

**From:** Baker, Jake <[jbaker@cityofnsb.com](mailto:jbaker@cityofnsb.com)>  
**Date:** Monday, 10 April 2023 at 15:52  
**To:** Colin Murphy  
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**Subject:** Parcel ID: 7418-08-04-0010

Mr. Murphy,

The [parcel](#) is zoned B-2 Neighborhood Business. The zoning information is attached.

Best Regards,

**Jake Baker**  
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## B-2 NEIGHBORHOOD BUSINESS DISTRICT

### Intent:

The Neighborhood Business District is intended to provide goods and services for the frequent needs of residents, and to assure that the operation of neighborhood businesses are not detrimental to adjoining residential uses.

### Permitted Uses:

Animal Clinic, out-patient care only, and no overnight boarding  
Appliance & Repair Shops  
Attached Dwellings  
Bakeries, non-manufacturing  
Barber and Beauty Shops  
Billiard Halls **Ord. #08-11**  
Bowling Centers **Ord. #04-92**  
Ceramic Shops  
Clubs, semi-public  
Communication Facilities: Buildings for Radio, Television, Telephone, and Telegraph  
Convenience Market with Gas Pumps  
Drug Stores and Pharmacies  
Dry Cleaning Establishments  
Florists  
Funeral Homes  
Gift Shops  
Government Buildings and Offices  
Grocery Stores  
Hardware Stores  
Hobby/Craft Shops  
Income Tax Services  
Jewelry Stores  
Laundries, including self-service  
Lending Agencies  
Men's & Women's Figure Salons  
Multi-Family Residential Developments **Ord. #18-97**  
Newspaper Offices & Printing Shops  
Night Clubs  
Office & Household Equipment Sales  
Parking Lots  
Pet Grooming **Ord. #50-22**  
Pet Shop **Ord. #50-22**  
Professional Offices, including Accountants, Architects, Consultants, Dentists, Engineers,  
Financial, Insurance, Lawyers, Medical, and Stockbrokers [**Revised 2-17-11**]  
Real Estate Brokers  
Restaurants, Type "A", "B", "C" & "D"

Retail Sales and Services  
Shoe Repair Shops  
Taverns  
Taxicab & Bus Stands & Terminals  
Travel Agents  
Video Tape Rental

Conditional uses:

**Ord. #42-12**

Farmers markets, subject to the following conditions:

- (1) The planning manager determines that adequate parking is available.
- (2) There is adequate space on-site to accommodate all vendors without utilizing public rights-of-way unless city commission approval has been received to utilize public rights-of-way.
- (3) Vendors shall not block pedestrian ways.
- (4) Products offered for sale shall be limited to the following:
  - a. Fresh fruits and vegetables.
  - b. Herbs and spices.
  - c. Farmstead products including but not limited to cheese, meats, fish/seafood, poultry, eggs, baked goods, canned goods, honey, maple syrup and preserves.
  - d. Bedding plants, hanging and potted plants, and cut flowers.
  - e. Dried flowers or plants.
  - f. A maximum of 50 percent of the total area used for the market shall be allowed for handicrafts.
  - g. All Farmers Market shall be limited to a maximum of three (3) mobile food trucks or trailers. **Ord. 10-20**
  - h. Flea market and yard sale items are prohibited
  - i. A Farmers Market shall be limited to a maximum of eight (8) vendors located in booths that may perform onsite food preparation, including cooking, heating, cooling, mixing, or any other form of food preparation needed to make food ready for immediate consumption. **Ord. 10-20**
  - j. There is no limitation on the sale of foods that are prepared offsite and require no onsite preparation prior to consumption. **Ord. 10-20**
- (5) The farmers' market organization must obtain a business tax receipt from Volusia County and from the City of New Smyrna Beach.
- (6) Each vendor operating within the farmers market must obtain a business tax receipt from Volusia County and from the City of New Smyrna Beach.
- (7) Informational booths for 501(c)3 non-profit organizations shall be permitted.

*Approval of a conditional use.* At the time the applicant applies for a business tax receipt with the city, the applicant shall also submit a conceptual plan to the planning department. The conceptual plan shall show the general location of the vendor stalls on the site. Based upon the criteria listed above, the planning manager or his/her designee, shall approve or deny the application for a conditional use.

