

# City of Bowling Green

## Minutes of Meeting

June 16, 2021

Present: Commissioner Jones, Vice-Mayor Fite, Commissioner Durastanti, Commissioner Lunn, Interim City Manager Day, Police Chief Scheel, City Clerk Silva, Attorney Buhr, and members of the audience.

Absent: Mayor Gardner

1. **Call to order** – The meeting was called to order by Vice-Mayor Fite.

2. **Prayer** – Commissioner Durastanti

**Flag Salute**

3. **Old Business**

**A. Approval of Minutes**

1) **Regular Meeting – May 11, 2021**

Commissioner Durastanti made a motion to approve. Motion was seconded by Commissioner Jones. All in favor, motion carried.

4. **New Business**

**A. Resolution No. 2021-02**

A RESOLUTION OF THE CITY COMMISSION OF BOWLING GREEN, FLORIDA PROVIDING FOR TERMINATION OF COVID-19 EMERGENCY RESOLUTION #2020-05 TO COMPLY WITH THE GOVERNOR'S EXECUTIVE ORDERS EO 21-101 & EO 21-102; AND PROVIDING AN EFFECTIVE DATE.

Attorney Buhr read Resolution 2021-02. Commissioner Lunn made a motion to adopt which was seconded by Commissioner Durastanti. Roll call vote, all in favor, motion carried.

**B. Resolution No. 2021-03**

A RESOLUTION OF THE CITY COMMISSION OF BOWLING GREEN, FLORIDA PROVIDING FOR TERMINATION OF TEMPORARY MORATORIUM ON UTILITY CAPACITY FEES; AND PROVIDING AN EFFECTIVE DATE.

Attorney Buhr read Resolution 2021-03. Motion to adopt was made by Commissioner Durastanti and was seconded by Commissioner Lunn. Commissioner Jones asked if this is regarding capacity fees. Vice-Mayor Fite responded that it was and that it was set aside by resolution a few years back and they are now bringing it off the table. Attorney Buhr commented that the capacity fees are very important to the City's future ability to grow. These funds cannot be used to upgrade and can only be used to add to allow for more capacity. Vice-Mayor Fite stated that they are dedicated funds that can't be used for anything else. Interim City Manager Day asked Attorney Buhr is changing the size of pipes would be covered. Attorney Buhr responded that if the basis is that it is needed for growth then it would. Roll call vote, all in favor, motion carried.

**C. Hay Lease Agreement – COBG and John Paris**

Mr. Day thanked Attorney Buhr for working on this. He stated that he discovered that the parcel is being used without a lease. His biggest fear is the liability or injuries that could

happen on that property. He stated that we have to charge the going rate. This individual pays \$15/acre on other sites nearby for his cattle. Commissioner Durastanti asked if this was per month. Mr. Day responded that it is \$15 per acre for the nine acres per month. Commissioner Durastanti stated that this was fairly expensive. Motion to approve was made by Commissioner Durastanti and was seconded by Commissioner Jones. Roll call vote, all in favor, motion carried.

**D. City Manager Employment Agreement**

Mr. Day stated that the first contract he presented is one that he drafted which is made up of two other contracts he has had. The other is drafted by an attorney. He went over the things in the contract that he did not agree with. Attorney Buhr commented that it has been a pleasure working with Mr. Day but recommended to the Commission that they have whatever agreement they agree to reviewed by the employment attorney. He stated that he deals with the Manager on a day-to-day basis and does not want to get involved in it. Mr. Day stated that he was offended by the contract and that he was not going to sign it. He mentioned the cost of negotiating with the employment attorney. He told Attorney Buhr that other towns have had their own attorney draft these and did not use an outside attorney. Attorney Buhr responded that he used to do them himself but that after 30 years it makes it difficult. He stated that he does not keep track of labor law. Commissioner Jones asked if under the services we receive from the Florida League of Cities, if one of their attorneys could look at this contract. He stated that this could be an option. Mr. Day stated that the Florida League of Cities actually has contracts online. He stated that the contract the attorney drafted was very offensive and not fair. City Clerk Silva mentioned the Employment Law Advisor with the FLC and said she could send the contracts to the advisor and have them look it over. Vice-Mayor Fite stated that we have to rely on a labor attorney we trust. Mr. Day stated that he was fine staying on as Interim until they find another City Manager but that he was not going to sign the contract. Commissioner Lunn made a motion to let the FLC take a look at the contract. Vice-Mayor Fite seconded the motion. All in favor, motion carried.

**E. Land Purchase Offer for Lake Branch Rd. (Parcel No. 09-33-25-0000-05070-0000)**

Mr. Day stated that from time to time he gets calls about land purchases. Mr. Hershman has offered \$75,000 for the parcel that they just approved the lease for. The property was purchased for \$38,000 back in 1989. He stated that it is in the City's interest to get some of the City's land performing. Attorney Buhr explained that the Commission can not say that they don't want a certain type of housing because it would be discriminatory. Mr. Day asked the Commission if they wanted him to move forward with the City Attorney and draft an agreement or negotiate further and have a contract brought forward at a later date. Attorney Buhr responded that he feels uncomfortable about someone just calling and making an offer since it should really go out to bid. It's the typical way to sell properties. The City reserves the right to reject all bids if they don't like the prices. Vice-Mayor Fite asked if they should get an appraisal. Attorney Buhr responded that it would be wise to do. He stated that legislature has protected the City's bid from the Public Records Act until the property is sold. They can not make a public records request for the appraisal to see how much to offer. Vice-Mayor Fite made a motion to get an appraisal done and go through the proper disposal process seeking sealed bids. Commissioner Lunn seconded the motion. Attorney Burh apologized to Mr. Day for not bringing this up sooner. Mr. Day responded that he just needs direction from the City Commission as this is not the only

piece of property he has been approached about, like the property behind Wauchula State Bank. Vice-Mayor Fite stated that it can't be sold. Mr. Day responded that maybe the City should take inventory and get the properties out on the marketplace. Attorney Buhr commented that it was a great idea. Commissioner Jones asked if there was a difference in the value of the property based on its zoning. Attorney Buhr responded that what really matters is what it could be zoned as, Future Land Use. Roll call vote, all in favor, motion carried.

**F. Interlocal Agreement for Hardee County Community Recreation Complex Operations**

Mr. Day stated that this is the agreement with the Hardee County School Board, Hardee County Commissioners, City of Wauchula, and Town of Zolfo Springs that they do every few years. Commissioner Durastanti stated that it is the same one they approve and that this is just reducing the number of years. Attorney Buhr commented that Zolfo Springs stated that they were not going to sign a long-term agreement. Commissioner Durastanti made a motion to approve. Commissioner Jones stated that looking at the agreement they received grant funds for the pool and the areas surrounding it. He mentioned that in the structuring of the board and decision makers, Bowling Green and Zolfo get left out when voicing something but yet they want our money. It is time for that type of stuff to cease. He stated that Bowling Green only gets one vote. He stated that right is right and wrong is wrong. He stated that when you look at the landscape of the County and Bowling Green and Zolfo get left out. Attorney Buhr agreed. Commissioner Jones stated that it was time out for that type of stuff that they want to use our money and yet we get left out. Jim Kelly asked how much money and for how many years are they asking the City to pay. Commissioner Jones responded that it is five years now. He asked what does Bowling Green get out of this. Attorney Buhr commented that the Commission will be looking at something similar for the utility district where Bowling Green will only get one vote. Vice-Mayor Fite asked that this get brought back for a vote. City Clerk Silva mentioned that there was no second. Vice-Mayor Fite mentioned that he seconded the motion. Roll call vote, 2 for (Durastanti & Fite), 2 against (Jones & Lunn), motion fails.

**G. Ordinance No. 2021-05**

AN ORDINANCE OF THE CITY COMMISSION OF BOWLING GREEN, FLORIDA, PROVIDING FOR REGULATION OF SPECIAL EVENTS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR ADMINISTRATIVE AUTHORITY AND DEFINITIONS; PROVIDING FOR ENTITLEMENT TO A SPECIAL EVENT PERMIT AND GENERAL PROHIBITIONS AND RULES; PROVIDING FOR USES OF CITY PROPERTY AND APPLICATION REVIEW PROCESS; PROVIDING FOR SPECIAL EVENT PERMITS; PROVIDING FOR SUSPENSION, OR TERMINATION OF SPECIAL EVENT PERMITS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

Attorney Buhr read Ordinance 2021-05. He stated that this was a big ordinance but a very important one. Vice-Mayor Fite stated that this was a per event permit and if someone had a venue they would have to get a permit for every event. Chief Scheel responded if it is over 50 people. Attorney Buhr commented that even if they pass this ordinance they will have to tweak it a few times to get it to how they want it. Chief Scheel mentioned that if there is a civil penalty then there should be a class violation. Vice-Mayor Fite commented that under Section 6(C) under APPLICATIONS, Item #3 should include the property

owner's name and contact. He also mentioned that the Fire Inspector should be included in the list of officials. Commissioner Jones asked if they would have to come get the noise waiver. Chief Scheel responded that the only time they would have to come before the City Commission is if their application is denied. Vice-Mayor Fite stated that this was addressed a few months back and they gave the City Manager the authority to sign the applications without having to come before the City Commission. Commissioner Jones asked if it was solely reviewed by the City Manager. Chief Scheel responded that it was reviewed by both the City Manager and the Police Chief. Vice-Mayor Fite asked if they would pay the officer through the City or if they would pay him directly. Chief Scheel responded that they would come up with a form on the PD side and they would pay the officer directly. He stated that not every event will require an officer. He said that if alcohol was involved then an officer will be required. Vice-Mayor Fite asked if the going rate for an officer was \$50/hour. Chief Scheel commented that it was \$40. Attorney Buhr stated that he will start making the changes. He also mentioned that the Code Officials should know if a Fire Inspection is required and they can make that call. Chiquita Robinson of 4921 Epps Avenue asked if this would pertain to the Recreation Committee as well. Chief Scheel responded that this does not pertain to City events. Commissioner Jones commented that people have no respect for the City of Bowling Green and feel that they can do whatever and that the City needs to do what it needs to do to change it. This will be brought back next month.

#### **H. Avion Palms Rate Discussion**

Mr. Day stated that he sent out an e-mail about this. He stated that he has managed high end mobile home communities down in Ft. Myers and they pay a monthly base rate for services. He stated that when he started looking at Avion Palms their rates are historically based on five months a year. He stated that it is not the case now that he rode every street and he came up with 59 homes that appeared to be lived in. He stated that he spoke to the people in the community and they told him there were only 37 occupied and that they would be there through the summer. He stated that the City is providing water, sewer, and trash to these units and regular home owners are paying a minimum of \$95.75 a month while Avion Palms is paying around \$38 a month. He stated that there are fixed costs and they really need to be fitted in to the base rate that the City is charging. He wants to get the City Commission's opinion on this matter. Attorney Buhr commented that the City has to recover their minimum costs. He stated that there are still operators that need to get paid, insurance, payments on loans, and many other things considered fixed costs. He stated that most people charge the full base facility charge because that is your fixed cost. There are certain circumstances where the Public Service Commission approved a vacation rate which may be less than the base charge but either way should not be less than your fixed costs because your costs don't go away. Mr. Day commented that he is not just looking at Avion Palms but is also looking at Pioneer Creek and Grace Mobile Home Park although those are different situations. He mentioned that Avion Palms is a cooperative as Pioneer Creek only has one owner and some units are not mobile homes/park units. Mr. Day also mentioned that some places put the garbage bill on your taxes. There was discussion on availability charges for all residents. Vice-Mayor Fite asked if we have received the last rate study from Florida Rural Water. Mr. Day responded that we have not.

## **I. Chunk Your Junk Day**

Vice-Mayor Fite mentioned that this is our annual event. City Clerk Silva stated that Chunk Your Junk is the second Wednesday of July each year. She has prepared the flyer with the limit per address. This will be placed in the newspaper.

### **5. Mayor Gardner**

Not Present.

### **6. Recreation Committee**

Chiquita Robinson, Chair of the Recreation Committee, stated that they fed 388 families during Feeding Tampa Bay. They will be back on June 26<sup>th</sup> at First Baptist. She stated that they cancelled their monthly events for June and July. She stated that they were talking about having a City-wide Yardsale with the permit fee waived on July 10<sup>th</sup>. Commissioner Jones asked if the monthly events were on the same day as Heartland Events. Mrs. Robinson responded that it is. He asked if they have considered moving it. Mrs. Robinson responded that they haven't really talked about it since May about changing the time. She stated that she was going to get with all the businesses about decorating red, white, and blue for the 4<sup>th</sup> of July. City Clerk Silva asked for Commission approval to waive yard sale permit fees for July 10<sup>th</sup>. Vice-Mayor Fite made a motion to waive the fees for Saturday, July 10<sup>th</sup> which was seconded by Commissioner Lunn. All in favor, motion carried. Mrs. Robinson stated that it will be until noon.

### **7. Commissioners**

Commissioner Jones commented that he met with Lumen about the fiber optics along with Mr. Day and City Clerk Silva. He mentioned that it would cost between \$500,000 and \$1 million to run fiber optics to every home in this City. The difference in price depends on driveways. He also mentioned that the signs for all three parks with Drug-Free Hardee are under construction. There will be one English and Spanish sign for each park. Commissioner Durastanti commented that he is thankful for the rain. Vice-Mayor Fite stated that Peace Ranch RV Park asked if the City Commission would draft a letter of support or resolution for their project. Commissioner Jones commented that the individual that brought it forward never got a second for his project. Vice-Mayor Fite asked Attorney Buhr to draft a letter of support or proclamation for them. Mr. Day asked if the Commission even knew enough about the site. Commissioner Jones commented that we need all the information before the City drafts a letter supporting something that is going to later have the City in a bad situation. Vice-Mayor Fite responded that if they don't support the project it may be too late. Commissioner Jones stated that what he is asking for is doing business backwards. Vice-Mayor Fite commented that they have agreed to do it. Commissioner Jones asked what it was that they agreed to. Vice-Mayor Fite responded that they agreed to enter in to an agreement providing utility services pending rates. Commissioner Jones responded that then they would need those rates. Attorney Buhr went over the difference between supporting in form of a letter and proclamation. He asked Vice-Mayor Fite why they would need this. Vice-Mayor Fite responded that because nobody from Bowling Green showed up to speak in favor of or in support of it. Commissioner Jones stated that it went before the County Commissioners and one Commissioner made a motion and he didn't get a second. Commissioner Jones stated that the City didn't move because they need all the information to see if it is in the best interest of the City. Commissioner Lunn commented that he liked the paving and he will likely not make the next meeting as he will be out of town.

**8. City Attorney**

Attorney Buhr stated that legislature has passed a bill that hasn't been signed by the Governor yet that basically says that you can't take anonymous complaints for Code Enforcement anymore.

**9. City Manager**

Mr. Day stated that he will be out tomorrow. He mentioned that the vaccine mobile will be here on Friday from 10am – 6pm. The SCOP paving is just about done. He stated that they will be putting in the plastic markings by Monday. He stated that the end of Jones Street has to be rebuilt and does belong to the City but was not a part of the project. Vice-Mayor Fite stated that the City needs to keep the millings. Attorney Buhr stated that the millings will pollute ground water if not stored correctly because it will leach oils. Mr. Day stated that he convinced FDOT to make an engineering change. He mentioned that the reclaimed water project is nearing completion. He mentioned that Chief Scheel got a justice grant for laptops. He talked about the EDA and how the City needed \$750,000 for the water line project. He stated that they decided to keep the \$500,000 in the account to use in the next two years. He stated that the Pyatt Park playground equipment was picked out by City Clerk Silva along with the colors. He stated that they have put the order in for the engineered mulch. Commissioner Jones asked why the door at the plant is being left open. He stated that it has been going on. Mr. Day asked Commissioner Jones to call him next time it happens. Vice-Mayor Fite stated that it should be secure. Mr. Day stated that he tried to find another insurance company for the depot. He stated that two different companies did not want to insure the building. He asked them to start thinking of other alternatives for that site, such as getting an appraisal and getting it on the market since it is just sitting there and needs a lot of work. Attorney Buhr asked if a FRDAP grant was used to improve it. He said the City would have to check the grant. Mr. Day mentioned that annexation and stated that Attorney Buhr asked him to reach out to the Central Florida Regional Planning Council. He also stated that Roger Homann mentioned other grants that will be coming available. He stated that Phase II for public reuse could be 100% funded.

**10. Police Chief**

Chief Scheel stated that he will be on vacation next week.

**11. City Clerk**

City Clerk Silva commented that she was glad to be back to work.

**12. Public**

Jean Kelly stated that she appreciates the City putting the flags out. She stated that when they were ordered they received a contribution for 50 flags with poles. She stated that they ordered 3x5 flags and some are getting old and need to be replaced. She said some places have brackets on the street light poles to support the flags.

**Vice-Mayor Fite adjourned the meeting.**

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Duane Gardner, Mayor

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Maria Carmen Silva, City Clerk



**CITY OF BOWLING GREEN  
SMALL SCALE FUTURE LAND USE MAP AMENDMENT  
AND REZONING  
OVERVIEW REPORT  
MAY 11, 2021**

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**TO:** CITY OF BOWLING GREEN CITY COMMISSION

**FROM:** CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

**SUBJECT:** **Ordinance No. 2021-01- Small Scale Future Land Use Map Amendment:** City-initiate Future Land Use Map Amendment to change the Future Land Use from Low Density Residential to Medium Density Residential on approximately 2.05 acres located at the 4805 Church Avenue and on West Central Street (parcel numbers 04-33-25-0010-00004-0001 and 04-33-25-0010-00004-001C). This is a Small Scale Future Land Use Map Amendment with a site specific text amendment limiting the density of the property to nine (9) dwelling units per acre.

