



PLANNING AND DEVELOPMENT DEPARTMENT FLS & FLD APPLICATION

This application is REQUIRED for all Level One Flexible Standard Development (FLS) and Level Two Flexible Development (FLD) applications. All applications must be submitted online at: epermit.myclearwater.com

It is the responsibility of the applicant to submit complete and correct information. Incomplete or incorrect information may invalidate your application. All applications are to be filled out completely and correctly and submitted (including plans and documents, uploaded, processed and finalized) by 12 noon on the scheduled deadline date [submittal calendar](#). The applicant, by filing this application, agrees to comply with all applicable requirements of the Community Development Code. [Additional information on submittal requirements including worksheets and handouts, etc.](#)

FIRE DEPARTMENT PRELIMINARY SITE PLAN REVIEW FEE:	\$200 (not applicable for detached dwelling or duplexes)
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APPLICATION FEES:	\$100 (FLS – accessory structures associated with a single-family or duplexes) \$200 (FLS – detached dwellings or duplexes) \$475 (FLS – attached dwellings, mixed-use, and nonresidential uses) \$300 (FLD – detached dwellings, duplexes, and their accessory structures) \$1,205 (FLD – attached dwellings, mixed-use, and nonresidential uses)
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Property Owner (Per Deed): _____
Phone Number: _____
Email: _____

Applicant/Primary Contact Name: _____
Company Name: _____
Phone Number: _____
Email: _____

Address of Subject Property: _____

Parcel Number (s): _____

Site Area (Square feet and Acres): _____

Zoning: _____

Future Land Use: _____

Description of Request (must include **use**, requested flexibility, parking, height, etc) : _____

_____ see attached narrative for specific requests regarding Resort attached dwelling development



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General Information

Provide the following general information on the proposed project. If not applicable mark N/A. The maximum permitted or required amounts are listed in the Zoning District in the Community Development Code which is available online at:

https://library.municode.com/fl/clearwater/codes/community_development_code

Dwelling Units:

A dwelling unit is a building or portion of a building providing independent living facilities for one family including the provision for living, sleeping, and complete kitchen facilities.

Max. Permitted: _____ Proposed:

Hotel Rooms:

A hotel room is an individual room, rooms or suite within an overnight accommodations use designed to be occupied, or held out to be occupied as a single unit for temporary occupancy.

Max. Permitted: _____ Proposed:

Parking:

List parking spaces. Parking spaces must meet the requirements of the Community Development Code (CDC) including location, materials and dimensions. Back out parking is prohibited for most uses.

Required: _____ Proposed:

Floor Area Ratio (FAR):

Do not include parking garages, carports, stairwells and elevator shafts. Area is found by multiplying the length times the width dimension for each floor and should be expressed in square feet. Do not include parking garages, carports, stairwells and elevator shafts. FAR is not required for residential only projects unless in US 19 Zoning District.

Max. Permitted: _____ Proposed: _____

Impervious Surface Ratio (ISR):

ISR means a measurement of intensity of hard surfaced development on a site, basically any surface that is not grass or landscaped areas on private property. An impervious surface ratio is the relationship between the total impervious versus the pervious areas of the total lot area. [Link to additional information including ISR worksheet.](#)

Max. Permitted: _____ Proposed: _____
Please list percentage % and square feet.



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General Applicability Criteria

Provide complete responses to each of the six (6) General Applicability Criteria of Community Development Code Section 3-914.A.1 through 6, explaining how, IN DETAIL, the criteria is met. Use additional sheets as necessary:

1. The proposed development of the land will be in harmony with the scale, bulk, coverage, density and character of adjacent properties in which it is located.

2. The proposed development will not hinder or discourage the appropriate development and use of adjacent land and buildings or significantly impair the value thereof.

3. The proposed development will not adversely affect the health or safety or persons residing or working in the neighborhood of the proposed use.

4. The proposed development is designed to minimize traffic congestion.

5. The proposed development is consistent with the community character of the immediate vicinity of the parcel proposed for development.

