

ORDINANCE NO. O-26-02

AN ORDINANCE OF THE CITY OF SEBASTIAN, FLORIDA, AMENDING LAND DEVELOPMENT CODE ARTICLE IV LAND USE COMPATIBILITY TABLE INSERTING PUD MIXED USE CLASSIFICATION; ARTICLE V ZONING DISTRICTS REGULATIONS TO INCORPORATE A NEW SECTION 54-2-5.17 TO BE KNOWN AS MIXED-USE PUD ZONING DISTRICT; AND AMENDING ARTICLE XX, TO INCORPORATE A NEW SECTION 54-4-20.8 TO BE KNOWN AS MASTER PLANS; PROVIDING FOR SEVERABILITY AND REPEAL OF LAWS IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Sebastian previously adopted the City of Sebastian Land Development Code which contains regulations relevant to the development of land in the City Limits; and

WHEREAS, the Land Use Element of the City of Sebastian's Adopted Comprehensive Plan Highlights encouraging mixed-use development and increased densities and intensities; and

WHEREAS, the City of Sebastian's Local Planning Agency reviewed the proposed amendment on April 2, 2026, and made a recommendation of approval to the Sebastian City Council; and

WHEREAS, the City Council has the responsibility and authority pursuant to the City's home rule powers as a municipal corporation of the State of Florida to determine uses that are suited for particular zoning categories and land use categories within the City; and

WHEREAS, the City Council finds the adoption of this Ordinance is in the public interest by serving to promote and protect the public health, safety, and welfare and otherwise serves a municipal purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEBASTIAN, INDIAN RIVER COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Adoption of Recitals/Advertising. The above recitals are hereby adopted as true, correct and found to be the legislative intent of the City Council of the City of Sebastian. Further, all advertising and public notice requirements have been timely made.

Section 2. Textual Amendment.

That the *Land Development Code*, City of Sebastian, Florida, is hereby amended as follows:

ARTICLE IV. – LAND USE COMPATIBILITY

Sec. 54-2-4.2 – Future land use map (FLUM) designations and zoning districts.

Table 54-2-4.2 "Future Land Use Map (FLUM) Designations and Compatible Zoning Districts" references adopted FLUM designations contained in the land use element of the City of Sebastian Comprehensive Plan and identifies corresponding zoning districts which are hereby established in order to implement the FLUM designations, respectively.

TABLE 54-2-4.2 ⁽¹⁾ FUTURE LAND USE MAP DESIGNATIONS AND COMPATIBLE ZONING DISTRICTS			
Comprehensive Plan Future Land Use Map Designation		Corresponding Compatible Zoning Districts	
C	Conservation	C:	Conservation
VLD	Very Low Density Residential	RE-40:	Residential Estate
		RS-20:	Single-Family Residential
		RS-10:	Single-Family Residential
		PUD-R:	Residential Planned Unit Development
LDR	Low Density Residential	RS-20:	Single-Family Residential
		RS-10:	Single-Family Residential
		PUD(R):	Residential Planned Unit Development
MDR	Medium Density Residential	RM-8:	Medium Density Multiple-Family Residential
		RM-10:	Medium Density Multiple-Family Residential
		PUD(R):	Residential Planned Unit Development

MH	Mobile Home Subdivisions	R-MH:	Mobile Home Subdivisions
		PUD-MH	Mobile Home Planned Unit Development
C-512	Commercial CR-512 Corridor	C-512:	C-512 Commercial District
CL	Limited Commercial	CL:	Commercial Limited
		PUD(C):	Commercial Planned Unit Development
		<u>PUD (MU)</u>	<u>Mixed Use Planned Unit Development</u>
CG	General Commercial	CG:	Commercial General
		PUD(C):	Commercial Planned Unit Development
		<u>PUD (MU)</u>	<u>Mixed Use Planned Unit Development</u>
		MU:	Mixed Use
RMU	Riverfront Mixed Use	CR:	Commercial - Riverfront
		CWR:	Commercial Waterfront Residential
		RM-8:	Medium Density Multiple-Family Residential
		PUD(R):	Residential Planned Unit Development
		PUD(C):	Commercial Planned Unit Development
		<u>PUD (MU)</u>	<u>Mixed Use Planned Unit Development</u>
		MU:	Mixed Use
MU	Mixed Use	MU:	Mixed Use
		<u>PUD(MU):</u>	<u>Mixed Use Planned Unit Development</u>
		CG:	Commercial General
		PUD(C):	Commercial Planned Unit Development
		RM-8:	Medium Density Multiple-Family Residential
		RM-10:	Medium Density Multiple-Family Residential
		PUD(R):	Residential Planned Unit Development
		CL:	Commercial Limited
		IN:	Limited Industrial
PUD(I):	Industrial Planned Unit Development		