AND

**Ordinance No. 2021-02 - Rezoning:** City-initiated rezoning of approximately 2.05 acres located at 4805 Church Avenue and on West Central Street from R-2 (Single and Two Family Residential) to Planned Unit Development (parcel numbers 04-33-25-0010-00004-0001 and 04-33-25-0010-00004-001C).

*The proposed amendments provide for consistency with development on the parcels.*

**AGENDA AND HEARING DATES:**

- City Commission (First Reading): February 9, 2021
- City Commission (First Reading): May 11, 2021
- **City Commission (Second Reading): July 19, 2021**

**CITY COMMISSION ACTIONS:**

- On February 9, 2021, at first reading, the City Commission asked staff to provide a site specific condition in the Comprehensive Plan Future Land Use Element to limit the density on the subject site to no more than 9 dwelling units per acre. At this meeting, the City Commission also directed staff to provide a rezoning to Planned Unit Development (allowing for development conditions) rather than a rezoning to R-3.

**ATTACHMENTS:**

- Overview Report
- Existing Future Land Use Map
- Existing Zoning Map
- Ordinance No. 2021-01 (Future Land Use Map Amendment)
- Ordinance 2021-02 (Rezoning)
- Aerial Photo Map
- Proposed Future Land Use Map
- Proposed Zoning Map

## OVERVIEW REPORT

### PROJECT DESCRIPTION/REQUEST:

#### Project Location and Request:

The property is located at 4805 Church. This is a City-initiated Future Land Use Map Amendment from Low Density Residential to Medium Density Residential with site specific text amendment to allow a maximum of nine (9) dwelling units per acre and Rezoning from R-2 (Single and Two Family Residential) to Planned Unit Development (parcel numbers 04-33-25-0010-00004-0001 and 04-33-25-0010-00004-001C).

FUTURE LAND USE MAP AMENDMENT & REZONING	
Applicant	City of Bowling Green
Property Owner	NMB Investors LLC
Property Size	Approximately 2.05 acres
Previous Hearing Dates	2017 - Rezoning
Parcel ID	04-33-25-0010-00004-0001 and 04-33-25-0010-00004-001C
Future Land Use	Existing: Low Density Residential Proposed: Medium Density Residential (9 du/ac)
Zoning	Existing: R-2 (Single and Two Family Residential) Proposed: Planned Unit Development (PUD)

### SITE ANALYSIS:

#### Description of Property:

The parcels totaling approximately 2.05 acres are partially developed with Single Family Attached housing. The proposed amendments will recognize this development as well as the final phase of the development.

#### Future Land Use:

The property has a Future Land Use designation of Low Density Residential. This request is to change the Future Land Use (FLU) on the approximately 2.05-acre parcels to Medium Density Residential with a site-specific policy limiting the maximum density to nine (9) dwelling units per acre. A description of each Future Land Use designation, consistent with the City of Bowling Green Comprehensive Plan is provided below.

#### **Current FLU**

Policy 1.2(a): The **Low Density Residential** designation shall meet Bowling Green's housing demands for this range of density, promote efficient use of infrastructure, and protect existing single family neighborhoods. Single and two family housing units are permissible to a maximum density of 6 units per gross acre. Compatible public land uses are permissible to a maximum intensity of 0.5 FAR.

#### **Proposed FLU (underlined text is proposed text)**

Policy 1.2(b): The **Medium Density Residential** designation shall meet Bowling Green's housing demand for this range of density and promote efficient use of existing infrastructure.



Maximum density for Medium Density Residential is 12 units per gross acre. Compatible public land uses are permissible to a maximum intensity of 0.5 FAR.

i. Parcel Specific Limitations.

- i. Properties located at 4805 Church Avenue and West Central Street consisting of the following parcel ID numbers from the Hardee County Property Appraiser: 04-33-25-0010-00004-0001; and 04-33-25-0010-00004-001C

The approximately 2.05 acre site designated as Medium Density Residential shall be limited to a maximum density of nine (9) dwelling units per acre.

**Zoning:**

The property is zoned R-2 (Single Family Residential). This request is to rezone approximately 2.05 acre of the parent to Planned Unit Development. Proposed Conditions of Approval are provided.

**Surrounding Uses:**

The following table indicates the Existing Future Land Use, Zoning, and Existing Use for the property surrounding the site.

<p><u>Northwest:</u> FLU: Low Density Residential ZONING: R-2 (Single and Two Family Residential) EXISTING USE: Vacant</p>	<p><u>North:</u> FLU: Low Density Residential; ZONING: R-1 (Single Family Residential) EXISTING USE: Residential</p>	<p><u>Northeast:</u> FLU: Low Density Residential ZONING: R-1 (Single Family Residential) EXISTING USE: Residential</p>
<p><u>West:</u> FLU: Low Density Residential ZONING: R-2 (Single and Two Family Residential) EXISTING USE: Vacant</p>	<p><u>Subject Parcels</u> FLU: Low Density Residential ZONING: R-1 (Single Family Residential) PROPOSED ZONING: R-2 (Single and Two Family Residential) EXISTING USE: Residential</p>	<p><u>East:</u> FLU: Low Density Residential ZONING: R-1 (Single Family Residential) EXISTING USE: Residential</p>
<p><u>Southwest:</u> FLU: Low Density Residential ZONING: R-1 (Single Family Residential); R-2 (Single and Two Family Residential) EXISTING USE: Vacant</p>	<p><u>South:</u> FLU: Medium Density Residential; Commercial Mixed Use ZONING: R-1 (Single Family Residential) EXISTING USE: Residential</p>	<p><u>Southeast:</u> FLU: Medium Density Residential ZONING: R-1 (Single Family Residential) EXISTING USE: Residential</p>

## **PUBLIC FACILITIES AND SERVICES ANALYSIS:**

The proposed Medium Density Residential Future Land Use and PUD zoning do not demonstrate any negative impacts on the City's public facilities and services.

### **Proposed PUD Conditions of Approval**

- 1) The private road shall be a minimum of 24' wide and paved to City standards. The private road shall be constructed within a minimum of 50' of right of way. The road shall be installed and maintained by the developer.
- 2) The minimum lot size shall be 7,500 square feet for each duplex building.
- 3) No more than eight (8) duplex buildings may be constructed.
- 4) The building setbacks are as follows:
  - a. Front Yard: 25'
  - b. Side Yard: 10'
  - c. Rear Yard: 20'
- 5) A six-foot-high opaque fence shall be installed on the western property line.
- 6) All stormwater improvements must be approved by the South Florida Water Management District.
- 7) The property must connect to City central water and wastewater.
- 8) The hammer head turnaround must be constructed consistent with engineering standards and must be approved by the City engineer and the County Fire Department.

**CITY COMMISSION MOTIONS:**

**ORDINANCE 2021-01: FLU Amendment**

1. I move the City Council approve Ordinance 2021-01 on first reading.
2. I move the City Council approve with changes Ordinance 2021-01 on first reading.

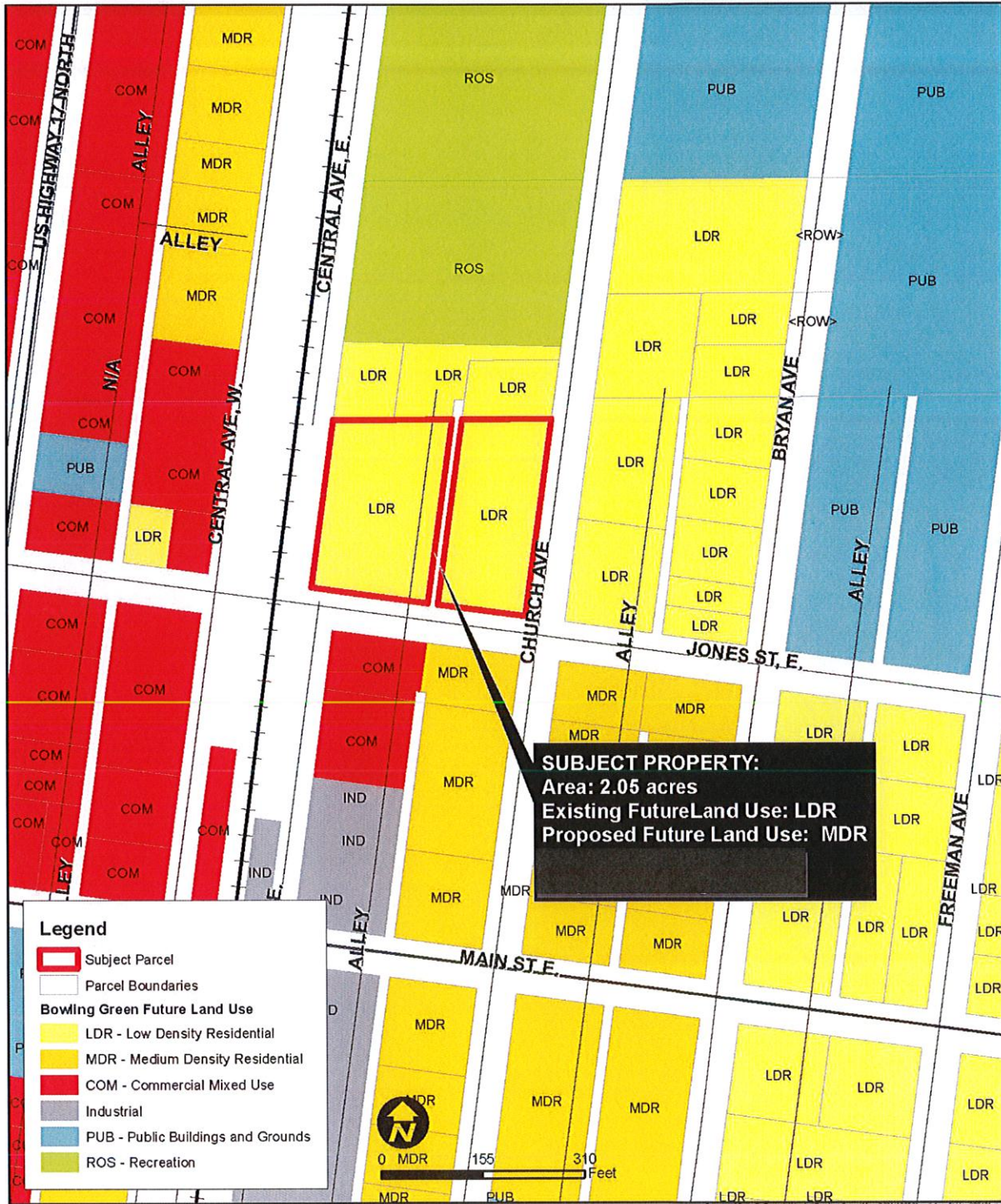
**ORDINANCE 2021-02: Rezoning**

1. I move the City Council approve Ordinance 2021-02 on first reading.
2. I move the City Council approve with changes Ordinance 2021-02 on first reading.

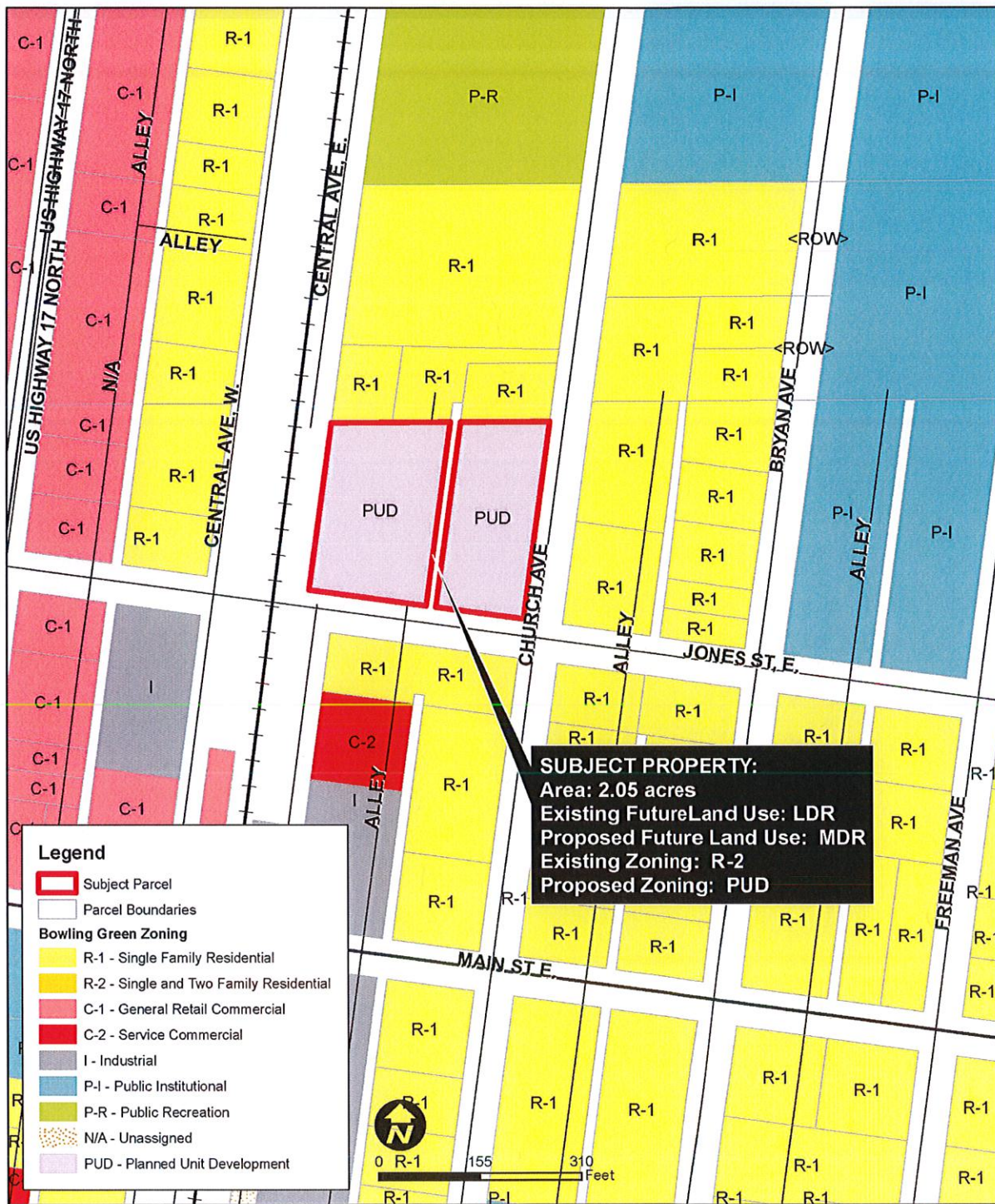
# CITY OF BOWLING GREEN AERIAL MAP



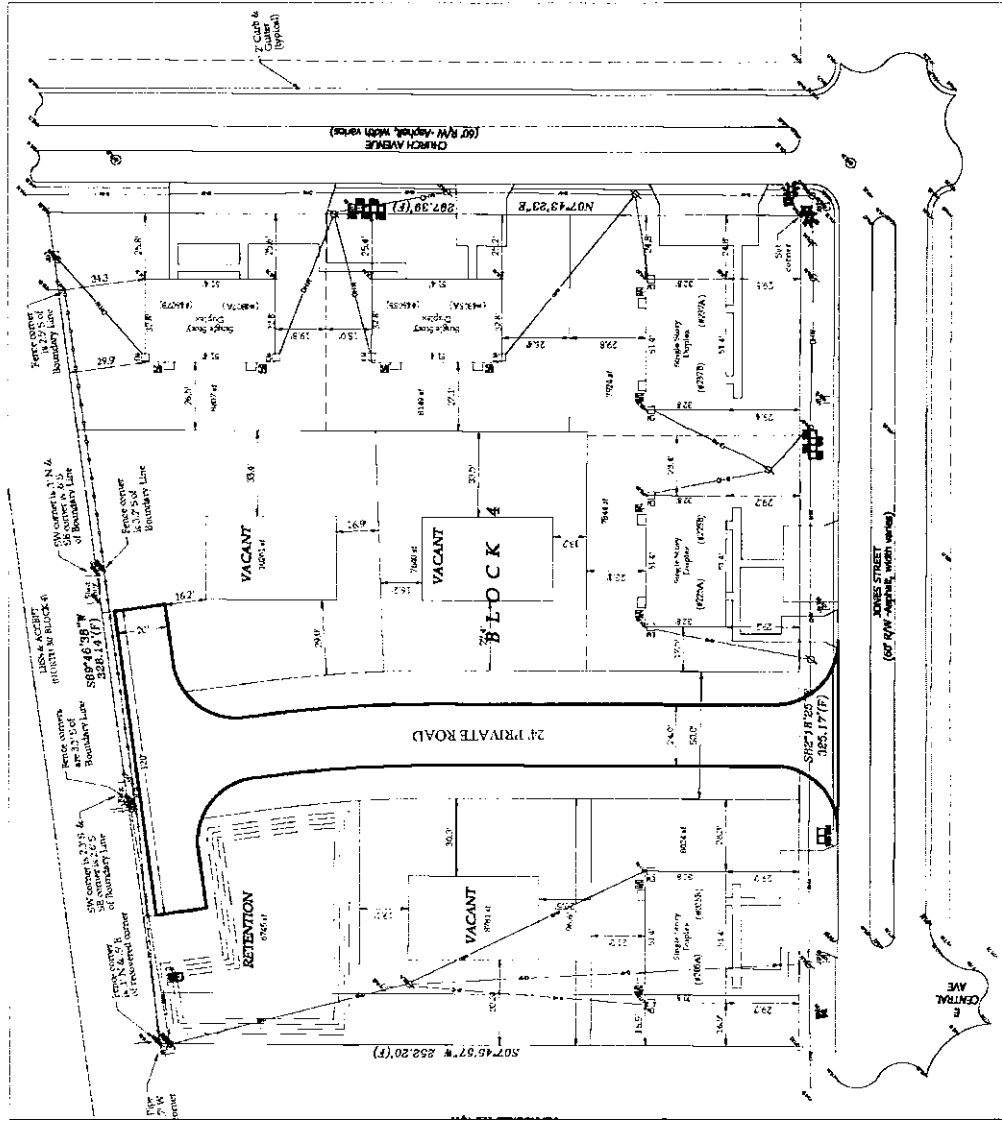
# CITY OF BOWLING GREEN FUTURE LAND USE MAP - EXISTING



# CITY OF BOWLING GREEN ZONING MAP - PROPOSED



# Site Master Plan



**ORDINANCE NO. 2021-01**

**AN ORDINANCE OF THE CITY OF BOWLING GREEN, FLORIDA, AMENDING THE CITY OF BOWLING GREEN COMPREHENSIVE PLAN FUTURE LAND USE MAP, SPECIFICALLY AMENDING APPROXIMATELY 2.05 ACRES LOCATED AT 4805 CHURCH AVENUE (PARCEL NUMBER 04-33-25-0010-00004-0001) AND WEST CENTRAL AVENUE (PARCEL NUMBER 04-33-25-0010-00004-001C), FROM THE FUTURE LAND USE OF LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL; AND AMENDING THE FUTURE LAND USE ELEMENT POLICY 1.2.b. TO INCLUDE A SITE SPECIFIC POLICY LIMITING THE DENSITY OF THE PARCELS TO A MAXIMUM OF NINE (9) DWELLING UNITS PER ACRE; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 163, Part II, *Florida Statutes*, establishes the Community Planning Act (“Act”), which empowers and mandates the City of Bowling Green, Florida (“City”), to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; and

