THE CITY OF KEY WEST
PLANNING BOARD
Staff Report

To: Chairman and Planning Board Members

From: Jim Singelyn, Acting Planning Director

Meeting Date: November 20th, 2025

Application: **Official Comprehensive Plan Amendment – Mallory Square -**
RE# 0000170-000000, AK# 1000167

RE# 0072082-001100, AK# 8757778

RE# 0072082-001200, AK# 8757786

RE# 0072082-001300, AK# 8757794

RE# 0072082-001700, AK# 8757832

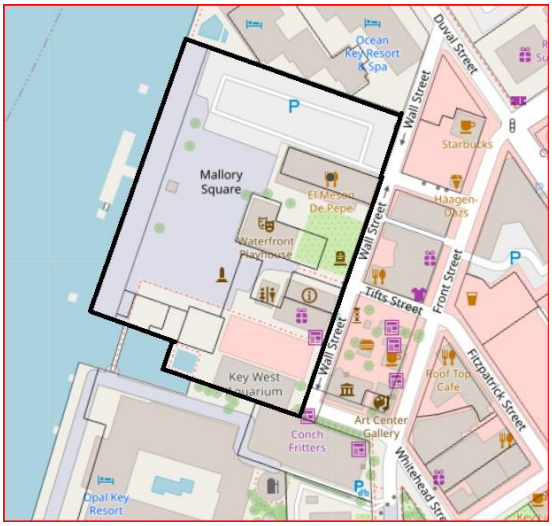
RE# 0072082-001900, AK# 8757859

RE# 0072082-003700, AK# 8801131

Consideration of an ordinance of the City of Key West, Florida, proposing an amendment to the City's Comprehensive Plan, amending the boundaries from Historic Public And Semipublic Services District (HPS) to Historic Public and Semipublic Services District-3 (HPS-3) for properties located at Mallory Square; pursuant to Chapter 90, Article VI, Division 2 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; providing for concurrent and conditional adoption upon adoption of Comprehensive Plan amendments; providing for severability; providing for an effective date.

Request: A site-specific amendment to the Official Comprehensive Plan from Historic Public and Semipublic Services District (HPS) to Historic Public and Semipublic Service District-3 (HPS-3).

Sponsor: Brian Barroso, City Manager with support from Jim Singelyn, Acting Planning Director



Existing Maps Above

Proposed Map Above

Background

Since 2021, the city has been engaging stakeholders including tenants, artists, performers, visitors and locals to understand valued aspects of Mallory Square and needed improvements, including future visions for indoor and outdoor programming. In March 2022, through Resolution 22-070, the City of Key West engaged a nationally recognized landscape architecture firm, Sasaki, to generate a Sunset Celebration/Mallory Square Master Plan after releasing Request for Qualifications No. 22-002.

In July 2023, through Resolution 23-201, the City of Key West expanded the Sasaki contract to include a Revenue Generation Study and engaged the services of James Lima Planning & Design to better understand revenue opportunities associated with the draft master plan.

The City's Historic Architecture Review Commission reviewed the Phase 1 Mallory Square Master Plan at their February 25, 2025, meeting, and the City's Parks and Recreation Advisory Board reviewed the Phase 1 Plan at their February 27, 2025, meeting.

The City Commission reviewed the Phase 1 Master Plan through a presentation at their March 1, 2025, City Commission meeting.

To implement the indoor and outdoor programming envisioned for Mallory Square through the master planning process, the City has determined that it is necessary to amend the Land Development Regulations to create a new subdistrict in the Historic Public and Semipublic zoning district to recognize opportunities to preserve the historic waterfront and revitalize the square for public access and enjoyment throughout the day. The amendment will add an additional subdistrict to Chapter 122 of the Land Development Regulations, entitled "Zoning", Article IV, entitled "Districts", Division 11. The additional subdistrict will be named the "Historic Public and Semipublic Services Mallory Square District - 3" (HPS-3); and

