides budget for Tree Board support of Community plantings
 - Funds Tree Board Activities, workshops, plan development, etc.
 - Implements the Tree Board's Urban Forest Plan

Other Considerations?

Outline of the plan

1. Assess Mitigation fees
2. Assess Development incentives
3. Remainder of funds => Urban Forest Management Trust Fund
4. Repeat

➤ Native Plant Mitigation Fees assessment – some considerations:

- **Value of existing habitat and soil types**
 - Consider Environmental Value of existing Habitat(s) and Soil Types vs post development impacts
 - Consider the scenic heritage and natural beauty of Natural vs. Disturbed vs. Redeveloped lands
- **Hydrological services rendered -**
 - stormwater absorption
 - groundwater recharge
 - carbon capture
 - disturbance of the topology/mycelium
- **Endemic threatened or endangered Wildlife**
 - Can be inferred by soil/habitat type/loss
- **Nutrient load increases due to:**
 - Loss of vegetation => less transeaporation => increased stormwater
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 - Groundwater recharge is diminished due to impervious surface
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Native Plant Trust Fund Incentives

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 - Recovers 0% of the mitigation fee.
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 - Champions Tree Plantings and preservation of existing trees throughout the City
 - Works with engineers to protect trees during highway construction and road widening
 - Provides budget for Tree Board support of Community plantings
 - Funds Tree Board Activities, workshops, plan development, etc.
 - Implements the Tree Board's Urban Forest Plan

Other Considerations?

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Titusville Environmental Commission
From: Brad Parrish, Community Development Director
Subject: **Election of Officers**
Department/Office: Community Development

Recommended Action:

Elect officers

Summary Explanation & Background:

TEC By-laws Article IV. Election of Officers and Vacancies

In accordance with Section 31-122, Land Development Regulations of the City of Titusville, the Chairman and Vice-Chairman shall be elected by the Commission from its membership. Terms of office shall be for one (1) year. Elections shall be held annually at the regular meeting in November. The Commission shall, from its membership, fill any vacancy in these offices by election.

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. TEC Bylaws Current ADOPTED 01-12-2022

By-Laws

Of

The Titusville Environmental Commission

Article I. Duties and Powers

The duties and powers of the Titusville Environmental Commission shall be those set forth in Section 31-121, Land Development Regulations, of the City of Titusville, as amended April 27, 1999.

Article II. Membership

Any member of the Commission who fails to attend three or more consecutive regular meetings (not including special or workshop meetings) shall automatically forfeit membership in the Commission and the Chairman shall so inform the City Council. Any member of the Commission who fails to attend more than fifty percent (50%) of the regular, special or workshop meetings of the Commission within a six (6) month period shall automatically forfeit membership on the Commission and the Chairman shall so inform the City Council. Upon the approval of the City Council, the Council may authorize a member to miss more than three (3) consecutive meetings or more than fifty percent (50%) of the regular, special or workshop meetings during a six (6) month period. All members shall abide by the Standards of Conduct set forth in Article III, Sections 2-51 and 2-53 of the Code of Ordinances.

Membership shall be in accord with the provisions of Section 31-122, Land Development Regulations, City of Titusville.

Article III. Officers and their Duties

A Chairman, who shall preside at all meetings and public hearings and shall have other duties as further prescribed in these By-laws.

A Vice-Chairman, who shall, in the absence of the Chairman or his inability to act, have the powers to function in the same capacity as the Chairman.

In the absence of the Chairman and Vice Chairman, the most senior regular member present shall preside over the meeting where a quorum is present.

Article IV. Election of Officers and Vacancies

In accordance with Section 31-122, Land Development Regulations of the City of Titusville, the Chairman and Vice-Chairman shall be elected by the Commission from its membership. Terms of office shall be for one (1) year. Elections shall be held annually at the regular meeting in November. The Commission shall, from its membership, fill any vacancy in these offices by election.

Article V. Meetings

Section 1. Regular Titusville Environmental Commission meetings shall be held on the Wednesday following the second Tuesday of each month at 5:30p.m in the City Council Chambers. Any regular meeting may be adjourned to a definite date and time as established by four (4) concurring votes of Commission members.

Section 2. Adjourned, called, or special meetings may be held at any time, as required, subject to the call of the Chairman, or in his absence, by the Vice-Chairman. Upon written request of four (4) members, a special called meeting shall be held by the Chairman, or in his absence, by the Vice- Chairman, or in his absence, the most senior regular member shall have the authority to call a special meeting.

Section 3. Each member shall be notified of the date and time of each meeting by written notice or by telephone at least one week prior to the meeting. In cases where a meeting is cancelled, Commission members shall be notified at least 24 hours prior to the scheduled meeting.

Section 4. All meetings shall be open to the public. All agendas for the present meeting shall be posted on the bulletin board in the City Hall lobby.

Article VI. Quorum

As set forth in Section 31-123 (b), Land Development Regulations, four (4) members shall constitute a quorum; and concurring vote of at least four (4) members shall be required to pass on any matter.

Article VII. Voting

Section 1. Voting on all matters of business shall be by roll call or general consent. However, if the Commission is to make a recommendation to City Council, or other boards and commissions, the vote will be by roll call with the Recording Secretary recording the vote of each member in rotating order. The first roll call vote will begin with the Chairman followed by the Vice- Chairman, followed by the members (in alphabetical order) and rotating the order for each roll call vote following.

Section 2. No member present shall abstain from voting unless it is established that such member has a conflict of interest in the matter being voted upon.

Article VIII. Alternate Members

The alternate members may serve on the commission in lieu of a regular member when said regular member is unable to attend an official meeting of the commission; or, when a regular member has a conflict of interest on any item, said alternate member shall serve for the entire meeting or for the particular item that is the subject matter of the said conflict. The Chairman shall designate which alternate

member shall serve. Alternate members may serve on standing or special committees.

Article IX. Order of Business

Section 1. At regular meetings, the general order of business shall be as follows:

1. Call to order;
2. Roll call;
3. Determination of a quorum;
4. Pledge of Allegiance
5. Approval of minutes;
6. Petitions and requests from the public present (non-agenda items)
7. Old Business;
8. New Business;
9. Petitions and requests from the public present
10. Reports; and
11. Adjournment

Section 2. In order to provide an opportunity for discussion of business before the Commission, prior to the making of a motion the Chairman shall state the matter of business and then provide a period of discussion of the relevant facts. After a motion is made and seconded, the Chairman may ask for additional discussion prior to the vote.

Section 3. Citizens having business before the Commission shall be invited to speak immediately prior to discussion by the Commission on the matter with which they are concerned. If in the opinion of the Chairman time limitations are necessary in order to complete the agenda, the Chairman may place time limits for each speaker.

Section 4. The first and second petitions and requests from the public present will be an open forum. Citizens desiring to be heard under petitions and requests from the public present shall be limited to five (5) minutes unless extended by a majority vote of the commission.