**WHEREAS**, pursuant to the Act, the City has adopted a comprehensive plan (“Comprehensive Plan”); and

**WHEREAS**, the Act authorizes a local government desiring to revise its comprehensive plan to prepare and adopt comprehensive plan amendments; and

**WHEREAS**, the City has prepared an amendment to the Future Land Use Map of the Comprehensive Plan to change certain property within the City with a Future Land Use classification of “Low Density Residential” to “Medium Density Residential;” and

**WHEREAS**, the City has prepared an amendment to the Bowling Green Comprehensive Plan Future Land Use Element to amend Policy 1.2b. to limit the maximum potential density of this site to nine (9) dwelling units per acre; and

**WHEREAS**, pursuant to Section 163.3187, Florida Statutes, the City Commission held a meeting and hearing on this Future Land Use Map and Text Amendment (Ordinance 2021-01), with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and

**WHEREAS**, in exercise of its authority, the City Commission has determined it necessary to adopt the proposed amendment to the Future Land Use Map and Text contained herein and as shown as Exhibit “A” and Exhibit “B” to encourage the most appropriate use of land, water and resources consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City; and to ensure that the Comprehensive Plan is in full compliance with State law; and



**WHEREAS**, the City Commission finds that the proposed amendment to the Future Land Use Map and Future Land Use Element contained herein furthers the purposes of, and is consistent with, the City's Comprehensive Plan, and is consistent with and compliant with State law, including, but not limited to, Chapter 163, Part II, *Florida Statutes*.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOWLING GREEN, FLORIDA, THAT:**

**Section 1.** The Future Land Use Map of the City's Comprehensive Plan is hereby amended to include the map amendment set forth in Exhibit "A," attached hereto and incorporated herein by reference, which applies the "Medium Density Residential" Future Land Use designation to the property as designated on such Exhibit.

**Section 2.** The Policy 1.2.b. of Future Land Use Element of the City's Comprehensive Plan is hereby amended to include a site specific policy limiting the maximum potential density to nine (9) dwelling units per acre set forth in Exhibit "B," attached hereto and incorporated herein by reference.

**Section 3.** 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.** All existing ordinances or parts of existing ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.** An official, true, and correct copy of this Ordinance and the City's Comprehensive Plan, as adopted and amended from time to time, shall be maintained by the City Clerk. The City Clerk shall make copies available to the public for a reasonable publication charge.

**Section 6.** A copy shall be provided to the Florida Department of Economic Opportunity (hereinafter the "DEO"), as required by Section 163.3187, Florida Statutes.

**Section 7.** This small scale amendment shall not become effective until thirty-one (31) days after adoption. If challenged within thirty (30) days after adoption, the amendment shall not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining the adopted amendment is in compliance.

**INTRODUCED AND PASSED** on First Reading the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED AND DULY ADOPTED** on Second Reading with a quorum present and voting by the City Commission of the City of Bowling Green, Florida meeting in Regular Session this day of \_\_\_\_\_, 2021.

**CITY OF BOWLING GREEN**

\_\_\_\_\_  
Duane Gardner, Mayor

**ATTEST:**

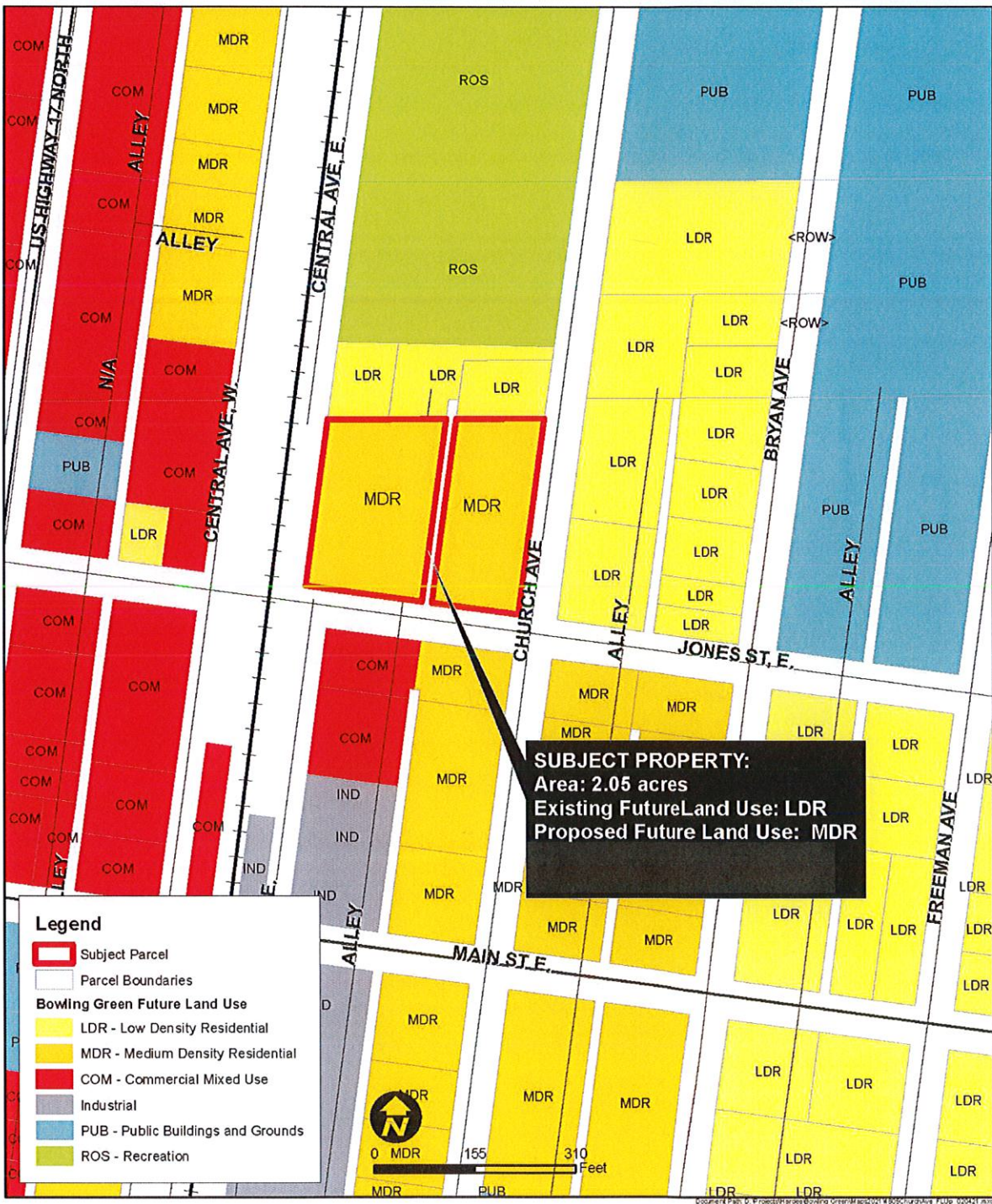
\_\_\_\_\_  
Maria Carmen Silva, City Clerk

**Approved as to Form:**

\_\_\_\_\_  
Gerald Buhr, City Attorney

**ORDINANCE NO. 2021-01  
EXHIBIT "A"**

**CITY OF BOWLING GREEN  
FUTURE LAND USE MAP - PROPOSED**



**ORDINANCE NO. 2021-01**  
**EXHIBIT "B"**

**Proposed Comprehensive Plan Future Land Use Element Site-Specific Amendment**

**Underlined text is proposed text.**

Policy 1.2(b): The **Medium Density Residential** designation shall meet Bowling Green's housing demand for this range of density and promote efficient use of existing infrastructure. Maximum density for Medium Density Residential is 12 units per gross acre. Compatible public land uses are permissible to a maximum intensity of 0.5 FAR.

i. Parcel Specific Limitations.

- i. Properties located at 4805 Church Avenue and West Central Street consisting of the following parcel ID numbers from the Hardee County Property Appraiser:  
04-33-25-0010-00004-0001; and  
04-33-25-0010-00004-001C

The approximately 2.05 acre site designated as Medium Density Residential shall be limited to a maximum density of nine (9) dwelling units per acre.

**ORDINANCE NO. 2021-02**

**AN ORDINANCE OF THE CITY OF BOWLING GREEN, FLORIDA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOWLING GREEN FOR APPROXIMATELY 2.05 ACRES FROM R-2 (SINGLE AND TWO FAMILY RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT LOCATED AT 4805 CHURCH AVENUE (PARCEL NUMBER 04-33-25-0010-00004-0001) AND WEST CENTRAL AVENUE (PARCEL NUMBER 04-33-25-0010-00004-001C); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, there has been an applicant-initiated request to amend zoning for the property described below; and

**WHEREAS**, the requested zoning is consistent with the Future Land Use Element of the Bowling Green Comprehensive Plan; and

**WHEREAS**, the City Commission of the City of Bowling Green held meetings and hearings regarding the parcels show on Exhibit "A", the conditions of approval on Exhibit "B", and the binding master plan on Exhibit "C" 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 Commission of the City of Bowling Green has determined it necessary to amend the Official Zoning Map to change the City zoning classification assigned to this property.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOWLING GREEN, FLORIDA (HEREINAFTER REFERRED TO AS THE "CITY"), AS FOLLOWS:**

1. The parcels are described as located at 4805 Church Avenue and West Central Street (Parcel Numbers 04-33-25-0010-00004-0001 and 04-33-25-0100-00004-0010) as shown in Exhibit "A" attached hereto.
2. The parcel is described as located at 4805 Church Avenue and West Central Street (Parcel Numbers 04-33-25-0010-00004-0001 and 04-33-25-0100-00004-0010) as shown in Exhibit "A" attached hereto.
3. The parcels, as platted and described above, constitute less than five percent (5%) of the municipally-zoned area of the City; and
4. That any section, paragraph, or portion which may be deemed illegal or unconstitutional shall not affect any other section of this ordinance.
5. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

6. An official, true, and correct copy of this Ordinance and the City's Land Development Code, as adopted and amended from time to time, shall be maintained by the City Clerk. The City Clerk shall make copies available to the public for a reasonable publication charge.

**INTRODUCED AND PASSED** on First Reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED AND DULY ADOPTED**, on Second Reading with a quorum present and voting, by the City Commission of Bowling Green, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF BOWLING GREEN**

\_\_\_\_\_  
Duane Gardner, Mayor

**Attest:**

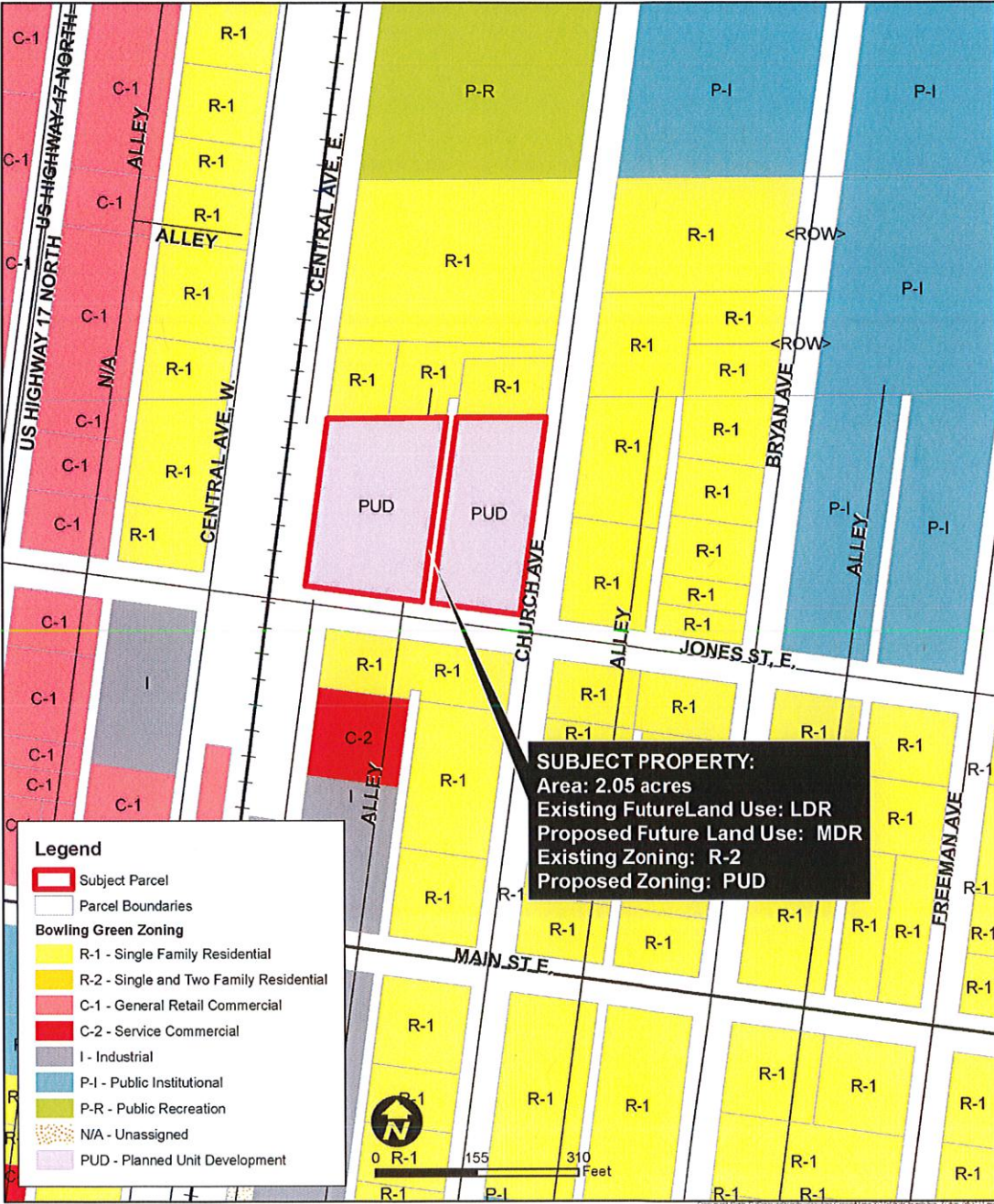
\_\_\_\_\_  
Maria Carmen Silva, City Clerk

**Approved as to Form:**

\_\_\_\_\_  
Gerald Buhr, City Attorney

**ORDINANCE NO. 2021-02  
EXHIBIT "A"**

**CITY OF BOWLING GREEN  
ZONING MAP - PROPOSED**



**ORDINANCE NO. 2021-02**  
**EXHIBIT "B"**

Conditions of Approval

- 1) The private road shall be a minimum of 24' wide and paved to City standards. The private road shall be constructed within a minimum of 50' of right of way. The road shall be installed and maintained by the developer.
  
- 2) The minimum lot size shall be 7,500 square feet for each duplex building.
  
- 3) No more than eight (8) duplex buildings may be constructed.
  
- 4) The building setbacks are as follows:
  - a. Front Yard: 25'
  - b. Side Yard: 10'
  - c. Rear Yard: 20'
  
- 5) A six-foot-high opaque fence shall be installed on the western property line.
  
- 6) All stormwater improvements must be approved by the South Florida Water Management District.
  
- 7) The property must connect to City central water and wastewater.
  
- 8) The hammer head turnaround must be constructed consistent with engineering standards and must be approved by the City engineer and the County Fire Department.





