



TOWN OF SIESTA KEY

INCORPORATION FEASIBILITY STUDY



AUGUST 30, 2022

SAVE SIESTA KEY, INC.

Town of Siesta Key
Incorporation Feasibility Study

August 30, 2022

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INTRODUCTION

The proposed Town of Siesta Key, Florida encompasses a diverse coastal island community in west Sarasota County that includes numerous established residential neighborhoods, southwest of the City of Sarasota. The proposed Town is uniquely positioned to assume responsibility for home rule. Providing the local community with local control of planning and zoning decisions will help preserve the unique characteristics of this area.

In April 2021, local citizens joined together to form Save Siesta Key Inc. (SSKI), to advocate for incorporation of Siesta Key as a Town. SSKI board members initiated this feasibility study, and donations from the community financed its completion. Siesta Key residents resoundingly support what is described as the “government lite” model, which limits government bureaucracy and taxing capacity and focuses on efficiently and effectively delivering services.

The proposed Five-Year Operational Plan depicts a General Fund which has balanced budgets or surpluses every year, all accomplished with an ad valorem tax rate of 0.5000 mills. In addition to this ad valorem tax paid to the Town of Siesta Key, residents of the new Town would continue to pay taxes to Sarasota County and would continue to receive most of the services currently provided by the County.

Property owners and business owners on Siesta Key are concerned about severe traffic congestion on the island and its major access roads, which is adversely affecting quality of life for residents and visitors, emergency vehicle transit, and businesses. Residents of mainland Sarasota County, as well as tourists from throughout Florida, the U.S., and foreign countries – many of whom have been drawn to the unequalled natural beauty of the island for generations – have conveyed their concerns about overcrowding, traffic, and the environment to the SSKI board and supporters. Motivated largely by concerns about increasing population density and traffic, SSKI and other organizations on Siesta Key including the Siesta Key Association, the Siesta Key Coalition, and the Siesta Key Condominium Council, have been united in advocating for preservation of the Sarasota County Comprehensive Plan and the Siesta Key Overlay District. Citizens and organizations have also advocated for a comprehensive traffic study of Siesta Key during peak tourism months, to include vehicular traffic on

the major access roads and pedestrian traffic in commercial areas and beach access areas. The Board of SSKI believes that incorporation is the best way for citizens to address zoning and traffic concerns, as well as concerns about the environment, waterways, and infrastructure.

Siesta Key is currently the largest unincorporated barrier island in the state of Florida. The current total taxable value of properties within the subject area is approximately \$7.7 billion, which will provide more than 9% of the total Sarasota County 2022-23 fiscal year General Fund ad valorem tax revenue (currently \$80.2 billion). Therefore, the taxpayers residing in the subject area, who represent less than 2% of total Sarasota County taxpayers, will be paying more than 9% of total Sarasota County ad valorem tax for the 2022-23 fiscal year. However, despite this tax burden, residents of unincorporated Siesta Key have had virtually no voice in governance of their community in recent years. Incorporation will provide these residents with a voice, and a greater opportunity to participate in governance of their community. It is anticipated that the total taxable value of the subject area will increase by about 10% to \$8.4 billion in 2024, when the proposed Town is incorporated.

The Town of Siesta Key will benefit from Sarasota County's strong tourism, retirement, education, and healthcare sectors, which will enable the Town to support and sustain economic growth. With its desirable location and low property tax rate, the Town is expected to prosper.

The proposed Town will focus on maximizing quality of life for residents, preservation of lifestyle, and maintenance of public services, while simultaneously managing population growth, economic growth, and development.

1. Location of territory subject to boundary change and legal description

The subject territory for this incorporation is: Being all of Siesta Key, Sarasota County, Florida, bounded on the north by the south line of the City of Sarasota, bounded on the south by the northern boundary of Palmer Point Park. It includes all waters of the state surrounding Siesta Key, except for the portion located in the City of Sarasota or adjacent to Sarasota County beach parks, for one-half mile offshore into the Gulf of Mexico from the mean high-water line of the island; and for other waters, 150 feet offshore from the mean high-water line. The last attachment to this Feasibility Study is a Listing

of All Parcels Proposed as Part of the Town of Siesta Key. The total area of the Town of Siesta Key is approximately 2,790 acres or 2049.3¹ land acres.

Map of the area that identifies the proposed change

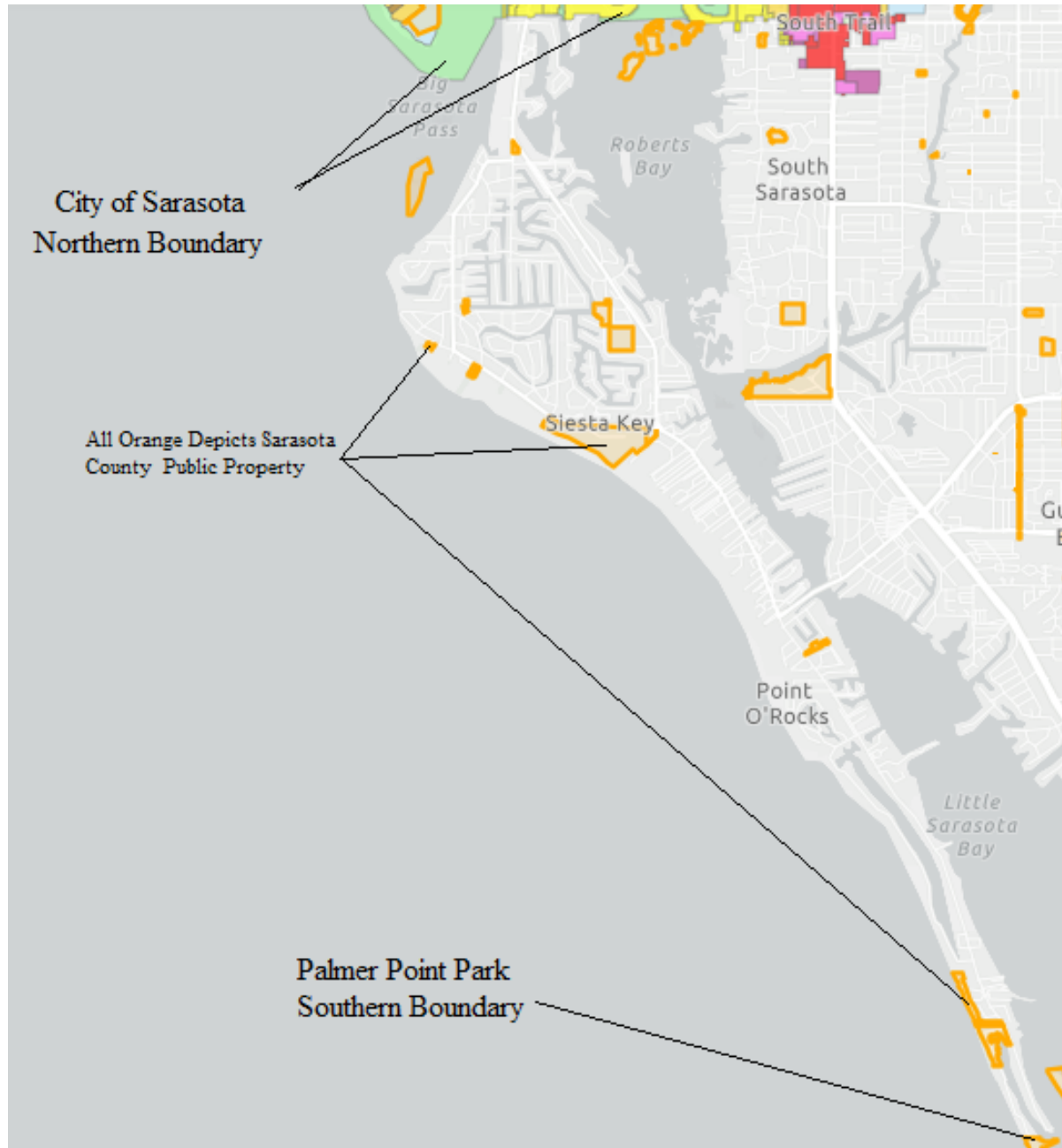


Figure 1 Map of the proposed Town of Siesta Key

¹ Letter to Eric Miller, Policy Chief dated December 1, 2021

2. Major reasons for proposing the boundary change

The “Town of Siesta Key, Florida” proposes to incorporate for the reasons envisioned by the Florida Legislature in Chapter 165 Florida Statutes (2020):

- (1) Allow orderly patterns of urban growth and land use.
- (2) Assure enhanced quality and quantity of local public services.
- (3) Ensure financial integrity of municipalities.
- (4) Eliminate or reduce avoidable and undesirable differentials in fiscal capacity among neighboring local governmental jurisdictions.
- (5) Promote equity in the financing of municipal services.

Since 2010, the population of Sarasota County grew at an average annual rate of 1.44%. The growth led to gridlocked roads, diminished community characteristics, declining access to existing county services, and increased citizen demand for community services, which decreased the quality of life for local area residents.

In fiscal year 2022-23, more than 9% of Sarasota County’s assessed taxable value of \$80,238,892,047 is generated within the proposed Town’s boundaries and is used to support transportation, law enforcement, parks, and other services elsewhere in the county, leading to diminished quality and quantity of local public services on Siesta Key.

The Board of Save Siesta Key Inc. and its supporters have proposed incorporation of the Town of Siesta Key to address their concerns about zoning, traffic, Infrastructure, and the environment. Municipal incorporation with its home rule powers is a reasonable way to assure consistent and sustainable zoning and to prevent or reduce the outflow of local tax revenues. As this feasibility study demonstrates, these objectives may be obtained with a small 0.5000 mill increase in ad valorem taxes, which will fund a financially sound and vibrant new Town.

3. CHARACTERISTICS OF THE AREA

A. LIST OF CURRENT LAND USE DESIGNATIONS APPLIED TO THE SUBJECT AREA IN THE COUNTY COMPREHENSIVE PLAN

Current Sarasota County land use designations within the proposed Town of Siesta Key are limited to the “Barrier Island” category, defined as:

“Recognized as a unique land use category development on the barrier islands is of special concern due to problems associated with the hurricane evacuation, potential for storm damage and the sensitive nature of coastal habitats. The barrier islands are represented on the Future Land Use Map as a homogeneous land use classification to underscore these special considerations. Existing development on Manasota Key, Casey Key and Siesta Key is recognized; however, intensity and density of future development may not exceed that allowed by existing zoning.”²

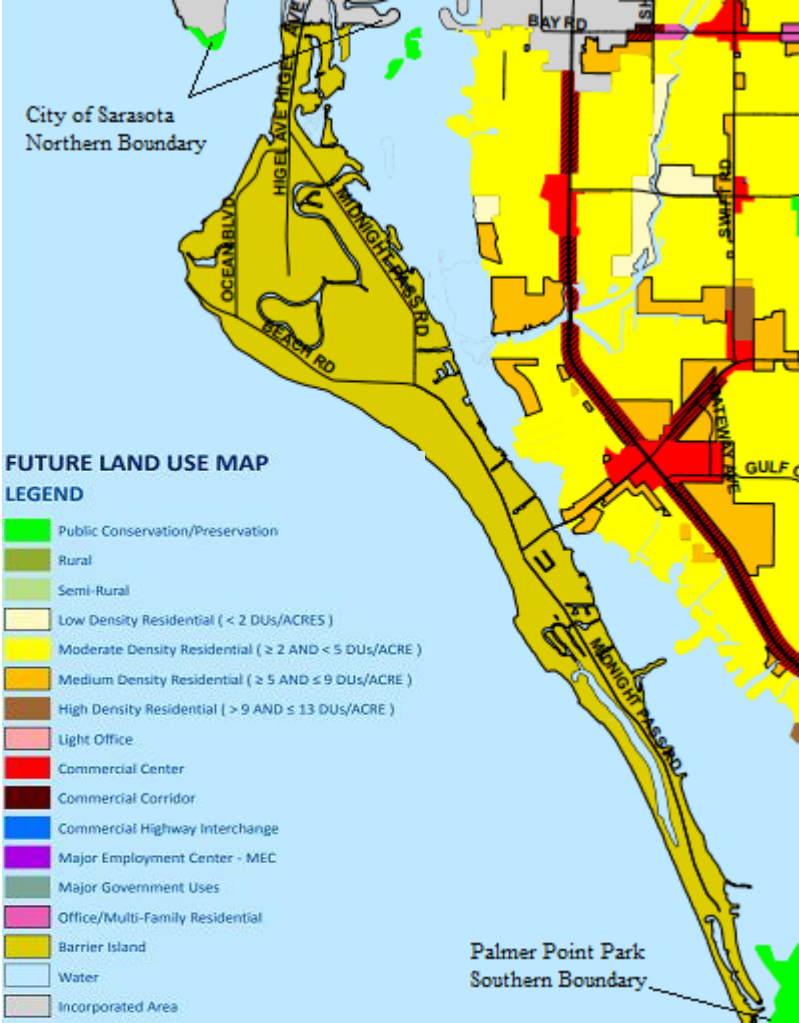
There are no other land uses within the proposed incorporated limits and the land use is therefore limited to the existing zoning.

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² www.scgov.net/home/showpublisheddocument/35088/636668284115270000

The following map details the one land use designation for Siesta key: Barrier Island.

Map 1: Current and Future Land Use Designations: Barrier Island



b. LIST OF THE CURRENT COUNTY ZONING DESIGNATIONS APPLIED TO THE SUBJECT AREA IN THE COUNTY COMPREHENSIVE PLAN

There are 13 zoning districts in the proposed incorporated limits of Siesta Key and each of the zoning districts is also governed by Sarasota County’s Siesta Key Overlay District code. Table 1 summarizes each of the districts:

Table 1 Siesta Key County Zoning Designations

Zoning. District Code	Description	Summary
CG	Commercial General	A non-implementing district that may not be used in future rezonings.
CI	Commercial Intensive	A non-implementing district that may not be used in future rezonings.
GU	Government Use	Applies to lands where national, state, or local governmental activities are conducted, and where governments or other public entities hold title to such lands. Any lawful governmental activity is permitted in this district. The district includes a variety of uses of varying scales and intensities. Therefore, development of a specific site should be appropriate to the nature of the proposed use and address the impacts on surrounding areas.
MP	Marine Park	This District is intended to protect and preserve water areas within the jurisdiction of the County regardless of the designation on the Future Land Use Map. All waters including, but not limited to, all boat basins, bays, bayous, canals, lakes, rivers, streams, waterways, and waters of the Gulf of Mexico, and all publicly and privately owned submerged lands extending from mean high water line or bulkhead line are included in this district. All permitted and special exception uses in this district are subject to all regulations and permit procedures of all agencies having jurisdiction over County waters and specifically the requirements of Chapter 54, Article XX, of the Sarasota County Code (Water and Navigation Control Authority).
OUC	Open Use Conservation	Intended to retain the open character of the land and to preserve and protect native habitats, wilderness areas, marsh lands, watersheds, water recharge areas, open spaces; park lands, scenic areas, historical and archaeological resources and beaches. It is to be used to establish wildlife and open space corridors; as buffer areas to lands designated Public Resource Lands on the Future Land Use Map; to protect life and property in areas subject to flooding, and to conserve fish and wildlife. Permitted uses are restricted to conservation and, with certain limitations, recreation and other uses that are not contrary to the open character of the district.
RE-2	Residential Estate	Permits large lot, estate-type development. A limited number of nonresidential uses are allowed, subject to the restrictions and requirements necessary to preserve and protect the low-density estate character of the district.
RMF-1 RMF-2 RMF-3	Residential Multiple Family 1 Residential Multiple Family 2 Residential Multiple Family 3	Permits multifamily residential densities, which may take the form of a variety of housing types, including single-family detached, lot line, traditional, patio, villa, atrium, duplex, townhouse, multiplex, or apartment units. These districts are used in areas having convenient access to both collector and arterial streets, and nearby civic and commercial uses, as well as employment opportunities.
RSF-1 RSF-2 RSF-3 RSF-4	Residential Single Family 1 Residential Single Family 2 Residential Single Family 3 Residential Single Family 4	Permits single-family residential densities, which may take the form of single-family detached or cluster subdivisions. Cluster subdivisions may include lot line, traditional, patio, villa, atrium, duplex, or townhouse units. The nature of the use of property is the same in all RSF Districts, with variation among the RSF-1, RSF-2, RSF-3 and RSF-4 Districts in the requirements for density, lot area and width, and yards. A limited number of nonresidential uses are allowed, subject to the restrictions and requirements necessary to preserve and protect the single-family residential character of the neighborhood.

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The following map details the aforementioned current zoning in the Siesta Key incorporation study area:

Map 2: Sarasota County Area Current Zoning Map



B. PRESENT LAND USE CHARACTERISTICS

Siesta Key Overlay District (SKOD)

Section 165.041(1)(c), F.S., requires that counties that have adopted a municipal overlay for municipal incorporation pursuant to s. 163.3217, F.S., such information shall be submitted to the Legislature in conjunction with any proposed municipal incorporation in the county.

Map 3: Sarasota County Siesta Key Overlay District



Currently, Sarasota County has created a special zoning overlay District that applies to all property in the studied incorporation area. The County code has set detailed criteria for the Siesta Key that is in addition to the base zoning criteria found elsewhere in Sarasota County. The purpose and intent of the District (which is detailed in the Sarasota County Code) is to “...further the goals, objectives and policies of the Comprehensive Plan relating to the development and redevelopment within...the Siesta Key Community Plan³.” The overlay district encourages new commercial buildings to include building sidewalks, canopies, and awnings, to encourage pedestrian traffic. It governs signage, parking, wall heights, setbacks, and standards for appearance, among other items.

The specific Sarasota County Code follows:

“Siesta Key Overlay District (SKOD).⁴

a. Purpose and Intent.

1. The Siesta Key Overlay District (SKOD) is intended to further the goals, objectives and policies of the Comprehensive Plan relating to development and redevelopment within those areas of Sarasota County shown on the Siesta Key Community Plan.
2. This district is intended to promote pedestrian life by encouraging new commercial buildings to build to the sidewalk instead of requiring a street yard setback. Pedestrian life will also be encouraged by the use of canopies and awnings for sun and rain protection and by requiring screening and setback of refuse containers.
3. Other purposes of the SKOD include reducing the size and height of signs in keeping with the Town character of the Key; establishing standards for shell parking lots as alternatives to asphalt parking; establishing standards for walls such as maximum height, setback from the street, painting, and landscaping; establishing standards for nonconforming residential lots; and establishing standards.

³library.municode.com/fl/sarasota_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH124UNDECO_ART7SPZODIST_S124-102SPZODIDESTPPUQVDI

⁴library.municode.com/fl/sarasota_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH124UNDECO_ART7SPZODIST_S124-100DIEN; (4) Siesta Key Overlay District (SKOD)

b. Permitted Principal Uses and Structures. As specified in the underlying zoning district, except as set forth in paragraphs d. and e. below. All uses and structures must comply with all other applicable regulations including, but not limited to, the Coastal Setback Code, as amended.

c. Permitted Accessory Uses and Structures. As specified in the underlying zoning district, except as set forth in paragraphs d. and e. below. All uses and structures must comply with all other application regulations including, but not limited to, the Coastal Setback Code, as amended.

d. Prohibited Uses and Structures.

1. Any use or structure not specifically permitted by the underlying district or the SKOD is prohibited.
2. The following uses allowed in the underlying RE or RSF Districts, shall be prohibited in SKOD: i. Bed and breakfast. ii. Boarding house, rooming house, fraternity house or sorority house. iii. Group home (15 or more residents).
3. The following uses allowed in the underlying OPI, CG or CI Districts, shall be prohibited in SKOD: i. Live-work; and ii. Upper-story residential.
4. Any use or structure not specifically, provisionally or by reasonable implication permitted herein is prohibited.

e. Special Exceptions. As specified in the underlying zoning district, and as additionally listed below.

