



City of New Smyrna Beach

Development Services Department
Planning – Engineering – Building – Code Compliance

Frequently Asked Questions

Planning Related Questions

- **What are the exotic trees in Florida?**

The Florida Invasive Species Council maintains an active list of invasive plant species. You can search for plant species at [FLEPPC List of Invasive Plant Species](#)

- **What is my property designated in the Comprehensive Plan?**

The Comprehensive Plan contains a Future Land Use Map that displays the designated land uses within the City of New Smyrna Beach. Please contact the Planning Department at (386) 410-2800. Link to the [Future Land Use Map](#)

- **What is the density/intensity of uses allowed on my property?**

The Comprehensive Plan contains a Future Land Use Element that describes the densities and/or intensities of the permitted land uses within the City of New Smyrna Beach. Please contact the Planning Department at (386) 410-2835. Link to the City's [Comprehensive Plan - Future Land Use Element](#)

- **What is my property zoned?**

Please contact the Planning Department at (386) 410-2835. Link to view the [City Zoning Map](#)

- **How do I request an amendment to the Comprehensive Plan?**

Comprehensive Plan amendments may be initiated by a Department of Development Services planner, City Commission, Planning and Zoning Board, or a property owner or lessee of property within the area proposed to be changed or affected. Please contact the Planning Department at (386) 410-2835 for any assistance. Link to [Comprehensive Plan Amendments](#)

- **Is my property within a historic district?**

The City of New Smyrna Beach has two (2) historic districts listed in the National Register of Historic Places. They are the New Smyrna Beach Historic District on the mainland and the Coronado Historic District on the beachside. Descriptions and maps of the historic

districts are available from the Planning Department at planning@cityofnsb.com or (386) 410-2835. Link to [Historic Preservation Division](#) information page.

- **How do I petition the City to annex my property?**

Please contact the Planning Department at (386) 410-2800 for any assistance. Link to [Annexations](#)

- **Do I need a permit to remove a tree?**

A Permit is required if you plan to remove any tree greater than 4" in diameter measured 4' off the ground for Beachside and 6" or greater on the Mainland, except for invasive trees. Link to the City's [Tree Removal Permit Application](#).

Building Permit Questions

- **How do I know if I am dealing with a reputable contractor?**

*Verify that the Contractor is **licensed**. Florida Law requires that a General Contractor or Home Improvement Contractor be licensed.*

*Verify that the Contractor is **insured**. State Law requires that they carry workers compensation insurance. Ask to see a certificate of insurance. You may also want to ask for references and be sure to check them all out.*

*Make sure all agreements are **in writing**. Be sure to reduce all change orders or contract amendments to writing. Make sure the Contractor obtains all required building permits and pass the required code inspections. Before making the final payment be sure to obtain a certificate of completion or certificate of occupancy issued by the Building Department.*

*Many citizens in Florida have fallen victim to dishonest, unlicensed, or improperly licensed contractors. Florida Statute 489 requires all construction contractors to hold a valid **contractor's license** prior to engaging in contracting. Always require that a contractor show you a valid contracting license before you sign a contract.*

Some indications that a contractor may be unlicensed are:

- *Contractor requests a large deposit or all the money up front before any work has commenced*
- *Contractor asks you to pull a homeowner permit*

- *Contractor pressures you to sign a contract today or they can't give you this special price*

To verify license of contractor, you may call the State of Florida Department of Professional Regulation at (850) 487-1395. The City requires proof of license from contractors who pull permits for properties located in the City, so be sure to require that the contractor pull the permit in his name, not your name.

- **What types of work needs a building permit?**

Section 104 of the Florida Building Code states: It shall be unlawful to construct, enlarge, alter, repair, or move, remove, or demolish any building, structure, or any part thereof or any equipment, device, or facility therein or thereon, or to change Occupancy of a building from one use Group to another requiring greater strength, means of egress, fire and sanitary provisions; or to change to an unauthorized or prohibited use or to install or alter any equipment for which provisions is made or the installation of which is regulated by this code: without first having filed application and obtained a permit thereof, from the building Official, validated by payment thereof. Permits are required for any structural, window, and door replacement, electrical, plumbing, gas, and mechanical work. If you have any questions on what requires a permit, please contact the Building Department at (386) 410-2800.

- **What if I have a permit and do not call for inspection?**

Permits expire after 180 days if no required inspections have been approved. To complete a project, it must pass final inspections. In some cases, a Certificate of Completion (CC) or a Certificate of Occupancy (CO) may also be required. If a permit expires before final inspections, it becomes null and void, and the project is in violation of the Code. If this is your situation, please call our office at (386) 410-2800. We will help you get the project back on track. Our main interest is seeing the project completed, including all final inspections and the protection of life and property.

Engineering Related Questions

- **What flood zone is my property in?**

The FEMA flood maps can be viewed online and searched by address at the below link: <https://msc.fema.gov/portal/search#searchresultsanchor> . The maps are also available by contacting Jesse Meyers in the Engineering Department (386-410-2812 or jmeyers@cityofnsb.com). He is also available to answer specific questions regarding flood zones or your property. In New Smyrna Beach, the special flood hazard zones are: A, AE, and VE. Zones that are NOT considered special flood hazard zones are X, X(500), X Shaded.

