

**ORDINANCE NO. 4035**

With Ordinance No. 4945, Ordinance No. 5049, Ordinance No. 5052, Ordinance 5203  
Ordinance No. 5213. "cpf 'Qtflpcpeg'7459 Amendments

**&**

**RULES OF THE BOCA RATON COMMUNITY  
REDEVELOPMENT AGENCY**

With Resolution No. 2001-05-CRA, 2001-08-CRA, 2002-07-CRA, 2008-05-CRA,  
2008-08-CRA, 2009-02-CRA, 2009-04-CRA, 2009-05-CRA, 2009-08-CRA, 2012-07-CRA,  
2012-14-CRA and 2013-07-CRA Amendments

October 4, 2013



**CITY OF BOCA RATON ORDINANCE NO. 4035**  
**&**  
**RULES OF THE BOCA RATON COMMUNITY**  
**REDEVELOPMENT AGENCY**

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**SECTION 1**

**ORDINANCE NO. 4035**





1           The Boca Raton Community Redevelopment Agency has  
2 prepared and adopted a list of historically and  
3 architecturally significant buildings in the Downtown Area,

4           Construction has been initiated on more than two  
5 hundred and fifty thousand (250,000) square feet of  
6 commercial development,

7           The Boca Raton Community Redevelopment Agency has  
8 prepared and implemented a plan to educate property owners,  
9 tenants, and employees living and/or working in the Downtown  
10 with respect to the regulations contained in the Palm Beach  
11 County Wellfield Protection Ordinance; and

12           WHEREAS, the BOCA RATON COMMUNITY REDEVELOPMENT AGENCY  
13 has filed with the CITY OF BOCA RATON an Application for an  
14 amendment to the Development Order for the Boca Raton DDRI  
15 under the provisions of Section 380.06, Florida Statutes;  
16 and

17           WHEREAS, a public hearing thereon has been duly noticed  
18 and held in accordance with applicable law; and

19           WHEREAS, the City has considered the testim ony, reports,  
20 recommendations, exhibits and other documentary evidence  
21 submitted at the public hearing; and

22           WHEREAS, the City, having considered all of the foregoing  
23 and being fully advised and informed in the premises, has  
24 determined that it is in the best interests of the citizens  
25 of Boca Raton to amend the DDRI Development Order, subject  
26 to specified conditions and limitations; and

27           WHEREAS, the City of Boca Raton has determined that no  
28 substantial deviation as defined in Section 380.06(19)  
29 Florida Statutes exists;

30           **FINDINGS OF FACT**

31           The CITY OF BOCA RATON hereby finds that:

1 1. The **BOCA RATON COMMUNITY REDEVELOPMENT AGENCY** ("CRA" or  
2 the "Developer") has filed with the **CITY OF BOCA RATON,**  
3 **FLORIDA** (the "City") an amended DDRI Development Order for  
4 a Downtown Development of Regional Impact ("Boca Raton DDRI  
5 application for development approval") pursuant to  
6 provisions and requirements of Section 380.06, Florida  
7 Statutes;

8 2. Copies of the Boca Raton DDRI application for the  
9 amended DDRI Development Order were sent to the **TREASURE**  
10 **COAST REGIONAL PLANNING COUNCIL** ("TCRPC") and the **DEPARTMENT**  
11 **OF COMMUNITY AFFAIRS OF THE STATE OF FLORIDA** ("DCA")  
12 pursuant to Section 380.06(19) on October 9, 1991;

13 3. The Boca Raton amended DDRI Development Order amends the  
14 DDRI Development Order for approximately 344.4 acres of real  
15 property (hereinafter "Downtown Boca Raton") which is  
16 legally described in Exhibit A, attached hereto and  
17 incorporated herein;

18 4. The City has given notice and held a public hearing to  
19 consider the Boca Raton amended DDRI Development Order for  
20 approval in accordance with Section 380.06(19), Florida  
21 Statutes, and the Zoning Code of the City;

22 5. The amended DDRI Development Order does not unreasonably  
23 interfere with the achievement of the objectives of the  
24 State Land Development Plan;

25 6. The amended DDRI Development Order is consistent with the  
26 City's comprehensive plan and land development regulations;

27 7. There are adequate facilities available or planned and  
28 funded to serve the development of Downtown Boca Raton in a  
29 safe and efficient manner.

30 8. The amended DDRI Development Order does not constitute a  
31 substantial deviation as defined in Section 380.06(19)  
32 Florida Statutes and does not require further development of  
33 regional impact review.

34 **CONCLUSIONS OF LAW**

1 After having considered the Boca Raton DDRI application  
2 for development approval, the input of the **TCRPC**, the  
3 recommendations of the **CITY's** own professional staff, the  
4 opinion, advice and counsel of the public, the City Council  
5 of the **CITY** hereby finds:

6 The development proposed in the amended DDRI Development  
7 Order for development approval complies with the  
8 requirements of Section 380.06(12), Florida Statutes;

9 The development proposed in the amended DDRI Development  
10 Order complies with the requirements of Section 380.06(13),  
11 Florida Statutes, in that:

12 a. The development proposed in the amended Boca Raton  
13 DDRI Development Order will not unreasonably interfere with  
14 achievement of the objectives of the State Land Development  
15 Plan;

16 b. The development proposed in the amended Boca Raton  
17 DDRI Development Order is consistent with the Comprehensive  
18 Plan of the City and all applicable land development  
19 regulations.

20 The amended DDRI Development Order does not constitute a  
21 substantial deviation as defined in Section 380.06(19)  
22 Florida Statutes and does not require further development of  
23 regional impact review.

24 This amended Development Order supersedes any and all other  
25 Development Orders issued by the City regarding Downtown  
26 Boca Raton pursuant to Section 380.06, Florida Statutes, or  
27 any other authority.

28 The Boca Raton amended DDRI Development Order has been  
29 considered and approved in accordance with each and every  
30 applicable requirement of Section 380.06, Florida Statutes.

31 The City is duly authorized and empowered to grant this  
32 amended Development Order.

1       **NOW THEREFORE IN ACCORDANCE WITH THE PROVISIONS OF SECTION**  
2       **380.06 FLORIDA STATUTES (1985), THE CITY COUNCIL OF THE CITY**  
3       **OF BOCA RATON DOES HEREBY ORDAIN:**

4               **Section 1. GENERAL**

5               (1) The Boca Raton application for an amendment to the  
6       Downtown Boca Raton DDRI development approval is approved  
7       subject to the conditions, restrictions and limitations set  
8       out in this amended Development Order. (2) Development of  
9       Downtown Boca Raton shall be carried out in accordance with  
10      the provisions of this amended Development Order. In the  
11      event there is any conflict between the terms of the amended  
12      Development Order and any other rule, regulation or  
13      ordinance of the City, the terms of this amended Development  
14      Order shall control.

15              (3) The CRA shall provide, or cause to be provided,  
16      commensurate with the pace and intensity of development, the  
17      public facilities described in Exhibit B, attached hereto  
18      and incorporated herein.

19              (4) The CRA may establish a fee schedule for  
20      applications for Individual Development Approval under this  
21      amended Development Order and impose an application fee on  
22      applications for Individual Development Approval in order to  
23      recoup the expense of processing and reviewing such  
24      applications, including the cost of professional services  
25      required in order to satisfy the requirements of this  
26      amended Development Order.