Section 5. The order of business for called or special meeting shall be as follows:

1. Call to order;
2. Roll call;
3. Determination of a quorum;
4. Business that is the subject of the meeting; and
5. Adjournment;

Article X. Minutes

Minutes of all meetings shall be recorded by the Recording Secretary or designated representative; certified by the Recording Secretary after approval by the Commission; and become a public record of the proceedings of the meeting.

Article XII. Committees

The Chairman may appoint such committees as deemed necessary from time to time. The chairman shall be an ex-officio member on all committees but shall have no vote on the committee, unless he is an active member of that committee.

Article XII. Hearings

The Titusville Environmental Commission may hold public hearings when deemed expedient and necessary. Notice of such hearings shall be in accordance with the provisions of the City Charter and Code of Ordinances of the City of Titusville.

Article XIII. Parliamentary Authority and Organization Procedure

The rules contained in the latest available edition of Roberts Rules of Order are hereby adopted by the reference and shall apply at all meetings of the Commission and its committees, to the extent that such rules are not in conflict with these By-laws.

Article XIV. Correspondence and Communications

Section 1. Official communications of the Commission to the City Council shall be in writing. All original records, recommendations and reports shall be kept in the Commission files in City Hall.

Section 2. Any correspondence, notices (other than administrative procedures), communications, reports, studies, and plans originating from the Commission shall be authorized by the Commission members and signed by the Chairman.

Article XV. Amendment

Amendment to these By-laws must be presented for discussion, in writing, at one meeting and voted upon at the next meeting

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Titusville Environmental Commission
From: Brad Parrish, Community Development Director
Subject: **Staff Report - Draft ordinances**
Department/Office: Community Development

Recommended Action:

Discuss and provide input on the draft ordinances.

Summary Explanation & Background:

Several draft text amendments to the City's Land Development Regulations are enclosed for the TEC's review.

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. CRZ Ord Ver1
2. Multifamily Canopy Ord Ver2
3. Native Plant Ord Ver2
4. Artificial Turf Ordinance Ver3

ORDINANCE NO. XX-2024

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS TO PROHIBIT IMPERVIOUS SURFACES WITHIN THE CRITICAL ROOT ZONE (CRZ) OF PROTECTED TREES, BY AMENDING CHAPTER 30 “DEVELOPMENT STANDARDS” SPECIFICALLY AMENDING SECTION 30-31 “INTENT”, AND THE DEVELOPMENT REVIEW PROCEDURE TECHNICAL MANUAL SECTION 2.5 “TREE PROTECTIONS DURING CONSTRUCTION”; PROVIDING FOR GRANDFATHER PROVISION, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE AND EFFECTIVE DATE.

WHEREAS, pursuant to Article VII, Section 2, The Florida Constitution, and Chapter 166, Florida Statutes, the City of Titusville is authorized to protect the public health, safety, and welfare of its residents and has the power and authority to enact regulations for valid government purposes that are not inconsistent with general or special law; and

WHEREAS, the retention of trees and vegetation reduces erosion, provides natural water retention and filtration, provides shade, buffers incompatible uses, aids in urban temperature control, provides wildlife habitat, and improves the aesthetic quality of a community; and

WHEREAS, the preservation of trees and natural vegetation increases property values and contributes to human health; and

WHEREAS, the Conservation Element of the Titusville comprehensive plan states the City shall not allow the total removal of vegetation during land development, and;

WHEREAS, the comprehensive plan further recognizes the value of trees as an important community resource, and requires that land development regulations shall afford adequate protection of trees during development while allowing developers latitude in some cases to devise alternative strategies to save and preserve trees during development; and

WHEREAS, the establishment and implementation of policies, regulations and standards are necessary to ensure that the City of Titusville continues to realize benefits provided by trees as recognized through the “Tree City USA” designation by the Florida Department of Urban Forestry; and

WHEREAS, according to the United States Department of Agriculture Forest Service (USDA.gov), tree canopy has numerous benefits, includes reducing summer peak temperatures and air pollution, increasing property values, providing wildlife habitat, providing aesthetic benefits, and attracting businesses and residents to a community; and

WHEREAS, *Florida’s Urban Forest: A Valuation of Benefits* (University of Florida Institute of Food and Agricultural Sciences (IFAS) Publication #ENH1331, November 3, 2020) estimates that based upon 2019 leaf-on aerial imagery from National Agricultural Imagery Program in 2019, the Palm Bay-Melbourne-Titusville area had a canopy cover of 37.3% +/- 2.1% (95% confidence interval); and

WHEREAS, research published in the journal *Landscape and Urban Planning* found that the presence of a tree ordinance having some form of heritage or significant tree designation was associated with a 6.7% increase in urban tree canopy for municipalities in Florida (*Landscape and Urban Planning* 190 (2019) 103630), and

WHEREAS, the University of Florida Institute of Food and Agricultural Sciences (IFAS) advises that lowering or raising the soil grade around trees even by a few centimeters can effectively kill the trees, particularly in the tree protection zone, and that paving over soil near a tree will smother the trees roots; and

WHEREAS, the Mississippi State Extension Service College of Forest Resources document entitled "Tree Protection Standards in Construction Zones" states that "To ensure tree survival the entire critical root area should be protected from construction damage" and that "Any kind of root damage reduces the survival of susceptible trees significantly. The survival rate drops below 50/50 once 25% of the critical roots are injured"; and

WHEREAS, the Titusville Environmental Commission considered and made recommendations regarding this ordinance; and

WHEREAS, the Planning and Zoning Commission considered the recommendations of the Titusville Environmental Commission and made recommendations regarding this ordinance; and

WHEREAS, the City Council has considered the recommendations of the Titusville Environmental Commission, the Planning and Zoning Commission and interested members of the public during their review of the ordinance, and

WHEREAS, this ordinance is internally consistent with the goals, objectives and policies of the Titusville Comprehensive Plan; and

WHEREAS, the requirements of this ordinance generally maintain a balance between important environmental concerns and compatible development by allowing development while encouraging the establishment of an acceptable amount of tree coverage on public and private lands within the City while protecting property rights; and

WHEREAS, the City Council find this ordinance to be in the best interests of the public health, safety and welfare of the citizens of Titusville.

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 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 30-31 "Intent, general standards and definitions" of the Land Development Regulations of the City of Titusville is hereby amended to read as follows:

Sec. 30-31. Intent, general standards and definitions.

- (a) *Intent.* This article is intended to improve and protect the environment, character and value of surrounding properties. The provision of landscaping and the retention of natural plant growth reduces erosion, provides natural water retention and filtration, provides shade, buffers incompatible uses, aids in urban temperature control, provides wildlife habitat, and improves the aesthetic quality of a community, thereby promoting the public health, safety and general welfare.
- (b) *General standards.*
 - (1) Residential subdivisions are required to meet the minimum requirements of preserved and total tree canopy areas, and associated reduced tree mitigation requirements.

Incentives are also provided for those developments that satisfy and exceed tree canopy requirements.

