

Florida Statutes

380.0552 Florida Keys Area; protection and designation as area of critical state concern.

(9)(a)2. Goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24 hours. **The hurricane evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency.** For purposes of hurricane evacuation clearance time:

- a. Mobile home residents are not considered permanent residents.
- b. The City of Key West Area of Critical State Concern established by chapter 28-36, Florida Administrative Code, shall be included in the hurricane evacuation study and is subject to the evacuation requirements of this subsection.

163.3178 Coastal management.

(8)(a) A proposed comprehensive plan amendment shall be found in compliance with state coastal high-hazard provisions if:

- 1. The adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event** as measured on the Saffir-Simpson scale; or
2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or
3. Appropriate mitigation is provided that will satisfy subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation may not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.

Hurricane Evacuation Modeling History in the Florida Keys

1989: PBS&J, retained by ACOE, to perform a transportation analysis of evacuation travel movements and clearance times. The analysis was released in 1991.

- Lower Southeast Florida Hurricane Evacuation Study
- 1990 Census baseline for the model

2000: FDOT contracts with Miller Consulting, Inc., to develop an evacuation model that measures and analyzes the unique characteristics of the Florida Keys

- Miller Report completed in 2001
- 1990 Census data + number of certificates of occupancy issued through 1999, after 1999 add max number of ROGO allocations

2004: 2000 Census info is incorporated in the Miller model by DCA

2005: DCA contracts with the SFRPC to develop regional hurricane evacuation study (Broward, Miami-Dade and Monroe Counties)

- South Florida Regional Hurricane Evacuation Traffic Study Technical Support Document is finalized in 2006

2009: Monroe County contracts with University of Utah (Reid Ewing, Ph.D.) to update the Miller model for phased evacuations, update the model based on 2000 Census data, recent building permit data, the best available tourist data, etc.

2010: Statewide Regional Evacuation Study Program (SRESP) by the Florida Division of Emergency Management and Regional Planning Councils and Wilbur Smith Associates is released.

- Data developed for three analysis years: 2006, 2010, and 2015.
- All data are based off of mid-census estimates and future year projections based off of Census 2000 data.
- Census 2010 data were not available at the time that the evacuation model was developed.

2011: Administration Commission Rules adopted to include Work Program tasks for DEO to Hurricane Evacuation

2012: Hurricane Evacuation Clearance Time Work Group was appointed by DEO/FloridaCommerce. The Work Group included an elected representative from each of the six local governments and a cross section of the population including the tourism industries, chambers of commerce, and community organizations as well as representatives from state and federal agencies.

2012: The TIME model was updated with statistical information and numerous scenarios were modeled to estimate maximum build out capacity and to determine the remaining allocations that may occur and maintain the 24 hour hurricane evacuation goal. The Work Group recommended strategies for future mitigation, data needs, and the addressed the regional implications of hurricane evacuation. Overall, this exercise resulted in a Memorandum of Understanding which included the agreed upon assumptions and variables to be used for hurricane evacuation modeling exercises.

2023: Utilizing the TIME modeling software, FloridaCommerce updated the assumptions and variables to perform baseline and prospective scenarios to determine the evacuation time. Florida Commerce released *Florida Keys Modeling Report*.

Takings

What is a taking?

A continuing physical occupation or ouster of private property, or a deprivation of all or substantially all economically beneficial use of the property.

Constitutional Origins

- 5th Amendment of the U.S. Constitution
 - Takings clause states private property shall not be taken for public use without just compensation
- Article 10, Section 6(a), Florida Constitution
 - “No private property shall be taken except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner.”
- Provisions do not prohibit taking of private property or require owner consent, but place conditions on the exercise of this power.

What are the types of Takings?

- Physical Occupation or Ouster
 - Intentional use of property by government
 - Loss of Access
 - Flooding
- Regulatory Takings
 - Facial Taking (a/k/a “per se,” “categorical,” or “Lucas” taking) – total take
 - As-Applied Taking – partial take
- Temporary Takings
 - Both physical and regulatory takings can be temporary
- Bert J. Harris Act Claims
 - Statutory remedy for claims of “inordinate burdens” that fall short of takings

When is a Regulatory Taking Claim “Ripe” for Litigation?

