



Proposed Development for 1300 So. Atlantic Ave. New Smyrna Beach Residents' Coalition

At the August 13th City Commission meeting, the Commission will vote on two ordinances for developers' plans for a 5-story parking garage at 1300 S Atlantic. The developer needs both ordinances to build the project being proposed. In the first Ordinance No. 46-24, the developer proposes an amendment to the Land Development Regulation's definition of *commercial floor area ratio* to exceed the current 2.0 floor area ratio. This amendment would define the FAR calculation for *ALL New Smyrna Beach*.

The second vote on [Ordinance No. 47-24](#) will follow a quasi-judicial hearing where expert testimony will be heard. In 47-24, the developer proposes a change in zoning from B-2 Neighborhood Business District to a PUD - Planned Unit Development. The proposed PUD currently consists of a 5-story parking garage, two restaurants and shops. Current zoning allows a 3-story building consistent with the neighborhood.

The amendment to the Land development regulations (see Exhibit A) and the initial [Master Development Agreement](#) (MDA) and PUD were presented to the Planning & Zoning Board at their [May 6 meeting](#) and both were approved following lengthy discussion and public comment by a 5-1 vote of the members. The presentation by the developer referenced the [September 2023 Parking Task Force Study](#) and an [August 2023 Traffic Study](#) completed for the development. City Staff recommended approval of both actions.

The first reading for the two ordinances occurred at the June 25 City Commission meeting. In addition to the documentation presented to the Planning Zoning Board in May, [preliminary plans](#) for the development were presented.

The Residents' Coalition opposes the continuation of the decades-old practice of changing our Land Development Regulations in response to a single project. This piecemeal, tail wagging the dog planning process does not adhere to our City Charter's mandate to **"Preserve the scale and character of the city's neighborhoods."** (page 14) or to the Comprehensive Plan's statement that all development must comply with the City's Land Development Regulations.

The Mayor and Commissioners have sworn an oath of office to support the ordinances of the City of New Smyrna Beach. It is time for the Commission to become proactive and initiate all necessary changes to Land Development Regulations and Zoning and take back the future of NSB.

The New Smyrna Beach Residents' Coalition urges the Commission to vote NO on Ordinances No. 46-24 and 47-24 and continue with workshops and planning for future development consistent with our City Charter and Strategic and Comprehensive Plans.

Exhibit A

Existing definition of FAR in NSB LDRs

Floor area, residential. The sum of the gross horizontal areas of the several floors of a building excluding cellar and basement floor area not devoted to residential use, porches, patios, breezeways, carports, sunporches, or other similar structural additions that are unenclosed or enclosed with mesh screen. Floor area shall be measured from the exterior faces of exterior walls and shall exclude attic areas having less vertical distance than seven feet, unenclosed stairs, fire escapes, elevator structures or other accessory apparatus.

Proposed addition to NSB LDR excluding parking garages from calculation

Floor area, commercial. The sum of the gross horizontal areas of the several floors of a building, measured from the exterior face of walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Floor area ratio shall exclude areas of basements, areas of attics, areas with less vertical clearance than seven feet, unenclosed stairs, fire escapes, elevators, parking structures, or covered loading zones for motor vehicles.