**ORDINANCE NO. 2021-05**

AN ORDINANCE OF THE CITY COMMISSION OF BOWLING GREEN, FLORIDA, PROVIDING FOR REGULATION OF SPECIAL EVENTS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR ADMINISTRATIVE AUTHORITY AND DEFINITIONS; PROVIDING FOR ENTITLEMENT TO A SPECIAL EVENT PERMIT AND GENERAL PROHIBITIONS AND RULES; PROVIDING FOR USES OF CITY PROPERTY AND APPLICATION REVIEW PROCESS; PROVIDING FOR SPECIAL EVENT PERMITS; PROVIDING FOR SUSPENSION, OR TERMINATION OF SPECIAL EVENT PERMITS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

**RECITALS OF PURPOSE AND INTENT**

A. The Commission finds that gatherings of the public on private property or City property, including parks and the rights of way, whether such gatherings are large or small, may cause adverse public health, safety and welfare conditions requiring municipal regulation to insure departmental services are available to provide adequate sanitation and sewage disposal facilities, police services, fire rescue personnel and equipment, parking, traffic control and crowd control, and other regulations in the interest of public safety and public health of the public as a whole, and such challenges are related to the relative size of that special event.

B. It is the intent of the Commission that this Ordinance be enacted to protect and promote the health, welfare, and safety of the citizens of and visitors to the City of Bowling Green, while balancing such concerns with the rights of the public to assemble, conduct fairs and festivals, and otherwise engage in expressive activities. Therefore, it is the further intent of the Council that this Ordinance be construed liberally in favor of protecting and promoting the health, welfare, and safety of the citizens of and visitors to the City of Bowling Green and protecting expressive activity.

C. The purpose of this Ordinance is to establish the framework by which special events held on private or public property in the city are approved and regulated.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOWLING GREEN, FLORIDA AS FOLLOWS:**

## **SECTION 1. Administrative authority.**

The provisions of this Ordinance shall be administered, interpreted, and enforced respectively through the police department and code enforcement of the City of Bowling Green.

## **SECTION 2. Definitions.**

For the purpose of this Ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Applicant* shall mean the permitted event organizer, or the person or party representing the event organizer and responsible for managing the special event on behalf of the event organizer.

*Application* shall mean a written request on forms supplied by the City Clerk's Office.

*Application fee* shall mean the nonrefundable fee paid in connection with an application made pursuant to this Ordinance. Fees may be established or modified by resolution of the city commission.

*Block party* shall mean an outside private event in a front yard or abutting a street, road or highway, involving a gathering of friends and neighbors in a number exceeding twenty (20) participants, in a residential area which requires the closing of a local street for the purpose of having a party or other social, recreational, or any other type of assemblage, or requires MOT other city services.

*City Manager* shall mean the chief executive officer of the City of Bowling Green, Florida, who is appointed by the city commission.

City property shall mean any streets, city owned real property developed or otherwise, and any city parks, the cemetery, or the city "Depot".

*City services* shall mean services provided by city departments or outside officers and consultants as requested by applicant or required by special event size or failure of applicant to comply with the permit or properly maintain the special event.

*Dangerous activities or instrumentalities* means: the activity or instrumentality: (1) is not of common usage, and (2) creates a foreseeable and significant risk of physical harm even when reasonable care is exercised by all actors, and may include, but is not limited to amusement rides, circus acts, daredevil activities, games that include firing dangerous projectiles).

*Extra personnel hours* shall mean the total number of all hours worked by all city employees in the city departments in connection with the production of the special event in question.

*Large events* shall mean events where the number of anticipated participants exceeds fifty (50), or alcohol is anticipated to be present, or dangerous activities or instrumentalities are planned.

*Maintenance of Traffic ("MOT")* shall mean the planning, development, design, implementation, operation, enforcement, or lawful and appropriate temporary traffic control on city streets, county roads and state highway SR 17. Applicants with impacts on streets, roads or SR 17 are responsible for hiring city police officers for establishment and maintenance of MOT.

*Parade* shall mean a special event with a coordinated movement of eight (8) or more pedestrians or vehicles upon the streets within the city with an intent of attracting public attention that interferes with the flow of regulation of traffic upon a public street.

*Political demonstration* shall mean a public gathering, procession or parade, the primary purpose of which is the exercise of rights of assembly and free speech guaranteed by the First Amendment to the Constitution of the United States.

*Special event* shall mean concerts, festivals, races, walks, parades, circuses, carnivals, shows, exhibitions, block parties, public amusement events by an organization, and or other events, whether operated totally outdoors, on stage, under tents or with the use of temporary buildings or structures, upon any part of public lands or public roads, or upon private lands in the city when members of the public are invited as participants or spectators and which may include entertainment, dancing, music, presentations, art exhibitions or the sale of merchandise, food or alcoholic beverages or any combination of the foregoing, an which may require for its successful execution and coordination of municipal services to be determined by city manager or his/her designee.

*Weapon* shall mean, notwithstanding any other provision of this Code, air rifle, air pistol, paintball gun, paintball rifle, explosive blasting cap(s), knife, hatchet, axe, slingshot, blackjack, metal knuckles, mace, iron buckle, ax handle, chains, crowbar, hammer, shovel or any club or bludgeon or any other instrumentality used or intended for the use as a dangerous weapon to cause harm to a person on public or private property. This definition specifically excludes firearms and ammunition as defined by section 790.001 Florida Statutes, and as preempted by section 790.33, Florida Statutes.

**SECTION 3. Entitlement to a special event permit.**

(a) The city manager or his/her designee shall be charged with the responsibility of determining whether or not a particular applicant shall be entitled to a special event permit pursuant to this Ordinance. In determining whether to grant or deny a particular application, the city manager shall consider the effect the proposed special event will have on the city's resources and or public health and safety. The city manager shall consider the frequency with which such events are held and the convenience of the public in relation thereto. In addition, the city manager shall not issue any special events permit until the following city departments have approved the application; city manager or his/her designee, city clerk or his/her designee, police chief or his/her designee, and shall not deny an application that could potentially be considered a political demonstration without review of the city attorney. In making the decision whether to grant or deny a special event permit, the city manager shall also take the following matters into consideration:

(1) Whether the applicant for the special event permit is capable or incapable of executing planned special event in a safe and lawful manner.

(2) Whether any inconvenience which may be suffered by the general public is outweighed by the potential benefit to the community as a whole.

(3) Whether budgetary considerations at the time of the application create such a heavy burden upon the cities financial resources that it would not be practical to hold the proposed special event at the time requested.

(4) Whether the holding of the special event as planned would create an undue burden upon the staffing.

(5) Whether the public safety would be compromised.

(6) The timing of the event.

(7) Whether the applicant producing the special event is profit making or for charitable or non-profit purposes.

(8) The historical experience, if any, that the city has had with the special event, its sponsoring agent(s), affiliated person(s) or those associated with the current of any former special event in the city. The city manager shall not issue a special event permit when the police department officials in good faith believe that based upon the information provided by the applicant, historical experience with such organization or its personnel, or its professional opinions will endanger the health, safety, welfare and or lead to destruction of public or private property.

#### **SECTION 4. General Prohibitions and Rules.**

(a) It shall be unlawful for any person or organization to hold a special event using public or, in some circumstances private property, within the limits of the city without complying with the permit requirements and procedures set forth in this Ordinance.

(b) No person shall initiate, sponsor, organize, promote, conduct, or advertise a special event unless a special event permit has been obtained from the city.

(c) Special event operators and participants shall adhere to applicable city codes and will mitigate negative impacts upon resident's, including but not limited hours of operation and noise.

#### **SECTION 5. Use of City Property.** Except for political demonstrations:

(a) All special event uses of City property by private persons and organizations that are not nonprofit organizations that have a 501(c)(3) designation, shall pay for such use.

(b) All special events on city property shall be scheduled through the City Clerk's Office on a date that does not conflict with other uses.

#### **SECTION 6. Application review process.**

(a) Any person desiring to hold a special event (the applicant) shall submit an application to the city manager for a non-political special event no later than 30 days prior to the commencement of such event to the director. Applications for political demonstrations shall be made with enough advance notice for the city manager to consider law enforcement and public safety, health, and welfare concerns, but in no event less than five (5) days.

(b) In submitting an application for a special event permit, the applicant does thereby agree to adhere to those restrictions or conditions that shall be identified by the city manager as part of the review, and which shall be incorporated into the permit special conditions.

(c) **Applications.** The application shall include the following minimum information though the city may request further relevant and material facts to assist with the permit determination:

1. Name of the special event and its purpose.
2. Name(s) of all person(s) or organization(s) sponsoring the special event, with their addresses and telephone numbers. Nonprofit corporations with a 501(c)(3) designation shall provide proof of that designation.

3. Name, address and contact information of the property owner, if different than person sponsoring the event.
4. The name(s) and telephone numbers, including emergency number(s), for the responsible person(s) that shall be available at all times that the special event is being conducted and having the responsibility and ability to correct any problems identified by the city or county.
5. The proposed date(s) and time of the event, including separately identified dates and times of setup prior to the event, and cleanup after event.
6. The specific location within the city where the special event is being held.
7. The number of persons estimated to attend such event.
8. Whether street closings are requested, and if so what streets.
9. Whether or not alcoholic beverages are expected to be present. Special insurance and state approvals, if applicable, shall be attached to the application and permit.
10. Whether entertainment will be involved, giving details as to the nature. If any form of amplified sound is to be used, such use shall require special commission approval if it will violate the city noise code.
11. Whether the applicant proposes, either in whole or part to hire off duty police personnel to assist with security, traffic, or life safety matters.
12. If any tent or other structure (i.e. stages, bounce houses, slides, etc.) is to be utilized, design drawing thereof shall be attached to the application and permit, along with the county building official's approval.
13. Event insurance shall be procured by for all special events, except that political demonstrations may be excused by the city commission with proof of financial inability. An indemnification clause shall be provided as part of all permit general conditions.

(d) **Application review.** Upon receipt of the completed application from the applicant along with the application fee, the city manager shall forward the application

and its contents to the affected departments of the city for review. The persons designated in each department shall review the application, endorse their comments thereon and return the comment to the city manager within seven (7) days of receipt, or other completion deadline required by the city manager. All comments so forwarded to the city manager shall be retained in the file for such application. If insufficient time has been allowed for such comments, that shall be stated with the comments, but the department shall nonetheless comply with the deadline. After reviewing the comments of each affected department, the city manager shall approve or reject the application for the special event permit.

(e) **Application Review Criteria.** The city manager and departments shall consider the following criteria during review:

1. Entitlement to a special event permit as provided in this Ordinance.
2. The proposed use of the property is consistent with all laws, rules, and regulations, including city ordinances and regulations, and the applicant has obtained all permits required from the City or other applicable government agencies in addition to the special event permit.
3. The event will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its location.
4. The event will not conflict with construction or development in the public right-of-way or at a public facility.
5. The event will not unreasonably interfere with access to police or fire stations, or other public safety facilities.
6. The event will not require the diversion of police or other city employees from their normal duties so as to unreasonably reduce adequate levels of service to any other part of the city.
7. The concentration of persons, animals, or vehicles will not unreasonably interfere with the movement of police, fire, ambulance, and other public safety or emergency vehicles on the streets.
8. The event will not unreasonably interfere with a previously approved or scheduled use of city property.
9. The event will not adversely affect the city's ability to reasonably perform municipal functions or furnish city services, including



services in support of the uses and events described in the preceding paragraph.

10. The event will not have an unmitigable adverse impact upon residential or business access and traffic circulation in the same general venue area.
11. The event will not have a significant adverse environmental impact.
12. The city property proposed to be occupied or used will physically accommodate the number of participants expected to participate, along with normal casual users.
13. The event does not present an unreasonable danger to the health or safety of the applicant, spectators, city employees, members of the public, or to adjacent properties, and will not otherwise create a public nuisance.

(f) **Permits; Conditions.** The city manager shall through consultation and recommendation of staff and/or city attorney, or upon his/her own determination, apply any reasonably necessary restrictions or conditions in accordance with public safety, environmental and administrative considerations involved with the special event, including any reasonable restrictions upon the movement of the public participants which is deemed necessary for the safe and orderly disposition of the special event. If the application is approved, a written permit shall be issued, which permit shall contain general conditions as provided below unless exempted by vote of the city commission, and may contain special conditions provided below, depending on the circumstances. For large events, the applicant may be required to enter into an agreement with the city, and all references to “Permit” in this Ordinance shall apply to such a special event agreement.

1. **General Conditions.** The following are general conditions shall be included in writing in all permits unless a special exception is provided by the city commission due to unusual circumstances:
  - a. **Indemnity.** All permits shall contain substantially the same wording as attachment “A” hereto, which attachment may be amended in part or in whole by resolution of the commission.
  - b. **Insurance.** All permits shall contain the same wording as attachment “B” hereto, which attachment may be amended in part or in whole by resolution of the commission.

- c. **Government licenses and permits.** It is solely the responsibility of the applicant to obtain any other licenses or permits required by governments other than the city to hold the special event in the manner planned. Such additional licenses and permits include, but are not limited to alcohol licenses, building permits, carnival and amusement ride permits, vendor permits, etc). The permits or licenses shall be provided to the city, but the city's failure to request them shall not be a defense to a termination of a permit and closure of a special event by the city.
- d. **City special event ordinance; compliance.** The applicant is notified that the City has a special event ordinance, and you are responsible for knowing the prohibitions and provisions of such ordinance, and ensuring that all organizers, vendors, and participants comply with all city codes and this permit. You are advised to obtain a copy of the ordinance through municode.com which is available through the internet [https://library.municode.com/fl/bowling\\_green/codes/code\\_of\\_ordinances](https://library.municode.com/fl/bowling_green/codes/code_of_ordinances), or from the city clerk for the price or reproduction.
- e. **City property; No vested rights** City property is at all times under the control of the city, and the city retains the authority to enter city property at all times. No property interest or other vested right is conveyed by any permit issued or agreement entered into pursuant to this Ordinance.
- f. **City Services.** No city services are obligated under this permit that have not been described in the special conditions and paid for or deposit placed by applicant. Nevertheless, the applicant may be required to pay for city services required by the city manager due to applicant's failure to comply with this permit or maintain the special event.
- g. **Other Services.** The applicant shall notify the county fire-rescue services of the date and times of the special event and shall implement any recommendations that service has regarding public safety, health, and welfare.
- h. **Permit not transferrable.** The decision as to whether to issue the permit is made, in part, based on the individual(s) or entities requesting the special event, therefore, permits are not transferrable to other persons or entities.

2. **Special Conditions.** The city manager may determine based on the application and local circumstances that special conditions are necessary for any special event. Such special conditions may include but are not limited to payment for special city services required, road closures, other Maintenance of Traffic (“MOT”).

a. **Police services.** The chief of police shall determine whether and to what extent additional police protection is reasonably necessary for the special event, parade or public assembly for traffic control and public safety. The chief of police shall base this decision on size, location, duration, time, date of event, and the presence of alcoholic beverages. If the applicant wishes to proceed at the date or time requested and adequate police services can be provided as an additional expense, the applicant may request that the permit be issued upon agreement by the applicant to pay the cost of the additional police service. The decision of the police chief shall be final as a permit requirement, but appealable as provided in this Ordinance.

b. Non-city sponsored special events will generally be staffed at the existing detail rates including overhead in accordance with agreement a fee resolution of the city, but including recent modifications (i.e. wage and overhead increases) not yet approved by the commission but included in city records.

c. Large events may be required to provide emergency vehicles during all hours of operation.

d. **Deposit for city services.** The deposit for damages, post-event cleanup, or other city services requested or required for this special event shall be \$X,XXX.00.

(g) **Denial of permit application.** The following include but are not limited to the bases by which a permit application may be denied by the city manager.

1. The application contains incomplete, false, or misleading information.
2. The applicant is legally incompetent to contract or to sue and be sued.
3. The applicant has on prior occasions damaged city property or any city facility and has not paid in full for such damage.
4. The applicant has any other outstanding past due debts to the city.

5. The applicant fails or refuses to comply with all requirements of this Ordinance, including requirements to remit all fees and deposits and, where applicable, to provide insurance.
6. During the four years prior to application, the applicant has had a special event permit revoked due to non-compliance with the requirements of this Ordinance, or due to a willful false or misleading statement in an application.
7. During the five (5) years prior to application, the applicant was a party to an agreement with the city authorizing use or management of city property or city facilities, and the city terminated the agreement due to the applicant's default.
8. Any of the Application Review Criteria are discovered to be untrue or become untrue prior to permit issuance.
9. Other reasons for denial considered in the city managers good judgment.

(h) **Appeals of permit denial.**

1. Any applicant denied a special event permit to conduct a special event shall be notified in writing, hand delivered or delivered by certified mail, no later than fifteen (15) days prior to the proposed date of the event, and the notice shall contain the procedures and deadline for filing an appeal. Refusal to accept delivery of certified mail shall be deemed acceptance.
  - a. The *deadline for filing an appeal shall be fifteen (15) days* from the date of delivery of the
2. Any aggrieved applicant filing a timely appeal shall be granted a hearing before the city commission at the next regularly scheduled city commission meeting. Under unusual circumstances where the timing of the next regular meeting of the commission will not provide a meaningful appeal process, political demonstrations may be granted a special meeting of the commission to consider an appeal.
3. Appeal shall be held as a quasi-judicial item, unless clearly waived, with sworn testimony and evidence from city manager, applicant and approved intervenors allowed. The hearing shall be conducted in accordance with the city's *Rules for Quasi-Judicial Hearings*. The City shall have an attorney present, and attorneys representing the applicant, or any approved intervenor shall be required to file a notice of appearance at least ten (10) days prior to

the hearing. The *Rules for Quasi-Judicial Hearings* shall be provided by the City to the applicant and intervenor(s).