- Before an owner can file a regulatory takings claim, the claim must be “ripe”
- Facial claims are generally *ripe upon enactment* of the regulation
- As-applied claims generally require *at least one meaningful application* for development approval, a final decision, and exhaustion of administrative remedies
- In Monroe County, regulatory takings claims (both facial and as-applied) only become ripe after the Beneficial Use Determination (BUD) process is completed.

Affordable Housing

- 1,448 Total Deed Restricted Units Developed
 - 72 Units in Big Pine Key / No Name Key
 - 1,064 units in the Lower Keys
 - 312 units in the Upper Keys

12 affordable
ROGO allocations
remaining

Florida Housing Finance Corporation Set-Aside
 The State Apartment Incentive Loan program (SAIL) provides low-interest loans on a competitive basis to affordable housing developers each year. This money often serves to bridge the gap between the development's primary financing and the total cost of the development. SAIL dollars are available to individuals, public entities, not-for-profit or for-profit organizations that propose the construction or substantial rehabilitation of multifamily units affordable to very low income individuals and families. **Developments in the Florida Keys Area may use a minimum set-aside of 100 percent of the units for residents with annual household incomes below 120 percent of the state or local median income, which ever is higher.**

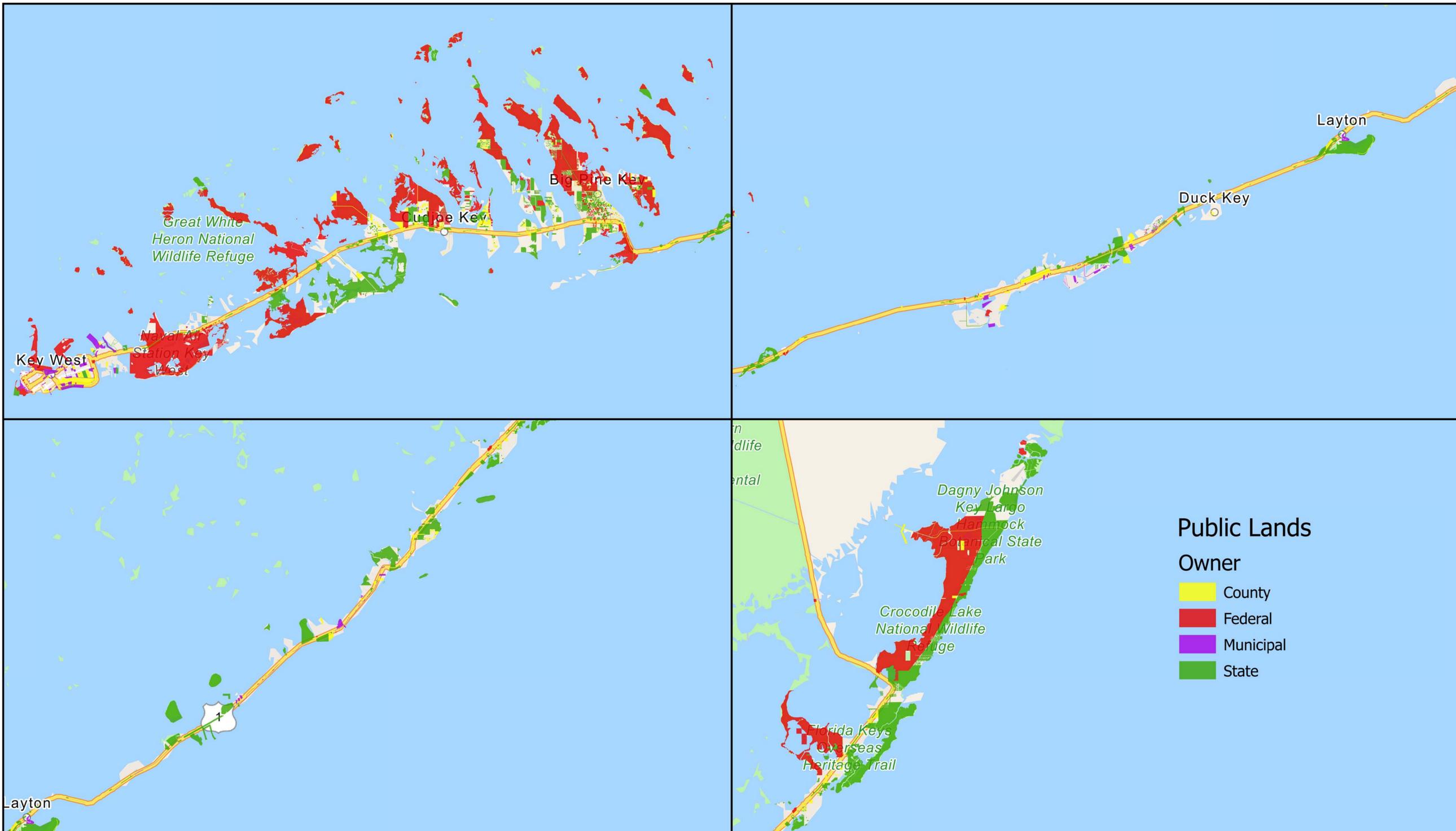
Rental Affordable Housing Units Monroe County 2024 Qualifying Income Limits