*Transfer or abandonment of a conditional use.* Conditional uses are approved for a specific location and are assigned to the property. If the location of the use is changed, new conditional use approval must be obtained.

*Violation of conditional use terms or conditions.* It is a violation of this Code for any person to violate or to refuse or fail to comply with any term or condition of a conditional use. Violations may be prosecuted or enforced as provided by law for prosecution or enforcement of municipal ordinances.

*Permitted accessory uses.* Any accessory use customarily incidental to a permitted principal use.

*Special exceptions.*

Beach concession vehicles parked at a business, beachside only. See [sub] section 801.10.

Beach concession vehicle parking lots

Carwashes

Child day care on church property, subject to the following additional conditions:

- (1) The church property shall be located on and be accessible by an arterial or collector roadway.
- (2) Play areas shall be fenced and landscaped. The landscaping shall have a vegetative hedge that will reach six feet in height within two years that is planted a minimum of three feet on center.
- (3) Play areas shall be located within all applicable setback dimensions.
- (4) The church property shall have a vehicular drop off and pickup area with a minimum [of] 100 feet of drive lane outside of the public right-of-way, or sufficient parking area to provide enough space to fit the required parking and provided space for drop off and pick up.

Churches

## Condominium garages

Miniature golf courses, subject to the following conditions:

1. Any miniature golf course abutting or facing a residential district or use shall provide a minimum landscaped buffer of 15 feet wide. This landscaped buffer shall not be used for stormwater management.
2. The city commission may require as a condition for granting the special exception that a fence or wall be constructed to provide additional buffering for residentially zoned or used property.
3. All miniature golf greens, including associated sidewalks, park benches, and other facilities, shall be set back from front property lines ten feet and seven feet from side or rear property lines. At ten feet, a structure can be a maximum of four feet high with the maximum allowable height increasing at a ratio of ten percent to a distance of 35 feet from the property line. All buildings shall comply with the B-2 setbacks.
4. The site shall be designed such that existing flora and topography are used as much as reasonably possible.
5. Miniature golf courses shall be accessed from a major arterial roadway of four or more lanes as shown on the comprehensive plan.
6. Site and automobile lighting from the miniature golf course shall not illuminate adjacent properties.
7. The minimum lot size for a miniature golf course is 65,000 square feet.

Outdoor displays, subject to the following conditions:

1. The display area shall not exceed 200 square feet.
2. No display shall be located in any required parking area, nor obstruct vehicular or pedestrian traffic flow.
3. No display shall be located on the public right-of-way. No display shall be located either in required buffer areas or on public rights-of-way.
4. All outdoor displays must be removed from the display area and brought inside at the close of business.
5. No sales or other commercial activity other than displaying the merchandise shall be allowed in the display area.
6. Items allowed to be displayed shall be limited to outdoor merchandise; holiday trees and plants; and decorative plants and trees. Examples of items allowed shall include lawn mowers, lawn furniture, basketball nets, volleyball equipment, Christmas trees, pumpkins at Halloween, etc. Examples of items not allowed shall include indoor furniture, stoves, ranges, bathroom fixtures, sod, tomato plants, and harvested fruits and vegetables.

7. The specific area in which the outdoor display is to be located shall be depicted on a scaled drawing showing the display's location and the location of all other structures on the lot and their relationship to the property lines.
8. Displays shall conform to the side and rear yard setback requirements. Displays may encroach upon the required front yards.
9. Displays shall not obstruct visibility triangles at intersections or at points of ingress to the business.
10. The city commission shall not grant a special exception permitting an outdoor display that is aesthetically incompatible with a neighborhood's or business district's development pattern.

Preschools, subject to the following conditions:

- (1) A vehicular drop-off and pickup traffic lane is provided on-site that has a stacking lane capacity that is at least 100 feet long, or adequate off-street parking is provided so that pickup and drop-off will not be within a public right-of-way; and
- (2) Adequate fencing of play areas is provided to prevent the children from running into traffic.