27              **Section 2. INDIVIDUAL DEVELOPMENT APPROVALS**

28              No Individual Development Approval shall be granted for  
29      any development in Downtown Boca Raton except in accordance  
30      with the provisions set out in this amended Development  
31      Order.

32              **(1) DEFINITIONS**

33              For the purposes of this amended Development Order, the  
34      following words shall be defined as set out herein:

1       **"Accessory Use"** or **"Accessory Structure"** means a use or  
2 structure that is subordinate to and serves a principal use  
3 or structure; is subordinate in area, extent and purpose to  
4 the principal use or structure served; contributes to the  
5 comfort, convenience or necessity of occupants of the  
6 principal use or structure served; and is located on the  
7 same lot or lots under the same ownership as the principal  
8 use or structure; provided, however, that in no event shall  
9 an accessory use be construed to authorize a use not  
10 otherwise permitted and in no event shall an accessory use  
11 be established prior to the principal use to which it is  
12 accessory.

13       **"Adequate Parking"** means parking which meets the minimum  
14 requirements of this section or provides sufficient parking  
15 to meet the expected long-run peak parking accumulation on  
16 the site plus an additional fifteen percent (15%) to allow  
17 for the orderly turnover of vehicles.

18       **"Arcade"** means a covered pedestrian passageway along a  
19 street frontage or between buildings, unenclosed on at least  
20 one side.

21       **"Authorized Development"** means the sum of both existing  
22 development and proposed development approved by this  
23 Development Order.

24       **"Building"** means any structure, either temporary or  
25 permanent, having a roof, and used or built for the shelter  
26 or enclosure of persons, animals, chattels, or property of  
27 any kind.

28       **"Building facade"** means the face of a building abutting a  
29 public street when viewed in elevation from the centerline  
30 of the public street on which the building fronts.

31       **"CRA Board of Commissioners"** means the Board of the  
32 Community Redevelopment Agency designated or appointed  
33 pursuant to Florida Statutes 163 Part III.

1       **"Commercial center"** means two or more separate non-  
2 residential occupancies located within the same or adjacent  
3 building or buildings on the same parcel.

4       **"Commercial Retail"** means a building, property, or  
5 activity the principal use or purpose of which is the sale  
6 of food, goods, products, personal services or merchandise  
7 directly to the consumer.

8       **"Comprehensive Plan"** means the plan adopted by the City  
9 Council pursuant to state law.

10       **"Consent Agenda"** means an agenda item of the CRA which  
11 shall become a final action of the CRA if a majority of the  
12 Agency members vote in "gross" to grant their consent to  
13 allow the proposed action to become final.

14       **"Conversion"** means the change within a subarea of  
15 authorized development from one land use to another based  
16 upon equivalency factors.

17       **"Development"** means the carrying out of any building  
18 activity, the making of any material change in the use or  
19 appearance of any structure or land or the subdividing of  
20 land into two or more parcels. Development shall not  
21 include temporary special events, interior alterations of a  
22 structure that do not change the use for which the structure  
23 was constructed, work involving the maintenance of existing  
24 landscaped areas and existing rights-of-way such as yards  
25 and other non-natural planting areas, a change in the use of  
26 land or structure from a permitted use to another permitted  
27 use, provided that such change does not involve an increase  
28 in density or intensity of use or material alteration in the  
29 structure, a change in the ownership or form of ownership of  
30 any parcel or structure, or the creation or termination of  
31 rights of access, riparian rights, easements, covenants  
32 concerning development of land, or other rights in land.

33       **"Downtown"** means the approximately 344.4 acres of real  
34 property legally described in Exhibit A.

1       **" Dwelling unit "** means a self-sufficient room or  
2 combination of rooms which is designed for or used as a  
3 residence by a single housekeeping unit excluding hotels.

4       **" Equivalency factor "** means the number of square feet or  
5 unit of specific use necessary to generate the same number  
6 of peak hour trips as another specific use.

7       **" Equivalent development "** means that total amount of  
8 development authorized by this amended Development Order as  
9 calculated by use of the land use intensity equivalency  
10 factors set out in this amended Development Order for  
11 adjusting from one land use category to another with  
12 appropriate credit for demolition or replacement of existing  
13 buildings and uses. Buildings or portions of buildings  
14 vacant prior to March 15, 1987 are not eligible for this  
15 credit.

16       **" Established grade "** means the average elevation of the  
17 crown of the pavement on the public or private street(s)  
18 abutting the plot. However, if a public or private street  
19 abutting the plot is elevated because of the construction of  
20 a bridge or overpass, the established grade shall be the  
21 average elevation of the crown of the pavement leading to  
22 and including the point of vertical curvature which fixes  
23 the beginning of the elevation of the ramp approach for the  
24 bridge or overpass. The point of vertical curvature will be  
25 determined by the roadway profile design plans for the  
26 bridge or overpass. If there is no pavement, the average  
27 elevation of the natural terrain of the plot shall be used  
28 as the established grade.

29       **" Executive Director "** means the Executive Director for the  
30 Community Redevelopment Agency of the City of Boca Raton or  
31 another individual designated by the CRA Board of  
32 Commissioners to perform specific function under this  
33 ordinance.

34       **" Floor area "** means the sum of the gross horizontal areas  
35 of each story of all buildings on a parcel proposed for  
36 development, measured from the exterior walls or from the  
37 centerline of party walls, including the floor area of

1 accessory uses, buildings and structures, other than parking  
2 structures.

3 **"Frontage"** means that portion of the property that abuts  
4 a public right-of-way line, not including alleyways less  
5 than thirty (30) feet in width.

6 **"Height"** means the vertical distance from the established  
7 grade at the center of the front of the building to the  
8 highest point of the roof surface if a flat roof, and to the  
9 mean heights level between eaves and ridges for gable, hip  
10 and gambrel roofs. Uninhabitable scenery lofts, towers,  
11 cupolas, steeples and domes, collectively not exceeding in  
12 gross area, at maximum horizontal section thirty (30) per  
13 cent of the roof area, flagpoles, antennas, chimneys,  
14 stacks, tanks, elevator or stair bulkheads and roof  
15 structures used only for ornamental or mechanical purposes,  
16 need not be included in measuring the height of a building  
17 or structure. Parapet walls may extend not more than five  
18 (5) feet above the allowable height of a building.

19 **"Hotel"** means a building containing more than four  
20 individual rooms for the purpose of providing overnight  
21 lodging facilities to the general public.

22 **"Individual Development Approval"** means a development  
23 approval issued by the CRA approving an individual developer  
24 to carry out development authorized by this amended  
25 Development Order.

26 **"Institutional Use"** means a use that serves the  
27 recreational, religious, educational, governmental, cultural  
28 or health needs of the community, including educational and  
29 scientific research facilities that serve the region.

30 **"Office"** means a use or structure where business or  
31 professional services are made available to the public.

32 **"Office equivalent development"** means the number of  
33 square feet of office development necessary to generate the  
34 same number of peak hour trips as proposed development.

1       **"Open space"** means an area which is open from the land to  
2 the sky predominantly designed for and paved with bricks,  
3 pavers or other similar material for pedestrian use, or an  
4 area where no structures, or buildings other than landscape  
5 features, fountains, benches, arcades and objects of art are  
6 located.

7       **"Original Development Order"** means the Development Order  
8 approved by City of Boca Raton Resolution No. 28-88 on March  
9 15, 1988.

10       **"Parcel"** means any quantity of land and water capable of  
11 being described with such definiteness that its location and  
12 boundaries may be established, which is designated by its  
13 owner or developer as land to be used or developed as a  
14 unit, or which has been used or developed as a unit.