6. The design of the proposed development minimizes adverse effects, including visual, acoustic, and olfactory and hours of operation impacts, on adjacent properties.



If multiple owners or properties, multiple affidavits may be required.

- Revised: 4/29/24

City Of Clearwater, FL.
FLD Application Attachment.
Project Name: Mandalay Vacation Property.
Project Address: 633 Mandalay Avenue.

The applicant requests flexible development approval for a two unit resort attached dwelling project on North Clearwater beach in the Old Florida District of Beach by Design. The project includes sufficient parking spaces (internal to the garage) to accommodate the two units. The design of the project is a Florida modern and reflects the new construction that is ongoing on north Clearwater Beach.

Flexibility Criteria – Section 2-803

Resort Attached Dwellings(3)	5,000— 10,000	50— 100	0—15	0—10	10—20	35— 100	1.5/unit

L. *Resort attached dwellings.*

1. *Lot area and width:* The reduction in lot area will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development;

There is no proposed reduction in lot area. The lot area exceeds the minimum lot size by 2,000 sf.

2. *Height:*

- a. The increased height results in an improved site plan or improved design and appearance;
- b. The increased height is necessary to allow the improvement of off-street parking on the ground floor of the residential building.
- c. The increased height does not exceed the height specified for residential uses for the Beach by Design Character District in which the subject property is located.

There is no proposed increase in height from the minimum standard of 35 feet to the midpoint of the roof.

3. *Front setback:*

- a. The reduction in front setback contributes to a more active and dynamic street life;
- b. The reduction in front setback results in an improved site plan or improved design and appearance.

The Property is located on a corner lot of both Mandalay Ave and Royal Way. The front setback on Mandalay Ave is zero feet per Beach by Design. The setback on Royal Ave is also a front setback which is fifteen feet (15) pursuant to Beach by Design. There is no reduction proposed.

4. *Side and rear setbacks:*

- a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
- b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance.

The Rear setback is considered the east internal setback of ten (10) feet pursuant to the Old Florida District in Beach by Design. The side setback is zero feet to a wall on the north side. Beach by Design indicates that setbacks for properties facing Mandalay can be zero feet.

5. *Off-street parking:* Off-street parking within the footprint of the residential building is designed and constructed to create a street level façade comparable to the architectural character and finishes of a residential building without parking on the ground level.

The project includes two internal garages - one for each unit – that include spaces for four cars each.

6. The design of all buildings complies with the Tourist District design guidelines in Division 5, Article 3. The design of the building complies with Beach by Design as articulated on the plans and as described herein.

7. *Accessory uses:*

- a. Accessory uses, including but not limited to restaurants, snack bars, and sundries shops, must be incidental and subordinate to the primary use, and the maximum floor area for interior accessory uses shall not exceed, in the aggregate, 15 percent of the building footprint;
- b. No signage shall be visible from outside of the development.

There are no commercial accessory uses proposed in the project.

Beach by Design: Design Guidelines.

A. Density.

The maximum permitted density of residential development shall be 30 dwelling units per acre.

Response: The 0.28 acres property is allowed to have 8 units per Beach by Design density requirements (30 DU x 0.28 acre = 8.4 units). The proposed development only has 2 units which is well below the maximum permitted density.

B. Height.

Maximum height is prescribed by the respective zoning districts in the Community Development Code unless otherwise restricted by Beach by Design. Buildings on the south side of Somerset Street (where this property is located) but not within sixty (60) feet shall be permitted a maximum building height of 65 feet for attached dwellings and 75 feet for overnight accommodations.

Response: The proposed development is a maximum height of 37' 7" from design flood elevation, below any threshold for height flexibility or height-mandated design requirements.

C. Design, Scale and Mass of Buildings.

The Old Florida District of Beach by Design does not prescribe a specific architectural style but includes a variety of smaller, residential and commercial buildings reflective of the small lots and small motels throughout the area. The proposed project is a traditional Florida architecture with pitched roof, balconies, and a variety of materials including siding, metal, and shells. The building steps back toward the center of the building. As the project is below the thirty-five feet in height, no stepback is required.