Staff Analysis

To successfully implement the desired programming and public realm improvements outlined in the Phase 1 Master Plan, an amendment to the Land Development Regulations (LDRs) is both logical and necessary. The creation of the "Historic Public and Semipublic Services Mallory Square District – 3" (HPS-3) subdistrict within Chapter 122, Article IV of the City's zoning code will provide the regulatory framework needed to:

- **Enable Appropriate Commercial Activity:** Commercial uses that complement the historic and cultural character of Mallory Square will enhance the visitor experience, support local entrepreneurs, and generate revenue to sustain long-term maintenance and programming.
- **Enhance Public Access and Enjoyment:** Rezoning allows for infrastructure and amenities that support year-round public use, adding to the Square's role as a popular

gathering at sunset, but additionally throughout the day.

Request / Proposed Amendment:
*Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading.

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ARTICLE IV. - DISTRICTS

DIVISION 1. - GENERALLY

Sec. 122-92. Future land use map designations and zoning districts.

The following table references adopted future land use map designations contained in the land use element of the city comprehensive plan and identifies corresponding zoning districts which are established in order to implement the future land use map designations, respectively:

FUTURE LAND USE MAP DESIGNATIONS AND ZONING DISTRICTS

Residential	
LDR-C	Low density residential—coastal
SF	Single-family units
MDR-C	Medium density residential—coastal
MDR	Medium density residential
HDR	High density residential
HDR-1	High Density Residential College Road
Commercial Development	
CL	Limited commercial
CG	General commercial
CT	Salt Pond tourist commercial
Mixed Use New Town Development	
RO	Residential/office
PRD	Planned redevelopment and development

Old Town Historic Preservation	
HRO	Historic residential/office
HRCC-1	High density residential/commercial core: Bay side
HRCC-2	High density residential/commercial core: Key West Bight
HRCC-3	High density residential/commercial core: Atlantic side
HMDR	Medium density residential
HSMDR	Historic special medium density residential
HPRD	Planned development and redevelopment
HNC-1	Neighborhood commercial: Simonton, Truman, and S. White Street corridors
HNC-2	Neighborhood commercial: Old Town northeast and southeast
HNC-3	Neighborhood commercial: Bahama Village
HNC-4	Neighborhood commercial: Bahama Village Truman Waterfront
HCT	Tourist commercial
HPS	Public service, including recreation and open space
HPS-1	Public service, including recreation and open space: Truman Waterfront Park
HPS-2	Public service, including recreation and open space: Peary Court Cemetery
HPS-3	Public service, including recreation and open space: Mallory Square
HHDR	High density residential
Institutional	
PS	Public services (1)
A	Airport
Conservation	
C	Conservation (2)
(1)	"Public services" includes all lands designated "public services" or "military" on the comprehensive plan future land use map series which are located within the city limits.
(2)	"Conservation" incorporates all lands designated "conservation" on the comprehensive plan future land use map series, including tidal and

	freshwater wetlands, mangroves, upland hammocks, and waters of the state, including an area extending 600 feet into the tidal waters adjacent to the corporate city limits.

(Ord. No. 97-10, § 1(2-4.2), 7-3-1997; Ord. No. 12-33, § 1, 9-18-2012; Ord. No. 18-04, § 1, 2-7-2018; Ord. No. 21-06, § 2, 2-18-2021)

DIVISION 11. - HISTORIC PUBLIC AND SEMIPUBLIC SERVICES DISTRICTS [1]

Subdivision I. Historic Public and Semipublic Services District (HPS)

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Subdivision IV. Historic Public and Semipublic Services Mallory Square

District-3 (HPS-3)

Policy 1-1.1.10: - Allowed Uses in Historic Public and Semi-Public.

