BOARD OF ADJUSTMENTS AND APPEALS AGENDA
REGULAR MEETING - March 29, 2017
Council Chamber at City Hall - 6:00 PM

Any person who decides to appeal any decision of the Board of Adjustments and Appeals, 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 of the meeting that the physically handicapped person desires to attend.

NOTICE

All persons who anticipate speaking on any Public Hearing item must fill out an Oath Card to be heard on that agenda item and sign the oath contained thereon. These cards are located on the table near the entrance to the Council Chamber or may be obtained from the Recording Secretary. This meeting will be conducted in accordance to the procedures adopted in Resolution # 24-1997.

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

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

Applicants for land use and zoning related items are advised that the resumes of staff members who prepare applicable staff reports are on file in the City Clerk's Office.

I. CALL TO ORDER
II. PLEDGE OF ALLEGIANCE TO FLAG
III. ROLL CALL AND DETERMINATION OF A QUORUM
IV. APPROVAL OF MINUTES
   1. MARCH 2, 2017 MINUTES
V. QUASI-JUDICIAL CONFIRMATION PROCEDURES
   1. Verify all persons wishing to speak before the board has signed an Oath Card.
   2. Chairman confirms that all agenda items have been properly advertised.
   3. Member's statements if they have visited any of the sites, or spoken to any members of the public regarding an item to be reviewed this evening.

VI. CONSENT AGENDA
VII. OLD BUSINESS
VIII. NEW BUSINESS
2. Variance (VAR) No. 4-2017: 7700 US Highway 1

IX. PETITIONS AND REQUEST FROM THE PUBLIC PRESENT

X. REPORTS

3. Public Participation Guide

XI. ADJOURNMENT
REPORT TO COUNCIL

To: Board of Adjustment and Appeals Members
From: Peggy Busacca, Community Development Director
Subject: MARCH 2, 2017 MINUTES

Recommended Action:
APPROVE MINUTES

Summary Explanation & Background:

Alternatives:

Item Budgeted:

Source/use of funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

Name: 3-2-17_Special_Meeting.doc  Description: Special Meeting Minutes March 2, 2017
The Board of Adjustments and Appeals (BAA) of the City of Titusville, Florida, met in special session in the Council Chambers, on Thursday, March 2, 2017.

Chairman Taylor called the meeting to order at 6:03 p.m. and asked the assembly to recite the Pledge of Allegiance to the Flag.

Present were Chairman Thomas Taylor, Vice-Chairman Sid Chehayeb, Member Lori Hundley, Member Earl Johnson and Alternate Member Smith-Rodriguez. Also in attendance were Assistant City Attorney Chelsea Farrell, Planning Manager Brad Parrish, City Engineer Kwabena Ofosu and Development Specialist Kim Amick. It was determined that a quorum was present.

Vice-Chairman Chehayeb motioned to approve the minutes for the January 25, 2017 meeting. Member Hundley seconded. All in attendance voted to approve the minutes.

Chairman Taylor confirmed the quasi-judicial procedures verifying that all persons wishing to speak before the board has signed an oath card.

Brad Parrish confirmed that all agenda items had been properly advertised.

Chairman Taylor called for members’ statements, if they had visited any of the sites.

Vice-Chairman Chehayeb stated he was familiar with the site and spoke to the applicant but does not feel it would sway him in any way.

Assistant City Attorney stated she spoke with Alternate Member Smith-Rodriguez and she explained that she has a business relationship with the applicant and asked that she state on the record that there is not conflict as there is no continuing obligation with the applicant and her contractual relationship.
Alternate Member Smith-Rodriguez stated she does not have a continuing contact with the applicant or the business associated therewith.

XXX

**Consent Agenda Items**
None

XXX

**Old Business**
None

XXX

**New Business**

**Variance #3-2017 (1795 South Washington Avenue)**

Brad reviewed the staff report and explained what the applicant was requesting.

Chairman Taylor restated the importance of signing the oath cards.

Timothy Curtis spoke in favor.

Jeff Tindall spoke in favor.

Herb Flack spoke in favor.

Chris Hilderbrand spoke in favor.

Assistant City Attorney Farrell stated the rule of the board is that four members are required to vote yes in an affirmative motion to pass on any item so for each of the four variances you will be required to have four yes votes in order to approve. She stated if there is a motion to deny any item that item may pass by three members voting yes on that item so depending on how the board members create their motions either to pass or deny that is what they will be looking for an affirmative approval.

Vice-Chairman Chehayeb stated just for clarification, the first one is to allow two points of access per lot and staff was not able to determine a hardship. He stated if that is the two access points to Riverside Drive and to US 1. Brad stated the totality of having three access points on this property.

Vice-Chairman Chehayeb stated how do they vote, say there will be three access points to this property. Brad stated if you look on page six of the packet there are four options relevant to this and they are all alternatives. He stated the first is to approve as requested or approve the
variances with specific conditions, which they have not proposed so you would have to come up with that condition.

Vice-Chairman Chehayeb stated he would recommend approval of this variance without attaching the concept plan but the concept plan has one of the driveways on Riverside Drive and he wants that. Assistant City Attorney Farrell stated you could condition this variance by specifying that the applicant use three of the currently existing access points and that would allow what is already in place to be what is allowed, three of those four.

Vice-Chairman Chehayeb made a motion to approve Section 39-32(b) to allow three access points to the lot as they are currently existing on the lot and disconnecting the site plan from this motion, the motion is not attached to the site plan.

Alternate Member Smith-Rodriguez stated making that particular motion with the three entrance points, if that is approved, does that negate the second item on this list, which discusses the two access points as those two that could be on US 1 and one on Riverside Drive. Assistant City Attorney Farrell stated is does not negate it because the applicant could use the two on Riverside and one on US 1 because Section 39-32(a)(3)(a) is specific to the arterial on US 1 and it says you cannot have more than one on US 1 and so the first variance would allow a site configuration that would not require the second variance if only one on US 1 was pursued.

Member Johnson seconded.

Roll call was as follows:

Chairman Taylor   Yes
Vice-Chairman Chehayeb   Yes
Member Hundley   Yes
Member Johnson   Yes
Alternate Member Smith-Rodriguez   No

Motion passed.

Vice-Chairman Chehayeb made a motion to approve Section 39-32(a)(3)(a) to allow two (2) access points on the arterial.

Member Hundley seconded.

Roll Call was as follows:

Vice-Chairman Chehayeb   Yes
Member Hundley   Yes
Member Johnson   Yes
Alternate Member Smith-Rodriguez   No
Chairman Taylor   Yes
Motion passed.

Vice-Chairman Chehayeb made a motion to approve Section 39-63(a) to allow parking space dimensions to be less than the 10 x 20 but there was talk about 9 x 20 or 9 x 18.

Brad stated the plans illustrates 9 x 20 but in the discussion about the landscape strip they were suggesting it could go down to 18 in order to accommodate the landscape strip but that is up to the board.

Assistant City Attorney Farrell stated she would request that they specify what number.

Vice-Chairman Chehayeb made a motion to reduce the parking space dimension to be less than 10 x 20 with a minimum dimension of 9 x 18.

Member Hundley seconded.

Roll Call was as follows:

Member Hundley    Yes
Member Johnson    Yes
Alternate Member Smith-Rodriguez    Yes
Chairman Taylor    Yes
Vice-Chairman Chehayeb    Yes

Motion passed.

Member Hundley made a motion to approve Section 35-36(a) to allow a two foot landscape strip in lieu of ten feet on the north perimeter of the parcel.

Vice-Chairman Chehayeb seconded.

Roll Call was as follows:

Member Johnson    Yes
Alternate Member Smith-Rodriguez    Yes
Chairman Taylor    Yes
Vice-Chairman Chehayeb    Yes
Member Hundley    Yes

Motion passed.

XXX

Petitions and Request from the Public Present

XXX
Reports

City Staff – Brad stated there will be a meeting on March 29.

Chairman – Chairman Taylor stated they are still one member short.

Assistant City Attorney Farrell stated they are looking for a professional from the professional fields that this board requires.

City Attorney – None

Members – None

Adjournment was at 7:53 p.m.
City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To:        Board of Adjustment and Appeals Members
From:      Peggy Busacca, Community Development Director
Subject:   Variance (VAR) No. 4-2017: 7700 US Highway 1
Department/Office: Community Development

Recommended Action:
Consider Variance No. 4-2017 to allow a second wall sign for property located at 7700 South US Highway 1 in the Industrial (M-2) zoning district.

Summary Explanation & Background:
The applicant, Frank Mouriaux, is requesting a variance to Section 39-173 of the Code to allow a second wall sign for property located in the Industrial (M-2) zoning district.

Alternatives:
1. Approve the variance,
2. Approve the variance with condition(s),
3. Table (continue) the item,
4. Deny the variance.

Item Budgeted:

Source/use of funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

Name: Description:
☐ Variance_4-2017_Staff_Report.docx Staff report
☐ Existing_ZONING.pdf zoning map
☐ Application.pdf application
☐ Design.pdf second wall sign
☐ Original_Sign.pdf original wall sign
☐ Justification.pdf applicant's justification
☐ Project_Data.pdf project information
☐ Owner_Information.pdf owner information
☐ Owner_s_Authorization.pdf owner authorization
☐ Warranty_Deed.pdf deed
I. Background
(a) Request(s): The applicant, Frank Mouriaux, is requesting a variance to the following section of the Land Development Regulations:

- Section 39-173 to allow a second wall sign for property located in the Industrial (M-2) zoning district.