1. The owner of certified short-term room rental units zoned RMF-1/SKOD that are reconstructed as a result of being involuntarily destroyed by catastrophe may seek a modification from the development standards provided in paragraphs l. and m. below by obtaining a special exception, except if the property abuts, or is across the street from, a RSF/SKOD, RE/SKOD or MP/SKOD District, in which case no modification to the standards shall be allowed. If the special exception is approved, the resultant modified standards shall be clearly shown on the special exception Development Concept Plan.
2. Day care or adult day care are allowed by special exception in the RMF/SKOD District.
3. Transient accommodations are allowed by special exception in the CG/SKOD District.
4. Special exceptions in the Historic Preservation Incentive Overlay District (HPIOD) are prohibited in SKOD.

f. Maximum Residential Density. As specified in the underlying zoning district. Nonconforming lots of record zoned RMF shall also comply with Section 124-283(d).

g. Minimum Lot Requirements. As specified in the underlying zoning district.

h. Maximum Buildings Coverage. As specified in the underlying zoning district. Nonconforming lots of record zoned RMF shall also comply with Section 124-283(d).

i. Maximum Impervious Coverage on a Lot. The maximum impervious coverage in any residential district, including but not limited to RE/SKOD, RSF/SKOD, or RMF/SKOD, shall be 50 percent of the area of a lot or parcel. For the purpose of this section, impervious coverage shall include roof structures, swimming pools and pool decks, as well as concrete, asphalt, pavers, and other surfaces that substantially prevent water from penetrating into the ground. This does not include grass, shell or other surfaces that allow water to substantially penetrate into the ground. Nonconforming lots of record zoned RMF shall also comply with Section 124-283(d).

j. Minimum Yard Requirements. As specified in the underlying zoning district, except that:

1. In the CG/SKOD, CI/SKOD and OPI/SKOD Districts, the minimum street yard setback shall be two feet.

2. In the CG/SKOD and CI/SKOD Districts within the commercial enclave south of Stickney Point Road (identified as the "South Bridge Area" under the Siesta Key Community Plan) for buildings over 35 feet in height approved by special exception, the minimum street yard setback shall be twenty-five feet, except that the Board may, in approving such a Special Exception, authorize the minimum street yard setback to be reduced to no less than two feet if the building is demonstrated to be compatible with surrounding properties and designed for the pedestrian scale through its height and mass and the incorporation of creative design elements, which may include:

- i. Façade elements, such as a prominent building entrance, exterior walls that are visibly articulated when viewed from the street right-of-way, enhanced building surfaces, large or unique arrangement of windows on the front building facade, the use of awnings, canopies, porches, arcades or other structures to shade pedestrians);

- ii .Roof elements, such as an articulated roof line or attractive roofing materials that are visible from the street right-of-way; or

- iii. Creative site design elements, such as public art, accent landscaping in excess of that required by County regulations, offsite sidewalks along abutting street frontages in excess

of that required by County regulations, covered walkways in parking lot, entry drive features and cross walk decoration utilizing pavers or stamped concrete, or other hardscape improvements such as outdoor furniture and seating areas.

3. The two-foot wide street yard setback shall be used to widen an existing or required sidewalk. The property owner shall bear the full cost of the sidewalk widening.

4. In the CG/SKOD, CI/SKOD and OPI/SKOD Districts, awnings, canopies, projecting signs, and newspaper stands shall be exempted from the above street yard setback. Awnings and canopies shall maintain an eight-foot vertical clearance and shall be allowed to extend over the sidewalk.

5. In SKOD, new at-grade or elevated mechanical equipment (such as air conditioning units, pool equipment, generators) shall comply with minimum side yard setback for the underlying zoning district. Mechanical equipment on nonconforming lots in the RE-2/SKOD and any RSF/SKOD Districts shall comply with the minimum side yard setback required in Section 4.10.4.p. The replacement of existing mechanical equipment is exempt from the minimum side yard setback provided that existing encroachment is not increased by the new mechanical equipment. However, all mechanical equipment shall be screened with lattice fencing or a similar type of screening material that provides a partial screening of the view of the equipment from the neighboring property, the public right-of-way and/or private roadways.

5. Nonconforming lots of record zoned RMF shall also comply with Section 8.4.5.

k. Maximum Height of Structures.

1. Accessory structures shall not exceed the height of the principal structure.
2. Other structures shall be as specified in the underlying zoning district.

l. Minimum Off-Street Parking Requirements.

1. As specified in Section 124-120 and as follows. The following standards supersede all conflicting parking requirements for properties within the Siesta Key Overlay District (SKOD). Any of the alternative parking plans may be requested in accordance with Section 124-120.
2. Pursuant to Section 124-76(b)(3)f. the reconstruction of involuntarily destroyed certified short-term room rental units in the RMF-1/SKOD District caused by a catastrophe, shall provide off-street parking in compliance with Section 124-120. No vehicle parking space shall be permitted that allows a vehicle to back directly onto a public street unless an alternative

parking plan is approved by the Zoning Administrator in coordination with the County Engineer. Wheel stops shall be provided for each required parking space. Properties within an approved on-street parking district shall receive credit for approved on-street parking spaces in lieu of required off-street parking spaces.

3. Alternative parking surfaces may be approved in accordance with Section 124-120(m)(11)b.3.

4. The following parking requirements apply to bars and restaurants in the Siesta Key Overlay District:

- i. Bar and Restaurant parking requirement shall be 1 parking space per 50 sq. ft. of indoor and outdoor patron floor area.
- ii. Notwithstanding the foregoing, in the CG/SKOD District within the commercial enclave south of Stickney Point Road (identified as the "South Bridge Area" under the Siesta Key Community Plan), Bar and Restaurant parking requirement shall be 1 parking space per 75 sq. ft. of indoor and outdoor patron floor area.
- iii. For purposes of this section, patron floor area only includes indoor and outdoor square footage used for eating, drinking, and waiting areas. This includes all square footage on patios, decks, or other outdoor areas of the parcel that are used for eating or drinking and/or waiting.

5. Bicycle Parking Facilities Credit. A credit of one parking space is permitted per individual commercial business that provides a bicycle rack in an accessible on-site location. The bicycle rack must comply with the specifications in Section 124-120(p).

6. Motorcycle Credit. A credit of one parking space for every two motorcycle parking spaces is permitted for an individual commercial business, up to a maximum credit of four parking spaces or 25 percent of the required parking, whichever is greater. All motorcycle parking spaces must be located on-site and be clearly designated as motorcycle parking only. Motorcycle space parking dimensions must meet accepted engineering standards.

7. Valet Parking. Valet parking is allowed in the Siesta Key Overlay District subject to the standards contained in Section 124-120(k)(7). Additionally, queuing of vehicles in the right-of-way for local streets only may be allowed for restaurants and bars on Siesta Key.

8. Low Speed Vehicle (LSV) Credit. A credit of one parking space for every one LSV parking space is permitted for an individual commercial business or multi-business plaza, up to a

maximum of four parking spaces or 25 percent (25%) of the required parking, whichever is greater. Each LSV parking space shall measure 6 feet (6') wide and 18 feet (18') deep.

For the purpose of this section, a Low Speed Vehicle (LSV) is defined as a street legal vehicle that has a minimum speed of 20 mph and a maximum speed of 25 mph, and may include golf carts, scooters, scoot coupes, etc.

m. Landscape Buffer Requirements.

1. As specified in the underlying zoning district.
2. Pursuant to Section 124-76(b)(3)f. the reconstruction of involuntarily destroyed certified short-term room rental units in the RMF-1/SKOD District caused by a catastrophe, shall provide a collector street buffer as defined by Section 124-122(g) along all street rights-of-way.
3. The appropriate street buffer in compliance with Section 124-122(g), including any required parking buffer, shall be required along all street rights-of-way when a dwelling unit is constructed on a nonconforming lot in the RE/SKOD and RSF/SKOD Districts. Any existing vegetation which meets the requirements of Section 124-122 shall be maintained.

n. Design Standards. As specified in the underlying zoning district.

o. Walls and Fences Located in Yards. As specified in the underlying zoning district, except that:

1. Walls and fences located in the required minimum yard shall comply with the following standards:
 - i. A wall or fence set back less than an average of four feet from the right-of-way/property line shall have a maximum height of four feet. For properties with street frontage on any collector or arterial road, as designated by the Sarasota County Comprehensive Plan, the maximum height of any wall or fence shall be eight feet with the wall or fence being set back an average of four or more feet from the right-of-way/property line. For properties with street frontage on any road not designated as a collector or arterial road by the Sarasota County Comprehensive Plan (i.e. local streets), the maximum height of any wall or fence shall be six feet with the wall or fence being set back an average of four or more feet from the right-of-way/property line. On any corner lot in any zoning district, no fence, wall, hedge, or other plantings that will obstruct vision over two and one-half feet above natural grade of the

intersecting streets shall be erected, placed, or maintained within the clear sight triangle.

ii. The height of any wall or fence shall be measured in accordance with [Section 124-72\(a\)\(6\)g](#).

iii. All wood fencing shall be constructed using new decay-resistant or pressure treated material and shall be maintained in sound condition and good repair.

iv. Chain linked fencing is prohibited in the required minimum street yard. Existing chain linked fencing in the required minimum street yard shall be removed within five years.

v. Ornamental decorations and light fixtures not exceeding 18 inches in height above the applicable maximum limit may be allowed on pillars or supports for any wall.

vi. The finished side of all fences shall face the street and adjacent properties.

vii. Masonry walls shall have a decorative finish on the side facing the street and adjacent properties. Paint only shall not be considered a decorative finish. The decorative finish on a wall shall be maintained in its original permitted condition.

viii. For any wall or fence in excess of four feet in height, the property owner shall landscape the area between the street side of the wall or fence and the right-of-way line. The required landscaping is intended to be of sufficient quantities, types, height, and densities of materials to reduce the visual impact of the fence or wall. The landscaping shall be a minimum of three shrubs per 15 linear feet of the wall or fence. Alternative plant material providing comparable plant material as required above may be used with approval of the Zoning Administrator. It shall be the responsibility of the property owner to maintain the required landscaping. Existing vegetation or plant material in the landscape area may be used to satisfy part of or the entire landscaping requirement.

ix. A building permit shall be required for any wall in excess of four feet in height above natural or existing grade.

x. The maximum height for walls and fences in the side or rear yard is eight feet. For tennis court fence regulations, [Section 124-125](#).

2. See [Section 124-72\(e\)\(4\)e](#) for requirements for fences in waterfront yards.

p. Nonconforming Residential Single-family and Residential Estate Lots. As in the underlying zoning district, except that:

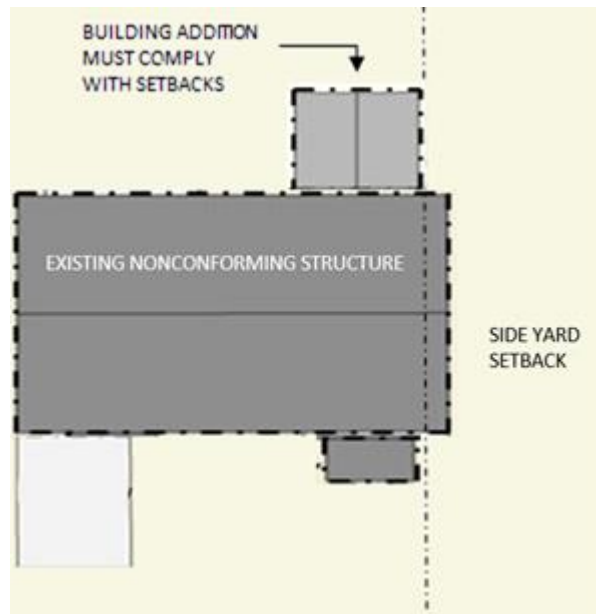
1. For properties located in the RE/SKOD and RSF/SKOD Districts, the minimum side yard setback for nonconforming lots shall be as provided in paragraphs 2. and 3., below.

2. Minimum side yard setbacks:

Lot Width	Minimum Yard Setback
Under 60 feet	7-foot minimum, total of 15 feet for sum of both sides
60 feet	7-foot minimum, total of 16 feet for sum of both sides
61 feet	7-foot minimum, total of 17 feet for sum of both sides
Over 61 feet	8-foot minimum, total of 18 feet for sum of both sides or the minimum side yard setback as required by the underlying district, whichever is less.

3. Notwithstanding Article 8 of this UDC, any portion of a building in existence as of July 10, 2001, that is nonconforming with regard to minimum side yard setback in the RE/SKOD and RSF/SKOD Districts may be improved, including an increase in the building height, in compliance with the underlying Zoning District. However, as of July

10, 2001, all new building coverage shall comply with the minimum side yard setback for nonconforming lots in the RE/SKOD and RSF/SKOD Districts.



Side Yard Setbacks

Additional height is only permitted to extend inside the specified district side yard, even when a nonconformity encroaches into the side yard.

q. Nonconforming Lots of Record on Barrier Islands Zoned RMF. Nonconforming lots of record zoned RMF shall also comply with [Section 124-283\(d\)](#).

r. Signs. As specified in [Section 124-218\(a\)](#).

s. Outdoor Refuse Collection and Storage Areas. As specified in the underlying zoning district, except that:

1. Except for RE/SKOD and RSF/SKOD zoned properties or single-family properties in other districts, all outdoor refuse collection and storage areas shall be visually screened from the public or private right-of-way with an opaque material, which may include walls or fences. No portion of a refuse container shall be visible from a public or private right-of-way. Fences must be 100 percent opaque. Materials stored in said areas shall not protrude above the screen.
2. No outdoor refuse storage area shall be located in the minimum required street yard with the exception of existing refuse storage areas in compliance with subsection 1., above. The

Zoning Administrator or his/her designee may grant a waiver from this standard if the refuse storage area is set back from the right-of-way to the greatest extent possible without creating undue hardship on the owner. For the purposes of this section, only the following conditions shall be deemed a hardship:

- i. Loss of an off-street parking space when the property is deficient in the required minimum number of off-street parking spaces;
- ii. The demolition of a portion of an existing principal or accessory structure, excluding a wall or fence; or
- iii. The removal of a tree with a caliper in excess of 12 inches, measured four feet above grade.

t. Newsracks. As specified in Section 98-10 of the County Code, except that:

1. All Modular Newsracks shall be forest green in color. No other Newsrack on Public Land or within a required street yard shall be located within 500 feet of a Modular Newsrack, except as provided herein. Modular Newsracks may not be placed within 250 feet of each other, except that two Modular Newsracks may be placed side-by-side. Upon installation of a Modular Newsrack, operators of all other types of Newsracks within 500 feet shall remove them within 30 days, unless the Operator of the Newsrack can demonstrate to the Zoning Administrator that display space is not available in the Modular Newsrack. A requirement to pay a reasonable fee for use of the Modular Newsrack does not render the Modular space unavailable. Any Newsrack remaining or installed within 500 feet of a Modular Newsrack shall be forest green in color.

u. Outdoor Display. Pursuant to [Section 124-74\(d\)\(1\)m.](#), Outdoor Display shall be an allowable Temporary Use within the Siesta Key Overlay District, subject to the provisions of Sections [124-49](#) and [124-52](#).⁵

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⁵library.municode.com/fl/sarasota_county/codes/code_of_ordinances?nodeId=PTIICOR_CH124UNDECO_ART7SPZODIST_S124-100DIEN; (4)Siesta Key Overlay District (SKOD)

C. General Statement of Present Land Use Characteristics of the Study Area.

As noted previously, there is only one present or future land use for the study area: Barrier Island, which effectively defaults to the current intensity and density of the existing uses on the island. The island is largely residential in nature. Much of the residential density on the interior of the island is single-family homes while multi-family homes tend to be found around the perimeter of the island. Some commercial can be found on the island and we would characterize it generally as retail supporting neighborhood. The island has a noticeable amount of open space or conservation lands as well as parks owned by the Sarasota County government.

D. DESCRIPTION OF DEVELOPMENT BEING PROPOSED

Siesta Key Beach Resort and Suites would be demolished and replaced by a new 170-room Resort Hotel (Siesta Key Hotel) at 5311 Ocean Blvd & 215 Calle Miramar, Sarasota, Florida 34242

Siesta Key Hotel is an 8-story hotel⁶ (a 5-level hotel over 3 levels of parking; the first parking level is below BFE) on the Property, with hotel restaurant, bar, and shops located inside the main building (collectively, the “Hotel”) located at Calle Miramar and Beach Road.

5810 Midnight Pass Road-Siesta Key Hotel⁷ Petitioner is proposing the construction, development, and operation of an 8-story hotel (a 5-level hotel over 3 levels of parking; the first parking level is below BFE) on the Property, with hotel restaurant, bar, and shops located inside the main building (collectively, the “Hotel”).

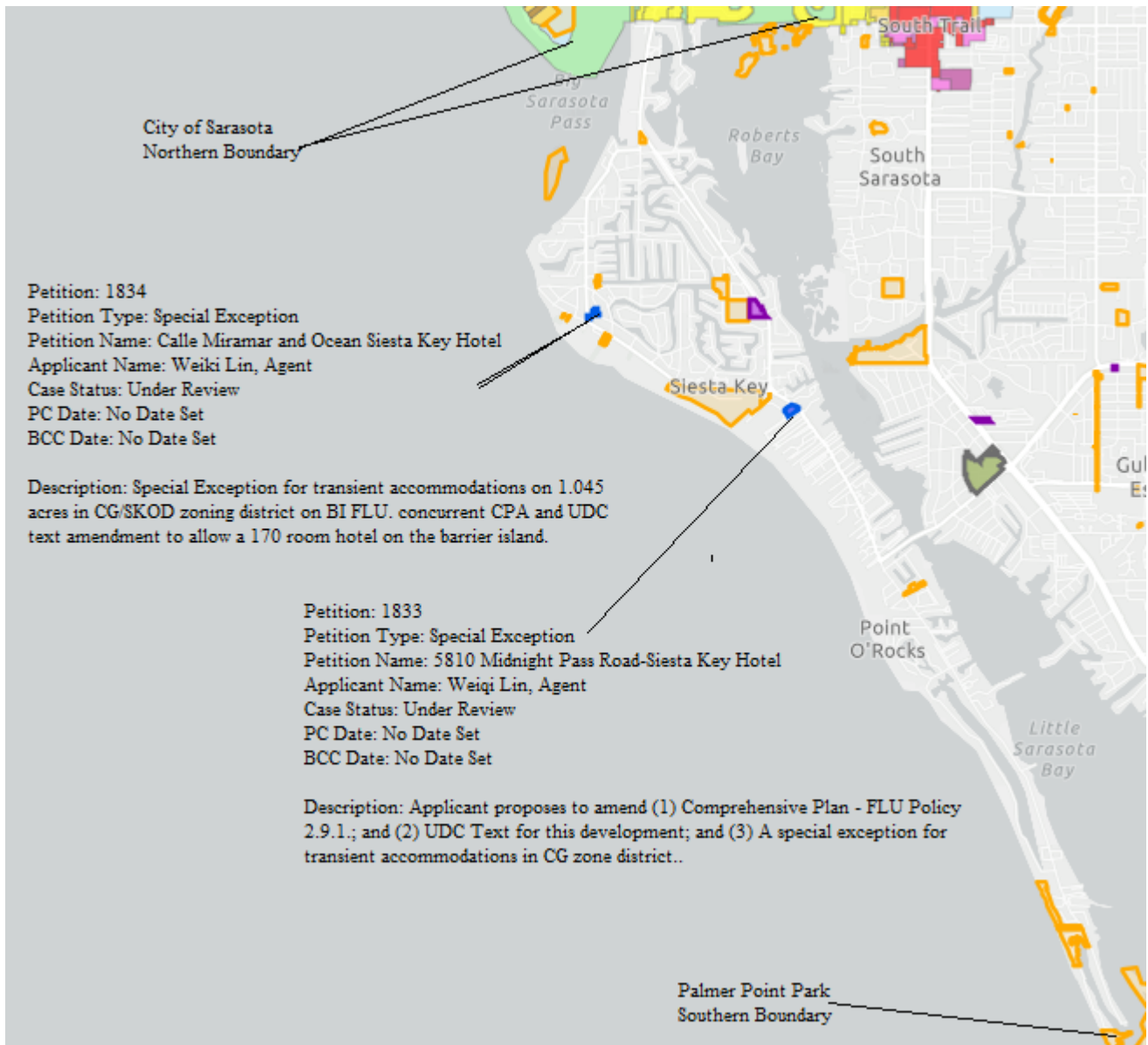
The two proposed developments can be located on the Map 3.

