



STAFF REPORT

LAND DEVELOPMENT DIVISION

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Prepared by

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CASE NUMBER

T24-00005 – Scrivener's Errors

PLANNING & ZONING BOARD HEARING DATE

January 8, 2025

APPLICANT

City of Palm Bay

PROPERTY LOCATION/ADDRESS

Not Applicable

SUMMARY OF REQUEST

A Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 172.010 GENERAL PROVISIONS and Chapter 173.021 SCHEDULE OF USES making corrections to scrivener's errors.

Existing Zoning

Not applicable

Future Land Use

Not applicable

Site Improvements

Not applicable

Site Acreage

Not applicable

SURROUNDING ZONING & USE OF LAND

North

Not applicable

East

Not applicable

South

Not applicable

West

Not applicable

BACKGROUND:

On September 19, 2024, case T24-0004 was adopted via Ordinance 2024-33, a textual amendment to bring the Land Development Code (LDC) into compliance with the City of Palm Bay Comprehensive Plan. After the adoption of the new LDC, minor discrepancies were discovered in the code language. Staff identified that these discrepancies were not supposed to be present in the final draft and were included inadvertently.

To address the discrepancies, the Growth Management Department is proposing a Textual Amendment to the Code of Ordinances, Title XVII, Land Development Code, Chapter 172.010 GENERAL PROVISIONS, Table 172-1, Development Order Review Authorities; and, Chapter 173.021 SCHEDULE OF USES, Table 173-2, Uses in Office, Commercial and Mixed-Use Districts; and, Chapter 173.021 SCHEDULE OF USES, Table 173-3, Uses in Industrial and Other Districts which is proposed to correct the list of permitted uses that were inadvertently altered during the update of the code. The altered regulations have been attributed to scrivener's errors and were never intended to be changed in the adopted ordinance.

Prior to the repeal of the former LDC, Indoor Recreation was allowed as a permitted use in the Neighborhood Commercial, General Commercial, Highway Commercial, and Light Industrial Zoning Districts. When the new code converted the list of permitted uses from a narrative format (text) to the current table format, a footnote limiting the size of certain uses to 5,000 square feet was inadvertently added to Table 172-1 for the "Recreation, Indoor" use. In addition, the permitted use of indoor recreation was omitted from Table 173-3, Uses in Industrial and Other Districts.

Table 172-1 was created to display the level of review required for each application type. This information is in narrative text within its respective code sections. The table provides a shorthand guide for application types and the required review and approval authorities. Citizen Participation Plan (CPP) Meetings are required for all applications that include public hearings per section 172.012 of the Land Development Code, but the CPP column was unintentionally omitted from Table 172-1.

Proposed language for this amendment is attached in legislative style with additions between >>arrow<< symbols and deletions in strikethrough format.

PURPOSE:

The purpose of the proposed amendment is to correct regulatory procedures that were inadvertently changed when the Land Development Code was updated in September of this year.

ANALYSIS:

The addition of a footnote in Table 173-2 and omission of a specific permitted use in Table 173-3 unintentionally created nonconformance on existing developed properties. These scrivener's errors must be corrected to ensure that the Land Development Code is restored and is in alignment with the Comprehensive Plan.

The omission of Citizen Participation Plan (CPP) meetings from table 172-1 diminishes the clarity provided to applicants when considering development within the City of Palm Bay. The textual amendment presented will provide the existing affected properties relief from nonconformance, will ensure that each table of uses accurately illustrates its corresponding code section, and will reflect proper application procedures.

STAFF RECOMMENDATION:

Staff recommends application T24-00005 for approval.