The maximum FAR for the HPS area shall be 1.0, excepting large scale regional public facilities. The latter projects may have a higher FAR if approved by City Commission. However, prior to approving an FAR in excess of 1.0, the City Commission must render a finding that the proposed public facility requires a higher FAR to accommodate a regional service necessary to the general health, safety, and welfare of the City and/or County. Furthermore, the finding must indicate that the regional facility as proposed shall comply with all other qualitative and quantitative criteria of the Comprehensive Plan and Land Development Regulations, including, but not limited to the adopted concurrency management policies. In no case may the city approve a FAR of greater than 1.75.

Areas of the Truman Waterfront have been zoned HPS-1. Development in those areas is limited to the existing and proposed uses identified in the Military Base Reuse Plan. These uses include

a harbor walk, open space, community recreation centers, play fields, public recreation facilities, amphitheaters, and accessory concessionaire commercial uses.

The Peary Court Cemetery has been zoned HPS-2. This designation is intended to restrict development of the parcel to its historic use as a cemetery and open space. Any proposed uses shall be reviewed for consistency with the applicable historic preservation plans.

Mallory Square has been zoned HPS-3. This designation is intended to facilitate redevelopment and historic preservation of the Mallory Square area, including the waterfront, and to provide better connectivity to other public areas. Mallory Square shall be dedicated in perpetuity as a publicly accessible waterfront park with emphasis on local Key West culture and the arts, particularly the performing arts, Sunset Celebration, and environmental education. Any proposed uses shall be reviewed for consistency with the applicable historic preservation plans.

The City shall monitor the need for increased land area for institutional uses and shall ensure that adequate lands are provided in the public and semi-public land use designation. Land uses such as cultural or civic centers, and public or private not-for-profit uses may be included within this land use designation.

Deed restricted affordable workforce housing is deemed a conditional use with a density of 16 units per acre in the HPS zoning district.

Sec. 122-981. Intent.

The historic public and semipublic services Mallory Square District-3 (HPS-3) is established to implement comprehensive plan policies for areas designated HPS-3 on the future land use map located within the City-owned Mallory Square area parcels. This district is specifically intended to implement the Mallory Square Master Plan to facilitate the redevelopment and historic preservation of the Mallory Square area, including the waterfront, and to provide better connectivity to other public areas including the historic Clinton Square, the Truman Waterfront Park, the Key West Bight, the Simonton Street Beach, and Duval Street. Mallory Square shall be dedicated in perpetuity as a publicly accessible waterfront park with emphasis on local Key West

culture and the arts, particularly the performing arts, Sunset Celebration, and environmental education.

The HPS-3 district shall accommodate an urban waterfront park with uses essential to recreation for residents and visitors, given its prominence as a cultural landmark and economic driver for the island. This zoning district implements goals, objectives and policies associated with the City's Comprehensive Plan and Coastal Management Element.

The City and its partners shall endeavor to accomplish the following goals associated with the Mallory Square Master Plan:

i. Preserve and enhance public access and views of the waterfront through historically appropriate improvements to hardscape, landscape, and the wharf, by minimizing the use of structures such as fences, walls, or kiosks, to maintain an open, pedestrian-oriented square.

ii. Improved pedestrian access through reinforced or widened waterfront walkways to commercial neighbors and waterfront parks, and through lighting and streetscape finishes that draw visitors to Mallory Square from Duval Street, and other nearby streets and alleys.

iii. Improved mobility options for visitors and residents to access Mallory Square through enhanced multi-modal planning and services and off-site parking facilities.

iv. Financial planning to identify funding mechanisms to maintain Mallory Square and provide enhanced security services.

v. Historic design guidelines specific to Mallory Square administered by the Historic Architectural Review Commission to provide architectural, operational, and programmatic guidance to preserve the character of the square.

vi. Increase emphasis on recreational and civic opportunities that emphasize the unique working waterfront history associated with Mallory Square, the culture of Sunset Celebration, and marine education.

vii. Enhanced event planning services to invite local artists, musicians, and performers to the Square to ensure the nightly live performance known as "Sunset Celebration" remains vibrant for decades to come, and to establish new daytime events to revitalize and enhance the use of Mallory Square.

