



**BOARD OF COMMISSIONERS REGULAR WORKSHOP
WEDNESDAY, SEPTEMBER 9, 2026 – 5:00 PM
CITY HALL CHAMBERS
10451 GULF BLVD
TREASURE ISLAND, FL 33706**

MEETING NOTICE AND AGENDA

A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

B. DISCUSSION

B.1 Planned Development Discussion

[Commissioner PD Proposed Changes.pdf](#)

C. PUBLIC COMMENT

D. ADJOURNMENT

For any person desiring to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based [F.S. 286.0105]. NOTE: Any transcript shall be requested and made by the individual requesting same at his or her own expense. Therefore, a court reporter may be desired or required accordingly.

Any person with a disability who needs any accommodation in order to participate in this proceeding is entitled to assistance at no cost. Please contact the Office of the City Clerk in writing at 10451 Gulf Boulevard, Treasure Island, FL, 33706 or by phone at (727) 547-4575 at least two working days prior to the meeting to advise what assistance is needed.



Item Cover Page

BOARD OF COMMISSIONERS AGENDA ITEM REPORT

DATE: September 9, 2026

SUBMITTED BY: Lisa-Marie Kennedy, Administration

ITEM TYPE: For Consideration and Discussion

AGENDA SECTION: DISCUSSION

SUBJECT: Planned Development Discussion

BACKGROUND: .

POLICY/PURPOSE: .

STRATEGIC PLAN RELEVANCE: .

ANALYSIS/DISCUSSION: .

FUNDING: .

MOTION:

ATTACHMENTS:
[Commissioner PD Proposed Changes.pdf](#)

VICE MAYOR TAMMY VASQUEZ

PROPOSED AMENDMENTS

Ordinance No. 2026-10 • Planned Development (PD) Ordinance

*Protecting the Comprehensive Plan • Preserving Private Property Rights
Establishing Predictable Development Standards*

Revised to include PR-MU Core and tourist-accommodation density guardrails

Prepared for policy discussion and review by the City Attorney

Purpose and status

This package states proposed policy amendments for incorporation into Ordinance No. 2026-10. It is intended for review, refinement, and placement by the City Attorney. It is not represented as a final legal opinion or final codified text.

Controlling principle. The 80-foot height and 85 tourist-accommodation-units-per-acre figures are absolute PD ceilings—not entitlements. Every lower limit imposed by the Comprehensive Plan, Downtown Special Area Plan, Countywide Plan and Rules, underlying zoning, or other applicable law continues to control unless the governing plan or regulation is lawfully amended.

Guiding principles

- Preserve the integrity of the City Comprehensive Plan, the Countywide Plan and Rules, and the Downtown Special Area Plan.
- Respect and protect private property rights while establishing objective, predictable standards.
- Reserve PD flexibility for exceptional projects that provide measurable public benefits.
- Preserve the City Commission’s discretion to evaluate each application independently.
- Maintain a clear distinction between permanent residential dwelling-unit density and tourist-accommodation density.
- Ensure that adoption of the enabling ordinance grants no project-specific approval or entitlement.

Executive summary

Policy area	Proposed direction
Eligible districts	RFH-50, CG, and PR-MU Core only.
Downtown protection	PR-MU Core remains subject to the Downtown Special Area Plan and all applicable City and Countywide planning requirements.
Height ceiling	80 feet measured from the design flood elevation; flood compliance does not create an additional height bonus.
Tourist-accommodation ceiling	85 tourist-accommodation units per acre, treated as transient accommodations where Countywide terminology applies.
Permanent residential density	Separate from the tourist-accommodation cap and limited by the most restrictive applicable plan or regulation.
Small sites	Proportional tourist-accommodation calculation; fractions are rounded down; governing plan limits remain controlling.

Policy area	Proposed direction
Public benefit	Measurable benefit required and proportional to the flexibility requested.
Voting safeguard	Four affirmative votes only when both PD ceilings are requested.

Legislative intent

The City Commission finds that Planned Development zoning should be reserved for exceptional redevelopment projects that provide measurable public benefits in exchange for development flexibility. These provisions are intended to preserve the integrity of the Comprehensive Plan, Countywide Plan and Rules, and applicable special area plans; protect private property rights; establish predictable development standards; encourage high-quality redevelopment; and ensure that flexibility granted through the Planned Development process remains proportional to the public benefits provided.

Proposed amendment language

1. Purpose; no automatic project approval

Add to Sec. 68-411:

“Adoption of this Division establishes a process for consideration of Planned Development zoning and does not approve any specific development, preliminary development plan, development agreement, use, density, intensity, height, deviation, or other entitlement. Each application shall be reviewed independently through the required public-hearing process and may be approved, approved with conditions, or denied by the City Commission under the Comprehensive Plan, Countywide Plan and Rules, this Code, and the evidence presented.”

2. Applicability; PR-MU Core protection

Replace Sec. 68-412 with:

“PD rezoning is permitted only for property within the Resort Facilities High (RFH-50), Commercial General (CG), and Planned Redevelopment–Mixed Use Core (PR-MU Core) future land use designations and corresponding eligible zoning districts. Property within PR-MU Core shall remain subject to the Downtown Special Area Plan and all applicable Comprehensive Plan, Countywide Plan and Rules, and Land Development Regulation requirements. Nothing in this Division authorizes a density, intensity, height, use, or development right greater than the most restrictive applicable limit unless the governing plan or regulation is lawfully amended.”