(b) Location: 7700 South U.S. Highway 1. Account No. 2301494 with Parcel I.D. 23-35-12-03-00000-1

(c) Legal Description: Bellewood Estates, Re-subdivision of Tract 1, Part of Block 19 of Plat Book 6 Page 28 & Part of Blocks 1, 17, 18 of Plat Book 6 Page 29 Also Part of Adjacent Vacant Royal Palm Dr, San Marco Dr, Dixie Blvd, Coquina Dr & Sherwood Ave Except Official Record Book 45 Page 122 A/k/a Tract 1" In Subdivision 13 Pg 2

(d) Future Land Use: Industrial

(e) Zoning: Industrial (M-2)

(f) Surrounding Zoning
- North: Industrial (M-2) Titusville
- South: IU Light Industrial Brevard County
- East: Brevard County
  - BU-1 General retail commercial
  - BU-2 Retail, warehousing and wholesale commercial
  - RU-1-11 Single-family residential
  - TR-3 Mobile home park
  - RVP Recreational vehicle park
• West: Industrial (M-2) Titusville

(g) Lot Characteristics: The property is rectangular in shape, with approximately 400+ feet of frontage and 1,500+ feet deep from the US Highway 1 and the F.E.C. Railroad. The property is approximately 12.77+ acres.

(h) Uses: Manufacturing and Warehousing. Logistics Center.

II. Powers of the BAA

Section 47-144 states that the Board shall grant a variance request when in the opinion of the Board of Adjustments and Appeals, owing to special conditions, the literal enforcement of such ordinance or regulations would do manifest injustice to, or impose an unnecessary hardship upon the applicant. In order to authorize any variance to the provisions of such ordinance, the Board must consider the following criteria:

(a) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning.
(b) Special conditions and circumstances do not result from the actions of the applicant.
(c) Granting the variance requested will not confer upon the applicant any special privilege that is denied by the ordinance to other lands, buildings or structures in the same zoning district.
(d) The literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance.
(e) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
(f) The granting of the variance will preserve the spirit of the ordinance and remain in harmony with its general purpose and intent.
(g) In granting the variance, the public safety and welfare must be assured.
(h) In no case shall the granting of a variance result in a change of use, which would not be permitted in that zone.

III. Analysis

The Logistics Center includes two large warehouse and distribution buildings. A site plan permit was approved in 2015. A 245,000+ square foot building was completed as part of Phase 1. The property was subsequently divided into two parcels utilizing the City’s Lot Split provision.

The Phase 1 includes a multitenant building with space to allow up to eight or more tenants. The applicant is the first tenant in the Phase 1 building and occupies the corner unit closest to US Highway 1. The applicant received a permit to install a wall sign on the building façade (An illustration from the permit for the original wall sign...
is attached). The applicant desires an additional wall sign on the side of the building facing US Highway 1.

Section 39-152 [Sign] Definitions states,

“Wall sign. An on-premises sign which is painted on, attached to or erected flush against the exterior wall of a building and is supported by the building. A wall sign shall not project more than twelve (12) inches from the building or structure. Signs attached to that portion of a roof surface constructed at an angle of seventy-five (75) degrees or more from horizontal are considered to be wall signs.”

Section 39-173 Surface area and number of wall signs states,

“Except as authorized by this section, each separately licensed business shall be allowed one (1) wall sign.

(a) Single-tenant buildings.
   (1) The aggregate square footage of wall signs shall not exceed twenty (20) percent of the building face to which it is affixed.
   (2) Buildings having more than one (1) street frontage (on an existing paved ROW) may have one (1) additional wall sign affixed to that secondary ROW frontage. The size of this secondary wall sign shall not exceed ten (10) percent of the smallest/narrowest building elevation or equal to the size of the primary wall sign, whichever is less. Regardless of the number of street frontages, no more than two wall sign shall permitted.

(b) Multi-tenant buildings.
   (1) The aggregate square footage of wall signs shall not exceed twenty (20) percent of building elevation of the tenant unit to which it is affixed.
   (2) Buildings having more than one (1) street frontage may have additional wall signage affixed to that secondary ROW frontage as follows:
      a. Corner-unit tenants may have one (1) additional wall sign affixed to their secondary ROW frontage. The size of this secondary wall sign shall not exceed ten (10) percent of the smallest/narrowest building elevation or equal to the size of the primary wall sign, whichever is less; or
      b. A multi-tenant directory wall sign may be affixed to the secondary ROW frontage according to paragraph (b)(1) above.”

The Logistics Center is a multi-tenant building but it is not located on a corner lot with a secondary right-of-way (ROW). The applicant has indicated that the second wall sign is needed for visibility to drivers on US Highway 1. Approval of the variance request will waive the secondary right-of-way requirement for a second wall sign on a multi-tenant building per Section 39-173(b)(2) of the Code.
There is an option available to the applicant and property owner. A monument sign with multi-tenant directory (directory of occupant) signage can be placed at the property entrance. A monument sign is located at the entrance; however, it is not being utilized for the individual tenants.

The staff is concerned that the granting of the variance will encourage tenants of the remaining units to submit a similar request. The staff believes that the variance request, if granted, should benefit all the tenants in order to prevent future variance requests. The following measurements may provide a guide in that decision.

**Measurements**

The area of the side of the building elevation facing US Highway 1 is approximately 8,400 square feet (210x40 feet).

a. A wall sign up to 1,680 square feet could be permitted if the variance is granted for a multi-tenant directory wall sign per Section 39-173(b)(2)a.

b. A wall sign up to 840 square feet could be permitted if the variance is granted as a corner unit per Section 39-173(b)(2)b.

The applicant is requesting a second 15.5 square foot wall sign. If the remaining seven or more tenants request a second 15.5 square foot wall sign, then either one of the measurements described above can be utilized.

**IV. Recommendation**

The variance request for a second wall sign is not the minimum necessary to make possible the reasonable use of the property. If the Board is inclined to approve the variance, the staff recommends that measurement "a" be selected as a condition of approval. A multi-tenant directory wall sign of up to 1,680 square feet is more than sufficient to accommodate all future tenant signs and prevent similar requests. Approval of the variance with the condition meets the intent of the code.

**Exhibits**
Zoning Map
Application
Sign Illustration
CITY OF TITUSVILLE, FLORIDA
APPLICATION FOR VARIANCE
(Chapter 47, Article VII, Land Development Regulations)

Instructions for filing
1. Use a different application for each request dealing with a separate project site.
2. Include three copies of a plot or site plan, drawn to scale, showing the variance requested. For plans larger than 11" by 17" include 15 copies.
3. If you already have a legal survey of the property, include one copy of the survey with your application.
4. If the application is signed by a person other than the property owner, the owner's authorization form must be signed by the owner and attached.

Applicant's Name: [Name]
Telephone #: [Number]
Address: [Address]

Property Owner's Name: [Name]
Telephone #: [Number]
Address: [Address]

Legal description of property on which variance is requested: Section [Section Number], Township [Township Number], Range [Range Number]

Dimensions: Width [Width], Length [Length], Area (acres) [Area in Acres]

Current Zoning: [Zoning]
Current use of property: [Use]

Variance(s) Requested

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The reason for this request is:

[Reason]

ACKNOWLEDGEMENT
I am the owner and/or legal representative of the owner of the property described which is the subject of this application. All answers to the questions in said application and all sketches and data attached to and made a part of this application are honest and true to the best of my knowledge and belief. Should this application be granted, I understand that any condition(s) imposed upon the granting of this request shall be binding to the owner, his heirs and successors in title to possession of the subject property. I understand that I must attend all applicable meetings and have been informed of the meeting date(s) and time(s). I understand that if I fail to appear at an applicable meeting, the appropriate Board or Commission may either table or deny the request.

Board of Adjustment & Appeals date: [Date]

Signature of Applicant
Celebrating 48 years of Quality Manufacturing and Service

**Art-Kraft Sign Company, Inc.**

**EAST VIEW SIGN LOCATION**

**DISCONNECT SWITCH**

1. **MATERIALS**
   - DISCONNECT SWITCH — V — RACEWAY MOUNTED LED ILLUMINATED PAN CHANNEL LETTERS SCALE
   - 3/4" = 1'
   - 5" DEEP ALUMINUM RETURNS
   - 1/8" THICK TRANSLUCENT WHITE ACRYLIC FACES WITH 3M TRANSLUCENT VINYL OVERLAYS
   - DIGITALLY PRINTED MULTICOLORED GRAPHICS WITH UV LAMINATION (COLORS AS SHOWN)
   - WHITE JEWELITE TRIMCAP RETAINER SYSTEM
   - INTERNAL WHITE "LED" ILLUMINATION
   - LETTERS MECHANICALLY MOUNTED TO FABRICATED ALUMINUM RACEWAY WITH SELF TAPPING TECH SCREWS
   - RACEWAY FINISHED IN SW-7056 RESERVED WHITE ACRYLIC ENAMEL
   - POWER SUPPLIES INSIDE RACEWAY, SECONDARY ELECTRICAL WIRING THROUGH WALL
   - MANUFACTURING & INSTALLATION IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE AND LOCAL ELECTRICAL CODES OR EQUIVALENT

2. **REVISION**
   - CUSTOMER APPROVAL
   - DATE 12-28-16

3. **DESIGNER**
   - MEAGAN

4. **DATE**
   - 12-28-16

5. **WEBSITE**
   - www.Art-Kraft.com

6. **REVISION**
   - DESIGNER MEAGAN

7. **LICENSED ELECTRICIAN**
   -Underwriters Laboratories, Inc.
   - E147646 (R)

8. **DISCLAIMER**
   - This Design, in whole or in part, is the property of Art-Kraft Sign Company, Inc. and may not be used without the expressed written permission of Art-Kraft Sign Company, Inc.
Variance Justification:

1. Why are you unable to comply with the requirements? What hardship or injustice are you claiming?
GPS mapping does not currently work and visitors to RUAG Space and the Logistics Center have a difficult time finding the location and the situation creates a traffic hazard at the entrance of the Logistics Center. Due to the 55-65 mph speeds at which the vehicles travel, the building and signage for southbound traffic is visible and legible only for a brief moment is not visible at all for northbound traffic.