Quantifiable aspects of the architectural vocabulary are:

1. Buildings with a footprint of greater than 5,000 square feet or a single dimension of greater than one hundred (100) feet will be constructed so that no more than two (2) of the three (3) building dimensions in the vertical or horizontal planes are equal in length. For this purpose, equal in length means that the two lengths vary by less than forty percent (40%) of the shorter of the two (2) lengths. The horizontal plane measurements relate to the footprint of the building.

Response: The proposed development has a footprint of 9600 SF mol. The longest building width is 100 feet along Mandalay Avenue with stepbacks in the center 20 feet of the building and undulations throughout the front of the building.

2. No plane of a building may continue uninterrupted for greater than one hundred linear feet (100'). For the purpose of this standard, interrupted means an offset of greater than five feet (5').

Response: The building is only 100 feet wide and has a variety of architectural details on the ground and upper floors including doors and windows.

3. At least sixty percent (60%) of any elevation will be covered with windows or architectural decoration. For the purpose of this standard, an elevation is that portion of a building that is visible from a particular point outside the parcel proposed for development.

Response: Elevations fronting Mandalay, Royal Way and the south elevation are visible from a point outside the parcel and consist of a combination of at least 60% windows, architectural decorations and balconies. See elevations for reference and calculations.

4. No more than sixty percent (60%) of the theoretical maximum building envelope located above forty-five feet (45') will be occupied by a building.

Response: The proposed development is not higher than 45 feet.

5. The height and mass of buildings will be correlated to: (1) the dimensional aspects of the parcel proposed for development and (2) adjacent public spaces such as streets and parks.

Response: The maximum height for the proposed development is 34'-0" from base flood and meets the design standards of Beach by Design (maximum height of 65'-0" for Resort Attached Dwellings).

6. Buildings may be designed for a vertical or horizontal mix of permitted uses.

Response: The building is a single use attached dwelling.

D. Setback and Stepbacks.

1. Rights-of-way.

The area between the building and the edge of the pavement as existing and planned should be sufficiently wide to create a pedestrian-friendly environment. The distances from structures to the edge of the right-of-way should be:

- a. Fifteen feet (15') along arterials, and
- b. Twelve feet (12') along local streets.

Response: the Old Florida District encourages a zero foot setback along Mandalay Ave which is provided as well as the fifteen feet along Royal Way.

2. Side and Rear Setbacks.

Side and rear setbacks shall be governed by the provisions of the Tourist District of the Community Development Code unless otherwise prescribed in the applicable Character District provisions contained in Section II., Future Land Use.

Response: The side and rear setbacks comply with the Beach by Design requirements as provided for above.

3. Coronado and Hamden Drives Setbacks and Stepbacks.

Response: N/A (The proposed development is not fronting Coronado or Hamden Drives).

E. Street-Level Facades.

The human scale and aesthetic appeal of street-level facades, and their relationship to the sidewalk, are essential to a pedestrian-friendly environment.

Accordingly:

1. At least sixty percent (60%) of the street level facades of buildings used for nonresidential purposes which abut a public street or pedestrian access way, will be transparent.

For the purpose of this standard:

- a. street level facade means that portion of a building facade from ground level to a height of twelve feet (12')
- b. transparent means windows or doors that allow pedestrians to see into: i. the building, or ii. landscaped or hardscaped courtyard or plazas, where street level facades are set back at least fifteen feet (15') from the edge of the sidewalk and the area between the sidewalk and the facade is a landscaped or hardscaped courtyard or plaza.

Response: N/A (The proposed development is used for residential occupancy only).

c) parking structures should utilize architectural details and design elements such as false recessed windows, arches, planter boxes, metal grillwork, etc. instead of transparent alternatives. When a parking garage abuts a public road or other public place, it will be designed such that the function of the building is not readily apparent except at points of ingress and egress.

Response: The design proposes wood screen walls along Mandalay Avenue and Royal Way. The garage entrance on Royal Way was designed to be welcoming and clearly defines the vehicular entrance with a roof structure, brackets, bahama shutters and columns that frame the opening. See elevations for reference.