3. Comprehensive Plan and Countywide consistency

Replace Sec. 68-413 with:

“A PD development must be consistent with the Treasure Island Comprehensive Plan, the Countywide Plan and Rules, any applicable special area plan, and applicable Florida law. If a proposal requires an amendment to any governing plan, the PD shall not become effective unless

and until the required amendment has been lawfully adopted and has become effective. Approval of a plan amendment does not require approval of the associated PD.”

4. Dimensional guardrails

Add to Sec. 68-417:

“(a) Height. In no event shall a PD authorize a building height exceeding eighty (80) feet measured vertically from the design flood elevation identified for the site under the Florida Building Code and applicable floodplain regulations. Required elevation of the lowest floor to the design flood elevation is incorporated into this measurement approach and shall not be treated as an additional height bonus. Building-height measurement, exclusions, and appurtenances otherwise remain subject to applicable law and this Code, except that no deviation may increase the 80-foot PD ceiling.”

“(b) Tourist-accommodation density. In no event shall a PD authorize more than eighty-five (85) tourist-accommodation units per gross acre. For Countywide Plan purposes, tourist-accommodation units shall be treated as transient accommodations, as applicable. The maximum permitted on a site is the lesser of: (1) 85 tourist-accommodation units per gross acre; or (2) the maximum allowed by the Comprehensive Plan, Countywide Plan and Rules, Downtown Special Area Plan, underlying zoning, or other applicable law, unless the governing plan or regulation is lawfully amended.”

“(c) Parcels under one acre. For a site containing less than one gross acre, the maximum number of tourist-accommodation units shall be calculated by multiplying gross site acreage by the applicable tourist-accommodation density permitted under subsection (b). Any fractional unit shall be rounded downward to the next whole unit. No rounding or proportional calculation may exceed a lower governing-plan limit.”

“(d) Permanent residential density. Permanent residential dwelling units are not tourist-accommodation units and shall not be counted under the 85-unit tourist-accommodation ceiling. Permanent residential density, including any residential component of a mixed-use project, shall comply with the most restrictive applicable Comprehensive Plan, Countywide Plan and Rules, Downtown Special Area Plan, underlying zoning, and other legal requirements unless lawfully amended.”

Drafting note. City Attorney should conform the final defined terms to the adopted Comprehensive Plan and Countywide Rules, including any controlling definition of “tourist accommodation,” “transient accommodation,” “temporary lodging,” or “unit.”

5. Measurable public benefits

Replace Sec. 68-419 with:

“Each PD shall demonstrate one or more identifiable and measurable public benefits that justify the flexibility requested and exceed what would otherwise be required for development under the underlying zoning district. Benefits may include public access or amenities; activation of waterfront areas and water views; open space; enhanced landscaping; infrastructure, mobility, drainage, resiliency, or environmental improvements; sustainable building practices; superior architectural design; underground utilities; or other community enhancements approved by the City Commission.

The development agreement shall identify the benefits, timing, performance standards, and enforcement mechanism.”

6. Application; burden of proof

Add to Sec. 68-420:

“The applicant bears the burden of demonstrating, by competent substantial evidence, compliance with every applicable standard and review criterion, including all governing-plan limits, the dimensional ceilings in this Division, and the measurable public-benefit requirement.”

7. Additional review findings

Add to Sec. 68-421:

- “The requested flexibility cannot reasonably be achieved under the standards of the underlying zoning district.”
- “The requested flexibility is proportional to the identifiable and measurable public benefits secured through the PD and development agreement.”
- “The proposal complies with the applicable Comprehensive Plan, Countywide Plan and Rules, Downtown Special Area Plan, and the absolute PD ceilings in this Division.”
- “Approval or denial will be based on the particular property, application, evidence, standards, and public benefits presented.”

8. No precedential effect

Add after the review criteria:

“Approval or denial of a PD shall not establish precedent or create an entitlement, expectation, or right concerning any future PD. Each application shall be evaluated independently under the Comprehensive Plan, Countywide Plan and Rules, any applicable special area plan, this Code, the evidence presented, and the public benefits secured.”

9. Four-vote requirement at both ceilings

Add to the approval provisions:

“A PD requesting both (i) the maximum 80-foot building height authorized by this Division and (ii) the maximum applicable tourist-accommodation density authorized by this Division shall require the affirmative vote of at least four (4) members of the City Commission. For this subsection, ‘maximum applicable tourist-accommodation density’ means the lower controlling ceiling for the site after application of the Comprehensive Plan, Countywide Plan and Rules, Downtown Special Area Plan, underlying zoning, and this Division.”

Suggested motion

“I move to amend Ordinance No. 2026-10 consistent with the Vice Mayor’s proposed amendment package, including eligibility for RFH-50, CG, and PR-MU Core; express preservation of the Downtown Special Area Plan and governing-plan limits; an 80-foot PD height ceiling measured from design flood elevation; an 85 tourist-accommodation-units-per-acre PD ceiling with proportional calculation and downward rounding for sites under one acre; separate treatment of permanent

residential density; measurable public benefits; applicant burden of proof; proportionality and underlying-zoning findings; no precedential effect; a four-vote requirement when both applicable ceilings are requested; and confirmation that adoption grants no project-specific approval, subject to final legal drafting by the City Attorney.”