Income Limits for Single Persons					(MC Land Authority use only) 160%
Household Size	Very Low 50%	Low 80%	Median 100%	Moderate 120%	
1 Person	\$41,800	\$66,850	\$83,600	\$100,320	\$133,760
2 Persons	\$47,700	\$76,350	\$95,400	\$114,480	\$152,640
3 Persons	\$53,700	\$85,950	\$107,400	\$128,880	\$171,840
4 Persons	\$59,650	\$95,450	\$119,300	\$143,160	\$190,880
5 Persons	\$64,450	\$103,100	\$128,900	\$154,680	\$206,240
6 Persons	\$69,200	\$110,750	\$138,400	\$166,080	\$221,440
7 Persons	\$74,000	\$118,400	\$148,000	\$177,600	\$236,800
8 Persons	\$78,750	\$126,000	\$157,500	\$189,000	\$252,000

Per MCC §101-1. *Affordable Housing* Definitions

What are non-residential uses that are compatible to adjacent residential uses?

Help us define “small-town
character”



Public Lands

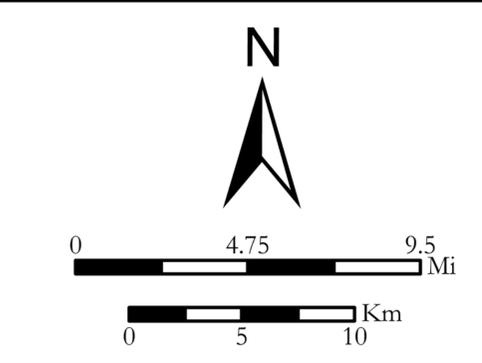
- Owner**
- County
 - Federal
 - Municipal
 - State