4. **Standards for Decision.** The hearing on such appeals shall be de novo or as if by original jurisdiction. The city commission shall hear evidence based on competent substantial evidence. The Florida Rules of Evidence shall provide a guide, but shall not be strictly adhered to, and hearsay evidence may be admissible, but shall not be the sole support for the proposition placed in evidence. The city commission shall sustain or reverse the decision of the city manager in accordance with the city commission's judgment as to whether the application meets the standards set out in this Ordinance. The city commission shall make a final decision in the matter and the city manager shall give written notices thereof to the applicant by mailing a certified letter within five (5) days containing the city council's decision.
5. If the hearing denies the relief requested by the applicant, the applicant may file an appeal in Hardee County Court system in a manner provided by state law and court rules, *no later than thirty (30) days from the date of the commission hearing* at which the decision appealed was rendered.

(i) **Exemption from special event permit fees.**

Any special event for which the city, its departments, agents, CRA, or any other government body is the principal sponsor shall be exempt from special events application fees.

**SECTION 7. Suspension, or termination of special event permits.** The city manager or police chief may declare a special event suspended or terminated for cause.

(a) **Termination of permit.** The following include but are not limited to the bases by which a permit may be terminated by the city manager or police chief.

1. Any reason provided above for denial of an application for permit.
2. The conduct of the special event creates a substantial nuisance, and the condition is unmitigable, or circumstances indicate that even if mitigable, the applicant cannot be trusted to not allow the nuisance conditions to reoccur if the special event is allowed to continue.
3. The conduct of the special event creates a danger to the public safety or health, and the condition is unmitigable, or circumstances indicate that even if mitigable, the applicant cannot be trusted to maintain safe conditions if the special event is allowed to continue.

4. Multiple violations of any city code(s).

(b) **Suspension of permit.** The following include but are not limited to the bases by which a permit may be suspended by the city manager or police chief.

1. Any reason provided above for termination of a permit.
2. Violation of city code(s).
3. Violation of city special event permit.
4. The conduct of the special event creates a minor danger to the public safety or health that can be corrected.
5. The conduct of the special event creates a minor nuisance that can be corrected.

**SECTION 8. Enforcement.**

(a) No provision of this Chapter shall be deemed to bar the right of the City to seek or obtain judicial relief from a violation of any provisions of this Chapter, whether administratively, judicially or both. Neither the existence of other remedies nor the exercise thereof shall be deemed to bar or otherwise limit the right of the City to recover fines, penalties or monetary damages for such violation. The remedies available to the City shall be cumulative and in addition to any other remedies provided by law or equity. The laws of the State of Florida shall govern with respect to any proceeding in law or equity pertaining to the enforcement of this Chapter or any cause of action arising out of or in connection herewith.

(b) An applicant, property owner or organizer's failure to comply with provisions of this Chapter shall constitute a City Code violation and shall subject the to the code enforcement provisions and procedures as provided in City Code, and may also be punishable as provided in §162.22, Florida Statutes, as it may be amended.

1. For the purposes of the City's code enforcement by citations, all violations of this Chapter shall be Class IV offenses, and fines shall have the following classification by number of offenses:

1st	2nd	3rd +
\$200.00	\$400.00	Mandatory Court

(c) Failure of the City to enforce any requirements of this Chapter shall not constitute a waiver of the City's right to enforce that violation or subsequent violations of the same type or to seek appropriate enforcement remedies.

**SECTION 9. Conflicts.**

If the event of a conflict with any other City ordinances or part of ordinances, the provisions of this Ordinance shall control.

**SECTION 10. Severability.**

It is declared to be the intent of the City Commission that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 11. Inclusion in the Code.**

It is the intention of the City Commission that the provisions of this Ordinance shall become and be made part of the City Code; and that the sections of the Ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section”, “article” or such other phrase in order to accomplish such intentions.

**SECTION 12. Effective Date.**

This Ordinance shall be effective upon passage.

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This Ordinance was read for the first time at the Regular Meeting of the City Commission held on the 13<sup>th</sup> day of July, 2021. The vote was as follows:

		Yes	No	Abstain	Absent
Commissioner/Mayor Gardner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Fite	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Lunn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Durastanti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The final reading was held on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at a regular  special  session of the City Commission, and this Ordinance was adopted  rejected . The vote was as follows:

	Yes	No	Abstain	Absent
Commissioner/Mayor Gardner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Fite	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Lunn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Durastanti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

CITY OF BOWLING GREEN, FLORIDA

\_\_\_\_\_  
Maria Carmen Silva, City Clerk

\_\_\_\_\_  
Duane Gardner, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Gerald T. Buhr, City Attorney





**CITY OF BOWLING GREEN**  
**PROPOSED FUTURE LAND USE MAP AMENDMENT & REZONING**  
**OVERVIEW REPORT**  
July 19, 2021

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**TO:** Bowling Green City Commission

**FROM:** Central Florida Regional Planning Council

**SUBJECT:** **ORDINANCE NO. 2021-06**

AN ORDINANCE OF THE CITY OF BOWLING GREEN, FLORIDA, AMENDING THE CITY OF BOWLING GREEN COMPREHENSIVE PLAN FUTURE LAND USE MAP, SPECIFICALLY AMENDING TWO (2) PARCELS OF LAND TOTALING 10.13 ACRES LOCATED AT 4315 CHESTER AVE AND SOUTHWEST OF THE INTERSECTION OF CHESTER AVE AND BANANA STREET EAST (PARCEL NUMBERS: 05-33-25-0000-09670-0000, 04-33-25-0010-00034-0001), FROM THE FUTURE LAND USE OF LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL.

AND

**ORDINANCE NO. 2021-07**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOWLING GREEN, FLORIDA, SPECIFICALLY AMENDING TWO (2) PARCELS OF LAND TOTALING 10.13 ACRES LOCATED AT 4315 CHESTER AVE AND SOUTHWEST OF THE INTERSECTION OF CHESTER AVE AND BANANA STREET EAST (PARCEL NUMBERS: 05-33-25-0000-09670-0000, 04-33-25-0010-00034-0001), FROM THE ZONING OF R-1, SINGLE FAMILY RESIDENTIAL TO R-2, SINGLE AND TWO FAMILY RESIDENTIAL.

**AGENDA DATES:**

**Monday, July 19, 2021, 6:30 PM: City Commission Meeting– First Reading**

**Tuesday, August 10, 2021, 6:30 PM: City Commission Meeting – Second Reading**

**CITY COMMISSION MOTION OPTIONS:**

**Future Land Use**

1. Move to **approve** Ordinance 2021-06 on First Reading.
2. Move to **approve with changes** Ordinance 2021-06 on First Reading.
3. Move to **deny** Ordinance 2021-06 on First Reading.

**Zoning**

1. Move to **approve** Ordinance 2021-07 on First Reading.
2. Move to **approve with changes** Ordinance 2021-07 on First Reading.
3. Move to **deny** Ordinance 2021-07 on First Reading.

**ATTACHMENTS:**

- Aerial Photo Map
- Current Future Land Use Map
- Proposed Future Land Use Map
- Current Zoning Map
- Proposed Zoning Map
- Applications

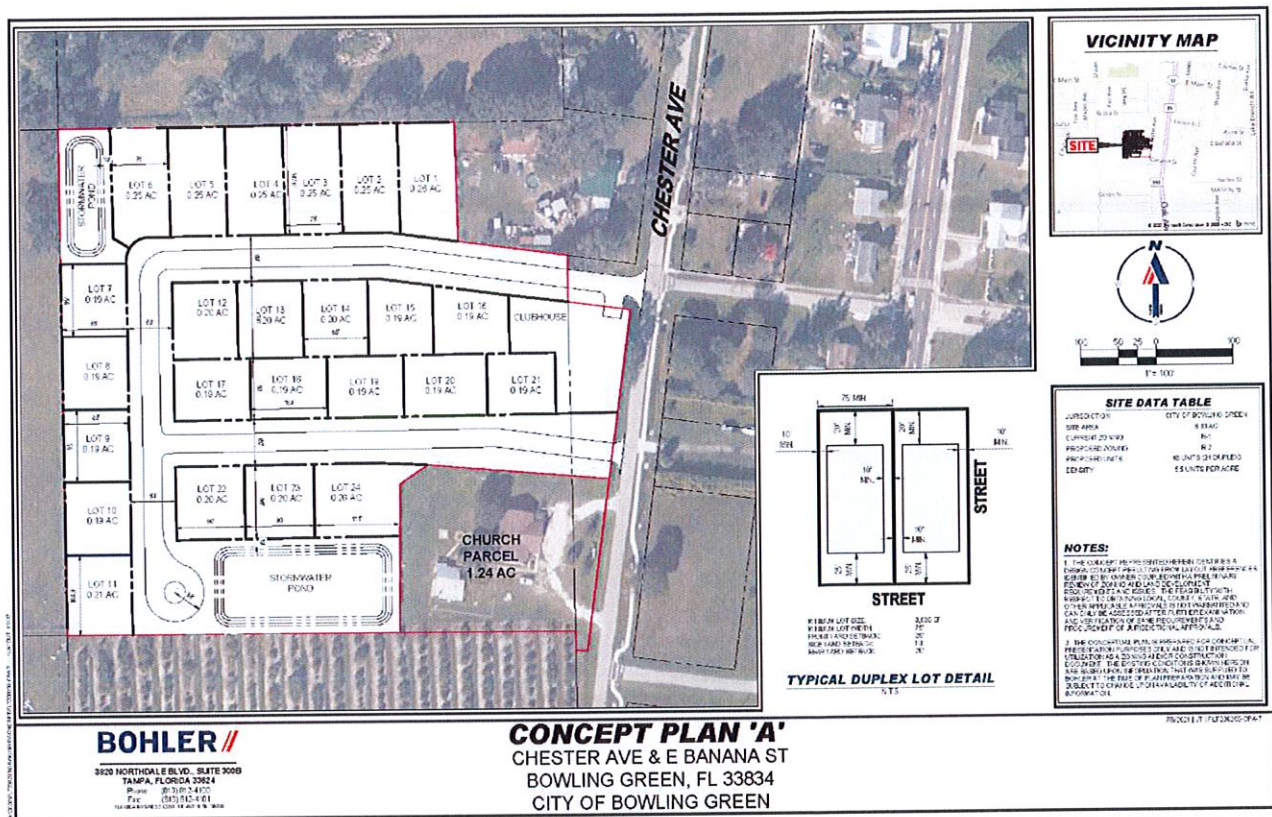
**OVERVIEW:**

<b>Applicant</b>	John Raymond
<b>Property Owner</b>	Bishop of Diocese
<b>Parcel IDs</b>	05-33-25-0000-09670-0000, 04-33-25-0010-00034-0001
<b>Subject Area</b>	10.13 acres
<b>Existing Future Land Use</b>	Low Density Residential
<b>Proposed Future Land Use</b>	Medium Density Residential
<b>Existing Zoning</b>	R-1, Single Family Residential
<b>Proposed Zoning</b>	R-2, Single and Two Family Residential.
<b>Previous Hearings</b>	None

**REASON FOR REQUEST:**

John Raymond ('applicant') is requesting a Future Land Use map amendment and rezoning to change two (2) parcels of land totaling approximately 10.13 acres from the Future Land Use of Low Density Residential to Medium Density Residential and zoning of R-1 Single Family Residential to R-2 – Single and Two Family Residential. The subject parcel is located at 4315 Chester Ave and Southwest of the intersection of Chester Ave and Banana Street East.

The purpose of the request is to establish Future Land Use and zoning assignments to support the subdivision of the property to maintain the existing church use and future residential development of rental, duplex dwellings. See concept plan below for reference.



**CONSISTENCY WITH THE COMPREHENSIVE PLAN:**

Descriptions for both the Future Land Use and zoning designations are provided as follows. *The proposed Future Land Use and proposed Zoning are consistent with the City's Comprehensive Plan and Land Development Code.*

**EXISTING – FUTURE LAND USE**

**Bowling Green Comprehensive Plan, Future Land Use Element, Policy 1.2:**

The **Low Density Residential** designation shall meet Bowling Green's housing demands for this range of density, promote efficient use of infrastructure, and protect existing single family neighborhoods. Single and two family housing units are permissible to a maximum density of 6 units per gross acre. Compatible public land uses are permissible to a maximum intensity of 0.5 FAR.

**PROPOSED – FUTURE LAND USE**

**Bowling Green Comprehensive Plan, Future Land Use Element, Policy 1.2:**

The **Medium Density Residential** designation shall meet Bowling Green's housing demand for this range of density and promote efficient use of existing infrastructure. Maximum density for Medium Density Residential is 12 units per gross acre. Compatible public land uses are permissible to a maximum intensity of 0.5 FAR.

## ***EXISTING – ZONING***

**Bowling Green Land Development Code: Section 2.04.02.02 – R-1 Single Family Residential** The purpose of the district is to establish areas which are uniquely appropriate for low-density residential neighborhoods with ample open space and outdoor living areas; to designate appropriate uses and services within the district; and to establish development standards appropriate to ensure proper development and a low density residential environment.

## ***PROPOSED – ZONING***

**Bowling Green Land Development Code: Section 2.04.02.03 R-2 Single and Two Family Residential District**

The purpose of this district is to recognize existing small lot subdivisions of single family homes and duplexes and to provide for infill development on small lots within these subdivisions; along with the necessary and incidental accessory uses, and uses characteristic with, but not detrimental to, the principal use. In no case shall a density be permitted in the R-2 district that exceeds 4.1 dwelling units per net acre (4.1 du/ac) for single family homes and six dwelling units per net acre (6 du/ac) for duplexes.

## **LAND USE ANALYSIS:**

The subject property is located at 4315 Chester Ave and Southwest of the intersection of Chester Ave and Banana Street East in Bowling Green. The property is primarily vacant with the exception of an existing church use on the southeastern portion of the property. Single family residential uses surround the subject property on the north, west and east sides, with agricultural crop lands to the south. There are also a few properties with Commercial Future land Use and zoning located to the east and the southwest of the subject property which support opportunities for future nonresidential development.

The *Land Use Matrix* below outlines the Future Land Use and zoning of the subject property, the Future Land Use and zoning of adjacent properties, and the existing land use of the subject and adjacent properties.

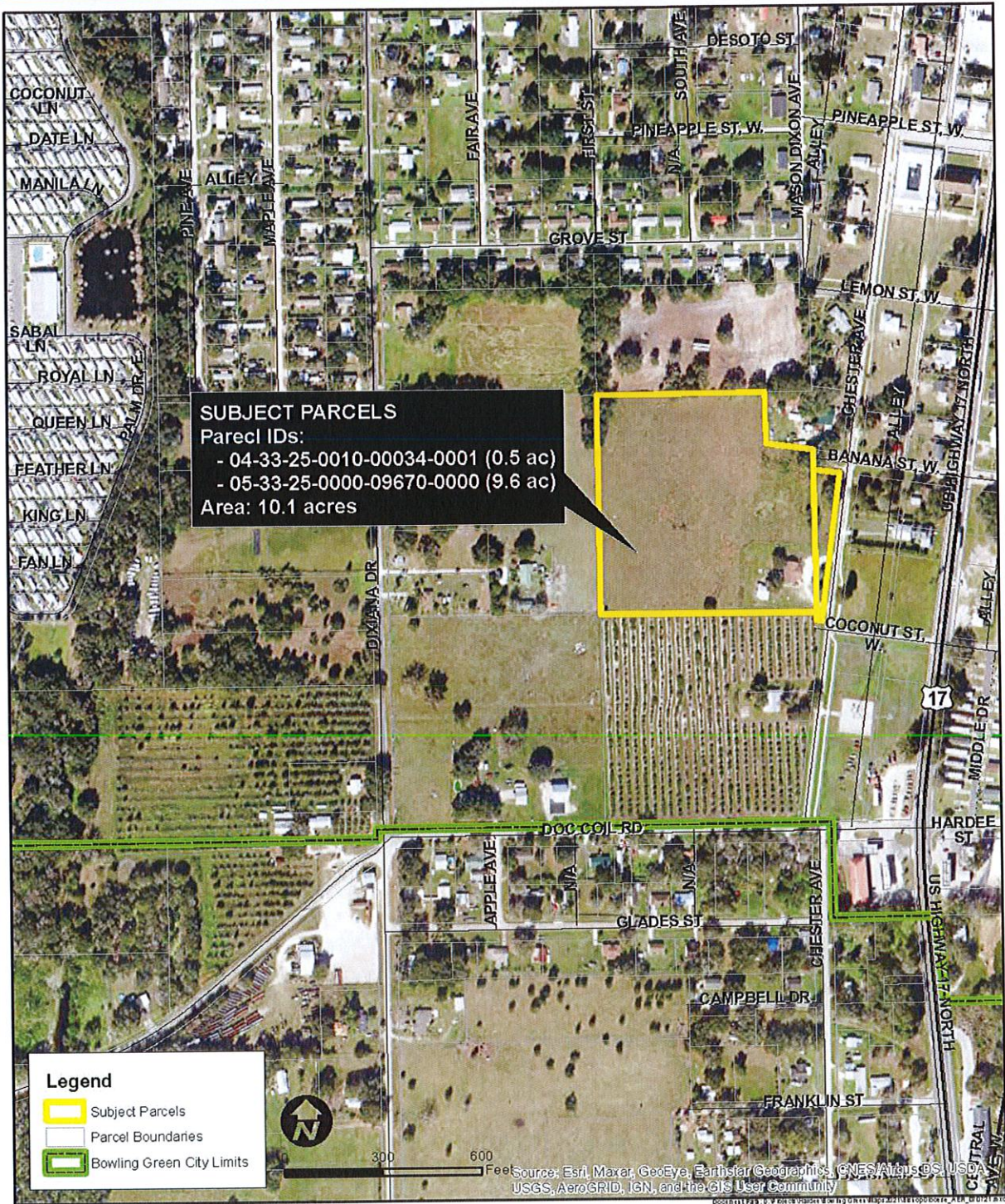
**Land Use Matrix**

<b>Northwest</b>	<b>North</b>	<b>Northeast</b>
<p><b>Future Land Use:</b> Low Density Residential</p> <p><b>Zoning:</b> R-1 – Single Family Residential</p> <p><b>Existing Land Use:</b> Vacant Land</p>	<p><b>Future Land Use:</b> Low Density Residential</p> <p><b>Zoning:</b> R-1 – Single Family Residential</p> <p><b>Existing Land Use:</b> Single Family Residential</p>	<p><b>Future Land Use:</b> Low Density Residential</p> <p><b>Zoning:</b> R-1 – Single Family Residential</p> <p><b>Existing Land Use:</b> Single Family Residential</p>
<b>West</b>	<b>Subject Parcel</b>	<b>East</b>
<p><b>Future Land Use:</b> Low Density Residential</p> <p><b>Zoning:</b> R-1 – Single Family Residential</p> <p><b>Existing Land Use:</b> Vacant and Single Family Residential</p>	<p><b>Future Land Use:</b> <u>Current: Low Density Residential</u></p> <p><b>Proposed: Medium Density Residential</b></p> <p><b>Zoning:</b> <u>Current: R-1 – Single Family Residential</u></p> <p><b>Proposed: R-2-Single and Two Family Residential</b></p> <p><b>Existing Land Use:</b> Vacant land and Church</p>	<p><b>Future Land Use:</b> Low Density Residential and Commercial</p> <p><b>Zoning:</b> R-1 – Single Family Residential and C-2 – Service Commercial</p> <p><b>Existing Land Use:</b> Vacant and Single Family Residential</p>
<b>Southwest</b>	<b>South</b>	<b>Southeast</b>
<p><b>Future Land Use:</b> Commercial</p> <p><b>Zoning:</b> R-1 – Single Family Residential</p> <p><b>Existing Land Use:</b> Vacant and Single Family Residential</p>	<p><b>Future Land Use:</b> Low Density Residential</p> <p><b>Zoning:</b> R-1 – Single Family Residential</p> <p><b>Existing Land Use:</b> Single-family residential and Agriculture/ Crop</p>	<p><b>Future Land Use:</b> Commercial</p> <p><b>Zoning:</b> R-1 – Single Family Residential and C-2 – Service Commercial</p> <p><b>Existing Land Use:</b> Vacant property and utility tower</p>