2. Window coverings, and other opaque materials may cover no more than 10% of the area of any street-level window in a nonresidential building that fronts on a public right-of-way.

Response: N/A (The proposed development is used for residential occupancy only).

3. Building entrances should be aesthetically inviting and easily identified. Goods for sale will not be displayed outside of a building, except as a permitted temporary use. This standard does not apply to outdoor food service establishments.

Response: Entrances for each unit are clearly defined with a roof overhang and large window openings to bring in light and create an inviting space.

4. Awnings and other structures that offer pedestrians cover from the elements are recommended. Awnings help define entryways and provide storefront identity to both pedestrians and drivers.

Response: Roof structures are used on vehicular and pedestrian entryways on both Mandalay Avenue and Royal Way.

F. Parking Areas. To create a well-defined and aesthetically appealing street boundary, all parking areas will be separated from public rights of way by a landscaped decorative wall, fence or other opaque landscape treatment of not less than three feet (3') and not more than three and one-half feet (3½') in height. Surface parking areas that are visible from public streets or other public places will be landscaped such that the parking areas are defined more by their landscaping materials than their paved areas when viewed from adjacent property.

The use of shade trees is encouraged in parking lots. However, care should be taken to choose trees that do not drop excessive amounts of leaves, flowers, or seeds on the vehicles below.

Entrances to parking areas should be clearly marked in order to avoid confusion and minimize automobile-pedestrian conflicts. Attractive signage and changes to the texture of the road (such as pavers) are recommended.

When a parking garage abuts a public road or other public place, it will be designed such that the function of the building is not readily apparent except at points of ingress and egress.

Response: Parking areas are separated from public rights of way by natural wood screen walls on Mandalay Avenue and Royal Way. Landscaping along the perimeter of the building will also create a more welcoming street level façade for pedestrians. The entrance to the parking area on Royal way is clearly defined by decorative architectural elements such as columns, brackets, a roof structure and Bahama shutters.

G. Signage.

Signage is an important contributor to the overall character of a place. However, few general rules apply to signage. Generally, signage should be creative, unique, simple, and discrete. Blade signs, banners and sandwich boards should not be discouraged, but signs placed on the sidewalk should not obstruct pedestrian traffic.

Response: N/A (The proposed development will not have signage).

H. Sidewalks.

Sidewalks along arterials and retail streets should be at least ten feet (10') in width. All sidewalks along arterials and retail streets will be landscaped with palm trees, spaced to a maximum of thirty-five feet (35') on centers, with "clear grey" of not less than eight feet (8'). Acceptable palm trees include sabal palms (sabal palmetto), medjool palms (phoenix dactylifera 'medjool'), and canary island date palms (phoenix canariensis). Sidewalks along side

streets will be landscaped with palms (clear trunk of not less than eight feet (8')) or shade trees, spaced at maximum intervals of thirty-five feet (35') on centers.

Portions of required sidewalks may be improved for non-pedestrian purposes including outdoor dining and landscape material, provided that:

1. movement of pedestrians along the sidewalk is not obstructed; and
2. non-pedestrian improvements and uses are located on the street side of the sidewalk.

Distinctive paving patterns should be used to separate permanent sidewalk café improvements from the pedestrian space on the sidewalk. To enhance pedestrian safety and calm traffic, distinctive paving should also be used to mark crosswalks.

Response: Landscaping will be designed per code and submitted for approval. No improvements will obstruct pedestrian traffic. A sidewalk is proposed along Mandalay Avenue.

I. Street Furniture and Bicycle Racks.

Street furniture, including benches and trash receptacles should be liberally placed along the sidewalks, at intervals no greater than thirty linear feet (30') of sidewalk. Bicycle racks should also be provided, especially near popular destinations, to promote transportation alternatives. Complicated bicycle rack systems should be avoided. The placement of street furniture and bicycle racks should not interrupt pedestrian traffic on the sidewalk.