Requested legal review

- Conform defined terms to the current Comprehensive Plan, Downtown Special Area Plan, Countywide Plan and Rules, and Land Development Regulations.
- Confirm the authorized method for measuring building height from design flood elevation and treatment of lawful appurtenances.
- Confirm whether tourist-accommodation density is calculated using gross or net acreage in each eligible plan category.
- Confirm the four-vote provision under the Charter, general law, and applicable quasi-judicial procedures.
- Resolve section numbering, internal cross-references, and development-agreement enforcement language.

Submitted by: Vice Mayor Tammy Vasquez • Date: _____

Proposed Negotiation Items/Changes to Proposed Ordinance No. 2026-10

Negotiation Items/Changes prepared by Commissioner Clark – District 2

1. Applicability; PR-MU Core Protection – Item 2 – Section 68-214

The language of this proposed section needs to revert back to the way that the Vice Mayor originally had it written only including RFH- 50 (Resort Facilities High) and CG (Commercial General) zoning districts.

New Section would read:

“PD Rezoning is permitted only for property within the Resort Facilities High (RFH-50) and Commercial General (CG) zoning districts.

PDs should be reserved for truly extraordinary properties, which is why I have limited them to the zoning districts listed above. My constituents have consistently expressed a desire to limit height and density and employing Smart Development, and I believe keeping the scope as narrow as possible will best serve all residents.

2. Comprehensive Plan and County Wide Consistency – Item 3 - Section 68-413

I agree with most of this section; however, it should expressly require a Small Scale Comprehensive Plan amendment for each PD. With that addition, I would support this section.

3. Dimensional Guardrails – Item 4 - Section 68-417 – A

The original section reads as below:

“(a) Height. In no event shall a PD authorize a building height exceeding eighty (80) feet measured vertically from the design flood elevation identified for the site under the Florida Building Code and applicable floodplain regulations. Required elevation of the lowest floor to the design flood elevation is incorporated into this measurement approach and shall not be treated as an additional height bonus. Building-height measurement, exclusions, and appurtenances otherwise remain subject to applicable law and this Code, except that no deviation may increase the 80-foot PD ceiling.”

My proposed change: 75 feet should be the maximum height including BFE and Freeboard. I would reduce the proposed 80-foot ceiling to 75 feet. Based on recent development in surrounding municipalities, it is clear that builders are willing and able to develop successfully at this height.

4. Dimensional Guardrails – Item 4 - Section 68-417 – B

The original section reads as below:

“(b) Tourist-accommodation density. In no event shall a PD authorize more than eighty-five (85) tourist-accommodation units per gross acre. For Countywide Plan purposes, tourist-accommodation units shall be treated as transient accommodations, as applicable. The maximum permitted on a site is the lesser of: (1) 85 tourist-accommodation units per gross acre; or (2) the maximum allowed by the Comprehensive Plan, Countywide Plan and Rules, Downtown Special Area Plan, underlying zoning, or other applicable law, unless the governing plan or regulation is lawfully amended.”

My proposed change: 60 units per acre should be the maximum density. I would reduce the proposed 85 tourist-accommodation units per acre to 60 units per acre. Surrounding examples support this approach: St. Pete Beach allows 75 units per acre, which all parties have indicated they do not want to mirror, while Madeira Beach allows 55 units per acre and continues to see substantial development. The recently praised hotel in John’s Pass is approximately 59 units per acre, showing that builders can develop successfully at this density.

5. Four-Vote Requirement at both Ceilings – Item 9

My proposed change: This item should be removed. Allowing approval just below the height or density ceiling would undermine the four-vote requirement. Residents made clear through the ballot process that this higher approval threshold is important to them, and it should be preserved.

Additional Requirements

No Adoption of this ordinance before input from the Master Plan

As I stated at the last Commission meeting, I do not support adopting a negotiated ordinance until we receive input from the Master Plan. The City invested \$200,000 in that process, including a financial analysis and recommendations for incorporating its findings into a PD ordinance. That input is essential, and it would be unwise to move forward without it. My residents have been nearly unanimous on this point, and for me it is a nonstarter. August 18 is only weeks before the Master Plan input is expected, and a short delay will have no meaningful effect on development in Treasure Island. Mayor Doctor, Vice-Mayor Vasquez, and Commissioner Dickey also stated at the last meeting that they agreed the Commission should hear from the Master Planner before proceeding.

In closing, in prior commission meetings Commissioner Dickey and I have discussed adding clear guardrails to the original no-limit PD ordinance for several months. Until the last meeting, no one on the Commission had expressed interest in finding a middle ground or adding those

protections. I am encouraged by the shift in that discussion and hope we can move forward with an approach that everyone can support.