15       **"Private Development"** means the carrying out of  
16 development on private property.

17       **"Redevelopment"** means development of a building or  
18 structure which exists on the effective date of the original  
19 Development Order approved on March 15, 1988, which does not  
20 involve an increase in the floor area of the building or  
21 structure.

22       **"Residential"** means used for or intended to be used  
23 exclusively for dwelling purposes, not including hotel  
24 rooms.

25       **"Retail (Low)"** means commercial retail uses that generate  
26 less than 10 average weekday trips per 1000 square feet of  
27 floor area.

28       **"Retail (Medium)"** means commercial retail uses that  
29 generate more than ten (10) but less than twenty-five (25)  
30 average weekday trips per 1000 square feet of floor area.

31       **"Retail (Medium-High)"** means commercial retail uses that  
32 generate more than twenty-five (25) but less than fifty (50)  
33 average weekday trips per 1000 square feet of floor area.

1       **"Retail (High)"** means commercial retail uses that  
2 generate more than (50) average weekday trips per 1000  
3 square feet of floor area.

4       **"Structure"** shall mean anything constructed, installed or  
5 portable, the use of which requires a location on a parcel  
6 of land, but not including landscaping or awnings.

7       **"Substantially complete"** means that point in the  
8 construction of a roadway improvement where the improvement  
9 is capable of providing the level of traffic capacity for  
10 which the improvement is designed.

11  
12       **"Temporary Special Event"** means a special event or  
13 activity like festivals or outdoor concerts not requiring  
14 permanent structures which is operated or maintained for a  
15 period of less than thirty (30) days.

16       **"Transfer"** means the reallocation of a portion of a  
17 permitted land use from one subarea to another subarea.  
18

19       **(2) DEVELOPMENT REVIEW PROCEDURES**

20       (a) Applications for Individual Development Approval  
21 shall be reviewed and approved in accordance with the  
22 procedures set out in this amended Development Order.  
23 Except for review and approval under the City's Code of  
24 Ordinances relating to the Building Code, Land Dedication  
25 Requirements, Sign Ordinance, Subdivision Regulations,  
26 Vacation and Abandonment of Streets and Easements, and  
27 sections of the Zoning Code specifically referenced in this  
28 Ordinance, no other City review or approval is required.  
29 Under the above provisions in the Downtown area the CRA  
30 Board of Commissioners shall act as the:

- 31       Planning and Zoning Board,  
32       Community Appearance Board,  
33       Zoning Board of Adjustment, and  
34       Environmental Advisory Board.

1 The CRA Board of Commissioners has the power to adopt  
2 reasonable rules of procedure to implement the provisions of  
3 this amended Development Order. These reasonable rules may  
4 include, but are not limited to, the delegation of approval  
5 powers for minor Individual Development Approvals which do  
6 not increase the square footage of a structure or the  
7 intensity of use to staff or a review board.

8 The City Council may delegate general Individual Development  
9 Approval powers to a review board created by ordinance if an  
10 appeal procedure is provided to the CRA Board of  
11 Commissioners or City Council.

12 (b) This amended Development Order presumes that  
13 development of Downtown Boca Raton will proceed in  
14 accordance with the DDRI Subarea allocations set out in  
15 Paragraph 2(3)(b) of this amended Development Order.  
16 Applications for Individual Development Approval for  
17 development in Downtown Boca Raton, if the proposed  
18 development is consistent with the use and intensity of use  
19 in the DDRI Subarea allocations in Paragraph 2(3)(b),  
20 including the use and intensity of use authorized by way of  
21 the equivalency factors specified in Paragraph 2(3)(d)(2),  
22 shall be reviewed and approved in accordance with the  
23 provisions of Paragraphs 2(2)(e) through 2(2)(i) of this  
24 amended Development Order. Applications for Individual  
25 Development Approval for development in Downtown Boca Raton,  
26 if the proposed development is in excess of the DDRI Subarea  
27 allocations, shall be reviewed and approved in accordance  
28 with the provisions of Paragraphs 2(2)(j) and 2(2)(k) of  
29 this amended Development Order.

30 (c) All applications for Individual Development Approval  
31 shall be filed with the CRA on a form and in a manner  
32 prescribed by the Executive Director, accompanied by a fee  
33 established by the CRA from time to time to cover the cost  
34 of review of the application.

35 (d) Within a reasonable time after receipt of an  
36 application, the Executive Director shall determine whether  
37 the application is complete. If the Director determines  
38 that the application is not complete, the Director shall  
39 advise the applicant in writing of the deficiencies and

1 shall take no further action on the application until the  
2 deficiencies have been remedied.

3 (e) If the Executive Director determines the application  
4 to be complete, the Director shall, within a reasonable  
5 time, review the application and determine whether the  
6 proposed development complies with the provisions of this  
7 amended Development Order.

8 (f) If the Executive Director determines that an  
9 application for Individual Development Approval, involving  
10 less than one half acre of land area or the development of  
11 25,000 square feet of building, demonstrates that the  
12 proposed development complies with each and every  
13 requirement of this amended Development Order, the Director  
14 shall place the proposed Individual Development Approval on  
15 the agenda for the next regularly scheduled meeting of the  
16 CRA Board of Commissioners as a consent agenda item, in  
17 accordance with CRA procedures.

18 (g) If the Executive Director determines that an  
19 application for Individual Development Approval involving  
20 less than one half acre of land area or the development of  
21 25,000 square feet of building, demonstrates that the  
22 proposed development does not comply with the provisions of  
23 this amended Development Order, then the Director shall  
24 notify the applicant of the determination and the applicant  
25 shall have ten (10) days from the receipt of the  
26 notification to request that the CRA Board of Commissioners  
27 conduct a public hearing in accordance with the provisions  
28 of Paragraph 2(2)(n).

29 (h) A proposed Individual Development Approval involving  
30 less than one half acre of land area or the development of  
31 25,000 square feet of building prepared by the Executive  
32 Director may be approved by the CRA Board of Commissioners  
33 "in gross" as a consent agenda item pursuant to the  
34 affirmative vote of a majority of the members in attendance  
35 and voting. The proposed approval may be removed from the  
36 consent agenda of the CRA Board of Commissioners by the  
37 affirmative vote of at least three members of the CRA Board  
38 of Commissioners. If a proposed Individual Development  
39 Approval is removed from a consent agenda, the CRA Board of

1 Commissioners shall consider and discuss the proposed Individual  
2 Development Approval and approve or disapprove the proposed  
3 development or decide to proceed in accordance with the  
4 provisions of Paragraph 2(2)(i) below.

5 (i) If the proposed Individual Development Approval is  
6 removed from the consent agenda and the CRA Board of  
7 Commissioners does not approve or disapprove the proposed  
8 Individual Development Approval, or the Executive Director  
9 recommends disapproval and the applicant has so requested under  
10 the provisions of Paragraph 2(2)(g), or the development involves  
11 greater than one half acre of land or 25,000 square feet of  
12 building, then the CRA Board of Commissioners shall, within  
13 thirty (30) days of receipt of the recommendation of the  
14 Executive Director or the decision of the CRA Board of  
15 Commissioners, conduct a public hearing in accordance with the  
16 provisions of Paragraph 2(2)(n). The CRA Board of Commissioners  
17 shall approve, approve with conditions or disapprove the proposed  
18 Individual Development Approval within ten (10) days of the close  
19 of the public hearing.

