

# ITEM # 13

## ORDINANCE NO. 974

**AN ORDINANCE ESTABLISHING CITY ZONING FOR TWO PARCELS OF LAND KNOWN AS THE TREMRON GROUP, INC. PARCELS IDENTIFIED AS 30-37-25-0176-00E0-0010 (10.51 ACRES) AND 19-37-25-0000-0280-0000 (3.55 ACRES) TOTALING 14.06 ACRES FROM THE DESOTO COUNTY ZONING DISTRICTS OF COMMERCIAL GENERAL (CG) AND INDUSTRIAL LIGHT (IL) TO CITY ZONING OF PLANNED UNIT DEVELOPMENT-INDUSTRIAL (PUD-I) LOCATED AT 3144 N.E. HIGHWAY 17, ARCADIA, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Arcadia held meetings and hearings regarding the 14.06 acre Tremron Group, Inc. property located at 3144 N.E. Highway 17 (shown on Exhibit "A"), with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

**WHEREAS**, in exercise of its authority, the City Council has determined it necessary to amend the Official Zoning Map to change the City zoning classification assigned to this property

**WHEREAS**, the Planning and Zoning Board recommended approval of the Planned Unit Development-Industrial (PUD-I) Zoning District for the 14.06 acre Tremron Group, Inc. property located at 3144 N.E. Highway 17 at their April 10, 2012 meeting.

**WHEREAS**, the City Council of the City of Arcadia finds that proposed zoning assignment is consistent with the Future Land Use Element of the City of Arcadia Comprehensive Plan and complies with the provisions of the City of Arcadia Code of Ordinances and, further, that the proposed zoning assignment will not adversely affect the public interest so long as conditions set forth hereafter are complied with; and

**WHEREAS**, subject Master Site Plan is described herein as Section 2; and

**WHEREAS**, subject Master Site Plan is depicted and further identified by Exhibit "B";  
and

**WHEREAS**, conditions of approval are specified by Exhibit "C"

**NOW, THEREFORE**, be it enacted by the City Council of the City of Arcadia, Florida:

**Section 1.** The official zoning map of the City of Arcadia is amended so as to assign the City zoning classification of Planned Unit Development-Industrial (PUD-I) to the parcels located at 3144 N.E. Highway 17 (Parcel Numbers 30-37-25-0176-00E0-0010 and 19-37-25-0000-0280-0000) with a cumulative total of 14.06 acres, as shown in Exhibit "A".

**Section 2.** The Master Site Plan (Exhibit "B"), dated December 9, 2008 approved by DeSoto County, March 23, 2009, by Resolution 2009-22, and approved by the City Council of the City of Arcadia for the property known as the Tremron Group, Inc. property, is hereby granted in conjunction with the conditions specified by Exhibit "C".

**Section 3. Severability:** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 4. Effective Date:** The effective date of this ordinance shall be the date of its adoption.

This Ordinance shall be codified in the Code of Ordinances of the City of Arcadia, Florida. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Arcadia. The City Clerk shall also make copies available to the public for a reasonable publication charge.

**PASSED ON FIRST READING** at the regular meeting of the Arcadia City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**READ, PASSED AND ADOPTED** on second reading at the meeting of the Arcadia City Council duly assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**CITY OF ARCADIA, FLORIDA**

\_\_\_\_\_  
**Keith Keene, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Virginia S. Haas, City Recorder**

**Approved as to form:**

\_\_\_\_\_  
**William Galvano, City Attorney**

**Motion made by** \_\_\_\_\_ **seconded by** \_\_\_\_\_.

**The vote was** \_\_\_ **for** \_\_\_ **against with** \_\_\_ **abstentions and** \_\_\_ **absent**





## Exhibit "C"

### Ordinance No. 974

1. As previously established and approved by the DeSoto County Board of County Commissioners, to prior development activities and construction build-outs, Owner(s)/Occupant(s) must:
  - a) Maintain compliance with conditions of approval previously established by DeSoto County.
  - b) Demonstrate compliance with all applicable outside agency issued permits including, Florida Department of Health (water and wastewater related), Southwest Florida Water Management District (storm-water and drainage), and Florida Department of Transportation (site/roadway ingress and egress requirements).
  - c) Show all existing and proposed landscaping on the proposed site plan and provide a Type D buffer on North property boundary. Additional landscape buffers as follows:
    - i. North Property Line: Type D buffer along the entire limit of property line. (County approved 8 foot opaque screening provided by wood fence atop a 2 foot berm)
    - ii. West Property Line: A 10-foot wide buffer of trees and hedges along property line facing Highway 17. (County approved Type D buffer with 8 foot chain link fence)
    - iii. East & South Property Lines: No landscape buffer required by County
  - d) Provide a 20 foot separation between stacks of pavers. Aisles shall be organized to provide access throughout the property. The stacks of pavers shall not exceed a height limit of 20 feet on all stacks. All stacks shall be setback from property boundary a minimum of 20 feet.
  - e) Provide a stabilized 16 foot road around the perimeter of the property for emergency use. (County agreed to a 16 foot stabilized access way throughout the paver storage yard limits for emergency use)
  - f) Show all existing and proposed driveways on the proposed site plan.
  - g) Properly dispose of, every two-weeks, excess debris within existing and any proposed future paver yard / storage areas which include, but are not limited to, broken pavers, pallets, and other general debris piles.
2. All Bay Doors on the north face of the main manufacturing building shall be closed between the hours of 6:00 pm and 8:00 am daily.

3. An insulated connection shall be constructed between the two manufacturing buildings. The construction of this connection will require a development permit approved by the City of Arcadia and the DeSoto County Building Department. The connection shall be completed prior to May 31, 2012.
4. A detailed Master Development Plan in conformance with the City of Arcadia Code of Ordinances shall be submitted and reviewed by the Planning and Zoning Board and approved by the City Council prior to any additional site development or modifications to the current approvals.
5. The tumbler machine, located inside the maintenance shed on the southeast corner of the property, shall be limited to operating between the hours of 8:00 am and 6:00 pm daily, provided it does not produce any unnecessary noise or vibrations, or other undesirable effects that may be detrimental to surrounding properties as result of its operation.
6. All manufacturing, processing, and fabricating activity, with the exception of the use of the tumbler machine (per condition 5), shall be conducted within an enclosed building.
7. An additional insulated enclosure shall be added onto the existing "cage" enclosure which covers the main paver-block manufacturing machine within six (6) months of the effective date of the rezoning.
8. Sound dampening panels shall be hung throughout the main manufacturing building to assist in the reduction of manufacturing noise and vibration within six (6) months of the effective date of the rezoning.
9. Baffle enclosures shall be installed to cover openings at the rear (east side) of the main manufacturing building within six (6) months of the effective date of the rezoning.
10. A wall of pavers, minimum of 8 feet and a maximum of 20 feet in height, shall be installed along the portion of the property line fronting US 17 within six (6) months of the effective date of the rezoning. The paver wall shall not contain any pallets or plastic wrapping.
11. Tremron shall work to reduce debris along US 17, including but not limited to paver debris originating from the Tremron property.
12. Tremon shall communicate with its truck drivers to not park along US 17 at anytime, prior to entering or after exiting the property.



**CITY OF ARCADIA  
ZONING CHANGE  
OVERVIEW REPORT  
APRIL 17, 2012**

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**TO:** CITY OF ARCADIA CITY COUNCIL

**FROM:** JEFF SCHMUCKER, PLANNER  
CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

**SUBJECT:** **Ordinance 974:** City-initiated request to change the zoning of two adjacent land parcels consisting of approximately 14.06 acres from County Industrial Light (IL) and County Commercial General (CG) to City Planned Unit Development-Industrial (PUD-I) located at 3144 N.E. Highway 17, Arcadia, Florida.

**PLANNING AND ZONING BOARD ACTION:**

On April 10, 2012, the City of Arcadia Planning and Zoning Board held a public hearing on the Rezoning and unanimously voted to forward the amendment to the City Council with a recommendation of approval with changes. Changes added to conditions of approval provided below:

1. A wall of pavers, minimum of 8 feet and a maximum of 20 feet in height, shall be installed along the portion of the property line fronting US 17 within six (6) months of the effective date of the rezoning. The paver wall shall not contain any pallets or plastic wrapping.
2. Tremron shall work to reduce debris along US 17, including but not limited to paver debris originating from the Tremron property.
3. Tremon shall communicate with its truck drivers to not park along US 17 at anytime, prior to entering or after exiting the property.

**AGENDA & HEARING DATES:**

March 20, 2012, 3:00 PM: Planning and Zoning Board Hearing

April 10, 2012, 4:00 PM: Planning and Zoning Board Hearing  
(Continued from March 20, 2012)

April 17, 2012, 6:00 PM: City Council Meeting (First Reading)

May 1, 2012, 6:00 PM: City Council Meeting (Second Public Hearing)

**ATTACHMENTS:**

Attached for the review of the City Council include:

- Overview Report
- Draft PUD-I Conditions of Approval
- Tremron Final Master Site Plan (Resolution 2009-22)
- Review of Existing Conditions of Approval
- Aerial Map
- Existing Zoning Map
- Proposed Zoning Map
- DeSoto County Approvals
- DeSoto County Fire Sprinkler Resolution and Ordinance

## OVERVIEW REPORT:

<b>APPLICANT</b>	City of Arcadia
<b>PROPERTY OWNER</b>	Tremron Group, Inc.
<b>ACREAGE</b>	±14.06 Acres
<b>STRAP NUMBERS</b>	30-37-25-0176-00E0-0010 (± 10.51 acres) 19-37-25-0000-0280-0000 (± 3.55 acres)
<b>PREVIOUS HEARINGS</b>	No City Hearings; Past DeSoto County Hearings in 2003, 2007, 2009
<b>EXISTING ZONING</b>	County Industrial Light (IL) (± 10.51 acres) County Commercial General (CG) (± 3.55 acres)
<b>PROPOSED ZONING</b>	City Planned Unit Development-Industrial (PUD-I)

### **REASON FOR REQUEST:**

The City of Arcadia (applicant) is requesting a change in zoning to bring the subject parcels under the City's zoning. The proposed change in zoning is to amend the zoning on ± 3.55 acres from County Commercial General (CG) to City Planned Unit Development – Industrial (PUD-I) and to amend the zoning on 10.51 acres from Light Industrial (IL) to PUD-I. The ± 10.51 acre parcel (zoned IL) is currently developed as a brick paver manufacturing facility. Approximately 24,196 square feet of covered area/area under roof and 301,947 square feet of impervious surface area are developed on the site IL zoned portion of the site providing for an existing brick paver manufacturing facility.

### **BACKGROUND:**

Tremron Group, Inc owns approximately 14.06 acres located at 3144 NE Highway 17 as shown on the attached Aerial map. The property contains two contiguous parcels which have Zoning classifications of County Industrial Light (IL) on approximately 10.51 acres and County Commercial General (CG) on approximately 3.55 acres. The portion of the property zoned IL is currently developed as a brick paver manufacturing facility.

The property was annexed into the City of Arcadia on September 17, 2009 by City Ordinances 952 and 953. The property currently maintains the County Zoning designations. The purpose of this request is to rezone the properties to a City Zoning classification as the property is now under the jurisdiction of the City of Arcadia.

Prior to annexation, the Tremron Property has undergone several permitted development activities since its original development approval on December 16, 2003. A summary of the permitted history of the property including development conditions is provided below:

**Tremron Development Approvals within DeSoto County**

<b>DeSoto County Approval Number</b>	<b>Summary of Approvals</b>	<b>Conditions of Approval</b>	<b>Date of Approval</b>
Development Plan 2003-13	<ul style="list-style-type: none"> <li>• 12,600 sq.ft. brick-paver manufacturing facility</li> <li>• 1,500 sq.ft. office space (connected to the manufacturing facility on the west side), totaling 14,100 sq.ft. under roof.</li> <li>• Impervious area (Totaling 125,415 sq.ft.)               <ul style="list-style-type: none"> <li>○ 108,604 sq.ft. paver area</li> <li>○ 2,711 sq.ft. concrete area</li> </ul> </li> <li>• Pervious area totaling 487,039 sq.ft.</li> </ul>	1. Must provide a 10 foot wide buffer of trees and hedges along property line facing Highway 17.	12-16-03
Development Plan 2007-16 (Resolution 2007-111)	<ul style="list-style-type: none"> <li>• 7,600 sq.ft. addition on the south side of the existing structure</li> <li>• Installation of two silos</li> <li>• Increase of outdoor paver storage area</li> <li>• Increase of impervious area</li> </ul>	<ol style="list-style-type: none"> <li>1. Must provide a 20' separation between stacks of pavers; Paver stacks shall not exceed 20' in height; Paver stacks shall be setback from property boundary 20' min.</li> <li>2. Must provide a stabilized 16' road around the perimeter of the property for emergency use.</li> <li>3. Must provide the following landscape buffers:               <ol style="list-style-type: none"> <li>a. West Prop. Line: Type D buffer with chain link fence</li> <li>b. North Prop. Line: Type D buffer with 8' opaque fence (along entire limit of property boundary)</li> </ol> </li> </ol>	11-13-07

DeSoto County Approval Number	Summary of Approvals	Conditions of Approval	Date of Approval
		<p>c. East/South Prop. Lines: No buffer requirements</p> <p>4. Debris on property (i.e., pallets, broken paver blocks) shall be properly disposed of on a bi-weekly basis</p> <p>5. Demonstrate compliance with SWFWMD regarding increased impervious area on the ±3.54 acre parcel (contiguous) to the north.</p> <p>6. Must provide a second ingress/egress on property (per FDOT)</p>	
Development Plan 2007-16A (Resolution 2009-22)	<ul style="list-style-type: none"> <li>• Additional increase of impervious surface area, through expansion of paver storage area.</li> <li>• Modifications to ingress/egress.</li> </ul>	<ol style="list-style-type: none"> <li>1. Must provide six (6) designated loading spaces to meet off-street parking and loading specification required by office and industrial uses.</li> <li>2. Comply with SWFWMD and FDOT drainage permit requirements as they relate to stormwater facilities (due to paver storage expansion area).</li> <li>3. Must meet and maintain all conditions of approval specified in Development Plan 2007-16.</li> </ol>	3-23-09
<b>Total Approvals</b>	± 24,196 square feet covered area/area under roof		
	± 301,947 square feet of Impervious surface		
<b><i>*The master site plan approved by DeSoto County is provided with the recommended conditions of approval attached to this Overview Report.</i></b>			

## COMPATIBILITY AND CHARACTER OF THE AREA

The existing and proposed zoning categories of the subject parcels are defined as follows:

### ***Existing – County Zoning***

**Section 2315. Commercial General (CG):** The intent of this District is to permit a greater variety of commercial services and scale than the Commercial Neighborhood District (CN) and is intended to serve a large trade area of the community.

**Section 2317. Industrial Light (IL):** The intent of this District is to permit light manufacturing, processing, storage and warehousing, wholesaling and distribution. Services and commercial activities relating to the character of the District in support of activities conducted in the District are permitted.

A summary of the permitted principal uses and structures in the County Industrial Light (IL) zoning district include:

- Bulk storage yards,
- Light manufacturing, and
- Outdoor storage yards.

### ***Proposed – City Zoning***

**Section 110-211. PUD Districts:** This district is designed to encompass an area that is to be developed as an integral and planned complex of structures and uses rather than through the conventional principal building, single-lot development approach and is intended to be the district most used as a means of providing for land use changes and amendment of the zoning district map.

**Section 110-543. Industrial planned unit development projects:** All industrial planned unit development projects are subject to the following regulations:

(1) Permitted uses. Permitted uses are as follows:

- a. Light manufacturing.
- b. Light wholesale and storage establishments.
- c. Light outdoor advertising service establishments.
- d. Light research, development and testing laboratories.
- e. Light motor freight transportation establishments.

(2) Special approval uses. (The City's Zoning Code also lists several heavy manufacturing uses which require special approval. The proposed Planned Unit Development-Industrial Zoning District provides special approval of the existing industrial uses on the Tremron property)

**Section 110-535(6). General requirements and conditions:** The City Council shall attach any reasonable special condition necessary to ensure that there shall be no departure from the intent of this chapter. Because a planned unit development project is inherently more complex than a single-lot development and because each such project must be

tailored to the topography and neighboring uses, the standards and special conditions for such projects cannot be inflexible.