- (2) Other developments described in Subsection 30-31.5(b), "Canopy area requirements", have the option to either meet the minimum requirements of preserved and planted tree canopy areas, and associated reduced tree mitigation requirements, or meet the full tree mitigation requirements. For those projects for which tree canopy requirements are optional, mitigation requirements are provided which are greater than those required for residential subdivisions. The applicant can choose either option, but cannot mix the two (2) approaches. Incentives are also provided for developments exceeding tree canopy area requirements.
- (3) Except as described in this Article, all developments are required to meet the provisions related to heritage trees.

(c) *[Protected tree designation.]* Protected trees are designated as follows:

Tree Designation	Species	Size—Diameter at Breast Height
Significant	Native or IFAS-designated Florida-friendly, excluding palms	Equal to or greater than fourteen (14) inches and less than twenty (20) inches
Specimen	Native or IFAS-designated Florida-friendly, excluding palms	Equal to or greater than twenty (20) inches and less than forty-six (46) inches
Heritage	Native or IFAS-designated Florida-friendly, excluding palms	Equal to or greater than forty-six (46) inches

- (d) *Canopy* means the area consisting of a tree's branches in all directions from its trunk, the outer edge of which is the dripline.
- (e) *Canopy area* is the combined total area covered by tree canopy after the removal of invasive species, dead or diseased trees. The canopy area shall be set aside for the purpose of preserving and planting trees as identified on the site plan/plat.
- (f) *Critical root zone (CRZ)* is also called the "tree protection zone" is often defined as an imaginary circle on the ground that corresponds with the "dripline" of the tree. However, the dripline is very irregular and misleading, so the trunk ~~diameter-radius~~ is referred to:

(1) To determine a CRZ:

- a. Measure tree ~~diameter-radius~~ four and one-half (4.5) feet above grade.
- b. Multiply this by twelve (12) inches.
- c. The calculation gives the ~~diameter-radius~~ of the CRZ centered on the tree. For example, a twenty-five-inch ~~diameter-radius~~ tree would have a twenty-five-foot ~~diameter-radius~~ CRZ.

~~(2) Limited development in the CRZ is allowed as follows:~~

- ~~a. Impervious surfaces are allowed in the CRZ if no more than twenty-five (25) percent of the CRZ area is impervious. Additional impervious surface may be approved by the Development Review Committee when methods are utilized that would permit water to adequately penetrate the root zone to allow the continued viability of the tree. Grade changes within the CRZ shall not exceed a difference of three (3) inches between the pre-development grade and the post-development grade.~~
 - ~~b. If new development or a grade change occurs in the CRZ, except as described in (a) above, the tree shall be considered as being fully impacted and mitigation/replacement as required by code shall be applied; no mitigation credit shall be allowed.~~
 - ~~c. The CRZ of a preserved tree may include existing impervious area(s) not adversely affecting the viability of the tree.~~
- (g) *Development area* is the total site area to be utilized in canopy area calculations as determined by the applicant. Land that may be excluded from the development area includes wetlands, drainage or utility easements, water bodies, or any other land which will not be altered. Only land included within the development area may be utilized to meet canopy area requirements.

Section 3: That Development Review Procedures Technical Manual, Section 2 “Environmental Protection”, Section 2.5 “Tree protection during construction” of the Land Development Regulations of the City of Titusville is hereby amended to read as follows:

2.5. TREE PROTECTION DURING CONSTRUCTION.

- 2.5.1. Measures for the protection of trees during construction shall adhere to the following provisions:
- 2.5.1.1. During construction, it shall be unlawful to place material, machinery, or soil deposits so as to damage a living tree.
 - 2.5.1.2. During construction, it shall be unlawful to place attachments or wires other than those of a protective nature to any tree which is to be retained.
 - 2.5.1.3. Protective barricades shall be installed around all protected trees and canopy trees prior to any construction activities on a development site.
 - 2.5.1.3.1. Barricades shall be installed a minimum ten (10) feet from a protected tree or at the designated protective root zone.
 - 2.5.1.3.2. Barricades shall be installed a minimum twenty (20) feet from a canopy tree or at the designated protective root zone.
 - 2.5.1.4. Materials used for protective barricades shall be made of wood, fencing or other approved solid material.
 - 2.5.1.5. No changes to the predevelopment conditions within the approved protective root zone during the construction process.
 - 2.5.1.6. Protective barricades may be removed only to prepare the development site for final landscaping activities. During this activity only non-mechanical techniques may occur within the designated protective root zone.

2.5.1.7. No parking or storing of vehicles, equipment or materials is allowed within the protective root zone.

2.5.1.8. No site clearing is permitted within the protective root zone.

2.5.1.9. Pervious pavement, such as brick pavers, turf-block, interlocking pavers and pervious concrete, may be used in special circumstances as described below.

2.5.1.9.1. Impervious surfaces are not allowed in the critical root zone (CRZ) as described in Section 30-31, Intent, general standards and definition. Pavement must be no closer than ten (10) feet from the trunk of a protected tree. If pervious pavement is used, the closest the edge of the pervious pavement is allowed is six (6) feet from the trunk, as long as the pavement is installed above the existing grade.

2.5.1.9.2. For canopy trees, impervious pavement must be no closer than twenty (20) feet from the trunk of a canopy tree regardless of the size of the critical root zone (CRZ). If pervious pavement is used, the closest the edge of the pervious pavement is allowed is fifteen (15) feet from the trunk, as long as the pavement is installed above the existing grade.

2.5.1.9.3. Trees and plants showing evidence of construction damage shall not be credited toward the vegetation requirements.

Section 4. GRANDFATHER PROVISION. All lawful existing development shall be entitled to complete development that has been previously authorized and the City recognizes the right of any person to complete the following development in compliance with the former regulations:

- (a) Building permits approved as of the effective date of this ordinance, which remains valid consistent with the Florida Building Code and requirements of this Code.
- (b) Development that has received final plat approval, site plan approval, sketch plat, preliminary plat approval which remains valid consistent with all Code requirements.
- (c) Development that has on file with the City a completed application for a building permit, site plan, sketch plat, preliminary plat or final plat, including acceptance of all required exhibits and payment of all applicable fees and the application continues to remain active and processed consistent with the requirements of the Code. Issuance of a permit from an outside agency is not required for compliance with this grandfathering provision.
- (d) The City may recognize other applications for vested rights consistent with Chapter 34 Procedures, Division 3 Vested Rights Determination, of this Code.

Any person who has a right to complete said development and has secured a building permit, final plat approval, final site plan approval, preliminary plat or sketch plat approval as provided above shall lose its right to complete said development if said development does not maintain a current building permit, or current site plan or development approval as provided for by the Code of Ordinances of the City. Once a development has lost its current approval, then in that event, future development shall comply with applicable regulations.

Section 5: 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 6: 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 7: 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 8: 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.