Commissioner Chris Clark

District 2

Response to Commissioner Dickey’s Proposed Changes

Vice Mayor Vasquez’s proposed amendments to Ordinance No. 2026-10

To: Commissioner Dickey; City Attorney; City Manager
From: Vice Mayor Tammy Vasquez
Date: July 24, 2026
Re: Planned Development ordinance — response, legal concerns, and proposed compromise

Position
The essential purpose of Planned Development zoning is flexibility: it allows the City to negotiate a superior, site-specific development and measurable public benefits that conventional zoning may not produce. It does not guarantee increased height, density, or any other entitlement. I oppose several changes as drafted because they duplicate protections already included in my amendments, substitute unsupported numerical preferences for a complete planning analysis, or create legal and practical concerns. Although I proposed the four-vote requirement as an additional safeguard for applications seeking both maximum ceilings, I am willing to support its removal. I also support a mandatory review after adoption of the Master Development Plan without delaying the PD ordinance.

Controlling point

A PD is a discretionary negotiating tool for superior development—not a density or height giveaway. The proposed 80-foot height and 85-tourist-accommodation-units-per-acre figures define only the outer limits of what may be considered through that negotiation; they are ceilings, not entitlements. An applicant must justify every requested deviation through superior design and measurable public benefits, and the Commission may approve less or deny the application. A PD may not exceed any lower limit imposed by the Comprehensive Plan, Countywide Plan and Rules, Downtown Special Area Plan, underlying zoning, or other applicable law unless the governing document is separately and lawfully amended. Every project still requires an application, public hearings, competent substantial evidence, and Commission approval.

Side-by-side response

Dickey proposal	My position	Reason and recommended response
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Dickey proposal	My position	Reason and recommended response
1. Require a “Small Scale Comprehensive Plan Amendment” whenever requested standards exceed the adopted plan.	OPPOSE AS WRITTEN Accept a process-neutral applicant-responsibility clause.	Problem. The language assumes every required plan amendment qualifies as “small scale.” Florida’s small-scale process applies to a site-specific Future Land Use Map change involving 50 acres or fewer and does not apply to a text amendment to plan goals, policies, or objectives. Redundancy. My Sec. 68-413 language already prevents a PD from becoming effective until every required governing-plan amendment is lawfully adopted and effective. Better language. Require the applicant to submit and pay for all applications, data, and analyses required for any Comprehensive Plan, Countywide Plan, special-area-plan, zoning, or other amendment, with the applicable process determined by the City under governing law.
2. Reduce the absolute PD height ceiling from 80 feet to 70 feet above Design Flood Elevation.	OPPOSE No supporting planning analysis has been provided.	Core distinction. Eighty feet is the outer boundary of Commission negotiating authority, not a guaranteed height. The purpose of preserving room to negotiate is to obtain superior design and measurable public benefits. The Commission may approve less, deny the request, and must apply any lower governing-plan or zoning limit. Incomplete baseline. The 60-foot comparison assumes one existing commercial standard is the correct baseline for all four eligible districts: RFH-50, CG, PR-MU Core, and PR-MU Gulf Boulevard. Comparable context. St. Pete Beach permits up to 100 feet for certain temporary-lodging buildings and up to 146 feet for qualifying large-scale resort development. Treasure Island’s proposed 80-foot ceiling is substantially lower. Question. What infrastructure, compatibility, evacuation, fire-service, economic-feasibility, or fiscal analysis establishes 70 feet as the correct citywide PD ceiling?

Dickey proposal	My position	Reason and recommended response
3. Reduce the tourist-accommodation ceiling from 85 to 65 units per acre.	OPPOSE Retain 85 as a ceiling subject to every lower controlling limit.	Mischaracterization. The proposal treats 85 units per acre as though it were automatically available on every site. It is not. A PD creates flexibility to negotiate a superior project; it does not confer a density entitlement. The Commission may approve a lower density or deny the application. In all events, the site maximum is the lesser of 85 or the applicable Comprehensive Plan, Countywide Plan, special-area-plan, zoning, or legal limit. Sub-acre example. On 0.87 acre, with downward rounding: 50 units/acre yields 43 units; 65 yields 56; and 85 yields 73. The 85 calculation is substantial but is approximately 70% above 43—not “nearly doubling”—and remains unavailable wherever a lower plan limit controls. Comparable context. St. Pete Beach’s qualifying large-scale limit is 75 units per acre. Madeira Beach planning materials include PR-MU alternative temporary-lodging standards of 100 units per acre for one-to-three-acre sites and 125 units per acre for sites exceeding three acres, subject to PD rezoning and a development agreement. Question. What feasibility, infrastructure, evacuation, market, or fiscal analysis demonstrates that 65 units per acre can support the measurable public benefits the City would require?
4. Delete the four-vote requirement when a PD requests both applicable maximums.	SUPPORT	Original purpose. I proposed the four-vote requirement as an additional safeguard for the narrow circumstance in which an applicant requests both the maximum 80-foot height and the maximum applicable tourist-accommodation density. Position. I am willing to support Commissioner Dickey’s proposal to remove this requirement. Every PD will still require public hearings, Commission approval, consistency with controlling plans and regulations, measurable public benefits, and satisfaction of the applicant’s burden of proof. Effect. Removing the special four-vote requirement restores the Commission’s otherwise applicable voting rule; it does not grant either maximum or weaken the substantive standards governing the application.