**Surrounding Area**

Land surrounding the subject parcels contains a mix of zoning classifications as indicated on the attached Existing and Proposed Zoning Maps.

The Future Land Use and Zoning of the parcels adjacent to the subject parcels are provided in the table below.

**Table of Surrounding Zoning and Future Land Use (FLU)**

<b>Northwest</b>	<b>North</b>	<b>Northeast</b>
<b>Zoning:</b> IL & RSF-2 (County)  <b>FLU:</b> Rural (County) Proposed RSF-2 (City)	<b>Zoning:</b> CG & RMF-6 (County)  <b>FLU:</b> Commercial (County)	<b>Zoning:</b> A-5 (County) Proposed R-1A (City)  <b>FLU:</b> Proposed Recreation Open Space (City)
<b>West</b>	<b>Site</b>	<b>East</b>
<b>Zoning:</b> A-10 (County)  <b>FLU:</b> Rural (County)	<b>Zoning:</b> IL & CG (County); Proposed Industrial PUD (City)  <b>FLU:</b> Proposed Industrial (City)	<b>Zoning:</b> County A-5  <b>FLU:</b> Public Land Institution (County); Proposed Recreation Open Space (City)
<b>Southwest</b>	<b>South</b>	<b>Southeast</b>
<b>Zoning:</b> R-1A, C1, & B3 (City)  <b>FLU:</b> Low Density Residential & Business (City)	<b>Zoning:</b> R-1A (City) Proposed M-1 (City)  <b>FLU:</b> Proposed Industrial (City)	<b>Zoning:</b> RMF-8 (County)  <b>FLU:</b> Urban Center Mixed Use (County)

**PUBLIC FACILITIES AND SERVICES AVAILABILITY**

**Potable Water:**

City water is available and utilized on the subject property and there is capacity available in the system. Applicant is required to maintain compliance with the Florida Department of Health (FDOH) regarding applicable permits issued regarding water and wastewater related issues

**Sanitary Sewer:**

The property's disposal of waste water is facilitated by an on-site septic system.

**Solid Waste:**

The site is currently serviced by the City of Arcadia's waste management system.

**Traffic/Transportation:**

The property has direct access to Highway 17. Applicant is required to maintain compliance with FDOT regarding applicable permits issued regarding site/roadway ingress and egress requirements, including maintaining LOS requirements for the segment of U.S. Highway 17 which abuts the subject property.

**Recreation:**

There are no recreation impacts because the site will not include any residential uses.

**School Impacts:**

There are no school impacts because the site will not include any residential uses.

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**CONSISTENCY WITH THE COMPREHENSIVE PLAN**

The request is consistent with the following Goals, Objectives, and Policies of the City's Comprehensive Plan:

Future Land Use Element Policy 1.8: "The Industrial designation shall be compatible with adjacent land uses, promote a variety of employment opportunities, facilitate a diversified economic base, and promote efficient use of infrastructure. The Industrial designation includes processing, manufacturing and warehousing activities. Traffic generated by such an establishment shall not over-burden the local or collector roadways. New industry shall be located in areas with existing industrial land uses and amenities. The floor area ratio in the Industrial designation shall not exceed 1.0."

*The proposed change in zoning is consistent with this Future Land Use policy as it promotes a variety of employment opportunities, facilitates a diversified economic base, and promotes efficient use of infrastructure. The parcels are located on an arterial roadway and are compatible with adjacent land uses.*

Future Land Use Element Objective 2: Residential, business and industrial development shall be timed and staged in conjunction with available capacity of public facilities and services, and shall be coordinated with appropriate soil conditions and topography.

*The proposed change in zoning is consistent with this Future Land Use Element objective because the City of Arcadia has sufficient capacity to continue to serve the existing brick paver manufacturing facility.*

Future Land Use Element Objective 7: The City of Arcadia shall permit innovative development techniques such as planned unit developments, cluster developments, density bonuses, on-site traffic control, and limitations of driveway and road access to arterial and collector highways. The City's land development regulations shall set forth the process, conditions and criteria for utilizing such development techniques.

*The proposed change in zoning is consistent with this Future Land Use Element objective as it identifies an opportunity for flexible development standards in the City to recognize existing.*

### **OUTSTANDING ISSUES**

Over the development history of Tremron, there has been an effort by DeSoto County and Tremron to mitigate vibrations and sound created from the manufacturing of brick pavers.

At this time, Tremron is working with the City and County to permit a structure that will connect the two main manufacturing buildings on-site in a further effort to reduce vibration and sound. A structure to connect the two buildings has not been a viable option in the past due to the County's Fire Sprinkler requirements which are more restrictive than the State Fire Safety Code. However, the County's Fire Sprinkler requirements are in abeyance until June 1, 2012. At this time Tremron is working with the City and County to permit this connecting structure. A copy of the County's fire sprinkler ordinance is attached.

## DRAFT PUD-I CONDITIONS

The following conditions have been drafted to recognize the Final Master Site Plan approved by DeSoto County dated December 9, 2008, and approved March 23, 2009, by Resolution 2009-22. The Final Master Site Plan provides for approval of the existing 24,196 square feet of covered area/area under roof and 301,947 square feet of impervious surface area for the brick paver manufacturing facility. This proposed Planned Unit Development-Industrial (PUD-I) zoning recognizes the DeSoto County approvals as well as the development conditions provided below.

### **Draft Conditions of Approval**

1. As previously established and approved by the DeSoto County Board of County Commissioners, to prior development activities and construction build-outs, Owner(s)/Occupant(s) must:
  - a) Maintain compliance with conditions of approval previously established by DeSoto County.
  - b) Demonstrate compliance with all applicable outside agency issued permits including, Florida Department of Health (water and wastewater related), Southwest Florida Water Management District (storm-water and drainage), and Florida Department of Transportation (site/roadway ingress and egress requirements).
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  - f) Show all existing and proposed driveways on the proposed site plan.

- g) Properly dispose of, every two-weeks, excess debris within existing and any proposed future paver yard / storage areas which include, but are not limited to, broken pavers, pallets, and other general debris piles.
2. All Bay Doors on the north face of the main manufacturing building shall be closed between the hours of 6:00 pm and 8:00 am daily.
  3. An insulated connection shall be constructed between the two manufacturing buildings. The construction of this connection will require a development permit approved by the City of Arcadia and the DeSoto County Building Department. The connection shall be completed prior to May 31, 2012.
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**MOTION OPTIONS:**

1. I move the City Council **approve** the First Reading of Ordinance 974 for the rezoning of approximately 14.06 acres from County Industrial Light (IL) and County Commercial General (CG) to City Planned Unit Development-Industrial (PUD-I) located at 3144 N.E. Highway 17, Arcadia, Florida, with the associated conditions and master site plan.
2. I move the City Council **approve with changes** the First Reading of Ordinance 974 for the rezoning of approximately 14.06 acres from County Industrial Light (IL) and County Commercial General (CG) to City Planned Unit Development-Industrial (PUD-I) located at 3144 N.E. Highway 17, Arcadia, Florida, with the associated conditions and master site plan.
3. I move the City Council **deny** the First Reading of Ordinance 974 for the rezoning of approximately 14.06 acres from County Industrial Light (IL) and County Commercial General (CG) to City Planned Unit Development-Industrial (PUD-I) located at 3144 N.E. Highway 17, Arcadia, Florida, with the associated conditions and master site plan.

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  3. An insulated connection shall be constructed between the two manufacturing buildings. The construction of this connection will require a development permit approved by the City of Arcadia and the DeSoto County Building Department. The connection shall be completed prior to May 31, 2012.
  4. A detailed Master Development Plan in conformance with the City of Arcadia Code of Ordinances shall be submitted and reviewed by the Planning and Zoning Board and approved by the City Council prior to any additional site development or modifications to the current approvals.
  5. The tumbler machine, located inside the maintenance shed on the southeast corner of the property, shall be limited to operating between the hours of 8:00 am and 6:00 pm daily, provided it does not produce any unnecessary noise or vibrations, or other undesirable effects that may be detrimental to surrounding properties as result of its operation.
  6. All manufacturing, processing, and fabricating activity, with the exception of the use of the tumbler machine (per condition 5), shall be conducted within an enclosed building.
  7. An additional insulated enclosure shall be added onto the existing "cage" enclosure which covers the main paver-block manufacturing machine within six (6) months of the effective date of the rezoning.
  8. Sound dampening panels shall be hung throughout the main manufacturing building to assist in the reduction of manufacturing noise and vibration within six (6) months of the effective date of the rezoning.
  9. Baffle enclosures shall be installed to cover openings at the rear (east side) of the main manufacturing building within six (6) months of the effective date of the rezoning.
  10. A wall of pavers, minimum of 8 feet and a maximum of 20 feet in height, shall be installed along the portion of the property line fronting US 17 within six (6) months of the effective date of the rezoning. The paver wall shall not contain any pallets or plastic wrapping. (Recommended during public hearing by the Planning and Zoning Board on April 10, 2012)

11. Tremron shall work to reduce debris along US 17, including but not limited to paver debris originating from the Tremron property. (Recommended during public hearing by the Planning and Zoning Board on April 10, 2012)
12. Tremon shall communicate with its truck drivers to not park along US 17 at anytime, prior to entering or after exiting the property. (Recommended during public hearing by the Planning and Zoning Board on April 10, 2012)

**Tremron Master Site Plan**

Approved by DeSoto County March 23, 2009

**Resolution 2009-22**



## REVIEW OF EXISTING CONDITIONS OF APPROVAL

Below is a list of the conditions of approval previously approved by DeSoto County. The attached exhibits outline the location on the site plan and how the conditions have been addressed. The following are provided:

- Findings
  - Exhibit "A" – Site Plan conditions
- 

### **FINDINGS**

Below is an outline of the development approval periods and conditions associated with each as designated by DeSoto County. The responses list how each of the conditions are currently being met. The site plan exhibits referenced in the responses utilize the Final Master Site Plan approved by the County on March 23, 2009.

#### **A. County Conditions of Approval in 2003 (DP 2003-13)**

1. Must provide a 10 foot wide buffer of trees and hedges along property line facing Highway 17

**Response: Tremron in compliance (see Exhibit "A-1")**

#### **B. County Conditions of Approval in 2007 (DP 2007-16 – Resolution 2007-111)**

1. The applicant must submit drainage and driveway connection permits due to certificate of occupancy being released before responding to all of FDOT's comments. Some driveways may be removed, upgraded and drainage permitting may be required per FDOT.

2. The applicant must provide a second ingress/egress on property per FDOT.

**Response: Tremron in compliance (see Exhibit "A-2")**

3. The applicant must show all existing and proposed driveways on the proposed site plan.

**Response: Tremron in compliance (see Exhibit "A-2")**

4. The applicant must provide a 20 foot separation between stacks of pavers. Aisles shall be organized to provide access throughout the property. The stacks of pavers shall not exceed a height limit of 20 feet on all stacks. All stacks shall be setback from property boundary a minimum of 20 feet.

**Response: Noted on Master Site Plan. Tremron in compliance (see Exhibit "A-3")**

5. The applicant must provide a stabilized 16 foot road around the perimeter of the property for emergency use.

**Response: Noted on Master Site Plan. County agreed to a 16 foot stabilized access way throughout the paver storage yard limits for emergency use (see Exhibit "A-4")**

6. The applicant must replace existing nonconforming fence with 8 foot opaque fencing on property.

**Response: Tremron in compliance (see Exhibit "A-5")**

7. The applicant must show all existing and proposed landscaping on the proposed site plan and provide a Type D buffer on North property boundary.

**Response: Tremron in compliance (see Exhibit "A-6")**

8. Pursuant to LDR Sec. 7400 applicant shall provide water retention and SWFWMD approval of water retention in accordance with impervious surface area increase and provide staff with copies of SWFWMD permits.

9. The applicant shall properly dispose of on a bi-weekly basis, excess debris within existing and any proposed future paver yard / storage areas.

**Response: Noted on Master Site Plan (see Exhibit "A-7")**

10. The applicant must be in compliance with all applicable LDRs for approval and must address any conditions not contained in this letter that may be discovered in the future for approval.

**Response: The site plan is consistent with the conditions of approval**

**C. County Conditions of Approval in 2009 (DP 2007-16A – Resolution 2009-22)**

1. The applicant must provide six (6) designated loading spaces to meet off-street parking and loading specifications required by industrial uses.
2. The applicant must comply with SWFWMD and FDOT drainage permit requirements as they relate to stormwater facilities (due to paver storage expansion area).
3. The applicant must meet and maintain all conditions of approval specified in Development Plan 2007-16.