20  
21 (j). If an application for Individual Development Approval  
22 is for development which exceeds the allocations for the DDRI  
23 Subarea set out in Paragraph 2(3)(b) or conversion of uses  
24 beyond that provided in Paragraph 2(3)(d), the applicant shall  
25 submit an impact assessment with his application analyzing the  
26 extent to which the conversion of a portion of land uses within a  
27 subarea or transfer of a portion of uses between subareas alters  
28 the public facilities needs established in the Boca Raton DDRI  
29 application for development approval, as supplemented. The  
30 Executive Director, after determining that the application is  
31 complete in accordance with the provisions of Paragraphs 2(2)(c)  
32 and 2(2)(d), shall review the application and recommend to the  
33 CRA Board of Commissioners that the application be approved,  
34 approved with conditions or disapproved. In no case, however,  
35 shall the allocation to a subarea be converted or transferred so  
36 that the allocation is reduced by more than fifty percent (50%)  
37 for any use, except in Subarea E where the office allocation can  
38 be reduced by up to ninety percent (90%). No transfer of uses  
39 shall be approved that would result in the total amount of  
40 development in Downtown Boca Raton exceeding the total office  
41 equivalent development permitted by this Development Order.  
42

1 (k) Within thirty (30) days of receipt of the  
2 recommendation of the Executive Director under Paragraph  
3 2(2)(j), the CRA Board of Commissioners shall conduct a  
4 public hearing in accordance with the provisions of  
5 Paragraph 2(2)(n) to consider the proposed development.  
6 Within ten (10) days of the close of the public hearing, the  
7 CRA Board of Commissioners shall approve, approve with  
8 conditions or disapprove the proposed Individual Development  
9 Approval.

10 (l) Upon approval of an application for Individual  
11 Development Approval for Downtown Boca Raton pursuant to  
12 Paragraphs 2(2)(f), (g), (h), (i), or (j) the Executive  
13 Director shall issue a certificate of Individual Development  
14 Approval authorizing the applicant to apply for development  
15 permits.

16 (m) Unless otherwise provided in the certificate of  
17 approval, a certificate of Individual Development Approval  
18 issued pursuant to paragraph 2(2)(l) shall expire if a  
19 building permit for the entire approved development is not  
20 issued within one year after approval and the permit  
21 otherwise remains valid under the provisions of the City's  
22 Code.

23 (n) If a public hearing is required under the provisions  
24 of Paragraphs 2(2)(g), 2(2)(i), or 2(2)(j), the hearing  
25 shall be noticed and held in accordance with the following  
26 provisions:

27 1. Notice of a public hearing shall be published in a  
28 newspaper of general circulation at least seven (7) days  
29 prior to the hearing.

30 2. Notice of a public hearing shall be posted upon the  
31 property which is the subject of the hearing in plain view  
32 from at least one (1) abutting street, at least seven (7)  
33 days prior to the hearing.

34 3. The required notice shall include at least the date,  
35 time, and place of the public hearing, a map showing the

1 location of the property proposed for development, and a  
2 brief narrative description of the proposed development.

3 4. All required notices shall be provided by the  
4 Executive Director and the applicant for Individual  
5 Development Approval shall reimburse the CRA for any costs  
6 incurred in providing such notice.

7 5. All public hearings shall be conducted in accordance  
8 with rules and procedures adopted by the CRA Board of  
9 Commissioners from time to time. (o) A certificate of  
10 Individual Development Approval may be amended from time to  
11 time in compliance with the procedures by which it was  
12 originally approved.

13 **(3) AUTHORIZED DEVELOPMENT**

14 (a) Except as provided in Paragraph 2(3)(e), and  
15 Paragraph 2(3)(f), the following uses and intensity of uses  
16 of development shall be authorized and permitted in Downtown  
17 Boca Raton, subject to each and every condition, requirement  
18 and limitation of this amended Development Order:

1	AUTHORIZED DEVELOPMENT <sup>1</sup>	
2	Office	3,209,000 sq.ft. of
3		floor area
4	Retail (High)	1,008,500 sq.ft.
5	Retail (Medium)	185,800 sq. ft.
6	Retail (Low)	---
7	Institutional	361,000 sq.ft.
8	(Peak Hour	
9	Traffic Generating)	
10		
11	Institutional	60,000 sq. ft.
12	(Non Peak Hour	
13	Traffic Generating)	
14		
15	Hotel	634 rooms
16	Residential	1346 dwelling units
17	Temporary Special Event Uses	
18	Signs	
19	Parking Facilities	
20	Accessory Uses	

21 TOTAL OFFICE EQUIVALENT 8,043,440  
 22 AUTHORIZED DEVELOPMENT

23  
 24 <sup>1</sup>Where a "---" is indicated for a particular use for a  
 25 subarea in the above table, the "---" shall not prohibit the  
 26 conversion or transfer of office equivalents to or from the  
 27 use.  
 28

29 (b) Except as is authorized by the CRA Board of  
 30 Commissioners pursuant to the provisions of Paragraph  
 31 2(3)(c), and Paragraph 2(3)(d) of this amended Development  
 32 Order, the uses and intensity of uses of development  
 33 authorized in Paragraph 2(3)(a) shall be carried out within  
 34 the DDRI Subareas which are described in Exhibit C attached  
 35 hereto and incorporated herein, according to the following  
 36 allocation and limitations of this amended Development  
 37 Order. In addition, retail(high), retail(medium), and retail  
 38 (low) shall be permitted in each DDRI Subarea provided that

1 another category of use is converted to retail(high),  
 2 retail(medium), and/or retail (low) in accordance with the  
 3 equivalency table set out in Paragraph 2(3)(d)(2).

4 AUTHORIZED DEVELOPMENT<sup>1</sup>

5

LAND USE (IN SQ. FT. & UNITS)	SUBAREAS*							TOTAL
	A	B	C	D	E	F	G	
RETAIL(HIGH)	43,000	390,000	64,700	325,000	---	8,800	177,000	1,008,500
RETAIL(MEDIUM)	---	30,000	28,200	56,800	21,000	49,800	---	185,800
RETAIL (LOW)	---	---	---	---	---	---	---	---
OFFICES	210,000	443,000	109,000	1,214,000	564,000	455,000	214,000	3,209,000
INSTITUTIONAL (PEAK HOUR TRAFFIC GENERATING)	164,000	188,000	6,000	---	---	3,000	---	361,000
INSTITUTION (NON-PEAK HOUR TRAFFIC GENERATING)	---	60,000	---	---	---	---	---	60,000
TOTAL	417,000	1,111,000	207,000	1,595,800	585,000	516,600	391,000	4,824,300
RESIDENTIAL HOTEL	---	283	285	115	397	266	---	1,346
	---	---	---	314	253	67	---	634
TOTAL OFFICE EQUIVALENT	689,154	2,147,916	455,450	2,448,524	886,573	675,038	740,786	8,043,440

6  
 7 \*Where a "---" is indicated for a particular use for a  
 8 subarea in the above table, the "---" shall not prohibit the  
 9 conversion or transfer of office equivalents to or from the  
 10 subarea.  
 11

12 (c) Any portion of Downtown Boca Raton which is not  
 13 zoned Downtown Development District, shall comply with the  
 14 provisions of the City Zoning Code.