Dickey proposal	My position	Reason and recommended response
5. Require Commission reapproval whenever ownership changes.	OPPOSE Replace with notice, assumption, and material-modification controls.	Statutory concern. Florida Statutes §163.3239 states that the burdens of a recorded development agreement bind, and its benefits inure to, all successors in interest. Section 163.3237 also expressly recognizes successors in the amendment or cancellation process. Practical concern. Automatic reapproval upon every transfer would create uncertainty for ordinary sales, financing, foreclosure, estate planning, and transfers among related entities even when the approved project does not change. Correct protection. The agreement should bind every successor. Require notice of transfer and written assumption of all obligations, while requiring Commission approval for any material change to the project, public benefits, phasing, density, height, uses, or other approved standards.
6. Postpone the ordinance until completion of the Master Development Plan.	OPPOSE DELAY SUPPORT mandatory post-plan review.	Different functions. The PD ordinance creates an application and negotiation framework. It does not approve a project or amend the Comprehensive Plan. Consequence of delay. Postponement delays every proposed safeguard: numeric ceilings, measurable public benefits, applicant burden of proof, proportionality, independent review, no precedential effect, and the four-vote protection. Adaptability. The Commission may amend the PD ordinance after the Master Development Plan is adopted. Current plan and zoning limits remain controlling in the meantime. Compromise. Adopt the ordinance with a requirement that staff return within 180 days after formal adoption of the Master Development Plan with an evaluation and any recommended conforming amendments.

Proposed Master Development Plan review clause

Recommended addition

“Within one hundred eighty (180) days after formal adoption of the City’s Master Development Plan, the City Manager or designee shall present the City Commission with an evaluation of this Division and any recommended amendments necessary or appropriate to implement the adopted Master Development Plan, Comprehensive Plan, Countywide Plan and Rules, applicable special area plans, and Land Development Regulations. Nothing in this subsection delays the effectiveness or administration of this Division.”

Recommended replacement for the ownership-transfer proposal

Successors and material modifications

“The PD approval and recorded Development Agreement shall bind and benefit the parties and their successors and assigns as provided by applicable law. A successor shall provide written notice of the transfer and shall assume all obligations under the Development Agreement. A transfer of ownership alone shall not require reapproval of the PD. No material modification to the approved uses, density, intensity, height, site plan, phasing, public benefits, or other development standards may occur without approval through the amendment procedure required by this Division and applicable law.”

Florida statutory framework

- **§163.3187 — Small-scale plan amendments.** A small-scale development amendment is limited to a site-specific Future Land Use Map change involving 50 acres or fewer and may not be used for a text change to plan goals, policies, or objectives.
- **§163.3184 — Other plan-amendment procedures.** Plan amendments generally follow expedited state review unless they qualify for small-scale review or must use state-coordinated review.
- **§163.3227 — Required agreement contents.** A development agreement must address permitted uses, density, intensity, height, public facilities, necessary permits, consistency, and conditions protecting public health, safety, and welfare.
- **§163.3231 — Consistency.** The development agreement and authorized development must be consistent with the local Comprehensive Plan and land-development regulations.
- **§163.3237 — Amendment or cancellation.** A development agreement may be amended or canceled by mutual consent of the parties or their successors in interest.
- **§163.3239 — Recording and successors.** The agreement is effective when properly recorded; its burdens bind and its benefits inure to successors in interest.

Comparable beach-community context

Jurisdiction / framework	Tourist lodging density	Height	Important qualification
Treasure Island proposed PD ceiling	85 units/acre	80 feet from DFE	Absolute PD ceilings only. Every lower applicable plan or zoning limit controls.
St. Pete Beach Large Resort — Scenario 1	50 temporary-lodging units/acre	Up to 100 feet above BFE for qualifying lodging-only buildings	Standards vary by use and scenario.
St. Pete Beach Large Resort — Scenario 2	75 temporary-lodging units/acre	Up to 146 feet above BFE for qualifying lodging-only large-scale development	Requires at least three gross acres and other large-scale criteria.

Jurisdiction / framework	Tourist lodging density	Height	Important qualification
Madeira Beach PR-MU alternative standards	100 units/acre for 1–3 acres; 125 units/acre above 3 acres	Controlled by applicable plan, zoning, and development agreement	Madeira materials require PD rezoning and a development agreement for RFH alternative standards in PR-MU.

Conclusion

My position begins with the purpose of a PD: negotiated flexibility to achieve a superior development and measurable public benefits, not guaranteed additional height or density. The proposed numbers are absolute ceilings on the Commission’s discretion, not entitlements for an applicant, and every lower governing limit continues to control. I remain willing to accept language that makes applicants responsible for all required amendment materials and costs, provided the language does not incorrectly mandate the small-scale process. I will also support removing the four-vote requirement, which I originally proposed as an additional safeguard, because the remaining public-hearing, plan-consistency, public-benefit, burden-of-proof, and Commission-approval requirements continue to apply. I support a mandatory review following adoption of the Master Development Plan. I do not support reducing the negotiated ceilings without supporting analysis, requiring new approval solely because ownership changes, or delaying all of the proposed protections while awaiting a separate planning document.