**Exhibit "A-1"**

Tremron Group, Inc.  
Rezoning



**10' wide buffer of trees and hedges along West property line (adjacent to Hwy 17)**

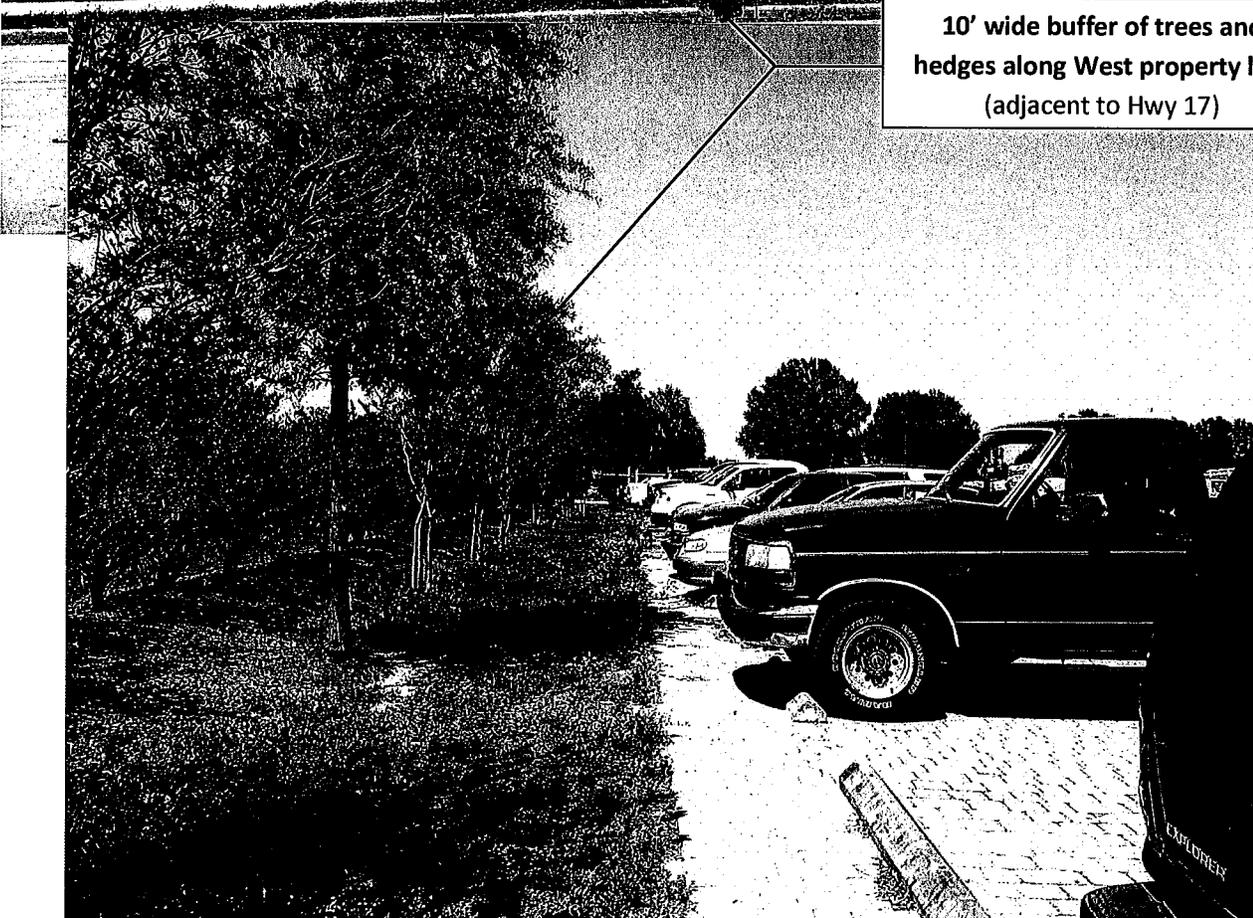
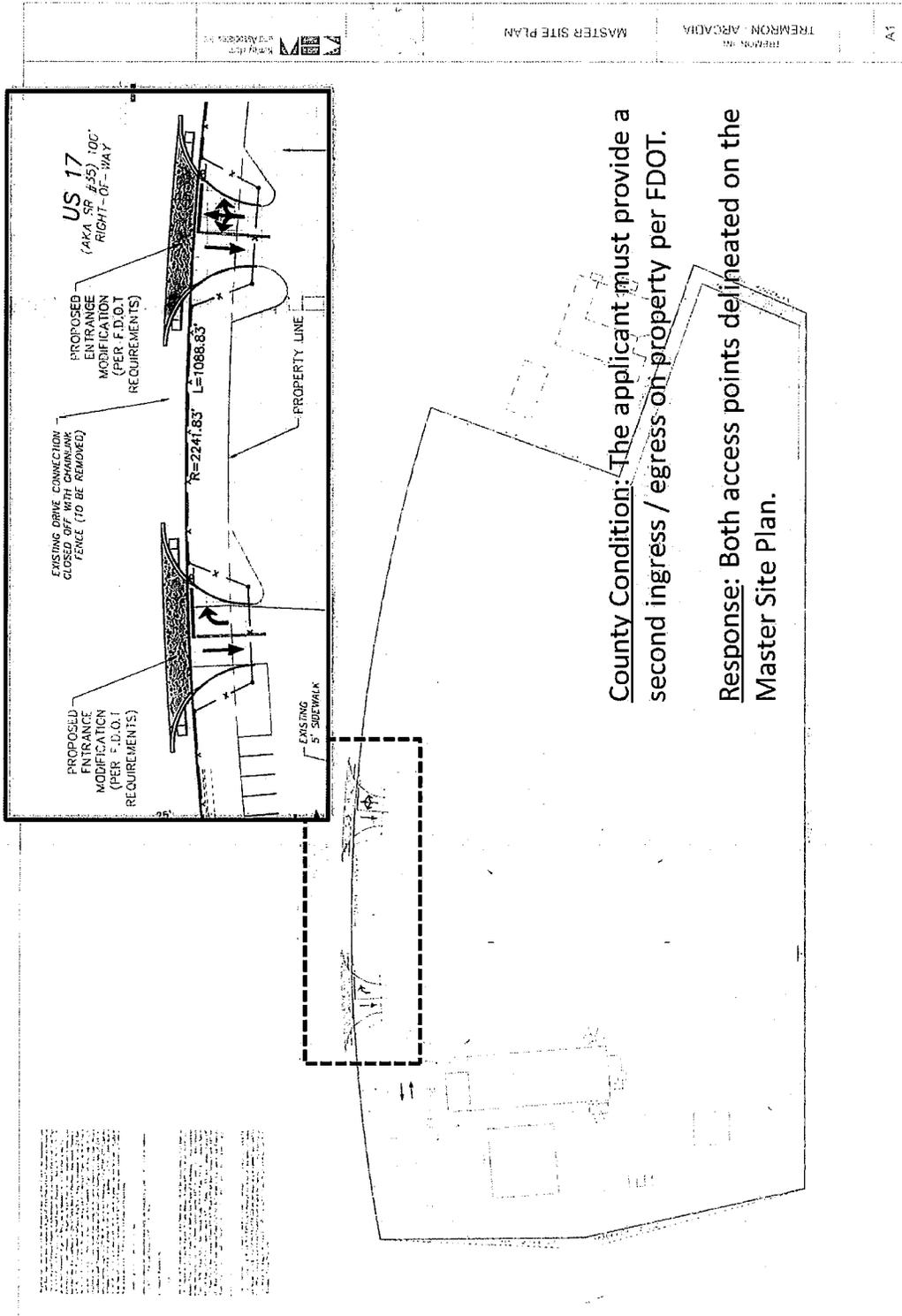


Exhibit "A-2"

Tremron Group, Inc.  
Rezoning

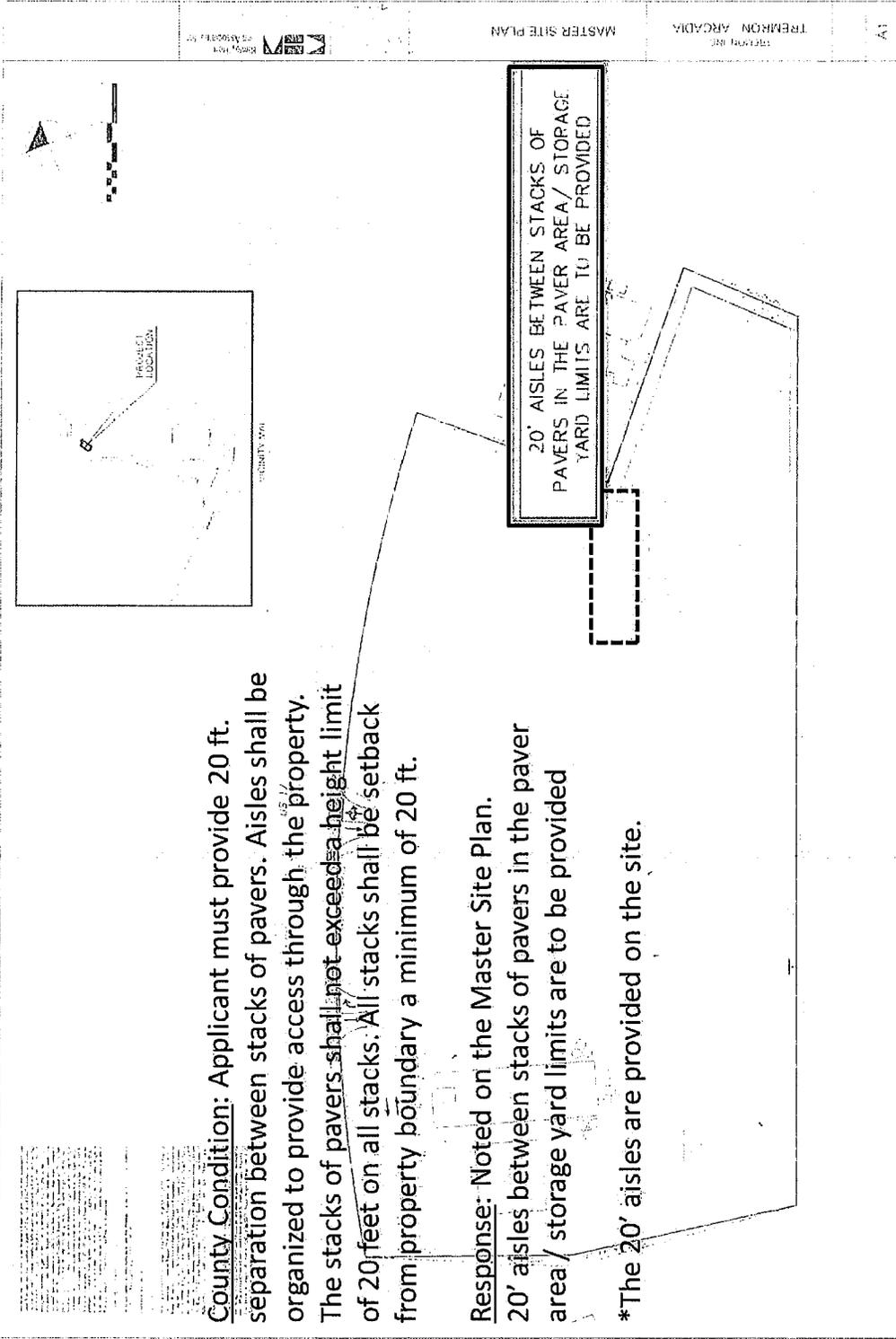


County Condition: The applicant must provide a second ingress / egress on property per FDOT.

Response: Both access points delineated on the Master Site Plan.

Exhibit "A-3"

Tremron Group, Inc.  
Rezoning



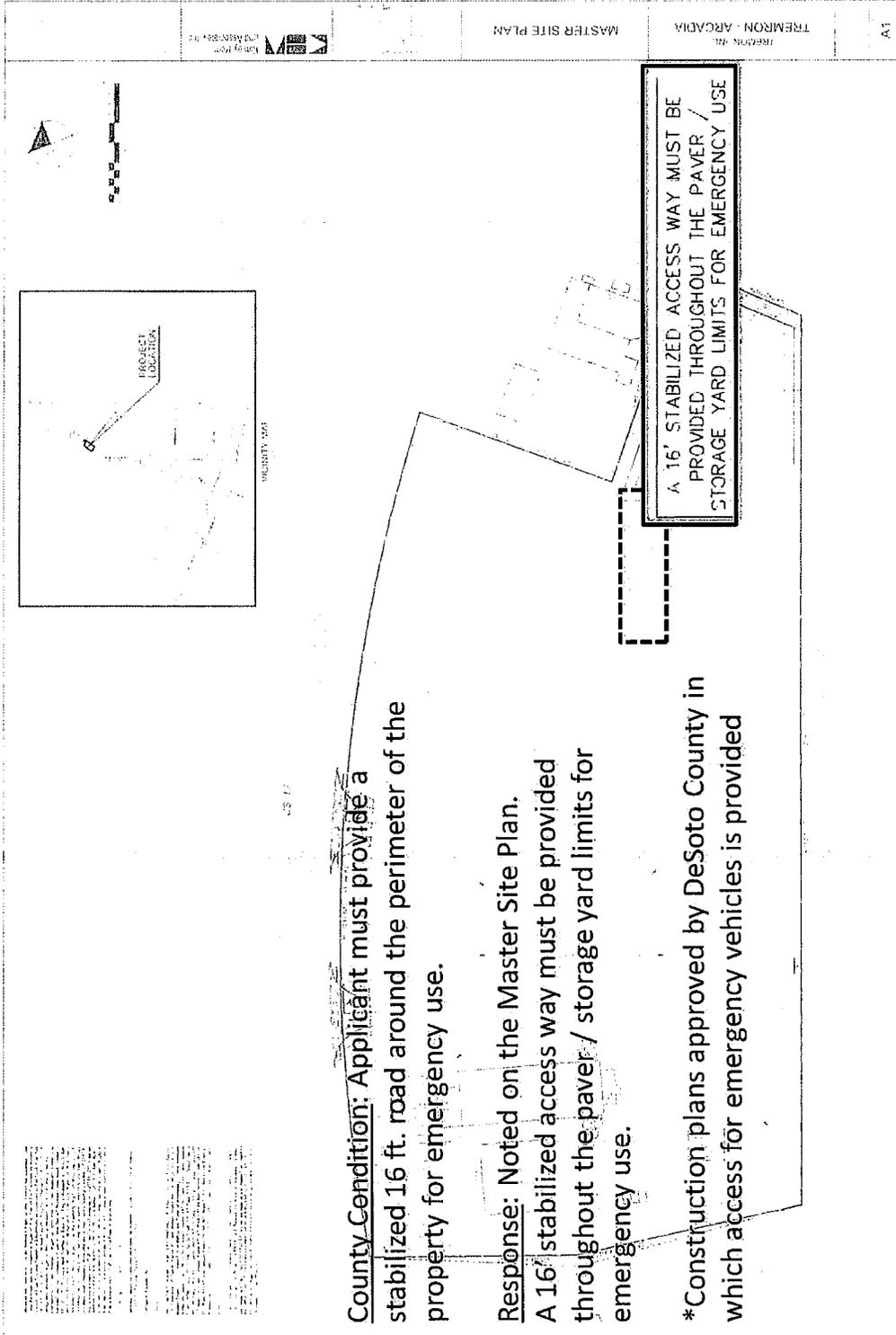
County Condition: Applicant must provide 20 ft. separation between stacks of pavers. Aisles shall be organized to provide access through the property. The stacks of pavers shall not exceed a height limit of 20 feet on all stacks. All stacks shall be setback from property boundary a minimum of 20 ft.

Response: Noted on the Master Site Plan. 20' aisles between stacks of pavers in the paver area / storage yard limits are to be provided

\*The 20' aisles are provided on the site.

Exhibit "A-4"

Tremron Group, Inc.  
Rezoning



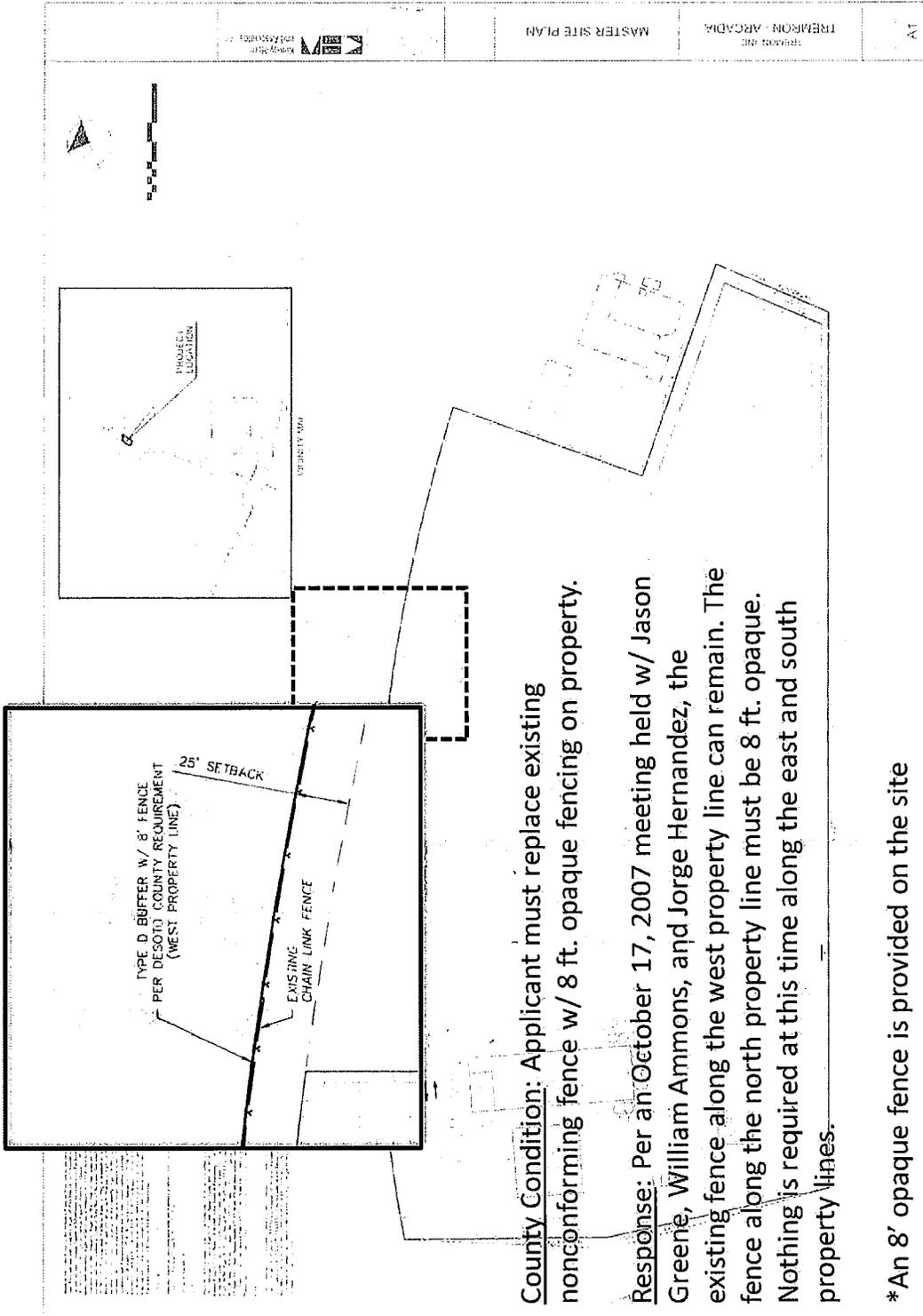
County Condition: Applicant must provide a stabilized 16 ft. road around the perimeter of the property for emergency use.

Response: Noted on the Master Site Plan. A 16' stabilized access way must be provided throughout the paved / storage yard limits for emergency use.

\*Construction plans approved by DeSoto County in which access for emergency vehicles is provided

Exhibit "A-5"

Tremron Group, Inc.  
Rezoning



County Condition: Applicant must replace existing nonconforming fence w/ 8 ft. opaque fencing on property.