_____, Mayor

ATTEST:

Wanda F. Wells, City Clerk

ORDINANCE NO. XX-2024

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS TO PROVIDE FOR STANDARDS OF TREE CREATION OF TOTAL CANOPY AND PRESERVED CANOPY REQUIREMENTS FOR MULTIFAMILY DEVELOPMENTS AND CLARIFYING THAT RESIDENTIAL SUBDIVISIONS INCLUDE THOSE CONTAINING TOWNHOMES, BY AMENDING CHAPTER 30 “DEVELOPMENT STANDARDS” SPECIFICALLY AMENDING SECTIONS 30-31 “INTENT”, 30-31.5 “CANOPY AREA REQUIREMENTS” AND 30-34 “MITIGATION PLAN, INCENTIVES”; PROVIDING FOR GRANDFATHER PROVISION, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE AND EFFECTIVE DATE.

WHEREAS, pursuant to Article VII, Section 2, The Florida Constitution, and Chapter 166, Florida Statutes, the City of Titusville is authorized to protect the public health, safety, and welfare of its residents and has the power and authority to enact regulations for valid government purposes that are not inconsistent with general or special law; and

WHEREAS, the retention of trees and vegetation reduces erosion, provides natural water retention and filtration, provides shade, buffers incompatible uses, aids in urban temperature control, provides wildlife habitat, and improves the aesthetic quality of a community; and

WHEREAS, the preservation of trees and natural vegetation increases property values and contributes to human health; and

WHEREAS, the Conservation Element of the Titusville comprehensive plan states the City shall not allow the total removal of vegetation during land development, and;

WHEREAS, the comprehensive plan further recognizes the value of trees as an important community resource, and requires that land development regulations shall afford adequate protection of trees during development while allowing developers latitude in some cases to devise alternative strategies to save and preserve trees during development; and

WHEREAS, the establishment and implementation of policies, regulations and standards are necessary to ensure that the City of Titusville continues to realize benefits provided by trees as recognized through the “Tree City USA” designation by the Florida Department of Urban Forestry; and

WHEREAS, according to the United States Department of Agriculture Forest Service (USDA.gov), tree canopy has numerous benefits, includes reducing summer peak temperatures and air pollution, increasing property values, providing wildlife habitat, providing aesthetic benefits, and attracting businesses and residents to a community; and

WHEREAS, *Florida’s Urban Forest: A Valuation of Benefits* (University of Florida Institute of Food and Agricultural Sciences (IFAS) Publication #ENH1331, November 3, 2020) estimates that based upon 2019 leaf-on aerial imagery from National Agricultural Imagery Program in 2019, the Palm Bay-Melbourne-Titusville area had a canopy cover of 37.3% +/- 2.1% (95% confidence interval); and

WHEREAS, research published in the journal *Landscape and Urban Planning* found that the presence of a tree ordinance having some form of heritage or significant tree designation was associated with a 6.7% increase in urban tree canopy for municipalities in Florida (*Landscape and Urban Planning* 190 (2019) 103630), and

WHEREAS, the Titusville Environmental Commission considered and made recommendations regarding this ordinance; and

WHEREAS, the Planning and Zoning Commission considered the recommendations of the Titusville Environmental Commission and made recommendations regarding this ordinance; and

WHEREAS, the City Council has considered the recommendations of the Titusville Environmental Commission, the Planning and Zoning Commission and interested members of the public during their review of the ordinance, and

WHEREAS, this ordinance is internally consistent with the goals, objectives and policies of the Titusville Comprehensive Plan; and

WHEREAS, the requirements of this ordinance generally maintain a balance between important environmental concerns and compatible development by allowing development while encouraging the establishment of an acceptable amount of tree coverage on public and private lands within the City while protecting property rights; and

WHEREAS, the City Council find this ordinance to be in the best interests of the public health, safety and welfare of the citizens of Titusville.

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 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 30-31 “Intent, general standards and definitions” of the Land Development Regulations of the City of Titusville is hereby amended to read as follows:

Sec. 30-31. Intent, general standards and definitions.

- (a) *Intent.* This article is intended to improve and protect the environment, character and value of surrounding properties. The provision of landscaping and the retention of natural plant growth reduces erosion, provides natural water retention and filtration, provides shade, buffers incompatible uses, aids in urban temperature control, provides wildlife habitat, and improves the aesthetic quality of a community, thereby promoting the public health, safety and general welfare.
- (b) *General standards.*
 - (1) Residential subdivisions, including townhomes, and multifamily projects (except projects with a single duplex unit) are required to meet the minimum requirements of preserved and total tree canopy areas, and associated reduced tree mitigation requirements. Incentives are also provided for those developments that satisfy and exceed tree canopy requirements.
 - (2) Other developments described in Subsection 30-31.5(b), "Canopy area requirements", have the option to either meet the minimum requirements of preserved and planted tree canopy areas, and associated reduced tree mitigation requirements, or meet the full tree mitigation requirements. For those projects for which tree canopy requirements are optional, mitigation requirements are provided which are greater

than those required for residential subdivisions including townhomes, and multifamily projects (except projects with a single duplex unit). The applicant can choose either option, but cannot mix the two (2) approaches. Incentives are also provided for developments exceeding tree canopy area requirements.

- (3) Except as described in this Article, all developments are required to meet the provisions related to heritage trees.

(c) *[Protected tree designation.]* Protected trees are designated as follows:

Tree Designation	Species	Size—Diameter at Breast Height
Significant	Native or IFAS-designated Florida-friendly, excluding palms	Equal to or greater than fourteen (14) inches and less than twenty (20) inches
Specimen	Native or IFAS-designated Florida-friendly, excluding palms	Equal to or greater than twenty (20) inches and less than forty-six (46) inches
Heritage	Native or IFAS-designated Florida-friendly, excluding palms	Equal to or greater than forty-six (46) inches

- (d) *Canopy* means the area consisting of a tree's branches in all directions from its trunk, the outer edge of which is the dripline.
- (e) *Canopy area* is the combined total area covered by tree canopy after the removal of invasive species, dead or diseased trees. The canopy area shall be set aside for the purpose of preserving and planting trees as identified on the site plan/plot.
- (f) *Critical root zone (CRZ)* is also called the "tree protection zone" is often defined as an imaginary circle on the ground that corresponds with the "dripline" of the tree. However, the dripline is very irregular and misleading, so the trunk diameter is referred to:
- (1) To determine a CRZ:
 - a. Measure tree diameter four and one-half (4.5) feet above grade.
 - b. Multiply this by twelve (12) inches.
 - c. The calculation gives the diameter of the CRZ centered on the tree. For example, a twenty-five-inch diameter tree would have a twenty-five-foot diameter CRZ.
 - (2) Limited development in the CRZ is allowed as follows:
 - a. Impervious surfaces are allowed in the CRZ if no more than twenty-five (25) percent of the CRZ area is impervious. Additional impervious surface may be approved by the Development Review Committee when methods are utilized that would permit water to adequately penetrate the root zone to allow the continued viability of the tree. Grade changes within the CRZ shall not exceed a difference of three (3) inches between the pre-development grade and the post-development grade.