For northbound traffic the secondary sign would provide much more visibility and legibility which is needed for proper braking and positioning into the turning lane for the logistics center due to the continuous green arrow in the northbound right lane at Kings Way. Secondary signage on the east side wall will also be visible for southbound traffic and is a second confirmation for traffic which may have missed the turn into the logistics center. Without proper signage, this would eliminate the potential traffic hazards of both southbound and northbound traffic coming to visit RUAG without the potential traffic hazard due to higher traffic speeds and visibility issues due to the positioning of the building and curvature of US 1 at this location.

2. What is special about your property that would justify treating it differently than most other properties?
There are no other current tenants in the Logistics Center which was built by Port Canaveral to attract warehousing and manufacturing tenants to increase employment and economic development opportunities for the City of Titusville, the Port and Brevard County. There are no other multi-tenant buildings like this in the area, and the needs for signage will be unique to the prospective tenants of the Logistics Center building. RUAG is the first tenant and this sign variance will set the precedent for other future tenants who will have the same issues and need for the variance.

3. Is your variance request the minimum change from the requirements that you need to overcome your hardship?
Yes, the variance request is the minimum change from the requirements as a precedent for safety measures to be taken in advance to meet the future needs of all tenants to occupy the building.

4. Explain why approval of your variance request would not likely result in harm to your neighbor's properties or to the general public.
Adding proper visible signage will help to increase safety and eliminate potential traffic hazards due to high speeds traveled at this location and poor visibility which could potential create a
negative consequence. This variance will not result in any negative consequences to the
neighbors or the general public, but will have a positive consequence related to public safety.

Applicant Signature

Date

15.09.2017

Franck Mouriaux
General Manager, Structures
RUAG Space USA, Inc.
7700 US Hwy 1
Titusville, Florida 32780
PHASE 2
BUILDING 2
212,140 SF

- +/- 1,565 SF OFFICE
- DOCK HIGH DOOR
- GRADE LEVEL DOOR
- FUTURE RAIL SERVED DOOR

PROJECT DATA
TOTAL GROSS SITE AREA: 26.99 AC (1,175,843 SF)
NET GROSS SITE AREA: 21.02 AC (915,748 SF)
(LESS RETENTION, SETBACK)
RETENTION POND AREA: 4.10 AC (178,431 SF)
@15.2% (4.05 AC@15% MIN REQUIRED)
TOTAL BUILDING AREA: 458,650 SF
BUILDING 1: 246,240 SF
BUILDING 2: 212,410 SF
F.A.R.: 0.500 (NET)

PHASE 1 I BUILDING 1
GROSS SITE AREA: 12.82 AC (558,309 SF)
NET SITE AREA: 11.24 AC (489,610 SF)
(LESS RETENTION, SETBACK)
RETENTION POND AREA: 0.52 AC (22,591 SF)
FAR: .502 (NET)
TOTAL BUILDING AREA: 246,240 SF
OFFICE: 1,565 SF
WAREHOUSE: 244,675 SF
DOCK DOORS: 34 EA
GRADE LEVEL DOORS: 4 EA
FUTURE RAIL DOORS: 9 EA
AUTO PARKING REQUIRED: 35 EA
OFFICE: 6 EA (1/300 SF)
WAREHOUSE: 29 EA
(1/1000 FIRST 5,000 SF) (1/10,000) REMAINDER
AUTO PARKING PROVIDED: 103 EA
TRAILER STALLS PROV.: 5 EA

PHASE 2 I BUILDING 2
GROSS SITE AREA: 14.17 AC (617,534 SF)
NET SITE AREA: 9.78 AC (426,138 SF)
(LESS RETENTION, SETBACK)
RETENTION POND AREA: 3.58 AC (155,840 SF)
FAR: .498 (NET)
TOTAL BUILDING AREA: 212,410 SF
OFFICE: 21,241 SF
WAREHOUSE: 191,169 SF
DOCK DOORS: 53 EA
GRADE LEVEL DOORS: 2 EA
AUTO PARKING REQUIRED: 95 EA
OFFICE: 71 EA (1/300 SF)
WAREHOUSE: 24 EA
(1/1000 FIRST 5,000 SF) (1/10,000) REMAINDER
AUTO PARKING PROVIDED: 102 EA
TRAILER STALLS PROV.: 11 EA
**PROPERTY DETAILS**

**Owners**
Fdg Tico LLC

**Mailing Address**
2855 S Le Jeune Rd., Unit FL 4 Coral Gables FL 33134

**Site Address**
7600 S Highway 1 Titusville FL 32780
7700 S Highway 1 Titusville FL 32780

**Parcel ID**
23-35-12-02-46

**Property Use**
1000 - Vacant Commercial Land

**Exemptions**
None

**Taxing District**
14A0 - Titusville

**Subdivision**
Town Of Bellwood

**Total Acres**
46.23

**Site Code**
0001 - No Other Code Appl.

**Plat Book/Page**
0003/0025

**Description**
Town Of Bellwood Tracts 46,47,48, Lots 317,319,320 Of
Pb 5 Pg 7 All Lying W Of Rr R/W Exc Ponce Deleon Dr

**VALUE SUMMARY INFORMATION**

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**SALES/TRANSFERS INFORMATION**

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No Data Found

**BUILDING INFORMATION**
SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and executed this 14th day of November, 2007, by FLAGLER DEVELOPMENT COMPANY, LLC, whose mailing address is 10151 Deerwood Park Blvd, Building 100, Suite 360, Jacksonville, FL 32256 ("Grantor"), to FDG TICO LLC, whose mailing address is 10151 Deerwood Park Blvd, Building 100, Suite 360, Jacksonville, FL 32256 ("Grantee").

WITNESSETH:

THAT Grantor, for and in consideration of the sum of Ten Dollars ($10.00) and other valuable consideration, the receipt and adequacy of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee, certain real property located in Brevard County, Florida, which is more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof (the "Property").

TOGETHER with all the easements, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining; and

TO HAVE AND TO HOLD, the same in fee simple forever.

AND Grantor hereby specially warrants title to the Property as hereby described, and will defend the Property against the lawful claims and demands of all persons claiming by, through, or under Grantor, but against none other, and covenants that the Property is free of all liens and encumbrances, except real property taxes and assessments accruing subsequent to December 31, 2007, zoning and other regulatory laws and ordinances affecting the Property, and covenants, easements, reservations and restrictions of record, if any, provided that this reference shall not serve to reimpose same.

Wherever used herein, the terms "Grantor" and "Grantee" include all parties to this instrument and their respective successors and assigns.

NOTE TO RECORDING CLERK: This deed conveys unencumbered property for nominal consideration from the Grantor to a limited liability company wholly-owned by Grantor and is exempt from Florida documentary stamp taxes pursuant to Crescent Miami Center, LLC vs. Florida Department of Revenue, No. SC03-2063 (Fla. 2005).

[SIGNATURES APPEAR ON FOLLOWING PAGE]
Exhibit “A”

Property

PARCEL "A":

A PARCEL OF LAND LYING IN SECTIONS 1 AND 2, TOWNSHIP 23 SOUTH, RANGE 35 EAST AND BEING A PART OF THE PLAT OF BELLEWOOD COLONY AS RECORDED IN PLAT BOOK 2, PAGE 117A AND ALSO BEING PARCELS 14, 15, 16 AND 17 AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 2507, PAGE 2711 TOGETHER WITH A PORTION OF PONCE DE LEON DRIVE AS SHOWN ON SAID PLAT OF BELLEWOOD COLONY, ALL OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 2, THENCE N.00°09'58"E., ALONG THE EAST LINE OF SAID SECTION 2, A DISTANCE OF 310.75 FEET; THENCE S.89°56'33"W., 25.00 FEET TO THE NORTHEAST CORNER OF LOT 37 AS SHOWN ON SAID PLAT OF BELLEWOOD COLONY AND SAID POINT LYING ON THE NORTH LINE OF THAT CERTAIN DITCH RIGHT OF WAY DESCRIBED AS A PART OF PARCEL NO. 3 IN DEED BOOK 267, PAGE 309 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.89°56'33"W., ALONG THE NORTH LINE OF SAID DRAINAGE RIGHT OF WAY, THE NORTH LINE OF LOTS 37 AND 82 OF SAID PLAT OF BELLEWOOD COLONY AND ALONG THE SOUTH LINE OF THE AFORESAID PARCEL 14, A DISTANCE OF 570.79 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 14; THENCE ALONG THE BOUNDARIES OF SAID PARCEL 14, THE FOLLOWING THREE COURSES AND DistANCES; THENCE N.00°09'58"E., 858.24 FEET; THENCE S.89°59'02"E., 155.00 FEET; THENCE N.00°09'58"E., 400.00 FEET TO A POINT LYING ON THE SOUTH LINE OF THAT CERTAIN ROAD RIGHT OF WAY DEEDED TO THE CITY OF TITUSVILLE AND THE CITY OF COCOA AND DESCRIBED AS A PART OF PARCEL NO. 3 AS RECORDED IN DEED BOOK 267, PAGE 309 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE ALONG THE SOUTH Line OF SAID RIGHT OF WAY AND ALONG THE NORTH LINE OF THE AFORESAID PARCELS 14, 16 AND 17, THE FOLLOWING TWO COURSES AND DISTANCES; THENCE S.89°59'02"E., 440.79 FEET; THENCE S.89°54'39"E., 710.88 FEET TO A POINT LYING ON THE WESTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY COMPANY RIGHT OF WAY AND THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 2814.93 FEET AND TO WHICH POINT A RADIAL LINE BEARS N.83°02'14"E.; THENCE SOUTHERLY ALONG SAID RIGHT OF WAY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 09°54'32", 486.82 FEET TO THE NORTH CORNER OF THE PARCEL OF LAND DESCRIBED AS A DITCH RIGHT OF WAY IN DEED BOOK 267, PAGE 376 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S.47°30'05"W., ALONG THE NORTHWesterLY BOUNDARY OF SAID PARCEL, 294.80 FEET TO THE WEST END OF THE MOST NORTHERLY BOUNDARY OF THE AFORESAID DITCH RIGHT OF WAY DESCRIBED AND RECORDED IN DEED BOOK
SAID RIGHT OF WAY LINE, THE FOLLOWING THREE COURSES AND DISTANCES;
THENCE N.06°10'30"W., 1792.97 FEET TO THE POINT OF CURVATURE OF A
CIRCULAR CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 5779.65 FEET;
THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL
ANGLE OF 13°22'12", 1348.67 FEET TO THE POINT OF TANGENCY; THENCE
N 07°11'41"E., 1196.83 FEET TO THE NORTHEAST CORNER OF THE
AFOREMENTIONED PARCEL 13 AND SAID POINT LYING ON THE SOUTHEASTERLY
BOUNDARY LINE OF THAT CERTAIN DITCH RIGHT OF WAY DESCRIBED IN
PARCEL NO. 3 IN DEED BOOK 267, PAGE 309 OF THE PUBLIC RECORDS OF
BREVARD COUNTY, FLORIDA; THENCE S.45°33'16"W., ALONG SAID LINE 965.23
FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION OF THE LAND DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN SECTION 11, TOWNSHIP 23 SOUTH, RANGE 35 EAST
BREVARD COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:
LOT 1 AND LOT 2 OF "BELLWOOD SUBDIVISION" AS RECORDED IN PLAT BOOK 3,
PAGE 24 OF THE RECORDS OF BREVARD COUNTY, FLORIDA.