15 (d) Notwithstanding the allocation and limitation of  
 16 uses and intensity of uses for each DDRI Subarea set out in  
 17 Paragraph 2(3)(b), the total amount of a particular use

1 permitted in a DDRI Subarea may exceed the total amount of  
2 any particular use specified for a DDRI Subarea by way of a  
3 conversion of authorized development from one of the listed  
4 land use categories to another according to the equivalency  
5 factors set forth in this paragraph, provided that:

6 1. The total amount of any land use category that may be  
7 converted to another category shall not exceed 25% of the  
8 total office equivalent development in the Subarea unless  
9 approved as provided in 2(2)(j); and

10 2. The total amount of development in the DDRI Subareas  
11 does not exceed the total equivalent development for the  
12 DDRI specified in Paragraph 2(3)(a).

13 **EQUIVALENCY FACTORS**

14 (per 1000 sq. ft. where no other measure of intensity is  
15 indicated)

- 16 Office = 1,265 sq.ft. of Retail(Medium)
- 17 Office = 403 sq.ft. of Retail(Medium-High)
- 18 Office = 1,754 sq.ft. of Retail(Low)
- 19 Office = 336 sq.ft. of Retail(High)
- 20 Office = 467 sq.ft. of Institutional(peak hour  
21 traffic generating)
- 22 Office = 1.8 Hotel Rooms
- 23 Office = 2.4 Residential Units

24 For uses not specifically itemized, conversions can be made  
25 by calculating an equivalency factor based upon the peak  
26 hour generation rates in the DDRI application for  
27 development approval. If generation rates for the specific  
28 use do not exist in the DDRI application for development  
29 approval, then the peak hour generation rates in the Fourth  
30 Edition of the Institute of Traffic Engineer's Trip  
31 Generation Manual should be used.

1 (e) For the purpose of preventing any misinterpretation  
2 the following operations or uses are specifically  
3 prohibited:

4 Uses and operations specifically prohibited in all zoning  
5 districts under the City of Boca Raton Zoning Code.

6 Adult bookstores as defined in the Zoning Code,  
7 Adult entertainment as defined in the Zoning Code,  
8 Massage establishments as defined in the Zoning Code,  
9 Outdoor storage of materials, products or other articles,  
10 Free standing antennas, towers, masts or satellite dishes  
11 which are more than 50 feet in height.

12 Antennas, towers, masts or satellite dishes which are  
13 attached to the roof of a building and exceed the height of  
14 the building by more than 15 feet.

15 (f) Temporary Special Event permits shall be reviewed and  
16 approved by both the City and Executive Director of the  
17 Community Redevelopment Agency.

18 **(4) DEVELOPMENT STANDARDS**

19 Applications for Individual Development Approval  
20 shall demonstrate compliance with the standards of  
21 this amended Development Order- in order to obtain  
22 development approval under the provisions of Paragraph  
23 2(2). It is the intent of this amended Development  
24 Order that no other land development regulations shall  
25 be applicable to development within the area described  
26 in Exhibit A hereto except for those regulations  
27 contained in the City's Code of Ordinances relating to  
28 the Building Code, Land Dedication Requirements, Sign  
29 Ordinance, Subdivision Regulations, Vacation and  
30 Abandonment of Streets and Easements, and sections of  
31 the Zoning Code specifically referenced in this  
32 Ordinance.

33 **(a) Bulk Regulations**

34 1. Height.

1 No portion of any building or structure shall  
2 exceed nine (9) stories or one hundred (100) feet in  
3 height, unless approved pursuant to the Downtown Quality  
4 Development Regulations, Section 2 (5). In no event  
5 shall any nonresidential building or structure exceed  
6 in height the number of feet from the building or  
7 structure to the closest residential dwelling located  
8 outside of the Downtown Development District.

9 2. Setbacks.

10 Except for (i) buildings or structures existing on the  
11 effective date of this Amended Development Order, (ii)  
12 buildings or structures subject to a valid outstanding  
13 approval of the CRA on the effective date of this Amended  
14 Development Order, or (iii) buildings approved pursuant to  
15 the Downtown Quality Development Regulations, Section 2 (5),  
16 all buildings shall be set back from rights-of-way of any  
17 contiguous public road, as demonstrated on Exhibit D  
18 attached hereto and incorporated herein, so that:

19 a. No part of any building is located in a required  
20 easement.

21 b. No part of any building is located within six (6)  
22 feet of the outside edge of the right-of-way indicated in  
23 the right-of-way plan referenced in paragraph 3(25) of this  
24 amended Development Order;

25 c. That part of a building which has a height of greater  
26 than thirty (30) feet must be located at least twenty (20)  
27 feet from the outside edge of any right-of-way indicated in  
28 the right-of-way plan referenced in paragraph 3(25) of this  
29 amended Development Order;

30 d. That part of a building which has a height of greater  
31 than fifty (50) feet must be located at least thirty (30)  
32 feet from the outside edge of any right of way indicated in  
33 the right-of-way plan referenced in paragraph 3(25) of this  
34 amended Development Order;

35 e. Each and every portion of the building is set back  
36 from the centerline of all public rights-of-way by a  
37 distance that is at least equal to or greater

1 than one half of the height of such portion of the  
2 building.

3 **(b) Off-street Parking**

4 1. Except as otherwise provided in this section, each  
5 use of Downtown Boca Raton shall provide or be provided with  
6 the number of off-street parking spaces according to the  
7 following schedule:

8

9 Business Office: 3 spaces per 1,000 square feet

10 Retail: 4 spaces per 1,000 square feet

11 Restaurants: 1 space per  
12 38.9 feet of gross floor area  
13 excluding food preparation  
14 area, drink preparation areas,  
15 storage areas and other areas  
16 not directly utilized by the  
17 public in patronizing such  
18 establishment,

19 plus 1 parking space for each 2.2  
20 linear feet of bar.

21 No additional parking shall be required for outdoor  
22 seating provided that the outdoor seating does not  
23 exceed 25% of the indoor seating.

24 Hotel: 1 space per 1,000 square feet

25 Residential: 1.75 spaces per dwelling unit

26 Institutional:

27 1 space for every 4 theater seats

28 1 space for each 1,000 sq. ft.  
29 of museum

30 Other institutional uses:

31 3 spaces for every 1,000 sq. ft.

32 Off-street parking for uses not specified in this paragraph  
33 shall be provided in the amount of ninety percent (90%) of  
34 the off-street parking requirements for such uses in the

1 City Code of Ordinances. In the event that a proposed  
2 private development will result in the elimination of any  
3 off-street parking spaces without the elimination of the  
4 related building and uses utilizing those spaces or on-  
5 street parking spaces which exist on the effective date of  
6 this amended Development Order, then the private developer  
7 shall, in addition to the number of off-street parking  
8 spaces required by the above schedule, provide off-street  
9 parking spaces in an amount equal to the number of off-  
10 street and on-street parking spaces that will be eliminated.

11 Existing buildings that are non-conforming under the  
12 provisions of this amended Development Order in regard to  
13 off-street parking shall not be required to become  
14 conforming in regard to off-street parking, even if the  
15 building has been vacant for more than six months, provided:

16 a. The new use requires no more parking under this  
17 amended Development Order than the previous use would  
18 require under this amended Development Order, or

19 b. Parking is added to the extent that the required  
20 parking for the new use under this amended Development  
21 Order exceeds the parking required for the previous  
22 use under this amended Development Order.