- b. If new development or a grade change occurs in the CRZ, except as described in (a) above, the tree shall be considered as being fully impacted and mitigation/replacement as required by code shall be applied; no mitigation credit shall be allowed.
 - c. The CRZ of a preserved tree may include existing impervious area(s) not adversely affecting the viability of the tree.
- (g) *Development area* is the total site area to be utilized in canopy area calculations as determined by the applicant. Land that may be excluded from the development area includes wetlands, drainage or utility easements, water bodies, or any other land which will not be altered. Only land included within the development area may be utilized to meet canopy area requirements.

Section 3: That Chapter 30 “Development Standards”, Article II “Environmental”, Division 2 “Trees and Vegetation (Preservation and Mitigation)”, Section 30-31.5 “Canopy area requirements” of the Land Development Regulations of the City of Titusville is hereby amended to read as follows:

Sec. 30-31.5. Canopy area requirements.

- (a) Residential subdivisions, including townhomes, -and multifamily projects (except projects with a single duplex unit) shall meet required tree canopy area as a percentage of the development area. Minimum canopy area requirements may be met through a combination of preserved and planted trees as provided below:
 - (1) In the event there is insufficient preserved canopy area to meet the required minimum preserved canopy area, the applicant shall be required to plant additional trees to meet the total tree canopy area requirement. Any trees planted to address a shortfall of preserved canopy area shall not receive mitigation credit.
 - (2) Within subdivisions, required canopy areas shall not include portions of individual residential lots.

Development Type	Total Canopy Area as a Percentage of Development Area	Minimum Preserved Canopy Area as a Percentage of Development Area
Residential subdivision, <u>including townhomes, and multifamily project (except with a single duplex unit)</u>	25%	15%
Developments listed in (b) below	20%	10%

- (b) Optional canopy area requirements. The following categories of development are not required to satisfy the canopy area requirements shown above, but may voluntarily satisfy the canopy area requirements to benefit from reduced mitigation requirements as set forth in Section 30-34, "Mitigation plan, incentives". In the event there is insufficient preserved canopy area to meet the required minimum preserved canopy area, the applicant shall be

required to plant additional trees to meet the total canopy area. Any trees planted to address a shortfall of preserved canopy area shall not receive mitigation credit.

- (1) ~~Residential development not located in a subdivision and s~~Single family lots located outside of a subdivision and projects with a single duplex unit.
 - (2) Commercial development.
 - (3) Industrial development.
 - (4) All development in the Downtown Mixed-Use zoning district.
- (c) An aerial photograph not more than one (1) year old may be utilized to determine the tree canopy area.
- (d) Canopy area requirements.
- (1) Canopy coverage is calculated by adding together the canopy area of single trees and tree clusters, which are defined as three (3) or more trees which canopies are within five (5) feet of each other. The entire area within tree clusters shall be considered within the canopy area calculation.
 - (2) Undisturbed vegetated scrub habitat consisting of, but not limited to, chapman oak, scrub oak and sand live oak, in excess of an average of thirty-six (36) inches in height may be considered as part of the tree canopy area.
 - (3) Category I invasive plant species as listed by the Florida Exotic Pest Plant Council shall not be counted toward canopy area requirements.
 - (4) All required tree canopy areas shall be permanently protected in a recorded plat condition, or declaration of covenants recorded in the official records of Brevard County, Florida, or with sufficient protective language, noted on the approved site plan as a condition of approval, in property records maintained by the City of Titusville.
 - (5) Loss of canopy area to a level below the required total canopy area requirements shall require replacement.
 - (6) Canopy areas may include portions of Low Impact Development (LID) stormwater management features incorporating existing and/or planted trees and native vegetation.
 - (7) Canopy areas may include areas of planted trees in stormwater retention or detention areas and other nutrient removal mechanisms when utilizing LID techniques.
 - (8) Canopy areas may be located in code required buffers, wetlands and wetland buffers, and any preservation areas or buffers required by zoning, conditional use permit, master plan, planned development or development agreement approval.
 - (9) Up to fifty (50) percent of canopy area containing preserved trees may be forested wetlands provided the wetlands are free of invasive species.
 - (10) Canopy areas may contain passive recreation areas, boardwalks, trails, decks and paths as long as these areas are pervious and will not cause damage to the CRZ required in Section 30-31, "Intent, general standards and definitions."
 - (11) Canopy from planted trees shall be calculated at fifty (50) percent of the size at maturity as referenced in Table 1-A, Tree Size Classifications and Expected Mature Canopy Area, to the extent that the expected canopy coverage would be contained within the designated, legally-protected canopy area.

(12) Placement of canopy areas within the interior of the development is encouraged.

Section 4: That Chapter 30 “Development Standards”, Article II “Environmental”, Division 2 “Trees and Vegetation (Preservation and Mitigation)”, Section 30-34 “Mitigation plan, incentives” of the Land Development Regulations of the City of Titusville is hereby amended to read as follows:

Sec. 30-34. Mitigation plan, incentives.

- (a) As a condition of granting a permit, the applicant is required to prepare a Mitigation Plan for all protected trees designated for removal based on tree dbh being removed as provided below.
 - (1) For residential subdivisions, including townhomes, multifamily projects (except projects with a single duplex unit), and developments meeting the optional minimum preserved and total canopy area:
 - a. Significant tree: Fifty (50) percent mitigation replacement based on trunk dbh.
 - b. Specimen tree: One hundred (100) percent replacement based on trunk dbh.
 - c. Heritage tree: Two hundred (200) percent mitigation replacement based on trunk dbh.
 - (2) For developments that do not meet minimum preserved and total canopy area, required mitigation shall be a two-to-one replacement based on tree dbh of specimen and heritage trees being removed. No mitigation is required for significant trees.
- (b) All replacement mitigation trees shall be depicted on the mitigation plan with identification of the type of tree. The replacement mitigation tree plantings on site shall be in addition to any landscape planting required by the land development regulations.
- (c) Mitigation plantings are permitted within preserved and planted canopy areas if there is sufficient room to ensure viability of canopy and mitigation plantings. Caliper inches planted above the minimum size for canopy areas and required landscape areas may be credited toward mitigation planting requirements.
- (d) The mitigation plan shall include a list (including species and size) of all protected trees proposed for removal, a list of all protected trees to be preserved, and the location of any required canopy areas.
- (e) For residential subdivisions, including townhomes, multifamily projects (except projects with a single duplex unit) and those projects meeting the minimum canopy requirements established in Section 30-31.5 "Canopy area requirements", the applicant may in lieu of replanting, preserve native vegetation on the site consisting of at least one hundred (100) square feet per tree dbh-inch lost. The preservation of native vegetation shall be in addition to any required landscaping or preservation required by the land development regulations, with the exception of preserved wetlands and natural buffer areas which may be counted as part of preserved area credited toward mitigation. Native vegetation preservation credit may be allowed in preserved wetlands not to exceed a maximum of fifty (50) percent of the total required mitigation inches. The mitigation plan shall include designation of proposed areas to be preserved and specifications of the kind of existing vegetation in such areas.
- (f) For those projects choosing not to meet optional canopy area requirements (described in Section 30-31.5(b) "Canopy area requirements"), the applicant may in lieu of replanting

preserve native upland vegetation on the site consisting of at least of one hundred (100) square feet per tree dbh-inch lost. The preservation of native vegetation shall be in addition to any required landscaping or preservation required by any other regulation.