Service stations, types "A" and "B"

Theaters, provided:

- (1) Off-street parking requirements of this LDR are met;
- (2) There is a minimum seating capacity for 300 people; and
- (3) The proposed theater will not be detrimental to property in the immediate vicinity or to the community as a whole.

Waterfront dining and entertainment establishments

*Dimensional requirements.*

*Minimum lot size.*

Area: None

Depth: None

Width: 50 feet

*Minimum yard size.*

Front yard: 35 feet or as required per [sub] section 504.01M. of this LDR

Side yard: Ten feet

Rear yard: Ten feet

*Corner lots.*

- (1) Parcels which front on two streets shall provide a 35-foot front yard on one street and a 17.5-foot front yard on the other street. The 35-foot front yard shall be adjacent to the major or most traveled roadway.
- (2) Parcels which front on three streets shall provide a 35-foot front yard on one street and a 17.5-foot front yard on the other two streets. The 35-foot front yard shall be adjacent to the major or most traveled roadway.

*Maximum principal building height.* 35 feet or three stories.

*Maximum building coverage.* On any lot, the total area covered with buildings when including accessory buildings, shall not exceed 35 percent of the total area of the lot.

*Maximum impervious lot coverage.* The total area of the lot that may be covered with impervious material is 75 percent.

*Buffers.*

Landscaped buffer area(s) as defined in this LDR shall be required at property lines of nonresidential developments as follows:

- (1) All front property lines;
- (2) Alongside or rear lot lines abutting residentially zoned lots except the buffer shall be 25 feet wide; and
- (3) Alongside and rear lot lines not abutting residentially zoned lots, the buffer shall be seven feet wide.

Landscaped or natural vegetative buffers for multifamily development shall be provided as indicated in [sub] section 604.05 and as follows:

- (1) Along front, rear, and side lot lines where off-street parking areas are located, the buffer shall be a minimum of seven feet wide; and
- (2) Adjacent to or facing a single-family residential district or use, the buffer shall be a minimum of 20 feet wide from the property line.

*Visibility at intersections.* Visibility at intersections shall be provided as required in this LDR.

*Maximum dwelling unit density.* 12 dwelling units per acre beachside and 18 units per acre mainland. No less than 3,630 square feet of lot area for each beach side dwelling unit and 2,420 square feet of lot area for each mainland dwelling unit.

*Landscaping.* A landscaping plan is required as described in this LDR for class II and III site plans.

*Off-street parking and loading.* Off-street parking and loading space shall be provided as required in this LDR.

*Building projections.* There shall be no building projections into any required yard except for eaves with a maximum projection of 42 inches, but no closer than five feet to a property line; and those structures allowed in [sub] section 804.03.

#### *Multifamily residential standards.*

##### *Minimum floor area.*

450 square feet of livable area for a one-bedroom unit

550 square feet of livable area for a two-bedroom unit

700 square feet of livable area for a three-bedroom unit

*Maximum building length and width.* Building facades parallel to the street upon which the building fronts or parallel to a waterfront shall not exceed 150 feet. No building constructed after the effective date of the LDR shall have a dimension that exceeds 200 feet.

*Minimum building separation.* Where two or more multifamily dwellings, single-family dwellings attached or detached, duplexes, apartments, condominiums, or townhouses are built on one parcel, there shall be a separation of at least



20 feet between the buildings plus 1.5 additional feet for each five feet of building height over 20 feet. When buildings vary in height, said distance is to be based on the highest building. (For example: The distance between a 20-foot-tall building and a 25-foot-tall building shall be 21.5 feet.)

*Minimum requirements for townhouses and townhouse lots.*

All lots shall be adjacent to a public right-of-way or common area.

Lots shall have a minimum width of 20 feet where a living unit is to be located.

Lot frontage along a right-of-way or common area shall be a minimum of ten feet.

Front setbacks shall be 20 feet or as required per [sub] section 504.01M. of this LDR.

Side setbacks shall be zero feet.

Rear setbacks shall be 20 feet except if there is a landscaped common area behind the townhome and there is a minimum distance of 20 feet from the project boundary line and the dwelling unit or accessory structures.