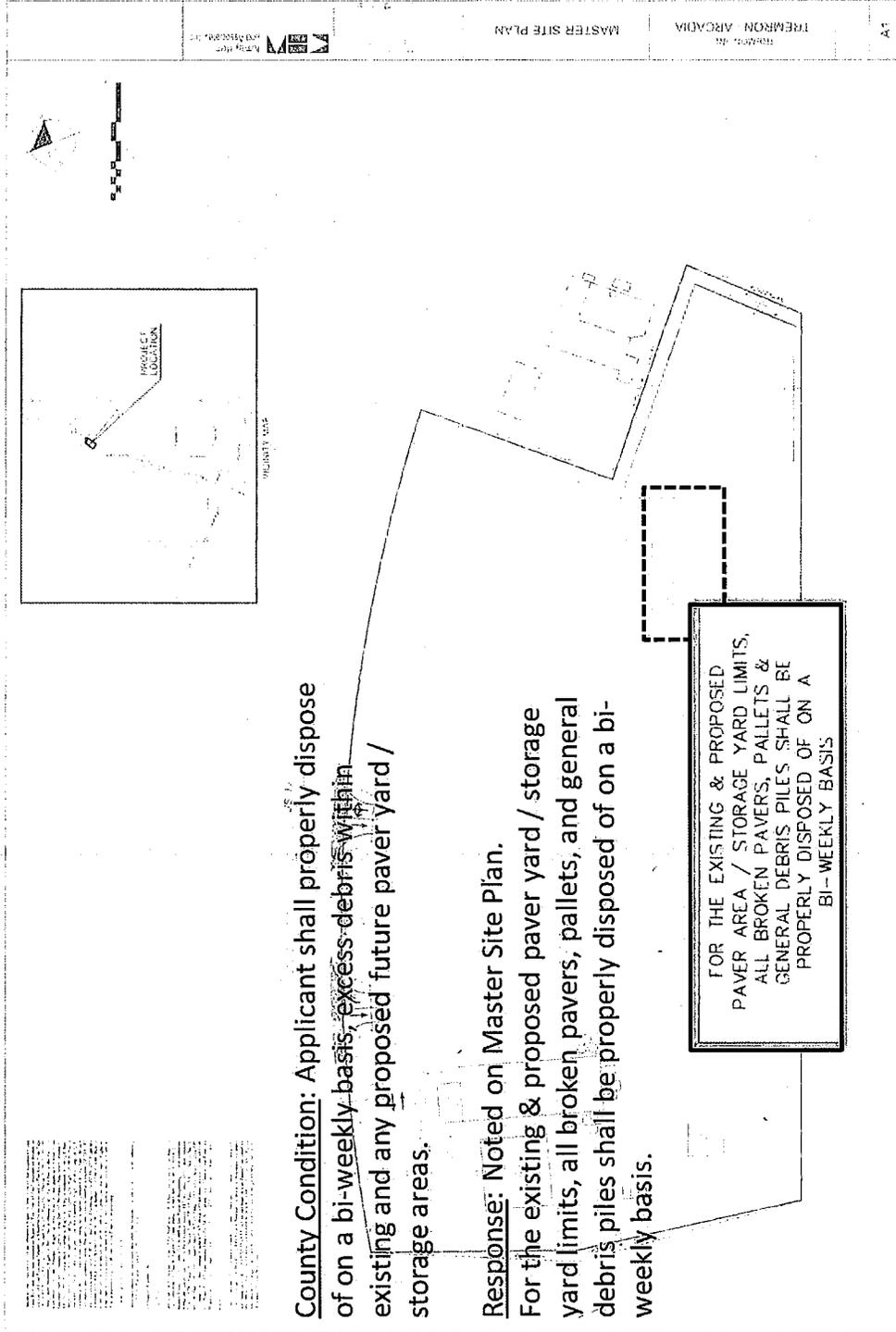
Response: Per an October 17, 2007 meeting held w/ Jason Greene, William Ammons, and Jorge Hernandez, the existing fence along the west property line can remain. The fence along the north property line must be 8 ft. opaque. Nothing is required at this time along the east and south property lines.

\*An 8' opaque fence is provided on the site



Exhibit "A-7"

Tremron Group, Inc.  
Rezoning



TREMORON GROUP, INC  
CITY OF ARCADIA  
2010 AERIAL

Parcel #2 (19-37-25-0000-0028-0000)  
3.55 Acres

Parcel #1 (30-37-25-0176-00E0-0010)  
10.51 Acres

CITY OF  
ARCADIA

ARCADIA CITY LIMITS

ARCADIA CITY LIMITS

ARCADIA CITY LIMITS

WORLEY AVE

35

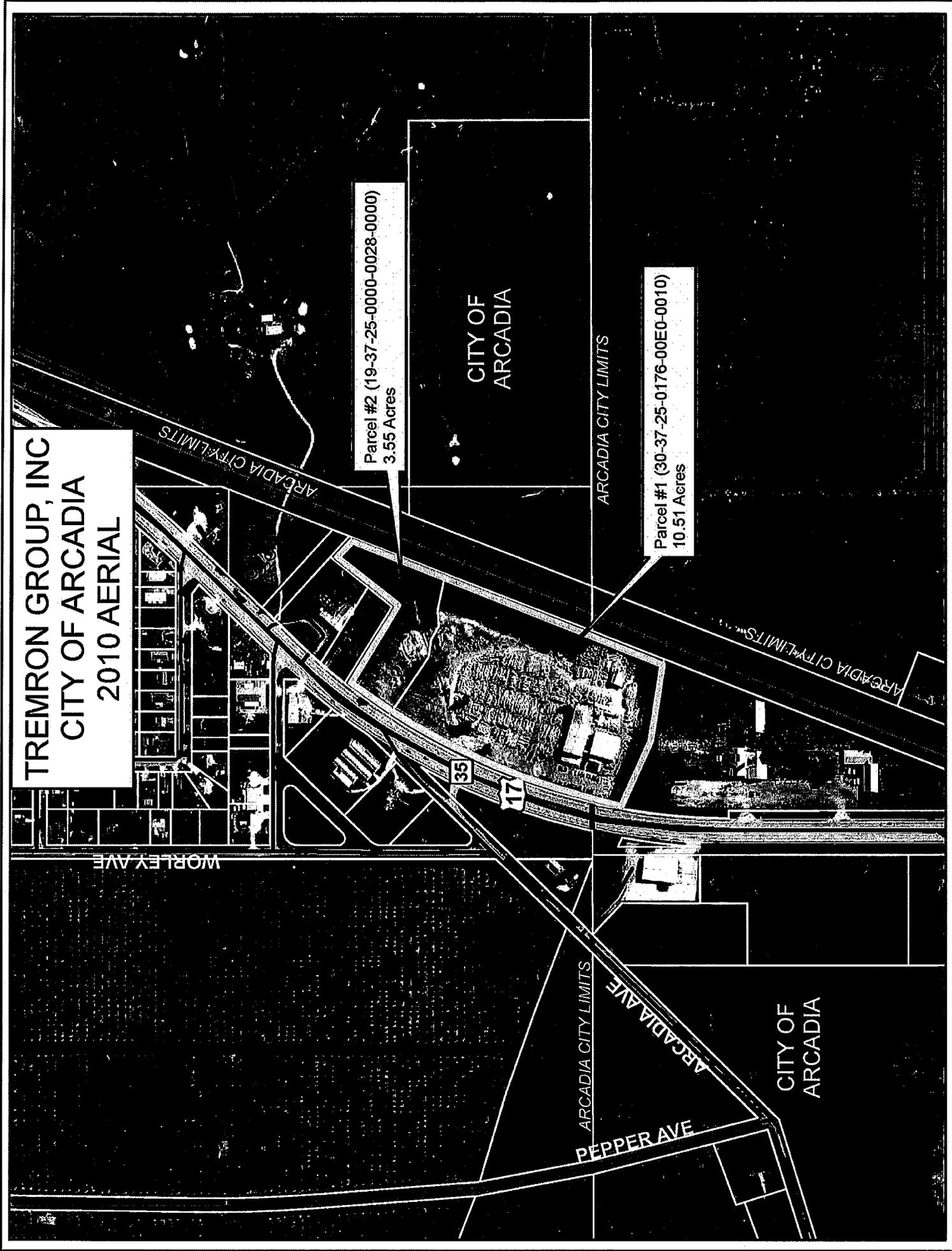
17

ARCADIA CITY LIMITS

ARCADIA AVE

PEPPER AVE

CITY OF  
ARCADIA



TREMORON GROUP, INC  
CITY OF ARCADIA  
EXISTING ZONING

COUNTY  
RMF-6

WORLEY AVE  
WORLEY AVE

COUNTY  
RSF-2

CITY UNASSIGNED  
COUNTY A-5

Parcel #2 (19-37-25-0000-0028-0000)  
3.55 Acres  
City Unassigned (County CG - Commercial General)

CITY OF  
ARCADIA

CITY UNASSIGNED  
COUNTY CG & IL

CITY UNASSIGNED  
COUNTY A-10

ARCADIA CITY LIMITS

Parcel #1 (30-37-25-0176-00E0-0010)  
10.51 Acres  
City Unassigned (County IL - Industrial Light)

R-1A

C-1

B-3

COUNTY  
A-10

ARCADIA CITY LIMITS

PEPPER AVE

CITY OF  
ARCADIA

R-1A

COUNTY  
RMF-8



TREMOR GROUP, INC.  
CITY OF ARCADIA  
PROPOSED ZONING

COUNTY  
RMF-6

COUNTY  
RSF-2

PROPOSED  
CITY R-1A

COUNTY  
IL

COUNTY  
CG

PROPOSED  
PUB-INDUSTRIAL

CITY UNASSIGNED  
COUNTY A-10

CITY OF  
ARCADIA

COUNTY  
A-10

ARCADIA CITY LIMITS

PEPPER AVE

ARCADIA CITY LIMITS

PROPOSED M-1

Parcel #2 (19-37-25-0000-0028-0000)  
& #1 (30-37-25-0176-00E0-0010)  
14.06 Acres  
from City Unassigned (County CG & IL)  
to City PUD Industrial

CITY OF  
ARCADIA

C-1

COUNTY  
RMF-8

R-1A

B-3



DeSoto County Development Plan Approval

**Ordinance No. 2003-13**

Approved December 16, 2003

COUNTY DEVELOPMENT DEPARTMENT

# DESOTO COUNTY



201 East Oak Street  
Suite 204  
Arcadia, Florida 34266  
Telephone (863) 993-4811  
Fax (863) 993-4815

December 30, 2003

Tremron Inc.  
3164 NE Highway 17  
Arcadia, FL 34266

Attention: Mr. Ed Pacitti

RE: DP 2003-13

Dear Mr. Pacitti:

This is to let you know the Board of County Commissioners approved your Development Plan on December 16, 2003 with the following condition. You must have a 10 foot wide buffer of trees and hedges along your property line facing Highway 17. This is the only side that must be buffered.

It has come to our attention that you have started work on this property and there is no evidence of a buffer being put in place. Please contact our office and let us know when you propose to start the buffer.

Sincerely,

A handwritten signature in cursive script that reads "Sheila R. Sapp".

Sheila R. Sapp  
Zoning Technician

### Utility Acquisition

Mr. Chisholm stated that Mr. Cloud was contracted for the purchase of the AquaSource Utility and would like to bring the Board up to date on that acquisition. Mr. Cloud provided a brief history of some of the problems the County encountered with the Lake Suzy Franchise. The Agreements are almost ready for Board consideration. The one agreement transfers Water Utility to DeSoto County. The Wastewater Franchise Agreement will go to Philadelphia Suburban. Mr. Cloud stated that these are unique agreements and the fee arrangement will benefit the County. He further reviewed the list of what needs to happen next. Commissioner Neads stated that it appears to be a win-win situation and asked if there was any downside. Mr. Cloud stated that he could not see any. Commissioner Hill asked if the Franchise was just for the Lake Suzy Utilities and not the rest of the County. Mr. Cloud indicated that was correct. No action was required at this time.

Chairman Altman recessed the Meeting for lunch at 12:30 PM.

Chairman Altman reconvened the Meeting at 2:00 PM.

### LDR Amendments

Ms. Fisher requested that the Board consider amendments to the Public Hearing Notice Sections of the DeSoto County Land Development Regulations. Ms. Fisher stated that a majority of the changes were in the requirements for public hearing notice sections. Ms. Fisher briefly reviewed the changes. The amendments were presented to the Planning Commission on December 2, 2003 and they recommended approval. Brief discussion followed. Motion was made by Commissioner Neads to close the Public Hearing. Seconded by Commissioner Hill. Motion carried unanimously. Motion was made by Commissioner Neads to approve the amendments as presented. Seconded by Commissioner Welles. Motion carried unanimously.

### Development Plan #2003-13/Tremron, Inc., Ed Pacitti, Agent

Ms. Fisher requested that the Board consider a Development Plan approval from Tremron, Inc., of a 14-acre property zoned IL located at 3164 NE Highway 17 for construction of a Paver Plant Facility. The plat has been reviewed by staff and complies with the requirements of Chapter 177 of the Florida Statutes and Section 4201 of the DeSoto County Development Regulations. Commissioner Neads inquired about storage of equipment and the possible pollution factor for this type of facility. Ms. Fisher stated that there is a proposed storage area and that she did not know what the pollution factor would be, that maybe the Tremron representative could answer that question. There was no Tremron representative present. Commissioner Welles stated he had asked that question of Tremron and they stated it was non-dust producing and very little water was used. They also indicated that they do not produce any hazardous materials and are regulated by DEP and EPA. Commissioner Welles inquired about a berm. Ms. Fisher indicated that there would be a small one. Mr. Chisholm inquired about landscaping. Ms. Fisher indicated that there is some, however it is not required. Chairman Altman asked for public input.

Mr. Maurice Brown stated that he did have a safety issues concern and suggested that the applicant provide a wider apron of approach or a possible sign "Trucks Entering Highway".

Ms. Mary Dow also expressed her concern indicating that it is a four-lane highway with a curve in that area. It was pointed out that the State would be the agency to require any conditions for that issue.

Motion was made by Commissioner Welles to close the Public Hearing on Development Plan #2003-13. Seconded by Commissioner Neads. Motion carried unanimously. Brief discussion followed regarding landscaping along Highway 17. Motion was made by Commissioner Garner to approve Development Plan #2003-13 with condition of a 10-foot buffer consisting of trees/hedging or fence. Seconded by Commissioner Hill. Motion carried unanimously.

**Development Plan#2003-15/Dennis W. & Ruth A. Sharp**

Ms. Fisher requested that the Board consider a Development Plan approval from Dennis & Ruth Sharp of a 2.69-acre property zoned CG located at 2902 SW Highway 17 to construct a 24 X 24 garage on a concrete slab. The plat has been reviewed by staff and complies with the requirements of Chapter 177 of the Florida Statutes and Section 4201 of the DeSoto County Development Regulations. Ms. Fisher indicated that the applicant was not present and there has not been any opposition received by the Development Department. Chairman Altman asked for public input. There was none. Motion was made by Commissioner Neads to close the Public Hearing on Development Plan #2003-15. Seconded by Commissioner Welles. Motion carried unanimously. Motion was made by Commissioner Hill to approve Development Plan #2003-15 as presented. Seconded by Commissioner Neads. Motion carried unanimously.

**REGULAR BUSINESS**

**Outside Agency Funding**

Mr. Chisholm reviewed the list of Outside Agencies that were recommended by the Selection Committee as having met the required criteria and best served the citizens of DeSoto County for FY 2003-2004. Mr. Chisholm stated that there has been a request from the School Readiness Coalition. Ms. Sharon Goodman stated that this program is not required to be funded by the School Board. They are supporting, however, funding is being cut. State mandates that the School Readiness Coalition must have a local match of \$23,565.00 in order to draw down the 1.4 million dollars. Ms. Goodman requested that the Board support this much-needed program for the children of this County. Mr. Chisholm stated that there is \$20,000 left in that fund that has not been appropriated. Brief discussion followed regarding the benefit of this program and the investment made for the future of the children in the County. Commissioner Hill asked if the whole \$23,565.00 could be funded. Mr. Chisholm stated that it could. Motion was made by Commissioner Hill to approve the Outside Agency Funding Agreements as recommended and to include the School Readiness Coalition Agency funding of \$23,565.00. Seconded by Commissioner Neads. Motion carried unanimously.

**Minor Plat/Bobby Carlton**

Ms. Fisher requested that the Board consider approval of a Minor Plat from Bobby Carlton PAR 3 to create 4 half-acre parcels with dedicated ingress and egress from County Road 769. The plat has been reviewed by staff and complies with the requirements of Chapter 177 of the Florida Statutes and Section 4201 of the DeSoto County Development Regulations. Brief discussion followed. Motion was made by Commissioner Welles to approve the Minor Plat as presented. Seconded by Commissioner Hill. Motion carried unanimously.

**Contract/Astaldi Construction**

Ms. Tucker stated that DeSoto County had solicited formal bids for Phase I-A (US 17 from South County Water Storage Tank through Fort Ogden) Water and Wastewater Transmission Line. Ms. Tucker indicated that the bids came in at 1.4 million under the estimate. Ms. Tucker requested that the Board award the Contract for Water/Wastewater Phase I-A to Astaldi

DeSoto County Development Plan Approval

**Resolution 2007-111**

Approved November 13, 2007

**DESOTO COUNTY, FLORIDA**  
**RESOLUTION 2007 - 111**

**A RESOLUTION OF THE BOARD OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS GRANTING APPLICATION FOR A DEVELOPMENT PLAN FOR CERTAIN LANDS IDENTIFIED AS PARCEL ID NUMBER 19-37-25-0000-0280-0000 PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, a proper application, hereinafter identified as Development Plan DP 2007-16 for an amendment to DP 2003-13 has been filed by Tremron, Inc. for a 7,200 SF plant expansion; addition of two silos; increased paver storage area, including the 2<sup>nd</sup> entrance to the property on the current site plan; increased outdoor storage area; and demonstration of compliance with SWFWMD on increased imperviousness of a 3.54 +/- acre contiguous parcel on property zoned Industrial Light. The property identified as tax ID number 19-37-25-0000-0280-0000 is located on the northeast side of Highway 17 at 3164 Highway 17 NE, Arcadia, Florida in Section 19, Township 37, Range 25; and

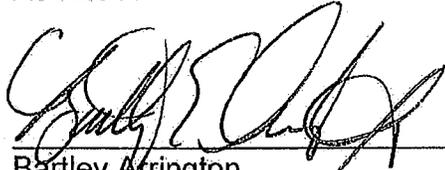
**WHEREAS**, the DeSoto County Board of County Commissioners, on November 13, 2007 did hold a public hearing on DP 2007-16, a Development Plan application, and determined that the Application complies with the DeSoto County Comprehensive Plan, the Land Development Regulations and all other applicable regulations and, further, that said application will not adversely affect the public interest with conditions listed in the attached Addendum A and;

**WHEREAS**, the Board of County Commissioners finds that the proposed Development Plan is consistent with the DeSoto County Comprehensive Plan and complies with the provisions of the DeSoto County Land Development Regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of DeSoto County, Florida, effective immediately and indefinitely upon adoption that: Application DP 2007-16 is granted, and the applicant is permitted a 7,200 SF plant expansion; addition of two silos; increased paver storage area, including the 2<sup>nd</sup> entrance to the property on the current site plan; and increased outdoor storage area contingent upon the conditions listed in attached "Addendum A"

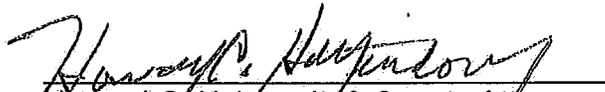
**PASSED AND DULY ADOPTED** in DeSoto County, Florida, this  
13<sup>th</sup> day of November, 2007  
ATTEST:

DESOTO COUNTY BOARD OF  
COUNTY COMMISSIONERS

  
Bartley Arrington  
Interim County Administrator

  
T. Felton Garner  
Chairman

Approved as to form and legal sufficiency:

  
Howard C. Holtzendorf, County Attorney

DeSoto County Development Plan Approval

**Resolution 2009-22**

Approved March 23, 2009

**DESOTO COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**RESOLUTION NUMBER 2009-22**

**A RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS, GRANTING DEVELOPMENT PLAN AMENDMENT APPLICATION DP 2007-16A, FOR RE-APPROVAL OF THE SITE PLAN TO INCLUDE INCREASED IMPERVIOUS SURFACE AREA AND RE-ALIGNMENT OF INGRESS/EGRESS POINTS ON US17 ON PROPERTY IDENTIFIED AS PARCEL ID NUMBER 30-37-25-0176-00E0-0010 and 19-37-25-0000-0280-0000 TOTALING 14.06 ACRES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY.**

**WHEREAS**, an Application for amendment to Development Plan, DP 2007-16a, has been filed by Tremron, Inc.; and

**WHEREAS**, said application DP 2007-16A has been properly noticed for public hearings, as required; and

**WHEREAS**, a public hearing on the proposed amendment to Development Plan has been held by the DeSoto County Board of County Commissioners, on March 23, 2009; and

**WHEREAS**, the DeSoto County Board of County Commissioners finds that the proposed amendment to Development Plan is consistent with the DeSoto County Comprehensive Plan and complies with the provisions of the DeSoto County Land Development Regulations and, further, that the proposed amendment to Development Plan will not adversely affect the public interest so long as conditions set forth hereafter are complied with; and

**WHEREAS**, subject site plan is described herein as Section 1; and

**WHEREAS**, subject site plan is depicted in and further identified by exhibit A, and

**WHEREAS**, conditions of approval are included herein as Section 2.

**NOW, THEREFORE, BE IT RESOLVED**, by the DeSoto County Board of County Commissioners that:

**SECTION 1. Development Plan Amendment Application** The Development Plan Amendment application, DP 2007-16A; Kimley Horn Project

No. 148068.000, Sheet A1, Master Site Plan, signed by Robert B. Conerly and dated 12-9-08, is hereby granted with the conditions listed in Section 2.

**SECTION 2. Conditions for approval**

1. Pursuant to LDR Section 7300(B) Parking and Loading Spaces, loading spaces for office and industrial uses are required, based on square footage. No loading spaces are shown. Six loading spaces will be required to be shown on the site plan and submitted to the Planning and Zoning Department on the revised site plan following approval by the BOCC.
2. As required in the previously approved Development Plans, the applicant must provide a 20 ft separation between stacks of pavers. Isles shall be organized to provide access throughout the property. The stacks of pavers shall not exceed a height limit of 20 ft on all stacks. All stacks shall be setback from property boundary a minimum of 20 ft.
3. As required in the previous Development Plan, the applicant must provide a stabilized 16 ft road around the perimeter of the property for emergency use. The stabilized "road" may be within the impervious surface limits shown on the plan.
4. Following the Board of County Commissioners approval, applicant shall submit a revised site plan incorporating any/all conditions of approval within 1 month (by April 24, 2009).
5. Following this approval, the applicant must receive a "notice to proceed" from County staff. The notice will be issued after the review and approval of a complete Improvement Plan (Construction Drawings) package that will address these conditions. The Improvement Plan will implement in detail all the items necessary to carry out the construction of the project, to include but not limited to, all applicable outside agency permits such as FDOH (water and wastewater related), SWFWMD (storm-water and storm-water calculations), FDOT (roadway access).
6. Approval of this Development Plan shall expire if complete Construction Drawing/Improvement Plan is not submitted to the County Planning and Zoning Department within 6 months of approval by the Board of Commissioners (by September 24, 2009).
7. Once approved, Construction Drawing/Improvement Plan approval is valid until December 16, 2013. Failure to commence construction within that period will require a new application and payment of all Improvement Plan review fees to be submitted to the Development Department
8. These conditions are not intended to replace or to nullify requirements and/or conditions of previous Development Plans not listed herein. Any conflicts in those requirements should be brought to the attention of the Planning Manager for clarification prior to any assumptions being made or actions being taken.

**SECTION 3. Effective Date.** This resolution shall be effective immediately upon its adoption in accordance with the law.

**SECTION 4. Conflict** In the event that any portion of this Resolution is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

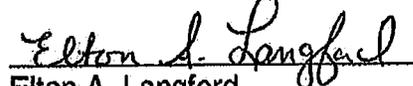
**PASSED AND DULY ADOPTED** by the Board of County Commissioners of DeSoto County, Florida, this 23<sup>rd</sup> day of March, 2009.

**ATTEST:**



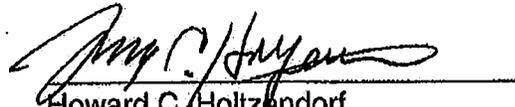
B. Roger Pulley  
County Administrator

**BOARD OF COUNTY  
COMMISSIONERS  
DESOTO COUNTY, FLORIDA**



Elton A. Langford  
Chairman

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY.**



Howard C. Holtzendorf  
County Attorney

DeSoto County Fire Prevention Code

**Ordinance No. 2006-64**

**DESOTO COUNTY, FLORIDA  
ORDINANCE NO 2006-64**

**AN ORDINANCE OF DESOTO COUNTY ADOPTING A FIRE PREVENTION CODE OF DESOTO COUNTY; ESTABLISHING THE FIRE PREVENTION AND INSPECTION DIVISION; ESTABLISHING RULES FOR FIRE PREVENTION AND SAFETY, INCLUDING THE TESTING OF FIRE HYDRANTS; PROVIDING A PENALTY FOR FAILURE TO COMPLY WITH CODE; PROVIDING FOR SEVERABILITY AND INCLUSION IN DESOTO COUNTY CODE; AND PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE**, be it ordained by the Board of County Commissioners of DeSoto County, Florida, as follows:

**Section 1: Introduction.**

This Ordinance will provide DeSoto County with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installation, use, testing and maintenance of equipment; regulating the use of structures premises and open area; providing for abatement of fire hazards; establishing the responsibilities and the procedures for code enforcement; and setting forth the standards for compliance and achievement of these objectives.

**Section 2: Title.**

The title of this Ordinance shall be the **Fire Prevention Code of DeSoto County**, hereinafter referred to as the "Code". One or more copies hereof shall be on file in the office of the inspection division (currently located at 1985 SE Carlstrom Field Road, Arcadia, Florida), and shall be available for public examination at the DeSoto County Administration Office, Suite 201, 201 East Oak Street, Arcadia, Florida, during normal business hours.

**Section 3: Administration/Organization: Fire Official and Fire Prevention and Inspection Division Established.**

- A. The Fire Prevention/ Inspections Division (hereafter, "Inspection Division") of DeSoto County is hereby established, to be under control of the Fire Chief as the County Fire Official or his designee.
- B. The Fire Chief shall designate any Florida State certified Fire Inspector(s) to assist with such responsibilities and duties.
- C. The Fire Official shall supervise the Prevention and Inspection Division and shall be responsible for the direct administration and enforcement of this Code. The Fire Official may designate such number of Fire Inspectors to administer the Fire Prevention and Inspection Division. Where hereafter a duty or responsibility and authority is specified

for the Fire Official, same will apply to the person above designated to act in his/her stead, unless otherwise specifically stated otherwise.

#### **Section 4: Definitions**

Throughout this Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Terms not specifically defined below shall have the meanings found in Chapter 2, Section 2-1 of NFPA no. 1.

- A. *Authority Having Jurisdiction (AHJ)*: DeSoto County through the Fire Chief.
- B. *Building Code*: The DeSoto County building code as adopted by the DeSoto County Board of County Commissioners, or the Florida building code as identified in Chapter 553 of the Florida statutes.
- C. *NFPA*: The National Fire Protection Association as referenced in the Standard Building code. NFPA Standard 1 and Life safety code 101, current editions, shall mean the referenced code or standard as compiled and published by the National Fire Protection Association.
- D. *National Fire Code*: The compilation of the National Fire Protection Association codes and standards, recommended practices and manuals published by the National Fire Protection Association and as adopted by Desoto County.
- E. *Story*: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. A parking area beneath a building is considered a story.
- F. *Unit*: A room or group of rooms within a multi-family structure designed for occupation by one (1) family only.
- G. *Substantially altered*: A structural alteration increasing the square footage of an existing building by more than fifty percent (50%) or more or increasing the square footage of an existing building such that the square footage of the entire building exceeds the table limits of attachment "A" shall be considered a substantial alteration. Any substantial alteration in , or addition to, the supporting or structural members of a building, such as bearing walls, bearing columns, bearing beams, or bearing girders, or elimination, moving or construction of new partitions within 50% or more of the square footage of an existing building, shall be considered a substantial alteration. Substantial alterations shall not include, repairs to roof or walls, interior/exterior painting or decoration, air conditioning or heating systems repair or replacement, modernization of kitchens or bathrooms, gas, water, sewer, and electrical systems.

#### **Section 5: Adoption of the Florida Fire Prevention Code**

Pursuant to section 633.025, Florida Statutes, the Florida Fire Prevention code,

including referenced and adopted publications therein, including but not limited to the National Fire Protection Association Life Safety Code, NFPA 1, adopted by the State Fire Marshal pursuant to section 633.0215, Florida Statute and as it may be amended, modified, updated or adopted from time to time by the State Fire Marshal, is hereby adopted by DeSoto County and incorporated herein as if set out in length in this section, save and except such portions as are deleted, modified, added or amended in this chapter. One copy of the foregoing shall be maintained on file in the Office of the Fire Chief.

#### **Section 6: Recognition of Building Code**

All fire safety and /or protection standards or requirements of the DeSoto County Building Code, or the Florida Building Code as identified in Section Five (5). Are hereby incorporated and made part of this code.

#### **Section 7: Applicability**

- A. Whenever the DeSoto County Building code, the Florida Building code or the Florida Fire Prevention Code addresses an identical issue, the more stringent Fire protection provision shall apply.
- B. The provisions of this Code do not apply to one and two- family dwellings in the normal use or maintenance thereof except as follows:
  - 1. Exterior separation requirements for detached dwellings shall apply.
  - 2. This Code shall apply whenever the activity or use of such dwelling creates a distinct fire hazard to life or property of others based on available information.
  - 3. the use of such dwelling is referenced by the uniform fire safety standards as adopted under the provisions of chapter 633, F.S.
  - 4. The provisions of Section 18 shall apply.
- C. The provisions of this Code do not apply to those building or structures specifically under the uniform fire safety standards of the State, as set forth in Chapter 633.022(a) F.S. except as provided therein.
- D. The provisions of this Code shall be complied with whenever a building is built, or a building or occupancy is considered to be substantially altered. Compliance with this code may not be required when a new owner, renter or leesee assumes control of a building, unit or business, provided no occupancy changes have occurred. Only those requirements whose application would be clearly impractical in the judgment of the authority having jurisdiction shall be waived or modified.
- E. Existing buildings, vehicles and marine vessels that are occupied at the time of adoption of this Code may be continued in use, provided:
  - 1. The occupancy remains the same, and;
  - 2. No serious life safety hazards exist that would constitute an imminent threat,

and;

3. The building or structure was not previously under review for code compliance.

- F. The provisions of this Code, as far as they are substantially the same as existing provisions of the law relating to the same subject matter, shall be construed as restatements and continuations therefore and not as new enactments.
- G. The adoption of this Code or the repeal of any other existing provision of law, including regulations or orders, shall not be construed to alter any time limit which may have been imposed by any existing law, regulation or order of the authority having jurisdiction relating to compliance with such limits.

#### **Section 8: Authority**

- A. This Code is hereby deemed an exercise of the police powers of DeSoto County for the preservation and protection of public health, peace, safety and welfare and all the provisions of DeSoto County shall be liberally construed for that purpose, and shall be administered and enforced as such by the Fire official, who shall be qualified pursuant to Section 633.081, Florida Statutes.
- B. This Code adopts all enforcement procedures of Chapter 633.052(b), Florida Statutes, especially, but not limited to that provision which specifies written notices in the form of a written warning are to be issued. A minimum of Thirty (30) calendar days shall be given for violations to be corrected after a written warning before a formal citation is issued.

#### **Section 9: Right of Entry; Implied Consent**

- A. Any application for or acceptance of any permit with respect to any construction or structure subject to the provisions of this Code requested or issued pursuant to this Code, constitutes agreement and consent by the persons making the application or accepting the permit to allow the authority having jurisdiction (AHJ) to enter the premises at any reasonable time to conduct any inspection required by this section.
- B. The Fire Chief or his/her designee may "detail" fire department personnel for stand-by duties to those places of assembly or other locations where it is likely to be deemed necessary for safety reasons or where there is a likelihood of violations being prevalent which may create a hazardous situations. Generally this right of entry would be exercised where large crowds are expected in places of assembly or during the visits of dignitaries. When necessary for fire department personnel and/or fire apparatus to be assigned for such detail, the fire department may assess reasonable fees based on actual costs incurred.

