

PLANNING AND ZONING COMMISSION

There was a meeting of the Indian River County (IRC) Planning and Zoning Commission (PZC) on Thursday, June 9, 2022 at 7:00 PM in the Commission Chambers of the County Administration Building, 1801 27th Street, Vero Beach, Florida. You may view a video of the meeting and/or review the meeting agenda, backup material and minutes on the Indian River County website www.ircgov.com/Boards/PZC/2022.

Present were the following members: Chairman **Dr. Jonathan Day**, District 4 Appointee; **Ms. Beth Mitchell**, District 1 Appointee; **Mr. Alan Polackwich, Sr.**, District 2 Appointee; **Mr. Mark Mucher**, District 5 Appointee; **Mr. Chip Landers**, Alternate Member; and **Ms. Teri Barenborg**, non-voting School Board Liaison were present.

Vice Chairman **Mr. Todd Brognano**, Member-at-Large; **Mr. Curtis Carpenter, Jr.**, District 3 Appointee; **Mr. Jordan Stewart**, Member-at-Large were absent.

Also present were IRC staff members: Mr. William DeBaal, Deputy County Attorney; Mr. Phil Matson, Community Development Director; Mr. Ryan Sweeney, Chief of Current Development; Ms. Rebeca Guerra, Chief of Code Enforcement and Environmental Planning; Mr. Brian Freeman, Metropolitan Planning Organization Staff Director; and Recording Secretary, Ms. Lisa Plesnarski, Commissioner Assistant.

Call to Order and Pledge of Allegiance

Chairman Day called the meeting to order at 7:00pm and all stood for the Pledge of Allegiance.

Additions and Deletions to the Agenda

There were none

Approval of April 14, 2022 Minutes

ON MOTION BY Chip Landers, SECONDED BY Beth Mitchell, the members voted unanimously (5-0) to approve the minutes of April 14, 2022 as presented.

Approval of April 28, 2022 Minutes

ON MOTION BY Chip Landers, SECONDED BY Beth Mitchell, the members voted unanimously (5-0) to approve the minutes of April 28, 2022 as amended.

Item On Consent

Chairman Day read the following into record:

Bright Noncommercial Kennel: Request for administrative permit use approval for a noncommercial kennel to keep up to 9 cats and 2 dogs. Willard M. Bright, Jr., and Paula R. Bright, Owners. Located at 4255 4th Place. Zoning: RS-6, Residential Single-Family (up to 6 units/acre). Land Use Designation: L-2, Low Density Residential-1 (up to 6 units/acre). [AA-22-06-52 / 99070193-92112] (Quasi-Judicial)

Chairman Day asked if any members had any ex-parte communication or conflict that would not allow them to make an unbiased decision. There were none.

Chairman Day opened the item for Board discussion.

In response to a Commissioner question, IRC Chief of Current Development Mr. Ryan Sweeney explained the approval did not include a recommendation for limitation and in this circumstance is not limited to the nine cats and two dogs indicated on their request. Mr. Sweeney noted any number over five animals is considered a noncommercial kennel and said that if for some reason the number increased it could be revisited through a revised approval or through Code Enforcement. Chairman Day said he believed the County limit is five animals per family and commended the applicant for making the request, acknowledging that many people keep more than five animals. Mr. Sweeney explained that future changes would either be complaint driven or, if needed, the approval could be revisited.

Chairman Day called for a Motion.

ON MOTION BY Beth Mitchell, SECONDED BY Chip Landers, the members voted unanimously (5-0) to approve staff's recommendation for administrative permit use approval on this Quasi-Judicial matter.

Public Hearing

Chairman Day read the following into record:

Consideration of Land Development Regulation (LDR) Amendments to Section 971.41 Modifying the Criteria for Accessory Dwelling Units (Legislative).

Chairman Day asked if any members had any ex-parte communication or conflict that would not allow them to make an unbiased decision. There were none.

The secretary administered the testimonial oath to those present who wished to speak.

Metropolitan Planning Organization Staff Director Mr. Brian Freeman spoke and gave a PowerPoint presentation, copies of which are on file in the Board of County Commissioners (BCC) Office. Mr. Freeman referred to the Visioning Study that took place last year and reminded the Commissioners of the presentation given in February which reviewed the results. Mr. Freeman explained this item was one of the issues raised through the visioning process.

