

**ORDINANCE NO. O-25-06**

**AN ORDINANCE OF THE CITY OF SEBASTIAN, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF SEBASTIAN BY ADDING SECTION 54-2-7.23 TO ESTABLISH NEW STANDARDS FOR ACCESSORY DWELLING UNITS; AMENDING SECTION 54-5-22.2 BY ESTABLISHING A DEFINITION FOR ACCESSORY DWELLING UNITS; AMENDING SECTION 54-2-7.5 TO UPDATE REGULATIONS REGARDING ACCESSORY STRUCTURES PERTAINING TO ACCESSORY DWELLING UNITS; AMENDING SECTION 54-2-6.4 BY DELETING CONDITIONAL USE CRITERIA FOR GUEST HOUSES; AMENDING SECTIONS 54-2-5.2.1 AND 54-2-5.2.2 BY DELETING GUEST HOUSES AS CONDITIONAL USES FROM THE RE-40 AND RS-20 ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SCRIVENER’S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Sebastian is presently confronting a housing situation where the home prices and rents are currently unaffordable for families and households of middle and moderate incomes; and

**WHEREAS**, the Sebastian City Council wishes to ensure the availability of suitable and adaptable housing that accommodates City of Sebastian residents of middle and moderate incomes at all stages of life, including the elderly, and accommodate multigeneration living; and

**WHEREAS**, Policy 3-1.4.2 of the City of Sebastian’s Comprehensive Plan 2040 requires that Sebastian City Council identify and analyze areas within the City of Sebastian where accessory dwelling units may be accommodated without negatively impacting neighborhood character, while evaluating the feasibility of including flexible regulations and standards within the City of Sebastian’s Land Development Code which promote the implementation of innovative housing design and development concepts such as accessory dwellings units; and

**WHEREAS**, in accordance with Florida Statutes §163.3202(1), each municipality shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted Comprehensive Plan; and

**WHEREAS**, the Sebastian City Council hereby finds that it is in the public interest to modify and update certain provisions of the Land Development Code of the City of Sebastian to establish new regulations which will allow accessory dwellings units as a housing alternative for the middle and moderate-income households, for the elderly wishing to age in place; and multigenerational living; and

**WHEREAS**, the Local Planning Agency of the City of Sebastian held a public hearing on February 6, 2025, and made a recommendation to the Sebastian City Council to approve Ordinance O-25-06.

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

**Section 1.** That the *Land Development Code*, City of Sebastian, Florida, is hereby amended as follows:

**Amendment 1: Sec. 54-5-22.2. Definition of terms.**

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For the purpose of enforcing and administering this code, the following words shall have the definition and meanings herein ascribed:

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*Accessory dwelling unit (ADU).* A residential living unit that is a subordinate use to the primary dwelling unit on a single-family lot which provides independent living facilities for one or more persons, which includes provisions for sleeping, eating, cooking, and sanitation. The ADU may be physically attached to a single-family residence, located entirely within a single-family residence, or located within an existing or proposed detached accessory structure on a single-family lot.

*Accessory structure.* A structure which is customarily associated with, subordinate in size and incidental in use to the principal structure and located on the same site. Examples are tool sheds, garages, and accessory dwelling units.

*Accessory use.* A use that is clearly incidental to the principal use, that is subordinate in area, extent or purpose to the principal use and that contributes to the comfort, convenience or necessity of the principal use, and that is located on the same lot with such principal building or use.

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*Density, maximum gross residential.* The maximum gross residential density shall be determined by dividing the "maximum allowable units" by the "gross acres of land" (i.e., dwelling units/gross land acres). Accessory dwelling units shall not be counted towards maximum density.