#### **Section 10: Approval of plans and Installations**

- A. The Fire Official or his/her designee shall examine the submitted plans for evidence of compliance with this Code. The Fire Official or his/her designee may require testing or other investigations to be conducted by an agency satisfactory to the jurisdiction when an appliance, device, equipment, or system intended for installation does not specifically meet the requirements of this Code. The test or investigations shall be based on nationally accepted test and standard or principles.
- B. Three (3) complete sets of all plans, drawings, and specifications (including but not limited to site, building, alarm, sprinkler, standpipe, hood exhaust and suppression) shall be submitted to the Inspection Division through the DeSoto County Development Department. Failure to do so will result in the issuance of a stop work order to be enforced until required material is provided.
- C. All fire alarm, sprinkler, Hood, and extinguishing system drawings shall be submitted and approved prior to commencement of any work on each respective system. Such system design criteria shall be included with full architectural plan submittal.
- D. Shop drawings shall be submitted and approved prior to installation.
- E. Any project requiring a fire sprinkler system an alarm system or any specialized fire protection shall be permitted only if plans are submitted and approved by the Inspection Division with engineered shop drawings prepared and sealed by a professional engineer registered in the State of Florida. The design documents must be prepared in accordance with the rules promulgated by the Board of Professional Engineers.

**Section 11: Reporting Hazardous Conditions; Maintaining Hazard.**

- A. Any person, upon discovering evidence of spontaneous heating or other abnormal heating of any merchandise, commodity, cargo, shipment, or other material of any kind in any building, marine vessel, appliance, apparatus, tank, or open stack or pile, or any person, upon discovering or being apprised of any uncontrolled hazardous leak or hazardous material or combustible or flammable liquid spill, shall immediately notify the Fire department via the 911 system or alternative method.
- B. No person shall knowingly maintain a Fire Hazard.

**Section 12: Smoking**

- A. Where conditions exist which make smoking a fire hazard on any premise, "No Smoking" signs shall be posted as directed by the Fire official or his/her designee. "No Smoking" signs shall be of a color, size, lettering, and location approved by the Inspection Division. No person shall remove "No Smoking" signs or lights, or ignite or otherwise set a fire to or smoke any cigar, cigarette, pipe, tobacco, or

other form of smoldering substance, nor hold, possess, throw, or deposit any lighted or smoldering substance in any place where occasion or action would constitute a fire or life hazard. Nothing in this section shall be construed as prohibiting smoking areas, offices or other rooms which have been approved by the Inspection Division as safe smoking area, approved for that purpose.

- B. The Manager or person in charge of the premises shall be responsible for enforcing this regulation once ordered by the AHJ.
- C. Smoking is prohibited in all "Hospitality establishments" as provided in the Florida Clean Air Act, F.S., section 386.201, except where the statute provides a specific exemption.

### **Section 13: Unnecessary / False alarms**

- A. The purpose of this section shall be to regulate and control the malfunctioning, negligence, or unintentional act resulting in the unnecessary response of emergency vehicles. In case of unnecessary/false alarms, the authority having jurisdiction shall cause an investigation to be made and keep a record of the number of unnecessary/false alarms on file at the Inspection Division.
- B. Persons owning, managing, or otherwise being in charge of the premises shall be responsible for regulating, controlling the use and maintenance of an automatic fire alarm system for those premises. The transmission of unnecessary/false alarms, causing the response of emergency equipment in excess of three (3) or more alarms in any twelve (12) month period, shall constitute a violation of this Code and shall be assessed a service fee.

### **Section 14: Required Access for Fire Apparatus**

- A. All premises, including existing premises, that the emergency services may be called upon to protect in case of fire and that are not readily accessible from public roads shall be provided, with suitable gates, access roads and fire lanes so that all buildings on the premises are accessible to Fire and emergency equipment. This access shall have:

(1). Unobstructed width of at least 16 feet for one-way traffic and 24 feet for two-way traffic in order to accommodate Safe emergency vehicle access per NFPA 1141, 5.4.2.

(2). If stabilized ground is used it shall be Six (6) inches minimum depth and meet the lime rock bearing ratio of 40 and be compacted to a modified proctor density of 95%.

(3). Paved, stabilized ground or turf block used for emergency access shall be identified as to location with approved vegetation or markers as required by the AHJ.

(4). Paved, stabilized ground or turf block used for Emergency access shall be kept unobstructed at all times and from any future growth, and shall be dedicated on the approved final site plan for the life of the building.

(5). Horizontal separation of structures shall be according to NFPA 80A and shall maintain a minimum of 10' unobstructed clear space between structures.

(6). Dead-end roads shall have a Cul-de-sac turnaround with a radius of 50 feet measured from the center line.

- C. Where the installation of speed bumps is determined by the AHJ to impede or inhibit the response of Emergency vehicles or the safety of Emergency vehicles or patients, such speed bumps shall be removed by the owner. Existing speed bumps may be modified to meet safety requirements as approved by the AHJ.
- D. New speed bumps, when installed, must comply with the following criteria:
- (1) Approved speed bumps shall have minimum twenty four (24) inch long base with sloping falls, cresting at four (4) inch maximum height.
  - (2) The location of such speed bumps shall be approved by the County Engineer.
- E. The designation, use and maintenance of Fire lanes shall be accomplished as specified by the Fire official in accordance with the DeSoto County land development code.
- F. Automatic Vehicle Access Control Gates:
- (1) Where automatic vehicle access control gates are used, DeSoto County shall be provided with one (1) dual key "Knox" keyed manual operated switch per gate with separate keys for emergency services and law enforcement.
  - (2). Gate installation criteria, including battery back up, siren operated sensors, key switches, opener devices and gate markings shall be reviewed and approved in writing by the AHJ prior to installation. Such shall be shown on construction plans of the development.
  - (3). In the event the gates become non-operational, they shall remain in the open position until such time as all minimum requirements have been returned to a fully operational status. It shall be the responsibility of the property owner/ property management to ensure gates are properly maintained, and repaired as necessary.

- G. **Key Box System (Knox Boxes)** When a structure is equipped with a fire alarm system, sprinkler or stand pipe system or, deemed necessary by the AHJ, an approved key box shall be required. The tumbler shall match the Fire department key. Installation height of the key box shall be a maximum of six (6) feet to the top of the box or as approved and the location of the box shall be approved by the Fire Inspection Division. Keys shall be provided to gain access to Fire alarm panels, electrical rooms, sprinkler rooms and any other areas to which this department may require access. Applications for the key boxes may be obtained from the Fire Inspection Division.

**Section 15: Storage on Roofs, Fire Escapes, Porches and Breezeways and Balconies.**

- (A). No person shall place or maintain, on any roof or balcony used for egress purposes, any material or objects which may interfere with egress or Fire Department operations.
- (B). No person shall place or maintain gas or propane cylinders on porches, breezeways or balconies of multi-story buildings.

**Section 16: Dumpster Location.**

- (A). All dumpsters and any associated screening consisting of combustible fencing around the dumpster pad shall have a minimum separation from the nearest building or building overhang of Ten (10) feet. Larger commercial/industrial dumpsters, such as 20 or 40 yard containers shall require a larger separation. This minimum separation may be reduced or waived if the dumpster is protected by one or more fire sprinkler heads of a sprinkler system designed in accordance with sound Engineering practices or if a two (2) hour fire wall is built and approved by the AHJ. Compactor dumpsters, because of their unique design and construction requirements, shall be reviewed on an individual basis by the Fire Official.

**Section 17: Festival Seating.** Festival seating as defined in the Life safety Code (3.3.188.1) shall be prohibited in any building in DeSoto County.

**Section 18: Marking of Commercial and Residential Occupancies**

- A. Numeral not less than 4 inches Arabic, contrasting and reflective, shall be securely mounted on the building front, or any fixed appurtenance located on the front of the principle building, within five feet (5) of the of the main entrance, all facing a street/main access road, in accordance with DeSoto County ordinance 1989-16, as adopted.
- B. If the structure is more than 200ft from the roadway or is otherwise obscured from being readily seen, additional address numerals of at least three inches in size, otherwise meeting the standards above shall be placed on the mailbox, address post or similar feature at the entrance to the property.

## **Section 19: Fire Alarm and Fire Sprinkler Requirements**

- (A) Approved fire alarm and fire sprinkler systems shall be installed in buildings as required by Appendix "A" and as follows: Basements or cellars with ceilings less than fifty four (54) inches above grade, or having floor areas exceeding 2,500 square feet, or when used as lounges or night clubs, regardless of size.
- (B) Pumps that are required to insure adequate flow and pressure in the sprinkler system shall be connected to the emergency power system.
- (C) All sprinkler system installations shall be provided with an approved back flow preventer of the double check valve type. Such preventer shall be as approved by the utility provider.
- (D) All sprinkler system installations shall be approved by the Fire Official, and all sprinklers systems connections to the public water distribution facilities shall be approved by the utility department in whose jurisdiction they are located.
- (E) All Fire department connections shall be located on the private property side of the fire line back flow preventer unless a specific exception is issued in writing by the Fire Official. Such connections a typical 2 ½ inch Siamese connection with national threads.
- (F) All specialty warehouses and or mixed use industrial occupancy buildings constructed without the commodity classification/hazard being defined and or with the intention to be leased to one or more tenants shall be provided with a level of fire protection determined by available storage heights. Such buildings shall be protected using NFPA 13 (2004 ed.) fire protection requirements based on a Class IV commodity in double row racks with eight (8) foot aisles. The minimum storage height that shall be used for the sprinkler design will be the maximum available storage height. The maximum available storage height is defined as the useable height at which commodities can be stored above the floor while the minimum required unobstructed space below the sprinklers is maintained (NFPA 13, 2004 Ed. Paragraph A-7.4.1.3).
- (G) In the event that NFPA 13 requires in-rack sprinklers for a class IV commodity based on the elevation, the calculations shall provide an allowance of 350 GPM in addition to the hose stream allowances for in-rack sprinklers. When specific hazards are known or anticipated to be part of the building occupancy, that exceed the minimum requirements above, the applicable NFPA standard protection requirements shall be met.
- (H) An approved type horn/strobe indicating device shall be installed on the exterior of each building for which a fire alarm system is required by this section. The horn/strobe device shall be installed such that it is readily visible from the street and its location shall be approved by the Fire Official. The strobe shall be white in color.

- (I) Any Business or Educational facility (see attachment "A") that is not occupied twenty four (24) hours a day and is greater than or equal to 10,000 square feet shall have a monitored alarm system. If said business or educational facility is less than 10,000 square feet but is adjoined to another business or less than twenty (20) feet from another structure, shall be monitored.
- (J) All fire alarm systems installed in DeSoto County shall have UL listed surge suppression devices installed regardless of any internal protective devices within the panel. The required protection shall include AC power protection, telephone line protection, and protection on any wiring that enters the building from outside the protected structure (i.e., tamper switch to a back-flow preventer). All surge suppression devices shall be installed outside the fire alarm control panel box with a minimum of three (3) feet of wiring between the device and the fire alarm panel. Each device shall be provided with a good ground connection. All protective devices for surge suppression shall be certified to the following UL Standard:
  - A. Telephone Lines: UL 497A
  - B. Signaling line loops UL 497B
  - C. Initiation/Notification Circuits UL 497B
  - D. AC Power UL 1449
- (K). Appendix A is hereby established and adopted as Appendix A attached hereto and made a part hereof.

**Section 20: Fire Protection Water Supply**

- (A) In all developments, as specified below, the adequacy of the fire protection services, water pressure, hydrant locations, fire lanes and maneuvering areas shall be subject to the approval of the Fire Official with the requirements set forth herein determined as minimum provisions.
- (B) All Fire Hydrants shall be installed in accordance with the requirements of the American Water Works Association, NFPA 1 and NFPA Annex I. Any specific standards/requirements of the Desoto County Utilities Department shall also be met for hydrants in the unincorporated area of Desoto County.
- (C) Fire Hydrants shall be installed in all new developments that meet the following criteria:
  - (1) All developments that require an extension of the water distribution system;
  - (2) All developments that require the submission of a development plan as set forth in the Desoto County Land Development Regulations or Code.
  - (3) When, in the opinion of the AHJ, access to or distance from public fire hydrants would hamper or impair fire fighting operations;

(4) All new water distribution systems shall be considered for hydrant locations and spacing by the AHJ according to NFPA 1 and NFPA 1 Annex I.

- (D) **Approved fire hydrant:** An approved fire hydrant shall mean a fire hydrant connected to a water main of not less than six (6) inches in diameter and shall meet the performance standards required by the AHJ, or its designee, and shall have one (1) 4 ½ inch and (2) 2 ½ inch hose connections. All hydrant installations shall be approved by the jurisdiction in which they are located as pertains to availability of water pressure, volume and reliability of water service.
- (E) Hydrant location with respect to the fire department connection shall be: Whenever a proposed development will be required to install one or more fire hydrants as a condition of approval, a fire hydrant shall be located not more than fifty (50) feet from the fire department connection as measured by normal access routes. If such hydrant is on the same side of the street as the fire department connection, it is preferable that the driveway does not separate the hydrant and the fire department connection.
- (F) Existing buildings that are occupied at the time of adoption of this Code may be continued in use without additional fire protection water supply provided that the following conditions are all met and provided further that only those requirements whose application would be clearly impractical in the judgment of the AHJ shall be modified:
- (1) The occupancy classification remains the same, and
  - (2) No serious life safety hazard exist that would constitute an imminent threat.
- (G) No person shall place or keep any post, fence, vehicle, growth, vegetation, trash or other materials that would obstruct a fire hydrant or fire protection appliance and hinder or prevent its immediate use by fire department personnel. Such fire hydrant or fire protection appliance shall be maintained readily visible at all times.
- (H) Fire hydrants and fire protection appliances shall be kept accessible to the fire department at all times. The following clearances shall be maintained for all fire hydrants and fire appliances:
- (1) Hydrant Clearances of seven and one half (7 ½) feet on the street side and to the sides of the fire hydrant, with four (4) foot clearance to the rear of the hydrant.
  - (2). Fire protection appliances clearance of seven and one half (7 ½) feet from the street side and sides of the appliance.
  - (3). Exception: These dimensions may be reduced by approval of the AHJ.

(4). All hydrant locations shall be marked by "Blue" reflective road markers on the roadway at a location approved by the AHJ, easily signifying hydrant location to emergency personnel.

- (I) All fire hydrants in the county shall be flow tested by Desoto county Fire & Rescue on a regular basis to determine their flow rates and basic operation. Maintenance, as prescribed by the fire department, of fire hydrants is to be performed in a timely manner by the utility provider in whose jurisdiction the hydrant resides. DeSoto County Inspection division will not certify hydrant water flow for proposed developments; instead the development's engineer shall perform their own tests and certifications.
- (J) Fire department connections shall be identified by a sign that states "NO PARKING FIRE DEPARTMENT CONNECTION" and shall be designed in accordance with Florida Department of Transportation standards for information signage. (Exception: Existing numbers or letters approved by AHJ).

### **Section 21: Cease and Desist Orders or Stop Work Orders**

- (A) Whenever a violation of any provision of the Code presents an immediate danger to life, or when any new construction or existing building is occupied in whole or part in violation of the provisions of this Code, or when any fire, explosion, or other such disaster occurs and presents an immediate danger to life, The Authority Having Jurisdiction shall immediately post a Cease and Desist order on the premises until such time that the danger to life has been removed or the correction of the violations has been made.
- (B) If it is determined by the Authority Having Jurisdiction that a violation specified in this subsection exist, the AHJ or his/her designee may issue and deliver to the person committing the violation an order to Cease and Desist from such violation, to correct any hazardous condition, to preclude occupancy of the affected building or structure, or to vacate the premises of the affected building or structure. Such violations are:
  - (1) Except as set forth in paragraph (2), a violation of any provision of this section, or any rule adopted pursuant thereto, of any applicable uniform fire safety standard adopted pursuant to s.633.022 which is not adequately addressed by an alternative requirement adopted on a local level.
  - (2) A substantial violation of an applicable minimum fire standard adopted pursuant to Florida Statute Section 633.025 which is not reasonably addressed by any alternative requirement imposed at the local level, or an unreasonable interpretation of an applicable minimum fire safety standard, and which violation or interpretation clearly constitutes a danger to life safety.
  - (3) A building or structure that is in a dilapidated condition and as a result thereof creates a danger to life, safety, property, and as the term "dilapidated" may be

further defined by the codes and regulations of this County.