23  
24 In the event that the CRA determines that the development or  
25 redevelopment of a building that was in existence on the  
26 effective date of this Development Order can not meet the  
27 parking requirements of this Development Order and that the  
28 proposed development or redevelopment is otherwise  
29 consistent with this Development Order and the goals,  
30 policies and objectives of the Community Redevelopment Plan,  
31 the CRA may issue an IDA authorizing the proposed  
32 development provided that the CRA finds that the proposed  
33 development has complied with the parking requirements to  
34 whatever extent is possible.

35

36 2. In the case of special parking problems or needs, an  
37 applicant may request a technical deviation from the  
38 requirements under this amended Development Order based upon

1 a detailed parking study. The study shall be performed by a  
2 qualified professional engineer, architect or planner  
3 experienced in parking studies and shall indicate why  
4 technical deviations or alternative parking arrangements  
5 will provide adequate parking and result in preferable  
6 environmental or design impacts. Based upon the study the  
7 CRA Board of Commissioners may approve alternative parking  
8 arrangements. This approval may be appealed to the City  
9 Council in the same manner as an IDA.

10 3. Shared Parking Requirements

11 a. The intent of these shared parking requirements is to  
12 permit a reduction in the total number of required parking  
13 spaces when a parcel is occupied by two or more uses which  
14 typically do not experience peak parking demands at the same  
15 time.

16 b. When any land or building is used for two or more  
17 uses, as listed below, the minimum total number of required  
18 parking spaces shall be determined by the following  
19 procedures:

20 Multiply the minimum required parking for each individual  
21 use, excluding spaces reserved for use by specified  
22 individuals or classes of individuals, by the appropriate  
23 percentage listed in the Table below for each of the  
24 designated time periods. Add the resulting sum for each of  
25 the five vertical columns for the table. The minimum  
26 parking requirement is the highest sum resulting from the  
27 foregoing addition.

28 The maximum reduction under this provision shall be twenty-  
29 five percent (25%), unless a greater reduction is approved as  
30 a technical deviation under Paragraph 2(4)(b)2.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12

	WEEKDAY			WEEKEND	
	Night Midnight 6am	Day 9am 4pm	Evening 6pm Midnight	Day 9am 4pm	Evening 6pm Midnight
USR					
Residential	100%	60%	90%	80%	90%
Office	5%	100%	10%	10%	5%
Comm. Retail	5%	70%	90%	100%	70%
Hotel	80%	80%	100%	80%	100%
Restaurant	10%	50%	100%	50%	100%
Entertainment	10%	40%	100%	80%	100%
Others	100%	100%	100%	100%	100%

13 4. Unless designated for compact cars, each required  
14 parking space shall have a minimum width of nine (9) feet  
15 and a minimum length of eighteen (18) feet with a twenty-six  
16 foot aisle for 90 degree parking with appropriate  
17 adjustments to the aisle width for angle parking based on  
18 the Boca Raton Public Works Manual. Compact car spaces  
19 shall have a minimum width of eight (8) feet and a minimum  
20 length of sixteen (16) feet. No more than 25 percent of all  
21 required parking spaces in parking structures and in surface  
22 or open-air lots of more than 50 spaces can be designed and  
23 designated for compact cars.

24 5. The number of spaces required under the provisions of  
25 paragraph 2(4)(b)1. above shall include the following  
26 requirements for parking spaces for handicapped persons:

27  
28 Total number of spaces  
29 provided or total number  
30 required whichever is greater

Total number of spaces  
required for handicapped

---

33	1-20	1
34	21-50	2
35	51-75	3
36	76-100	4



1 standards, which are not included in this amended  
2 Development Order.

3 10. Non-residential off-street parking facilities shall  
4 provide marked crosswalks from required sidewalks to  
5 building entrances and shall be designed with common access  
6 from abutting properties wherever feasible to limit curb  
7 cuts on roadways.

8 11. Nothing in this section shall be construed to  
9 prevent the use of agreements providing for the collective  
10 provision, joint or shared use of parking facilities  
11 provided that a legal instrument assuring the continued  
12 availability of such facilities for such use is reviewed and  
13 approved by the CRA Attorney and that such parking otherwise  
14 complies with each and every standard of this amended  
15 Development Order.

16 12. A parking plan shall be provided with all  
17 applications for Individual Development Approval which shall  
18 clearly and accurately designate the required parking  
19 spaces, required landscaped areas and planter islands,  
20 access aisles and driveways and the relationship of the  
21 parking to the uses or structures the spaces are intended to  
22 serve.

23 **(c) Landscaping.**

24 1. General

25 a. All specifications for the measurement, quality and  
26 installation of landscaping shall be in accordance with the  
27 "American Standards for Nursery Stock" published by the  
28 American Association of Nurserymen and conform to the  
29 standards for Florida No. 1 or better as given in "Grades  
30 and Standards for Nursery Plants," Part I, Current Edition,  
31 and Part II, State of Florida, Department of Agriculture, a  
32 copy of which shall be maintained in the office of the CRA  
33 available for public inspection. The property owner or  
34 developer shall provide written certification that the trees  
35 and shrubs meet these standards.

1        b. All grass areas shall be sodded with clean sod  
2 reasonably free of weeds, noxious pests, and diseases.  
3 When grass areas are to be seeded, sprigged or  
4 plugged, specifications must be submitted. One  
5 hundred percent (100%) coverage must be achieved  
6 within ninety (90) days. Nursery grass shall be sown  
7 for immediate effect and protection until coverage is  
8 otherwise achieved. The use of small irregularly  
9 shaped turf areas is discouraged. The maximum  
10 allowable area of turf on a site shall be seventy  
11 percent (70%) of the landscaped area. Selection of  
12 grass types shall be made while considering the long-  
13 run economic and aesthetic effect of possible drought  
14 conditions.

15        c. All plant material shall be installed in a fashion  
16 that ensures the availability of sufficient soil and water  
17 to sustain healthy growth. An irrigation system must be  
18 provided for all landscaped areas. Well water systems must  
19 be designed and maintained in a manner which eliminates  
20 staining of buildings, walks, walls and other site  
21 improvements.

22        d. Landscaping and irrigation design shall promote water  
23 conservation. Water conservation may be promoted by  
24 providing the following:

25            The use of native plant species.

26            The use of drought tolerant plant species.

27            The use of plants which adapt to soil and microclimate  
28 conditions occurring at each site.

29            The use of shade-producing trees.

30            The retention of storm water runoff on site.

31            The use of porous paving material.

1       Irrigation systems shall be designed and installed in  
2 accordance with the Florida Irrigation Society Standards and  
3 Specifications for Turf and Landscape Irrigation Systems  
4 (revised June 10, 1988).

5       Irrigation systems shall be designed, wherever possible,  
6 to zone high-water and low-water areas. The system shall  
7 incorporate irrigation zones capable of applying water onto  
8 turf areas on a different schedule from those irrigating  
9 shrub and plant beds. Landscape plants shall be grouped  
10 with consideration for drought tolerance. Irrigation design  
11 shall be in accordance with required water application  
12 rates.

13       Trees, shrubs, flowers and ground covers shall be  
14 watered utilizing low-volume, drip spray; bubbler  
15 emitter or similar low-volume water application  
16 devices.

17       e. Landscaping of public areas, such as median strips of  
18 dedicated public right-of-way and publicly dedicated swales,  
19 drainage easements, and other rights-of-way shall be  
20 approved by the City Manager and the City Engineer and Parks  
21 and Recreation Director or appointed designee.

