

**ORDINANCE NO. O-25-02**

**AN ORDINANCE OF THE CITY OF SEBASTIAN, FLORIDA, DESIGNATING A ZONING CLASSIFICATION OF RS-10 (RESIDENTIAL SINGLE-FAMILY) TO LAND WITH A CURRENT ZONING DESIGNATION OF PS (PUBLIC SERVICE) FOR PROPERTY CONSISTING OF 3.96 ACRES, MORE OR LESS, LOCATED NORTH OF DAY DR, SOUTH OF SPRING VALLEY AVE, WEST OF ALEXIS ST AND SCHUMANN WATERWAY; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the current owner of the subject property (consisting of 3.96 ac., more or less, located North of Day Drive, South of Spring Valley Avenue, West of Alexis Street and the Schumann Waterway, within the City of Sebastian) is St. Lucie Development Corp.; and

**WHEREAS**, the Owner has filed a petition for an amendment to the Zoning Ordinance; and

**WHEREAS**, the current zoning classification on the property is PS (Public Service) and the requested change by Owner is to rezone to RS-10 (Residential Single-Family); and

**WHEREAS**, the Sebastian City Council has provided notice of the proposed zoning change and conducted a public hearing to receive citizen input; and

**WHEREAS**, the Sebastian City Council has considered the criteria identified in the Land Development Code together with the recommended findings and recommendations of its Staff and the City's Planning and Zoning Commission; and

**WHEREAS**, the Sebastian City Council has made the following findings:

- A. The proposed rezoning is compatible with the adjacent area.
- B. The proposed rezoning is consistent with the goals, objectives, and other elements of the Comprehensive Plan.
- C. The proposed rezoning is in conformity with the substantive requirements of the City of Sebastian Code of Ordinances, particularly the Land Development Code.
- D. Adequate public facilities and services exist in the City to serve the proposed rezoning and will not exceed the capacity for such services and facilities.
- E. The proposed change in zoning will not result in any adverse impacts on the natural environment.
- F. The proposed change in zoning will not adversely affect the property values in the area, or the general health, safety, and welfare of the City or have an adverse impact on the financial resources of the City.
- G. The proposed change in zoning will result in an orderly and local development pattern.

H. The proposed change in zoning is not in conflict with the public interest of the citizens of the City of Sebastian.

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

**SECTION 1. PROPERTY.** The change in zoning classification created by the adoption of this Ordinance shall affect the following described real property, now lying and being within the incorporated area of the City of Sebastian, Indian River County, Florida:

*See Attachment "A" Warranty Deed*

**SECTION 2. REZONING.** The real property described in Attachment "A" is hereby given a City zoning designation of RS-10 (Residential Single Family).

**SECTION 3. ZONING MAP.** The official City Zoning Map shall be amended to include the real property described in Attachment "A" and reflect its designated zoning district as RS-10 (Residential Single Family) in accordance with the requirements of Florida law.

*See Attachment "B" Zoning Map*

**SECTION 4. CONFLICTS.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**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. SEVERABILITY.** In the event a court of competent jurisdiction shall determine that any part of this Ordinance is invalid or unconstitutional, 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 or unconstitutional provisions. It shall further be assumed that the City Council would have enacted the remainder of this Ordinance without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall take effect after its second reading.

**SECTION 8. ADOPTION SCHEDULE.** That this Ordinance was passed on the first reading at a regular meeting of the City Council on the 26 day of February, 2025 and adopted on second/final reading at a regular meeting of the City Council on the 12 day of March, 2025.

**PASSAGE UPON FIRST READING**

The foregoing Ordinance was moved for passage upon first reading this 26 day of February, 2025, by Councilmember Dixon. The motion was seconded by Councilmember Jones and, upon being put to a vote, the vote was as follows:

Mayor Bob McPartlan	<u>aye</u>
Vice Mayor Fred Jones	<u>aye</u>
Councilmember Kelly Dixon	<u>aye</u>
Councilmember Ed Dodd	<u>aye</u>
Councilmember Christopher Nunn	<u>aye</u>

ATTEST:

Jeanette Williams  
Jeanette Williams, MMC  
City Clerk

**ADOPTION**

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

Mayor Bob McPartlan	<u>aye</u>
Vice Mayor Fred Jones	<u>aye</u>
Councilmember Kelly Dixon	<u>aye</u>
Councilmember Ed Dodd	<u>aye</u>
Councilmember Christopher Nunn	<u>aye</u>

The Mayor thereupon declared this Ordinance duly passed and adopted this 12th day of March, 2025.

CITY OF SEBASTIAN, FLORIDA

By: Bob McPartlan  
BOB McPARTLAN, MAYOR



ATTEST:

Jeanette Williams  
JEANETTE WILLIAMS, MMC  
CITY CLERK

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

Jennifer Cockcroft  
JENNIFER COCKCROFT, ESQ., BCS  
CITY ATTORNEY

REC FEE: \$6.00  
DOC STMP: \$178.50

RECEIVED  
SEP 03 2024  
BY: \_\_\_\_\_

This Document Prepared by and return to:  
Security Title of Indian River, Inc.  
3710 20th Street  
Vero Beach, Florida 32960  
Diane M. Shampine

DOCUMENTARY STAMPS  
DEED \$ 178.50  
NOTE \$  
JEFFREY K. BARTON, CLERK  
INDIAN RIVER COUNTY

IN THE RECORDS OF  
JEFFREY K. BARTON  
CLERK CIRCUIT COURT  
INDIAN RIVER CO., FLA.

