

ORDINANCE NO. 19-2025

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, REVISING, MODIFYING, AND AMENDING CHAPTER 34 "PROCEDURES" TO ADJUST IMPACT FEES FOR POLICE, FIRE, CITY HALL, AND PUBLIC WORKS, SPECIFICALLY AMENDING SECTIONS 34-421 "IMPACT FEE INTENT", 34-423 "IMPOSITION OF IMPACT FEES", AND 34-424 "COMPUTATION OF IMPACT FEES", AND PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCES; AN EFFECTIVE DATE; AND INCORPORATION INTO THE CODE.

WHEREAS, the City of Titusville, Florida ("City") is a municipal corporation created under the laws of the State of Florida; and,

WHEREAS, the City has the exclusive authority over the management, operations, and control of the provision of police, fire, city hall, and public works services and capital facilities within the boundaries of the City; and,

WHEREAS, the City has the authority and duty to establish and modify impact fees for the City's facilities; and,

WHEREAS, the City has also incurred bonded indebtedness to expand and maintain its public facilities; and,

WHEREAS, demands for police, fire, city hall and public works services and capital facilities, require construction of new expanded facilities and personnel of such services related to growth in the City; and,

WHEREAS, the financing of police, fire, city hall and public works facilities is complex, requires extensive planning, and calls for advanced participation by the development community so that adequate public facilities can be provided to meet the impacts of that development; and,

WHEREAS, municipalities, and other governmental entities imposed police, fire, city hall, and public works impact fees to recover the cost of the new facilities required to serve Florida's rapid growth; and,

WHEREAS, the Titusville City Council adopted Ordinance 27-1987 establishing impact fees for essential city services; and,

WHEREAS, the City adopted police, fire, public works, and city hall impact fees in 2003; and,

WHEREAS, the Titusville City Council adopted Ordinance 9-2019 increasing impact fees for essential city services to include police fees; and,

WHEREAS, these impact fees were adopted prior to the implementation of §163.31801, Florida Statutes, which codified certain requirements for establishing a valid impact fee in Florida; and,

WHEREAS, the City has previously commissioned studies to determine the appropriate level of rates, fees, charges, and related policies and rules for its public facilities in accordance with standards laid down in § 163.31801, Florida Statutes.

WHEREAS, the City hereby finds, declares, ratifies, and confirms the validity of all past police, fire, city hall and public works impact fees and that all such funds collected have been appropriately earmarked and limited solely for meeting the costs of expansion; and,

WHEREAS, the City has received a report from Raftelis Financial Consultants, Inc. entitled "Municipal Impact Fee Study" dated April 14, 2025 (the "2025 Study") that constitutes an impact fee study, and that recommends changes to the City's capital charge structure consistent with current state law; and,

WHEREAS, the City Council considered and approved the 2025 Study on April 22, 2025, and it has been determined (1) that the municipal fees are necessary to offset the costs associated with meeting future demands for the City's services and capital facilities pursuant to the projections set forth in the Study; (2) that these fees bear a reasonable relationship to the burden imposed upon the City to provide these services and capital facilities to new customers served by the City; (3) that the fee revenues will provide a direct benefit to such new City customers reasonably related to the fees assessed; (4) that an essential rational nexus exists between projected new development and the need for additional services to be funded with these fees and the benefits that accrue to new development paying the fees; and (5) that the amount of the impact fees are proportional to the pro rata share of the additional services and capital facilities needed to serve new development; and,

WHEREAS, for these and other reasons, and based upon the data and analysis contained in the 2025 Study, it is necessary for the City to adopt the changes and modifications proposed within this Ordinance; and,

WHEREAS, the City is projected to increase in population and further economically develop in the future; and,

WHEREAS, this Ordinance contains an administrative framework to ensure that the benefit of police, fire, city hall and public works services and capital facilities funded with such impact fees will accrue proportionately to new development paying the fees, and,

WHEREAS, requiring future growth to contribute its fair share of the costs necessary to fund required capital improvements and additions is an integral and vital part of the regulatory plan of growth management in the City and is a practice consistent with sound and generally accepted growth management, fiscal and public administration practices, and principles; and,

WHEREAS, the City Council finds that the regulations, charges, rates and fees adopted by this Ordinance are in the best interest of and for the health, safety and welfare of the citizens of the City of Titusville and users such services; and,

WHEREAS, the City has scheduled, advertised, and held the appropriate hearings required by Chapters 166, Florida Statutes, and has received and considered all City staff, City consultant, and public written and oral comments and other competent, substantial evidence; and,

WHEREAS, these fees have been established by the City and the City desires to ratify and incorporate these fees into the Code of Ordinances for better transparency; and,

WHEREAS, the impact fees assessed pursuant to this Ordinance are necessary to ensure the public health, safety and welfare of residents of the City of Titusville.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF TITUSVILLE, FLORIDA as follows:

SECTION 1. FINDINGS. The City Council hereby adopts and incorporates the above stated Recitals as legislative findings that support and form the basis for the adoption of this ordinance.