IN	Industrial	IN:	Limited Industrial
		AI	Airport and Industrial Facilities
		PUD(I):	Industrial Planned Unit Development
HI	Heavy Industrial	IN:	Limited Industrial
		HI:	Heavy Industrial
		PUD(I)	Industrial Planned Unit Development
INS	Institutional	PS:	Public Service
		CON:	Conservation
<p>NOTE:</p> <p>(1) Manufactured housing is permitted in all residential districts within the city if the units comply with the following standards:</p> <ol style="list-style-type: none"> 1. City's adopted building code; 2. State mandated criteria governing construction in coastal areas; 3. State of Florida buildings standards of F.S. chapters 320 and 553; and 4. U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards of 1974 (i.e., F.S. § 320.823) 			

The official zoning map may correct drafting and clerical errors or omissions in the prior official zoning map, but no such corrections shall have the effect of amending the code or any subsequent amendment thereto without duly noticed public hearings as provided herein. When any official zoning map is replaced, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption and amendment.

(Ord. No. O-22-04, § 1, 5-25-2022)

ARTICLE V. – ZONING DISTRICT REGULATIONS

Sec. 54-2-5.17. Mixed Use Planned Unit Development (PUD-MU).

- a) Intent. The PUD-MU District is established to provide specific regulations governing the development of mixed-use planned unit developments in areas designated for mixed-use development on the comprehensive plan future land use map. The district provisions establish a voluntary management framework for negotiating innovative development concepts, which protect natural features and provide abundant amenities designed to benefit the City as well as the specific development. All planned unit developments shall be designed and administered consistent with the criteria, administrative procedures, and all other applicable provisions of this Code.

- b) Compliance with comprehensive plan and future land use map. A mixed-use PUD shall comply with the provisions of the City's Comprehensive Plan Policy 1-1.3.6 and the criteria set forth in this section
- c) Design Guidelines and Conceptual Development Plan. A mixed-use PUD shall require the creation of Design Guidelines establishing a regulatory framework for a project vision, unified design principles, list of uses, dimensional regulations, landscape requirements, and streetscape standards among other guidelines governing the site-specific development. The Design Guidelines shall be approved concurrently with the PUD zoning and in conjunction with conceptual development plan requirements in section 54-4-20.2. For mixed-use PUDs larger than 100 total acres, a Master Plan may be provided, along with conceptual development plan for each phase, and approved with the Design Guidelines as part of the PUD zoning process described in Article XX. The approved Master Plan will establish the PUD zoning designation as established in section 54-4-20.8.
- d) Location and size. The subject property is a minimum of 50 and/or 100 acres.
- e) Land use mix. A mixed-use PUD shall consist of a mix of uses including a minimum of 40% of the gross acreage as non-residential uses and a maximum of 60% of the gross acreage as residential uses, provided that open space requirements shall be satisfied. This requirement shall not apply to lands which are subject to Objective 1-1.7 within the Comprehensive Plan. The specific land use mix within a PUD-MU District development shall be determined by and consistent with the City's Comprehensive Plan Mixed Use Land Use designation.
- f) Town Center. A mixed-use PUD shall provide a Town Center area. The Town Center(s) within a mixed-use PUD shall be designed consistent with the provisions of the Design Guidelines.
- e) Permitted and Conditional uses. A mixed-use PUD shall include a use matrix within the Design Guidelines to specify the complete list of uses permitted, permitted with supplemental conditions, and prohibited within the site-specific development. Each Pod site plan application shall designate an underlying zoning classification to provide development standards which may not be addressed within the Design Guidelines.
- g) Dimensional regulations. A mixed-use PUD shall include Design Guidelines establishing specific dimensional regulations to be applied in assessing density, intensity, and other size and dimension requirements for site-specific development. The Design Guidelines may include the below elements as well as those determined to be appropriate by the City during review of the PUD zoning and conceptual development plan.
 - 1) Maximum density. The comprehensive plan land use designation shall govern the maximum density permitted.
 - 2) Maximum FAR. The comprehensive plan land use designation shall govern the maximum intensity permitted.