1424238

RETURN TO: Security Title  
3710-20th Street  
Vero Beach, Florida 32960

Parcel ID Number: 31-39-19-00001-0014-00001.0

# Warranty Deed

This Indenture, Made this 7<sup>TH</sup> day of March, 2003 A.D., Between Michael Silverman, a single man

of the County of Indian River, State of Florida, grantor, and St. Lucie Development Corporation,, a corporation existing under the laws of the State of Florida whose address is: 3710 20th Street, Vero Beach, FL 32960

03 MAR 11 AM 9:44

of the County of Indian River, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of -----TEN DOLLARS (\$10)----- DOLLARS, and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Indian River State of Florida to wit:

Tract N, less and except and approximately .03 acre dedicated parcel ("lift station) of SEBASTIAN HIGHLANDS, UNIT 17, according to the Plat thereof as recorded in Plat Book 8, Pages 46, 46A through 46P, of the Public Records of Indian River County, Florida.

Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to December 31, 2002.

The property herein conveyed is VACANT LAND and DOES NOT constitute the HOMESTEAD property of the Grantor. The Grantor's HOMESTEAD address is other than the property being conveyed.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Printed Name: PERRY C. LANE

Michael Silverman (Seal)

P.O. Address: 45 48th Avenue, Vero Beach, FL 32968

Printed Name: Diane M. Shampine  
Witness

STATE OF Florida  
COUNTY OF Indian River

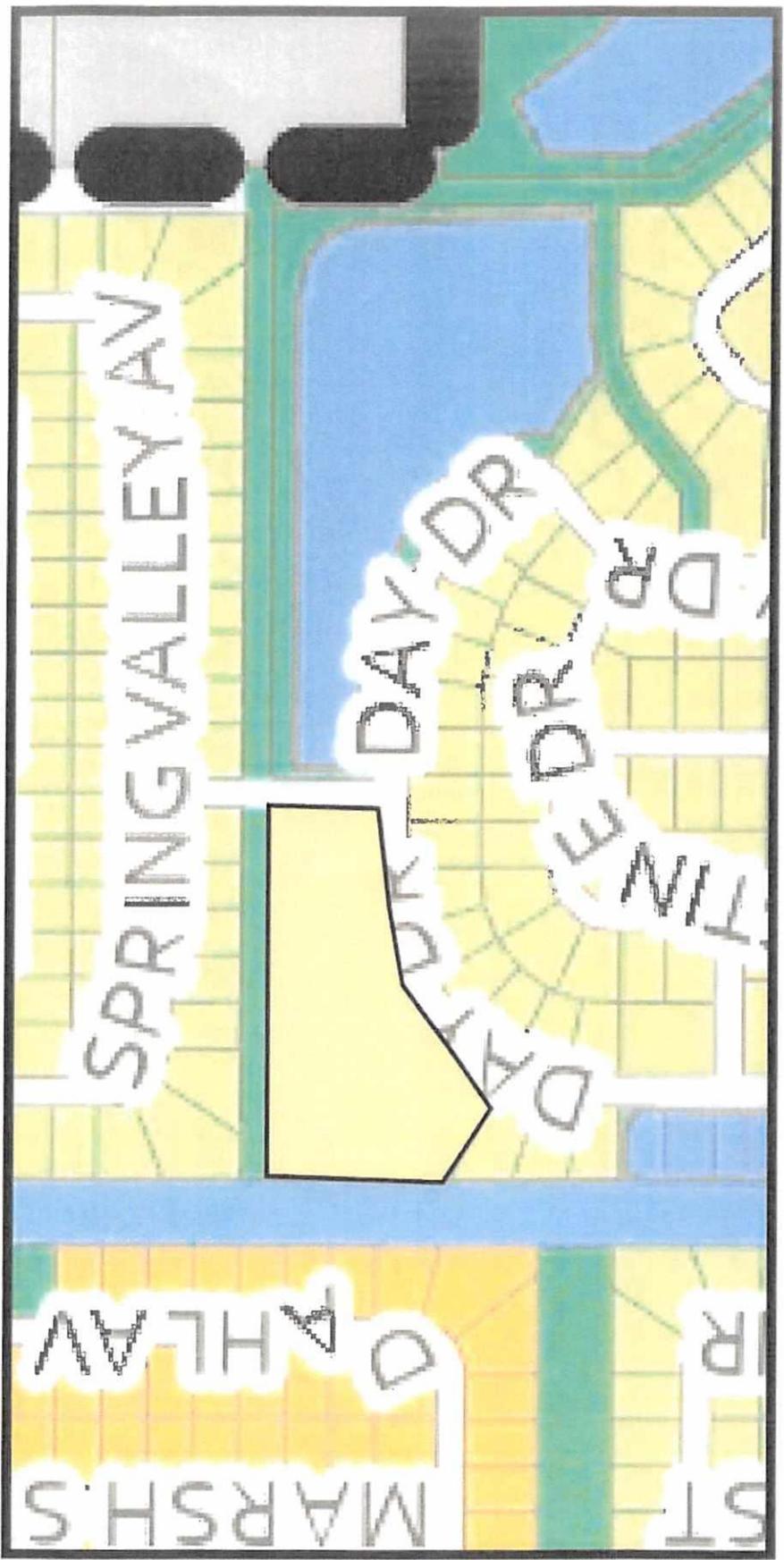
The foregoing instrument was acknowledged before me this 7<sup>TH</sup> day of March, 2003 by Michael Silverman, a single man

he is personally known to me or he has produced his Florida driver's license as identification

Perry C Lane  
My Commission DD172522  
Expires March 14, 2007

Printed Name: Perry C. Lane  
Notary Public  
My Commission Expires

DR1572P60303



Proposed Zoning Map