

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING THE FUTURE LAND USE MAP SERIES OF THE CITY OF KEY WEST COMPREHENSIVE PLAN BY MODIFYING THE HISTORIC PUBLIC AND SEMIPUBLIC SERVICES (HPS) DESIGNATION TO HISTORIC PUBLIC AND SEMIPUBLIC SERVICES DISTRICT-3 (HPS-3) FOR PROPERTIES LOCATED AT MALLORY SQUARE PURSUANT TO CHAPTER 90, ARTICLE VI, DIVISION 3 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR CONSISTENCY WITH THE MALLORY SQUARE MASTER PLAN; FINDING THAT PUBLIC FACILITIES AND SERVICES NECESSARY TO SUPPORT THE HPS-3 DESIGNATION WILL BE AVAILABLE CONCURRENT WITH THE IMPACTS OF DEVELOPMENT, CONSISTENT WITH CHAPTER 163, FLORIDA STATUTES, AND THE CITY'S ADOPTED CONCURRENCY MANAGEMENT SYSTEM; PROVIDING FOR CONCURRENT AND CONDITIONAL ADOPTION WITH LAND DEVELOPMENT REGULATION AMENDMENTS; PROVIDING FOR TRANSMITTAL AND ADOPTION PURSUANT TO STATE LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR THE INCLUSION IN THE CITY OF KEY WEST COMPREHENSIVE PLAN; AND FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key West Comprehensive Plan designates Mallory Square as Historic Public and Semipublic Services (HPS); and

WHEREAS, since 2021 the city has conducted extensive public outreach with tenants, artists, performers, residents, and visitors to identify desired improvements and future programming for Mallory Square; and

WHEREAS, by Resolution No. 22-070 (March 2022), the City engaged Sasaki, a nationally recognized landscape architecture firm, to prepare the Sunset Celebration/Mallory Square Master Plan; and

WHEREAS, by Resolution No. 23-201 (July 2023), the City expanded the scope of work to include a Revenue Generation Study prepared by James Lima Planning & Design; and

WHEREAS, the Phase 1 Mallory Square Master Plan was reviewed by the Historic Architectural Review Commission on February 25, 2025, the Parks and Recreation Advisory Board on February 27, 2025, and the City Commission on March 1, 2025; and

WHEREAS, the Master Plan envisions improved indoor and outdoor cultural, civic, and recreational programming, enhanced public access to the waterfront, and infrastructure improvements necessary to preserve Mallory Square as a public waterfront park; and

WHEREAS, to implement the Master Plan, the City has determined that a new zoning subdistrict within the Historic Public and Semipublic Services designation is necessary to recognize the unique function, intensity, and programming of Mallory Square; and

WHEREAS, concurrent with this Comprehensive Plan amendment,

the City is proposing amendments to Chapter 122 of the Land Development Regulations to establish the Historic Public and Semipublic Services Mallory Square District-3 (HPS-3) zoning district; and

WHEREAS, the proposed amendment is consistent with Objective 1-1.4 (Public Facilities, Infrastructure and Public Services) and Policy 1-1.4.3 (Coordinate Public and Private Investments in Land Improvements) of the Comprehensive Plan, which require that public and semi-public uses be coordinated with development activities to promote delivery of services; and

WHEREAS, the Planning Board held a duly noticed public hearing pursuant to Chapter 163, Florida Statutes, and Chapter 90, Article VI, Division 2 of the Code of Ordinances, and transmitted its recommendation to the City Commission; and

WHEREAS, the City Commission finds that the proposed amendment promotes public access, historic preservation, cultural programming, environmental education, and economic vitality, and is in the best interests of the health, safety, and welfare of the citizens of the City of Key West.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA:

Section 1: That the Future Land Use Map Series of the City of Key West Comprehensive Plan is hereby amended to modify the designation for properties located at Mallory Square from:

Historic Public and Semipublic Services (HPS) to Historic Public and Semipublic Services District-3 (HPS-3) - Mallory Square as more particularly depicted on the map attached hereto and incorporated by reference as Exhibit "A."

Section 2: That the HPS-3 designation is intended to:

1. Preserve Mallory Square in perpetuity as a publicly accessible waterfront park;
2. Emphasize local Key West culture and the arts, including performing arts, Sunset Celebration, and environmental education;
3. Support historically appropriate redevelopment and adaptive reuse of existing structures;
4. Improve pedestrian connectivity to Clinton Square, Truman Waterfront Park, Key West Bight, Simonton Street Beach, Duval Street, and surrounding neighborhoods;
5. Allow compatible cultural, civic, recreational, and limited commercial uses necessary to sustain programming and maintenance of the Square; and
6. Implement the Mallory Square Master Plan as adopted by the City Commission.

This amendment does not alter the public and semi-public character of Mallory Square but provides a refined designation consistent with its unique historic, cultural, and waterfront function.

Section 3: That the City Commission finds that public facilities and services necessary to serve the HPS-3 designation will be available concurrent with impacts of development, consistent with Chapter 163, Florida Statutes, and the City's adopted concurrency management system.

Section 4: That this Comprehensive Plan amendment shall be conditionally adopted concurrently with the related amendment to the Land Development Regulations establishing the Historic Public and Semipublic Services Mallory Square District-3 (HPS-3). Final effectiveness of this ordinance is contingent upon:

1. Adoption of the corresponding LDR amendment by the City Commission; and
2. Issuance of a Notice of Intent by the Florida Department of Commerce (formerly DEO) finding the Comprehensive Plan amendment in compliance.

Section 5: The City Clerk is hereby directed to transmit this ordinance and supporting documentation to the Florida Department of Commerce and all other required reviewing agencies in accordance with Chapter 163, Florida Statutes.

Section 6: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provision of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 7: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 8: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and approval by the Florida Department of Commerce, pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held
this _____ day of _____, 2026.

Read and passed on final reading at a regular meeting held
this _____ day of _____, 2026.

Authenticated by the presiding officer and Clerk of
the Commission on _____ day of _____, 2026.

Filed with the Clerk _____, 2026.

Mayor Danise Henriquez _____

Vice Mayor Donald "Donie" Lee _____

Commissioner Lissette Carey _____

Commissioner Aaron Castillo _____

Commissioner Monica Haskell _____

Commissioner Sam Kaufman _____

Commissioner Greg Veliz _____

DANISE HENRIQUEZ, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK