

7. B

**WELLINGTON VILLAGE COUNCIL  
AGENDA ITEM SUMMARY**

**AGENDA ITEM NAME:** ORDINANCE NO. 2009-12 (EXPEDITED PERMITTING)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, RELATING TO THE CREATION OF A TARGETED EXPEDITED ZONING PROCESS; AMENDING THE LAND DEVELOPMENT REGULATION CODE OF THE VILLAGE OF WELLINGTON BY CREATING ARTICLE 5, CHAPTER 1, SECTION 15, "TARGETED EXPEDITED PERMITTING PROGRAM FOR ECONOMIC DEVELOPMENT PROJECTS"; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**ACTION REQUESTED:** Discussion  Approval

**BUDGET AMENDMENT  
REQUIRED:** Yes  No  See Below

**PUBLIC HEARING:** Yes  No

**FIRST READING**

**SECOND READING**

**REQUEST:** The proposed zoning text amendment will create a targeted expedited permitting program (TEPP) and create Section 5.1.15 of Chapter 1, Article 5 in the Village's Land Development Regulations (LDR).

**EXPLANATION:** The TEPP program is intended to expedite planning, zoning and building permit reviews for projects providing value-added employment or for "green" buildings certified with a Leadership in Environmental Engineering and Design (LEED) designation of silver or higher.

**FISCAL IMPACT:** None

**RECOMMENDATION:** Staff recommends adoption of Ordinance 2009-12 creating a targeted expedited permitting program (TEPP) and adding Section 5.1.15 of Chapter 1, Article 5 in the Village's Land Development Regulations LDR.

**ORDINANCE NO. 2009-12**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, RELATING TO THE CREATION OF A TARGETED EXPEDITED ZONING PROCESS; AMENDING THE LAND DEVELOPMENT REGULATION CODE OF THE VILLAGE OF WELLINGTON BY CREATING ARTICLE 5, CHAPTER 1, SECTION 15, "TARGETED EXPEDITED PERMITTING PROGRAM FOR ECONOMIC DEVELOPMENT PROJECTS"; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, this Ordinance is enacted pursuant to Article VIII of the Florida Constitution, Chapter 166, Florida Statutes, the Charter of the Village of Wellington, and the police powers of the Village; and

**WHEREAS**, the Village of Wellington has determined that the existing Village Land Development Regulations should be amended to permit a targeted expedited permitting process upon creation of a defined Flexible Use Employment Center District; and

**WHEREAS**, the Village Council finds that the proposed regulations further the goals, objectives, and policies of the Comprehensive Plan, specifically Policy 1.5.4 of the Land Use Element concerning the creation of value-added employment; and

**WHEREAS**, the Village Council has determined that it is necessary to create a new Section of the Land Development Regulation entitled "Targeted Expedited Permitting Program for Economic Development Projects" to facilitate and encourage the development of value-added employment within the Village; and

**WHEREAS**, the Village Council finds that the reasonable regulations contained herein are in the best interests of the residents of the Village; and

**WHEREAS**, in accordance with the requirements of Chapter 163, Florida Statutes, the Village Planning, Zoning and Adjustment Board, acting as the Land Development Regulation Commission, has reviewed the proposed regulations and have determined that the proposed regulations are consistent with the Village of Wellington Comprehensive Plan; and

**WHEREAS**, all ordinances or parts of ordinances in conflict herewith are hereby repealed. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word is declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or any part to be declared invalid.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, THAT:**

**SECTION 1.** Section 5.1.15 to Chapter 1 of Article 5 is hereby made part of the Land Development Regulations of the Village of Wellington, Florida, which shall be known as the Targeted Expedited Permitting Program for Economic Development Projects” and which shall provide as follows:

**Section 5.1.15.**

**Targeted Expedited Permitting Program for Economic Development Projects**

(a) *Purpose and intent.* The targeted expedited permitting program (TEPP) provides qualifying projects with an efficient and accelerated process to resolve issues in a timely manner with a Village representative without sacrificing any requirements established in this chapter. The TEPP program is available to qualifying companies that are expanding operations, relocating or establishing a new business within the Village so that value-added employment may be created at a faster pace. The TEPP program is also available to any building obtaining a Leadership in Environmental Engineering and Design (LEED) Silver or higher rating. The TEPP program is intended to expedite all phases of the Village’s Planning, Zoning, Building Engineering and Utilities permitting process.

Projects qualifying for the TEPP program remain subject to the provisions of Ordinance 07-17 and Resolution 08-21 which implement the Village’s Cost Recovery Program.

(b) *Applicability.* The following criteria shall be used to determine whether a business qualifies for the flex zoning targeted expedited permitting program:

- (1) The company must fall into suggested uses that provide for:
  - a. Laboratory, research, testing, and experimental use not involving danger of fire or explosion or any offensive noise, vibration, smoke, dust, glare, heat or other objectionable influence.
  - b. Bioinformatics or other computational, analytical, or research and development services.
  - c. Environmental/green industries.
  - d. High technology industries.
  - e. Light bioscience.
  - f. Manufacture and assembly of merchandise from previously prepared materials such as plastics, canvas, fiber, glass, leather, precious or semi precious metals or stones, and other innocuous materials.
  - g. Printing, publishing, booking, lithographing or similar uses.
  - h. Manufacture and assembly of: ceramic products and novelty or small products from previously prepared cardboard or paper or other innocuous materials.
  - i. Back office operations such as accounting, inventory, and warehouse facilities.
  - j. Any other industry cluster as deemed appropriate by the Village’s Planning and Zoning Manager.
- (2) The business must be located on a site with a minimum of 40 5 acres.

(3) The business must demonstrate the capability to create at least ~~25~~ 20 new employment positions in the Village of Wellington within the first two years of creation, expansion or relocation of its operation within the Village.

(4) Positions created must be considered value-added employment based on the average wages and/or compensation paid by the employer. Value-added employment is defined when the average compensation package of positions created is at least ten percent higher than the current per capita income level in Palm Beach County as reported by the Bureau of Economic and Business Research, University of Florida.

(5) The business shall submit sufficient financial information to the Palm Beach County Business Development Board to establish solvency and status as an ongoing business prior to acceptance into the program. A letter from the Palm Beach County Business Development Board shall serve as sufficient verification of status.

(6) Notwithstanding the criteria listed herein, a business shall qualify for the targeted expedited permitting program if the project meets the criteria of this ordinance and is sanctioned by the Palm Beach County Business Development Board or other governmental entity economic development organization approved by Village Council.

(7) Buildings obtaining a Leadership in Environmental Engineering and Design (LEED) Silver or higher rating shall qualify for expedited permitting. At time of application for the Expedited Permitting program, the applicant shall provide a letter from the U.S. Green Building Coalition (USGBC) stating that the applicant has submitted the design Phase Application and listing the anticipated credit achievement for the project. LEED projects meeting these criteria are eligible for expedited permitting regardless of their compliance with items One through Six of this section.

(c) *Benefits.* Companies or businesses that have been accepted into the targeted expedited permitting program shall receive the following benefits:

- (1) The Village Manager shall designate a Village employee as the single point of contact who shall have the responsibility of assisting the applicant throughout the development application and permitting process. This individual shall be responsible for coordinating all matters relating to the review of the project by the Village and shall provide a periodic status report to the business' project manager; and
- (2) The Planning and Zoning Division shall establish the necessary steps required for project approval in a pre-application meeting, and subsequently, prepare an itemized timetable for the project's completion of the development review process. The Village and the applicant shall make a mutual commitment to provide the necessary development information in a timely manner in order to meet the established timetable; and
- (3) The project shall receive priority at every phase of the review process by Village staff. This shall include:

- Providing a projected schedule of public hearings which demonstrates how the review process will be expedited.
  - Providing immediate responses to questions for the applicant during the review process.
  - Conducting project reviews with the applicant present in order to facilitate efficient interaction, provide feedback and to resolve issues immediately where possible. This also will ensure applicant and staff maintain clear understanding of how issues will be addressed.
- (4) The Village's Development Review Committee shall review and provide comments relative to the project not to exceed five business days of submission of plans by the applicant provided a pre-application meeting is held with staff; and
- (5) In the case that major issues arise at any point during the development review process, a face-to-face meeting of all concerned parties will be called within three business days so that a resolution may be found in a timely and efficient manner; The Village and the applicant shall make a mutual commitment to provide development application review comments and plans or revisions thereto in a thorough and timely manner; and
- (6) Wherever possible for projects subject to the public hearing process, multiple petitions for the same projects shall be combined in order to expedite the review. An applicant may proceed through the targeted expedited permitting process for site plan and use approval through the Development Review Committee and staff review.
- (7) If approval of a rezoning or overall master plan is required, economic information regarding the project will be included in the staff report to Village Council, Planning Zoning and Adjustment Board and Architectural Review Board. Otherwise, the targeted expedited permitting program will only require Development Review Committee review and special meetings may be called, as necessary, to further expedite the review.

**SECTION 2.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Village Ordinance, Resolution, or Municipal Code provision, the provisions of this Ordinance shall prevail to the extent of such conflict.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are hereby repealed. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word is declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or any part to be declared invalid.

**SECTION 4.** The provisions of this Ordinance shall become effective immediately upon adoption.

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**PASSED** this 23rd day of June 2009, upon first reading.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2009, on second and final reading.

**VILLAGE OF WELLINGTON**

**FOR**

**AGAINST**

BY: \_\_\_\_\_

Darell Bowen, Mayor

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Dr. Carmine A. Priore, Vice Mayor

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Lizbeth Benacquisto, Councilwoman

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Matt Willhite, Councilman

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Howard K. Coates, Jr., Councilman

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**ATTEST:**

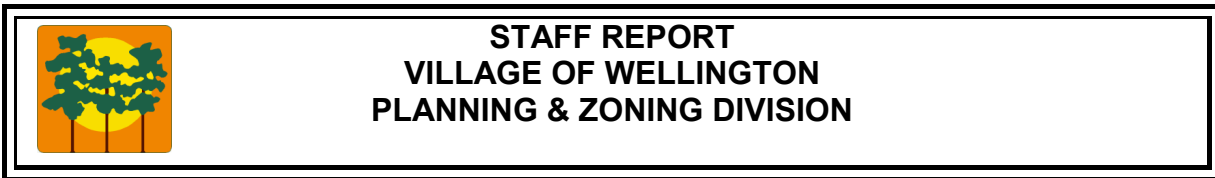
BY: \_\_\_\_\_

Awilda Rodriguez, Village Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_

Jeffrey S. Kurtz, Village Attorney



**I. Petition Description.**

**Petition:** 2009 – 002 Zoning Text Amendment

**Petitioner:** Village of Wellington

**Request:** Amending the Land Development Regulations to create a Targeted Expedited Permitting Program.

**II. Proposed Zoning Text Amendment:**

The proposed zoning text amendment will create a targeted expedited permitting program (TEPP) and create Section 5.1.15 of Chapter 1, Article 5 in the Village’s Land Development Regulations (LDR).

**III. Background:**

The TEPP program is intended to expedite The TEPP program is intended to expedite planning, zoning and building permit reviews for projects providing value-added employment or for “green” buildings certified with a Leadership in Environmental Engineering and Design (LEED) designation of silver or higher.

The growing competition for higher wage employers has increased the need for the streamlining of development and permitting policies and procedures to keep local governments competitive in today’s economic development marketplace. The presence of time-consuming permitting policies often is a negative for firms seeking a location in an area. Consequently, development reviews may be drawn out or delayed, and create difficulties for businesses and developers to whom time is money.

The Village’s Economic Development Initiative Team (EDI) is recommending the adoption of an expedited permitting process for the Village. The EDI team includes representatives of the Planning and Zoning Division and representatives from other Village Divisions including Building, Engineering and Administration.

Expedited permitting has also been identified as an economic development tool for Palm Beach County local governments by both the “Industrial Lands Study” generated for the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) as well as the Palm Beach County Business Development Board.

Several local municipalities are exploring expedited permitting programs and Palm Beach Gardens has moved forward with adoption of their expedited permitting ordinance.

Additionally, the adoption of the TEPP Program for economic development projects will provide a valuable marketing tool for the Village when seeking to attract an employer.

The targeted expedited permitting program (TEPP) provides qualifying projects with an efficient and accelerated process to resolve issues in a timely manner with a Village representative without sacrificing any requirements established in this chapter. The TEPP program is available to qualifying companies that are expanding operations, relocating or establishing a new business within the Village so that value-added employment may be created at a faster pace.

Staff is also proposing the TEPP program apply to any building obtaining a Leadership in Environmental Engineering and Design (LEED) Silver or higher rating. Buildings constructed to this standard are of considerably more value to the community than traditional construction and highlight Wellington's commitment to a sustainable future.

#### **IV. Analysis:**

Staff is proposing a zoning text amendment as Section 5.1.15 of Chapter 1, Article 5 in the Village's LDR that will create a targeted expedited permitting program (TEPP). The TEPP provides qualifying projects with an efficient and accelerated process to resolve development-related issues in a timely manner with a Village representative without sacrificing any requirements established in this chapter.

This proposal would apply to the Village's Planning, Zoning, Building, Engineering and Utilities review processes.

The TEPP program would be available to qualifying companies that are expanding operations, relocating or establishing a new business within the Village so that value-added employment may be created at a faster pace. The TEPP program is also available to any building obtaining a Leadership in Environmental Engineering and Design (LEED) Silver or higher rating.

The TEPP program is intended to expedite all phases of the Village's Planning, Zoning, Building, Engineering and Utilities permitting process.

Projects qualifying for the TEPP program remain subject to the provisions of Ordinance 07-17 and Resolution 08-21 which implement the Village's Cost Recovery Program.

Staff is proposing the following criteria shall be used to determine whether a business qualifies for the flex zoning targeted expedited permitting program:

- (1) The company must fall into suggested uses that provide for:
  - b. Laboratory, research, testing, and experimental use not involving danger of fire or explosion or any offensive noise, vibration, smoke, dust, glare, heat or other



objectionable influence.

- k. Bioinformatics or other computational, analytical, or research and development services.
- l. Environmental/green industries.
- m. High technology industries.
- n. Light bioscience.
- o. Manufacture and assembly of merchandise from previously prepared materials such as plastics, canvas, fiber, glass, leather, precious or semi precious metals or stones, and other innocuous materials.
- p. Printing, publishing, booking, lithographing or similar uses.
- q. Manufacture and assembly of: ceramic products and novelty or small products from previously prepared cardboard or paper or other innocuous materials.
- r. Back office operations such as accounting, inventory, and warehouse facilities.
- s. Any other industry cluster as deemed appropriate by the Village's Planning and Zoning Manager.

(2) The business must be located on a site with a minimum of 5 acres. The original recommendation for minimum site area was 10 acres. Based on Village Council direction this has been reduced to 5 acres.

(3) The business must demonstrate the capability to create at least 20 new employment positions in the Village of Wellington within the first two years of creation, expansion or relocation of its operation within the Village. The original recommendation for minimum new employment positions to be created was 25. Based on Village Council direction this has been reduced to 20.

(4) Positions created must be considered value-added employment based on the average wages and/or compensation paid by the employer. Value-added employment is defined when the average compensation package of positions created is at least ten percent higher than the current per capita income level in Palm Beach County as reported by the Bureau of Economic and Business Research, University of Florida.

(5) The business shall submit sufficient financial information to the Palm Beach County Business Development Board to establish solvency and status as an ongoing business prior to acceptance into the program. A letter from the Palm Beach County Business Development Board shall serve as sufficient verification of status.

(6) Notwithstanding the criteria listed herein, a business shall qualify for the targeted expedited permitting program if the project meets the criteria of this ordinance and is sanctioned by the Palm Beach County Business Development Board or other governmental entity economic development organization approved by Village Council.

(7) Projects with buildings proposing to obtain a Leadership in Environmental Engineering and Design (LEED) Silver or higher rating shall qualify for expedited permitting. At time of application for the Expedited Permitting program, the applicant shall provide a letter from the U.S. Green Building Coalition (USGBC) stating that the applicant has submitted the design Phase Application and listing the anticipated credit achievement for the project. LEED

projects meeting these criteria are eligible for expedited permitting regardless of their compliance with items One through Six of this section.

Staff recommends companies or businesses that have been accepted into the targeted expedited permitting program shall receive the following benefits:

- (8) The Village Manager shall designate a Village employee as the single point of contact who shall have the responsibility of assisting the applicant throughout the development application and permitting process. This individual shall be responsible for coordinating all matters relating to the review of the project by the Village and shall provide a periodic status report to the business' project manager.
- (9) The Planning and Zoning Division shall establish the necessary steps required for project approval in a pre-application meeting, and subsequently, prepare an itemized timetable for the project's completion of the development review process. The Village and the applicant shall make a mutual commitment to provide the necessary development information in a timely manner in order to meet the established timetable.
- (10) The project shall receive priority at every phase of the review process by Village staff. This shall include:
  - providing a projected schedule of public hearings which demonstrates how the review process will be expedited;
  - providing immediate responses to questions for the applicant during the review process; and
  - conducting project reviews with the applicant present in order to facilitate efficient interaction, provide feedback and to resolve issues immediately where possible. This also will ensure applicant and staff maintain clear understanding of how issues will be addressed.
- (11) The Village's Development Review Committee shall review and provide comments relative to the project not to exceed five business days of submission of plans by the applicant provided a pre-application meeting is held with staff.
- (12) In the case that major issues arise at any point during the development review process, a face-to-face meeting of all concerned parties will be called within three business days so that a resolution may be found in a timely and efficient manner; The Village and the applicant shall make a mutual commitment to provide development application review comments and plans or revisions thereto in a thorough and timely manner.
- (13) Wherever possible for projects subject to the public hearing process, multiple petitions for the same projects shall be combined in order to expedite the review. An applicant may proceed through the targeted expedited permitting process for site plan and use approval through the Development Review Committee and staff review.
- (14) If approval of a rezoning or overall master plan is required, economic information regarding the project will be included in the staff report to Village Council, Planning

Zoning and Adjustment Board and Architectural Review Board. Otherwise, the targeted expedited permitting program will only require Development Review Committee review and special meetings may be called, as necessary, to further expedite the review.

Staff believes the expedited review processes is one of the simplest and most highly effective incentives that local government can offer to business. By bringing high wage employment and/or encouraging environmentally friendly development, expedited can contribute to the long-term economic viability and contributes to the sustainable development of the Village.

**V. Proposed Zoning Text Amendment:**

The entire text of the proposed amendment is included in Ordinance 2009-12.

**VI. Staff Recommendation:**

Staff recommends approval of Ordinance 2009-12 creating a targeted expedited permitting program (TEPP) and adding Section 5.1.15 of Chapter 1, Article 5 to the Village's Land Development Regulations (LDR).

**VII. Public Notification/Comments:**

A legal advertisement for the petition was placed in the Palm Beach Post on May 20, 2009. The notice advised the public of dates, times and locations for Planning Zoning and Adjustment Board (PZAB) and the Village Council hearing (first reading) for the proposed ordinance.

A legal advertisement for the petition was placed in the Palm Beach Post on June 29, 2009. The notice advised the public of dates, times and locations for the Village Council hearing second first reading of the proposed ordinance.

**VIII. Planning Zoning and Adjustment Board:**

This item was brought to a workshop with the Planning Zoning and Adjustment Board (PZAB) on May 7, 2009. Input from this workshop was incorporated into the preparation of Ordinance 2009-12.

The PZAB voted to recommend approval of Ordinance 2009-12 at the June 4, 2009 meeting.

**IX. Village Council:**

The Village Council voted to recommend approval of Ordinance 2009-12 at the June 23, 2009 meeting.

The second reading of this petition is scheduled to be heard at the July 14, 2009 meeting of the Village Council. The ordinance has been revised per Village Council direction as follows:

- (1) The minimum site area has been reduced from 10 to 5 acres; and
- (2) The number of value-added positions created has been reduced from 25 to 20.