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⁶ <https://www.scgov.net/home/showpublisheddocument/48374/637459551766700000>

⁷ <https://www.scgov.net/home/showpublisheddocument/51084/637571158742070000>

Map 4: BCC Current Siesta Key Projects Under Consideration



4. LIST OF PUBLIC AGENCIES WITHIN BOUNDARY

- a. Sarasota County
- b. Mosquito Control District
- c. Sarasota Memorial Hospital District
- d. West Coast Inland Navigation District
- e. Navigable Waterways
- f. Southwest Florida Water Management District

- g. Sarasota School Board
- h. Sarasota County Court
- i. Twelfth Circuit Court
- j. Second District Court of Appeal

In addition, a self-imposed Municipal Services Taxing Unit (MSTU) provides Sarasota County emergency medical services, and mosquito control services. MSTU's will continue in the Town of Siesta Key after incorporation pursuant to the authority granted in s. 125.01(1) (q) F.S. Many parcels within the Siesta Key MSTU's are single family residential. The proposed incorporation will have no impact on existing special districts or taxing authorities, which will continue to provide established services to the area.

5. LIST OF CURRENT SERVICES BEING PROVIDED WITHIN PROPOSED INCORPORATION AREA

Most services within the proposed incorporation currently are provided by Sarasota County. The rates and charges for county services to the average residence within unincorporated Sarasota County area as reported by *Sarasota County*, are summarized in the following Table 2.

"A property owner in unincorporated Sarasota County with a \$200,000 taxable property (not including Homestead) would expect to pay \$2,432 in FY22 property taxes, excluding special assessment districts."⁸

Table 2 Taxes⁹

Taxing Authority	FY22 Adopted Millage Rates	Tax Bill
Operating Millage	3.2232	\$644.64
Mosquito Control	0.0510	\$10.20
Debt Service (ESLPP)	0.1170	\$23.40
Debt Service (Legacy Trail)	0.0649	\$12.96
Sarasota County Government Total (Countywide)	3.4561	\$691.22
Sarasota County Emergency Medical Services (SCEMS)	0.6600	\$132.00
Sarasota Memorial Hospital District	1.0420	\$208.40
West Coast Inland Navigation District (WCIND)	0.0394	\$7.88

⁸ 2022 Adopted Budget page: 2-7 for Sarasota County

⁹ IBID

Public School Board	6.7090	\$1,341.80
Southwest Florida Water Management District (SWFWMD)	0.2535	\$50.70
Other Jurisdictions Total	8.7039	\$1,740.78
Total Tax Bill	12.1600	\$2,432.00

Annual property taxes, other tax levies and charges for selected county services within the proposed incorporation area are reflected in Table 3 below. Property taxes are based on the average residential unit value within the incorporation area (\$695,469 with a \$50,000 homestead exemption) would pay an additional \$323 per year; property values are from data reported by the Sarasota County Property Appraiser, July 2022). Rates, and charges are from *Sarasota County*. Water and wastewater service are based on 4,000 gallons per month for water. Many residences in the proposed incorporation receive county water and wastewater service. The following table identifies taxes and fees in the proposed incorporation area although some parcels¹⁰ have a Beach Restoration Assessment Phase 2, and a Navigable Waterway MSTU, Siesta Key Village Public Improvement District.

Table 3 Services; Taxes and Fees¹¹

Property taxes and other tax levies		
Tax or fee item	Millage Rates, tax rates, or billing rates	Average annual cost for services
General County Services	3.2232 mills	\$2,080.48
Mosquito Control	0.0510 mills	\$32.92
Debt Service (ESLPP)	0.1170 mills	\$75.52
Debt Service Legacy Trail	0.0649 mills	\$41.89
Sarasota County Emergency Medical Services	0.6600 mills	\$426.01
Sarasota County Fire Services @ Average 2,774 Square Feet	\$7.21/100 SF Gross Bldg.	\$201.88
Sarasota Memorial Hospital District	1.0420 mills	\$672.58
West Coast Inland Navigation District	0.0394 mills	\$25.43
Navigable Waterways	0.0300 mills	\$19.36
Public School Board	6.7090 mills	\$4,330.45
Southwest Florida Water Management District	0.2535 mills	\$16.36

¹⁰ Selected parcels have these additional charges. The table is meant to express a typical parcel cost.

¹¹ Based on average residential unit value of \$695,469 with gross building SF of 4,205.

Electric Service single-family residence	\$101.70/1,000kwh	\$1,903.80
Water Service Utility Tax	10%	\$30.68
Water Service ¹²	Based on 4,000 gallon consumption	\$306.84
Wastewater Service ¹³	Based on 4,000 gallon consumption	\$643.68
Garbage, Trash & Recycling	\$233.59/single-family unit	\$233.59
Storm Water Utility Average Single Family Gross Building @ 4,205 S. F.	\$90.65/single-family medium lot	\$120.91
Street Lighting (average homestead)	0.0076 mills	\$4.91
Total Annual Tax Levies and Service Charges		\$11,376.20

Current services beyond those identified in Table 3 such as libraries, transportation, parks and recreation, law enforcement, are provided through Sarasota County from its General County services millage rate. General services such as the County Administrator, County Attorney, Human Resources, and similar services along with the constitutional officers are funded through ad valorem taxes levied, charges for services and other revenue sources.

- Navigable Waterways MSTU was a citizen-initiated ad valorem taxing district used to maintain boat passages in the intercoastal waterway. Attached hereto is Resolution No. 2016-186 of the Board of County Commissioners of Sarasota County, Florida, adopted October 10, 2016.
- West Coast Inland Navigation District (WCIND) began operations in 1967 and is a separate taxing authority from the Navigable Waterways MSTU. The WCIND is a multi-county special taxing body, covering Manatee, Sarasota, Charlotte, and Lee counties, encompassing an estimated 1.8 million people. The District plays a pivotal role in the waterway projects that promote safe navigation from the “open water” of the Gulf of Mexico or the Gulf Intracoastal Waterway (GIWW) to the systems of secondary waterways. WCIND supports county and local governments in maintaining and enhancing public navigation channels and inlets, boating access facilities, waterfront parks, and piers and special structures. The district began operations in 1967.
- Mosquito Control District in Sarasota County was initiated by a referendum vote 1940. The District serves the entire county.

Florida Statutes addresses the continuation of MSTU’s and provides for continuance in Section

¹² [1] Resolution of the Board of County Commissioners of Sarasota County, Florida; Resolution No. 2021-222

¹³ IBID

125.01(1)(q): "... Subject to the consent by ordinance of the governing body of the affected municipality given either annually or for a term of years, the boundaries of the municipal service taxing unit or benefit unit may include all or part of the boundaries of a municipality." It is expected that MSTU's providing service to the Town of Siesta Key will continue in operation with the consent of the municipality.

Some specific services supplied to residents by Sarasota County (population 441,502) in the year 2021 used for fiscal year 2022-23 revenue sharing are reflected in the adopted budget. The population for costs represented in Table 4 (below) is 438,810¹⁴. The total cost of these services for the 6,769 residents of the proposed Town, based on the Adopted Fiscal Year 2021-22 budget, are as follows:

Population used for FY 2021-22		438,810	6,769
Services	FY 21 Adopted	County Per Capita Cost	Total Cost for Siesta Key Residents
Sarasota County Sheriff	\$134,580,766	\$306.69	\$2,076,017
Transportation SCAT)	\$33,894,686	\$77.24	\$522,853
Emergency Medical Svc	\$58,800,318	\$134.00	\$907,043
Public Works	\$51,694,208	\$117.81	\$797,425
Building Insp	\$13,924,212	\$31.73	\$214,792
Culture & Recreation	\$63,912,165	\$145.65	\$985,897
Code Enforcement	\$1,874,892	\$4.27	\$28,922
Planning & Zoning	\$23,411,291	\$53.35	\$361,138
All Other County Services	\$1,153,459,889	\$2,628.61	\$17,793,054
Total Sarasota County Budget	\$1,535,552,427	\$3,499	\$23,687,141

Table 4 Aggregate Resident Total Service Cost¹⁵

Public safety is of the utmost importance to the residents of Siesta Key. These specific law enforcement and emergency services are currently provided by and through Sarasota County through ad valorem taxation and special assessments. A Sheriff substation and a fire station currently exist on the island which should maintain or improve existing response times without additional costs.

¹⁴ www.betr.ufl.edu/sites/default/files/Research%20Reports/estimates_2020_0.pdf

¹⁵ 2021 Adopted Budget – Sarasota County

However, response times may increase due to increased development on the island currently under consideration by the Board of County Commissioners.

Continuation of current ad valorem taxes, MSTU, and special assessments should provide funding for County services at the current levels.

Additional specific services for Public Works type of projects may be completed in conjunction with Sarasota County through an interlocal agreement or performed under contract with the Town after incorporation.

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6. LIST OF PROPOSED SERVICES TO BE PROVIDED WITHIN PROPOSED INCORPORATION AND THEIR ESTIMATED COST

The proposed incorporation will benefit from the economy of scale provided by Sarasota County services whenever possible. Estimated costs for all proposed interlocal agreements are not currently available; however, the Town operations provide significant excess revenues that can be used to fund potential interlocal agreements. The new Town will continue to use all services identified in Table 3 above until the Town develops its comprehensive plan. Until the comprehensive plan is adopted by the Town, the Town intends to continue all services currently provided by Sarasota County. Sarasota County currently provides fire, emergency medical services, law enforcement, mosquito control, public works, solid waste, water and sewer, library, building inspections, and parks and recreation.

The sheriff has stated that law enforcement services will continue at the “current level of service” as depicted in the Honorable Sheriff Hoffman’s letter dated August 12, 2022 and included as Exhibit B in the feasibility study. If services beyond the current level are required in the future, the matter will be addressed at that time. Therefore, the current funding level the Sheriff receives through Sarasota County and other resources are sufficient to provide services without an increase in expense to the residents of Siesta Key.

These services and additional specific services are currently provided to the residents of Siesta Key through Sarasota County ad valorem taxes, emergency medical services taxes, mosquito control taxes, debt services taxes. It is anticipated that all existing ad valorem taxes or assessments will continue. Additional taxes and assessments for additional services, such as increased fire services, solid waste, stormwater utility, or street lighting services, are not anticipated.

Since the proposed Town is declining state shared revenue, the only financial impacts on Sarasota County revenues, calculated on a per capita basis, will be the loss of the Florida Power & Light electric franchise tax estimated at \$253,000 and possible Infrastructure Sales Tax revenue of \$777,000, if voters approve the extension.

The Town must adopt legislation that provides for the collection of franchise fee from FPL and enter into an interlocal agreement for the Town’s share of the Infrastructure Sales Tax.

Infrastructure sales tax revenue is currently distributed by Sarasota County to cities based on pro-rata population data as indicated above at § 114-1. [One-cent infrastructure sales tax

imposed.], Article I. IN GENERAL, Chapter 114. TAXATION, Code of Ordinances, Sarasota County (elaws.us). That approach would be used for distribution of tax revenue to the Town of Siesta Key. The current tax will expire Dec. 31, 2024. Sarasota County voters first authorized the tax in 1989 and have extended it twice since then, in 1997 and 2007. Since 2005, Sarasota County's share of this tax has grown at the rate of approximately \$1 million per year. In 2005, the Local Government Financial Information Handbook (LGFIH) estimated that Sarasota County would receive \$29,823,481 in tax revenue. The Infrastructure Sales Tax referendum is expected to be approved again by Sarasota County Voters on the November 8, 2022, ballot.

This tax is distributed to municipalities apportioned by population alone. The current tax will expire Dec. 31, 2024. Sarasota County voters first authorized the tax in 1989 and have extended it twice since then, in 1997 and 2007. Since 2005, Sarasota County's share of this tax has grown at the rate of approximately \$1 million per year. In 2005, the Local Government Financial Information Handbook (LGFIH) estimated that Sarasota County would receive \$29,823,481 and for fiscal year 2023 the Office of Economic & Demographic Research provided an estimate of \$50,294,609. This eighteen (18) year span reflects an approximate increase of \$1.1 million per year. The impact to Sarasota County is reflected as a revenue to the Town Siesta Key that would reduce the County revenue by approximately \$777 thousand in fiscal year 2022-23. The Infrastructure Sales Tax is expected to be approved and continue with the vote on November 8, 2022.

Exact structure of interlocal agreements cannot be determined until the Town is in operation. However, regarding the current services provided, it is intended that most existing taxes, and assessments will continue into the future without the need for specific interlocal agreements. Required interlocal agreements will be negotiated and completed after incorporation for specific services such as public works, parks and recreation, law enforcement, animal control, building permitting, building inspections, if applicable.

The Sheriff will provide law enforcement services in the future at the same level of service currently provided to area citizens without additional cost. See Appendix B, letter from Sheriff Kurt A. Hoffman.

A major goal of the incorporation effort is to avoid increases in fees and ad valorem taxes to the greatest extent as possible. The proposed Five-Year Operational Plan (described in section 8.b below and Appendix E) uses 0.5000 mills Town of Siesta Key mills for the study period to provide a “government lite” model for its citizens. The Town of Siesta Key can provide an efficiently administered local government with a focus on local zoning matters, which minimizes costs for Town residents.

The list of proposed services for the first full year, fiscal year 2024-25, to be included within the proposed incorporation, are identified in the following table, in aggregate with their estimated cost. The focus of the community is planning, zoning and code enforcement. As you can read, the community focus (planning, zoning, and code enforcement) and local governmental costs which includes funds for infrastructure improvements is provided within the proposed budget at 0.05000 mills. Other services are being proposed through interlocal agreements with Sarasota County.

Town of Siesta Key Services Cost

Water	Private provider or Sarasota County Utilities
Sewer	Private provider or Sarasota County Utilities
Solid waste/landfill	County Assessment
Local government	\$3,293,700
Public Works	County + \$460,946
Library	County
Planning and Zoning	\$584,440
Parks and Recreation	County
Building Inspections	County
Sheriff	County + \$375,000
Fire and Rescue	County Tax and Assessment

Ensuring current levels of service is of prime importance to the Town of Siesta Key, Florida. All services currently provided by Sarasota County will continue to be provided at current service levels and at assessed values until such time as the Town, pursuant to its Charter (Appendix A), enters into interlocal agreements with Sarasota County or negotiates contract services with another provider.

Until citizens vote to incorporate, no legal entity exists that can represent the proposed Town, so the exact terms and conditions of interlocal agreements are undetermined at this time.

Water and Sewer – Many residents of the proposed Town of Siesta Key, Florida receive water and sewer services from Sarasota County Utilities. Current rates (adopted November 16, 2021), include a

fixed monthly charge by meter size, and tiered volume charges. At 4,000 gallons per month for residential water, customers would be charged \$28.27. The current wastewater rate is \$8.98 per thousand gallons for both residential and commercial customers. Infrastructure availability and economy of scale benefit current Sarasota County Utilities water and sewer customers, and this feasibility plan assumes no change in service provision.

Some other residents have private water wells and septic tanks that are permitted by Sarasota County. Protecting surficial wells that provide irrigation water and deeper wells that provide potable water are of great importance to citizens. Saltwater intrusion also is a concern within the Town's boundaries. Protecting water quality is a statutory responsibility and community imperative.

Solid Waste/Landfill – Solid waste contracts established by Sarasota County include \$233.59 per single-family residential unit for garbage, trash, and recycling. In accordance with s. 10, Art. I of the State Constitution, the Town of Siesta Key, Florida, will honor the existing solid-waste contract for five years or the remainder of the contract term, whichever is less. The current contract for solid-waste removal expires September 2024. The Town of Siesta Key will honor the then existing contract for solid-waste services established by Sarasota County.

Local government – The Town will have a council-manager form of government, with five elected council members, one of whom will serve as the ceremonial mayor. The proposed Town Charter is in Appendix A. In addition to these elected officials, the Town will initially have four full-time equivalent (FTE) employees in Year 1: a Town Manager, Finance Director, Town Clerk, and an Administrative Assistant. In the first full year of operation, the Town will add two employees: Town Planner and another Administrative Assistant. The full cost of the Town administration, including fringe benefits, before the Town contracts for code enforcement, is projected as \$1,909,983 in fiscal year 2024-25 (see Five-Year Operational Plan in Table 5 p. 42; Appendix E). In subsequent years, we assume no change in staffing is contemplated. Town of Siesta costs are reasonable for a municipality with the Town's population and assessed market value and are projected to rise almost 5% per year.

The Town plans to contract attorney services and professional planning services along with their in-house land use and zoning planner. The attorney services contract is \$220,000 and in subsequent years the contract is budgeted to increase 9% per year with inflation. Professional planning services has a baseline of \$237,000 in fiscal year 2024-25, which also increases 9% per year.

The Town will rent office space at the relatively low market rates available within its borders. Additional costs include utilities, telecommunications, information technology (IT) services, equipment and supplies, and insurance. Estimated costs for contractual services and operations are projected to increase 9% per year with inflation (Appendix E).

The Town benefits from the efficiency of the council-manager form of government. The total cost of municipal government is projected as \$1,053,800 in fiscal year 2023-24 of the five-year operational plan. The first full year (Year 2) of operation Fiscal Year (FY) 2024-25 reflects the implementation of its revenue and appropriations at \$4,714,086. From FY 2024-25 forward, the ad valorem tax revenue is estimated to increase at a rate of 5% per annum while most appropriations increase at a rate of 9%, which exceeds the Federal Reserve target of 2% per annum through Year 5.

Public Works – Initially, the intention of the Town of Siesta Key is for Sarasota County to continue maintaining roads, bridges, sidewalks, streetlights, and other public works through an interlocal agreement. Expenditures on public works will be funded through the local option gas tax revenues, which will remain with Sarasota County. Additionally, the Town will use excess funds to make infrastructure improvements through interlocal agreement with Sarasota County or bidding projects themselves. Envisioned Public Works projects are expected to include such items as:

- Comprehensive Traffic Study,
- Streetscape Beautification and Monuments at North and South Bridges,
- Bike Lane Improvement Midnight Pass,
- Pedestrian Safety Enhancement Stickney Point Intersection, including Pedestrian Activated Flashing Lights,
- Water Quality Improvements in Canals,
- Environmental Improvements,
- Storm Preparation and Clean Up.

Library – Currently, library services are provided by the Sarasota County Library System. The intention is to continue with the existing service.

Building Inspections, Planning, and Zoning – Sarasota County also currently provides building inspections, planning, zoning, and code enforcement services to unincorporated Sarasota County. The intention is to continue these existing services at the current assessed rate through an interlocal

agreement, until the new Town has adopted a Comprehensive Plan. Then, as soon as the Town has adopted a Comprehensive Plan, the intention is to assume control of and contract out planning and review, zoning, and code enforcement functions. However, the Town intends to continue building inspections by Sarasota County through an interlocal agreement, after the Town has adopted a Comprehensive Plan.