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**Amendment 2: Sec. 54-2-7.23. Accessory dwelling units.**

- (a) *Purpose.* It has been deemed to be in the public interest to permit accessory dwelling units (“ADUs”) for existing single-family residences and in zoning districts where single-family residences are designated as a permitted use, so as to:
  - (1) Maintain a diverse supply of housing options;
  - (2) Provide flexible, adequate, and affordable living accommodations;
  - (3) Support homeowners utilizing excess space to offset the cost of home ownership;
  - (4) Foster the community’s composition by establishing spaces for multigenerational living and aging in place;
  - (5) Promote the conservation of natural resources and land and prevent proliferation of sprawl by the repurposing of existing structures and developed lots.
- (b) *Prohibitions.* The following uses directly associated with ADUs are prohibited:
  - (1) The leasing of the ADU for transient short-term rentals. No accessory dwelling unit may be utilized for commercial purposes except for home businesses that have been permitted and are in compliance with regulations found in Section 54-2-7.21.

- (2) The conversion of an ADU into a condominium or any other form of legal ownership distinct from the ownership of the single-family dwelling.
- (3) The conversion of an ADU into a primary dwelling unit, unless it were to become the only dwelling unit on the lot and conform with zoning district regulations for a primary dwelling unit.

(c) *Requirements.*

- (1) Creation. An accessory dwelling unit may only be created through the following methods:
  - i. Converting existing living area, attic, or garage;
  - ii. Adding floor area to the living area or garage of an existing single-family dwelling;
  - iii. Constructing a detached accessory dwelling unit on a lot with an existing single-family dwelling; or
  - iv. Constructing a new single-family dwelling with an internal or detached accessory dwelling unit.
- (2) Requirements of this section shall not supersede property owner or subdivision deed restrictions.
- (3) An accessory dwelling unit and principal dwelling unit shall be located on a single lot or parcel or on a combination of lots or parcels unified under a recorded unity of title document, and combined into one tax parcel. One accessory dwelling unit is allowed per tax parcel.
- (4) Density. A single-family lot proposing an ADU is exempt from the maximum gross residential density established by the City's Future Land Use Map for that parcel.
- (5) The accessory dwelling unit shall use the same address as the principal structure.
- (6) Accessory dwelling units shall be located only on lots which either satisfy the minimum lot size requirements of the applicable zoning district or are legally platted lots, with the exception of non-conforming, un-platted lots that are at least seventy (70) feet wide and have a minimum lot area of seven thousand (7,000) square feet.
- (7) Any accessory dwelling unit shall be clearly incidental to the principal dwelling and shall be developed only in conjunction with or after development of the principal dwelling unit.
- (8) No accessory dwelling unit shall be established in conjunction with a multi-family dwelling unit.
- (9) An accessory dwelling unit shall be charged an impact fee based on the residential unit impact fee category as determined by Indian River County.
- (10) An application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an **extremely-low-income, very-low-income, low-income, or moderate-income person or persons as defined by Florida Statute §163.31771, as amended from time to time.**

(d) *Design Standards.*

- (1) Purpose. Creating standards for accessory dwelling units address the following purposes:
  - i. Ensure that accessory dwelling units are compatible with the desired character and livability of the city's residential neighborhoods;
  - ii. Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards; and
  - iii. Ensure that accessory dwelling units are smaller in size than single-family dwelling units.

- (2) The design, character, and treatment of a detached accessory dwelling unit should be as close as reasonably possible to those of the principal dwelling. The façade design and materials shall be similar and consistent with the principal dwelling and use conventional residential windows and doors.
- (3) Mobile homes or recreational vehicles shall not be used as accessory dwelling units. The ADU shall meet the minimum requirements for a dwelling unit in accordance with the Florida Building Code.
- (4) Size. The gross floor area of the accessory dwelling unit shall not exceed fifty percent (50%) of the gross floor area that is under air of the principal dwelling unit or one thousand gross square feet (1,000 SF), whichever is less. Any accessory dwelling unit shall be no smaller than three hundred gross square feet (300 SF).
- (5) Setbacks. An accessory dwelling unit must meet the applicable zoning district regulations in which the property lies pertaining to setbacks and lot coverage provisions.
- (6) Height. A detached accessory dwelling unit shall not exceed one story in height. The unit may be located on a second story if the first story is utilized as a garage or storage facility.
- (7) The accessory dwelling unit shall be serviced by centralized water and wastewater if those utilities are available, or meet the Health Department's well and septic requirements. Modification, expansion, or installation of well and/or septic tank facilities to serve the accessory dwelling unit shall be designed in a manner that does not render any adjacent vacant property unbuildable for future development when well and/or septic tank facilities would be required to service development on those adjacent properties.
- (8) Parking. Adequate on-site parking shall be provided to support the use of both the principal dwelling unit and ADU.