- **What are the flood risks associated with my property, what can I do to minimize these risks?**

The Engineering Department can discuss individual concerns and flood history with you. Upon request, an on-site review can also be performed to give recommendations how to best protect your property from flood damage. (386-410-2812 or jmeyers@cityofnsb.com)

- **Why do I have to provide onsite retention/Can I fill in the low spot in my yard?**

Several parts of the City were designed without consideration to stormwater or without sufficient stormwater capacity. Most of these are older, established neighborhoods with limited public space available to retrofit stormwater systems. In those situations, each individual property owner is required to retain a portion of the runoff generated on their property. If you have new construction: add a pool, driveway, garage, patio, etc. there was likely a requirement to do so. The most common way is by creating a shallow depression in a portion of the yard. It can be grassed and mowed just like the rest of the yard, but will collect water when it rains and allow it to soak back into the ground within 24-48 hours of a rain event. These are required by code. Filling in these areas or other low areas may result in flooding an adjacent property, the street, and/or sending additional runoff laden with fertilizers, pollutants, contaminants into ditches, streams, or rivers.

- **Does the City have a copy of my survey or elevation certificate?**

In many instances yes. If your home was constructed within the last 10 years or you have had an addition, driveway, fence, pool etc. added within that time period, most likely there is a record of your survey and permit with the Building Department.

For those properties located within a flood zone (Special Flood Hazard Area), or previously located in a flood zone, the City Engineering Department may have record of the elevation certificate. This document is used to certify a home was built to the proper elevation and is commonly used by insurance companies to qualify premium amounts. The City records these by year of construction. Records date back to early 1990's but the more recent, the more likely for there to be one on file. *Flood zones do change over the years. Sometimes a home was built not in a flood zone and subsequently was added to one. An elevation certificate may not have been performed or may have been done shortly after the flood map change.*

- **Are pavers or artificial turf impervious? What is the maximum lot cover I am allowed?**

By definition and interpretation, these materials are considered impervious. This also includes pools, any parking surface, and shell, rock, gravel etc. with a fabric

underlayment. Each of these materials may likely behave partially pervious. However, the amount will vary based on application type, location, thickness, slope, compaction, age, maintenance, etc. Because of all of the possible variables, and the difficulty associated with tracking all of them independently for each property, all are classified as impervious.

The maximum allowable lot coverage/impervious % is set by zoning district. Most are 60%. The remainder of the property (40%) is intended for green space/natural area and if applicable, onsite retention. Anything on or above the ground that prevents water from soaking into subsurface soils counts towards the impervious lot coverage- such as: homes, other structures, sheds, pools, decks, driveways, sidewalks, etc.

- **What can I put in the Right of Way, along the edge of road in front of my house?**

If your property fronts on a public road/street, your property line is most likely NOT the edge of the road. In almost all circumstances the public Right of Way extends beyond the edge of the roadway by several feet. For example most local streets will have a pavement width of 20-25 feet. The actual width of the City owned Right of Way varies but is generally 50 feet. If the road is perfectly centered, typically the first 12 feet or so is public right of way. This area is often reserved for pedestrians, sidewalks, utilities, street parking, drainage, recovery of errant vehicles, emergency vehicles, etc. The placement of hardscape, landscape, or other items or decorations within this area without permit and that precludes the public uses or puts the public at risk of injury is likely a code violation. Items may be subject to removal or code violation and fine. Property owners are required by code to maintain the greenspace in this area in the same manner as they do their front yard. Rocks, boulders, poles, concrete, bricks, heavy timbers, etc. can all pose as hazards to motorists or pedestrians if they are crashed into or move into the roadway. Grass or other low profile natural groundcover is the most typical and acceptable material within the right of way.

- **When are you going to repave my road?**

There was a citywide pavement condition study and index performed in 2019. This study is used in combination with other factors such as daily vehicle volume as well as proximity to other streets being paved in a given year. A 5 year look ahead and annual schedule based on the approved budget is developed and updated and adjusted based on changes and other construction project schedules. Generally, we can tell approximately where a specific road may land on the schedule +/- a couple of years. The anticipated average life span is 25 years.

Code Compliance Related Questions

- **How do I file a Code Enforcement Complaint?**

- *Fill out the complaint form on the City website, www.cityofnsb.com or call 386-410-2870.*
- *The completed form has to include your full name, address and telephone number, if this information is not complete Code Enforcement cannot investigate your complaint per Florida State Statute 162, HB 60, and effective July 1, 2021.*
- *Complete the address of the property where the violations exist and a description of the violation.*

- **Why can't I file an anonymous complaint?**

Effective July 1, 2021 the state of Florida adopted HB 60 that regulates Code Enforcement responding to anonymous calls unless the nature of the violation appears to be life threatening.

- **Why do I need a Business License Tax Receipt for a rental property?**

The City requires all rental properties to have a Business License Tax Receipt for accommodations, City Ordinance Sec 74-146.

- **How do I apply for a Business License Tax Receipt?**

- *Complete the application online, www.cityofnsb.com or contact the Business License Tax Specialist at 386-410-2865 for assistance.*
- *Create an account on Citizens Self-Serve*
- *Submit all the required documents and fees with the application.*
- *Inspections are required for all business locations including home based businesses and rental properties. (See inspection checklist)*
- *Volusia County also requires all business to obtain a County Business Tax Receipt. Your City Business Tax Receipt must be obtained prior to applying for the Volusia County Tax Receipt. You can apply online at www.volusia.org/btr.*