The current Sarasota County expense for planning and zoning¹⁶ is \$18,729,744 and code enforcement¹⁷ is \$1,796,449.

Thus, the planning and zoning function on a per capita basis is \$42.68¹⁸ annually while the code enforcement function is \$4.09. Applying the per capita rate to the Town's estimated population of 6,769 yields an expense of \$288,900 for planning and zoning and \$27,712 for code enforcement.

Based on the County cost per capita the Town will begin the planning and zoning function with a Town Planner and consulting planning services through an engineering/professional planning services contract. This investment addresses the Town's objective of allowing orderly patterns of growth and land use, to ensure protection of conservation areas and quality of life.

Parks and Recreation – Sarasota County currently maintains parks and other recreational venues in unincorporated Sarasota County. The intention is to continue existing services at the assessed rate through an interlocal agreement.

Fire and Rescue – Currently, Sarasota County provides fire and rescue services to unincorporated Sarasota County. Residents within the proposed Town are taxed 0.6600 mills to support emergency medical services. Sarasota County Fire Rescue charges a non-ad valorem assessment¹⁹ per 100 gross square foot of building structure at \$7.21 of equivalent building unit (EBU) for single family residence, Multi-Family Residential Rate \$12.62 Per EBU, Non-Residential Rate \$19.12 Per EBU, Mobile Home Space \$72.10(Flat rate), Travel Trailer Space \$63.10 (Flat rate). With this contractual model, the Town will receive fire and rescue services from the existing fire stations currently servicing the area. A new Fire Station is currently complete and should provide primary fire and rescue services to the area. In addition to the contracted amount, citizens transported to a hospital will be billed in accordance with

¹⁶ Sarasota County 2021 Adopted Budget page 19-12

¹⁷ Sarasota County 2021 Adopted Budget page 19-11

¹⁸ Adopted budget of \$18,729,744/438,810 (2020 Adj Population) EDR

¹⁹ <https://www.scgov.net/home/showpublisheddocument/46932/637347295962000000>

the applicable Sarasota County fee. New and existing businesses will be billed for fire plans review and fire inspection services at rates in the Sarasota County Fee.

Sheriff – Currently, the Sarasota County Sheriff’s Office provides law enforcement in unincorporated Sarasota County. The budget is supported by the Sarasota County (General) assessment of 3.2232 mills. The intention is to continue law enforcement services at the assessed rate through an interlocal agreement. The expectation is that service levels will not increase within the Town of Siesta Key’s boundary, assuring adequate quality and quantity of local law enforcement services.

7. NAMES AND ADDRESSES OF THREE OFFICERS OR PERSONS SUBMITTING THE PROPOSAL

Timothy Hensey
326 Island Circle
Siesta Key
Sarasota FL 34242

John Davidson
8324 Sanderling Road
Siesta Key
Sarasota FL 34242

Tracy Jackson
5175 Sandy Beach Avenue
Siesta Key
Sarasota FL 34242

8. EVIDENCE OF FISCAL CAPACITY TOWN AND AN ORGANIZATIONAL PLAN

- a. EXISTING TAX BASES, INCLUDING AD VALOREM TAXABLE VALUE, UTILITY TAXES, SALES AND USE TAXES, FRANCHISE TAXES, LICENSE AND PERMIT FEES, CHARGES FOR SERVICES, FINES AND FORFEITURES, AND OTHER REVENUE SOURCES, AS APPROPRIATE**

The municipality begins with a healthy tax basis, with projected taxable values of more than \$7.6 billion in fiscal year 2023. The citizens in this proposed municipality can easily expand their revenue capacity. However, the Town of Siesta Key does not plan to tax citizens more than 0.5000 mills. This limited taxing effort, along with electric franchise fees and the infrastructure sales tax, if voter approved, will provide sufficient funding to meet the goals of the community.

During the first year of operation, revenue streams typically seen in new local governments will not be fully implemented: utility taxes, communications services taxes, and business tax receipt revenues (see Five-Year Operational Plan, Table 5; p. 42; Appendix E). These revenue sources will not be needed to meet the operations of the new Town, which is mostly concerned with growth management, preservation of a more bucolic community and ensuring that revenues raised locally are kept local and used to enhance and improve current local services and residents' quality of life.

Ad valorem taxable value – Currently, properties in unincorporated Sarasota County are assessed 3.2232 mills. The Five-Year Operational Plan requires the Town levy 0.5000 mills to generate a balanced budget through Year 5. Anticipated ad valorem taxes and subsequent assessed taxable value increase will produce sufficient revenue to fund Town of Siesta Key operations.

Municipal revenue sharing – In the future, the Town may decide to enact appropriate legislation implementing occupational license tax, and utility taxes along with remittance from the county pursuant to s. 125.01(6)(a), that will provide the necessary funds to meet the 3-mill equivalency threshold so as to be eligible for state shared revenues that is estimated to be \$23,067,109. Of course, the Town will use ad valorem taxes in the determination. Additionally, the Town is requesting the use of special Sarasota County millages specifically attributable to the Town such as mosquito control, emergency medical services, navigable waterways, street lighting, Siesta Village PID currently in existence or that may begin thereafter, and monies spent to service bonds.

The current intent is for the Town to forgo state shared revenues.

The Town may participate in all shared revenue programs of the state, effective upon the Town meeting the 3-mill equivalency test at some future date. Municipal revenue sharing is basically proportional to the Town's population relative to Sarasota County, however, and will not be immediately required or used.

Utility taxes – The Five-Year Operational Plan does not include an electric utility tax, a utility tax on metered gas, or a utility tax on propane. Utility tax estimates are nearly proportional to the Town's population relative to Sarasota County.

Communications services taxes and franchise taxes – Its proposed Charter charges the Town with receiving revenues collected within its municipal boundaries from Sarasota County, including electric

franchise fees. The study reflects the Town's electric franchise fee based on the per capita fiscal year 2021 Sarasota County revenue as reported to the State in its Annual Financial Report (AFR) with a conservative 0.08% increase. As a result, the study reflects the franchise fee for FY 2021 to be \$41.54 per capita or \$281,175 to which we included an increase for planning purposes. However, it should be noted that we believe the actual amount of this revenue will be about four times higher or over \$1 million due to the significant influx of population during the winter season.

Charges for services, and fines and forfeitures – The Five-Year Operational Plan includes General Fund revenues obtained from charges for services, and other miscellaneous fees.

The Five-Year operational plan does provide funding that, at a minimum, reflects proposed staffing, building acquisition and construction, debt issuance, and budgets. The plan, which includes proposed staffing and budgets, is shown in Table 5; p. 42; (Appendix E). Due to the fiscally conservative nature of the citizens residing in the proposed area, the proposed plan does not include initial building acquisitions. Surplus funds will accrue in a contingency reserve fund that is projected to total \$2,853,807 by the end of the Five-Year Operational Plan.

Proposed staffing – The Town will have a council-manager form of government, with five elected council members, one of whom will serve as the ceremonial mayor. (See proposed Town Charter, Appendix A). Citizens feel that elected officials should be public servants rather than full-time career politicians, so no compensation is provided.

In addition to elected officials, the Town will have six full-time equivalent (FTE) employees. Due to the potential timing of the referendum approval and subsequent election of the Town Commission, it is anticipated the Town of Siesta Key will receive external funding to begin operations. As a result, the plan reflects the need for short term funding upon referendum approval. The study anticipates the Town will need approximately \$1,053,800. This estimated amount is to fund four positions, a Town Manager, Finance Director, Town Clerk, and an administrative employee. Further, the funding will be used to provide for a contract Town Attorney, accounting, office space, utilities, communications, election expense, printing and binding, and miscellaneous office supplies, equipment, training, and insurance.

The first full year of operation is anticipated to begin October 1, 2024. In fiscal year 2024-25, the Town will be able to fully function after defeasing the debt on its books. The staffing moving forward will consist of the four initial employees and expanded to include a Planner, and an additional administrative employee. The salaries for the positions are reflected in the 5-year plan and include fringe benefits are budgeted as 45% of annual salaries for the Town employees.

Contractual services – The Town will contract for Town Attorney services and in the fiscal year 2024-25, professional planning services. Due to recent increases of inflation, increases of 9% per year are included for municipal attorney services needed to implement Code of Ordinances, Comprehensive Plan, Land Development Regulations, and other legal documents. Professional planning services also begins in fiscal year 2024-25 for \$297,000 and increases 9% per year.

Building acquisition and construction – The Five-Year Operational Plan does not include initial building acquisition or construction. Instead, the Town will rent office space within its borders at the prevailing market rate which is currently \$50 per square foot.²⁰ Future years include a 9% increase factor for office rental.

Capital Outlay - It is anticipated the citizens will approve an extension of the infrastructure sales tax beyond 2024 and the Sarasota County Board of County Commissioners (BCC) will continue to share the generated revenues on a per capita basis which is the current distribution method as depicted at § 114-1. [One-cent infrastructure sales tax imposed.], Article I. IN GENERAL, Chapter 114. TAXATION, Code of Ordinances, Sarasota County (elaws.us) website. If, in the future, either the citizens or the BCC changes the distribution method, the Town will reduce or not include the amounts of funding for infrastructure projects. The Town of Siesta Key will have to enter into an interlocal agreement with Sarasota County for the distribution.

Exact structure of interlocal agreements cannot be determined until the Town is in operation. Envisioned capital projects will generally require interlocal agreements with Sarasota County and are expected to include such items as:

- Comprehensive Traffic Study,
- Streetscape Beautification and Monuments at North and South Bridges,

²⁰ www.loopnet.com/Listing/2100-Constitution-Blvd-Sarasota-FL/6628767/

- Bike Lane Improvement Midnight Pass,
- Pedestrian Safety Enhancement Stickney Point Intersection, including Pedestrian Activated Flashing Lights,
- Water Quality Improvements in Canals,
- Environmental Improvements,
- Storm Preparation and Clean Up.

The current intent is for the Town to forgo state shared revenues.

Debt issuance – The Five-Year Operational Plan is fiscally conservative and does not include debt issuance with the exception of the starting capital needed for the fiscal 2023-24 partial year of operation that is defeased in the first full year of operation (fiscal year 2024-2025).

Budgets – The Five-Year Operational Plan is in Table 5; p. 42 (Appendix E). The budget is for five budget years. The Town’s fiscal year begins on the first day of October and ends on the last day of September. It is self-evident that budgets that are balanced or generate surpluses for full budget years will do the same for partial budget years, such as the duration between the initial incorporation and the first full budget year.

Regarding the current services provided, it is intended that most existing taxes, and assessments will continue into the future without the need for specific interlocal agreements. Required interlocal agreements will be completed after incorporation for specific services such as public works, parks and recreation, law enforcement, animal control, building permitting, building inspections, if applicable.

Estimated Incorporation Timeline –

- 1) Local bill is voted on during 2023 session by House and Senate ending May 6, 2023
- 2.) Governor has 30 days after receiving the bill from the legislature to approve or not by June 6, 2023
- 3.) Special election November 2023 for registered voters of Siesta Key to vote yes or no on incorporation
- 4.) March 12, 2024, to elect 5 Town Council members

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b. A 5-YEAR OPERATIONAL PLAN THAT, AT A MINIMUM, INCLUDES PROPOSED STAFFING, BUILDING ACQUISITION AND CONSTRUCTION, DEBT ISSUANCE, AND BUDGETS.

Table 5: Five-Year Operational PLAN (Appendix E)

Account Title/Category	2023-24	2024-25	2025-26	2026-27	2027-28
Population Estimate	6,834	6,843	6,852	6,861	6,870
GENERAL FUND REVENUE					
	2023-24	2024-25	2025-26	2026-27	2027-28
Taxes					
Ad Valorem Taxes @ 0.5000 mill	\$0	\$4,389,051	\$4,608,503	\$4,838,929	\$5,080,875
Subtotal Taxes	\$0	\$4,389,051	\$4,608,503	\$4,838,929	\$5,080,875
Permits, Fees, and Special Assessments					
Electric Franchise Fee	\$283,424	\$285,692	\$287,977	\$290,281	\$292,603
Alcoholic Beverage Licenses	\$0	\$8,323	\$8,490	\$8,659	\$8,833
Subtotal Permits, Fees, and Special Assessments	\$283,424	\$294,015	\$296,467	\$298,941	\$301,436
Intergovernmental Revenue					
Subtotal Intergovernmental Revenue	\$0	\$0	\$0	\$0	\$0
Charges for service					
Other General Government Charges & Fees	\$0	\$1,020	\$1,040	\$1,061	\$1,082
Subtotal Charges for service	\$0	\$1,020	\$1,040	\$1,061	\$1,082
Judgments, Fines & Forfeits					
Code Enforcement Fines	\$0	\$10,000	\$10,200	\$10,404	\$10,612
Subtotal Judgments, Fines & Forfeits	\$0	\$10,000	\$10,200	\$10,404	\$10,612
Miscellaneous Revenues					
Investment earnings	\$0	\$20,000	\$20,400	\$20,808	\$21,224
Subtotal Miscellaneous Revenues	\$0	\$20,000	\$20,400	\$20,808	\$21,224
Other Sources					
Other resources - debt proceeds	\$770,376	\$0	\$0	\$0	\$0
Subtotal Other sources	\$770,376	\$0	\$0	\$0	\$0
Total Revenue	\$1,053,800	\$4,714,086	\$4,936,611	\$5,170,142	\$5,415,230

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GENERAL FUND APPROPRIATIONS

Account Title	2023-24	2024-2025	2025-2026	2026-27	2027-28
General Government Services					
Administration					
Full-time Equivalent (FTE) Positions	4	6	6	6	6
City Council	\$0	\$0	\$0	\$0	\$0
City Manager	\$140,000	\$216,000	\$235,440	\$256,630	\$279,726
Finance Director/City Clerk	\$110,000	\$172,800	\$188,352	\$205,304	\$223,781
City Clerk	\$80,000	\$118,800	\$129,492	\$141,146	\$153,849
Community Development/Planner	\$0	\$151,200	\$164,808	\$179,641	\$195,808
Administrative Assistant X 2	\$30,000	\$81,000	\$88,290	\$96,236	\$104,897
Employee Benefits at 45%	\$162,000	\$299,379	\$326,323	\$355,692	\$387,704
Total Compensation	\$522,000	\$1,039,179	\$1,132,705	\$1,234,648	\$1,345,767
City Attorney - Legal Contract	\$220,000	\$237,600	\$258,984	\$282,293	\$307,699
Planning Professional & Engineering SvcContract	\$0	\$297,000	\$323,730	\$352,866	\$384,624
Accounting and Auditing	\$15,000	\$21,384	\$23,309	\$25,406	\$27,693
Other Services; Custodial, Janitorial etc.	\$4,400	\$4,752	\$5,180	\$5,646	\$6,154
Rent for Offices about 1,000 sf @ \$50/sf	\$66,000	\$71,280	\$77,695	\$84,688	\$92,310
Utilities - water, sewer, electric, etc.	\$30,800	\$33,264	\$36,258	\$39,521	\$43,078
Communications - Telephone, Internet	\$16,500	\$17,820	\$19,424	\$21,172	\$23,077
Freight & Postage Services	\$5,500	\$5,940	\$6,475	\$7,057	\$7,692
Printing & Binding	\$6,600	\$7,128	\$7,770	\$8,469	\$9,231
Travel & Per Diem	\$4,000	\$9,504	\$10,359	\$11,292	\$12,308
Election Expense	\$100,000	\$17,820	\$19,424	\$21,172	\$23,077
Information Technology Services	\$10,000	\$47,520	\$51,797	\$56,459	\$61,540
Office Supplies	\$10,000	\$29,700	\$32,373	\$35,287	\$38,462
Office Equipment	\$10,000	\$17,820	\$19,424	\$21,172	\$23,077
Insurance	\$30,000	\$35,640	\$38,848	\$42,344	\$46,155
Books, Publications & Subscriptions	\$1,000	\$9,504	\$10,359	\$11,292	\$12,308
Education & Training	\$2,000	\$7,128	\$7,770	\$8,469	\$9,231
Sarasota County Building Inspections	\$0	\$0	\$0	\$0	\$0
Contract for Code Enforcement	\$0	\$0	\$230,000	\$250,700	\$273,263
Subtotal Operations	\$531,800	\$870,804	\$1,179,176	\$1,285,302	\$1,400,979
Subtotal General Government Services	\$1,053,800	\$1,909,983	\$2,311,881	\$2,519,950	\$2,746,746

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GENERAL FUND APPROPRIATIONS					
Category	2023-24	2024-25	2025-26	2026-27	2027-28
Public Safety					
Law Enforcement	SC Sheriff	SC Sheriff	SC Sheriff	SC Sheriff	SC Sheriff
Supplemental Law Enforcement	\$0	\$375,000	\$408,750	\$445,538	\$485,636
Animal Control	S County	S County	S County	S County	S County
Fire & EMS	S County	S County	S County	S County	S County
Subtotal Public Safety	\$0	\$375,000	\$408,750	\$445,538	\$485,636
Physical Environment					
Public Works-Bike lanes,Streets, Sidewalks, Drainage	S County	S County	S County	S County	S County
Matching project funding	\$0	\$460,946	\$1,660,349	\$1,646,272	\$1,621,576
Subtotal Physical Environment	\$0	\$460,946	\$1,660,349	\$1,646,272	\$1,621,576
Transportation					
Public transportation	S County	S County	S County	S County	S County
Subtotal Transportation	\$0	\$0	\$0	\$0	\$0
Culture/Recreation					
Parks and Recreation	S County	S County	S County	S County	S County
Subtotal Culture/Recreation	\$0	\$0	\$0	\$0	\$0
Other Uses and Non-Operating					
Non-operating transfers	\$0				
Debt Service		\$789,635			
Reserve for contingency	\$0	\$1,178,521	\$555,631	\$558,383	\$561,272
Subtotal Other Uses and Non-Operating	\$0	\$1,968,157	\$555,631	\$558,383	\$561,272
Total Appropriations	\$1,053,800	\$4,714,086	\$4,936,611	\$5,170,143	\$5,415,230
Excess Revenue Over/(Under) Expenditures	\$0	\$0	\$0	\$0	\$0
Cumulative Reserve for contingency		\$1,178,521	\$1,734,152	\$2,292,535	\$2,853,807

9. DATA AND ANALYSIS TO SUPPORT THE CONCLUSIONS THAT INCORPORATION IS NECESSARY AND FINANCIALLY FEASIBLE, INCLUDING POPULATION PROJECTIONS AND POPULATION DENSITY CALCULATIONS, AND AN EXPLANATION CONCERNING METHODOLOGIES USED FOR SUCH ANALYSIS

Basic data and analysis assumptions include:

Base Year - All population, revenue, and expense projections are based on fiscal year FY2022-2023 data. Revenues and expenses increase with population size and therefore were assumed to continue to grow in trend with past data.

Population – Population estimates provided by ESRI²¹ assume continued trend population growth of 0.13% per year (Appendix C).

County-wide population over the last several years has an annual rate of increase of 2.28%. Since 2010, the average annual population growth rate of Sarasota County was 2.9%.

The northern limit of Siesta Key is the City of Sarasota while the southern limit is Palmer Point Park. The Town's population is currently 3.03 persons/acre.

The area within the proposed incorporation has lower population growth than the Sarasota County average of 2.9%. The 0.13% annual population growth estimate used in our calculations is conservative based upon information provided by ESRI²². The Town of Siesta Key's population was determined based on the number and type of residential units. Appendix D shows the type and number of structures located within the geographic area. The residential component calculates to a population of 6,825. The proposed Town of Siesta Key would have approximately 2% of the entire Sarasota County population.