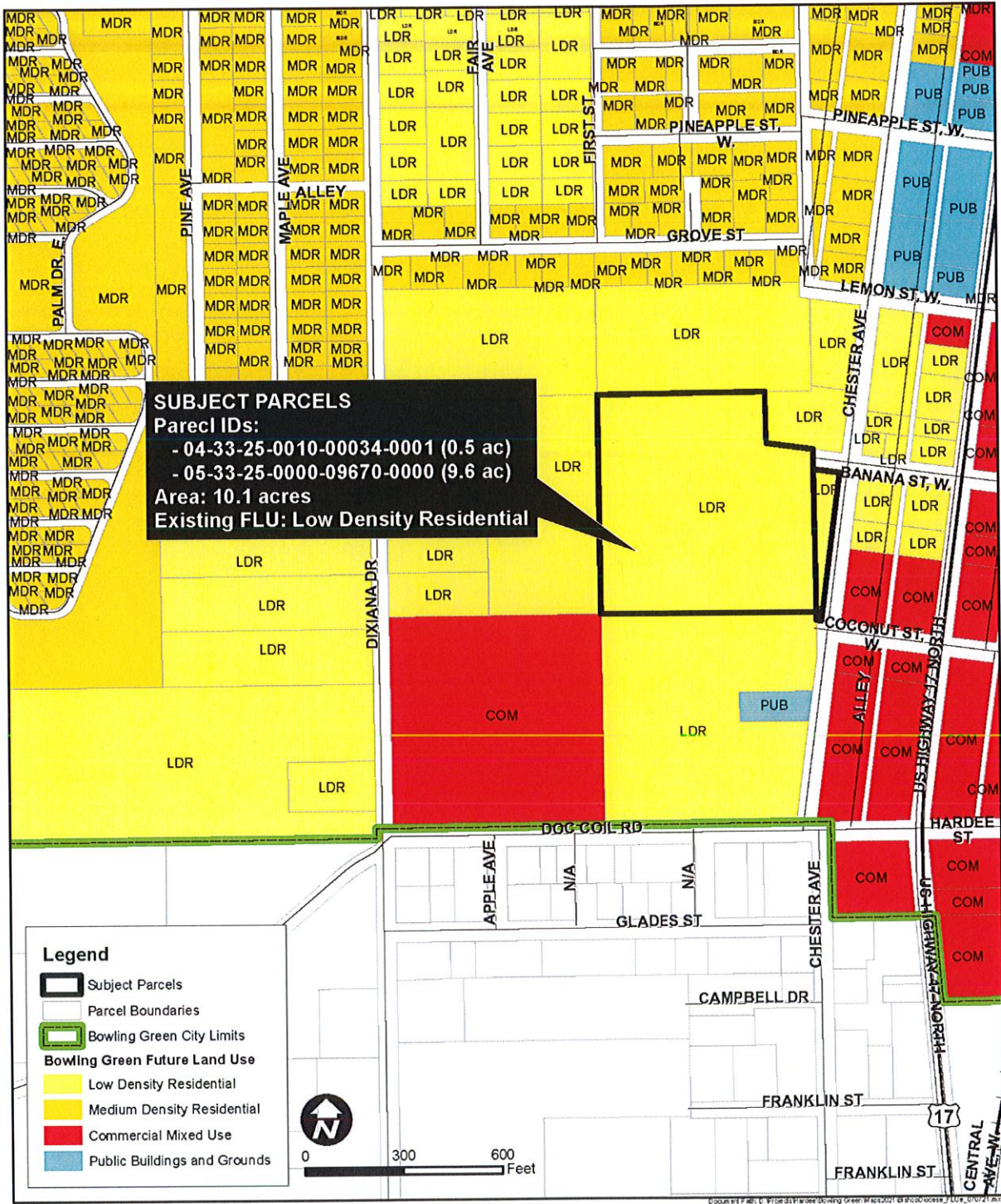
**PUBLIC FACILITIES AND SERVICES ANALYSIS:**

The proposed Medium Density Residential Future Land Use, R-2 zoning and proposed development intent of the property are not anticipated to have any negative impacts on the City’s public facilities and services.

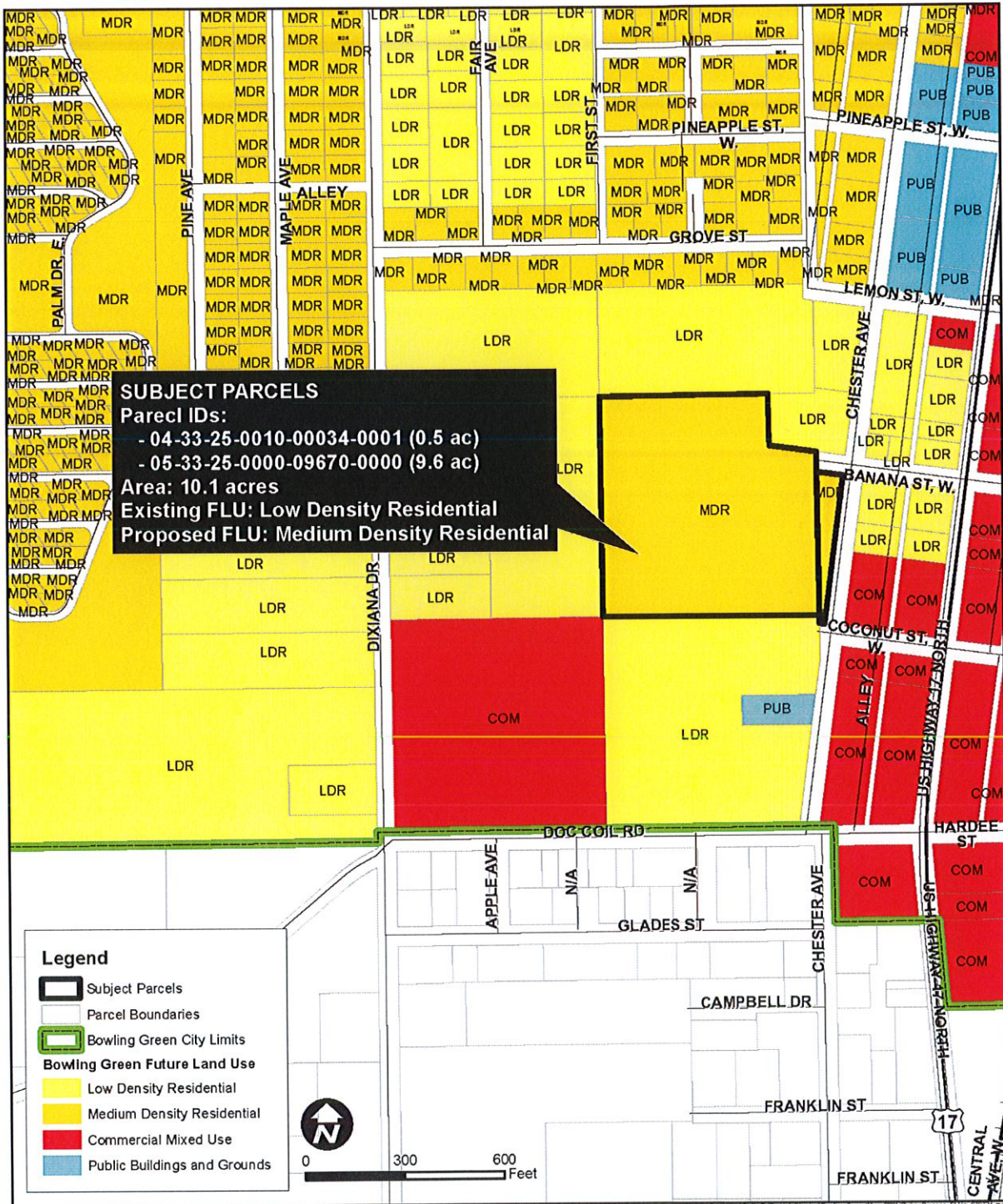
# CITY OF BOWLING GREEN AERIAL PHOTO MAP



# CITY OF BOWLING GREEN FUTURE LAND USE MAP - EXISTING

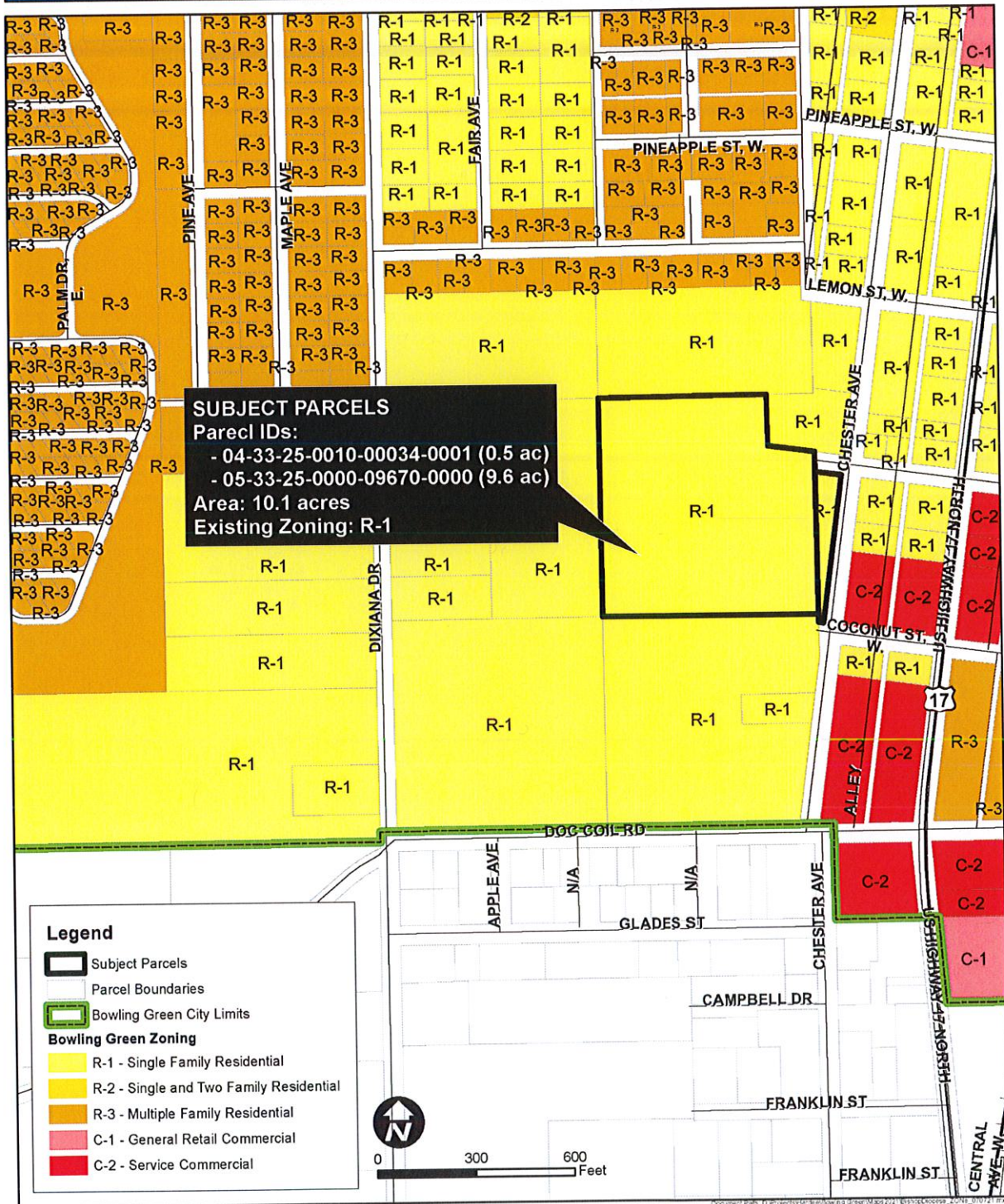


# CITY OF BOWLING GREEN FUTURE LAND USE MAP - PROPOSED

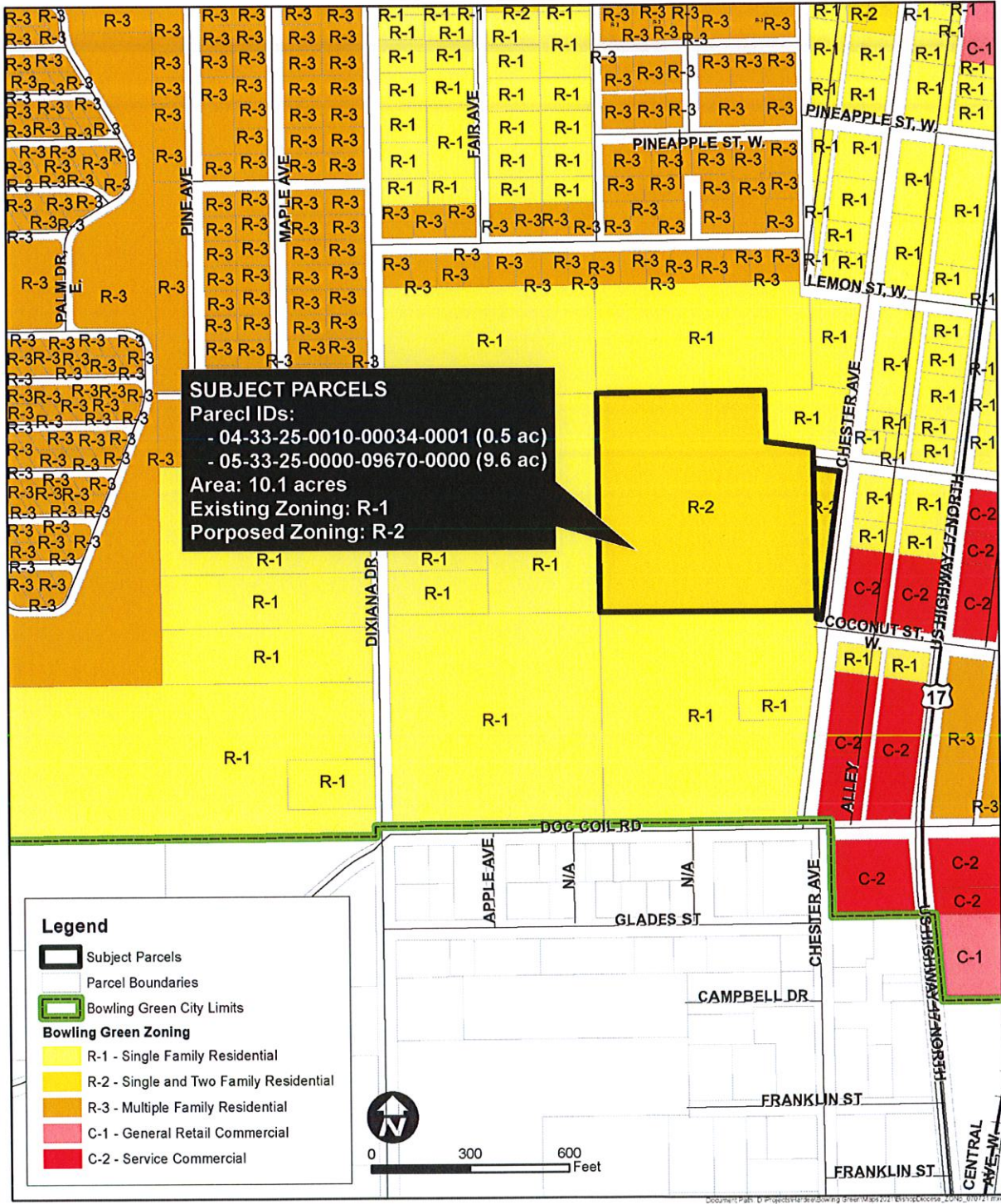




# CITY OF BOWLING GREEN ZONING MAP - EXISTING



# CITY OF BOWLING GREEN ZONING MAP - PROPOSED



CITY OF BOWLING GREEN APPLICATION FOR  
FUTURE LAND USE MAP CHANGE

Application No.  
Deposit Required with  
Application: ~~\$500.00~~  
**This is a City initiated  
Request and fees are  
waived.**

DATE: 6/25/2021

APPLICANT NAME(S): John Raymond / National Development of  
America, Inc.