- (g) As a last resort for sites which cannot accommodate the plantings required by this section (as determined by the Administrator), the applicant shall contribute to the City's Public Landscaping Trust Fund an amount equal to seventy-five dollars (\$75.00) per net dbh-inch lost where canopy requirements are met. For those developments which do not choose to fulfill the optional tree canopy requirements established in Section 30-31.5, Canopy area requirements, the contribution shall be one hundred dollars (\$100.00) per net dbh inch lost.
- (h) When mitigation trees are removed to address requirements established by floodplain compensatory storage regulations (Section 30-103(f)(3)), the mitigation criteria for that portion of the development shall be enforced as shown below:
 - (1) The replacement ratio shall be one-to-one replacement based on tree caliper.
 - (2) The contribution to the City's Public Landscape Trust Fund shall be an amount equal to one hundred dollars (\$100.00) per net dbh-inch lost for those developments which do not choose to fulfill the optional tree canopy area requirements established in Section 30-31.5, Canopy area requirements. For residential subdivisions, the contribution to the City's Public Landscape Trust Fund shall be an amount equal to seventy-five dollars (\$75.00) per net dbh-inch lost.
- (i) The provision of payment into the City's Public Landscaping Trust Fund shall not be eligible for a variance before the Board of Adjustment and Appeals.
- (j) Appeals. Appeals of the Administrator's determination as to the practicality of installing required mitigation trees shall be processed as described in Section 34-248(b), Appeals of site plan. If the appeal is granted by the Board of Adjustment and Appeals, the applicant shall make the required payment as stipulated by Section 30-34, "Mitigation plan, incentives", into the City's Public Landscaping Trust Fund.
- (k) Incentives to preserve canopy areas and reduce mitigation are shown below.
 - (1) *Incentive 1.* Developments satisfying all requirements for minimum preserved canopy area and total canopy area are exempt from further mitigation for significant trees that are removed. In addition, a fifty-percent reduction in mitigation of specimen trees shall be granted. On developments where this is achieved, a tree survey of significant trees is not required outside of the total canopy area.
 - (2) *Incentive 2.* If a site plan or subdivision plan provides for a total canopy area increase of five (5) percent of the site in accordance with the table below, then no further tree mitigation or payment in lieu of mitigation is required, with the exception of heritage trees.

	Total Canopy Area
Residential subdivisions, <u>including townhomes, and multifamily projects (except projects with a single duplex unit)</u>	30% or greater
Development described in Section 30.31.5 choosing to meet canopy requirements	25% or greater

- (l) If trees four (4) inches dbh or larger are used to satisfy required landscape requirements of Division 10 of the Land Development Regulations, one hundred (100) percent of the tree caliper shall be eligible for mitigation credits.

Section 5. GRANDFATHER PROVISION. All lawful existing development shall be entitled to complete development that has been previously authorized and the City recognizes the right of any person to complete the following development in compliance with the former regulations:

- (a) Building permits approved as of the effective date of this ordinance, which remains valid consistent with the Florida Building Code and requirements of this Code.
- (b) Development that has received final plat approval, site plan approval, sketch plat, preliminary plat approval which remains valid consistent with all Code requirements.
- (c) Development that has on file with the City a completed application for a building permit, site plan, sketch plat, preliminary plat or final plat, including acceptance of all required exhibits and payment of all applicable fees and the application continues to remain active and processed consistent with the requirements of the Code. Issuance of a permit from an outside agency is not required for compliance with this grandfathering provision.
- (d) The City may recognize other applications for vested rights consistent with Chapter 34 Procedures, Division 3 Vested Rights Determination, of this Code.

Any person who has a right to complete said development and has secured a building permit, final plat approval, final site plan approval, preliminary plat or sketch plat approval as provided above shall lose its right to complete said development if said development does not maintain a current building permit, or current site plan or development approval as provided for by the Code of Ordinances of the City. Once a development has lost its current approval, then in that event, future development shall comply with applicable regulations.

Section 6: 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 7: 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 8: INCORPORATION INTO CODE. This ordinance shall be incorporated into the City of Titusville Code of Ordinances and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the Code may be made.

Section 9: 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.

_____, **Mayor**

ATTEST:

Wanda F. Wells, City Clerk

ORDINANCE NO. XX-2024

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE CODE OF ORDINANCES TO REQUIRE A MINIMUM BREVARD/FLORIDA NATIVE TREES PLANTED IN LANDSCAPE AREAS BY AMENDING SECTIONS 30-303 "STANDARDS", 30-372 "PLANTING STANDARDS" AND 37-1 "DEFINITIONS", PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE AND AN EFFECTIVE DATE.

WHEREAS, the establishment and implementation of policies, regulations and standards are necessary to ensure that the City of Titusville continues to realize benefits provided by trees and other landscaping as recognized through the "Tree City USA" designation by the Florida Department of Urban Forestry;

WHEREAS, appropriate native vegetation is defined as vegetation found in the natural community that is suited to the soil, topography, and hydrology of a particular site; and

WHEREAS, native vegetation provides important habitat for native species, reduces the need for use of fertilizers and water utilized to maintain established vegetation; and

WHEREAS, current city landscape requirements encourage, but do not require, the use of native tree species in landscape areas; and

WHEREAS, the Titusville City Council desires to require the use of native vegetation within the city in keeping with the "Tree City USA" designation.

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 10 "Landscaping", Section 30-303 "Standards" of the Code of Ordinances of the City of Titusville is hereby amended to read as follows:

Sec. 30-303. Standards.

- (a) Landscape areas include buffers (Subdivision 3, Buffers and screening), streetscape landscaping (Subdivision 4, Streetscape landscaping), building landscaping (Subdivision 5, Building landscaping), and parking lot landscaping (Subdivision 7, Parking lot landscaping) of this article. This article applies to the applications described in the applicability of standards table. To ensure that the landscaping provided is adequate to meet the intent of this article, the following items shall be addressed with labels and notation on the landscaping plan where appropriate:
 - (1) Native vegetation is preferred and encouraged to be drought tolerant. A minimum of fifty (50) percent of all trees shall be species Brevard/Florida natives. Newly installed plant materials are encouraged to be drought tolerant species. Areas to be preserved

in their natural state shall meet the requirements of the regulations for other areas. A listing of said species is available for reference in the Landscape Technical Manual.