Official authorities and planning sources

Florida Statutes §163.3187 — small-scale comprehensive plan amendments: [Official source](#)

Florida Statutes §163.3184 — comprehensive plan amendment procedures: [Official source](#)

Florida Statutes §163.3227 — required contents of development agreements: [Official source](#)

Florida Statutes §163.3231 — plan and LDR consistency: [Official source](#)

Florida Statutes §163.3237 — amendment or cancellation: [Official source](#)

Florida Statutes §163.3239 — recording and successors in interest: [Official source](#)

St. Pete Beach Comprehensive Plan — Large Resort standards: [Official source](#)

Madeira Beach Comprehensive Plan materials — PR-MU alternative standards: [Official source](#)

This document states proposed policy positions and identifies issues for legal review. The City Attorney should confirm final statutory interpretation, terminology, and ordinance language before adoption.

Commissioner Dickey's Proposed Amendments to Vice Mayor Vasquez's Proposed Revisions to Ordinance No. 2026-10

I appreciate the Vice Mayor's effort to place reasonable guardrails around the Planned Development (PD) process. I believe several additional modifications would better protect the City's current Comprehensive Plan, preserve the City's negotiating leverage, and provide greater assurance to our residents that Planned Developments will remain the exception rather than the rule. My recommended changes are as follows:

1. Comprehensive Plan Consistency (Section 68-413)

The proposed language correctly states that a PD requiring a Comprehensive Plan amendment does not become effective until that amendment has been lawfully adopted.

I recommend adding the following sentence be added:

"Any applicant requesting development standards that exceed those permitted by the City's adopted Comprehensive Plan shall submit, as part of the PD application, a proposed Small Scale Comprehensive Plan Amendment specifically identifying each requested deviation from the Comprehensive Plan."

This makes clear that the applicant—not the City—is responsible for proposing and justifying Comprehensive Plan amendments whenever additional height, density, or other development rights are requested.

2. Building Height (Section 68-417(a))

The proposal establishes an absolute maximum building height of **80 feet above Design Flood Elevation**. I recommend reducing the maximum PD height to:

70 feet above Design Flood Elevation.

Reasons: The City's current maximum commercial building height is 60 feet. Increasing the limit to 80 feet represents a **33% increase** in allowable height. A 70-foot limit still provides meaningful flexibility through the PD process while limiting the increase to approximately 17%, making it a more measured and balanced approach.

3. Tourist Accommodation Density (Section 68-417(b))

The proposal establishes an 85-unit-per-acre tourist accommodation ceiling. I recommend reducing that maximum to: **65 tourist-accommodation units per acre.**

Reason: This still provides meaningful flexibility while remaining more compatible with existing development patterns and community expectations. For example, A **0.87-acre** parcel would allow:

- Current Code: **50 units/acre** $\times$ **0.87** = **43 units**
- Proposed 65 units/acre: **65** $\times$ **0.87** = **56 units**

That represents a reasonable increase (30%) without nearly doubling development intensity on smaller parcels.

4. Four-Vote Requirement (Section 9)

The Vice Mayor proposes requiring four affirmative Commission votes only when a PD requests BOTH the maximum height and the maximum density.

I recommend deleting this provision entirely.

Additional Recommended Amendments

5. Planned Developments Should Not Automatically Transfer

Add the following provision: "A Planned Development approval and Development Agreement shall not automatically transfer to a subsequent owner. Upon a change in ownership, the new owner shall be required to obtain Commission approval for any modification or continuation of the PD, subject to the City's ordinances then in effect."

Reason: The Commission negotiates public benefits based on a particular development proposal and developer. Those negotiated benefits should not automatically become vested rights that transfer indefinitely regardless of future ownership or project changes.

6. Complete the Master Development Plan First

Finally, I recommend postponing final adoption of this ordinance until the Master Development Plan process has concluded.

Reason: The City's Master Development Plan is expected to identify redevelopment priorities, infrastructure needs, transportation impacts, resiliency strategies, and appropriate redevelopment standards. Those recommendations should inform any permanent changes to the Planned Development ordinance rather than having the ordinance adopted beforehand.

Commissioner Clark correctly observed that the Master Plan process has nearly reached the point where those recommendations will soon be available. Waiting a short period would allow the Commission to make a more informed decision based upon the City's long-term planning process rather than adopting major policy changes in advance of that work.

Response to Commissioner Dickey's Proposed Changes

Vice Mayor Vasquez's proposed amendments to Ordinance No. 2026-10

To: Commissioner Dickey; City Attorney; City Manager

From: Vice Mayor Tammy Vasquez

Date: July 24, 2026

Re: Planned Development ordinance — response, legal concerns, and proposed compromise

Position

The essential purpose of Planned Development zoning is flexibility: it allows the City to negotiate a superior, site-specific development and measurable public benefits that conventional zoning may not produce. It does not guarantee increased height, density, or any other entitlement. I oppose several changes as drafted because they duplicate protections already included in my amendments, substitute unsupported numerical preferences for a complete planning analysis, or create legal and practical concerns. Although I proposed the four-vote requirement as an additional safeguard for applications seeking both maximum ceilings, I am willing to support its removal. I also support a mandatory review after adoption of the Master Development Plan without delaying the PD ordinance.

