

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (PZC) on Thursday, December 10, 2020 at 7:00 p.m. in the Commission Chambers of the County Administration Building, 1801 27th Street, Vero Beach, Florida. You may hear an audio of the meeting; review the meeting agenda, backup material and the minutes on the Indian River County website www.ircgov.com/Boards/PZC/2019.

Present were members:

Vice Chairperson **Dr. Jonathan Day**, District 4 Appointee; **Ms. Beth Mitchell**, District 1 Appointee; **Mr. Alan Polackwich, Sr.**, District 2 Appointee; **Mr. Curtis Carpenter**, District 3 Appointee; **Mr. Jordan Stewart**, Member at Large; and **Teri Barenborg**, School Board Representative.

Also, present were IRC staff:

Mr. Dylan Reingold, County Attorney; **Mr. Phil Matson**, Community Development Director; **Mr. Ryan Sweeney**, Chief of Current Development; and **Ms. Vanessa Desnoyers**, Recording Secretary.

Due to the coronavirus pandemic, there was sufficient room within the chambers to satisfy recommended social distances measures.

Call to Order and Pledge of Allegiance

Vice Chairperson Dr. Jonathan Day called the meeting to order at 7:00 p.m. and all stood for the Pledge of Allegiance.

Additions and Deletions to the Agenda

Mr. Sweeney introduced Mr. Carpenter, Appointee for District 3, to the Commission and stated that he will replace Mr. Chip Landers.

Approval of Minutes

ON MOTION BY Mr. Alan Polackwich, SECONDED BY Ms. Beth Mitchell, the members voted unanimously (5-0) to approve the minutes of the October 22, 2020 meeting as presented.

Public Hearings

Vice Chairperson Dr. Jonathan Day read the following into the record:

A. Consideration of a Proposed Land Development Regulation Amendment to Chapter 904 (Nonconformities) [Legislative]

Mr. Ryan Sweeney reviewed information regarding the proposed ordinance and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office. Staff recommends that the PZC recommend that the BCC adopt the proposed non-conforming towers amendment ordinance.

Ms. Mitchell questioned in a previous Commission meeting where Commissioner O'Bryan discussed his desire to have a deed restriction and how that affects the LDR, or if it satisfies what Commissioner O'Bryan was attempting to do with his request.

Mr. Reingold responded at the end of the discussion in 904.05 subsection 7, It states that "The property owner and the property owner's successors assigned and its commissioners, officers and employees, and agents harmless from any claims or damages relating to the granting of such authority". He clarified stating he would envision that it was part of the development review process.

Mr. Sweeney stated that Staff didn't specifically say "deed restriction" because it could be a number of instruments, depending on the mechanism. Dr. Day questioned if the reason Staff is doing this, due to outdated regulations, or if the change is significant to the current situation. Mr. Sweeney responded that it is to address a very unique scenario. He stated that he doesn't necessarily know if the regulations are outdated, but the concept of not allowing site related non-conformities to be extended or expanded upon is still a pillar of typical zoning and in that regard, it is not outdated. He believes it is the right thing to do in this unique situation, fixing a specific challenge.

Dr. Johnathan Day opened the floor for public comment

There was no public comment.

Dr. Johnathan Day closed the floor for public comment

ON MOTION BY Ms. Beth Mitchell, SECONDED BY Mr. Jordan Stewart, the members voted (5-0) recommend that the BCC adopt the proposed non-conforming towers amendment ordinance. The motion passes unanimously.