

ORDINANCE NO. 09-2009

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA , AMENDING CHAPTER 67 OF THE TOWN CODE ENTITLED “LAND DEVELOPMENT CODE” CREATING ARTICLE VII TO BE ENTITLED “EXPEDITED PERMITTING”; PROVIDING FOR THE CREATION OF NEW SECTIONS 67-201 ENTITLED “PURPOSE”; 67-202 ENTITLED “APPLICABILITY”; AND SECTION 67-203 ENTITLED “TOWN’S RESPONSIBILITIES”; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida (“Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has adopted a Land Development Code which has been codified in Chapter 67 of the Code of Ordinances; and

WHEREAS, Town staff has recommended to the Town Commission, that it adopt regulations that provide for expedited permitting for businesses proposing to locate in the Town; and

WHEREAS, the adoption of a new Article VII together with Sections 67-201, 67-202 and 67-203 provide for the purpose, applicability and Town’s responsibilities with regard to expedited permitting; and

WHEREAS, the Town Commission, after due notice and public hearings, deems it to be in the interest of the public health, safety and general welfare to amend the Town’s Code to provide for expedited permitting.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1: The whereas clauses are incorporated herein as the Commission’s legislative

findings.

Section 2. Article VII, Sections 67-201, 67-202 and 67-203 of Chapter 67 are hereby created to read as follows:

Article VII. Expedited Permitting

Section 67-201 Purpose.

The purpose of this Article is to provide an expedited permitting process to encourage businesses to locate or relocate within the Town of Lake Park. An expedited permitting process may be applied to a property which is properly zoned and platted for its intended use to accomplish the following:

- An expedited process for qualified projects
- A business-friendly, single point staff professional whose responsibility it is expedite projects through the Town's development review process
- Provide for pre-development meetings, initiated by appropriate town staff and consultants to eliminate or minimize unanticipated delays during the development review process.
- Town staff coordination of meetings, as necessary with utility company representatives and others.

Section 67-202. Applicability.

The following criteria shall be used to determine whether a business qualifies for the expedited permitting program:

(a) The business must fall into one of the following targeted industry clusters:

1. Aviation/Aerospace/Engineering
2. Business/Financial service (non-retail)
3. Bioscience;
4. Communications/IT
5. Medical or pharmaceutical research and development
6. Educational Institution
7. Corporate Headquarters

(b) The business shall demonstrate the capability to create 30 new full-time positions within the first two years of operation or within two years of expansion of its operation within the town.

(c) New employment positions shall be value-added employment based on the average salary paid by the employer. Value-added employment is defined as the average salary for new employment positions created being at least fifteen percent higher than the average current per capita income level in Palm Beach County or fifteen percent higher than the industry average as reported by the Bureau of Economic and Business Research, University of Florida.

(d) The business shall submit sufficient financial information to the town manager to establish solvency and status as an ongoing business prior to acceptance into the program. Due diligence reports may include a Dun & Bradstreet report or such other reports as deemed necessary by the town.

Section 67-203. Town's Responsibilities.

For businesses that meet the above described criteria, the Town of Lake Park agrees to take the following actions to streamline the permitting process:

(a) The Community Development Director or his designee shall be the Town's "Corporate Permit Manager." This individual shall serve as the single point of contact for qualified businesses and shall have the responsibility of assisting applicants throughout the Town's development application review and permitting process.

(b) The Community Development Department shall establish the necessary steps required for permitting qualified projects in a pre-application meeting and shall prepare a permitting timetable within five business days for the project's completion of an application to the town for review. A plans review timeline shall be developed and agreed upon by both parties which include submittal deadlines and review for all development related issues.

(c) The project shall receive priority at every phase of the development application review and permitting process by town staff, including "face-to-face" or "stand-up" meetings to conduct reviews with the applicant present to have an efficient interaction during the review, to get answers immediately to questions, and/or to make expectations clear on how issues will be addressed. Public hearing scheduling shall be expedited if applicable to an application.

(d) Comments relative to the town's development application review shall be provided to the applicant within ten business days of the submission of an application which has been deemed complete by the town. The town and the applicant shall review comments and plans or revisions thereto in a thorough and timely manner;

(e) Should any issues arise during the development application review and permitting process, a "face-to-face" or "stand-up" meeting between the town staff and applicant's representatives shall be conducted within three business days of the applicant's written notification of the issues.

Section 3. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 4. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. This Ordinance shall become effective immediately upon adoption.

Upon First Reading this 15 day of July, 2009, the foregoing Ordinance, was offered by Commissioner Rumsey who moved its approval. The motion was seconded by Commissioner Osterman and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>/</u>	_____
VICE MAYOR JEFF CAREY	<u>/</u>	_____
COMMISSIONER ED DALY	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	_____
COMMISSIONER KENDALL RUMSEY	<u>/</u>	_____

PUBLISHED IN THE PALM BEACH POST THIS 19 DAY OF July, 2009

Upon Second Reading this 5 day of August, 2009, the foregoing Ordinance, was offered by Commissioner Rumsey who moved its adoption. The motion was seconded by Commissioner Osterman and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u>Absent</u>	_____
VICE MAYOR JEFF CAREY	<u>/</u>	_____
COMMISSIONER ED DALY	<u>/</u>	_____
COMMISSIONER PATRICIA OSTERMAN	<u>/</u>	_____
COMMISSIONER KENDALL RUMSEY	<u>/</u>	_____

The Mayor thereupon declared **Ordinance No. 09-2009** duly passed and adopted this 5 day of August, 2009.

TOWN OF LAKE PARK, FLORIDA

BY: Desca DuBois
Mayor, Desca DuBois

ATTEST:

Vivian M. Lemley
Town Clerk, Vivian M. Lemley
(Town Seal)
TOWN OF LAKE PARK
SEAL
FLORIDA

Approved as to form and legal sufficiency:

Thomas J. Baird
Town Attorney, Thomas J. Baird