PARCEL "C":
A PARCEL OF LAND LYING IN THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 23
SOUTH, RANGE 35 EAST AND BEING A PART OF LOTS 291 AND 292 AS SHOWN ON
THE PLAT OF COCOA-INDIAN RIVER PROPERTIES AT PLAT BOOK 5, PAGE 7 AND
BEING A PART OF PARCEL 10 AS DESCRIBED AND RECORDED IN OFFICIAL
RECORDS BOOK 2507, PAGE 2711 ALL OF THE PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA, SAID PARCEL "C" BEING MORE PARTICULARLY DESCRIBED
AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11, THENCE
S.89°55'33"W., ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF
1320.16 FEET TO THE NORTHWEST CORNER OF THE EAST 1/4 OF SAID SECTION 11
AND SAID POINT BEING THE NORTHWEST CORNER OF LOT 2, SECTION 11,
TOWNSHIP 23 SOUTH, RANGE 35 EAST AS SHOWN ON THE PLAT OF BELLEWOOD
AS RECORDED IN PLAT BOOK 3, PAGE 24 OF THE PUBLIC RECORDS OF BREVARD
COUNTY, FLORIDA; THENCE S.00°00'43"E., ALONG THE WEST LINE OF SAID EAST
1/4 OF SECTION 11 AND THE WEST LINE OF LOTS 2, 15, 18, 31, 34 AND 47 OF SAID
PLAT OF BELLEWOOD, A DISTANCE OF 3877.44 FEET TO A POINT LYING ON A LINE
PARALLEL WITH AND 100.00 FEET NORTH OF WHEN MEASURED AT A RIGHT
ANGLE TO THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID
SECTION 11; THENCE S.89°50'37"W., ALONG SAID LINE, 1323.33 FEET TO A POINT
LYING ON A PARALLEL WITH AND 100.00 FEET NORTH OF WHEN MEASURED AT A
RIGHT ANGLE TO THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF
SAID SECTION 11; THENCE S.89°50'36"W., ALONG SAID LINE, 1288.02 FEET TO A
POINT LYING ON THE WESTERLY RIGHT OF WAY LINE OF A 65.00 FOOT WIDE
PARCEL #11

SECTION 12, TOWNSHIP 23 SOUTH, RANGE 35 EAST, ALL THAT PART OF SECTION 12, TOWNSHIP 23 SOUTH, RANGE 35 EAST, BREvard COUNTY, FLORIDA, LYING EAST OF THE FLORIDA EAST COAST RAILWAY RIGHT OF WAY, WEST OF THE RIGHT OF WAY FOR U.S. HIGHWAY NO. 1, STATE ROAD 5, AND SOUTH OF THE CENTERLINE OF RIVER PARK BOULEVARD AS SHOWN ON THE PLAT OF BELLWOOD ESTATES AS RECORDED IN PLAT BOOK 6 AT PAGE 25 OF THE PUBLIC RECORDS OF THE BREvard COUNTY, FLORIDA, LESS AND EXCEPT THE SOUTH 1,650.00 FEET THEREOF, AND ALSO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY, A 100.00 FOOT RIGHT OF WAY, AND THE NORTH LINE OF THE SOUTH 1,650.00 FEET OF SECTION 12, TOWNSHIP 23 SOUTH, RANGE 35 EAST, BREvard COUNTY, FLORIDA; THENCE NORTH 6°09'16" WEST, ALONG SAID EAST RIGHT OF WAY LINE, FOR A DISTANCE OF 571.99 FEET TO A POINT ON THE CENTERLINE OF RIVER PARK BOULEVARD AS SHOWN ON THE PLAT OF BELLWOOD ESTATES AS RECORDED IN PLAT BOOK 6 AT PAGE 25 OF THE PUBLIC RECORDS OF BREvard COUNTY, FLORIDA; THENCE NORTH 67°57'35" EAST, ALONG SAID CENTERLINE, FOR A DISTANCE OF 1,298.58 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1, STATE ROAD 5 A 143.00 FOOT RIGHT OF WAY, THENCE SOUTH 22°02'25" EAST, ALONG SAID WEST RIGHT OF WAY LINE, FOR A DISTANCE OF 856.68 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 2,942.93 FEET, THENCE SOUTHEASTERLY, ALONG SAID WEST RIGHT OF WAY LINE AND THE ARC OF SAID CURVE THRU A CENTRAL ANGLE OF 6°13'35", FOR A DISTANCE OF 268.45 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1,650.00 FEET OF SAID SECTION 12; THENCE SOUTH 89°40'55" WEST, ALONG SAID NORTH LINE, FOR A DISTANCE OF 1,579.54 FEET TO THE POINT OF BEGINNING.

Tax Numbers
2300318
2300400
2323434
2301380
2301354
2323636
2323242
2323241
Hello,
When possible, please compare and confirm the ownership instruments for Variance 4-2017. Attached is what information I found on the Property Appraiser’s website. Many thanks.

Jolynn Donhoff, Assistant City Clerk
City of Titusville | www.Titusville.com
555 S. Washington Avenue, Titusville, FL 32796
Ph. 321-567-3683
Owner's Authorization For:
Variance Application

DATE: 2/16/2019

TO: City of Titusville
Attn: Development Services Department
555 S. Washington Avenue
Titusville, FL 32796-3584

RE: 7700 US 1 Titusville, FL 32780

(Address and/or Legal Description)

Please accept this document as authorization for Canaveral Port Authority

Name of Applicant

To apply for a Variance for the property described above.

Owner's Name: Scott Mccarthy (Director of Real Estate)

Owner's Address: 445 S. Challenge Road, Suite 301
Canaveral Port, FL 32920

Telephone Number 321-783-7831 ext. 261

State of: Florida
County of: Brevard

Sworn to and subscribed before me this 16th day of February.

Form of Identification: personally known

Notary Public: My Commission Expires: July 5, 2020

(Diagram)
SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and executed this 4 day of November, 2007, by FLAGLER DEVELOPMENT COMPANY, LLC, whose mailing address is 10151 Deerwood Park Blvd, Building 100, Suite 360, Jacksonville, FL 32256 ("Grantor"), to FDG TICO LLC, whose mailing address is 10151 Deerwood Park Blvd, Building 100, Suite 360, Jacksonville, FL 32256 ("Grantee").

WITNESSETH:

THAT Grantor, for and in consideration of the sum of Ten Dollars ($10.00) and other valuable consideration, the receipt and adequacy of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee, certain real property located in Brevard County, Florida, which is more particularly described on Exhibit “A” attached hereto and by this reference made a part hereof (the “Property”).

TOGETHER with all the easements, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining; and

TO HAVE AND TO HOLD, the same in fee simple forever.

AND Grantor hereby specially warrants title to the Property as hereby described, and will defend the Property against the lawful claims and demands of all persons claiming by, through, or under Grantor, but against none other, and covenants that the Property is free of all liens and encumbrances, except real property taxes and assessments accruing subsequent to December 31, 2007, zoning and other regulatory laws and ordinances affecting the Property, and covenants, easements, reservations and restrictions of record, if any, provided that this reference shall not serve to re impose same.

Wherever used herein, the terms “Grantor” and “Grantee” include all parties to this instrument and their respective successors and assigns.

NOTE TO RECORDING CLERK: This deed conveys unencumbered property for nominal consideration from the Grantor to a limited liability company wholly-owned by Grantor and is exempt from Florida documentary stamp taxes pursuant to Crescent Miami Center, LLC vs. Florida Department of Revenue, No. SC03-2063 (Fla. 2005).