viii. Long range infrastructure planning, including financial planning, to protect the historic square from impacts associated with increased rain and storm events, flooding, and increased heat.

ix. On-site facilities to improve human comfort including enhanced restroom facilities, shade and seating, garbage and recycling collection facilities, and designated bicycle and scooter parking and delivery locations.

x. In the Mallory Square (HPS-3) zoning district, the City of Key West funded a master plan in 2023 which included public engagement of a broad section of stakeholders and was prepared for review and approval by the Planning Board, Tree Commission, Parks and Recreation Board, Historic Architectural Review Commission, and City Commission. Implementation of the master plan has been envisioned to occur in phases

to ensure the historic live sunset celebration may continue every night. Approval of the final master plan by the City Commission shall authorize initiation of phase 1 of the master plan to include design for hardscape, landscape, infrastructure and utility improvements, and public facilities to include restrooms, as funding becomes available.

Sec. 122-982. Uses permitted.

Uses permitted in the historic public and semipublic services district-3 (HPS-3) are as follows:

(1) Cultural and civic activities, for the promotion of cultural or civic objectives such as historical, literary, scientific, musical, dramatic, artistic or similar. These shall include museums, galleries, historic theater, aquariums, and outdoor activities.

(2) Parks and recreation, passive, inclusive of uses typically associated with or accessory to an urban town square that serve social, educational and cultural needs not otherwise listed. This may include water-related activities such as boardwalks and interpretive trails, seating areas, and fishing piers.

(3) Community centers.

(4) Government business and professional offices.

(5) Light industrial associated with working waterfronts or historic Key West industries.

(6) Commercial Retail low, medium, and high intensity established prior to the date of this ordinance.

(7) Restaurants, excluding drive-throughs, established prior to the date of this ordinance.

Sec. 122-983. Conditional Uses.

Conditional uses in the historic public and semipublic services district-3 (HPS-3) district are as follows:

(1) Restaurants, excluding drive-throughs.

(2) Bars and lounges.

(3) Parking lots, established prior to the date of this ordinance.

(4) Protective services, such as private security.

(5) Public utilities necessary to provide services to the immediate area.

(6) Educational institutions.

(7) Commercial Retail low and medium intensity less than or equal to 10,000 square feet applied for after the date of this ordinance.

(8) Commercial Retail high intensity, less than or equal to 5,000 square feet applied for after the date of this ordinance.

Sec. 122-984. Prohibited uses.

In the historic public and semipublic services district-3 (HPS-3), all uses not specifically or provisionally provided for in this subdivision are prohibited. Non-government vehicles shall be prohibited from parking on the square except in areas specifically marked by the City of Key West.

Sec. 122-985. Dimensional requirements.

The dimensional requirements in the Mallory Square historic public and semipublic services district-3 (HPS-3) are as follows; however, construction is limited by scale, mass and proportion

considerations as expressed through the historic architectural review commission design guidelines:

(1) Maximum density: Not applicable.

(2) Maximum FAR: 0.80.

(3) Maximum height: 35 feet plus an additional 5 feet if the structure has a pitched roof, the design of which is approved by the historic architectural review commission.

(4) Maximum lot coverage.

a. Maximum building coverage: 60 percent.

b. Impervious surface ratio: 90 percent.

(5) Minimum lot size: Not applicable.

(6) Minimum setbacks.

a. Front: none.

b. Side: 5 feet.

c. Rear: 5 feet.

d. Street side: none.

(7) Additional regulations:

a. In addition to Chapter 102 Historic Preservation regulations, signs and all structures, including all types of temporary and mobile vendors and vehicles, shall be reviewed for compliance with the design of the Mallory Square Master Plan by the Historic Architectural Review Commission.

b. Setbacks may be reduced to 0' on the side and rear with written approval from the Key West Fire Department.

Cross reference(s)—Historic Preservation, Ch. 102.

