

that is why there are so many stormwater ponds. Chairman Day asked if the walkways will be lit. Mr. Bittle was unsure and referred to the developer.

Chairman Day closed the item for public discussion.

Mr. Landers asked about the traffic plan for 98th Avenue. Mr. Sweeney mentioned the FP&L service center located on 98th Avenue recently made some improvements. Mr. Sweeney reiterated that there are a considerable amount of improvements planned on 98th Avenue and 12th Street in the Phase 2 plan.

Chairman Day called for a motion.

ON MOTION BY Alan Polackwich, SECONDED BY Mr. Curtis Carpenter, the members voted unanimously (6-0) to approve staff recommendations with its associated conditions on this Quasi-Judicial matter.

Public Hearings

A. Consideration of a Proposed Land Development Regulation Amendment to Chapter 901 (Definitions), Chapter 910 (Concurrency Management System), Chapter 912 (Single Family Development) and Chapter 930 (Stormwater Management and Flood Protection) and to amend Code of Ordinances, Title IV Chapter 401 (Building Codes), to amend the Florida Building Code, and to repeal and reserve Chapter 402 (Coastal Construction Code) **[Legislative]**

Chairman Day spoke about the public hearing scheduled for Item #5A which has been opened and continued several times. Staff requested the proposed LDR amendments be withdrawn at this time and staff will re-advertise for a new public hearing some time in 2022.

Chairman Day opened the Public Hearing. Chairman Day asked if there were any last comments. There were none.

Chairman Day closed the Public Hearing.

Chairman Day asked for a motion to withdraw Item #5A.

ON MOTION BY Jordan Stewart, SECONDED BY Mr. Chip Landers, the members voted unanimously (6-0) to withdraw agenda item #5A.

Chairman Day read the following into record.

B. Consideration of Land Development Regulation (LDR) Amendments to Sections 901.03 and 911.06 Allowing Solar Facilities as a Permitted Use in all Agricultural Zoning Districts [Legislative]

Mr. Sweeney explained that in July 2021 the Florida legislature enacted SB 896, which requires solar facilities be added as a permitted use in all agricultural zoning districts in any unincorporated area of the County. The Board of County Commissioners directed staff to proceed with a County initiated land development regulation (LDR) amendment to allow solar facilities as a permitted use in all agricultural zoning districts. The Planning and Zoning Commission is now to consider the proposed LDR amendment.

Chairman Day opened the Public Hearing. Chairman Day asked if there were any comments. There were none.

Chairman Day closed the Public Hearing.

ON MOTION BY Mr. Mark Mucher, SECONDED BY Mr. Curtis Carpenter, the members voted unanimously (6-0) to approve the amendment.

Chairman Day read the following into record.

C. County Initiated Request to Amend the Text of the County's Comprehensive Plan to add a new Chapter 13 Property Rights Element [Legislative]

Mr. John Stoll, Indian River County Chief of Long Range Planning spoke and explained the comprehensive plan amendment process. The proposed amendment is required due to new legislative mandates. In particular, House Bill 59 requires all local governments to have a property rights element included in their comprehensive plan. Mr. Stoll explained the proposed comprehensive plan text amendment, Chapter 13, which adds a property rights element. Mr. Stoll explained the goals, objectives and policies of proposed Chapter 13. Mr. Stoll finished his presentation by recommending the Planning and Zoning Commission approve the comprehensive plan text amendment for transmittal to state and regional agencies for review.

Mr. Polackwich brought up the point of local control, and how do we overlay our code with these individual rights. Mr. Reingold noted his point and commented they are doing the best they can to incorporate the states required language. Mr. Carpenter commented that in reading this, he understands we are required to adopt a property rights element. Mr. Carpenter went on to ask, does that mean we have to adopt the state's word for word, or can we adopt our own? Mr. Matson responded we could but it would have to meet the legislative intent and that the new language acknowledges the intent of the legislature but doesn't change our way of doing business. Mr. Reingold commented the objective was to stay within the context of what the legislature was trying to accomplish. Mr. Mucher asked if this changed anything that was already written in our comprehensive plan. Mr. Matson responded that it does not. Chairman Day said that he shared in Mr. Polackwich's comments. Chairman Day asked about the definition of "mineral rights". Mr. Reingold gave some basic examples how this would apply. Mr. Polackwich commented that he believed staff is on the right path with this interpretation.