[SIGNATURES APPEAR ON FOLLOWING PAGE]
Exhibit "A"

Property

PARCEL "A":

SAID RIGHT OF WAY LINE, THE FOLLOWING THREE COURSES AND DISTANCES; THENCE N.06°10'30"W., 1792.97 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 5779.65 FEET; THENCE NORtherLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13°22'12", 1348.67 FEET TO THE POINT OF TANGENCY; THENCE N 07°11'41"E., 1196.83 FEET TO THE NORTHEAST CORNER OF THE AFOREMENTIONED PARCEL 13 AND SAID POINT LYING ON THE SOUTHEASTERLY BOUNDARY LINE OF THAT CERTAIN DITCH RIGHT OF WAY DESCRIBED IN PARCEL NO. 3 IN DEED BOOK 267, PAGE 309 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE S.45°33'16"W., ALONG SAID LINE 965.23 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION OF THE LAND DESCRIBED AS FOLLOWS:

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LOT 1 AND LOT 2 OF "BELLWOOD SUBDIVISION" AS RECORDED IN PLAT BOOK 3, PAGE 24 OF THE RECORDS OF BREvard county, FLORIDA.

PARCEL "C":

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COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11, THENeS.89°55'33"W., ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1320.16 FEET TO THE NORTHWEST CORNER OF THE EAST 1/4 OF SAID SECTION 11 AND SAID POINT BEING THE NORTHWEST CORNER OF LOT 2, SECTION 11, TOWNSHIP 23 SOUTH, RANGE 35 EAST AS SHOWN ON THE PLAT OF BELLEWOOD AS RECORDED IN PLAT BOOK 3, PAGE 24 OF THE PUBLIC RECORDS OF BREvard COUNTY, FLORIDA; THENCE S.00°00'43"E., ALONG THE WEST LINE OF SAID EAST 1/4 OF SECTION 11 AND THE WEST LINE OF LOTS 2, 15, 18, 31, 34 AND 47 OF SAID PLAT OF BELLEWOOD, A DISTANCE OF 3877.44 FEET TO A POINT LYING ON A LINE PARALLEL WITH AND 100.00 FEET NORTH OF WHEN MEASURED AT A RIGHT ANGLE TO THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 11; THENCE S.89°50'37"W., ALONG SAID LINE, 1323.33 FEET TO A POINT LYING ON A PARALLEL WITH AND 100.00 FEET NORTH OF WHEN MEASURED AT A RIGHT ANGLE TO THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 11; THENCE S.89°50'36"W., ALONG SAID LINE, 1288.02 FEET TO A POINT LYING ON THE WESTERLY RIGHT OF WAY LINE OF A 65.00 FOOT WIDE
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Hello,

When possible, please compare and confirm the ownership instruments for Variance 4-2017. Attached is what information I found on the Property Appraiser’s website. Many thanks.

Jolynn Donhoff, Assistant City Clerk
City of Titusville | www.Titusville.com
555 S. Washington Avenue, Titusville, FL 32796
Ph. 321-567-3683
City of Titusville
"Gateway to Nature and Space"

REPORT TO COUNCIL

To: Planning and Zoning Commission Members
From: Peggy Busacca, Community Development Director
Subject: Public Participation Presentation & Outreach Guide
Department/Office: Planning

Recommended Action:
Accept the Public Participation & Outreach Guide

Summary Explanation & Background:
Staff recently completed an outreach guide and presentation to inform Council, Boards/Commissions, and the public of the functions of the Planning Department, and the various types of applications Planning Staff processes. Staff is providing these documents to the Board for continued education, and for utilization/distribution by the members when speaking with the community.

Alternatives:

Item Budgeted:

Source/use of funds/Budget Book Page:

Strategic Plan:
No. 1 - Sustain a High Quality of LifeNo. 4. - Ensure Delivery of Efficient and Effective Government Services

Strategic Plan Impact:

ATTACHMENTS:

Name:         Description:
峙Planning_Division_Presentation.pdf  公众参与指南演讲
峙PPG_PDF_10-28-16.pdf  公众参与指南手册
COMMUNITY DEVELOPMENT:
A WELCOME TO OUR NEW CITY COUNCIL
1.1 WHY HAVE A COMPREHENSIVE PLAN?

• Identify and meet the needs of the community.
• Meet the challenges of growth and change.
• Share a clearly stated vision for the future.
  ► Guide the “when”, “where”, and “how” of development.
• State Required – State Law Chapter 163 FL. Statutes.
1.2 ORIGINS OF PLANNING IN FLORIDA

1926: Constitutionality of zoning upheld by U.S. Supreme Court in *Euclid v. Ambler Realty Co.*

In response to rapid development throughout the State:

- **1975**: Comprehensive Planning Act
- **1985**: Comprehensive Planning and Land Development Regulation Act
- **2011**: Community Planning Act
1.3 A UNIFIED VISION–THE COMPREHENSIVE PLAN

The Comprehensive Plan is a VISIONARY DOCUMENT that serves as the roadmap for the City’s future.

The City of Titusville Comprehensive Plan is divided into 10 Elements. Examples include:

- Future Land Use Element
- Transportation Element
- Capital Improvements Element
- Conservation Element
City Council adopts the Comprehensive Plan and sets the policies to reach the City’s Goals and Objectives. The Comprehensive Plan is structured as follows:

**Goals** – Broad visionary statements that establish a long-term target for the future.

**Objectives** - A specific performance measure to achieve a more general Goal.

**Policies** – Specific actions to achieve the Objectives, and ultimately the Goal.
1.6 WHAT FACTORS DRIVE PLANS?

Community Values
Transportation Needs
Future Land Uses
Environmental Concerns
Cultural/Social Influences
1.8 WHAT IS GEOGRAPHIC INFORMATION SYSTEM (GIS)?

- GIS allows multiple layers of information to be displayed on a single map.
- With GIS we can see, analyze, and better understand spatial relationships and patterns.
- Data can include:
  - Demographics (income, education levels)
  - Environmental (sensitive waterbodies, trees)
  - Utilities (electric power lines, water lines)
  - Property Information (year built, property values)
3.1 COMPREHENSIVE PLAN AMENDMENTS

These are legislative actions.

Two Types of Amendments:

- **Text Amendments**
  Modifications to the written policies and vision of the City at large.

- **Future Land Use Map Amendments**
  The majority of cases: Relates to a specific property and must be shown to be consistent with the Comprehensive Plan.
3.2 ZONING REGULATIONS

Euclidean zoning
Zoning establishes regulations for:

• Separation of Uses
• Residential Density
• Intensity and other applicable development standards.
3.2 What is a Rezoning?

- A change in the zoning designation on a property.
- A request to allow the property owner to use the land in a way that is not currently permitted.
- Must be consistent with the Comprehensive Plan.
- This is a quasi-judicial action.
3.3 What is a Conditional Use Permit?

- A conditional use permit can allow special uses which require additional review through the public hearing process.
- These uses may have an increased potential for off-site impacts. As such, the City Council may impose additional conditions to protect the public health, safety, and welfare.
3.4 What is a Variance?

- An approved relief from the requirements of the Code where there is a hardship to allow reasonable use of their land.
- Variances are heard by the Board of Adjustment and Appeals.
- Not appealed to City Council, appeals go to circuit court.
3.5 What is an Annexation?

- An annexation is the process by which the City expands its City Limits to adjacent areas in the County not already incorporated.
- Properties that annex into the City are eligible to receive City Services (Potable water, Refuse Collection, etc.)
3.7 What is a Plat?

- Creating developable new lots through the subdivision of land and the provision of infrastructure such as streets, water, drainage, etc.
- It is important that plats are well designed because the pattern of development will continue to exist for many years.
- Approved by City Council, based upon adopted criteria.
What are Master plans and Development Agreements?

A master plan is a negotiated plan approved through City Council action.

A development agreement is a voluntary contract between a local government and a property owner to detail the standards and conditions that will apply to the property.
3.9 Site Plans
An engineered site layout showing proposed improvements such as:

• Building configurations
• Parking
• Landscaping
• Stormwater
3.10 Building Permits

Permits required for:
- New construction
- Additions to existing structures
- Major renovations
- Signage

Must comply with the Florida State Building Code, Florida Fire Prevention Code, and Americans with Disabilities Act (ADA).

3.11 Business Tax Receipts
INFORMATIONAL RESOURCES

Land Development Code
https://www.municode.com/library/fl/titusville/codes/land_development_code

City of Titusville Comprehensive Plan
http://www.titusville.com/CompPlan
Questions?
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1.0 Introduction

1.1 Why have a Comprehensive Plan?

Urban planning is an organized way of identifying and meeting the needs of communities through a local decision-making process. Planners help government officials, business leaders, and citizens create communities that offer better choices of where and how people work and live. Planning is a collaborative, dynamic field that offers the chance to help communities meet the challenges of growth and change.

Communities that plan for the future benefit by protecting private property rights, improving the quality of life of residents, sharing a clearly stated vision for the future, and having a better understanding of where, when, and how development will occur in the future. On the other hand, communities that fail to plan commonly find themselves facing traffic congestion, sprawl, incompatible land uses, a lack of sense of place, and the loss of natural resources. (American Planning Association, www.planning.org)

1.2 Origins of Planning in Florida

Florida’s modern planning and growth management system has its origins in the early 1970s. Three major statutes constituted the legal framework for planning in Florida:

- The Florida State Comprehensive Planning Act of 1972 established a comprehensive planning process for the state and formed a “State Comprehensive Plan.” In 1978, the legislature specified that the State Comprehensive Plan was advisory only; however today, local comprehensive plans have the force of law.

- The Environmental Land and Water Management Act of 1972 focused on areas of critical State concern and Developments of Regional Impact, otherwise known as DRIs. These elements remain as important components of the current system.