- (2) All other areas. All property, except for land utilized for principal structures, accessory structures, off-street parking areas, other vehicular use areas and required landscaped areas shall be landscaped with grass, ground cover, shrubs, or trees. Other areas.
- (3) Clearing. Clearing of development sites, shall not be allowed prior to the issuance of a site clearing permit and shall be consistent with these regulations. Within the area of critical concern (see Chapter 29, Special districts and overlays, Article X, Area of critical concern overlay), an approved phased clearing plan, showing cut and fill quantities to be moved on-site, is required.
- (4) Installation. All landscaping shall be installed in a sound, workmanlike manner and according to accepted good planting practice (including mulched areas around appropriate species so as to protect and present a finished appearance) with the quality of plant materials as hereinafter described. In areas that have import fill soils or have been impacted by paving, soil amendment may be required for plant viability as determined by a qualified representative of the City. A qualified representative of the City of Titusville or designated qualified agent shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements provided herein.
- (5) Materials (Subdivision 2, of this division).
- (6) Yards (Subdivision 3, of this division).
- (7) Streetscape where applicable (Subdivision 4, [of this division]).
- (8) Building landscaping (Subdivision 5, of this division).
- (9) Maintenance (Subdivision 6, of this division).
- (10) Parking area landscaping (Subdivision 7, of this division).

Table 30-4 Applicability of Standards							
Type of Development	Green space Areas	Landscaping Materials	Landscaping Yard (Buffer)	Streetscape Landscaping	Building Landscaping	Plant Area Maintenance	Parking Lot Landscaping
Single-Family Residential Subdivision (SFR)	x	x	x	x	2		2
Multifamily Residential (MFR)	x	x	x	x	x		x
Commercial Development (CD)	x	x	x	x	x		x
Industrial Development (ID)	x	x	x	x	x		x
Arterial Buffer (Exhibit A)		3	3	3			

I-95 buffer (Exhibit A)		3	3				
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¹ Nonresidential buildings within a subdivision must meet the criterion set forth in this article.

² Additional requirements for major arterials and Interstate 95 per Exhibit A of Division 3, Landscape yard, (buffer/screening).

Sec. 30-321. Plant materials.

- (a) *Quality*: Plant material used in conformance with the provisions of this article shall be good, healthy and sturdy plants. All plant material shall be Florida #1 grade or better. Plant materials which are known to be intolerant of paving environments or whose physical characteristics may be injurious to the public or which produce a quantity and/or quality of debris so as to present maintenance difficulties shall not be specified for use under this article.
- (b) *Native vegetation*: The applicant is encouraged to utilize plant material native to Brevard County in meeting these landscaping requirements. The existing vegetation that is native to Brevard County with the exception of that listed in Section 30-4(d) shall be preserved and utilized except when removal is justified and determined to be acceptable by the enforcement official (see Landscape Technical Manual).
- (c) *Native trees*: In order to meet the canopy requirements, a minimum of fifty (50) percent of all trees shall be species Brevard/Florida natives. This requirement can be met through preservation of existing vegetation. If this requirement is not met, additional plantings are required.
- (~~d~~e) *Ground cover*: Ground covers, other than grass, shall be planted in such a manner so as to present a finished appearance and reasonably complete coverage within six (6) months after planting (see Landscape Technical Manual).
- (~~e~~d) *Lawn grass*: Grass areas shall be planted in species normally grown as permanent lawns in Brevard County. Seeding and sprigging may be used if grass cover is complete within six (6) months, or sodding will be required (see Landscape Technical Manual).
- (~~f~~e) *Hedges*: Hedges, where required, shall be planted in sufficient number and maintained so as to form a continuous, unbroken, solid screen within a maximum of six (6) months after time of planting (see Landscape Technical Manual).
- (~~g~~f) *Synthetic plants prohibited*: Synthetic or artificial material in the form of trees, shrubs, ground covers, vines or artificial turf shall not be used in lieu of the plant requirements in this section.
- (~~i~~g) *[Overstory trees:]* Overstory trees shall be species having an average mature spread of crown of greater than twenty (20) feet and reach a mature height of at least sixty (60) feet, and having a trunk which can be maintained in a clean condition with over five (5) feet of clear wood (no branches). Trees, including palms, having an average mature spread of crown less than twenty (20) feet may be arranged in groupings so as to create the equivalent of twenty-foot crown spread and shall count as one (1) required tree. A minimum of fifty (50) percent of required trees shall be Brevard/Florida natives. Invasives shall not be used to fulfill the requirements of this article (see Landscape Technical Manual).

- (ih) *Caliper*: Plant materials required by this section shall comply with the minimum size requirements of Table 30-5, Minimum landscape planting specifications at the time of installation. Plant height shall be measured from the average grade level of the immediate planting area to the top horizontal plane of the shrub at planting; for single-trunk trees, the measurement shall be taken six (6) inches above grade level; for multitrunk trees, the tree shall be measured from the average grade level of the immediate planting area.
- (ki) *Planting areas and shrubs*: Planting areas shall consist of permeable surface areas only. The permeable surface areas for shrubs may be included with permeable surface areas required for trees.
- (lj) *Pavement edges*: Each overstory, coniferous, understory [tree] or shrub shall be planted at least twelve (12) inches from the edge of any paved surface.
- (mk) *Irrigation*: Irrigation must be indicated on the landscape plan. Any landscape area must be shown by water tolerant usage area.

Sec. 30-324. Landscape.

(a) Residential development.

- (1) All residential subdivision developments shall meet the canopy area requirements of Section 30.31.5, "Canopy area requirements". Residential developments that are not within subdivisions shall preserve an area of approved low and moderate tolerant water usage mixed vegetation (native ~~trees and~~ shrubs are preferred) equal to at least ten (10) percent of the total lot or development area. A minimum of fifty (50) percent of required trees shall be Brevard/Florida natives. In the event there is no approved low and moderate tolerant water usage mixed vegetation on a lot or development, the applicant shall be required to establish an area of approved low and moderate tolerant water usage mixed vegetation equal to ten (10) percent of the lot or development. Required landscaping may be credited as established in the Landscape Credits Table, 30-7 of this section.
- (2) At a minimum, fifty (50) percent of newly installed vegetation must be shrubs.
- (3) The front yard tree requirement may be waived by the Administrator if the residential lot(s) preserves trees and underlying vegetation in the front yard setback area.

(b) Commercial development.

- (1) Ten (10) percent of the required landscape area for a commercial development shall utilize low and moderate tolerant water usage mixed vegetation (native ~~trees and~~ shrubs are preferred). A minimum of fifty (50) percent of required trees shall be Brevard/Florida natives. The City can supply the applicant with a list of approved mixed low and moderate tolerant water usage vegetation upon request (see Landscape Technical Manual). Required landscaping may be credited as established in the Landscape Credits Table, 30-7 of this section.

(c) Industrial development.

- (1) Ten (10) percent of the required landscape area for an industrial development shall utilize low and moderate tolerant water usage mixed vegetation (native ~~trees and~~ shrubs are preferred). A minimum of fifty (50) percent of required trees shall be Brevard/Florida natives. The City can supply the applicant with a list of approved mixed low and moderate tolerant water usage vegetation upon request (see

Landscape Technical Manual). Required landscaping may be credited as established in the Landscape Credits Table, 30-7 of this section.