OWNER NAME(S) Bishop of Diocese

OWNER'S ADDRESS: 1000 Pinebrook Road, Venice, FL 34825

PHONES: 864.903.3471

PROPERTY APPRAISER'S PARCEL ID NUMBER: 05-33-25-0000-09670-0000 & 04-33-25-  
0010-00034-0001

PHYSICAL LOCATION (Plat Map must be attached with lot identified):  
Chester Ave, SW of the intersection Chester Ave and E Banana St. Bowling Green

BOWLING GREEN CURRENT FUTURE LAND USE CLASSIFICATION: Low Density  
Residential

BOWLING GREEN PROPOSED FUTURE LAND USE CLASSIFICATION: Medium Density  
Residential

BOWLING GREEN CURRENT ZONING CLASSIFICATION: R-1 Single Family Residential

CURRENT USE OF PROPERTY: Church and Vacant Land

PROPOSED USE OF PROPERTY: Subdivision consisting of all Duplexes available for rent.

The existing church parcel will be subdivided and remain in use. The development will

also feature a clubhouse.

USES SURROUNDING PROPERTY ON ALL FOUR SIDES:

North: Single Family and Vacant Land East: Single Family and Vacant Land  
South: Citrus Grove West: Vacant Land



ADDENDUM "A"

NE 1/4 of SE 1/4 of SE 1/4 of Section 5, Township 33 South, Range 25 East, less and except the following:

Begin at the NE corner of the NE 1/4 of SE 1/4 of SE 1/4 of Section 5, Township 33 South, Range 25 East; thence run South along the East line of said NE 1/4 of SE 1/4 of SE 1/4 of Section 5, for a distance of 170.08 feet; thence run North 89°37'40" West for a distance of 145.08 feet; thence run North for a distance of 170.08 feet; thence run South 89°37'40" East for a distance of 145.08 feet to Point of Beginning, Hardee County, Florida, AND All that part of Block 34, original town survey of Bowling Green, Florida, less and except the following:

Begin at the SW corner of said Block 34, original survey of Bowling Green for Point of Beginning; thence run North for a distance of 25.39 feet; thence run South 89°37'40" East, for a distance of 15.96 feet to a point on the Easterly line of said Block 34; thence run South 8°31'15" West along the Easterly line of said Block 34 for a distance of 27.38 feet to the SE corner of Block 34; thence run North 81°27'40" West for a distance of 12.04 feet to the Point of Beginning, Hardee County, Florida.

Rezoning  
Application City of  
Bowling Green

**CITY OF BOWLING  
GREEN APPLICATION  
FOR REZONING**

Application No.  
Deposit Required with  
Application: \$500.00

DATE: 5/26/2021

APPLICANT NAME(S): John Raymond / National Development of America, Inc.

OWNER NAME(S) Bishop of Diocese

OWNER'S ADDRESS: 1000 Pinebrook Road, Venice, FL 34825

PHONES: 864.903.3471

PROPERTY APPRAISER'S PARCEL ID NUMBER: 05-33-25-0000-09670-0000 & 04-33-25-0010-00034-0001

PHYSICAL LOCATION (Plat Map must be attached with lot identified):

Chester Ave, SW of the intersection Chester Ave and E Banana St. Bowling Green

BOWLING GREEN CURRENT FUTURE LAND USE CLASSIFICATION: Single Family Residential

BOWLING GREEN CURRENT ZONING CLASSIFICATION: R-1 Single Family Residential

BOWLING GREEN PROPOSED ZONING CLASSIFICATION: R-2 Single Family and Duplex

CURRENT USE OF PROPERTY: Church and Vacant Land

PROPOSED USE OF PROPERTY: Subdivision consisting of all Duplexes available for rent. The existing church parcel will be subdivided and remain in use. The development will also feature a clubhouse.

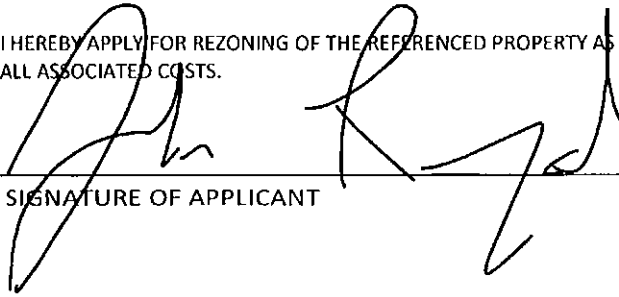
Rezoning  
Application City of  
Bowling Green

USES SURROUNDING PROPERTY ON ALL FOUR SIDES:

North: Single Family and Vacant Land East: Single Family and Vacant Land  
South: Citrus Grove West: Vacant Land

ANY OTHER INFORMATION ABOUT THE PROPERTY THAT IS PERTINENT: Property consists of 10.13 acres and is home to the Holy Child Catholic Mission. The church will remain as part of the development and the Diocese of Venice will own the subdivision. The project will be funded utilizing financing available through the Florida Housing Finance Corporation. The property will be professionally managed by a third-party property management company.

I HEREBY APPLY FOR REZONING OF THE REFERENCED PROPERTY AS INDICATED AND AGREE TO PAY ALL ASSOCIATED COSTS.



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SIGNATURE OF APPLICANT

SIGNATURE OF APPLICANT

STAFF RECOMMENDATION ( ) YES ( ) NO

STAFF COMMENTS AND RECOMMENDED CONDITIONS:

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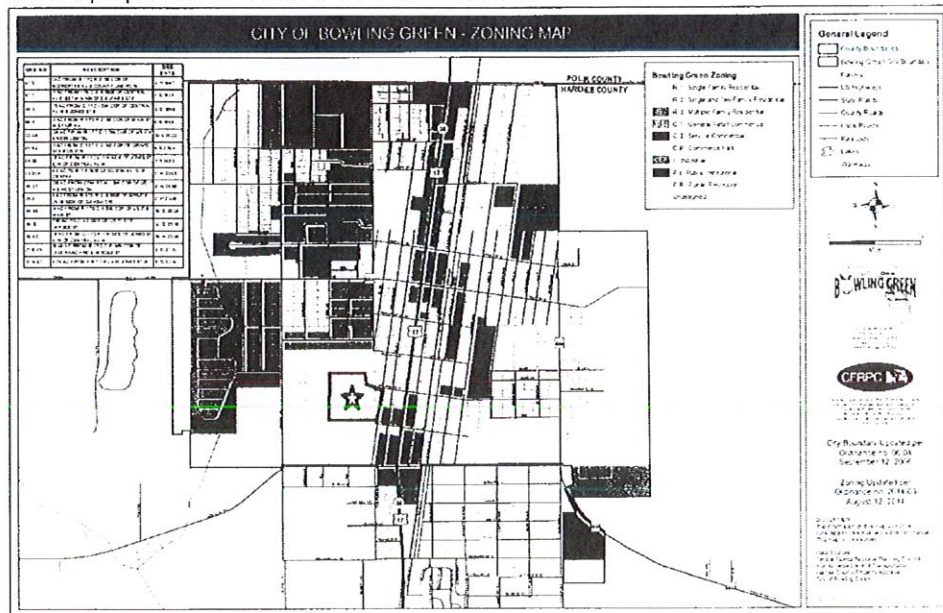
STAFF REVIEWER:

SIGNATURE

DATE

Rezoning  
 Application City of  
 Bowling Green

1. A legal description of the property, including the size of the area in acres.
  - a. See addendum. To be updated.
2. A description of the proposed rezoning, specifying the goals, objectives and policies of the Comprehensive Plan that it supports and advances.
  - a. National Development of America, Inc. is proposing a rezone on behalf of the Bishop of the Diocese of Venice to rezone the subject property from R-1 Single Family Residential to R-2 Single Family and Duplex Residential to develop affordable housing. The proposed development will feature single-story duplexes. The proposed density will provide a distinct balance between the surrounding Single Family and the Future Land use across Chester Avenue which is mixed-use commercial.
3. A detailed map showing the location of the property in the City, existing land use, existing zoning and boundaries of the zoning district, and the proposed boundaries of the rezoned district.



4. A description and generalized site plan of any proposed development, including the number of units proposed and resulting net density; number of required parking spaces and location; footprint of all proposed buildings and structures on the site, including setbacks; required landscape and buffer yards; and sign locations.

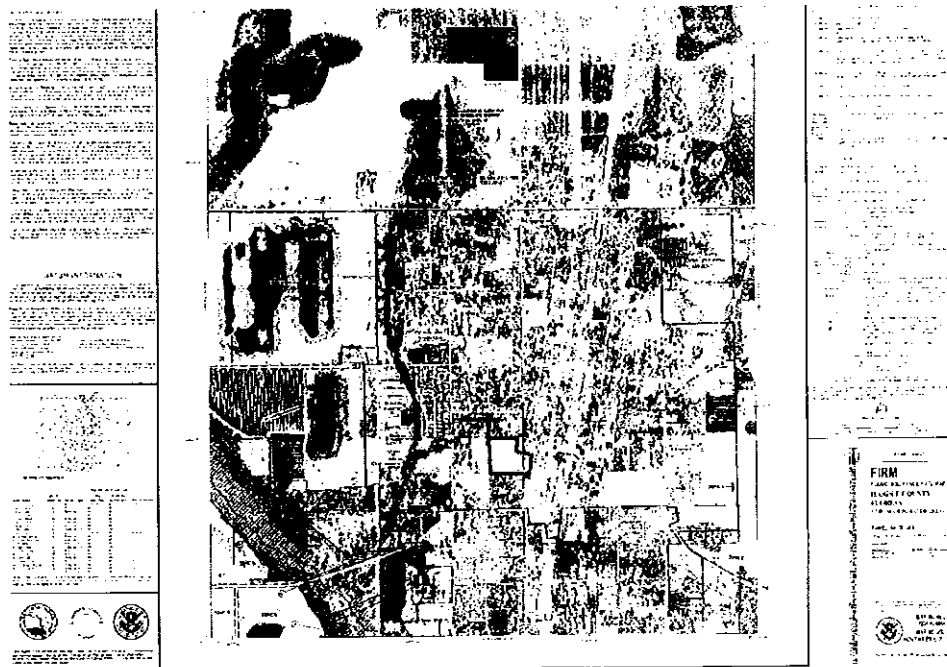
See attached.



Rezoning  
Application City of  
Bowling Green

5. The location of existing sewer service and potable water facilities to the development site and whether or not the existing facilities will serve the new development.
  - a. Water and sewer are available as they are provided to the existing church property. Exact locations will be confirmed as part of our due diligence.
6. The functional classification of all roadways that will be impacted by development permitted by the proposed zoning district, with current and estimated future daily traffic volumes.
  - a. Doc Coil Road: AADT 600 (2019).
  - b. US Highway 17: AADT 15,100 (2019)
  - c. The proposed development will feature no more than 60 units spread across two phases. Minimal impacts on traffic are anticipated.
7. The location of all public and private streets, driveways and utility easements within and adjacent to the site.
  - a. See survey
8. A description of the terrain and the vegetation on the site, including a topographic map, when available.
  - a. Flood Zone X: Area of Minimal Flood Hazard
    - i. Map #: 12049C0064D effective 11/6/2013

Rezoning  
Application City of  
Bowling Green



- b. The property consists primarily of open grass land with several native trees
  - c. Wetlands: there are no wetlands on site.
  - d. Topographic map is not available currently
9. An inventory and description of surface water and wetlands; and any floodplains on the site.
- a. The site is in Flood Zone X and there are no wetlands on site.
10. A general inventory of plant and animal species common to the area, any endangered plant and animal species, and habitats present on the site.
- a. The site is primarily grassland with several palm trees and oak trees. There are no known habitats on site.
11. A inventory of trees with an estimate of canopy that they provide, and an inventory of stands of mature trees and understory vegetation that may provide wildlife habitats or other environmentally unique areas.
- a. Less than 5% of the site has canopy cover or understory vegetation.

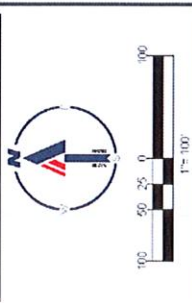
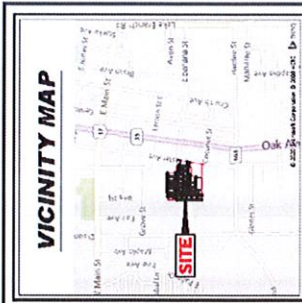
ADDENDUM "A"

NE 1/4 of SE 1/4 of SE 1/4 of Section 5, Township 33 South, Range 25 East, less and except the following:

Begin at the NE corner of the NE 1/4 of SE 1/4 of SE 1/4 of Section 5, Township 33 South, Range 25 East; thence run South along the East line of said NE 1/4 of SE 1/4 of SE 1/4 of Section 5, for a distance of 170.08 feet; thence run North 89°37'40" West for a distance of 145.08 feet; thence run North for a distance of 170.08 feet; thence run South 89°37'40" East for a distance of 145.08 feet to Point of Beginning, Hardee County, Florida, AND All that part of Block 34, original town survey of Bowling Green, Florida, less and except the following:

Begin at the SW corner of said Block 34, original survey of Bowling Green for Point of Beginning; thence run North for a distance of 25.39 feet; thence run South 89°37'40" East, for a distance of 15.96 feet to a point on the Easterly line of said Block 34; thence run South 8°31'15" West along the Easterly line of said Block 34 for a distance of 27.38 feet to the SE corner of Block 34; thence run North 81°27'40" West for a distance of 12.04 feet to the Point of Beginning, Hardee County, Florida.

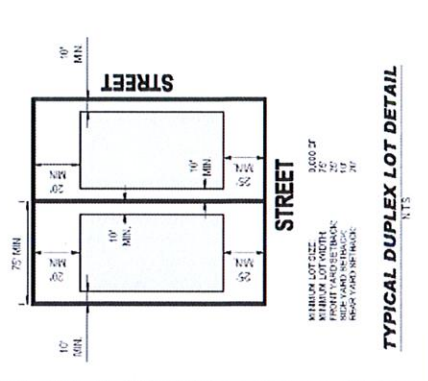




**SITE DATA TABLE**

JURISDICTION: CITY OF BOWLING GREEN  
 SITE AREA: 8.83 AC  
 CURRENT ZONING: R-7  
 PROPOSED ZONING: R-7  
 PROPOSED OVER: 45 UNITS/DUPLEXES  
 COUNTY: HAMILTON

**NOTES:**  
 1. THE CONCEPT REPRESENTS THE GENERAL LAYOUT AND DESIGN CONCEPTS. THE FINAL LAYOUT AND DESIGN SHALL BE DETERMINED BY THE CITY OF BOWLING GREEN AND THE HAMILTON COUNTY BOARD OF PLANNING AND ZONING. THE CONCEPT IS SUBJECT TO THE CITY OF BOWLING GREEN AND THE HAMILTON COUNTY BOARD OF PLANNING AND ZONING. THE CONCEPT IS SUBJECT TO THE CITY OF BOWLING GREEN AND THE HAMILTON COUNTY BOARD OF PLANNING AND ZONING. THE CONCEPT IS SUBJECT TO THE CITY OF BOWLING GREEN AND THE HAMILTON COUNTY BOARD OF PLANNING AND ZONING.



**BOHLER**

3820 HORTON BLVD. SUITE 3008  
 TAMPA, FLORIDA 33634  
 Phone: (813) 972-4100  
 Fax: (813) 972-4101  
 bohlerevents.com | email@bohler.com

**CONCEPT PLAN 'A'**  
 CHESTER AVE & E BANANA ST  
 BOWLING GREEN, FL 33834  
 CITY OF BOWLING GREEN

**ORDINANCE NO. 2021-06**

**AN ORDINANCE OF THE CITY OF BOWLING GREEN, FLORIDA, AMENDING THE CITY OF BOWLING GREEN COMPREHENSIVE PLAN FUTURE LAND USE MAP, SPECIFICALLY AMENDING TWO (2) PARCELS OF LAND TOTALING 10.13 ACRES LOCATED AT 4315 CHESTER AVE AND SOUTHWEST OF THE INTERSECTION OF CHESTER AVE AND BANANA STREET EAST (PARCEL NUMBERS: 05-33-25-0000-09670-0000, 04-33-25-0010-00034-0001), FROM THE FUTURE LAND USE OF LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL, TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 163, Part II, *Florida Statutes*, establishes the Community Planning Act (“Act”), which empowers and mandates the City of Bowling Green, Florida (“City”), to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City; and

**WHEREAS**, pursuant to the Act, the City has adopted a comprehensive plan (“Comprehensive Plan”); and

**WHEREAS**, the Act authorizes a local government desiring to revise its comprehensive plan to prepare and adopt comprehensive plan amendments; and

**WHEREAS**, the City has prepared an amendment to the Future Land Use Map of the Comprehensive Plan to change certain property within the City with a Future Land Use classification of “Low Density Residential” to “Medium Density Residential;” and

**WHEREAS**, pursuant to Section 163.3187, Florida Statutes, the City Commission held a meeting and hearing on this Future Land Use Map Amendment (Ordinance 2021-06), with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and

**WHEREAS**, in exercise of its authority, the City Commission has determined it necessary to adopt the proposed amendment to the Future Land Use Map contained herein and as shown as Exhibit “A” to encourage the most appropriate use of land, water and resources consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City; and to ensure that the Comprehensive Plan is in full compliance with State law; and

**WHEREAS**, the City Commission finds that the proposed amendment to the Future Land Use Map contained herein furthers the purposes of, and is consistent with, the City’s Comprehensive Plan, and is consistent with and compliant with State law, including, but not limited to, Chapter 163, Part II, *Florida Statutes*.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOWLING GREEN, FLORIDA, THAT:**

**Section 1.** The Future Land Use Map of the City’s Comprehensive Plan is hereby amended to include the map amendment set forth in Exhibit “A,” attached hereto and incorporated herein by reference, which applies the “Medium Density Residential” Future Land Use designation to the property as designated on such Exhibit.