- The Local Government Comprehensive Planning Act of 1975 required local governments to adopt and implement local plans. (Florida Planning Official’s Handbook, University of Florida)

1.3 A Unified Vision – The Comprehensive Plan

All counties and municipalities are required to adopt and maintain a Comprehensive Plan. The Comprehensive Plan acts as a blueprint to guide economic growth, development of land, resource protection, and the provision of public services and facilities to effectively serve the community into the future.

The Comprehensive Plan implements the community vision typically through a series of “elements” that provide a framework for development and community building.
The elements of the City of Titusville Comprehensive Plan include:

- Future Land Use
- Transportation
- Housing
- Infrastructure
- Coastal Management
- Conservation
- Intergovernmental Coordination
- Capital Improvements
- Recreation and Open Space
- Public Schools Facilities

Each of the elements are organized by numbered goals. Goals are broad visioning statements that describe an idealized future state of the City (e.g. “[Capital Improvements Element] Goal 1: The City shall provide for needed public facilities for its existing and future residents through the use of sound fiscal policies by protecting investments in existing facilities, maximizing the use of existing facilities and promoting orderly compact urban growth.”).

Goals are reached by meeting one or more Objectives. Objectives are measurable achievements with specific results (e.g. “[Infrastructure Element] Objective 2.3 Capital Improvements Schedule. The City shall maintain a five-year schedule of capital improvements needs for public facilities, to be updated annually in conformance with the review process for the capital improvements element of this plan.”).

Objectives are listed in the Comprehensive Plan under their respective goal in a nested numbering format (i.e. Goal 3, Objective 3.1).

Furthermore, objectives are achieved by the adoption of specific policies (e.g. “[Housing Element] Policy 1.2.2. The City shall provide an education program such as homebuyer education and counseling to prepare low income families for homeownership. Financial and technical assistant shall be provided to low income homebuyers whenever economically feasible.”). Policies are also listed in the Comprehensive Plan in a nested numbering format (i.e. Goal 3, Objective 3.1, Policy 3.1.2).

1.4 Concurrency Management

Concurrency is a management system that the Florida Legislature requires local governments to adopt to ensure that new development does not exceed a local government’s ability to provide adequate services to the community.

For a development to meet concurrency, the local government must have enough infrastructure capacity to serve that development. If a project does not meet concurrency, the applicant may choose to scale back the project or withdraw it completely. Another option is for the applicant to agree to particular conditions such as paying for the needed infrastructure or mitigation options that will make the project meet concurrency.

1.5 Carrying Out the Plan – Land Development Regulations

Local governments adopt and enforce Land Development Regulations as a means of achieving the vision laid out in the Comprehensive Plan. Land Development Regulations address the subdivision of land, the protection of potable water sources, drainage and
stormwater management, the protection of environmentally sensitive lands, signage, the adequacy of public facilities and services, and the use of land—which is controlled with zoning regulations.

Zoning regulations divide land into districts, or designated areas that allow particular uses in order to minimize the negative impacts of one use on another (e.g. noise and odor nuisances created by a solid waste transfer station adjacent to residential properties).

Zoning was first found to be constitutional by the US Supreme Court in 1926 in Village of Euclid v. Ambler Realty Co. The holding of the case explains that zoning is an appropriate use of the government’s police power, the power to regulate private activity to protect the health, safety, and welfare of the public.

1.6 What Factors Drive Plans?
When creating plans it is important to take several key pieces of information into consideration. The most important is to understand and reflect the local community values—how do citizens wish to see their community in the future?

Other important considerations are the transportation needs of the area, the future land use designations of surrounding properties, any existing environmental concerns such as wetlands or critical habitats, and finally any cultural and social influences.

1.7 Distinguishing between Legislative and Quasi-Judicial Decisions
Almost all decisions made by boards, commissions, and City Council on planning and zoning issues are considered either legislative or quasi-judicial (resembling a court of law).

Decisions which are made by applying existing policy to specific facts or properties are described as being quasi-judicial (e.g. a proposed rezoning of land).

The development of a new policy or amending an existing policy is a legislative action (e.g. a proposed change to the land development regulations).

1.8 Geographic Information Systems (GIS): Digital Mapping & Analyses
The Community Development Department utilizes Geographic Information Systems (GIS), which is a mapping tool to capture, store, analyze, manage, and present spatial data (data about a physical location on the ground).

Although a map is a common product of GIS, the strength of GIS is performing spatial data analysis. Data is described in terms of geographic features, meaning points can represent schools or parks, lines can represent streets or canals, and polygons can represent parcels, water bodies, or zoning districts. These features have attributes, which are associated data records. For example: the streets feature would show where a street is located and the streets attributes would show related data such as the street’s name, the speed limits, or the jurisdiction having ownership of the street.

GIS is essential in assets and facility management and budgeting. The planning staff uses GIS to maintain the City’s zoning and land use maps, analyze economic, environmental, and demographic data and provide support to various departments and the community.
2.0 Participation by the Public
Citizens, individually and as part of organizations or groups, are a central part of the planning process. Citizens and organizations may be involved in working groups or task forces during the formulation of a plan or plan amendment, or may participate in workshops and public hearings conducted by the local planning agency and governing body. (Florida Planning Official’s Handbook)

“Public participation is not simply a nice or necessary thing to do; it actually results in better outcomes and better governance. When done in a meaningful way, public participation will result in two significant benefits:

- The local government will make better and more easily implementable decisions that reflect public interests and values and are better understood by the public.
- Communities develop long-term capacity to solve and manage challenging social issues, often overcoming longstanding differences and misunderstandings.” (Public Participation Guide, U.S. Environmental Protection Agency)

2.1 Ways to Participate
There are many ways for Titusville residents and business owners to get involved with the planning process:

- Call the “Planner of the Day” line: (321) 567-3782
- Write to us:
  555 S Washington Avenue
  PO Box 2806
  Titusville, FL 32781-2806
- Email a planner or visit our webpage: www.titusville.com/planning
- Complete a project-specific survey
- Attend a planning workshop or meeting
- Make public comment at a board or commission meeting or at a City Council meeting
- Serve as a member on a board or commission
  Contact the City Clerk’s Office for more information at (321)567-3686.

2.2 Get Organized: Assemble a Community Group
Community groups can be helpful for a number of reasons: They can concentrate a community’s focus on tackling a particular problem, create opportunities for cooperation and coordination among groups who might otherwise not normally work together, and they can keep the community’s approach to issues consistent and fair.

Community groups might be formed when there has been a significant community event, changes in regulations, the availability of funding, an outside threat to the community, or there is a need to create significant change.

To form a community group it is best to start with a core group and work outward, reaching out to other potential members, groups, or organizations as necessary. Start by creating an agreed-upon definition of the issue the community group would like addressed. Create the vision and mission statements and develop an action plan. Decide on a structure and assess the re-
sources available to the community group. Then hold an exciting first meeting to bring attention to the effort and set the stage for further recruitment and the important discussion ahead.

3.0 Development Processes

3.1 Comprehensive Plan Amendments
Amendments to the Comprehensive Plan can be either text amendments or future land use map changes—the latter being more common.

Text amendments to the Comprehensive Plan are changes to the written policies within the Comprehensive Plan which would apply to any and all properties within the City’s jurisdiction. These types of amendments are legislative decisions.

Future land use map amendments are changes to the future land use designation of a property and are usually accompanied by a rezoning in order to achieve consistency between the future land use designation and the zoning district. These types of amendments are legislative decisions. A legislative act is a policy decision by the City Council. A legislative act is not a quasi-judicial matter.

The process for a Comprehensive Plan amendment first includes a recommendation by the Planning and Zoning Commission, followed by a transmittal hearing with the City Council. The application is then routed to the Florida Department of Economic Opportunity (DEO) for review and comments. Comments from the DEO are reviewed by the Planning and Zoning Commission which then sends the City Council a recommendation to adopt, adopt with changes, or not adopt the proposed amendment. Next, the City Council holds an adoption hearing and transmits the adopted amendment to DEO. Finally, DEO issues a notice of intent to find the amendment in compliance or not in compliance.

3.2 Rezonings
A request for a rezoning is a request to change the zoning district that governs one or more properties, usually to allow a use that is not currently permitted in the existing zoning district.

Any requested rezoning must be consistent with the Comprehensive Plan and the Land Development Regulations and must be consistent with the zoning in the area.

Zoning is a use of the government's police powers which is to say that it must protect the public health, safety, morals and welfare of the general public. A rezoning application must guarantee that it will continue to protect those interests.

A rezoning application is forwarded to the Planning and Zoning Commission for their review. Upon review and consideration of the proposal, the Planning and Zoning Commission provides a recommendation to the City Council as to whether the request should be approved or denied. Prior to the public hearing, surrounding property owners are sent notices by mail and a legal ad is published in a local newspaper.

3.3 Conditional Use Permits
Conditional Use Permits provide for special controls due to nuisances that may be indicative of certain uses
with unique characteristics. The use may be necessary or appropriate within a given district but, may have an unusual impact on surrounding properties or the community, or adversely affect the future development of a district or the community. The location, design and condition of operation of these uses requires special review and approval by the Planning and Zoning Commission and the City Council.

With the granting of a Conditional Use Permit, the City Council may impose conditions, including time limits, additional buffers between uses, lighting, or size controls it considers necessary to protect the public health, safety, and welfare.

Prior to the public hearing, surrounding property owners are sent notices by mail and a legal ad is published in a local newspaper. The Administrator submits the application to the Planning and Zoning Commission for review and a recommendation to the City Council.

Conditional Use Permits are processed according to the public hearing requirements per the State Statutes. The hearings are quasi-judicial, which determine the legal rights, duties or privileges of a property owner relating to a development permit application. Conditional Use Permits are not legislative.

3.4 Variances
A variance is an exception to a Land Development Regulation where the literal enforcement of such ordinance or regulations would do manifest injustice to, or impose an unnecessary hardship upon the applicant.