- 3) Maximum height. Buildings shall not exceed a maximum height of thirty-five (35) feet, as calculated pursuant to this Code. Steeples, silos, windmills, ventilators, water tanks, cupolas, other appurtenances usually required to be placed above the roof level, and structures not intended for human occupancy or use may exceed this height limitation by up to 20% with the prior approval of the City staff. Additional building height may be granted by City Council buildings provided as part of the City's identified targeted industries as found in the Economic Development element of the Comprehensive Plan.
- 4) Lot coverage and open space. The maximum lot coverage and minimum open space requirements shall be established within the Design Guidelines for each land use type proposed within a mixed-use PUD.
- 5) Minimum lot size. The minimum lot size, lot width, and lot depth shall be established within the Design Guidelines for each land use type proposed within a mixed-use PUD.
- 6) Minimum setbacks. All development must comply with requirements for setbacks from wetlands and open waters established in this Code. In order to promote flexibility in the layout and design of a mixed-use PUD, the Design Guidelines shall establish appropriate minimum setbacks which clearly conform to the land use compatibility and open space policies in the comprehensive plan and are consistent with the performance criteria of this Code. Similarly, all setbacks shall be consistent with adopted fire code and standard building code.
- 7) Minimum living area. The minimum living area provided within each dwelling unit shall be established in the Design Guidelines; however, the minimum living area shall not be less than 900 square feet.
- 8) Frontage and accessibility. Every dwelling unit or other use permitted in the PUD-MU District shall have access to a public right-of-way or street either directly or via an approved private driveway, private street, pedestrian way, court, or other area dedicated to public use or private use or common element guaranteeing access.
- 9) Screening of mechanical equipment, utility hardware, and waste storage areas. In the PUD-MU District, all central refuse, trash and garbage collection containers, and above-ground infrastructure shall be screened from sight of adjacent roadways to the greatest extent possible or located in such a manner that will comply with the provisions of this Code or as further regulated by the Design Guidelines.
- 10) Signs. Signs in the PUD-MU District shall be permitted in accordance with the applicable regulations of the Code as supplemented within the

Design Guidelines and an approved master sign plan. If deviations are proposed from the standards of Article XVI, the Design Guidelines and master signage plan shall provide for effective sign controls on the type, height, number, size and location of signs in the development and shall be designated to minimize sign proliferation and maximize the architectural integration of all signs into the development.

- h) Recreation. A mixed-use PUD shall provide parks and recreational lands consistent with the City's Comprehensive Plan and Land Development Code with a minimum of two (2) acres of publicly accessible recreation lands per 1,000 residents and a minimum of two (2) acres of other recreational lands per 1,000 residents based on the City's average persons per household as reported by the U.S. Census Bureau. Publicly accessible lands shall be designated at the time of PUD zoning and may be conveyed to the City. Other recreational lands shall be designated during the review of the preliminary development plan and may be located within individual development pods.
- i) Perimeter transition area. All proposed development on land classified PUD-MU shall comply with perimeter transition regulations as specified in the Design Guidelines, and all other applicable provisions of this Code.
- j) Screening and buffer yard requirements. Screening and buffer yard requirements shall comply with the Design Guidelines regulating required screening of residential and nonresidential uses as well as all other applicable provisions of this Code.
- k) Subdivision improvements and urban design amenities. In addition to requirements of this Code, the open space systems and design amenities incorporated in the planned unit development shall reflect best management principles and practices of urban design, including streetscape amenities and recreation facilities which promote a harmonious and aesthetic environment for residents within the proposed development.
- l) Conflict with other sections. Where this section or the Design Guidelines of a mixed-use PUD are found to conflict with other provisions within this Code, this section and/or the Design Guidelines, as approved by the City Council, shall be the controlling regulation. However, all development shall comply with the applicable provisions of fire, life safety, and standard building codes.

ARTICLE XX – PLANNED UNIT DEVELOPMENT

Section 54-4-20.8 Master Plan Requirements.