**Amendment 3: Sec. 54-2-7.5. Accessory structures.**

- (a) *Presence of principal building required.* No accessory structure shall be constructed or placed upon a lot until the construction of a principal structure has been started and no accessory structure shall be used unless the principal structure has received a certificate of occupancy.
- (b) *Location:*
  - (1) General rule of location. No accessory structure shall be located in any required yard (setback), other than as outlined below. Furthermore, no detached accessory structure shall extend beyond the front building line of the principal structure that is located on the same real estate parcel or lot.
    - a. Special regulations governing rear yards. Detached structures, such as utility sheds, accessory dwelling units, and other structures accessory to a primary dwelling within a residential zoning district may encroach into a required rear yard, provided that any such structure maintain a minimum distance of ten feet from the rear property line and not be located within a dedicated easement. With the exception of structures that consist solely of screening and beams and supports for the screening material, no such structure shall exceed 400 square feet in lot coverage and shall not exceed 12 feet in height. Structures that consist solely of screening and beams and supports for the screening material, such as screen enclosures for swimming pool areas, shall not exceed 25 feet in height.
  - (2) Corner lots. Accessory structures may not be located in the secondary front yard of an improved corner lot unless the corner lot is joined in unity of title within an interior lot that contains the principal structure. However, said accessory structures shall not be located closer than 25 feet

from the secondary front property line in the RS-10 zoning district, and in all other zoning districts shall meet required front yard setbacks.

(c) *General regulations of accessory buildings:*

- (1) No mobile home, travel trailer, tent or similar structure, truck trailer or any portion thereof, or motor vehicle shall be permitted as an accessory structure.
- (2) No accessory structure shall be constructed or maintained without a building permit being issued by the city's building official expressly designating the type of the accessory structure (example: garage, shed, pump house).
- (3) The building official shall not issue a building permit if the accessory structure does not comply with all other provisions of the Land Development Code, Comprehensive Plan, or the Code of Ordinances of the City of Sebastian.
- (4) Excluding accessory dwelling units, no accessory structure shall be constructed or maintained if the height thereof exceeds the height of the principal structure that is located on the same real estate parcel or lot.
- (5) Attached or detached Quonset-type or style accessory structures, usually defined as any self-supporting structure, typically in an "arch" or curved shape with no interior posts, trusses or support beams of any kind and with the exterior sheeting forming the building, are prohibited.
- (6) A residential lot will be allowed five square feet of accessory building area (cumulative, excluding accessory dwelling units), for every 100 square feet of lot area, not to exceed 1,000 square feet total. Attached garages, which are part of the original principal building design, will not be included in the cumulative total of accessory building area. Accessory structures, which consist solely of screening and beams and supports for the screening material (such as screen enclosures for swimming pool areas) will not be included in the cumulative total of accessory building area.
- (7) Excluding accessory dwelling units, any attached or detached accessory building over 500 square feet in area, any attached or detached carport and/or breezeway over 500 square feet in area, must be reviewed and approved administratively by planning staff utilizing the following criteria:
  - a. Accessory structures may not be constructed or maintained from corrugated metal or corrugated metal-looking products.
  - b. The roof of the accessory building must have a minimum pitch of 3:12.
  - c. Accessory structures 501 square feet to 750 square feet in size shall be compatible with the overall general architectural design of the primary residence, including facade and materials, colors and trim, roofing materials and pitch.
  - d. Accessory structures 751 square feet to 1,000 square feet in size shall be of the same architectural design of the primary residence, including facade and materials, colors and trim, and roofing materials and pitch. Foundation plantings shall be required on all sides of the accessory structure excluding entranceways and doorways. Said requirements are as follows: One shrub for every three lineal feet, 24 inches in height at planting.