Variances should only be granted where special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district. Such special conditions and circumstances cannot result from the actions of the applicant.

In no case can a “use variance” be granted. Use variances would allow a change of use to some use which is not permitted in the zoning district of the property. Use variances are illegal in the State of Florida.

Granting the requested variance cannot confer upon the applicant any special privilege that is denied by the ordinance to other lands, buildings or structures in the same zoning district.

The variance granted must always be the minimum variance necessary that will make possible the reasonable use of the land, building or structure and assure the public safety and welfare.

The City's Board of Adjustments and Appeals typically hears requests for variances. The request is processed as a public hearing with notices mailed out to surrounding property owners and an advertisement published in the local newspaper. Decisions of the Board are final and cannot be appealed to the City Council.

The hearings are quasi-judicial, which determine the legal rights, duties, or privileges of a property owner relating to a development permit application. Variances are not legislative.

3.5 Annexations
An annexation is the process by which properties within unincorporated Brevard County are incorporated into the city limits.
An annexation request is typically submitted by property owners seeking municipal services such as solid waste, water, sewer, fire, and police.

A fiscal impact analysis is typically completed to determine the City's ability to provide services. Annexations are at the discretion of the City Council.

### 3.6 Vacating a Public Street or Easement

The term “vacate” or the process of “vacation” means to abandon or terminate any public right to use a street or easement.

The vacation of an unused alley or excess right-of-way can sometimes gain a property owner enough flexibility to be able to add additional parking or to allow conformance with setback regulations. The right-of-way is typically a publicly owned road or alley. An easement is a special right on private or public property for the purposes of drainage or utilities.

An application for vacation of a right-of-way is forwarded to the Planning and Zoning Commission for their review and recommendation to the City Council. Prior to the public hearing, surrounding property owners are sent notices by mail and a legal ad is published in a local newspaper. The City Council then, in its discretion, determines whether the right-of-way or easement serves a public purpose and if the proposed vacation is in the public interest or will be needed for public use in the future. An evaluation is also conducted of any impacts the proposed vacation may have on adjacent wetlands, environmentally sensitive lands and the city stormwater system.

### 3.7 Subdivision of Land

The City’s process for the subdivision of land requires a pre-application meeting, a sketch plat, a preliminary plat, a site plan, and a final plat.

The subdivision process is intended to:

- Ensure that the safe and convenient circulation of traffic is maintained.
- Provide a coordinated design pattern of streets.
- Provide adequate utilities and services to new developments.
- Minimize seasonal flooding through provision of protective flood control and drainage facilities.
- Help conserve and protect physical, environmental and scenic resources.
- Promote the public health, safety, comfort, convenience and general welfare.
- Implement the City’s Comprehensive Plan.

Lot Splits and Small-Scale Plats are used to create new lots in any zoning district not requiring the dedication of public infrastructure. Lots created through these processes require minimal need for public facility improvements and access is provided by existing public streets or private ways.
A Lot Split is the simple division of a single parcel of land into two lots. A Small-Scale Plat is the division of a single parcel of land into three (3) but less than ten (10) lots. Per Florida Statute Chapter 177, the division of land into three (3) or more lots requires the subdivider to follow the platting process.

3.8 Appeals
Any decision of an administrator, board, or commission may be appealed. The Board of Adjustments and Appeals reviews appeal requests from the Administrator's decisions. Appeals to decisions made by the Board of Adjustments and Appeals are directed to the 5th District Circuit Court.

3.9 Site Plans
A site plan is a legally binding, detailed, engineered plan showing proposed improvements on a property. If a site plan conforms with all applicable standards then it must be approved. Site plans are approved administratively and not typically brought before the City Council.

3.10 Building Permits
A building permit is an official approval to proceed with construction or major renovations. Permits are required to ensure that projects meet all aspects of the requirements of the City's Land Development Regulations, the Florida Building Code, and the Americans with Disabilities Act (ADA).

The issuance of building permits is an administrative task which does not involve the City Council. The Florida Building Code is approved by the State of Florida, but is administered by the City’s Building Official. The Americans with Disabilities Act is a federal act that is also administered by the City’s Building Official.

3.11 Business Tax Receipt (BTR)
All businesses operating within the City must have a valid business tax receipt (BTR) prior to opening. A business tax receipt is proof that a company has paid its annual business tax.

The issuance of business tax receipts is an administrative task which does not involve the City Council.

4.0 City Boards and Commissions
The City is able to function thanks in large part to the many citizen-volunteers who serve on the various boards and commissions of the City. It is their recommendations and that of city staff that help inform the decisionmaking of the City Council. It is important for all members of government Boards and Commissions to understand that they are required to comply with the Sunshine Law.

4.1 Government in the Sunshine
"Under Florida law, all meetings of any public board or commission at which official acts are to be taken, or at which public business is to be transacted or discussed, are required to be open and noticed to the public. This law is commonly referred to as the Government in the Sunshine Law, or the Sunshine Law. In fact, resolutions, rules, and formal actions of a public board or commission are considered binding only if taken or made at an open, public meeting. Providing reasonable notice to the public of all such meetings is required, and minutes of the meetings must be taken.”

(2013 Sunshine Law Overview, H. Thiele)

What Constitutes a “Meeting” for Purposes of the Sunshine Law?
"The Sunshine Law applies to any function where two members of the same board are present. It applies to all assemblies or meetings, whether structured or casual,
where there are discussions of matters that may foreseeably come before a board or commission. Although board members may attend other meetings and express their views, they may not discuss or debate issues amongst themselves.

The Sunshine Law may also apply when there is communication between two or more members of the same board, but no actual meeting. For example, in an informal opinion dated June 29, 1973, the Attorney General’s Office opined that a violation of the Sunshine Law occurred when a commissioner circulated a memorandum to other commissioners for concurrence or disapproval, with the measure becoming formally approved when all concurred.

The Sunshine Law also applies to certain communications that may not necessarily involve two members of the same board. For example, a Sunshine Law violation occurs when a person acts as a liaison between two members of same board or takes an official poll. In addition, if a single board member has been delegated decision making authority to act on behalf of his or her board, then the Sunshine Law would apply to pertinent meetings attended by that member.” (2013 Sunshine Law Overview, H. Thiele)

4.2 The Honorable Mayor, City Council, and the City Manager

The City of Titusville uses the Council-Manager format of government. Under a Council-Manager structure, the elected Council members, elected members of the community, provide political leadership on functions such as establishing policies, adopting local ordinances, and setting the City’s overall vision.

The City Manager position acts as City’s Chief Executive Officer, or CEO, who is responsible for hiring and managing the city staff to implement the City’s policies. The City Manager is appointed at the discretion of the City Council.

4.3 Titusville Community Redevelopment Agency

The Community Redevelopment Agency is a public entity created by the City under Florida Statutes to implement redevelopment activities in the Titusville Downtown Community Redevelopment Area (TDCRA). The TDCRA encompasses the Titusville downtown area from Jess Parrish Court to the north, Grace Street to the south, the F.E.C. railroad to the west, and the Indian River Lagoon to the east. The Redevelopment Agency addresses issues such as reducing or eliminating blight, revitalizing older housing, increasing the tax base, creating new employment opportunities, and encouraging further investment within the TDCRA boundaries.

The seven member board includes all five members of the City Council and two additional members appointed by the City Council. The Agency meets the second Tuesday of every month.

4.4 Board of Adjustments and Appeals

The Board of Adjustments and Appeals hears requests for variances from the City Code (e.g. relief from complying with the required building setbacks) and appeals from a decision of the Administrator.

This five regular and two alternate member board is appointed by City Council. The Board meets on the fourth Wednesday of every month.

4.5 Historic Preservation Board

The Historic Preservation Board serves in a design review capacity to issue Certificates of Appropriateness required for work that would change the exterior appearance of designated historic property, such as alterations, additions, new construction, or demolition. The board is also responsible for preparing and maintaining a protection plan for the City’s historic sites and districts.
The Board has seven regular members and two alternate members appointed by City Council. The Board meets on the first Monday of every month.

**4.6 Planning and Zoning Commission**

The Planning and Zoning Commission acts as the designated “local planning agency” for the City. Florida Statutes 163.3174 requires each local government to establish a local planning agency responsible for the conduct of the comprehensive planning program. As part of that responsibility the Planning and Zoning Commission holds public hearings and makes recommendations to City Council on:

- Comprehensive Plan Amendments
- Conditional Use Permits
- Rezoning Requests
- Master Development Plans
- Amendments to the Land Development Code
- Streets & Easement Vacations
- Annexations

The Commission is composed of seven regular members appointed by City Council, including at least one member who also serves on the Titusville Environmental Commission, and one non-voting member appointed by the Brevard County School Board.

The Commission meets on the Wednesday following the first and third Tuesday of every month.

**4.7 Titusville Environmental Commission**

The Titusville Environmental Commission conducts studies of environmental conditions in and surrounding the City and encourages citizens to conserve resources. The Commission is a recommending body, which reports its findings and any applicable policy recommendations to City Council for consideration. The Titusville Environmental Commission also serves as the City’s Tree Board, providing updates on the need for pruning, planting, or removal of trees on publicly owned land to maintain the City’s Tree City USA designation.

This seven-member board includes at least one member who also serves on the City of Titusville Planning and Zoning Commission. Members of the Commission are appointed by the City Council.

The Commission meets on the Wednesday following the second Tuesday of every month.