- (A) Purpose/applicability. Master Plan approval is required in conjunction with rezonings of one hundred (100) acres or more to the zoning districts. The review of master plan is intended to ensure coordinated design of developments. The master plan is intended to be a conceptual plan but must demonstrate compliance with the requirements of the said zoning district.
- (B) Submittal requirements. The following items shall be submitted:
- (1) Project Description (narrative) addressing the following:
 - (a) Projection description identifying the effect on surrounding land use and verifying consistency of the proposed development with the City's comprehensive plan and land development code.
 - (b) A description of the applicable concurrency requirements relative to transportation, water, sewer, schools, recreation, open space, stormwater, solid waste, and public safety.
 - (c) Proposed general development schedule and phasing plan, specifying the number of dwelling units, or the amount of nonresidential square feet to be provided during the various phases of the development.
 - (d) The ability of the subject property or surrounding areas to accommodate any contemplated future expansion of the Master Plan, if appropriate.
- (C) The Master Plan shall establish the overall planning framework and development pattern for the subject planning framework and development pattern for the subject property and shall function as a conceptual guide for future detailed development approvals. The Plan shall include but not be limited to the following:
- (1) The location, description and acreage of the proposed land uses, including the following:
 - (a) A conceptual vehicular circulation framework depicting the general alignment and hierarchy of primary roadways and access points.
 - (b) A conceptual pedestrian/bicycle circulation;
 - (c) Common uses;
 - (d) Common Open Space;
 - (e) Schools;
 - (f) Government/civic;
 - (g) A conceptual master plan permitter buffers;
 - (h) Stormwater routing;
 - (i) Conservation
 - (2) Projected type, location, number, and density of all residential dwelling units to be constructed in the development
 - (3) Proposed general development schedule and phasing, showing the number and type of dwelling units, or the amount of nonresidential square feet to be provided during the various phases of the development.

- (4) Other items which the City may determine to be pertinent to the review of the application.
- (D) Process. The review of the Master Plan includes the following steps:
- (1) Pre-application meeting. The applicant must attend a pre-application meeting.
 - (2) Staff review. City staff shall review the Master Plan for conformance with the Comprehensive Plan and Land Development Code and must submit a recommendation for approval, approval subject to modifications necessary to meet code or denial.
 - (3) Planning and Zoning Board. The Board. The Board considers the staff recommendations and the review criteria contained in this section and issues a recommendation to the City Council.
 - (4) City Council. The City Council shall, upon receipt of the Planning and Zoning Board and staff recommendations, review the application and approve or deny the final Master Plan. This approval allows the applicant to sell or start designing the various components of the development.
- (E) Phasing. All phases within the development must stand alone and meet code independently from future phases. To ensure adequate distribution of residential uses throughout the development, specific conditions may be placed upon the Master plan to ensure the delivery of such mixes occurs.
- (F) Review Criteria. The reviewing authorities shall consider the following factors when reviewing a Master Plan:
- (1) Compatibility within the development and relationship with surrounding neighborhoods.
 - (2) The nature, intent, and compatibility of common open space, including the proposed method for the maintenance and conservation of the common open space.
 - (3) The availability and adequacy of internal and external streets and thoroughfares to support traffic to be generated by the proposed development.
 - (4) The availability and adequacy of water and sewer service to support the proposed development.
 - (5) The availability of on- or off-site public education and recreation facilities, drainage, flood control and soil conservation as shown in the Master Plan.
 - (6) The benefits within the proposed development and to the general public.
 - (7) The conformity of the development with the city's Comprehensive Plan and Land Development regulations, particularly with the purpose and intent of the districts.
- (G) Expiration. The Master Plan approval shall establish a buildout horizon, as determined by the City Council at the time of approval, not to exceed thirty (30) years from the date of approval. The applicant shall file at least one (1) site plan

or subdivision plat application within three (3) years. Approval of any site plan or subdivision plat consistent with the Master Plan shall maintain its validity through the established buildout horizon.

Section 3. Severability. In the event a court of competent jurisdiction shall determine that any part of this Ordinance is invalid, the remainder of the Ordinance shall not be affected and it shall be presumed that the City Council of the City of Sebastian did not intend to enact such invalid provision. It shall further be assumed that the City Council would have enacted the remainder of this Ordinance without said invalid provision, thereby causing said remainder to remain in full force and effect.

Section 4. Conflicts. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. The sections of the Ordinance shall be codified within part of the City of Sebastian’s Land Development Code and may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “division,” or any other appropriate word.

Section 6. Scrivener’s Errors. Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager’s designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its adoption by the City Council.

The foregoing Ordinance was moved for adoption by Councilmember _____ . The motion was seconded by Councilmember _____ and, upon being put to a vote, the vote was as follows:

Mayor Fred Jones	_____
Vice-Mayor Bob McPartlan	_____
Councilmember Sherrie Matthews	_____
Councilmember Ed Dodd	_____
Councilmember Christopher Nunn	_____

The Mayor thereupon declared this Ordinance duly passed and adopted this ___ day of May, 2026.

CITY OF SEBASTIAN, FLORIDA

By: _____
FRED JONES, MAYOR

ATTEST:

CATHERINE E. TESTA
ACTING CITY CLERK

Approved as to form and legality for
reliance by the City of Sebastian only:

JAMES STOKES, ESQ.,
CITY ATTORNEY