**Section 2.** 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 3.** All existing ordinances or parts of existing ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4.** An official, true, and correct copy of this Ordinance and the City’s Comprehensive Plan, as adopted and amended from time to time, shall be maintained by the City Clerk. The City Clerk shall make copies available to the public for a reasonable publication charge.

**Section 5.** A copy shall be provided to the Florida Department of Economic Opportunity (hereinafter the “DEO”), as required by Section 163.3187, Florida Statutes.

**Section 6.** This small scale amendment shall not become effective until thirty-one (31) days after adoption. If challenged within thirty (30) days after adoption, the amendment shall not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining the adopted amendment is in compliance.

**INTRODUCED AND PASSED** on First Reading the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED AND DULY ADOPTED** on Second Reading with a quorum present and voting by the City Commission of the City of Bowling Green, Florida meeting in Regular Session this \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF BOWLING GREEN**

\_\_\_\_\_  
Duane Gardner, Mayor

**ATTEST:**

\_\_\_\_\_  
Maria Carmen Silva, City Clerk

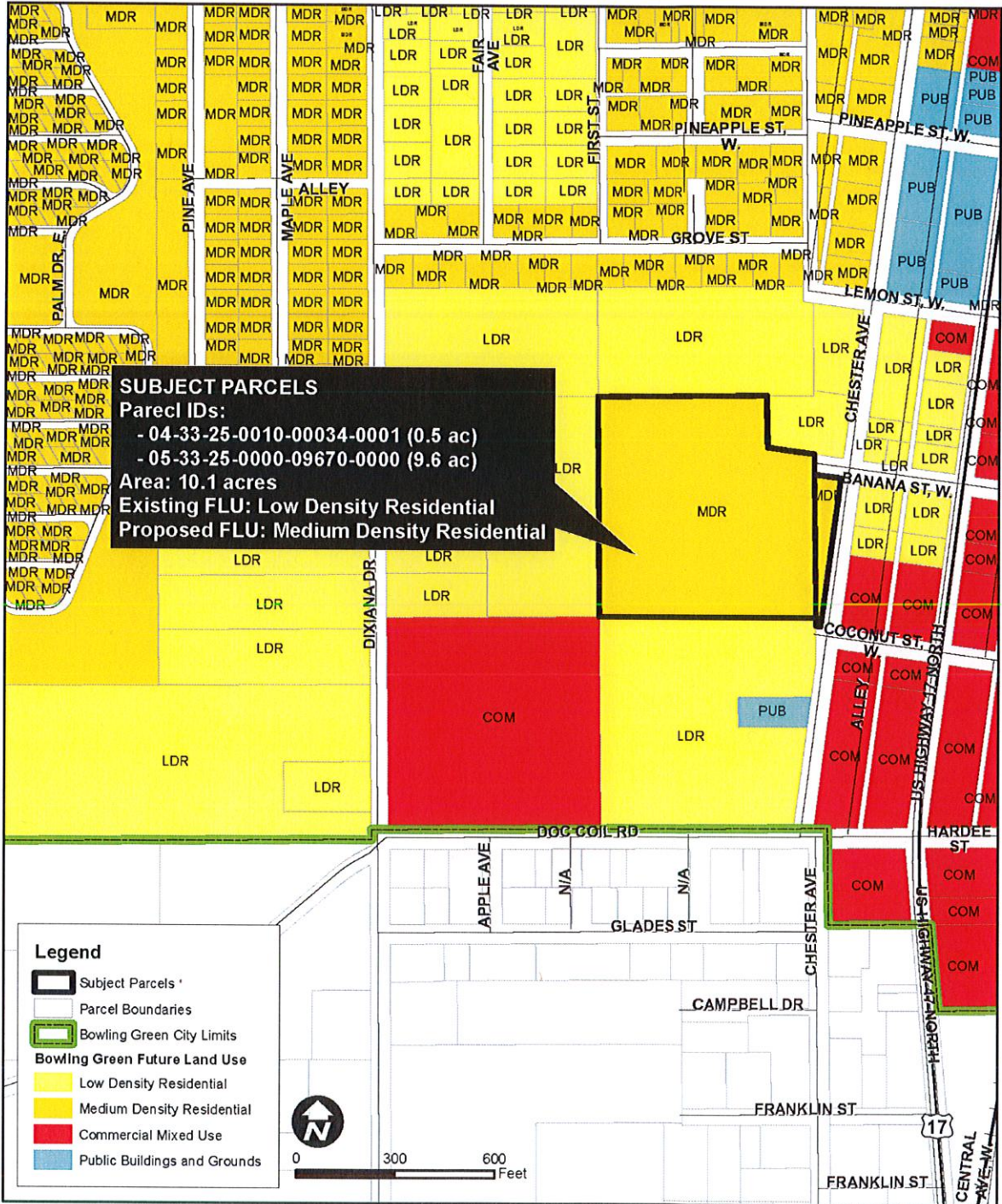
**Approved as to Form:**

\_\_\_\_\_  
Gerald Buhr, City Attorney

ORDINANCE NO. 2021-06

EXHIBIT "A"

CITY OF BOWLING GREEN  
**FUTURE LAND USE MAP - PROPOSED**



Source: Esri, DeLorme, Benchmark, GeoEye, IGN, AerGRID, AIRPHOT, IGN, Esri, Swire



**ORDINANCE NO. 2021-07**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BOWLING GREEN, FLORIDA, SPECIFICALLY AMENDING TWO (2) PARCELS OF LAND TOTALING 10.13 ACRES LOCATED AT 4315 CHESTER AVE AND SOUTHWEST OF THE INTERSECTION OF CHESTER AVE AND BANANA STREET EAST (PARCEL NUMBERS: 05-33-25-0000-09670-0000, 04-33-25-0010-00034-0001), FROM THE ZONING OF R-1, SINGLE FAMILY RESIDENTIAL TO R-2, SINGLE AND TWO FAMILY RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, there has been an applicant-initiated request to amend zoning for the property described below; and

**WHEREAS**, the requested zoning is consistent with the Future Land Use Element of the Bowling Green Comprehensive Plan; and

**WHEREAS**, the City Commission of the City of Bowling Green held meetings and hearings regarding the parcels show 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 Commission of the City of Bowling Green has determined it necessary to amend the Official Zoning Map to change the City zoning classification assigned to this property.

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOWLING GREEN, FLORIDA (HEREINAFTER REFERRED TO AS THE “CITY”), AS FOLLOWS:**

1. The parcels described as located at 4315 Chester Ave and Southwest of the intersection of Chester Ave and Banana Street East (Parcel Numbers 05-33-25-0000-09670-0000, 04-33-25-0010-00034-0001) shall be amended so as to assign the zoning of R-2, Single and Two Family Residential, as shown in Exhibit “A” attached hereto.
2. The parcels, as described above, constitute less than five percent (5%) of the municipally-zoned area of the City; and
3. That any section, paragraph, or portion which may be deemed illegal or unconstitutional shall not affect any other section of this ordinance.
4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.
5. An official, true, and correct copy of this Ordinance and the City’s Land Development Code, as adopted and amended from time to time, shall be maintained by the City Clerk.

The City Clerk shall make copies available to the public for a reasonable publication charge.

**INTRODUCED AND PASSED** on First Reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

**PASSED AND DULY ADOPTED**, on Second Reading with a quorum present and voting, by the City Commission of Bowling Green, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF BOWLING GREEN**

\_\_\_\_\_  
Duane Gardner, Mayor

**Attest:**

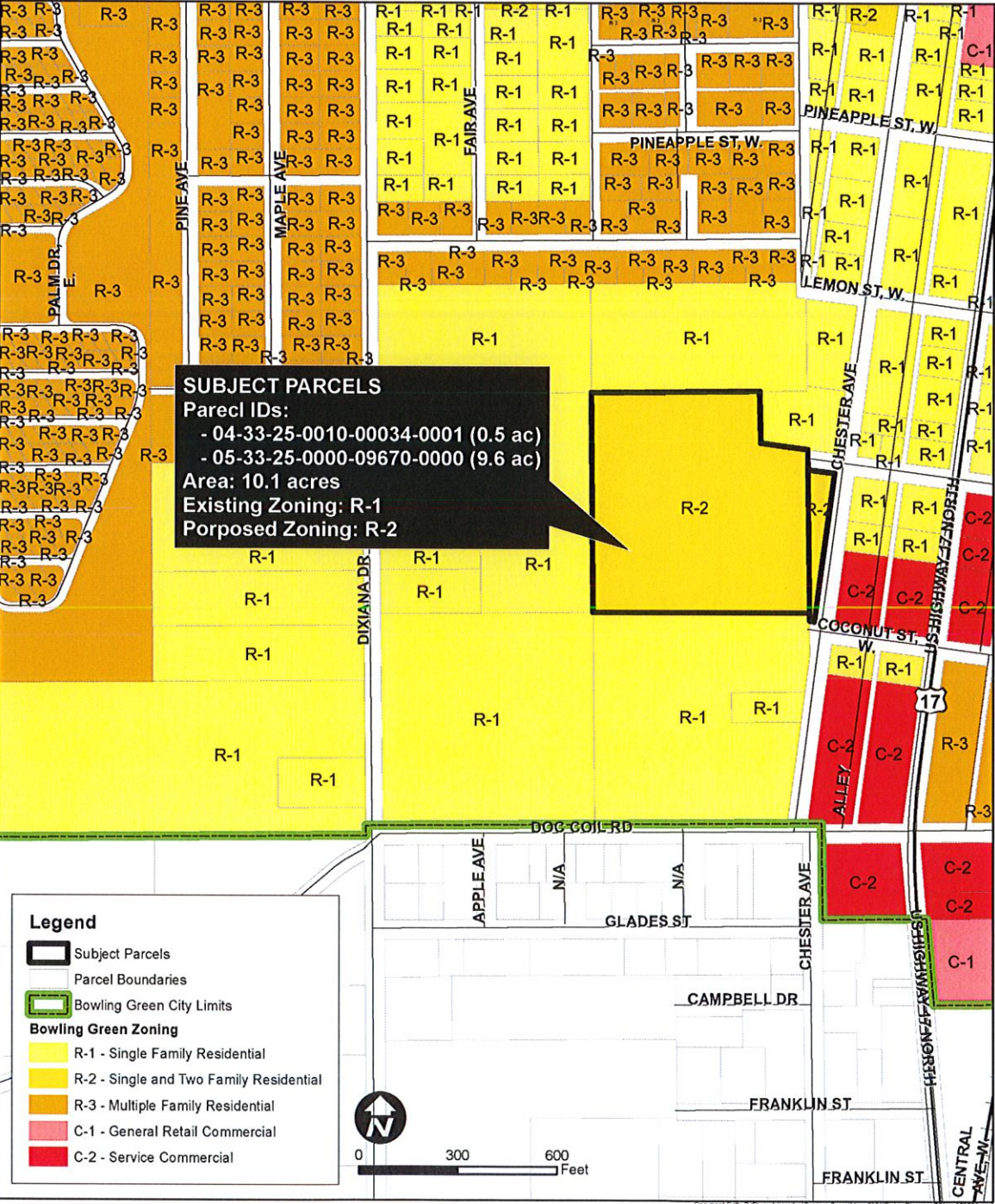
\_\_\_\_\_  
Maria Carmen Silva, City Clerk

**Approved as to Form:**

\_\_\_\_\_  
Gerald Buhr, City Attorney

**ORDINANCE NO. 2021-07**  
**EXHIBIT "A"**

**CITY OF BOWLING GREEN**  
**ZONING MAP - PROPOSED**



CITY OF BOWLING GREEN



AGENDA REQUEST

Name Elder Emanuel Reed

Address 607 Palmetto St.

Phone (Contact Information) 863 398 0403

Date 7-8-21

Purpose of Request Back to school event

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Signature Barbara Barber

CITY OF BOWLING GREEN



AGENDA REQUEST


Name Sergio Jimenez

Address P.O. Box 1703 Wauchula, FL 33873

Phone (Contact Information) 863-832-3214

Date 7/14/21

Purpose of Request Discuss impact fee for  
510 Desoto St. Bowling Green, FL 33834. Emailed  
City sign off on 6/2/21; was not told in writing  
that the application was rejected. I would like  
to request that the impact fee for 510 Desoto St.  
Bowling green, FL 33834 be waived.

Signature 

## Candice Torres

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**From:** Candice Torres  
**Sent:** Wednesday, June 2, 2021 1:09 PM  
**To:** 'Sergio Jimenez'  
**Subject:** RE: City Sign Off

Good afternoon Mr. Jimenez,

I have received your sign off request for a new SFR one 510 Desoto St. We will need a site plan for the new property, to make sure it will meet all setback requirements.

Please let me know if you have any questions,

*Candice Torres*

Clerical Assistant  
City of Bowling Green

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**From:** Sergio Jimenez <sergio@wauchularealty.com>  
**Sent:** Wednesday, June 2, 2021 12:57 PM  
**To:** Candice Torres <ctorres@bowlinggreenfl.org>; Maricruz Rodriguez <mrodriguez@bowlinggreenfl.org>  
**Subject:** City Sign Off

Attached is a request for a sign off. If you have any questions, please let me know. I will pay for the sign off once I pick it up. Thanks.

--  
Sergio Jimenez  
Wauchula Realty LLC  
PO BOX 1703  
Wauchula, FL. 33873  
(863)-401-4455

**CONFIDENTIAL: The information contained in this email message is legally privileged and confidential information intended only for the exclusive use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this email is strictly prohibited. If you have received this email in error, please immediately notify the sender by telephone and delete the original message from your Inbox.**

**CITY OF BOWLING GREEN**  
**Zoning and Comprehensive Plan Consistency Determination**  
**SIGN-OFF FOR PERMITS**  
**VALID FOR 90 DAYS**

**INSTRUCTIONS TO CUSTOMERS:** The request for a sign-off will not be processed by the City of Bowling Green unless your portion of this form is completely filled out, signed and dated. For additions, new buildings, sheds, and accessory structures a SITE PLAN must be attached to this form.

**PLEASE PRINT IN ENGLISH**

Describe, in detail, ALL work to be done: New SFR

ADDRESS OF PROPERTY REQUESTING SIGN OFF: 510 Desoto St.

PROPERTY OWNER'S NAME: Red Sky Capital, LLC & Station Housing PHONE: 863-832-3214

APPLICANT/CONTRACTOR: Seasio Jimenez PHONE: 863-832-3214

PROPERTY OWNER'S PERMANENT ADDRESS

APPLICANT/CONTRACTOR'S ADDRESS

120 E Fifth St.  
2016 Springs, FL 33880

P.O. Box 1703  
Warchola, FL 33877

STRAP NO./PARCEL NUMBER: 05-33-25-0080-0000B-0006

CURRENT USE OF PROPERTY: R-2 PROPOSED USE: R-2

APPLICANT SIGNATURE: [Signature] DATE: 6/2/21

**TO BE COMPLETED BY THE CITY OF BOWLING GREEN**

ZONING DISTRICT: Flood Zone SET BACKS: FRONT:        SIDE:        REAR:       

PROPERTY ON CITY WATER:       ; CITY SEWER:       ; GARBAGE COLLECTION:       

IS PROPERTY UNDER CODE ENFORCEMENT ACTION?       . IF SO, DESCRIBE.       

IS PROPERTY CURRENTLY IN COMPLIANCE WITH LDC & COMPREHENSIVE PLAN?       . IF NO, WHY NOT:       

\*IS/WILL DRIVE-WAY CONNECTION TO CITY STREETS MEET COMPLIANCE:        IF NO, OR UNSURE PLEASE INSPECT SITE. RESULTS OF INSPECTION:       

The City of Bowling Green has reviewed the proposed improvements and found them to be in compliance with the City's Comprehensive Plan, Land Development Code and meets all zoning requirements.

DATE \_\_\_\_\_ TITLE \_\_\_\_\_ SIGNATURE OF PERSON AUTHORIZING SIGN-OFF \_\_\_\_\_

COMMENTS: \_\_\_\_\_

**\*NOTICE TO APPLICANT:** IF INGRESS/EGRESS (DRIVE WAY) IS TO BE LOCATED ON A STATE HIGHWAY, THE FLORIDA DEPARTMENT OF TRANSPORTATION IN ARCADIA, FLORIDA MUST BE CONTACTED AND MUST PROVIDE A LETTER/COPY OF APPLICATION WHEN YOU APPLY FOR YOUR PERMIT.