**4.8 Code Enforcement Board**

The Code Enforcement Board is a quasi-judicial—meaning “like court” board (See Section 1.6), which hears cases reported by the Titusville Police Department Code Enforcement Division involving violations of the City’s Code. Violations range from poor housing conditions, unkempt yards, illegal parking, unsafe building and structure conditions, etc.
If the Board finds a property owner to be responsible for a violation, the Board then establishes a timeframe for corrective actions and may impose penalties to those who fail to correct the violation. This is an inexpensive and effective method of enforcement for the city, which serves to protect the health, safety, and welfare of our citizens. The Local Government Code Enforcement Boards Act (Florida Statutes 162.01-162.13) was enacted to give local governments the authority to establish Code Enforcement Boards.

This seven-member board includes, whenever possible, an architect, a businessman, an engineer, a general contractor, a subcontractor, and a realtor. Members are appointed by City Council. The Board meets the second Monday of every month.

4.9 Ad Hoc Committees

An ad hoc committee is a temporary body that can be formed and appointed by the City Council to assist the Council in carrying out its responsibilities. Ad hoc committees review, analyze, and form recommendations to the Council on specific policy decisions. Ad hoc committees are intended to be temporary in nature.
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Parliamentary Motions Guide
Based on Robert's Rules of Order Newly Revised (10th Edition)

The motions below are listed in order of precedence. Any motion can be introduced if it is higher on the chart than the pending motion.

<table>
<thead>
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</thead>
<tbody>
<tr>
<td>§21 Close meeting</td>
<td>I move to adjourn</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>§20 Take break</td>
<td>I move to recess for</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>§19 Register complaint</td>
<td>I rise to a question of privilege</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
</tr>
<tr>
<td>§18 Make follow agenda</td>
<td>I call for the orders of the day</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
</tr>
<tr>
<td>§17 Lay aside temporarily</td>
<td>I move to lay the question on the table</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>§16 Close debate</td>
<td>I move the previous question</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
</tr>
<tr>
<td>§15 Limit or extend debate</td>
<td>I move that debate be limited to ...</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>2/3</td>
</tr>
<tr>
<td>§14 Postpone to a certain time</td>
<td>I move to postpone the motion to ...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>§13 Refer to committee</td>
<td>I move to refer the motion to ...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>§12 Modify wording of motion</td>
<td>I move to amend the motion by ...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>§11 Kill main motion</td>
<td>I move that the motion be postponed indefinitely</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>§10 Bring business before assembly (a main motion)</td>
<td>I move that [or &quot;to&quot;] ...</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Majority</td>
</tr>
</tbody>
</table>

Jim Slaughter, Certified Professional Parliamentarian-Teacher & Professional Registered Parliamentarian
336-378-1899(W)  336-378-1850(F)  P.O. Box 41027, Greensboro 27404  web site: www.jimslaughter.com
# Parliamentary Motions Guide

Based on *Robert's Rules of Order Newly Revised (10th Edition)*

**Incidental Motions** - no order of precedence. Arise incidentally and decided immediately.

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>§23 Enforce rules</td>
<td>Point of order</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
</tr>
<tr>
<td>§24 Submit matter to assembly</td>
<td>I appeal from the decision of the chair</td>
<td>Yes</td>
<td>Yes</td>
<td>Varies</td>
<td>No</td>
<td>Majority</td>
</tr>
<tr>
<td>§25 Suspend rules</td>
<td>I move to suspend the rules which ...</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
</tr>
<tr>
<td>§26 Avoid main motion altogether</td>
<td>I object to the consideration of the question</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>2/3</td>
</tr>
<tr>
<td>§27 Divide motion</td>
<td>I move to divide the question</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Majority</td>
</tr>
<tr>
<td>§29 Demand rising vote</td>
<td>I call for a division</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
</tr>
<tr>
<td>§33 Parliamentary law question</td>
<td>Parliamentary inquiry</td>
<td>Yes (if urgent)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
</tr>
<tr>
<td>§33 Request for information</td>
<td>Point of information</td>
<td>Yes (if urgent)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>None</td>
</tr>
</tbody>
</table>

**Motions That Bring a Question Again Before the Assembly** - no order of precedence. Introduce only when nothing else pending.

| §34 Take matter from table       | I move to take from the table ...             | No          | Yes  | No      | No     | Majority       |
| §35 Cancel or change previous action | I move to rescind/ amend something previously adopted... | No          | Yes  | Yes     | Yes    | 2/3 or maj. w/ notice |
| §37 Reconsider motion            | I move to reconsider the vote ...            | No          | Yes  | Varies  | No     | Majority       |
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VARIANCES

The following definitions and commentaries may be helpful in understanding the concept of a zoning variance.

**Variance:** Permission to depart from the standards of the zoning district where unique characteristics of a parcel together with the imposition of the specific regulations of the zoning district result in a hardship. **Variances are heard by the Board of Adjustment and Appeals.**

*Commentary:* The key elements of the variance are the combined effects of unique characteristics or physical features of the land together with the uniform required standards from the zoning district in which the land is located. When land has unique characteristics, a steep slope for example, which makes it impossible to develop in compliance with the standards required, a hardship may result. The hardship is the inability of the property owner to use his property in a manner that is similar to other property in the zoning district. The variance is a relief valve in the zoning ordinance to address this situation.

Variances are intended to restore equity, not to grant an advantage to a property owner. A variance should always be the minimum needed to provide relief so that neighborhood compatibility is maintained and to ensure special privileges are not conferred. Conditions may be imposed with the granting of a variance to minimize potential adverse impacts.

**Use Variance:** Permission to allow a use otherwise prohibited in the zoning district. Use variances are not legally permissible in the State of Florida.

*Commentary:* A use variance authorizes the establishment of a use that is not permitted in the zoning district. The appropriate means of addressing the desire of a property owner for a use that is not permitted in the zoning district is the rezoning process. Many states prohibit use variances; many states that do authorize use variances have more stringent requirements to prove a hardship than for a variance to standards within the zoning district.

**Hardship:** A restriction on property that is so severe as to interfere with basic property rights. A hardship is based on the physical characteristics of the property, not the economic or personal circumstances of the owner. Any hardship created by the actions or requests of an applicant may not be considered for a variance.

*Commentary:* Some jurisdictions define hardship as “undue hardship”, meaning the lack of reasonable use of the land and recognizing that some hardship is permissible.
**CONDITIONAL USES**

The following definitions, principles, and commentaries may be helpful in understanding the concept of a conditional use permit.

*Conditional Use Permit:* A permit to allow a particular use that meets the intent and purpose of the zoning district but which requires the review and approval of the appropriate planning commission in order to ensure that any adverse impacts on adjacent uses, structures, or public services and facilities that may be generated by the use can be, and are, mitigated. *Conditional use permits are heard by the City Council.*

*Commentary:* Some jurisdictions implement the conditional use process to address uses that are not generally permissible in the zoning district. The zoning district typically contains a list of permissible uses and a list of uses potentially permissible through the conditional use permit process. The theory is that the use may be acceptable if conditions are met to address unique needs of the use and control potential impacts from the use that are greater than the impacts expected from the permissible uses in the zoning district.

The key issues to be addressed in granting a conditional use permit are that the use will:

- Be compatible or in harmony with the area in which it is located;
- Not endanger public health or safety;
- Be appropriate in the specific location where it is proposed; and
- Be designed in such a way as to mitigate potential conflicts with adjacent and nearby uses in the surrounding area.

**Principles of compatibility – Conditions for approval of variances and conditional uses**

Compatibility is the term used to describe the situation where adjacent and nearby buildings, activities, and uses of land fit together in a way to achieve balance and harmony in the neighborhood. The degree of “fit” is based on the presence, absence, or mitigation of impacts from the new use or building to existing uses in the neighborhood. Examples of uses requiring a conditional use permit include day care centers in residential areas and neighborhood shops. In determining compatibility, consider the following principles:

*Principle 1. Compatible uses do not overwhelm other uses.* A use would be considered overwhelming when its size or scale – height, bulk, and mass – is significantly greater than its neighbors.

*Principle 2. Compatible uses do not intrude into the neighborhood.* A new building may create a loss of privacy due to the height of the building relative to the surrounding buildings. Intrusion also may take the form of blocked views, excess...
shadowing, or distinct differences in building style, color, or materials.

**Principle 3.** *Compatible uses have appropriate site design features.* Traditional setbacks and buffers, even with fences or walls, may be useless to achieve compatibility between uses that are significantly different in intensity, scale, height, and bulk. Placement of accessory uses and other site features must contribute to compatibility.

**Principle 4.** *Compatible uses have appropriate transitions from nearby uses.* Transition is a familiar concept when used to describe the gradual decrease in density and intensity of land use districts from an activity center outward. However, transition in site design features, such building height, residential density, or lot size, may contribute significantly to achieving compatibility.

**Principle 5.** *Compatible uses contribute to stable neighborhoods.* Cities and neighborhoods change over time. Unplanned and unwelcome change creates instability. Stable neighborhoods change, if at all, slowly over time. However, change should not be forced through the introduction of incompatible uses.
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Conditional Uses: Typical Conditions

**Beliefs about conditional uses:**

- Expectation that the use may have impacts beyond those impacts anticipated
- Anticipation of full range of impacts associated with the use is not likely
- Additional development standards can ensure compatibility

**Conditional use regulations:**

- Ensure that the use will be compatible or in harmony with the area
- Protect public health and safety
- Ensure that the use is appropriate in the specific location proposed
- Ensure that design will mitigate potential conflicts with adjacent and nearby uses
Typical conditions address:

- Building height
  - Increase distance between buildings
  - Adopt standards to require a transition in heights

- Building dimensions and setbacks
  - Limit overall length
  - Require design features to avoid long, blank walls
  - Increase setbacks or require building separation
  - Use landscaping and buffers
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<td>Planner of the Day</td>
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City of Titusville
555 S. Washington Avenue
P.O. Box 2806
Titusville, FL 32781-2806
(321) 567-3782