C. Total Taxable Value

The total just property value of \$ \$7,689,036,276²³ is the sum of Taxable Assessed Value reported for the proposed incorporation area by the Sarasota County Property Appraiser, July 2022.

Inflation - Unless otherwise specified and due to the unprecedented increase in the consumer price index, the study is using a conservative approach to expenditures by including a 9% inflation rate. In an abundance of caution the analysis used a per annum rate of 9.0%, which is 7% above the Federal Reserve's inflation target.²⁴ The exact inflation factor cannot be precisely predicted for the five years covered by the included operational plan.

Revenue Projection Methods and Assumptions:

Projection Methods – Conservative methods were used to estimate the revenues expected to accrue to the Town of Siesta Key. The growth in assessed value for 2022-23 was significant. However, the study projects a very conservative revenue estimate and increases ad valorem revenue at a 5% rate. This reduced rate of value increase is more in line with the historical trend seen in Sarasota County of 5.1%

²¹ ESRI (Environmental Systems Research Institute established in 1969 as a land-use consulting firm) Reports Appendix C

²² ESRI Reports Appendix C

²³ Appendix D: Parcel Units and Taxable Value by Categories from July 2022 Sarasota County Property Appraiser

²⁴ Why does the Federal Reserve aim for 2 percent inflation over time? Board of Governors of the Federal Reserve System, August 27, 2020. https://www.federalreserve.gov/faqs/economy_14400.htm , web accessed July 16, 2021.

but above the Federal Reserve target of 2%. This is presumed first, because the community expressed the desire for minimal government with associated minimal incremental taxes. The new Town also will benefit from the economy of scale provided by utilizing county-based services whenever possible. Consequently, expenditures for services will be managed carefully so that the proposed ad valorem millage of 0.5000 will not increase.

To use conservative financial estimates, this study began with various per year growth rates for revenue estimates given the historical information available. Whenever rates are applied to the revenue and expense sides of the budget, any actual deviations tend to be self-correcting. This methodology is conservative and as such contributes to the financial feasibility of the incorporation.

More specific estimates were then generated for projected growth of revenue sources, to reflect market realities.

Assessed Taxable Value – Increases in assessed taxable value of the proposed incorporation during the 5-year study period presumed an increase based on the State of Florida law that maximum residential values cannot increase more than 3% and 10% for non-residential properties. Thus, the study is using a conservative approach as the projections reflect an annual increase of approximately 5% similar to Sarasota County taxable value growth that has averaged 5.1% over the last 10 years.²⁵

Intergovernmental Revenue – With the exception of the Infrastructure Sales Tax revenue sharing with Sarasota County, no other intergovernmental revenues are anticipated.

Public Service Taxes – The Town of Siesta Key is not expected to implement public service taxes based on their minimalist approach to governing and government.

Electric franchise fee – Electric franchise fees are revenues collected from Florida Power and Light for the right to use rights-of-way within the proposed Town for facilities such as poles and wires. To maintain nearly stable rates for fees passed down to customers in the proposed Town, the electric franchise fee was projected to increase just 0.08% annually.

As shown in Table 5; p. 42 (Appendix E), the General Fund revenue with minimal (0.5000 mills) ad valorem tax is more than sufficient to cover projected expenditures during the five-year planning

²⁵ 2021 Adopted Budget.PDF; page: Preface - 6

period. Additionally, expenditures covered by these revenues provide for funding a slightly stronger reserve than that promulgated by the Government Finance Officers Association of the United States and Canada, that can be used for emergencies. As stated above and consistent with planning objectives, revenues from ad valorem taxes are needed during the study period but at a nominal rate that is 0.5000 mills. A result of this decision is that the Town of Siesta Key will not be considered a “full service” Town; however, this outcome is consistent with community objectives.

General Fund Revenues – For the Five-Year Operational Plan, General Fund revenues and expenses are addressed. General Fund revenues are those obtained from ad valorem taxes, charges for services, and other miscellaneous fees collected.

Franchise Fees and Other Taxes – A fundamental position preferred by the community based on input obtained in public meetings and at community events is that the incorporation should not significantly increase the ad valorem tax burden borne by property owners, residents, and local businesses. Therefore, to determine feasibility, Florida Power and Light electric franchise fees are included as a revenue source calculated on a Sarasota County per capita basis.

State Shared Revenue - Total state shared revenues were not calculated as the residents’ desire to avoid generating more funding than is necessary to manage their basic functions of planning, zoning, and code enforcement. However, the charter will allow for the future potential to receive state shared revenues. At that juncture, the new municipality will comply with:

Florida Statutes 218.23 requires local governments

(1) To be eligible to participate in revenue sharing beyond the minimum entitlement in any fiscal year, a unit of local government is required to have:

(a) Reported its finances for its most recently completed fiscal year to the Department of Financial Services, pursuant to s. 218.32.

(b) Made provisions for annual post audits of its financial accounts in accordance with provisions of law.

(c) Levied, as shown on its most recent financial report pursuant to s. 218.32, ad valorem taxes, exclusive of taxes levied for debt service or other special millages authorized by the voters, to produce the revenue equivalent to a millage rate of 3 mills

on the dollar based on the 1973 taxable values as certified by the property appraiser pursuant to s. 193.122(2) or, in order to produce revenue equivalent to that which would otherwise be produced by such 3-mill ad valorem tax, to have received a remittance from the county pursuant to s. 125.01(6)(a), collected an occupational license tax or a utility tax, levied an ad valorem tax, or received revenue from any combination of these four sources. If a new municipality is incorporated, the provisions of this paragraph shall apply to the taxable values for the year of incorporation as certified by the property appraiser. This paragraph requires only a minimum amount of revenue to be raised from the ad valorem tax, the occupational license tax, and the utility tax. It does not require a minimum millage rate.

The purpose of the “3 mill test” is to demonstrate that a municipality is fiscally sound over time and that local constituents are paying a significant part of the expense for providing ongoing essential services.

There is a special district that provides service specifically to unincorporated areas of Sarasota County. The special district provides Emergency Medical Service at 0.6600 mills. The Town of Siesta Key has two special districts associated with the barrier island. They are Lighting-Siesta Key at 0.0076 mills and Navigable Waterways at 0.0300 mills, not all parcels have both.

Expense Methods and Assumptions:

Expenses for the Town of Siesta Key were computed for the General Fund budget only. As with the revenue estimates, enterprise and special revenue funds were not included. Expense projections for the first five fiscal years appear in Table 5; p. 42 (Appendix E).

General Fund expenses are those of general governmental operations including administrative services, contract services, public works, development services, parks and recreation, police and fire services, and solid waste removal and storage. Assuming the county and the new incorporated area can agree, many of these services will continue to be provided by Sarasota County, along with police and fire services. Many expenses were projected to increase 9% annually with inflation, which exceeds the long-term average inflation rate and the target used by the US Federal Reserve. Expenses were developed using data from prevailing wage rates, of current service costs, and of current lease rates for similar spaces.

To develop reasonable projections for some of these expenses, nine Florida cities were chosen for analysis based on similar populations and the first 2024-25 projections for the Town of Siesta Key. The oldest municipality in the population cohort was incorporated in 1878 almost a century and one-half older than the proposed Town of Siesta Key. As a result, this group of municipal governments had an opportunity to expand their revenues and services. However, regarding Taxes category, the Town of Siesta Key has a greater per capita effort than six of the governments. Overall, the Town of Siesta Key does not meet the per capita income from inception, however, its plan to be “government lite” does not require the income that older more established municipalities have incorporated within their revenue streams to provide services the Town of Siesta Key will not be providing during their formative years.

Below is a table that represents the comparison of population cohort municipal governments. Although the Town of Siesta Key represents lower revenues and expenses than the population cohort, it is important to recognize that the youngest municipality in the group is almost one-half a century older than the new Town of Siesta Key. Further, this cohort reflects the average age of incorporation is 94 years with the oldest government being 145 years older than the new Town. As compared to High Springs, a local government that is 131 years old, its resources are only about 18% above the Town. While comparable cities vary in size and levels of service, the service categories are valid benchmarks to evaluate feasibility when taking into account the age differential of the Town of Siesta Key.

The revenues and expenditures of the comparison municipalities are obtained from Annual Financial Reports (AFR) for the local fiscal year ended 2021 (most recent fiscal year data currently available) submitted to the Florida Department of Financial Services. The calculations of per capita revenues and expenditures are made using each respective municipality's 2021 population estimate since it corresponds to the AFR fiscal year data.

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Comparison of the Proposed Municipality's Projected Revenues and Expenditures to Those of Other Similarly-Populated Municipalities										
	Belle Isle	Gulf Breeze	High Springs	Lake Alfred	Live Oak	Perry	Sanibel	St. Augustine Beach	Treasure Island	Siesta Key
2021 Population Estimate	7,027	7,786	6,496	6,568	6,794	6,910	6,443	6,888	6,570	6,825
Year of Incorporation	1924	1961	1892	1918	1878	1903	1974	1959	1955	2023
<i>Total Revenues by Category</i>										
Taxes	\$3,991,999	\$2,917,159	\$2,435,860	\$2,362,894	\$3,238,802	\$1,985,446	\$10,529,986	\$4,802,993	\$8,913,398	\$4,389,051
Permits, Fees, and Special Assessments	\$305,873	\$713,751	\$867,181	\$791,816	\$995,289	\$572,420	\$967,962	\$851,937	\$894,654	\$294,015
Intergovernmental Revenue	\$1,395,181	\$2,580,336	\$1,332,222	\$1,059,829	\$1,419,512	\$1,325,905	\$2,298,300	\$1,418,082	\$1,237,424	\$ -
Charges for Services	\$740,773	\$770,100	\$183,344	\$789,879	\$192,720	\$827,461	\$2,850,689	\$897,148	\$4,232,182	\$1,020
Judgments, Fines, and Forfeits	\$38,997	\$40,989	\$5,978	\$11,083	\$13,756	\$25,443	\$21,433	\$70,704	\$188,586	\$10,000
Miscellaneous Revenues	\$106,771	\$1,203,941	\$91,584	\$313,528	\$119,113	\$68,860	\$362,318	\$64,301	\$404,857	\$20,000
Other Sources	\$ -	\$1,590,783	\$345,999	\$545,701	\$1,905,548	\$2,127,249	\$2,395,492	\$140,796	\$ -	\$ -
Total - All Revenue Accounts	\$6,579,594	\$9,817,059	\$5,750,768	\$5,874,730	\$7,884,740	\$6,932,784	\$19,426,180	\$8,245,961	\$15,871,101	\$4,714,086
<i>Per Capita Revenues by Category</i>										
Taxes	\$568	\$375	\$375	\$360	\$477	\$287	\$1,634	\$697	\$1,357	\$643
Permits, Fees, and Special Assessments	\$44	\$92	\$133	\$121	\$146	\$83	\$150	\$124	\$136	\$43
Intergovernmental Revenue	\$199	\$331	\$205	\$161	\$209	\$192	\$357	\$206	\$188	\$ -
Charges for Services	\$105	\$99	\$28	\$120	\$28	\$120	\$442	\$130	\$644	\$ 0
Judgments, Fines, and Forfeits	\$6	\$5	\$1	\$2	\$2	\$4	\$3	\$10	\$29	\$1
Miscellaneous Revenues	\$15	\$155	\$14	\$48	\$18	\$10	\$56	\$9	\$62	\$3
Other Sources	\$ -	\$204	\$128	\$83	\$280	\$308	\$372	\$20	\$ -	\$ -
Total - All Revenue Accounts	\$936	\$1,261	\$885	\$894	\$1,161	\$1,003	\$3,015	\$1,197	\$2,416	\$691
<i>Total Expenditures by Category</i>										
General Government Services	\$1,285,964	\$2,548,972	\$1,676,436	\$1,349,351	\$1,785,430	\$1,448,504	\$5,921,722	\$1,655,167	\$2,437,049	\$1,909,983
Public Safety	\$3,610,528	\$3,450,783	\$1,947,120	\$2,671,537	\$2,906,471	\$4,210,027	\$4,990,008	\$2,809,657	\$5,172,759	\$ 375,000
Physical Environment	\$712,179	\$ -	\$49,757	\$621,346	\$145,010	\$ -	\$658,359	\$734,466	\$484,652	\$ 460,946
Transportation	\$805,042	\$ -	\$545,963	\$446,742	\$1,618,352	\$870,047	\$2,031,389	\$0	\$2,291,761	\$ -
Economic Environment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$401,622	\$ -	\$ -	\$ -
Human Services	\$ -	\$ -	\$ -	\$ -	\$29,750	\$ -	\$ -	\$ -	\$ -	\$ -
Culture / Recreation	\$ -	\$2,681,421	\$585,641	\$688,053	\$220,391	\$ -	\$790,889	\$239,643	\$1,773,712	\$ -
Other Uses and Non-Operating	\$ -	\$1,754,393	\$959,957	\$ -	\$259,738	\$ -	\$3,187,007	\$1,577,462	\$3,353,882	\$1,968,157
Total - All Expenditure Accounts	\$6,413,713	\$10,435,569	\$5,400,874	\$5,777,029	\$6,965,142	\$6,515,578	\$17,980,996	\$7,016,395	\$15,513,815	\$4,714,086
<i>Per Capita Expenditures by Category</i>										
General Government Services	\$183	\$327	\$258	\$205	\$263	\$210	\$919	\$240	\$371	\$280
Public Safety	\$514	\$443	\$300	\$407	\$428	\$609	\$774	\$408	\$787	\$55
Physical Environment	\$101	\$ -	\$8	\$95	\$21	\$ -	\$102	\$107	\$74	\$68
Transportation	\$115	\$ -	\$84	\$68	\$238	\$124	\$315	\$ -	\$349	\$ -
Economic Environment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$62	\$ -	\$ -	\$ -
Human Services	\$ -	\$ -	\$ -	\$ -	\$4	\$ -	\$ -	\$ -	\$ -	\$ -
Culture / Recreation	\$ -	\$344	\$90	\$105	\$32	\$ -	\$123	\$35	\$270	\$ -
Other Uses and Non-Operating	\$ -	\$225	\$92	\$0	\$38	\$ -	\$495	\$229	\$510	\$288
Total - All Expenditure Accounts	\$913	\$1,340	\$831	\$880	\$1,025	\$943	\$2,791	\$1,019	\$2,361	\$691

The following table reflects a comparison between municipal governments authorized since 2000 and the Town of Siesta Key.

Proposed Municipal Incorporation of Siesta Key Comparison of the Proposed Municipality's Proposed Revenues and Expenditures to Those of Municipalities Incorporated Since 2000													
Municipality	Miami Lakes	Southwest Ranches	Palmetto Bay	Doral	Miami Gardens	Cutler Bay	West Park	Grant-Valkaria	Loxahatchee Groves	Estero	Westlake	Indiantown	Siesta Key (Proposed)
Respective County	Miami-Dade	Broward	Miami-Dade	Miami-Dade	Miami-Dade	Miami-Dade	Broward	Brevard	Palm Beach	Lee	Palm Beach	Martin	Sarasota
2021 Population Estimate	30,857	7,675	24,499	80,703	112,508	45,478	15,229	4,612	3,379	37,213	1,757	6,580	6,769
2020 Population Estimate	32,299	7,786	24,870	71,314	114,363	45,480	15,228	4,492	3,426	33,120	951	6,822	8,915
2019 Population Estimate	31,523	7,704	24,341	70,420	114,284	45,411	15,197	4,346	3,404	32,412	380	6,728	-
2018 Population Estimate	31,118	7,706	24,144	68,244	113,628	45,373	14,985	4,260	3,384	31,806	29	6,707	-
2017 Population Estimate	30,586	7,614	24,138	64,167	113,201	45,222	14,912	4,142	3,321	30,945	5	-	-
2016 Population Estimate	30,456	7,572	23,962	59,304	111,998	44,901	14,768	4,073	3,271	30,565	-	-	-
Year of Incorporation	2000	2000	2002	2003	2003	2005	2005	2006	2006	2014	2016	2017	2023
Total Revenues by Category													
Taxes	\$12,205,136	\$7,862,913	\$10,389,189	\$39,253,427	\$44,987,986	\$11,167,936	\$7,081,095	\$788,750	\$1,482,819	\$6,479,945	\$1,349,763	\$4,332,979	\$4,389,051
Permits, Fees, and Special Assessments	\$1,458,666	\$4,401,634	\$1,383,328	\$8,128,393	\$3,250,302	\$2,687,805	\$5,734,435	\$477,638	\$350,269	\$2,287,990	\$419,296	\$292,556	\$294,015
Intergovernmental Revenue	\$4,499,271	\$604,503	\$2,516,213	\$6,877,106	\$14,063,010	\$5,098,333	\$2,023,000	\$427,680	\$373,785	\$3,592,259	\$369,535	\$172,769	-
Charges for Services	\$120,194	\$112,230	\$733,793	\$2,460,940	\$4,849,609	\$326,071	\$840,696	\$18,775	\$322,544	\$200,901	\$118,873	\$146,459	\$1,020
Judgments, Fines, and Forfeits	\$103,064	\$306,019	\$161,732	\$1,585,911	\$5,569,200	\$149,315	\$590,710	\$15	\$500	920	\$541,192	-	\$10,000
Miscellaneous Revenues	\$137,929	\$228,086	\$299,418	\$3,117,503	\$1,760,519	\$424,320	(\$59,884)	\$45,052	\$34,618	\$282,689	-	\$82,969	\$20,000
Other Sources	\$100,000	\$251,160	\$10,502,034	\$716,006	\$12,083,450	\$225,000	-	\$252,564	-	-	-	-	-
Total - All Revenue Accounts	\$18,624,260	\$13,766,545	\$25,985,707	\$62,139,286	\$86,564,076	\$20,078,780	\$16,210,052	\$2,010,474	\$2,564,535	\$12,844,704	\$2,798,659	\$5,027,732	\$4,714,086
Per Capita Revenues by Category													
Taxes	\$396	\$1,024	\$424	\$486	\$400	\$246	\$465	\$171	\$439	\$174	\$768	\$659	\$648
Permits, Fees, and Special Assessments	\$47	\$574	\$56	\$101	\$29	\$59	\$377	\$104	\$104	\$61	\$239	\$44	\$43
Intergovernmental Revenue	\$146	\$79	\$103	\$85	\$125	\$112	\$133	\$93	\$111	\$97	\$210	\$26	\$0
Charges for Services	\$4	\$15	\$30	\$30	\$43	\$7	\$55	\$4	\$95	\$5	\$68	\$22	\$0
Judgments, Fines, and Forfeits	\$3	\$40	\$7	\$20	\$50	\$3	\$39	\$0	\$0	\$0	\$308	\$0	\$1
Miscellaneous Revenues	\$4	\$30	\$12	\$39	\$16	\$9	(\$4)	\$10	\$10	\$8	\$0	\$13	\$3
Other Sources	\$3	\$33	\$429	\$9	\$107	\$5	\$0	\$55	\$0	\$0	\$0	\$0	\$0
Total - All Revenue Accounts	\$604	\$1,794	\$1,061	\$770	\$769	\$442	\$1,064	\$436	\$759	\$345	\$1,593	\$764	\$696
Total Expenditures by Category													
General Government Services	\$4,184,518	\$2,740,965	\$5,109,872	\$17,157,983	\$20,537,031	\$11,703,424	\$2,612,823	\$521,769	\$1,544,740	\$3,019,347	\$1,322,320	\$3,978,599	\$1,909,983
Public Safety	\$8,593,261	\$7,804,655	\$7,949,825	\$29,343,464	\$42,017,577	\$10,333,732	\$9,383,423	\$24,509	\$665,819	\$223,017	\$651,060	\$132,753	\$375,000
Physical Environment										\$191,691	\$473,546	\$22,099	\$460,946
Transportation	\$1,091,812			\$6,077,111			\$2,290,485	\$352,386		\$1,131,527		\$872,439	
Economic Environment													
Human Services										\$37,932			
Culture / Recreation	\$2,830,756	\$407,634	\$2,117,720	\$4,767,470	\$6,081,104	\$1,713,071	\$815,237	\$38,888		\$40,445		\$423,909	
Other Uses and Non-Operating	\$1,344,259	\$2,618,208	\$10,593,686	\$940,000	\$6,560,693	\$738,450			\$90,683	\$7,677,250		\$173,707	\$1,968,157
Total - All Expenditure Accounts	\$18,044,606	\$13,571,462	\$25,771,103	\$58,286,028	\$75,196,405	\$24,488,677	\$15,101,968	\$937,552	\$2,301,242	\$12,321,209	\$2,446,926	\$5,603,506	\$4,714,086
Per Capita Expenditures by Category													
General Government Services	\$136	\$357	\$209	\$213	\$183	\$257	\$172	\$113	\$457	\$81	\$753	\$605	\$282
Public Safety	\$278	\$1,017	\$324	\$364	\$373	\$227	\$616	\$5	\$197	\$6	\$371	\$20	\$55
Physical Environment	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5	\$270	\$3	\$68
Transportation	\$35	\$0	\$0	\$75	\$0	\$0	\$150	\$76	\$0	\$30	\$0	\$133	\$0
Economic Environment	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Human Services	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1	\$0	\$0	\$0
Culture / Recreation	\$92	\$53	\$86	\$59	\$54	\$38	\$54	\$8	\$0	\$1	\$0	\$64	\$0
Other Uses and Non-Operating	\$44	\$341	\$432	\$12	\$58	\$16	\$0	\$0	\$27	\$206	\$0	\$26	\$291
Total - All Expenditure Accounts	\$585	\$1,768	\$1,052	\$722	\$668	\$538	\$992	\$203	\$681	\$331	\$1,393	\$852	\$696

Proposed Municipal Incorporation of Siesta Key

Comparison of the Proposed Municipality's Proposed Revenues and Expenditures to Those of Municipalities Incorporated Since 2000

Notes:

1) The revenues and expenditures of the comparison municipalities are obtained from Annual Financial Reports (AFR) for FY 2020-21 (i.e., most recent fiscal year data currently available) submitted to the Florida Department of Financial Services. The calculations

of per capita revenues and expenditures are made using each respective municipality's 2020 population estimate since it corresponds to the AFR fiscal year data. Because Loxahatchee Groves' FY 2019-20 revenue and expenditure AFR data were not yet available as of the date of this analysis, the FY 2018-19 figures were used. Loxahatchee Groves' per capita calculations were made using the Town's 2019 population estimate.