Controlling point

A PD is a discretionary negotiating tool for superior development—not a density or height giveaway. The proposed 80-foot height and 85-tourist-accommodation-units-per-acre figures define only the outer limits of what may be considered through that negotiation; they are ceilings, not entitlements. An applicant must justify every requested deviation through superior design and measurable public benefits, and the Commission may approve less or deny the application. A PD may not exceed any lower limit imposed by the Comprehensive Plan, Countywide Plan and Rules, Downtown Special Area Plan, underlying zoning, or other applicable law unless the governing document is separately and lawfully amended. Every project still requires an application, public hearings, competent substantial evidence, and Commission approval.

Side-by-side response

Dickey proposal	My position	Reason and recommended response
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Dickey proposal	My position	Reason and recommended response
1. Require a “Small Scale Comprehensive Plan Amendment” whenever requested standards exceed the adopted plan.	OPPOSE AS WRITTEN Accept a process-neutral applicant-responsibility clause.	Problem. The language assumes every required plan amendment qualifies as “small scale.” Florida’s small-scale process applies to a site-specific Future Land Use Map change involving 50 acres or fewer and does not apply to a text amendment to plan goals, policies, or objectives. Redundancy. My Sec. 68-413 language already prevents a PD from becoming effective until every required governing-plan amendment is lawfully adopted and effective. Better language. Require the applicant to submit and pay for all applications, data, and analyses required for any Comprehensive Plan, Countywide Plan, special-area-plan, zoning, or other amendment, with the applicable process determined by the City under governing law.
2. Reduce the absolute PD height ceiling from 80 feet to 70 feet above Design Flood Elevation.	OPPOSE No supporting planning analysis has been provided.	Core distinction. Eighty feet is the outer boundary of Commission negotiating authority, not a guaranteed height. The purpose of preserving room to negotiate is to obtain superior design and measurable public benefits. The Commission may approve less, deny the request, and must apply any lower governing-plan or zoning limit. Incomplete baseline. The 60-foot comparison assumes one existing commercial standard is the correct baseline for all four eligible districts: RFH-50, CG, PR-MU Core, and PR-MU Gulf Boulevard. Comparable context. St. Pete Beach permits up to 100 feet for certain temporary-lodging buildings and up to 146 feet for qualifying large-scale resort development. Treasure Island’s proposed 80-foot ceiling is substantially lower. Question. What infrastructure, compatibility, evacuation, fire-service, economic-feasibility, or fiscal analysis establishes 70 feet as the correct citywide PD ceiling?

Dickey proposal	My position	Reason and recommended response
3. Reduce the tourist-accommodation ceiling from 85 to 65 units per acre.	OPPOSE Retain 85 as a ceiling subject to every lower controlling limit.	Mischaracterization. The proposal treats 85 units per acre as though it were automatically available on every site. It is not. A PD creates flexibility to negotiate a superior project; it does not confer a density entitlement. The Commission may approve a lower density or deny the application. In all events, the site maximum is the lesser of 85 or the applicable Comprehensive Plan, Countywide Plan, special-area-plan, zoning, or legal limit. Sub-acre example. On 0.87 acre, with downward rounding: 50 units/acre yields 43 units; 65 yields 56; and 85 yields 73. The 85 calculation is substantial but is approximately 70% above 43—not “nearly doubling”—and remains unavailable wherever a lower plan limit controls. Comparable context. St. Pete Beach’s qualifying large-scale limit is 75 units per acre. Madeira Beach planning materials include PR-MU alternative temporary-lodging standards of 100 units per acre for one-to-three-acre sites and 125 units per acre for sites exceeding three acres, subject to PD rezoning and a development agreement. Question. What feasibility, infrastructure, evacuation, market, or fiscal analysis demonstrates that 65 units per acre can support the measurable public benefits the City would require?
4. Delete the four-vote requirement when a PD requests both applicable maximums.	SUPPORT	Original purpose. I proposed the four-vote requirement as an additional safeguard for the narrow circumstance in which an applicant requests both the maximum 80-foot height and the maximum applicable tourist-accommodation density. Position. I am willing to support Commissioner Dickey’s proposal to remove this requirement. Every PD will still require public hearings, Commission approval, consistency with controlling plans and regulations, measurable public benefits, and satisfaction of the applicant’s burden of proof. Effect. Removing the special four-vote requirement restores the Commission’s otherwise applicable voting rule; it does not grant either maximum or weaken the substantive standards governing the application.

Dickey proposal	My position	Reason and recommended response
5. Require Commission reapproval whenever ownership changes.	OPPOSE Replace with notice, assumption, and material-modification controls.	Statutory concern. Florida Statutes §163.3239 states that the burdens of a recorded development agreement bind, and its benefits inure to, all successors in interest. Section 163.3237 also expressly recognizes successors in the amendment or cancellation process. Practical concern. Automatic reapproval upon every transfer would create uncertainty for ordinary sales, financing, foreclosure, estate planning, and transfers among related entities even when the approved project does not change. Correct protection. The agreement should bind every successor. Require notice of transfer and written assumption of all obligations, while requiring Commission approval for any material change to the project, public benefits, phasing, density, height, uses, or other approved standards.
6. Postpone the ordinance until completion of the Master Development Plan.	OPPOSE DELAY SUPPORT mandatory post-plan review.	Different functions. The PD ordinance creates an application and negotiation framework. It does not approve a project or amend the Comprehensive Plan. Consequence of delay. Postponement delays every proposed safeguard: numeric ceilings, measurable public benefits, applicant burden of proof, proportionality, independent review, no precedential effect, and the four-vote protection. Adaptability. The Commission may amend the PD ordinance after the Master Development Plan is adopted. Current plan and zoning limits remain controlling in the meantime. Compromise. Adopt the ordinance with a requirement that staff return within 180 days after formal adoption of the Master Development Plan with an evaluation and any recommended conforming amendments.