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Land Development Regulations Text Amendment Process:

Planning Board Meeting:	December 18, 2025
City Commission (1st Reading):	TBD, 2025
Local Appeal Period:	30 days
DEO Review (1st Reading):	Up to 60 days
City Commission (2nd Reading / Adoption):	TBD, 2025
Local Appeal Period:	30 days
DEO Review (2nd Reading):	Up to 45 days
DEO Notice of Intent (NOI):	Effective when NOI posted to DEO site

Analysis:

The purpose of Chapter 90, Article VI, Division 2 of the Land Development Regulations (the "LDRs") of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") is to provide a means for changing the text of the Land Development Regulations. It is not intended to relieve hardships nor to confer special privileges or rights to any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the Planning Board and the City Commission shall consider the consistency of the proposed amendment with the intent of the Comprehensive Plan.

Pursuant to Code Section 90-552, the Planning Board shall hold a public hearing thereon with due public notice. The Planning Board shall consider recommendations of the City Planner, City Attorney, Building Official and other information submitted at the scheduled public hearing. The Planning Board shall transmit a written report and recommendation concerning the proposed change in the LDRs to the City Commission for official action.

Code Section 90-520 (6) provides criteria by which LDR amendments must be evaluated:

Section 90-520 (6) Justification. The need and justification for the proposed change

shall be stated. The evaluation shall address but shall not be limited to the following issues:

The City of Key West first identified a need to comprehensively review revitalization opportunities associated with Mallory Square in 2021. At this time, the city is poised to update the zoning of the Mallory Square parcels to ensure vacant structures at the Square can be leased and revitalized, to bring locals and visitors back to the square, to implement goals identified by the community during the master plan process, and to realize potential new sources of revenue for the city. If the rezoning is approved, existing tenants would also benefit from the additional permitted and conditional uses associated with historic structures on the Square.

a. Comprehensive Plan consistency. Identifying impacts of the proposed change in zoning on the Comprehensive Plan. The zoning must be consistent with the Comprehensive Plan.

Objective 1-1.4 Public Facilities, Infrastructure and Public Services, along with Policy 1-1.4.3 – Coordinate Public and Private Investments in Land Improvements specifically states, *"The City's Land Development Regulations shall continue to provide performance criteria which ensure that the location, scale, timing, and design of necessary public services and semi-public uses shall be closely coordinated with development activities in order to promote improvements in delivery of requisite services."* The rezoning of Mallory Square and subsequent improvements and master plan was developed in collaboration with the public, and the rezoning will ensure that the LDR's have more tailored requirements and intent for Mallory Square and its unique character and reputation within the city.

b. Impact on surrounding properties and infrastructure. The effect of the change, if any, on the particular property and all surrounding properties. Identify potential land use incompatibility and impacts on infrastructure.

Rezoning Mallory Square should benefit surrounding properties by creating a pedestrian attraction throughout the day, not just at sunset. The added pedestrian traffic will bring additional patrons to nearby business owners.

c. Avoidance of special treatment. The proposed change shall not constitute a spot zone change. Spot zoning occurs when:

1. A small parcel of land is singled out for special and privileged treatment:

Mallory square is a large parcel of land that will be able to fit multiple commercial businesses. The singling out is for the benefit of the public interest. Additional permitted uses will allow for more business owners to expand into the square.

2. The singling out is not in the public interest but only for the benefit of the landowner.

The singling out is for the benefit of the public interest. Additional permitted uses will allow for more business owners to expand into the square.

3. The action is not consistent with the adopted comprehensive plan.

Staff have not identified any conflicts with the comprehensive plan.

d. Undeveloped land with similar comprehensive plan future land use map designation. The amount of undeveloped land in the general area and in the City having the same zoning classification as that requested shall be stated.

This would be a new zoning classification specifically for Mallory Square.

CONCLUSION
The proposed Ordinance is a reasonable rezoning to allow for the expansion and improvement of Mallory Square while encouraging economic growth and redevelopment.

RECOMMENDATION:
The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the proposed Ordinance be recommended for **APPROVAL** to the City Commission. Respectfully submitted to the Board for use in making its determination.