2) This analysis uses Siesta Key's first full fiscal year (i.e., LFY 2024-25) revenues and expenditures, which are summarized in its feasibility study. The calculations of Siesta Key's per capita revenues and expenditures are made using its 2023 estimated population of 6,769.

The Town of Siesta Key is a unique area. The projections become more accurate when they are weighted to account for intangibles such as economies of scale, subtle differences in location, and differences in the resident populations. A review of the municipalities incorporated since the year 2000 indicates the Town of Siesta Key is situated comfortably within this cohort as the per capita cost of governmental operations indicates that Siesta Key is greater than six of the municipalities. It was further established that the Town of Siesta Key would limit its indebtedness in the first five years of existence, to alleviate potential issues that arise from communities operating with deficits early on.

Finally, a provision was included in the expenditure projection for a contingency reserve that accumulates to \$2,853,807 by the end of the 5-year study period. This can be managed by the governing body to help deal with emergency-level funding needs.

10. Evaluation of the alternatives available to the area to address its policy concerns

Five alternatives are available to address the area's policy concerns:

1. Maintain the status quo and remain in unincorporated Sarasota County
2. Incorporate the new Town of Siesta Key, Florida
3. Merge with the City of Sarasota
4. Create a Municipal Service Taxing Unit (MSTU)
5. Create a Special District

Self-governance is a primary citizen concern, and neither a MSTU nor a Special District provides the desired level of local governance. Therefore, Alternative 4, and Alternative 5 are not viable and are not considered further.

We used a goals matrix to assess how well Alternatives 1-3 meet the underlying reasons for a border change. In addition to the five criteria recognized by the Legislature (see Section 2), we included feasibility and timeliness. The results shown in Table 6 demonstrate that Alternative 2 - Incorporate the new Town of Siesta Key, Florida is the optimal solution.

Alternative 1: Remain in Unincorporated Sarasota County - Maintaining *status quo* is undesirable because it continues decades-long patterns of lack of representation; exporting taxes to support other, more densely populated areas within Sarasota County; continued high density developments; traffic gridlock; and usurping and degrading quality of life.

Alternative 2: Incorporate - Home rule through the Town of Siesta Key, Florida is timely, feasible and desirable, as this study demonstrates. The proposed Town meets the statutory requirements of a municipality and has a strong balance sheet, including a balanced budget and large annual reserves, without the need for significantly increasing *ad valorem* taxes or incurring excessive initial debt. Additional financial strength will come as the Town contracts for services, negotiates interlocal

agreements that provide equitable returns on its revenues. applies for grants to support new initiatives and encourages the emphasis on quality of life.

Alternative 3: Annex into the City of Sarasota - A third alternative is joining the City of Sarasota north of Siesta Key. However, such action is unlikely to provide the citizens of Siesta Key the ability to control their quality-of-life aspects. The issues that concern mainland City of Sarasota residents are very different from the issues that concern the residents of the barrier island of Siesta Key. Therefore, the best option for addressing policy concerns facing area residents is incorporating the Town of Siesta Key, Florida.

Table 6. Goals matrix for evaluating alternatives to address policy concerns.

Objective	Remain unincorporated	Incorporate	Annex into City of Sarasota
Allow orderly planning, zoning, and land use		✓	Unknown
Assure adequate quality and quantity of local public services		✓	Unknown
Ensure financial integrity of municipalities	✓	✓	✓
Eliminate or reduce avoidable and undesirable differentials in fiscal capacity between the Town and neighboring local governmental jurisdictions		✓	✓
Promote equity in the financing of municipal services		✓	Unknown
Feasibility	✓	✓	Unknown
Timeliness	✓	✓	

11. EVIDENCE THAT THE PROPOSED MUNICIPALITY MEETS REQUIREMENTS FOR INCORPORATION

Incorporation of the Town of Siesta Key, Florida will create a new municipality and does not merge existing municipalities. This section shows that the proposed municipality meets five of the six standards for incorporation of a municipality *de novo*. The standards are presented in the same order that they appear in 165.061(a)-(f) Fla. Stat. (2018).

(A) IT MUST BE COMPACT AND CONTIGUOUS AND AMENABLE TO SEPARATE MUNICIPAL GOVERNMENT

The proposed Town of Siesta Key, Florida is more compact than the City of Venice, is contiguous and has no enclaves. The table below displays EDR's 2021 calculation of Area/Convex Hull scores for the other municipalities within Sarasota County²⁶.

Incorporated Place	Area/Convex Hull Score
North Port	0.63
Sarasota	0.76
Venice	0.56
Longboat Key, Sarasota County	0.83
Longboat Key, Sarasota & Manatee counties	0.92

Siesta Key's Area/Convex Hull score of 0.59 is slightly higher than Venice's score of 0.56; however, Siesta Key's score is lower than the other three municipalities²⁷. EDR's analysis suggested that Siesta Key's boundary appears to be contiguous.

The proposed Town is amenable to a separate government, as demonstrated by more than 35% (2,331) of registered voters that signed petitions supporting Save Siesta Key, Inc. initiatives to preserve the area from high density development, increase the responsiveness of local government to its constituents, and advocate for tax dollars to remain local in support of needed services.

(B) IT MUST HAVE A TOTAL POPULATION OF AT LEAST 5,000

The proposed Town of Siesta Key, Florida has an estimated population of 6,769²⁸.

²⁶ Letter to Eric Miller, Policy Chief dated December 1, 2021

²⁷ IBID

²⁸ ESRI Reports Appendix C

(C) IT MUST HAVE AN AVERAGE POPULATION DENSITY OF AT LEAST 1.5 PERSONS PER ACRE OR HAVE EXTRAORDINARY CONDITIONS REQUIRING THE ESTABLISHMENT OF A MUNICIPAL CORPORATION WITH LESS EXISTING DENSITY

The proposed Town has an estimated total area of 3.57²⁹ square miles or 2,284.8 acres, however, reducing the land mass for water areas reduces the proposed area of incorporation to 2,049.3 acres³⁰ which yields a population density of 3.03 persons per acre:

$$6,769 \text{ persons} \div 2,049.3 \text{ acres} = 3.03 \text{ persons per acre}$$

This density exceeds the minimum density requirement of 1.5 persons per acre.

(D) IT MUST HAVE A MINIMUM DISTANCE OF ANY PART OF THE AREA PROPOSED FOR INCORPORATION FROM THE BOUNDARIES OF AN EXISTING MUNICIPALITY WITHIN THE COUNTY OF AT LEAST 2 MILES.

The nearest existing municipality is the City of Sarasota, Florida which is contiguous on the Town's northern border. Therefore, like other incorporations, the Town of Siesta Key, Florida will need and request a waiver of the 2 miles of separation from an existing municipality requirement.

(E) IT MUST HAVE A PROPOSED MUNICIPAL CHARTER WHICH:

1. Prescribes the form of government and clearly defines the responsibility for legislative and executive functions.

The Town of Siesta Key, Florida will use the Commission-Manager form of government exemplifying the "government lite" model of municipal government, with five Town commission members elected at large. The proposed municipal charter is attached as Appendix A.

2. Does not prohibit the legislative body of the municipality from exercising its powers to levy any tax authorized by the Constitution or general law.

The municipal charter (Appendix A) does not prohibit the mayor and council members from exercising their powers to levy any tax authorized by the Constitution or general law.

(F) IN ACCORDANCE WITH S. 10, ART. I OF THE STATE CONSTITUTION, THE PLAN FOR INCORPORATION MUST HONOR EXISTING SOLID-WASTE CONTRACTS IN THE AFFECTED GEOGRAPHIC AREA SUBJECT TO INCORPORATION. HOWEVER, THE PLAN FOR INCORPORATION MAY PROVIDE FOR EXISTING CONTRACTS FOR SOLID-WASTE-COLLECTION SERVICES TO BE HONORED ONLY FOR 5 YEARS

²⁹ ESRI Reports Appendix C

³⁰ Letter to Eric Miller, Policy Chief dated December 1, 2021

OR THE REMAINDER OF THE CONTRACT TERM, WHICHEVER IS LESS.

The proposed Town of Siesta Key, Florida will honor existing solid-waste contracts for five years or the remainder of the contract term, whichever is less. The Town may benefit from economy of scale by continuing to be served by Sarasota County solid-waste contracts.

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APPENDIX A. TOWN OF SIESTA KEY MUNICIPAL CHARTER

PART I CHARTER

Section 1. Corporate name; purpose of the Charter; creation and establishment of the Town of Siesta Key.

- (1) *Corporate name.* The municipality hereby established shall be known as the Town of Siesta Key ("Town").
- (2) *Purpose of the Charter.* This act, together with any future amendments thereto, may be known as the Charter of the Town of Siesta Key ("Charter").
 - (a) It is in the best interests of the public health, safety, and welfare of the residents of the Town of Siesta Key area to form a separate municipality for the Town of Siesta Key area with all the powers and authority necessary to provide adequate and efficient municipal services to its residents.
 - (b) It is intended that this Charter and the incorporation of the Town of Siesta Key area will serve to preserve and protect the character, natural resources, and quality of life of the community.
 - (c) It is the intent of this Charter and the incorporation of the Town to secure the benefits of self-determination and affirm the values of representative democracy, citizen participation, strong community leadership, professional management, and regional cooperation.
 - (d) It is the intent of this Charter and the incorporation of the Town to maintain a financially secure and sustainable municipal government and to responsibly manage the Town's debt obligations without causing the state to incur any liability.
- (3) *Creation and establishment of the Town of Siesta Key.*
 - (a) This act shall take effect upon approval by a majority vote of those qualified electors residing within the corporate limits of the proposed Town as described in section 3 voting in a referendum election to be called by the Board of County Commissioners of Sarasota County in conjunction with the Supervisor of Elections of Sarasota County to be held November 7, 2023, in accordance with the provisions of law relating to elections currently in force.
 - (b) For the purpose of compliance with F.S. § 200.066, relating to assessment and collection of ad valorem taxes, the Town of Town of Siesta Key is created and established effective December 31, 2023.

Section 2. Powers of Town; form of government.

- (1) *Powers of the Town.* The Town shall have all available governmental, corporate, and proprietary powers of a municipality under the State Constitution and laws of this state as fully and completely as though such powers were specifically enumerated in this Charter, and may exercise them, except where prohibited by law. Through the adoption of this Charter, it is the intent of the electors of the Town that the municipal government established in this section shall have the broadest exercise of home rule powers permitted under the State Constitution and laws of the state.
- (2) *Construction.* The powers of the Town under this Charter shall be construed liberally in favor of the Town, and the specific mention of particular powers in the Charter shall not be construed as limiting the general powers granted in this Charter in any way.

-
- (3) *Form of government.* The Town shall be a Commission-Manager form of government, with the Commission to consist of five Town Commission ("Commission") members elected by the Town at large. The Commission shall constitute the governing body of the Town, with the duties and responsibilities hereinafter provided. The Commission shall appoint a Town Manager to be the Chief Administrative Officer of the Town who shall serve at the pleasure of the Commission.

Section 3. Corporate boundaries.

The territorial boundaries of the Town of Town of Siesta Key upon the date of incorporation shall be as follows:

The above corporate limits include all of Siesta Key except such land therein as is located within the corporate limits of the City of Sarasota and within Sarasota County beach parks.

It includes all waters of the state surrounding Siesta Key, except for the portion located in the City of Sarasota or adjacent to Sarasota County beach parks, for one-half mile offshore into the Gulf of Mexico from the mean high-water line of the island; and for other waters, 150 feet offshore from the mean high-water line.

Section 4. Town Commission.

- (1) *General powers and duties.* All powers of the Town shall be vested in the Town Commission, except as otherwise provided by the Constitution of the State of Florida, general law or this Charter, and the Commission shall provide for the exercise thereof and for the performance of all duties and obligations permitted by or imposed on the Town by law.
- (2) *Composition; eligibility; terms; term limits; Investigations.*
- (a) *Composition.* There shall be a Town Commission composed of five Commission members. Each Commission member shall be elected by the voters of the Town at large.
- (b) *Eligibility.*
1. Each candidate for Town Commission shall be a qualified elector of the Town.
 2. Each candidate for Commission shall have been a resident of the Town for at least one year before qualifying for office.
 3. Each Commission member must reside in the Town for the duration of his or her term.
- (c) *Seats.* The Town Commission shall be divided into five separate Commission seats to be designated as seats 1, 2, 3, 4, and 5, to be voted on a Town wide basis, with each qualified elector entitled to vote for one candidate for one seat in separate contests.
- (d) *Term.* The term of office for each Commission member shall be four years after the initial election.
- (e) *Term limits.* No commission member may be elected to or serve more than two terms or portions of terms consecutively, except that the members elected to the two-year terms at the initial election, may be elected to and serve two terms plus one additional term consecutively.]
- (f) *Investigations.* The town commission has the power to investigate and penalize misconduct of commissioners, appointed citizens and officials and employees and those persons or firms providing contract work for the town. The commission may engage the services of independent investigators to provide information and recommendations and may engage the services of an independent special magistrate to hear cases and make recommendations. The commission has the power to enforce the gathering of documentary evidence and to compel witness testimony through the subpoena power.

(3) *Mayor; Vice Mayor.*

- (a) *Mayor.* At the first regularly scheduled meeting after the Town's first election and each regular election thereafter and after receiving the certified results of the election, the Commission, by a majority vote, shall select from its membership a Mayor. Each year in which a regular election is not scheduled, the Commission, by the second regular meeting after September 1, shall by majority vote select from its membership a Mayor. The Mayor shall serve as chairperson during the meetings of the Commission and shall serve as the head of municipal government for the purpose of execution of legal documents as required by ordinance. The Mayor shall also serve as the ceremonial head of the Town.
- (b) *Vice Mayor.* A Vice Mayor shall be selected in the same manner as the Mayor as provided in paragraph (a). The Vice Mayor shall serve as Mayor during the absence or disability of the Mayor and, if a vacancy of the Mayor occurs, shall become interim Mayor until a Mayor is selected as described in paragraph (a).

(4) *Compensation.* The commission shall serve without compensation unless a change to the charter is approved by the electorate. Thereafter, an ordinance increasing or decreasing compensation of the Commission may be adopted at any time upon the affirmative vote of four members of the Commission; however, if the Commission takes action to change the level of compensation, the salary of Commission members shall not be adjusted until after the first day after the next regular municipal election. The Commission may provide for reimbursement of actual expenses incurred by its members, including the Mayor, while performing their official duties.

(5) *Commission meetings.*

- (a) The Commission shall hold meetings in accordance with a duly adopted ordinance or resolution. Special meetings may be held at the call of the Mayor or a majority of the Commission members. The town clerk shall provide notice of all public meetings as required by law and this charter. At least a 24-hour notice shall be provided to each Commission member and the public for special meetings unless there is an immediate threat to the public safety. Except as authorized by law, all meetings shall be open to the public.
- (b) Three members of the Town Commission shall constitute a quorum for the conduct of business unless otherwise provided herein. Unless a quorum is present, no action may be taken except to adjourn. In order to approve any action or adopt any ordinance or resolution there must be at least three affirmative votes for the action, unless otherwise provided herein.
- (c) The commission may adopt rules for the conduct of its business and meetings, not inconsistent with general law.
- (d) An affirmative vote of at least four out of five members of the commission shall be required to approve any, rezoning, special exception, variance, or vacation of any town rights-of-way.

(6) *Prohibitions.*

- (a) Neither the Commission, nor any individual member of the Commission, shall in any manner attempt to dictate the employment or removal of any employee other than the Town Manager and Town Attorney. The Commission is free to make inquiries of Town employees, but no individual member of the Commission shall give orders to any officer or employee of the Town. Recommendations for improvements in Town government operations shall come through the Town Manager, but each member of the Commission shall be free to discuss or recommend improvements to the Town Manager, and the Commission is free to direct the Town Manager to implement specific recommendations for improvement in Town government operations.
- (b) No present or former elected Town official shall hold any compensated appointive office or employment with the Town until one year after leaving office.
- (c) Except for the purpose of inquiry and information, the commission and its members are expressly prohibited from interfering with the performance of the duties of any town employee or contractor who

is under the direct or indirect supervision of the town manager or town attorney. Such interference constitutes malfeasance in office within the meaning of general law. The penalty for violation of the commission-manager form of government may include public censure up to removal from office.

(7) *Vacancies; forfeiture of office; filling of vacancies.*

(a) *Vacancies.* A vacancy in the office of a member of the Commission, Mayor, or Vice Mayor shall occur upon the incumbent's death, inability to fulfill the duties of the office, relocation of residence outside the Town, resignation, appointment to another public office, judicially determined incompetence, or removal or forfeiture of office as described in this subsection.

(b) *Forfeiture of office.*

1. A member of the Commission may forfeit the office if the member:

- a. Lacks at any time during the term of office any qualification for the office prescribed by this Charter or by law;
- b. Violates any express prohibition of this Charter;
- c. Is convicted of a felony or criminal misdemeanor, which felony or misdemeanor involves the Office of Town Commission;
- d. Is found to have violated any standard of conduct or code of ethics established by law for public officials or has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
- e. Misses three consecutive regularly scheduled Commission meetings, unless excused by the Commission.