- (2) Industrial development may consolidate all required landscaping between the public right-of-way and the building. For example, the required planting materials in a building perimeter landscape strip for the entire perimeter of the proposed structure may be consolidated along the front edge of the building. As the minimum plant materials will be consolidated along the front of the building, the remainder of the perimeter will not require a building perimeter landscape strip. This consolidation can be applied to required building perimeter landscape strips, and required landscape yards except as noted below. This regulation shall not be construed to not require landscaping between the building and any public right-of-way.
- (3) Required landscape yards may only be consolidated between the building and public right-of-way for property lines that abut other industrial development or zoning districts. Industrial development that abuts non-industrial development or zoning districts shall provide the required buffer along those property lines abutting non-industrial development or zoning districts.
- (4) Industrial development which is adjacent to two (2) public rights-of-way (ex: a corner lot) may consolidate the required landscaping between the building and the two (2) rights-of-way.

[(d)] *[Reserved.]*

- (e) *Downtown Mixed-Use (DMU) zoning district.* The DMU landscape standards can be found in Division 7 of this chapter.
- (f) *[Landscape credits.]* Required landscaping may be credited as established in the landscape credits table below.

Table 30-7: Landscape Credits		
Plant Material	Minimum Size	Equivalency
Preserved tree	Minimum 4-inch caliper	Equals 200 square feet of approved mixed vegetation
Newly installed tree	Minimum 2½—3-inch caliper	Equals 200 square feet of approved mixed vegetation
Existing or newly installed shrub	Minimum 18 inches in height	Equals nine (9) square feet of approved mixed vegetation
Low Impact Development (LID) Best Management Practice (BMP) area (Sec. 11.6)	None	100% of the LID BMP area shall be credited as approved mixed vegetation

Note(s)—Irregular shaped lots—It is the intent that by following the above-outlined performance standards, each newly planted tree (palms not included) will have an average two hundred (200) square foot rooting area. If a conflict occurs between newly planted trees, trees preserved, and the number of trees required because of lot size, the Administrator may

make the determination to ensure the required rooting area of two hundred (200) square feet for each tree.

Sec. 30-362. Standards.

- (a) Building landscaping shall abut the building and shall be used or installed in such a manner as to screen mechanical equipment attached to or adjacent to the building, provide direction to and enhance entrances, and enhance walkways and provide visual breaks along blank building facades. Building landscaping is required on all building sides except those sides facing an alley, openings for overhead or loading-area doors, motor vehicle bays or entrances to the building, or the perimeter of attached or detached canopies. Landscaping, buffering, and screening for loading areas, vehicle bays, service areas are set forth in Section 30-340, Visual buffer and screening requirements.
- (b) All development except residential: All buildings shall have a five-foot wide perimeter landscape strip adjacent to the building, clear of all doors and accessways.
- (c) This area shall be planted with shrubs three (3) feet on center, grass and/or ground cover.
- (d) Variations to this requirement may be approved by the Administrator, providing that the original intent and purpose of this section is met and there are unusual circumstances provided to the Administrator. At a minimum an equal area shall be set aside within the development for any building perimeter landscape reduction.
- (e) NOTE: Native vegetation is preferred and encouraged to be drought tolerant. A minimum of fifty (50) percent of required trees shall be Brevard/Florida natives. A listing of said species is available for reference in the Landscape Technical Manual, as updated regularly by the Administrator. (See Section 30-6(k), Irrigation.)

SECTION 5. 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 6. 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 7. 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 8. 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 _____, 2024.

_____, Mayor

ATTEST:

Wanda F. Wells, City Clerk

ORDINANCE NO. XX-2024

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA AMENDING THE CODE OF ORDINANCES TO PRESCRIBE THE USE OF ARTIFICIAL TURF BY AMENDING SECTION 37-1 "DEFINITIONS" AND CREATING LANDSCAPING TECHNICAL MANUAL SECTION 5.3 "ARTIFICIAL TURF" PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE AND AN EFFECTIVE DATE.

WHEREAS, the City Council has become aware of the increased use of artificial turf based upon variances granted by the Board of Adjustments and Appeals; and

WHEREAS, the City Council desires to provide guidelines for the use of artificial turf within the City.

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 37 "Definitions", Section 37-1 "Definitions" of the Code of Ordinances of the City of Titusville is hereby amended to add a new definition which reads as follows:

Artificial turf: A surface of synthetic fibers made to look like natural grass.

SECTION 3: SECTION 9: That the Code of Ordinances, City of Titusville is hereby amended by adding a section, to be numbered Landscaping Technical Manual Section 5.3 "Artificial Turf" "Submittal procedures", which said section reads as follows:

5.3 ARTIFICIAL TURF

Synthetic or artificial turf shall not be used in lieu of the plant requirements in Section 30-321, Plant materials. However, it may be used in consistent with the following conditions:

- 1) Artificial turf may be placed in side or rear yards when concealed from view from the adjacent right-of-way.
- 2) Artificial turf is prohibited in any public right-of-way.
- 3) Artificial turf shall be installed to have a minimum permeability of 30 inches per hour per square yard.
- 4) Artificial turf shall have a minimum 15-year manufacturer's warranty that protects against color fading and decrease in pile height.
- 5) Artificial turf shall be lead-free.
- 6) Artificial turf shall come with "total content leach protocol" (TCLP) test documentation declaring that the yarn and backing material are disposable under normal conditions at any U.S. landfill station.
- 7) Infill materials for artificial turf must be organic or sand, with a non-toxic coating.

- 8) The use of "indoor/outdoor" carpeting as a replacement or substitute for artificial turf is strictly prohibited.
- 9) Any reasonable deviation from these minimum standards must be approved **as a variance by the Board of Adjustments and Appeals.**
- 10) Installation shall be, at a minimum, in accordance with manufacturer's specifications.
- 11) Artificial turf shall be anchored in order to withstand the effects of wind.
- 12) Seams shall be nailed and glued (not sewn) and all edges shall be trimmed to fit against all regular and irregular edges in order to present a natural look.
- 13) When installed adjacent to a seawall, artificial turf shall be pinned or staked behind the seawall and shall not be attached directly to the seawall or seawall cap.
- 14) Sufficient drainage shall be provided in order to prevent excess runoff or pooling of water.
- 15) Artificial turf shall be maintained in a "like new" condition free of weathering and fading. Artificial turf areas shall be kept free of dirt, debris, stains, and weeds. Tears, holes, ruts, depressions and the like shall be repaired immediately with like for like materials, from the same manufacturer if possible. Edges shall be properly anchored and shall not present a "loose" appearance.
- 16) Artificial turf installed in compliance with this section shall be considered as 100% pervious area and shall NOT count toward the required minimum landscape area.

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 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 _____, 2024.

_____, Mayor

ATTEST:

Wanda F. Wells, City Clerk

City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Members of the Titusville Environmental Commission
From: Brad Parrish, Community Development Director
Subject: **Member Reports**
Department/Office: Community Development

Recommended Action:

Summary Explanation & Background:

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

None