22       f. Landscaped areas shall be protected from  
23 vehicular encroachment unless the landscaped area is  
24 planned and/or designed for use as overload parking in  
25 conjunction with public events or use. Car stops  
26 shall be placed at least three (3) feet from the edge  
27 of landscaped areas and located so as to prevent  
28 damage to any trees, fences, shrubs or other  
29 landscaping. If a wheel stop or curb is used, the  
30 paved area between the curb/wheel stop and the end of  
31 the parking space may be omitted, provided that it is  
32 landscaped.

33       g. All plant material shall be planted in a manner which  
34 is not intrusive to utilities or pavement.

35       h. Trees, other than palm trees, shall be of a species  
36 having an average mature spread of crown of greater than

1 twenty-five (25) feet and having trunks which can be  
2 maintained in a clean condition over five (5) feet of clear  
3 wood. Trees having an average mature spread of crown less  
4 than twenty-five (25) feet may be substituted by grouping  
5 the trees so as to create the equivalent of a twenty-five  
6 (25) foot crown of spread.

7 i. Trees shall be a minimum of twelve (12) feet in  
8 overall height immediately after planting.

9 j. Palm trees must be highly resistant to lethal  
10 yellowing disease. A grouping of three (3) palm trees  
11 will be the equivalent of one (1) required tree.

12 k. Fifty percent (50%) or more of the required trees for  
13 a project shall consist of one or more of the following  
14 recommended species:  
15

16 *Acer rubrum* (Red Maple)  
17 *Bauhinia* spp. (Orchid Tree)  
18 *Bourreria succulenta* var. *revoluta* (Strong Bark)  
19 *Bucida buceras* (Black Olive)  
20 *Bursera simaruba* (Gumbo Limbo)  
21 *Calophyllum inophyllum* (Beauty Leaf)  
22 *Celtis laevigata* (Hackberry)  
23 *Chrysophyllum oliviforme* (Satin Leaf)  
24 *Clusia rosea* (Pitch Apple)  
25 *Coccoloba diversifolia*  
26 *Cocos nucifera* "malayan" (Coconut Palm)  
27 (Pigeon Plum)  
28 *Coccoloba uvifera* (Sea Grape)  
29 *Conocarpus erectus* (Buttonwood or Silver Buttonwood)  
30 *Cordia sebestena* (Geiger Tree)  
31 *Delonix regia* (Royal Poinciana)  
32 *Enallagma latifolia* (Black Calabash)  
33 *Erythrina crista-galli* (Coral Tree)  
34 *Eugenia* spp.  
35 *Hibiscus tiliaceus* (Sea hibiscus)  
36 *Ilex cassine* (Dahoon Holly)  
37 *Jacaranda acutifolia* (Jacaranda)  
38 *Lysioma sabicu* (cuban Tamarind)  
39 *Lysiloma tatisilique* (Tamarind)  
40 *Magnolia grandiflora* (Magnolia)

1 Myrica cerifera (Wax Myrtle)  
2 Myricanthes fragrans (Twinberry)  
3 Plumeria spp. (Frangipani)  
4 Quercus sp. (Oak)  
5 Sapindus saponaria (Soapberry)  
6 Simarouba glauca (Paradise Tree)  
7 Swietenia mahogani (Mahogany)  
8 Roystonea elata (Royal Palm)  
9 Tabebuia argentea (Tree of Gold)  
10 Tabebuia pallida (Pink Trumpet)  
11 Tamarindus indica (Tamarind)  
12 Washingtonia robusta (Washington Palm)

13 The following species are unacceptable and may not be used  
14 for required landscaping:

15  
16 Bischofia javanica (Bischofia)  
17 Casuarina equisetifolia (Australian Pine)  
18 Melaleuca quinquenervia (Punk Tree)  
19 Metopium toxiferum (Poison Wood)  
20 Schinus terebinthifolius (Florida Holly)

21 1. All required landscaping shall all be installed in  
22 accordance with the provisions of this amended Development  
23 Order prior to the issuance of a permanent Certificate of  
24 Occupancy.

25 2. Required Landscaping

26 a. All off-street surface parking areas and other  
27 vehicular use areas shall be landscaped in accordance with  
28 the provisions set forth in this subparagraph.

29 b. At least fifteen percent (15%) of the gross parking or  
30 vehicular use area shall be devoted to living landscaping.  
31 The gross parking area is measured from the edge of the  
32 parking and/or driveway paving and sidewalks, extending five  
33 (5) feet in all directions, but not including any areas  
34 enclosed by a building or covered by a building overhang.  
35 Landscaping provided pursuant to subparagraph 2(4)(c)2.c.  
36 below may not be counted toward meeting this requirement.

1 c. All development shall provide landscaping along public  
2 rights-of-way that abut the parcel proposed for development  
3 which is consistent with the Streetscape Plan of the Boca  
4 Raton Community Redevelopment Agency in effect at the time  
5 of issuance of the Individual Development  
6 Approval.Landscaping which has been approved and installed  
7 by individual developers on their property pursuant to this  
8 subparagraph shall be maintained by the owner of the  
9 property unless and until such time that the City's  
10 Department of Parks and Recreation assumes the maintenance  
11 obligation.

12 Landscaping of public areas, such as dedicated public  
13 rights-of-way, swales, drainage easements and other rights-  
14 of-way as approved as a condition of an individual  
15 developer's IDA shall be maintained by the owner for a  
16 period of not less than one (1) year from the date of  
17 Certificate of Occupancy or until such time that the City  
18 Parks and Recreation Department assumes the maintenance  
19 obligation. The City will not assume the maintenance  
20 obligation unless the landscaping meets the criteria of the  
21 amended Development Order and all material is accepted to  
22 the standard of Florida No. 1 or better.

23 d. All dumpsters and trash handling areas and  
24 outside mechanical equipment shall be screened on  
25 four (4) sides by a fence, gate, wall, mounds of  
26 earth, or vegetation from the view from public streets  
27 and abutting properties. Such screening of mechanical  
28 equipment shall be accomplished in a manner that does  
29 not interfere with the proper operation and/or  
30 maintenance of such equipment.

31 e. All parking lots and vehicular use areas, with the  
32 exception of joint access driveways, shall be screened from  
33 all abutting properties and/or rights-of-way with a wall,  
34 fence, continuous hedge or other durable landscape barrier,  
35 as follows:

36 Any living barrier shall be established in a minimum  
37 four foot (4') wide planting strip. This living barrier  
38 shall be at least thirty inches (30") high with maximum on  
39 center spacing of thirty inches (30") at the time of

1 planting and shall attain a minimum height of three feet  
2 (3') above finished grade of the adjacent parking or  
3 vehicular use area one year after planting.

4 A non-living barrier shall be a minimum of three feet  
5 (3') high above finished grade of the adjacent parking or  
6 vehicular use area at time of installation.

7 A living barrier shall also provide one (1) tree in  
8 each thirty-five (35) lineal feet or fraction thereof in the  
9 perimeter landscape planting area.

10 Non-living barriers shall have a hedge on one or both  
11 sides of the barrier.

12 The remainder of the required landscaped areas on the  
13 perimeter shall be landscaped with grass, ground cover, or  
14 other approved landscape treatment, excluding paving.

15 f. Except as provided in subparagraph g. below, all  
16 property other than the required landscaped strip lying  
17 between the right-of-way and off-street parking, including  
18 the off-property swale between pavement of a public street  
19 or alley and the right-of-way property line, shall be  
20 landscaped with at least grass or other approved ground  
21 cover.