If any of these events should occur, a hearing shall automatically be conducted at the next regularly scheduled Commission meeting, and the member may be declared to have forfeited office by majority vote of the Commission.

2. The Commission shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of a Commission member's office, including whether good cause for absence has been or may be established. The Commission shall have the power to set additional written standards of conduct for its members beyond those specified in this Charter and may provide for such penalties as it deems appropriate, including forfeiture of office. In order to exercise these powers, the Commission shall have power to subpoena witnesses, administer oaths, and require the production of evidence.

(c) *Filling of vacancies.*

1. A vacancy on the Commission shall be filled by a majority vote of the remaining members of the Commission for the period of time until the next election, when a Commission member shall be elected for the remainder of the term vacated. If more than six months remain in the unexpired term and a majority of the remaining Commission members cannot reach a decision within 60 days after a vacancy occurs, the vacancy shall be filled by a special election.
2. In the event that all of the Commission members are removed by death, disability, recall, forfeiture of office, or resignation, the Governor shall appoint interim Commission members who shall call a special election at least 30 days, but no more than 60 days, after such appointment. Such election shall be held in the same manner as the initial elections under this Charter. However, if there are fewer than six months remaining in any unexpired terms, the interim Commission appointed by the Governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates as provided in this Charter.
3. The burden of establishing good cause for absences shall be on the Commission member in question; however, any Commission member may, at any time during a duly held meeting, move

to establish good cause for his or her absence. A Commission member whose qualifications are in question or who is otherwise subject to forfeiture of his or her office shall not vote on such matters.

Section 5. Administration.

(1) *Town Manager.*

- (a) The Commission shall appoint a Town Manager, or a management firm to fulfill the duties of a Town Manager, who shall serve at the pleasure of the Commission. The qualifications of the Town Manager or firm may be established by ordinance.
- (b) The Town Manager or firm may be removed by a majority vote of the Commission.
- (c) During the absence or disability of the Town Manager, the Town Commission may by resolution designate a properly qualified person to temporarily execute the functions of the Town Manager. Such person shall have the same powers and duties as the Town Manager and may be removed by the Town Commission at any time upon a majority vote of the Commission.
- (d) The Town Manager or firm shall:
 - 1. Appoint, hire, suspend, demote, or dismiss any Town employee under the Town Manager's jurisdiction in accordance with law, and may authorize any department head to exercise these powers with respect to subordinates in that department.
 - 2. Direct and supervise the administration of all departments of the Town except the Office of the Town Attorney.
 - 3. Perform all other duties consistent with the Town Charter, the Florida Constitution, Law of the State, and ordinances of the Town.

(2) *Town Attorney.* There shall be a Town Attorney who shall be a member of the Florida Bar in good standing, be appointed by the Commission, and serve as the chief legal advisor to the Commission and Town administrators, departments, and agencies. The Commission may remove the Town Attorney for any reason by a majority vote of its members.

(3) *Town Clerk.*

- A. *Appointment and Qualifications.* The manager shall serve as town clerk or may retain a person to serve as town clerk. The clerk and any deputy clerks shall be appointed based on training or experience in local government record-keeping.
- B. *Duties.* The clerk shall be the custodian of all town records; shall give notice of commission meetings to its members and the public; keep minutes of its proceedings; serve as the town's election official; and perform such other duties as are assigned by this charter, the commission, or general law.

Section 6. Departments; personnel; planning.

- (1) *Departments; boards; agencies.* The Commission may establish, modify, or terminate such departments, boards, or agencies as it determines necessary for the efficient administrative operation of the Town. Such departments, boards, or agencies shall be determined by ordinance.
- (2) *Personnel.* Consistent with all applicable state and federal laws, the Commission shall provide by ordinance for the establishment, regulation, and maintenance of a system governing personnel policies necessary for the effective administration of employees of the Town's departments, boards, and agencies.

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- (3) *Planning.* Consistent with all applicable state and federal laws with respect to land use, development, and environmental protection, the Town shall:
- (a) Designate an employee, agency, or agencies to execute the planning functions with such decision-making responsibilities as may be specified by ordinance or general law.
 - (b) Adopt a comprehensive plan and ensure that zoning and other land use control ordinances are consistent with the plan, all in accordance with general law. The Sarasota County Comprehensive Plan, as it exists on the day that the Town commences corporate existence, shall serve as the initial comprehensive plan of the Town until the Town adopts its own comprehensive plan pursuant to F.S. ch. 163.
 - (c) Adopt zoning and development regulations, to be specified by ordinance, to implement the plan.

Section 7. Financial management.

- (1) *Fiscal year.* The fiscal year of the Town shall begin on the first day of October and end on the last day of September of each year.
- (2) *Expenditure of Town funds.* No Town funds shall be expended except pursuant to a duly approved appropriations or for the payment of bonds, notes, or other indebtedness duly authorized by the Commission and only from such funds so authorized.
- (3) *Budget adoption.* The Commission shall adopt a budget in accordance with applicable general law, after a minimum of two public hearings on the proposed budget. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.
- (4) *Expenditures.* The budget shall not provide for expenditures in an amount greater than the revenues budgeted.
- (5) *Appropriations.*
 - (a) If, during the fiscal year, revenues in excess of such revenues estimated in the budget are available for appropriation, the Commission by resolution may make supplemental appropriations for the year in an amount not to exceed such excess.
 - (b) If, at any time during the fiscal year, it appears probable to the Town Manager that the revenues available will be insufficient to meet the amount appropriated, the Town Manager shall report to the Commission without delay, indicating the estimated amount of the deficiency, any remedial action taken, and recommendations as to any other steps that should be taken. The Commission shall then take such further action as it deems necessary to prevent or minimize any deficiency and, for that purpose, the Commission may by resolution reduce one or more appropriations accordingly.
 - (c) No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated, or by more than the unencumbered balance thereof. Notwithstanding any other provision of law, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.
- (6) *Bonds; indebtedness.*
 - (a) Subject to the referendum requirements of the State Constitution, if applicable, the Town may from time to time borrow money and issue bonds or other obligations or evidence of indebtedness (collectively, "bonds") of any type or character for any of the purposes for which the Town is now or hereafter authorized by law to borrow money, including to finance the cost of any capital or other project and to refund any and all previous issues of bonds at or before maturity. Such bonds may be issued pursuant to one or more resolutions adopted by a majority of the Commission.
 - (b) The Town may assume all outstanding indebtedness related to facilities that it acquires from other units of local government and be liable for payment of such indebtedness in accordance with its terms.

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- (7) *Revenue bonds.* Revenue bonds may be issued by the Town as authorized by law.
 - (8) *Annual audit.* The Commission shall provide for an independent annual financial audit of all Town accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or a firm of such accountants who have no personal interest, directly or indirectly, in the fiscal affairs of the Town government or in any of its officers.
 - (9) *Shortfalls.* The state is not liable for financial shortfalls of the Town.

Section 8. Nominations and elections.

- (1) *Nonpartisan elections; electors; qualifying.*
 - (a) *Nonpartisan elections.* All elections shall be conducted on a nonpartisan basis without designation of political party affiliation.
 - (b) *Electors.* Any person who is a resident of the Town, who has qualified as an elector of this state, and who registers as prescribed by law shall be an elector of the Town.
 - (c) *Qualifying.*
 - 1. Each candidate for Town Commission shall be a qualified elector of the Town and must reside in the Town for at least one year before the beginning of the qualifying period for the office sought.
 - 2. Any elector of the Town who wishes to become a candidate for Town Commission shall qualify with the Supervisor of Elections of Sarasota County for the initial election; thereafter, candidates shall qualify with the official designated by Town resolution or general law by providing proof of voter registration, current address, and one year of residency in the Town unless the Town Commission, by resolution, provides that the Supervisor of Elections of Sarasota County conduct the candidate qualification process.
 - 3. The qualifying period for candidates for Town Commission shall be the same as provided by the Supervisor of Elections of Sarasota County or as otherwise provided by ordinance.
- (2) *Elections.*
 - (a) *Adoption of Florida Election Code.* All elections required under any article or section of this Charter shall be conducted in accordance with the Florida Election Code, F.S. chs. 97—106, except as otherwise provided in this Charter. The Commission, by ordinance, may adopt such election procedures as are necessary and as provided by the Florida Election Code, F.S. chs. 97—106.
 - (b) *At large elections.*
 - 1. The first regular election of Commission members shall be held March 12, 2024, and thereafter will be held on the date of the general election on each even-numbered year, unless this date is required to be changed to a date concurrent with any countywide or statewide election.
 - 2. The candidates receiving the highest number of votes in the Town at-large election in each separate contest shall be elected.
 - 3. The term of office for an elected Commission member shall begin immediately after official certification of the results of the election and shall expire upon the assumption of office by his or her successor.
 - 4. No election for a Commission member seat shall be required if there is only one duly qualified candidate in such contest for the Commission member seat.
 - (c) *Town Canvassing Board.* The Canvassing Board shall be composed of three members appointed by the Town Commission by resolution. No member of the Town Canvassing Board shall be an active participant in the Town election for which he or she is canvassing as the term "active participant" is interpreted by

the Division of Elections. Should a vacancy occur on the Canvassing Board, the Town Commission shall appoint a replacement member by resolution. The Town Canvassing Board shall canvass the election consistent with the requirements of Florida law and consistent with and pursuant to any agreement between the Town and the Sarasota County Supervisor of Elections. The Canvassing Board shall certify the results of the election upon receipt of the certification from the supervisor of elections. However, the Town Commission may, by resolution, delegate the election canvassing responsibilities for Town elections to the county Canvassing Board.

- (3) *Recall.* The qualified voters of the Town shall have the power to remove from office any elected official of the Town in accordance with state law.

Section 9. Initiative and referendum.

The powers of initiative and referendum are reserved to the qualified registered voters of the Town. The election laws of the state shall govern the exercise of the powers of initiative and referendum under this Charter.

Section 10. General provisions.

- (1) *Code of ethics.* It is essential to the proper conduct and operation of the Town that the officers and employees of the Town be independent and impartial and for their offices not to be used for private gain other than the remuneration provided by law or by ordinances. It is declared to be the policy of the Town that its officers and employees are agents of the people and hold their positions for the benefit of the public. Therefore, all Town officers and employees shall adhere to the standards of conduct as provided in F.S. pt. III of ch. 112.
- (2) *Amendments to Charter.* This Charter may be amended in accordance with the provisions for Charter amendments as specified in the Municipal Home Rules Powers Act, F.S. ch. 166, or as otherwise may be provided by general law.
- (3) *Severability.* If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Charter which can be given effect without the invalid provisions or application, and to this end the provisions of this Charter are declared severable.

Section 11. Referendum election; transition.

- (1) *Referendum election.* The referendum election called for by this action shall be held on November 7, 2023, at which time the following question shall be placed upon the ballot:

Shall the Town of Town of Siesta Key be created, and its Charter adopted?

YES

NO

In the event this question is answered affirmatively by a majority of voters voting in the referendum, the Charter will take effect as provided herein. The referendum election shall be conducted by the Supervisor of Elections of Sarasota County in accordance with the Florida Election Code, and the cost of such election shall be funded by the Board of County Commissioners of Sarasota County.

- (2) *Initial election of Commission.*
- (a) After the adoption of this Charter, the Board of County Commissioners of Sarasota County shall call an election to be held March 12, 2024, for the election of five Town Commission members. The election shall be conducted by the Supervisor of Elections of Sarasota County in accordance with the Florida Election Code, and the cost of such election shall be funded by the Board of County Commissioners of Sarasota County.

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- (b) An individual who wishes to run for one of five initial seats on the Commission shall qualify with the Supervisor of Elections of Sarasota County in accordance with this Charter and general law. The qualifying period for the initial election of the Town Commission shall begin at noon on the second Monday in January and end at noon on the second Friday in January, unless otherwise provided by law.
 - (c) For the initial elections, the County Canvassing Board shall certify the results of the elections in accordance with general law.
 - (d) The three qualified candidates receiving the highest number of votes shall each be elected to an initial term expiring upon certification of the election results for the August 2028 election, for seats 1, 3 and 5, respectively. The two qualified candidates receiving the next highest number of votes shall take seats 2 and 4 respectively and shall each be elected to an initial term expiring upon certification of the election results for the August 2026 election. Thereafter, all terms shall be for a period of four years.
- (3) *Schedule.*
- (a) First election of Commission members. At the time of its adoption, this Charter shall be in effect to the extent necessary so that the first election of members of the Town Commission may be conducted in accordance with this Charter.
 - (b) Time of taking full effect. This Charter shall be in full effect for all purposes on and after the date of the first meeting of the newly elected Town Commission provided in paragraph (c).
 - (c) First Commission meeting. On March 20, 2024, provided the results of the election of the Town Commission under this Charter have been certified, the newly elected members of the Town Commission shall meet at a location to be determined. In the event the results have not been certified by March 20, 2024, the newly elected members shall meet on the following Tuesday. The initial Commission shall have the authority and power to enter into contracts, arrange for the hiring of legal counsel, begin recruiting applicants for Town Manager, provide for necessary Town offices and facilities, and do such other things as it deems necessary and appropriate for the Town.
- (4) *First year expenses.* The Commission, in order to provide moneys for the expenses and support of the Town, shall have the power to borrow money necessary for the operation of municipal government until such time as a budget is adopted and revenues are raised in accordance with this Charter.
- (5) *Transitional ordinances and resolutions.*
- (a) All applicable county ordinances currently in place at the time of passage of the referendum, unless specifically referenced in this Charter, shall remain in place until and unless rescinded by action of the Commission, except that a county ordinance, rule, or regulation that is in conflict with an ordinance, rule, or regulation of the Town shall not be effective to the extent of such conflict. Any existing Sarasota County ordinances, rules, and regulations, as of April 1, 2024, shall not be altered, changed, rescinded, or added to, nor shall any variance be granted, if such action would affect the Town without the approval of the Commission.
 - (b) The Commission shall adopt ordinances and resolutions required to affect the transition.
- (6) *Transitional comprehensive plan.* Until such time as the Town adopts a comprehensive plan, the Sarasota County Comprehensive Plan, as it exists on the day that the Town commences corporate existence, shall remain in effect as the Town's transitional comprehensive plan. However, all planning functions, duties, and authority shall thereafter be vested in the Commission, which shall be deemed the local planning agency until the Commission establishes a separate local planning agency.
- (7) *Transitional land development regulations.* To implement the transitional comprehensive land use plan when adopted, the Town shall, in accordance with the procedures required by the laws of the state, adopt ordinances providing for land use development regulations within the corporate limits. Until the Town adopts ordinances, the following shall apply:

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- (a) The comprehensive land use plan and land use development regulations of Sarasota County, as the same exists on the date that the Town commenced corporate existence, shall remain in effect as the Town's transitional land use development regulations and comprehensive land use plan.
 - (b) All powers and duties of the Sarasota County Growth Management and Building Departments, the Sarasota County Special Magistrate, and Board of County Commissioners of Sarasota County, as provided in these transitional land use development regulations, shall be vested in the Commission until such time as the Commission delegates all powers and duties, or a portion thereof, to another agency, department, or entity.
 - (c) Subsequent to the adoption of a local comprehensive land use plan and subject to general law, the Commission is fully empowered to amend, supersede, enforce, or repeal the transitional land use development regulations, or any portion thereof, by ordinance.
 - (d) Subsequent to the commencement of the Town's corporate existence, an amendment of the comprehensive land use plan or land use development regulations enacted by the Board of County Commissioners of Sarasota County shall not be deemed an amendment of the Town's transitional comprehensive land use plan or land use development regulations or otherwise take effect within the Town's municipal boundaries.
- (8) *Contractual services and facilities.* Contractual services for law enforcement, emergency management, public works, parks and recreation, planning and zoning, building inspection, development review, animal control, library services, Town Manager or management firm, Town Attorney and solid waste collection may be supplied by a contract between the Town and the Board of County Commissioners of Sarasota County, special districts, municipalities, or private enterprise until such time as the Commission establishes such independent services. However, existing solid waste contracts shall be honored as required by F.S. § 165.061(1)(f), and § 10, Article I of the State Constitution. Facilities for housing the newly formed municipal operations may be rented or leased until the Town selects more permanent facilities.
 - (9) *Sarasota County Municipal Service Taxing Units; continuation.* Notwithstanding the incorporation of the Town of Town of Siesta Key, that portion of any Sarasota County MSTU or special taxing districts created by the Board of County Commissioners of Sarasota County that lie within the boundaries of the Town of Town of Siesta Key, are authorized to continue in existence until the Town adopts an ordinance, resolution, or interlocal agreement to the contrary.
 - (11) *Law enforcement.* Law enforcement services shall be provided by the Sarasota County Sheriff's Office until the Town adopts an ordinance or resolution or enters into an interlocal agreement to the contrary.
 - (12) *Elimination of transitional elements from this Charter.* Upon completion of the transitional phase provided in this Charter, the sections of the Charter relating to transition may be eliminated from this Charter.

Section 12. Waiver.

The thresholds established by F.S. § 165.061, for incorporation have been met with the following exception: a waiver is granted to the provisions of F.S. § 165.061(1)(d), relating to the requirement the town must have a minimum distance of any part of the area proposed for incorporation from the boundaries of an existing municipality within the county of at least 2 miles or have an extraordinary natural boundary which requires separate municipal government.

Section 13. [Effective date.]

This act shall take effect only upon its approval by a majority vote of those qualified electors residing within the corporate limits of the proposed Town of Town of Siesta Key, as described in section 3, voting in a referendum conducted in accordance with the provisions of law relating to elections currently in force, except that this section and subsection (1) of section 11 shall take effect upon becoming a law.

Approved by the Governor _____.

Filed in Office Secretary of State _____.

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Appendix B: Letter from Sheriff Kurt A. Hoffman



SARASOTA COUNTY SHERIFF'S OFFICE

FAIRNESS - INTEGRITY - RESPECT - SERVICE

SHERIFF KURT A. HOFFMAN

COLONEL BRIAN WOODRING, CHIEF DEPUTY



August 12, 2022

Save Siesta Key, Inc.
P.O. Box 35214
Sarasota, FL 34242

Re: Law Enforcement Services of Sarasota County Sheriff's Office to
Area Being Considered for Possible Incorporation

To Whom It May Concern:

I understand that the residents and voters of Siesta Key in the county of Sarasota are considering whether to undertake the process of forming a new municipality. If the voters of the Siesta Key area in question decide to incorporate following a referendum, the Sarasota County Sheriff's Office will continue to provide law enforcement services to the incorporated area at current levels of service.

Any future changes to levels of law enforcement service would be dictated by population changes and the professional law enforcement analysis of myself. Please consider this letter as a representation of my commitment to continue to provide law enforcement services to residents of Siesta Key.

If you have questions or need additional information, please let me know.