**Amendment 4: Sec. 54-2-6.4. Specific criteria for approving a conditional use.**

In addition to satisfaction of the general provisions cited above, a conditional use shall be permitted only upon a finding that the proposed conditional use complies with the requirements for the respective conditional use as specified below:

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(24) *Reserved.*

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**Amendment 5: Sec. 54-2-5.2.1 Residential Estate District (RE-40).**

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(b) *Uses permitted:*

Single-family dwellings	Home occupations
Foster care/group homes with $\leq 6$ residents	Accessory residential uses

(c) *Conditional uses:*

Foster care/group homes with $> 6$ residents	
Model homes	Child care services
Schools, public or private	Churches
Utilities, public and private	Parks and recreation, public
Protective and emergency services, public	Golf courses and support facilities
Equestrian uses	Accessory uses to conditional uses

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**Amendment 6: Sec. 54-2-5.2.2. Single-Family Residential District (RS-20).**

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(b) *Uses permitted:*

- Single-family dwellings
- Foster care/group homes with  $6 \leq$  residents
- Accessory residential uses
- Home occupations

(c) *Conditional uses:*

Foster care/group homes with $> 6$ residents	
Model homes	Child care services
Schools, public or private	Churches
Utilities, public and private	Parks and recreation, public
Protective and emergency services, public	Golf courses and support facilities
Accessory uses to conditional uses	

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**Amendment 7: Sec. 54-2-5.9. Table of Land Use by Districts.**

Table 54-2-5.9, Land Use by Districts, stipulates the permitted and conditional uses by district. Permitted uses are uses allowed by right, provided all applicable regulations within the Land Development Code are satisfied, as well as all other applicable laws and administration regulations. Conditional uses are allowable only if approved by the city pursuant to administrative procedures found in Article VI. The

applicant requesting a conditional use must demonstrate compliance with conditional use criteria set forth in Article VI.

The applicant shall bear the burden of proof in demonstrating compliance with all applicable laws and ordinances during the site plan review process. The site plan review process is set forth in article XVIII.

TABLE 54-2-5.9. LAND USES BY DISTRICT MATRIX														
	C	RE-40	RS-20	RS-10	RM-8	R-MH	C-512	CL	CG	CR	CWR	IN	AI	PS
<i>RESIDENTIAL USES</i>														
Single-family dwellings		P	P	P	P						P			
Duplex dwellings					P						P			
Multiple-family dwellings					P						P			
Townhouses					P									
Qualified affordable housing								C						
Mobile homes						P								
Vehicular storage areas						C								
Foster care/group home with ≤ 6 residents		P	P	P	P						P			
Foster care/group homes with > 6 residents		C	C	C	C						C			
Model homes		C	C	C	C	C					C			
Home occupations		P	P	P	P	P	P	P	P	P	P			
Residential uses accessory to permitted uses							P							

**Section 2. 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 Sebastian City Council did not intend to enact such invalid provision. It shall further be assumed that the Sebastian 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 3. Conflicts.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4. Codification.** The sections of the Ordinance shall be codified within part of the City of Sebastian 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 5. 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 6. 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 Bob McPartlan	_____
Vice Mayor Fred Jones	_____
Councilmember Kelly Dixon	_____
Councilmember Ed Dodd	_____
Councilmember Christopher Nunn	_____

The Mayor thereupon declared this Ordinance duly passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2025.

CITY OF SEBASTIAN, FLORIDA

By: \_\_\_\_\_  
Bob McPartlan, Mayor

ATTEST:

\_\_\_\_\_  
Jeanette Williams, MMC  
City Clerk

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

\_\_\_\_\_  
Jennifer Cockcroft, Esq., BCS  
City Attorney