Publicly Owned Lands

Monroe County

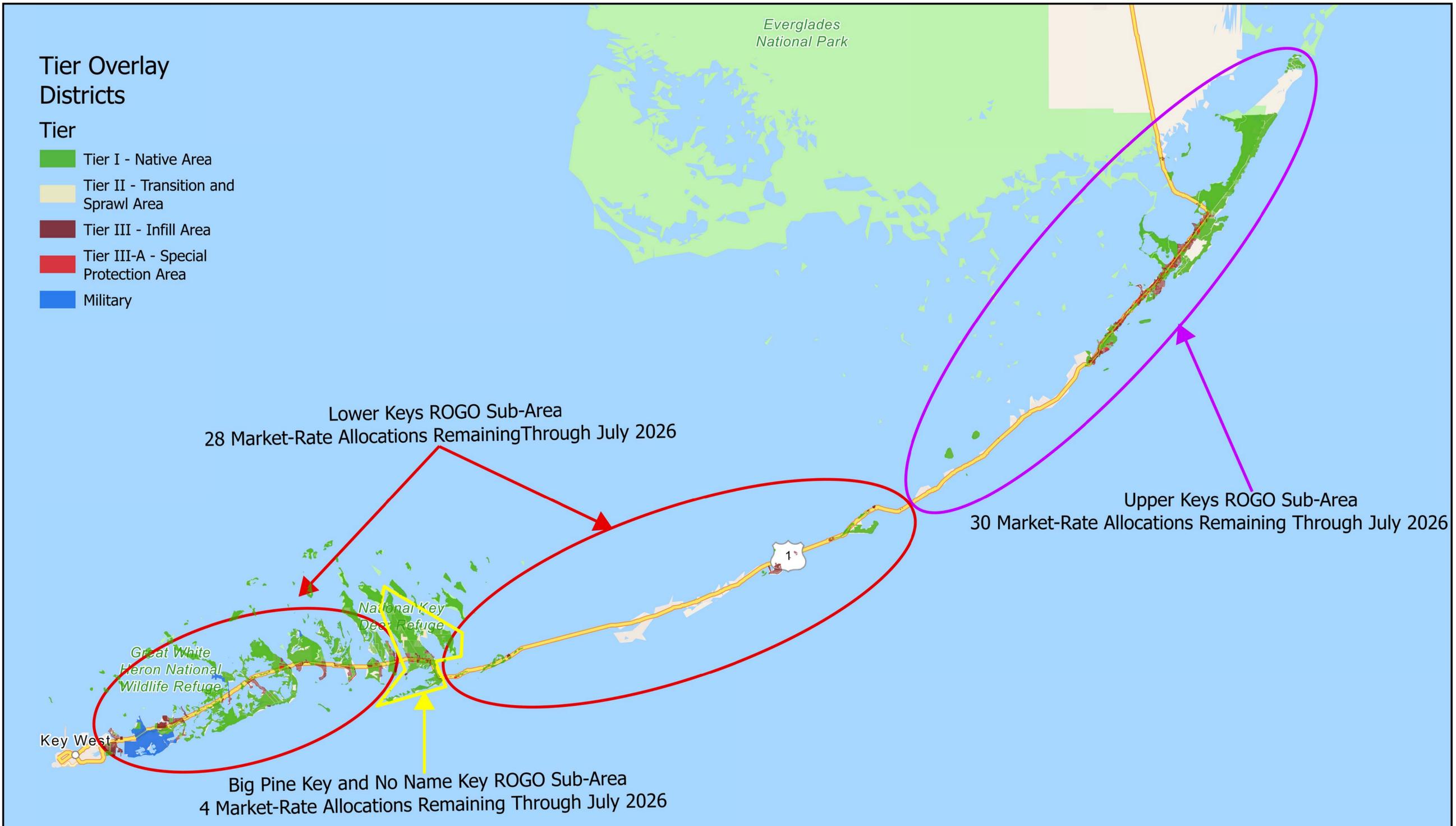
2024



Tier Overlay Districts

Tier

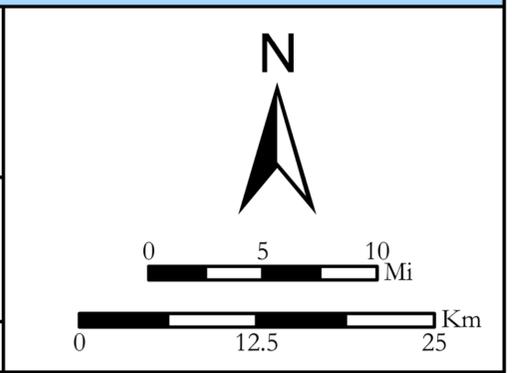
- Tier I - Native Area
- Tier II - Transition and Sprawl Area
- Tier III - Infill Area
- Tier III-A - Special Protection Area
- Military