Response: N/A (The proposed development does not have street furniture).

J. Street Lighting.

Street lighting should respond to the pedestrian-oriented nature of a tourist destination. In this context, it should balance the functional with the attractive – providing adequate light to vehicular traffic, while simultaneously creating intimate spaces along the sidewalks. Clearwater's historic lighting is an attractive, single-globe fixture atop a cast-iron pole.

Response: Street lighting shall be designed per code and submitted for approval.

K. Fountains.

Response: N/A (The proposed development does not have fountains).

L. Materials and Colors.

1. Facades

Finish materials and building colors will reflect Florida or coastal vernacular themes. All awnings should contain at least three (3) distinct colors. Bright colors will be limited to trims and other accents.

Glass curtain walls are prohibited.

Response: The proposed development will have white stucco, wood siding, aluminum railing and standing seam metal roofs. All colors will follow the Beach by Design color palette.

2. Sidewalks

Sidewalks will be constructed of:

- a. Pavers;
- b. Patterned, distressed, or special aggregate concrete; or
- c. Other finished treatment that distinguishes the sidewalks from typical suburban concrete sidewalks.

Materials should be chosen to minimize the cost and complexity of maintenance.

Response: Sidewalks will consist of pavers and will minimize the cost and complexity of maintenance.

3. Street Furniture.

Street furniture will be constructed of low maintenance materials, and will be in a color that is compatible with its surroundings.

Response: N/A (The proposed development does not have street furniture).

4. Color Palette.

A recommended palette for building colors is presented on the following page.

Response: The proposed development will use the Beach by Design color palette as provided for in the Code.

Beach by Design: The "Old Florida" District.

1. Maximum Building Height.

- a. Buildings located on the north side of Somerset Street shall be permitted a maximum building height of 35 feet;
- b. Buildings located on the south side of Somerset Street and within 60 feet of the southerly right-of-way line of Somerset Street shall be permitted a maximum building height of 50 feet; and
- c. Property throughout the remainder of the Old Florida District shall be permitted a maximum building height of 65 feet for attached dwellings and 75 feet for overnight accommodations.
- d. Properties legally approved and/or constructed as of the date of adoption of this ordinance which exceed the allowable heights established in the provisions above, shall be considered legally conforming unless voluntarily redeveloped or in the case of a development order only, expiration of the valid development order. A development order may be extended pursuant to Community Development Code Section 4-407.

Response: The proposed development is a resort attached dwelling and is allowed to have a maximum height of 65'-0" per Beach by Design. The proposed design has a maximum height of 37'-7" and is therefore under the permitted maximum height.

2. Minimum Required Setbacks.

- a. A 15-foot front setback shall be required for all properties throughout the District, except for properties fronting on Mandalay Avenue, which may have a zero (0) foot front setback for 80% of the property line; and
- b. A ten (10) foot side and rear setback shall be required for all properties throughout the District, except for properties fronting on Mandalay Avenue, which may have a zero (0) foot side setback and a ten (10) foot rear setback.

Response: The proposed development has 3 ft. setback along Mandalay for much of the property and then juts back to fifteen feet in one area. The proposed development has a side setback of 0'-0" on the south property line which complies with the requirements of Beach by Design. The proposed development has a side setback of 10'-0" on the east property line which complies with the requirements of Beach by Design. This undulation along Mandalay and the architectural details necessitates a request for flexible development.

3. Required Building Stepbacks or an Alternative Increased Setbacks for Buildings Exceeding 35'-0" in Height.

- a. Building stepback means a horizontal shifting of the building massing towards the center of the building.
- b. Any development exceeding 35 feet in height shall be required to incorporate a building stepback on at least one side of the building (at a point of 35 feet) or an increased setback on at least one side of the building in compliance with the ratios provided in Section A.3.f. Additional stepbacks and/or setbacks may be required to provide additional separation between buildings and/or to enhance view corridors.
- c. All properties (except those fronting on Mandalay Avenue) which front on a right-of-way that runs east and west, shall provide a building stepback on the front side of the building, or an increased front setback in compliance with the ratios provided in Section A.3.f. Additional stepbacks and/or setbacks may be required to provide additional separation between buildings and/or to enhance view corridors.

d. All properties (except for properties fronting on Mandalay Avenue) which front on a right-of-way that runs north and south, shall provide a building setback on the side of the building or an increased side setback in compliance with the ratios provided in Section A.3.f. Additional setbacks and/or setbacks may be required to provide additional separation between buildings and/or to enhance view corridors.