Proposed Master Development Plan review clause

Recommended addition

“Within one hundred eighty (180) days after formal adoption of the City’s Master Development Plan, the City Manager or designee shall present the City Commission with an evaluation of this Division and any recommended amendments necessary or appropriate to implement the adopted Master Development Plan, Comprehensive Plan, Countywide Plan and Rules, applicable special area plans, and Land Development Regulations. Nothing in this subsection delays the effectiveness or administration of this Division.”

Recommended replacement for the ownership-transfer proposal

Successors and material modifications

“The PD approval and recorded Development Agreement shall bind and benefit the parties and their successors and assigns as provided by applicable law. A successor shall provide written notice of the transfer and shall assume all obligations under the Development Agreement. A transfer of ownership alone shall not require reapproval of the PD. No material modification to the approved uses, density, intensity, height, site plan, phasing, public benefits, or other development standards may occur without approval through the amendment procedure required by this Division and applicable law.”

Florida statutory framework

- **§163.3187 — Small-scale plan amendments.** A small-scale development amendment is limited to a site-specific Future Land Use Map change involving 50 acres or fewer and may not be used for a text change to plan goals, policies, or objectives.
- **§163.3184 — Other plan-amendment procedures.** Plan amendments generally follow expedited state review unless they qualify for small-scale review or must use state-coordinated review.
- **§163.3227 — Required agreement contents.** A development agreement must address permitted uses, density, intensity, height, public facilities, necessary permits, consistency, and conditions protecting public health, safety, and welfare.
- **§163.3231 — Consistency.** The development agreement and authorized development must be consistent with the local Comprehensive Plan and land-development regulations.
- **§163.3237 — Amendment or cancellation.** A development agreement may be amended or canceled by mutual consent of the parties or their successors in interest.
- **§163.3239 — Recording and successors.** The agreement is effective when properly recorded; its burdens bind and its benefits inure to successors in interest.

Comparable beach-community context

Jurisdiction / framework	Tourist lodging density	Height	Important qualification
Treasure Island proposed PD ceiling	85 units/acre	80 feet from DFE	Absolute PD ceilings only. Every lower applicable plan or zoning limit controls.
St. Pete Beach Large Resort — Scenario 1	50 temporary-lodging units/acre	Up to 100 feet above BFE for qualifying lodging-only buildings	Standards vary by use and scenario.
St. Pete Beach Large Resort — Scenario 2	75 temporary-lodging units/acre	Up to 146 feet above BFE for qualifying lodging-only large-scale development	Requires at least three gross acres and other large-scale criteria.

Jurisdiction / framework	Tourist lodging density	Height	Important qualification
Madeira Beach PR-MU alternative standards	100 units/acre for 1–3 acres; 125 units/acre above 3 acres	Controlled by applicable plan, zoning, and development agreement	Madeira materials require PD rezoning and a development agreement for RFH alternative standards in PR-MU.

Conclusion

My position begins with the purpose of a PD: negotiated flexibility to achieve a superior development and measurable public benefits, not guaranteed additional height or density. The proposed numbers are absolute ceilings on the Commission’s discretion, not entitlements for an applicant, and every lower governing limit continues to control. I remain willing to accept language that makes applicants responsible for all required amendment materials and costs, provided the language does not incorrectly mandate the small-scale process. I will also support removing the four-vote requirement, which I originally proposed as an additional safeguard, because the remaining public-hearing, plan-consistency, public-benefit, burden-of-proof, and Commission-approval requirements continue to apply. I support a mandatory review following adoption of the Master Development Plan. I do not support reducing the negotiated ceilings without supporting analysis, requiring new approval solely because ownership changes, or delaying all of the proposed protections while awaiting a separate planning document.

Official authorities and planning sources

Florida Statutes §163.3187 — small-scale comprehensive plan amendments: [Official source](#)

Florida Statutes §163.3184 — comprehensive plan amendment procedures: [Official source](#)

Florida Statutes §163.3227 — required contents of development agreements: [Official source](#)

Florida Statutes §163.3231 — plan and LDR consistency: [Official source](#)

Florida Statutes §163.3237 — amendment or cancellation: [Official source](#)

Florida Statutes §163.3239 — recording and successors in interest: [Official source](#)

St. Pete Beach Comprehensive Plan — Large Resort standards: [Official source](#)

Madeira Beach Comprehensive Plan materials — PR-MU alternative standards: [Official source](#)

This document states proposed policy positions and identifies issues for legal review. The City Attorney should confirm final statutory interpretation, terminology, and ordinance language before adoption.