(4) A building or structure that contains explosive matter or flammable liquids or gasses not stored in an approved method which constitutes a danger to life, safety, property.

- (C) If, during the conduct of a fire safety inspection authorized by ss.633.081 and 633.085, Florida Statutes, it is determined that a violation described in this Code exist which poses an immediate danger to public health, safety and welfare, the AHJ may issue an order to vacate the building or structure in question, which order shall be immediately effective and shall be an immediate final order under s.120.59 (3), Florida Statutes. With respect to a facility under the jurisdiction of a district school board or community college board of trustees, the order to vacate shall be issued jointly by the district superintendent or college president and the AHJ.
- (D) The AHJ may seek an injunction in the Circuit court of DeSoto County to enforce an order issued pursuant to this subsection.

### **Section 22: Review by Board of Adjustment**

If any person, firm or corporation is of the opinion that they have been aggrieved, by a decision of the Fire Official of DeSoto County, they may seek relief through the DeSoto County Board of adjustment as established by Section 11400 of the DeSoto County Land Development Regulations. This hearing provides for a finding of fact, based on evidence of record and conclusion of law. The above named person, firm or corporation shall notify the AHJ in writing of their wish to appeal a specific decision by the AHJ, who shall cause the matter to be scheduled before the Board of Adjustment in the following manner: The AHJ shall document the date and time such appeal request is received and shall, not later than six (6) business days from receipt, deliver the original of same, retaining a copy, to the Chairperson of the Board of Adjustment. A copy of the appeal request shall also be delivered to the County Administrator and the County Attorney.

### **Section 23: Fuel Oil, Kerosene, and Wood Burning Heating or Cooking Appliances Prohibited.**

It shall be unlawful for any person to use or operate within any non residential building or structure located within the jurisdiction of DeSoto County the following:

- (A) Any un-vented fuel oil or kerosene burning appliance, including those with woven-wick designed for heating purposes.
- (B) Any type grill, barbeque device, or wood burning fire place or heater on balconies porches or breeze-ways of multi-story buildings.

## **Section 24: Certificate of Occupancy**

No building shall be occupied in whole or part and or a certificate of occupancy issued without the approval of the Fire Official. Failure to obtain a Certificate of Occupancy prior to being an occupied business shall in addition to other remedies be cause to have issued a citation by the Code enforcement officer and pay double of all inspection fees and any penalties as set in section 26.

## **Section 25: Service Fees**

- (A) Other fees shall be charged to cover the cost of providing these services as provided in Section 633.081, Florida Statutes, according to the schedule attached hereto and made a part hereof as Appendix B.
- (B) These fees may be appended from time to time by resolution of the Board of county Commissioners

## **Section 26: Penalty**

- (A) Any person who shall violate any of the provisions of this Code or the National Fire Codes, as adopted by DeSoto County Board of County Commissioners, for which another penalty is not provided, or shall fail to comply therewith; or shall violate or fail to comply with any order made hereunder; or shall build in violation of any details, statement, specifications, or plans submitted or approved hereunder; or shall fail to operate in accordance with the provisions of any certificate, permit, or approval issued hereunder, and from which no appeal has been taken; or who shall fail to comply with such order as affirmed or modified by the AHJ or by a court of competent jurisdiction within time fixed herein, shall, severally for each and every violation and non-compliance, respectively be punished by a fine of not more than \$250.00 per day with each day of the violation constituting a separate offense.
- (B) The enforcement and adjudication of any such violations shall be in accordance with Section 11700 of the Land Development Regulations of Desoto County, Florida, (Special Master/Special Magistrate) as same may be from time to time amended. Where in said Section 11700 the term Code Enforcement Officer is used, that function shall be performed by the Fire Chief or his written designate.
- (C) The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. All persons shall be required to correct or remedy the violations or defects within a reasonable time and, when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**Section 27: Previous Rules, regulations, Codes Repealed**

Any code, ordinance, regulation or resolution or parts thereof conflicting or inconsistent with this Code are hereby repealed to the extent of the conflict. Ordinances and rules or regulations not in conflict will remain in full force and effect.

**Section 29. Severability**

If any provision of this Code be for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, it shall not affect the validity of the remaining provisions of this Code.

**Section 30. Effective Date**

This ordinance shall take effect and be in force from and after its adoption and filing with the Secretary of State as required by Law.

PASSED AND DULY ADOPTED in regular session, by the Board of County Commissioners of Desoto County, Florida, this 19th day of December, 2006.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF DESOTO COUNTY, FLORIDA

\_\_\_\_\_  
Craig M. Coffey, County Administrator

By: \_\_\_\_\_  
Delma Allen, Chairman

Approved as to form and legal sufficiency

\_\_\_\_\_  
Howard C. Holtzendorf, County Attorney

**APPENDIX A TO FIRE CODE ORDINANCE 2006-64**

<b>Occupancy Classification</b>	<b>Fire alarm/sprinkler/conditions</b>	<b>Initiation of Fire alarm system required</b>	<b>Enunciator / zone ID of fire alarm system</b>
Assembly	300 or more occupants	Man. Pull stations; flow switch and/or suppression system, area type	NFPA 101 (2004 Ed.) Section 9.6.7
Educational	Two stories or more or one story if each classroom is not provided with exit door to exterior building	NFPA 101 (2004Ed) Section 14.3.4.2	NFPA 101 (2004Ed) Section 9.6.7
Residential	12 residential units or more or 3 stories or more	Man. Pull; Flow switch or Fire suppression system	NFPA 101 (2004 Ed) Section 9.6.7
Mercantile	10,000 Sq Ft, or more, or two (2) stories or more	Man. Pull; flow Switch of Fire suppression, area Smoke det.all commodity stored over 12 feet/floor	NFPA 101 (2004 Ed) Sect 9.6.7
Business	10,000 Sq ft or more or 2 story	Man. Pull; flow Switch or Suppression systems; Area smokes all egress	NFPA 101 (2004 Ed) Sect. 9.6.7
Industrial	10,000 sq ft or more or 2 or more stories	Man. Pulls, Flow switch or suppression system; area smoke det. In AC areas	Sec. 9.6.7 NFPA 101 (2004 Ed.)
Storage	10,000 Sq ft or more, or 2 story or more as current in building code	Manual Pulls, Flow switch Suppression, Area Smoke Detectors. Where AC, Heat detectors	NFPA 101 (2004 Ed) Sect. 9.6.7
High Hazard/special	All Building sizes	As required by AHJ	As Required by AHJ

## APPENDIX B TO FIRE CODE ORDINANCE 2006-64

### 1. Annual Inspection Fees

1. Building up to 5000 square feet:	\$50.00
Buildings in excess of 5001 – 25,000 Sq Foot	\$100.00
25,001 – 100,000 Sq Foot	\$150.00
Greater than 100,000 Sq Foot	\$200.00 + 2.50 / 5000 Sq Foot

-The above Charges include 1 re-inspection at no additional cost.

-Inspections conducted after the first re-inspection: \$30.00

-The above charges are for the buildings only.

Additional charges will be collected for more specialized inspections:

2. Fire Alarm systems	\$25.00
3. Hood systems	\$30.00 / hood.
4. Fire Sprinkler System	\$50.00 per riser plus \$20.00 per 100 sprinkler head
5. Fire suppression system (specialized)	\$50.00
6. Paint spray Booths	\$100.00

**The inspection fees shall not take effect until January 1<sup>st</sup>, 2008.**

### 2. Plans Review Fees/ Initial Fire Inspection

Plans review Fees as follows:

Buildings to 5000 square feet \$150.00 increasing \$30.00 per 2000 sq. ft.

The above charges include all firewall inspections and one (1) re-inspection of plans for approval.

There shall be a charge for all Subsequent plans review after the first re-inspection of \$30.00/ea.

**Additional plans review charges:**

Fire Alarm System	\$150.00
Hood system (Cooking)	\$150.00 System
Fire Sprinkler System	\$150.00 per riser
Sprinkler heads	\$50.00 per 100 heads
Fire suppression systems	\$150.00
Paint spray booths	\$175.00
Above ground fuel storage	< 660 gal. \$100.00 > 660 gals \$175.00
Below ground fuel storage	\$175.00
Redrawn or deviation from plans:	½ the plans review charge of the area changed.
Elevators	\$50.00/elevator
Temporary structures (tents)	\$75.00

### 3. Excessive Fire Alarm Fees

For the first through the third unnecessary/false alarm, inclusive, as set forth in Section 13 of this code, occurring in any twelve (12) month period, a warning shall be issued in writing. For the fourth through seventh unnecessary/false alarm in the same 12 month period, a fee of \$100.00 dollars shall be assessed; and for unnecessary/false alarms in excess of seven in one 12 month period shall be assessed a fee of \$300.00 dollars for each alarm.

**ATTACHMENT A TO FIRE CODE ORDINANCE 2006-64**

<b>Occupancy Classification</b>	<b>Fire alarm/sprinkler/conditions</b>	<b>Initiation of Fire alarm system required</b>	<b>Enunciator / zone ID of fire alarm system</b>
Assembly	300 or more occupants	Man. Pull stations; flow switch and/or suppression system, area type	NFPA 101 (2004 Ed.) Section 9.6.7
Educational	Two stories or more or one story if each classroom is not provided with exit door to exterior building	NFPA 101 (2004Ed) Section 14.3.4.2	NFPA 101 (2004Ed) Section 9.6.7
Residential	12 residential units or more or 3 stories or more	Man. Pull; Flow switch or Fire suppression system	NFPA 101 (2004 Ed) Section 9.6.7
Mercantile	10,000 Sq Ft, or more, or two (2) stories or more	Man. Pull; flow Switch of Fire suppression, area Smoke det.all commodity stored over 12 feet/floor	NFPA 101 (2004 Ed) Sect 9.6.7
Business	10,000 Sq ft or more or 2 story	Man. Pull; flow Switch or Suppression systems; Area smokes all egress	NFPA 101 (2004 Ed) Sect. 9.6.7
Industrial	10,000 sq ft or more or 2 or more stories	Man. Pulls, Flow switch or suppression system; area smoke det. In AC areas	Sec. 9.6.7 NFPA 101 (2004 Ed.)
Storage	10,000 Sq ft or more, or 2 story or more as current in building code	Manual Pulls, Flow switch Suppression, Area Smoke Detectors. Where AC, Heat detectors	NFPA 101 (2004 Ed) Sect. 9.6.7
High Hazard/special	All Building sizes	As required by AHJ	As Required by AHJ

2011-36 A Resolution suspending enforcement of County Ordinance #2006-64 Fire Prevention Code.

Adopted May 31, 2011

**DESOTO COUNTY, FLORIDA**

**RESOLUTION 2011-36**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSONERS OF DESOTO COUNTY, FLORIDA, SUSPENDING ENFORCEMENT OF ORDINANCE 2006-64, FIRE PREVENTION CODE OF DESOTO COUNTY; CONTINUING ENFORCEMENT OF NFPA 1 AND NFPA 101 (FLORIDA FIRE PREVENTION CODE AND UNIFORM FIRE CODE) AS ADOPTED BY THE STATE OF FLORIDA; CONTINUING FIRE INSPECTION SERVICES FEES AS ADOPTED BY RESOLUTION 2010-51; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of DeSoto County has previously adopted Fire Prevention Code Ordinance 2006-64 which is more stringent than the Florida Fire Prevention Code in certain situations; and

**WHEREAS**, concerns and questions about the interpretation and applicability of the Fire Prevention Code Ordinance 2006-64 have been raised and the Board of County Commissioners of DeSoto County has previously authorized a review of Ordinance 2006-64 in order to update, clarify and improve the provisions of the Fire Prevention Code;

**WHEREAS**, the Board of County Commissioners has determined that it is in the best interest of the residents of DeSoto County to suspend enforcement of the Fire Prevention Code Ordinance 2006-64 while the review of this Ordinance is underway; and

**WHEREAS**, the Florida Fire Prevention Code and Uniform Fire Code (NFPA 1 and 101) as adopted by the State of Florida remain in effect and shall be enforced during the time that enforcement of Ordinance 2006-64 is suspended; and

**WHEREAS**, the Board finds it necessary and in the public interest for the fire inspection services fees adopted by Resolution 2010-51 to remain in effect.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are hereby incorporated by reference as part of this Resolution.

**Section 2.** Enforcement of Fire Prevention Code Ordinance 2006-64 is hereby suspended for a period of one year from May 31, 2011. Unless otherwise provided by action of the Board, enforcement of Fire Prevention Code Ordinance 2006-64 shall resume on June 1, 2012.

**Section 3.** The Florida Fire Prevention Code and Uniform Fire Code (NFPA 1 and 101) as adopted by the State of Florida remain in effect and shall be enforced during the time that enforcement of Ordinance 2006-64 is suspended. In addition, the fire

inspection services fees adopted by Resolution 2010-51 remain in effect during the time that Ordinance 2006-64 is suspended.

**Section 4.** This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** this 31st day of May, 2011.

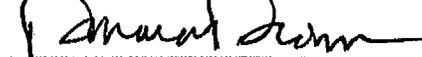
ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF DESOTO COUNTY, FLORIDA

  
C. GUY MAXCY  
INTERIM COUNTY ADMINISTRATOR

By:   
RONALD P. NEADS  
CHAIRMAN

Approved as to form and legal sufficiency:

  
DONALD D. CONN  
COUNTY ATTORNEY



DEPARTMENT OF THE AIR FORCE  
WASHINGTON, DC

ITEM # 16-2

Office Of The Secretary

April 12, 2012

SAF/LL  
1160 Air Force Pentagon  
Washington, DC 20330

The Honorable Vern Buchanan  
United States Representative  
111 South Orange Avenue, Suite 202W  
Sarasota, FL 34236

Dear Representative Buchanan:

This is in response to your inquiry regarding your constituent, Dr. Lawrence Miller, who is interested in refurbishing the T-33 aircraft stationed at Lake Katherine Park in Arcadia, Florida.

The National Museum of the United States Air Force (NMUSAF) has placed the T-33 aircraft on loan with the city of Arcadia under the Air Force's Static Display Program. As part of the program, the city of Arcadia has an obligation to maintain the aircraft per the agreement with the office of the NMUSAF. Attached is a copy of the Air Force source listing that includes commercial entities that Arcadia may engage to complete the work needed.

If Dr. Miller has any questions, he should contact our Static Display program administrator, Ms. Patricia Ochs, COM 937-255-4770, email [patrcia.ochs@wpafb.af.mil](mailto:patrcia.ochs@wpafb.af.mil).

We trust this information is helpful.

Sincerely

A handwritten signature in black ink, appearing to read "Kelly L. Goggin".

KELLY L. GOGGIN, Colonel, USAF  
Chief, Congressional Inquiry Division  
Office of Legislative Liaison

Attachment – Source Listing

**Lawrence Miller**

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**From:** Marchek, Kurt [Marchek.Kurt@mail.dc.state.fl.us]  
**Sent:** Wednesday, March 28, 2012 4:04 PM  
**To:** 'LMiller@Arcadia-FL.gov'  
**Cc:** McCall, Terri  
**Subject:** FW: City Lease Space - Arcadia

Dr. Miller –

Per our conversation,  
The Department of Corrections is look for available office space that the city of Arcadia might have available.  
Below are some restrictions that prevent the Department of Corrections moving into.

Let me know if you require any other information.

Thanks,

Kurt Marchek  
Department of Corrections  
Government Operations Consultant II Region III  
1313 North Tampa Street Suite 813  
Tampa, Florida 33602  
(813)233-2570

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**From:** Marchek, Kurt  
**Sent:** Wednesday, February 08, 2012 3:15 PM  
**To:** 'LMiller@Arcadia-FL.gov'  
**Cc:** McCall, Terri; Anderson, Michael T.; Marchek, Kurt  
**Subject:** City Lease Space - Arcadia

Dear Dr. Miller;

Per our conversation earlier today; the Department of Corrections State of Florida is looking for office space that is approximately 2,400 square feet. We will have 9 full time staff members at this location, and they will be needing approximately 20 parking spaces for their clients.