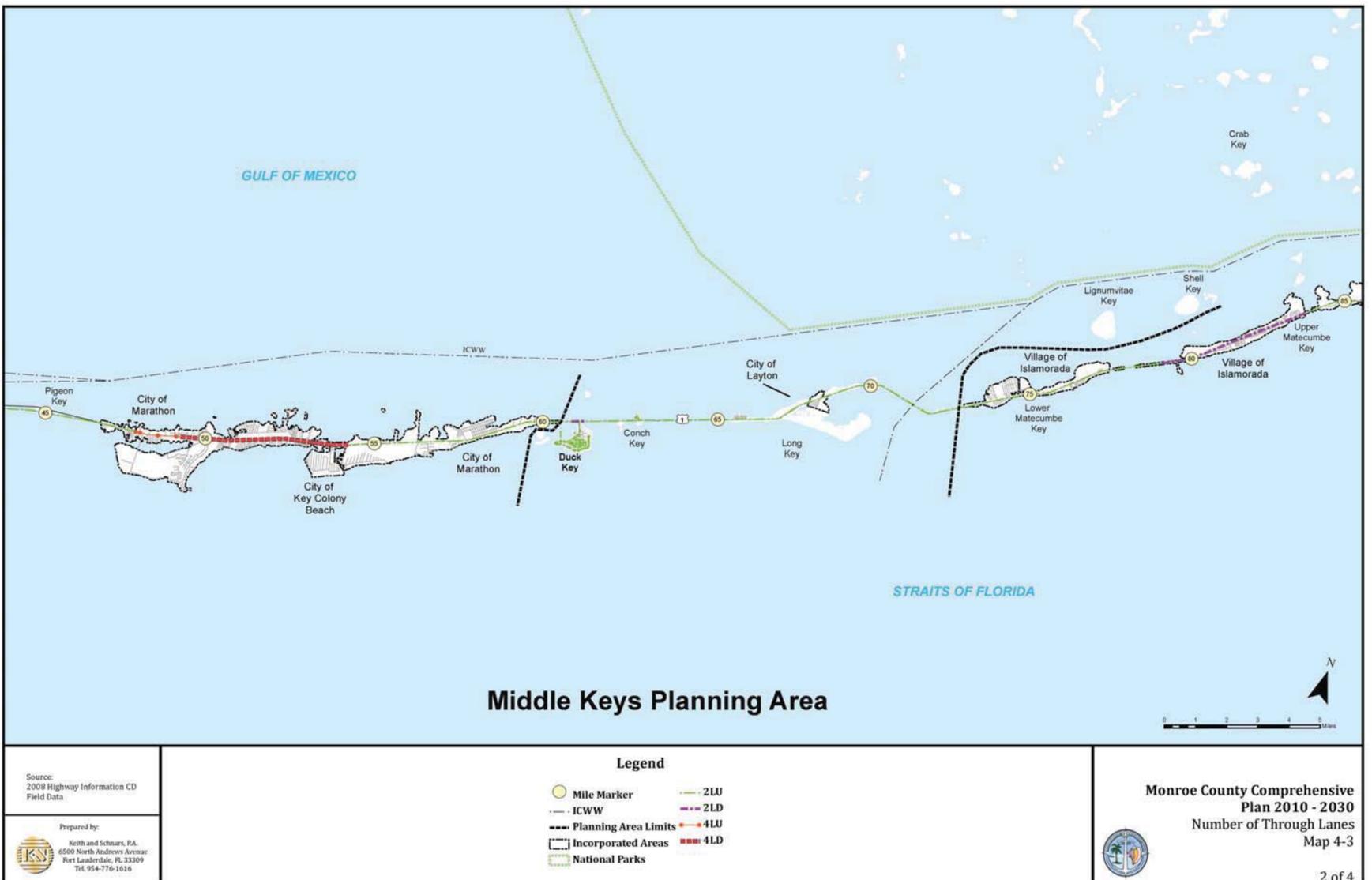


ROGO Sub-Areas
Unincorporated Monroe County

Monroe County

2024







Source:
2008 Highway Information CD
Field Data

Prepared by:
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Legend

- Mile Marker
- ICWW
- Planning Area Limits
- Incorporated Areas
- National Parks
- 2LU
- 2LD
- 4LU
- 4LD

**Monroe County Comprehensive
Plan 2010 - 2030**
Number of Through Lanes
Map 4-3

3 of 4



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2008 Highway Information CD
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