Sincerely,

Kurt A. Hoffman, Sheriff
Sarasota County, Florida

6010 CATTLERIDGE BOULEVARD - SARASOTA, FLORIDA 34232 - WWW.SARASOTASHERIFF.ORG - 941.861.5800
ACCREDITED FULL SERVICE LAW ENFORCEMENT AGENCY - EQUAL OPPORTUNITY EMPLOYER



Appendix C: ESRI Reports



Housing Profile

Southern Siesta Key
Area: 3.57 square miles

Prepared by Munilytics

Population		Households	
2010 Total Population	8,084	2022 Median Household Income	\$115,596
2020 Total Population	6,769	2027 Median Household Income	\$129,551
2022 Total Population	6,825	2022-2027 Annual Rate	2.31%
2027 Total Population	6,870		
2022-2027 Annual Rate	0.13%		

Housing Units by Occupancy Status and Tenure	Census 2010		2022		2027	
	Number	Percent	Number	Percent	Number	Percent
Total Housing Units	9,692	100.0%	9,178	100.0%	9,299	100.0%
Occupied	4,320	44.6%	3,464	37.7%	3,481	37.4%
Owner	3,561	36.7%	3,052	33.3%	3,082	33.1%
Renter	759	7.8%	412	4.5%	399	4.3%
Vacant	5,372	55.4%	5,714	62.3%	5,819	62.6%

Owner Occupied Housing Units by Value	2022		2027	
	Number	Percent	Number	Percent
Total	3,053	100.0%	3,082	100.0%
<\$50,000	3	0.1%	0	0.0%
\$50,000-\$99,999	0	0.0%	0	0.0%
\$100,000-\$149,999	3	0.1%	1	0.0%
\$150,000-\$199,999	6	0.2%	1	0.0%
\$200,000-\$249,999	29	0.9%	16	0.5%
\$250,000-\$299,999	128	4.2%	105	3.4%
\$300,000-\$399,999	351	11.5%	370	12.0%
\$400,000-\$499,999	495	16.2%	515	16.7%
\$500,000-\$749,999	802	26.3%	785	25.5%
\$750,000-\$999,999	602	19.7%	562	18.2%
\$1,000,000-\$1,499,999	195	6.4%	324	10.5%
\$1,500,000-\$1,999,999	142	4.7%	134	4.3%
\$2,000,000+	297	9.7%	269	8.7%

Median Value	\$659,445	\$669,745
Average Value	\$844,194	\$850,470

Census 2010 Housing Units	Number	Percent
Total	9,692	100.0%
In Urbanized Areas	9,692	100.0%
In Urban Clusters	0	0.0%
Rural Housing Units	0	0.0%

Data Note: Persons of Hispanic Origin may be of any race.

Source: Esri forecasts for 2022 and 2027. U.S. Census Bureau 2010 decennial Census data converted by Esri into 2020 geography.

Appendix C: ESRI Reports (continued)



Census 2020 PL 94-171 Profile

Southern Siesta Key
Area: 3.57 square miles

Prepared by Munilytics

	2010		2020		2022		Annual Rate		
	Number	Percent	Number	Percent	Number	Percent	2000-2020	2010-2020	2020-2022
Total Population	8,084	100.0%	6,769	100.0%	6,825	100.0%	-1.26%	-1.76%	0.37%
Household Population	8,084	100.0%	6,769	100.0%	6,825	100.0%	-1.26%	-1.76%	0.37%
Group Quarters	0	0.0%	0	0.0%	0	0.0%	0.00%	0.00%	-
Population Density	2,021.0	-	1,896.9	-	1,912.6	-			
Total Housing Units	9,692	100.0%	9,280	100.0%	9,178	100.0%	0.08%	-0.43%	-0.49%
Total Households	4,320	44.6%	3,520	37.9%	3,464	37.7%	-1.31%	-2.03%	-0.71%
Total Vacant	5,372	55.4%	5,760	62.1%	5,714	62.3%	1.19%	0.70%	-0.36%
Average Household Size	1.87	-	1.92	-	1.97	-	-	-	-

Population by Race	Total		2020 Non-Hispanic		Hispanic	
	Number	Percent	Number	Percent	Number	Percent
Total	6,769	100.0%	6,579	97.2%	190	2.8%
Population Reporting One Race	6,494	95.9%	6,430	95.0%	63	0.9%
White	6,301	93.1%	6,265	92.6%	35	0.5%
Black	19	0.3%	18	0.3%	1	0.0%
American Indian	6	0.1%	6	0.1%	0	0.0%
Asian	106	1.6%	106	1.6%	0	0.0%
Pacific Islander	1	0.0%	1	0.0%	0	0.0%
Some Other Race	61	0.9%	34	0.5%	27	0.4%
Population Reporting Two or More Races	275	4.1%	148	2.2%	127	1.9%
Diversity Index	17.9	-	-	-	-	-

Population 18+ by Race	Total		2020 Non-Hispanic		Hispanic	
	Number	Percent	Number	Percent	Number	Percent
Total	6,270	92.6%	6,105	92.8%	165	86.8%
Population Reporting One Race	6,051	89.4%	5,997	91.2%	55	28.9%
White	5,879	86.9%	5,848	88.9%	31	16.3%
Black	19	0.3%	18	0.3%	1	0.5%
American Indian	4	0.1%	4	0.1%	0	0.0%
Asian	96	1.4%	96	1.5%	0	0.0%
Pacific Islander	1	0.0%	1	0.0%	0	0.0%
Some Other Race	52	0.8%	30	0.5%	23	12.1%
Population Reporting Two or More Races	218	3.2%	108	1.6%	110	57.9%

Data Note: Hispanic population can be of any race. Population density is measured in square miles. Esri's Diversity Index summarizes racial and ethnic diversity. The index shows the likelihood that two persons, chosen at random from the same area, belong to different race or ethnic groups. The index ranges from 0 (no diversity) to 100 (complete diversity).

Source: U.S. Census Bureau, 2020 Census Redistricting Data (P.L. 94-171). U.S. Census Bureau 2010 decennial Census data converted by Esri into 2020 geography.

July 09, 2022

Appendix D: Living Units and Taxable Value by Categories

Number of parcels with different property uses in the proposed Town of Siesta Key, Florida. The dominant property uses are single-family residential, high-rise, mid-rise, and low-rise condominiums. Compiled and summarized from data provided by the Sarasota County Property Appraiser, June 2021.

Property Use Code and Name		Units	Taxable Value
----	DOR code pending - new parcel	2	\$393,250
0000	Residential vacant site	137	\$124,556,187
0001	Res-New Construction Not Substantially Complete	41	\$53,213,994
0010	Vacant Multi-family	3	\$2,159,026
0100	Single Family Detached	2276	\$2,443,697,607
0101	Single Family Attached - End Unit	6	\$6,262,221
010X	Single Family & Other Bldgs.	35	\$53,059,371
0401	CONDO - Det Single Family	342	\$157,669,222
0402	CONDO - Duplex or Villa	210	\$151,866,390
0403	CONDO - Low-Rise 2-3 Stories	1601	\$659,641,417
0404	CONDO - Mid-Rise 4-6 Stories	2067	\$1,237,440,146
0405	CONDO - Hi-Rise 7+ Stories	2717	\$1,639,978,063
0407	CONDO - Row House	484	\$204,996,040
0408	CONDO - Cluster Villa	56	\$16,611,593
0430	CONDO - Time Share/Interval Ownership	7	\$44,084,610
0501	CO-OP - Detached Units	52	\$19,167,519
0502	CO-OP - Duplex or Villa	16	\$6,784,140
0503	CO-OP - Low-Rise 2-3 Stories	38	\$16,394,070
0507	CO-OP - Row House	72	\$20,618,032
0700	Misc. Res - no living unit	5	\$419,198
0704	Misc. Condo - no living unit	1	\$9,900
0810	Multiple Single Fam Dwellings	142	\$277,029,761
081X	Multiple Single Fam Mixed	2	\$2,619,214
0820	2-Family Dwelling	128	\$134,957,188
082X	2-Family & Other bldg.	15	\$17,580,630
082Y	Multiple 2 Family Bldgs.	6	\$9,592,423
0830	3-Family Dwelling	18	\$29,433,365
083X	3 Family & Other bldg.	2	\$2,317,810
0840	4-Family bldg.	12	\$15,888,475
084X	4-Family & Other bldg.	1	\$1,326,036
0850	Multi-Family 5 to 9 Units, Duplex to Quad	1	\$1,144,780

0890	Multi-family apts 5-9 units	2	\$2,477,103
0900	Residential Common Areas/Elements	227	\$0
1000	Vacant commercial land	3	\$3,223,550
1009	Commercial Common Areas/Elements	3	\$0
1100	Store -one story	3	\$2,509,980
1104	Retail condo unit	7	\$1,784,070
110X	Store-1 story - mixed use	1	\$3,118,720
1110	Strip store-1 story < 10,000 sf	9	\$10,805,550
1120	Strip store-1 story/=>10,000 and <30,000 sf	2	\$10,557,030
112X	Strip store-1 story/=>10,000 and <30,000 sf mixed use	2	\$8,342,950
1130	Store-1/story/ convenience-without gas	1	\$932,800
1140	Store-1/story/ convenience-with gas	1	\$1,372,580
163X	Community multi story ctr/single tenant/mixed use	1	\$1,692,020
1640	Community multi story strip store <10,000 sf	2	\$2,052,820
164X	Community multi story strip store <10,000 sf mixed use	3	\$6,102,660
165X	Community multi story strip ctr=>10,000 sf mixed use	1	\$3,201,550
1700	Office - 1 story/single tenant <10,000 sf	3	\$2,517,660
1720	Office - 1 story/multi tenant <10,000 sf	2	\$2,038,740
1800	Office /multi story-1 tenant <10,000	2	\$3,088,800
1804	Office condo unit	2	\$467,060
180X	Office /multi story-1 tenant <10,000 sf mixed use	1	\$487,300
1810	Office /multi story=>2 tenants <10,000 sf	2	\$2,276,148
191X	Medical profess/1 story-1 tenant <10,000 sf mixed use	1	\$1,776,060
1920	Medical profess/1 story-multi tenant <10,000 sf	1	\$512,710
2020	Boat Basin	1	\$667,200
2040	Marina	2	\$6,225,570
2100	Restaurant -Full service	9	\$9,482,088
2104	Restaurant condominium	6	\$1,995,290
210X	Restaurant -Full service - mixed use	7	\$11,764,970
230X	Financial institutions mixed use	1	\$1,838,540
2800	Parking lots (commercial or patron)	2	\$757,400
2810	Use In Transition	2	\$1,900,690
2821	Full service restaurant parking	1	\$514,800
2839	Transient lodging parking	1	\$432,630
2870	Recreational vehicle park	1	\$0
3300	Nightclubs/cocktail lounges/bars	7	\$6,722,430
3904	Hotel condo unit	240	\$120,981,450
3910	Hotels/motels/lodging (1-40 units)	24	\$45,114,097
391X	Hotels/motels/lodging (1-40 units) - mixed use	9	\$12,664,864
3940	Hotels/motels/lodging (41 or more units)	2	\$3,803,580
4860	Mini-storage warehousing	1	\$522,280

7000	Vacant Institutional Land	4	\$0
7100	Church	3	\$0
7200	School (private)	1	\$0
7710	Beach club	4	\$17,097,169
7760	Boat Club	1	\$977,130
8010	Vacant government use in transition	1	\$0
8220	Parks - Recreational area	8	\$0
8240	Parks - Athletic Complex	1	\$0
8250	Parks - Neighborhood	1	\$0
8600	County government - Administration	1	\$0
8660	County government - Fire protection	1	\$0
9120	Telephone Utility	1	\$1,028,940
9150	Water and sewer Utility	1	\$0
9400	Right-of-way (Streets and roads, etc.)	2	\$522
9410	Right-of-way (Canals, Waterways, etc.)	10	\$13,744
9650	Sand dunes	15	\$88,378
9904	Vacant Land /Intended Condo Project	3	\$22,192,975
Grand Total		11,151	\$7,689,036,276

Appendix: E (Table 5): 5-year Operational Plan

Account Title/Category	2023-24	2024-25	2025-26	2026-27	2027-28	
Population Estimate	6,834	6,843	6,852	6,861	6,870	Assumes growth rate 0.13%
GENERAL FUND REVENUE						
	2023-24	2024-25	2025-26	2026-27	2027-28	
Taxes						
Ad Valorem Taxes @ 0.5000 mill	\$0	\$4,389,051	\$4,608,503	\$4,838,929	\$5,080,875	Assumes growth rate 5%
Subtotal Taxes	\$0	\$4,389,051	\$4,608,503	\$4,838,929	\$5,080,875	
Permits, Fees, and Special Assessments						
Electric Franchise Fee	\$283,424	\$285,692	\$287,977	\$290,281	\$292,603	Assumes growth rate 0.8%
Alcoholic Beverage Licenses	\$0	\$8,323	\$8,490	\$8,659	\$8,833	Assumes 2% growth rate
Subtotal Permits, Fees, and Special Assessments	\$283,424	\$294,015	\$296,467	\$298,941	\$301,436	
Intergovernmental Revenue						
Subtotal Intergovernmental Revenue	\$0	\$0	\$0	\$0	\$0	
Charges for service						
Other General Government Charges & Fees	\$0	\$1,020	\$1,040	\$1,061	\$1,082	Assumes 2% growth rate
Subtotal Charges for service	\$0	\$1,020	\$1,040	\$1,061	\$1,082	
Judgments, Fines & Forfeits						
Code Enforcement Fines	\$0	\$10,000	\$10,200	\$10,404	\$10,612	Assumes 2% growth rate
Subtotal Judgments, Fines & Forfeits	\$0	\$10,000	\$10,200	\$10,404	\$10,612	
Miscellaneous Revenues						
Investment earnings	\$0	\$20,000	\$20,400	\$20,808	\$21,224	Assumes 2% growth rate
Subtotal Miscellaneous Revenues	\$0	\$20,000	\$20,400	\$20,808	\$21,224	
Other Sources						
Other resources - debt proceeds	\$770,376	\$0	\$0	\$0	\$0	Required short-term debt for 1st year operations.
Subtotal Other sources	\$770,376	\$0	\$0	\$0	\$0	
Total Revenue	\$1,053,800	\$4,714,086	\$4,936,611	\$5,170,142	\$5,415,230	

Appendix E: 5-year Operational Plan (continued)

GENERAL FUND APPROPRIATIONS

Account Title/Category	2023-24	2024-25	2025-26	2026-27	2027-28	
General Government Services						
Administration						
Full-time Equivalent (FTE) Positions	4	6	6	6	6	
City Council	\$0	\$0	\$0	\$0	\$0	
City Manager	\$140,000	\$216,000	\$235,440	\$256,630	\$279,726	Assumes 9% growth rate
Finance Director/City Clerk	\$110,000	\$172,800	\$188,352	\$205,304	\$223,781	Assumes 9% growth rate
City Clerk	\$80,000	\$118,800	\$129,492	\$141,146	\$153,849	Assumes 9% growth rate
Community Development/Planner	\$0	\$151,200	\$164,808	\$179,641	\$195,808	Assumes 9% growth rate
Administrative Assistant X 2	\$30,000	\$81,000	\$88,290	\$96,236	\$104,897	Assumes 9% growth rate
Employee Benefits at 45%	\$162,000	\$299,379	\$326,323	\$355,692	\$387,704	Assumes 9% growth rate
Total Compensation	\$522,000	\$1,039,179	\$1,132,705	\$1,234,648	\$1,345,767	
City Attorney - Legal Contractr	\$220,000	\$237,600	\$258,984	\$282,293	\$307,699	Assumes 9% growth rate
Planning Professional & Engineering Contract Svc	\$0	\$297,000	\$323,730	\$352,866	\$384,624	Assumes 9% growth rate
Accounting and Auditing	\$15,000	\$21,384	\$23,309	\$25,406	\$27,693	Assumes 9% growth rate
Other Services; Custodial, Janitorial etc.	\$4,400	\$4,752	\$5,180	\$5,646	\$6,154	Assumes 9% growth rate
Rent for Offices about 1,000 sf @ \$50/sf	\$66,000	\$71,280	\$77,695	\$84,688	\$92,310	Assumes 9% growth rate
Utilities - water, sewer, electric, etc.	\$30,800	\$33,264	\$36,258	\$39,521	\$43,078	Assumes 9% growth rate
Communications - Telephone, Internet	\$16,500	\$17,820	\$19,424	\$21,172	\$23,077	Assumes 9% growth rate
Freight & Postage Services	\$5,500	\$5,940	\$6,475	\$7,057	\$7,692	Assumes 9% growth rate
Printing & Binding	\$6,600	\$7,128	\$7,770	\$8,469	\$9,231	Assumes 9% growth rate
Travel & Per Diem	\$4,000	\$9,504	\$10,359	\$11,292	\$12,308	Assumes 9% growth rate
Election Expense	\$100,000	\$17,820	\$19,424	\$21,172	\$23,077	Assumes 9% growth rate
Information Technology Services	\$10,000	\$47,520	\$51,797	\$56,459	\$61,540	Assumes 2% growth rate; includes SaaS
Office Supplies	\$10,000	\$29,700	\$32,373	\$35,287	\$38,462	Assumes 9% growth rate
Office Equipment	\$10,000	\$17,820	\$19,424	\$21,172	\$23,077	Assumes 9% growth rate
Insurance	\$30,000	\$35,640	\$38,848	\$42,344	\$46,155	Assumes 9% growth rate
Books, Publications & Subscriptions	\$1,000	\$9,504	\$10,359	\$11,292	\$12,308	Assumes 9% growth rate; memberships, subscriptions
Education & Training	\$2,000	\$7,128	\$7,770	\$8,469	\$9,231	Assumes 9% growth rate; fees
Sarasota County or Town Building Inspections	\$0	\$0	\$0	\$0	\$0	Zero sum revenue to expense
Contract for Code Enforcement	\$0	\$0	\$230,000	\$250,700	\$273,263	Assumes 9% growth rate
Subtotal Operations	\$531,800	\$870,804	\$1,179,176	\$1,285,302	\$1,400,979	
Subtotal General Government Services	\$1,053,800	\$1,909,983	\$2,311,881	\$2,519,950	\$2,746,746	

Appendix E: 5-year Operational Plan (continued)

GENERAL FUND APPROPRIATIONS						
Category	2023-24	2024-25	2025-26	2026-27	2027-28	
Public Safety						
Law Enforcement	SC Sheriff	SC Sheriff	SC Sheriff	SC Sheriff	SC Sheriff	Interlocal Agreement TBA
Supplemental Law Enforcement	\$0	\$375,000	\$408,750	\$445,538	\$485,636	Interlocal Agreement TBA
Animal Control	S County	S County	S County	S County	S County	Additional Law Enforcement
Fire & EMS	S County	S County	S County	S County	S County	Interlocal Agreement TBA
Subtotal Public Safety	\$0	\$375,000	\$408,750	\$445,538	\$485,636	Interlocal Agreement TBA
Physical Environment						
Public Works - Streets, Sidewalks, Drainage	S County	S County	S County	S County	S County	Assumes 9% growth rate
Matching maintenance grant funding bike lanes, etc.	\$0	\$460,946	\$1,660,349	\$1,646,272	\$1,621,576	Interlocal Agreement TBA
Subtotal Physical Environment	\$0	\$460,946	\$1,660,349	\$1,646,272	\$1,621,576	projects TBD
Transportation						
Public transportation	S County	S County	S County	S County	S County	Interlocal Agreement TBA
Subtotal Transportation	\$0	\$0	\$0	\$0	\$0	
Culture/Recreation						
Parks and Recreation	S County	S County	S County	S County	S County	Interlocal Agreement TBA
Subtotal Culture/Recreation	\$0	\$0	\$0	\$0	\$0	
Other Uses and Non-Operating						
Non-operating transfers	\$0					
Debt Service		\$789,635				
Reserve for contingency	\$0	\$1,178,521	\$555,631	\$558,383	\$561,272	
Subtotal Other Uses and Non-Operating	\$0	\$1,968,157	\$555,631	\$558,383	\$561,272	
Total Appropriations	\$1,053,800	\$4,714,086	\$4,936,611	\$5,170,143	\$5,415,230	

Property ID Town of Siesta Key, Florida								
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Property ID Town of Siesta Key, Florida								
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Property ID Town of Siesta Key, Florida								
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Property ID Town of Siesta Key, Florida								
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