See below for one of the Departments of Corrections restrictions on where offices cannot be located for future leases.

If you have any questions, please let me know.

Thanks,

Kurt Marchek  
Department of Corrections  
Government Operations Consultant II Region III  
1313 North Tampa Street Suite 813  
Tampa, Florida 33602  
(813)233-2570

**NO PROBATION AND PAROLE OFFICE WILL BE ALLOWED TO BE SITED WITHIN 250 FEET OF ANY OF THE FACILITIES LISTED BELOW. ANY PROPOSED FACILITY LOCATED WITHIN 250 FEET OF THESE PREMISES WILL RENDER THE PROPOSAL NON-RESPONSIVE AND THE PROPOSAL WILL BE REJECTED. DISTANCE SHALL BE MEASURED FROM THE MAIN ENTRANCE OF THE PROPOSED LEASED AREA TO THE CLOSEST ENTRANCE OF THE FACILITY LISTED BELOW. THIS MEASUREMENT MUST BE ANNOTATED ON THE SITE PLAN TO BE PROVIDED PER SECTION 1.7 AND 2.2.D OR AN ARCHITECTURAL DRAWING. THIS MUST BE A DIRECT MEASUREMENT USING THE SHORTEST DISTANCE. FINAL MEASUREMENT WILL BE DETERMINED BY THE DEPARTMENT.**

Proposer shall indicate in Column A (YES or NO) whether the proposed office space is located within one quarter mile (1,320 feet) of each of the following facilities. If you answer YES to any of the items in Column A, you must state in Column B how many feet away from the facility the proposed office space is located. The proposer shall provide the address of the proposed location in the space indicated below.

<b><u>Column A</u></b> <b>(Yes/No)</b>	<b><u>Type of Facility</u></b>	<b><u>Column B</u></b> <b>(# of Feet Away)</b>
_____	A school for children in grade 12 or lower	_____
_____	A licensed day care center facility	_____
_____	A park or playground	_____
_____	A nursing home	_____
_____	A convalescent center	_____
_____	A hospital	_____
_____	An association for disabled population	_____
_____	A mental center	_____
_____	A youth center	_____
_____	A group home for disabled population or youth	_____
_____	Another place where children or a population especially vulnerable to crime due to age or physical or mental disability regularly congregates; specifically, _____	_____

**CONTRACT TO PROVIDE CONSULTING SERVICES  
FOR TELECOMMUNICATIONS COST RECOVERY  
AND/OR FUTURE SAVINGS TO THE CITY OF \_\_\_\_\_ , FLORIDA.**

**THIS CONTRACT**, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between Florida League of Cities, Inc. a Florida corporation (hereinafter referred to as "FLC") and the City of \_\_\_\_\_ , Florida, a Municipal Corporation organized under the laws of the State of Florida (hereinafter referred to "the City").

**WHEREAS**, the City desires to engage FLC and its agents to review telecommunications vendor billings for the purpose of disclosing overcharges due to billing errors and/or identifying cost-saving strategies for the purpose of securing future savings,

**NOW THEREFORE**, the parties hereto mutually agree as follows:

1. **Employment of FLC.** The City agrees to engage FLC and FLC agrees to perform the services as outlined herein. When used in this contract, the term "FLC" includes FLC and its agents, officers, subcontractors, and employees. For purposes of this contract, subcontractors shall mean CostChecks Auditing Services, LLC (CostChecks). It is understood that FLC may utilize one or more third parties to assist in providing such services.
2. **Scope of Services.** FLC will review the City's telecommunications billings to find sensible ways to reduce costs, such as identifying past and/or current overcharges, or proposing cost-savings actions or strategies to the City. Upon finding any overcharges, FLC will work with the City, providing information as needed, to help the City secure from the vendor a reasonable and appropriate refund or credit for past overcharges, as well as a correction of current charges.

During the course of its work, FLC will use those audit measures it deems necessary and appropriate under the circumstances. The parties agree that a review by FLC, however diligent that review may be, cannot serve as a guarantee that all billing errors have been discovered or that all possible cost-saving strategies have been uncovered and proposed to the City. The City and FLC therefore agree that FLC will not be liable for undiscovered billing errors or cost-saving strategies.

A signed Letter of Authorization must accompany this Agreement on the city's letterhead, which enables FLC/CostChecks to obtain vendor records pertaining to this engagement.

3. **Time of Performance.** FLC's services will commence within 30 days of notice to proceed. Initial performance of service usually consists of filing Letters of Authorization with appropriate vendors and obtaining Customer Service Records, when necessary. FLC will perform and complete its services as expeditiously as reasonably possible under the circumstances. Both parties recognize that delays by vendors and other obstacles may, from time to time, impede FLC from completing its services as quickly as it would intend. The term of this agreement will be a minimum of 18 months from the date of acceptance and execution of the contract by the FLC. At the end of that minimum term the agreement will continue but may be cancelled by either party upon thirty (30) days of written notice.

4. **Confidentiality Agreement.** The City and FLC agree that, if required, they will enter into a mutually acceptable confidentiality agreement protecting the confidentiality of certain proprietary information to the extent allowed by Florida Law and the City's charter.
5. **Compensation.** The City agrees to pay FLC forty five percent (45%) of any refund or credit it receives as a result of FLC's actions. The fee for refunds or credits is payable upon invoicing by FLC, subsequent to the City's receipt of the refund or credit.

The City also agrees to pay each month for twelve (12) months forty five percent (45%) of any monthly savings achieved as a result of FLC's actions, or the implementation of any FLC proposal. Such savings shall be clearly documented in writing and may include, but are not limited to, cost reductions resulting from the correction of billing errors, rate or classification changes, changes in contract terms, changes in network configuration, and elimination of unwanted services.

If the City incurs expenses in implementing any FLC proposal, the City will not be required to pay fees owed to FLC until the City first achieves an accrued cost-savings equal to the implementation costs. Thereafter, the twelve (12) month billing period referenced hereinabove shall begin.

To avoid unnecessary bookkeeping, and for the mutual convenience of the City and FLC, any item of future savings which generates fees of twelve hundred dollars (\$1,200.00) or less will be payable in its entirety at the beginning of the 12-month period rather than in monthly or quarterly increments throughout the 12-month term.

The proposals presented to the City by FLC are meant to be sensible and beneficial. The parties agree that the City is in the best position to judge those qualities of a cost-saving proposal. Accordingly, the City is under absolutely no obligation to implement any proposal submitted by FLC and agrees to accept or reject any proposal within a reasonable time (not to exceed 45 days). If the City rejects any proposal, the City owes no fee for any savings that would have resulted from the rejected proposal. If, however, the City implements the rejected proposal within eighteen (18) months, it agrees to pay FLC its full fee as stated above. Such rejection must be in writing, and the date of such rejection constitutes the initiation of the eighteen (18) month time period.

Any debits or charges to the City for past under billings and/or any increases in future costs resulting from current or past under billings will not be deducted from any fee as defined above.

During the initial 18 month period of this agreement, should any in-house review, city action, or any other vendor, business, or entity conduct a similar analysis or audit, FLC is still entitled to the above-stated fees for refunds, credits, or cost-savings realized by the city.

Upon termination of this contract, if any amounts owing to FLC remain unpaid, or if an issue initiated or recommended by FLC remains unresolved, the City agrees to compensate FLC as described above with regard to the unpaid amounts, as well as to the resolution of such issue. This provision is intended to allow for unavoidable delays caused either by the City, telecom vendors, or regulatory and legal agencies which are outside of FLC's control.

6. **Method of payment.** FLC will compute fees as outlined in this contract and submit invoices to the City for the correct amount. The City agrees to pay all correct invoices according to the Local

Government Prompt Payment Act.

7. **Changes.** Any changes in this contract must be incorporated into a written amendment and signed by both parties.
8. **Principal-Independent Contractor.** The relationship of FLC to the City shall be that of an independent contractor. No other employer-employee relationship between the parties is created by this contract. By entering into this contract with the City, FLC and the City acknowledge that FLC will, in the performance of its duties and under this contract, be acting as an independent contractor and that no officer, independent contractor or employee of FLC or the City will be for any purpose an employee of the other and that no officer, independent contractor, employee of FLC is entitled to any of the benefits and privileges of a city employee or officer under any provision of Florida law.
9. **Services and Materials to be Furnished by the City.** The City agrees to make available to FLC copies of bills, contracts, and other such materials as may be reasonably requested to carry out the duties of this contract in an excellent manner. FLC may make reasonable requests for a temporary work space or for the periodic assistance of an employee. Since the City wishes for FLC to be successful in its efforts, it agrees to fulfill such requests to the extent it can reasonably do so.
10. **Indemnification.** Each party shall be responsible, in accordance with Florida law, for its own acts, and will be responsible for all damages, costs, fees, and expenses which arise out of the performance of this contract and which are due to that party's own negligence, tortious acts and other unlawful conduct and the negligence, tortious acts and other unlawful conduct of its respective agents, officers, and employees. In the absence of negligence, tortious acts and other unlawful conduct in FLC's performance hereunder, the City shall, to the extent permitted under Florida law, defend, indemnify and hold FLC free and harmless from and against any claims, demands, or action brought by third parties which are related in any way to the City's implementation of FLC proposals.
11. **Limitations of Liability.** The City agrees that FLC's total aggregate limit of liability to the City hereunder (whether contract, statutory, in tort, or otherwise) for damages on any one or more or all claims (regardless of the number of different or other claims, claimants, or occurrences) shall not exceed the total of professional fees paid under this contract. The City agrees that FLC shall not be liable to the City for any indirect, incidental, special, or consequential damages, any lost profits or any claim or demand against the City by any other party, arising out of or in connection with the performance of services hereunder.
12. **Matters to be Disregarded.** The titles of the several sections, subsections, and paragraphs set forth in this contract are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of the provisions of this contract.
13. **Completeness of Contract.** This contract and any additional or supplementary document or documents incorporated herein by specific reference contain all the terms and conditions agreed upon by the parties hereto, and no other contracts, oral or otherwise, regarding the subject matter of this contract or any part thereof shall have any validity or bind any of the parties hereto.
14. **Applicable law.** This contract shall be governed by and construed in accordance with the laws of

the State of Florida.

15. **Notices.** Any notices, bills, invoices, or reports required by this contract shall be sufficient if sent by the parties in the United States mail, postage paid, to the address shown below. In addition, a summary report containing an overview of the project shall be sent to the Chief Administrative Officer of the City if he/she is different from the contact below.

(Include name and  
address of City's contact)

Mr. Ken Small  
Financial Technical Assistance Manager  
Florida League of Cities  
P.O. Box 1757  
Tallahassee, FL 32302-1757

**IN WITNESS WHEREOF**, the City and FLC have executed this contract as of the date first written above.

CITY OF \_\_\_\_\_, FLORIDA  
A Florida Municipal Corporation

FLORIDA LEAGUE OF CITIES, INC.  
A Florida Not-for-Profit Corporation

By: \_\_\_\_\_

By: \_\_\_\_\_

# FLC Telecom Cost Reduction Program is a Winner!

The Florida League Telecom Cost Reduction Program has been in place for just over a year and the results to date have been outstanding!

By Ken Small, *Quality Cities* magazine, 2011

The primary purpose of this service is two-fold: 1) discover over-billing errors and negotiate refunds, and 2) identify and implement cost savings that are transparent to the user. We will seek to identify less costly service options for the city that still deliver the quality and service your employees have come to expect.

We are even willing to do a cursory review of your records at no cost or obligation to see whether or not we think a review would be worth your while. This finding is usually only an indication based on our experience, but if we think there are real, positive savings to be achieved, we will let you know. If we give the "Green Light," it's only because we think we are going to help you save money. It is that simple.

The League offered a similar program a few years ago that was quite successful. With falling revenues for our cities, reviving the program seemed to be a very good idea. Not surprisingly—to us anyway—the results this time around are even better than before.

Cost reductions normally come from the following sources:

- > **Billing errors:** Past erroneous charges can lead to refunds or billing adjustments.
- > **Unclaimed exemptions:** The City may be improperly charged for taxes from which it is exempt.
- > **Over provisioning:** An in-depth review of your network may lead to the discovery of unnecessary and costly services that can be eliminated without affecting your service.
- > **Less-than-optimum rates:** You may be able to pay less for the same, or a substantially similar service.
- > **Less-than-optimum facilities:** You may be able to accomplish the same task using a different and less costly type of service.

The League has a team of telecom professionals with over 55 years of combined experience with all aspects of telephony including tariffs, jurisdictions, billing, contracts and all voice, data, video, long distance and internet service arrangements and service provider options.

Because the FLC team has helped numerous cities reduce costs, we have been able to develop a wide view of the telecommunications market. This wide view includes proven strategies to lower costs in a number of given situations. As we run into those given situations with our cities, we know what's worked well in similar situations, and so we know what to do to help you reduce expenses.

Our team members have different backgrounds and skill sets that when combined create a very powerful tool for member cities and towns.

Jim Moore spent 35 years with one of the larger regulated service providers in Florida and worked in a variety of titles during that time with a focus on network design and he has extensive knowledge of services, jurisdictions, tariffs, special billing arrangements of all of the traditional telephone companies.

Jim's customers included the Navy, Marines, Air Force and he coordinated White House travel for a time. He spent almost 10 years working with the State of Florida, a major state university and various local and county governments so he is very comfortable working with cities and towns.

Reid Tillery is an accountant with a resume that includes degrees from Florida State University and the University of Georgia. He worked in public accounting, government and taught for 10 years at the college level. His professional interest turned to helping clients reduce costs specializing in telecommunications. Since 1995, he has helped his clients save millions of dollars.

The Florida League of Cities Telecom Cost Reduction Program is simple and effective and costs nothing unless actual savings are achieved. Program billing is contingent on results and is a simple percentage of actual savings for the first year. The program actually pays for itself from the savings achieved or there is no cost.

Once we initiate the analysis, the city receives a complete and detailed audit by the team of all telecom service billing and contracts plus a thorough review of all services including design and configuration and deployment. This two pronged approach almost always results in reduced service costs and refunds and credits.

The goal is to find ways to reduce telecom expenses while maintaining the services needed by the city and without causing any disruption of city staff and their work.

"We strive to become a temporary addition to the staff of our client City", said team member Reid Tillery. "It's important that we work with the City IT, Finance and Administration representatives and become welcome assets to them."

We enjoy working closely with the IT department. Although we answer directly to upper city management, on a day-to-day basis, we think of ourselves as a temporary addition to the IT staff. Whatever we find, we find together. We need the IT staff's involvement, at least on a limited basis if nothing else. Our goal is for the entire team—including those from the League and those from the city IT staff—to be able to properly take credit for any cost savings. No one should ever be made to feel uneasy about what the review may or may not uncover. Such concerns would be counterproductive, and we want to avoid them by fostering a team spirit.

While we want to involve the IT department in the team effort, we don't want to take their time needlessly. We know they're busy, and sometimes one more project seems like just too much. When we're talking with them or asking them to do small things, it's only because we believe we have found a good way to help the city save real money.

**Saving money—in ways that make sense—IS the name of the game!**

While the program cannot guarantee savings, our team has a success rate of almost 95 percent and success has come for cities of all sizes, from those with only a few telephone lines to much larger communities with complex voice and data networks.

Here are a few examples of actual savings developed by the team.

- The team has discovered several billing errors that resulted in refunds of from \$60,000.00 to almost \$100,000.00.
- One suggested reconfiguration of local data networking resulted in monthly savings of over \$3,500.00.
- Detailed service auditing often identifies voice and data services either not needed or in quantities that can be reduced.
- The team played a key role in the renegotiation of services contracts.
- The team developed competitive service alternatives that when accepted by the city caused significant reductions in service charges.

Jim Moore explains that the team never knows how savings will be achieved because each situation is completely different. "In most cases we do find billing errors and/or a misapplication of contract terms that has resulted in over-billing by the service provider. Often we are able to develop less costly service arrangements or even ways to reconfigure network service components that results in the city paying less", he said.

*Ken Small is the Financial Technical Assistance Manager for the Florida League of Cities. He has been employed with the League since 1984, and had previously worked in Florida municipal and county government beginning in 1975. Ken's e-mail is: [Ksmall@flcities.com](mailto:Ksmall@flcities.com).*