SECTION 2. AMENDMENTS TO SECTION 34-421. That Chapter 34 "Procedures", Article IX "Fees", Division 2 "Impact Fees", Section 34-421 "Impact fee Intent" of the Code of Ordinances, City of Titusville is hereby amended to read as follows:

Sec. 34-421. Impact fee intent and adoption of impact fee or connection study.

- (a) It is the intent of this section to provide for the assessment and collection of impact fees on all new development occurring within the City of Titusville so as to ensure that such new development pays its fair and proportionate share of the capital costs for road, park, fire, police protection, public works and City Hall improvements required to accommodate such new development.
- (b) This chapter is intended to be consistent with and implement the provisions of the Titusville Comprehensive Plan, particularly those public facilities and services that require a minimum level of service to be concurrent with development, as set forth in the capital improvements element of the Titusville Comprehensive Plan.
- (c) The Council hereby adopts and incorporates by reference the Impact Fee study entitled "City of Titusville Municipal Impact Fee Study" prepared by Raftelis dated April 14, 2025 including the assumptions, conclusions, and findings therein.

SECTION 3. AMENDMENTS TO SECTION 34-423. That Chapter 34 "Procedures", Article IX "Fees", Division 2 "Impact Fees", Section 34-423 "Imposition of impact fees" of the Code of Ordinances, City of Titusville is hereby amended to read as follows:

Sec. 34-423. Imposition of impact and connection fees.

- (a) Any person who, after the effective date of this section, applies to obtain a certificate of occupancy or final inspection approval for a new development shall be required to pay the impact fees in the manner and amount set forth in this chapter.
- (b) Impact fees shall be paid to the City and collected by the Administrator.
- (c) An applicant shall pay the applicable impact fees at the time of the issuance of the building permit for the property that is subject to the fee.
- (d) Administrative charges for the collection of impact or connection fees may be collected and limited to the actual costs.

SECTION 4. AMENDMENTS TO SECTION 34-424. That Chapter 34 "Procedures", Article IX "Fees", Division 2 "Impact Fees", Section 34-424 "Computation of impact fees" of the Code of Ordinances, City of Titusville is hereby amended to read as follows:

Sec. 34-424. Computation of impact fees

- (a) The amount of the impact fees may be determined from the "schedule of impact fees," below.
- (b) The fee for a building, structure or new development containing mixed uses shall be determined by using the schedule of impact fees and apportioning the space committed to the uses specified on the schedule.
- (c) If the land use type of the new development is not conducted within an enclosed building or is not specified on the schedule of impact fees, the Administrator shall use the fee applicable to the most nearly comparable type of land use on the schedule. The Administrator shall be guided in the selection of a comparable type by the Institute of Transportation Engineers Trip General, An Information Report (Fourth Edition).
- (d) Accessory buildings and uses shall be assessed at the same fee rate as the primary or principal building or use.

SCHEDULE OF IMPACT FEES BY LAND USE TYPE

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Impact Fees by Land Use Type							
Land Use Type	Roads	Police	Fire	Park	City Hall	Public Works	Total
Residential (per unit) October 1, 2025:	* -	\$407.00	\$354.245	-	\$9.76	\$124.235	** —
Nonresidential (Commercial and industrial uses) per square foot October 1, 2025	* -	\$0.30	\$0.10	-	\$0.01125	\$0.03375	** —
Residential (per unit) October 1, 2026	* -	\$407.00	\$375.83	-	\$10.84	\$133.49	** ---
Nonresidential (Commercial and industrial uses) per square feet October 1, 2026	* -	\$0.30	\$0.11	-	\$0.0125	\$0.0375	** ---
Residential (per unit) October 1, 2027	* -	\$407.00	\$397.415	-	\$11.92	\$142.745	** ---
Nonresidential (Commercial and industrial uses)	* -	\$0.30	\$0.12	-	\$0.01375	\$0.04125	** ---

per square feet October 1, 2027							
Residential (per unit) October 1, 2028	* -	\$407.00	\$419.00	-	\$13.00	\$152.00	** ---
Nonresidential (Commercial and industrial uses) per square feet October 1, 2028	* -	\$0.30	\$0.13	-	\$0.015	\$0.045	** ---

* Brevard County Transportation Impact fee per Chapter 62, Article V, Division 6, Sections 62-801 through 62-819 of the Brevard County Code.

** City fee plus County Transportation Impact Fee.

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. EFFECTIVE DATE. This Ordinance shall become in full force and effect on October 1, 2025, upon adoption by the City Council in accordance with the Charter of the City of Titusville, Florida.

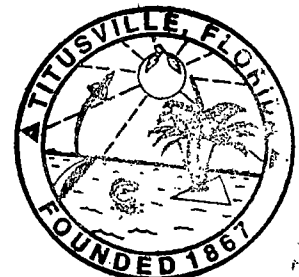
SECTION 8. INCORPORATION INTO THE CODE. This ordinance shall be incorporated into the City of Titusville Code of Ordinances and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing: Grammatical, typographical, and like errors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

PASSED AND ADOPTED this 27th day of May, 2025.


Andrew Connors, Mayor

ATTEST:


Wanda F. Wells, City Clerk



CC:

Ashleigh Smith

Jolynn Donhoff

Angie Spangler

Gloria Wilson