Properties fronting on Mandalay Avenue must provide a building setback on the front side of the building or an increased front setback in compliance with the ratios provided in Section A.3.f. Additional setbacks and/or setbacks may be required to provide additional separation between buildings and/or to enhance view corridors.

f. Setback/Setback Ratios

(1) For properties fronting on streets that have a right-of-way width less than 46 feet, the setback/setback/height ratio is one (1) foot for every two (2) feet in building height above 35 feet;

(2) For properties fronting on streets that have a right-of-way width between 46 and 66 feet, the setback or setback/height ratio is one (1) foot for every two and one-half (2.5) feet in building height above 35 feet; and

(3) For properties fronting on streets that have a right-of-way width of greater than 66 feet, the setback or setback/height ratio is one (1) foot for every three (3) feet in building height above 35 feet.

Response: The west side of the property is facing an 80'-0" wide right of way on Mandalay Avenue but does not exceed 35 feet in height. The south side of the property is facing a 60'-0" wide right of way on Royal Way but does not exceed 35 feet in height.

4. Flexibility of Setbacks/Stepbacks for Building in Excess of 35'-0" in Height. a. Setbacks

(1) Except for properties fronting on Mandalay Avenue, a maximum reduction of five (5) feet from any required setback may be possible if the decreased setback results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance; and

(2) To ensure that unimpaired access to mechanical features of a building is maintained, a minimum five (5) foot unobstructed access must be provided along the entire side setback of properties, except for those properties fronting on Mandalay Avenue where a zero (0) foot setback is permissible; and

(3) (3) Setbacks can be decreased at a rate of one (1) foot in required setback per two (2) feet in additional required setback, if desired.

b. Stepbacks

(1) A maximum reduction of five (5) feet from any required building setback may be possible if the decreased building setback results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance.

(2) Building stepbacks can be decreased at a rate of two (2) feet in setback per one (1) foot in additional required setback, if desired.

Response: N/A (No reduction requested on this project).

5. Flexibility of Setbacks for Building of 35'-0" and Below in Height.

Response: N/A (The proposed development is above 35'-0" in height).

6. Landscape Buffers.

a. A ten (10) foot landscape buffer is required along the street frontage of all properties, except for that portion of a property fronting on Mandalay Avenue, and except for properties 35 feet and below in height that may be granted flexibility in the required setback, in which case the entire setback shall be landscaped; and

b. For that portion of a property fronting on Mandalay Avenue, a zero (0) foot setback may be permissible for 80% of the property frontage. The remaining 20% property frontage is required to have a landscaped area for a minimum of five (5) feet in depth. The 20% may be located in several different locations on the property frontage, rather than placed in only one location on the property frontage.

Response: The south side of the property is fronting Royal Way and therefore is required to have a 1'-0" landscape buffer. The south side of the property has a 15'-0" setback per Beach by Design requirements and so can accommodate the required 10'-0" landscape buffer.

The west side of the property is fronting Mandalay Avenue and therefore is allowed a 0'-0" setback for 80% of the property frontage. The remaining portion of the property includes some landscaping spread out in different locations as required per Beach by Design.

7. Parking/Vehicular Access.

Lack of parking in the Old Florida District may hinder revitalization efforts. A shared parking strategy may be pursued in order to assist in redevelopment efforts.

For those properties fronting on Mandalay Avenue, off-street parking access is required from a side street or alley and not from Mandalay Avenue.

Response: Since the proposed development is fronting on Mandalay Avenue, off-street parking is provided on the ground level with access on Royal Way as required per Beach by Design.