Mr. Freeman reviewed the key components and definition of an accessory single family dwelling unit. Mr. Freeman summarized the proposed changes and explained this proposal would increase the allowable size of an accessory dwelling unit and would allow for a second accessory dwelling unit. Mr. Freeman pointed out the maximum separation requirement would also be increased on larger parcels. Mr. Freeman reviewed the prohibitions being added for accessory dwelling units which include no operation as a vacation rental; no commercial use or home occupation allowed; and no mobile homes or RV's can be used as the accessory dwelling unit. Mr. Freeman noted that community feedback has been positive on this issue and discussed some visioning implementation principles that are being created as a result of the Visioning Study. Mr. Freeman concluded his presentation by recommending the Planning and Zoning Commission recommend the BCC adopt the proposed changes for Accessory Dwelling Units Sec. 971.41 (10).

Chairman Day asked if there were any commissioner questions.

Ms. Mitchell commented that she has been involved with the senior housing issue and is in favor of this idea but hopes it is not the only change. Mr. Freeman explained that this issue came to the forefront most likely because it is easy to implement and there could be further changes implemented in the future as a result of the study. There was discussion about the prohibited vacation rental component. Deputy County Attorney William DeBaal explained that any vacation rental ordinance complaints would be handled through Code Enforcement and that he felt it was effective enforcement and control.

Mr. Mucher asked for clarification that the accessory dwelling units would be allowed to be rented. Mr. Sweeney responded that it is allowed and considered a separate rentable unit and that in many cases they are rented to family members. Mr. Phil Matson, IRC's Director of Community Development commented that it is similar to renting out a room in your house. The rules in regard to Homestead protection and the regulation of home businesses were discussed. Mr. DeBaal explained that regulation of businesses is allowed to state standards and clarified that operating a business out of the accessory dwelling structure is prohibited in the proposed amendment.

Mr. Sweeney provided an overview of IRC's position on vacation rentals. Mr. DeBaal reiterated that use of the accessory dwelling as a vacation rental is prohibited in the amendment. Mr. Matson, working in conjunction with Chief of Code Enforcement and Environment Planning Rebeca Guerra, explained the accessory dwelling unit application stipulates that it be used as a primary dwelling. Mr. Matson reviewed the benefits of accessory dwelling units noting it is an affordable housing option and is increasingly popular with multi-generational families. Mr. Matson clarified that accessory dwelling units are currently not allowed to be used for vacation rentals and explained that this is enforced through Code Enforcement with the help of a software program used to find unpermitted vacation rentals.

Mr. Mucher asked about the purpose of the minor changes. Mr. Matson responded that expanding the size will help promote affordable housing by making accessory dwellings more financially viable. Mr. DeBaal briefly explained the benefit of tax savings when improvements are made to a property and the structure used for a family member.

Chairman Day opened the item for public comment. There were none.

Chairman Day closed the item for public comment.

In response to Commissioner discussion, Mr. Sweeney clarified that there is there is no minimum lot size for the allowance of an accessory dwelling unit other than current zoning requirements but it must be a conforming lot and meet all setback requirements. Mr. Sweeney also clarified that the accessory dwelling is assessed at the multi-family rate.

Chairman Day called for a Motion.

ON MOTION BY Beth Mitchell, SECONDED BY Alan Polackwich. OPPOSED BY Mark Mucher. The members voted (4-1) to approve the proposed LDR Amendments to Section 971.41 Modifying the Criteria for Accessory Dwelling Units.

Commissioners Matters

Mr. Mucher suggested further discussion of the concept of a tiny house subdivision with larger lot sizes and an agricultural component.

Mr. Matson responded to a question about the total number of approved housing units, explaining approximately 1,000 new homes are built per year but that the number approved could be larger or smaller. Mr. Matson suggested further conversation with research in the context of visioning.

Planning Matters

Mr. Sweeney said there will be a second PZC meeting on June 23rd.

Mr. Matson extended an invitation to the first Planning Officials Training Session being held in Fellsmere on Wed. July 27th in affiliation with our local chapter of the American Planning Association. There is a \$20.00 per person admittance fee which includes breakfast and lunch.

Attorney's Matters

There were none.

Adjournment

There being no further business, the meeting was adjourned at 8:00pm.