22 g. Where a proposed parking or other vehicular use area  
23 abuts an existing hedge, wall or other durable landscape  
24 barrier, the landscape barrier requirement in the required  
25 four foot (4') planting strip may be reduced or omitted,  
26 provided the existing barrier meets all applicable standards  
27 of this amended Development Order and protection against  
28 vehicular encroachment is provided.

29 h. Interior landscaping of parking areas shall be  
30 provided as follows:

31 Planter islands must be located so as to best relieve  
32 the expanse of paving but in no event farther apart than  
33 every ten (10) parking spaces and at the terminus of all  
34 rows of parking.

1           The minimum size of a planter island must be five feet  
2 (5') wide by three quarters (3/4) the length of the parking  
3 space.

4           Planter islands must be curbed in accordance with the  
5 provisions of Paragraph 2(4)(c)1.f. above.

6           In addition to the trees required for the perimeter of  
7 the parking area, planter islands must contain a minimum of  
8 one tree for every one hundred and twenty-five (125) square  
9 feet or less of area.

10           The remainder of the planter island shall be  
11 landscaped with shrubs, lawn, ground cover or other approved  
12 material not to exceed three (3) feet in height.

13           i. A buffer shall be provided between residentially  
14 zoned parcels used for residential purposes and non-  
15 residential uses as follows:

16           A six foot (6') masonry wall finished on both sides  
17 with stucco, tile or keystone or a combination of such  
18 finishes and a hedge of at least four feet (4') in height  
19 adjacent to the wall; or

20           A landscaped buffer in accordance with one of the  
21 alternatives depicted on Exhibit F attached hereto and  
22 incorporated herein.

23           j. Parking structures shall utilize exterior planter  
24 boxes at intermediate floors and provide dense landscaping  
25 at the base of the structure.

26           k. Credit toward required landscaping may be given for  
27 existing plant material provided that such material complies  
28 with the standards of this amended Development Order.

29           3. Landscaping Plan Requirements

1 A landscaping plan shall be submitted in conjunction with an  
2 application for individual development approval and shall  
3 contain at least the following:

4 a. A description of the type, quality and location of  
5 existing vegetation;

6 b. The location of proposed landscaping, overhead and  
7 underground utilities, easements and other improvements;

8 c. The species and potentially alternative species along  
9 with each species' drought tolerance rating (as listed in  
10 the South Florida Water Management District Xeriscape Plant  
11 Guide II);

12 d. The height, spread, spacing and quality of  
13 landscaping;

14 e. A description of the proposed installation of the  
15 landscaping.

16 f. Mulching, fertilizing, and plant preparation;

17 g. Irrigation systems design and specifications.

18 4. Maintenance.

19 a. The owner, occupant, tenant and the respective agent  
20 of each, if any, shall be jointly and severally responsible  
21 for the maintenance of all landscaping and irrigation  
22 equipment.

23 b. Landscaping shall be maintained in a good condition so  
24 as to present a healthy, neat and orderly appearance at  
25 least equal to the original installation and shall be kept  
26 free from refuse and debris.

27 c. Any dead vegetation and landscaping material shall be  
28 promptly replaced with healthy living plantings.

1 d. Landscaped areas shall be mulched with a minimum  
2 of 3 inches (3") of clean, weed-free mulch.

3 e. Irrigation systems shall be maintained to  
4 eliminate waste of water due to loss from damaged,  
5 missing or improperly operating sprinkler heads,  
6 valves, pipes and all other portions of the irrigation  
7 system.

8 f. Tree pruning shall be accomplished in accordance with  
9 standards established in "Pruning Standards for Shade Trees,  
10 Revised 1989," promulgated by the National Arborist  
11 Association.

12 **(d) Utility Distribution Lines.**

13 All electricity, telephone, CATV and other utility  
14 distribution lines shall be installed underground to the  
15 maximum extent practicable.

16 **(e) Lighting.**

17 1. Adequate lighting shall be provided by the individual  
18 developer on the perimeter of new development consistent  
19 with the light standard in the Beautification Plan attached  
20 hereto and incorporated herein as Exhibit H.

21 2. Lighting provided for parking areas and other open  
22 areas on the site proposed for development shall be provided  
23 consistent with Exhibit H and I attached hereto and  
24 incorporated herein.

25 3. In no case shall the parking lot lighting level  
26 be less than 1/2 foot candle maintained after burn in.

27 **(f) Architectural Design.**

28 1. It is the intent of this amended Development Order to  
29 ensure that the development of Downtown Boca Raton is  
30 carried out in accordance with a harmonious architectural  
31 environment. In order to achieve this intent, all

1 development in Downtown Boca Raton shall comply with the  
2 following:

3 a. All development is encouraged to use the  
4 fundamental concepts which are found in the architecture of  
5 Addison Mizner as a principal design influence which are  
6 illustrated in Exhibit J. These concepts, illustrated in  
7 Exhibits J, K, L, M, N, O, and P, include:

8 The creation of pedestrian-scaled buildings through  
9 the use of building massing, varied roof-scapes,  
10 ornamentation and color;

11 The linkage of landscaped exterior spaces  
12 (courtyards, loggias, arcades and plazas) to buildings;

13 The recognition of the South Florida climate which  
14 should influence building shape and orientation, nature of  
15 roofs and overhangs, and the location and size of windows

16 The use of smooth and textured stucco, clay tile  
17 roofing, painted window frames, stucco mouldings, masonry  
18 garden walls and wood trellis members; and

19 Prime examples of these concepts are found in  
20 Mizner's Worth Avenue development in the Town of Palm Beach  
21 and in the Mediterranean style of the Boca Raton Hotel.

22 b. Development designers should employ creative re-  
23 interpretations of the Mizner tradition as opposed to  
24 literal copy of Mizner's work, examples of which are the  
25 Police Station of the City of Boca Raton, Sanborn Square,  
26 Mizner Court, and Mizner Park.

27 c. All development in Downtown Boca Raton shall  
28 contribute to the creation of a pedestrian-oriented downtown  
29 by providing the following:

30 Emphasis on the buildings' street facades as major  
31 elements of the overall street-scape; and

1           Recognition of the scale and character of adjacent  
2 structures or developments, including continuation of  
3 existing facade treatment or expression lines, and the use  
4 of similar finish materials.

5           d. The principles set out above and the following  
6 guidelines are not intended to limit quality architecture,  
7 but to establish a meaningful guide for quality development  
8 and redevelopment in Downtown Boca Raton.

9           2. Each parcel proposed for development shall maintain  
10 the following percentages of the parcel as open space and no  
11 structures or buildings other than landscape features,  
12 fountains, benches, arcades and objects of art shall be  
13 located within the open space area:

14           15%, if the building is less than thirty five (35)  
15 feet in height; and

16           for each foot of height above thirty-five (35) feet,  
17 up to seventy-five (75) feet, 15% open space plus 1% for  
18 every 1.6 feet of height above thirty-five (35) feet; and

19           40%, if the building is greater than seventy-five (75)  
20 feet.

21           3. At least sixty-five percent (65%) of the required  
22 open space shall be open and uncovered from the ground to  
23 the sky. Up to thirty-five percent (35%) may be arcades,  
24 colonnades, areas under exposed balconies, areas under  
25 exposed stairwells, areas under canopies and areas under  
26 pedestrian bridges.

27           4. Archways similar to those examples included in  
28 Exhibit P shall be encouraged as a motif for windows and  
29 other openings.

30           5. Street level architectural treatment reminiscent of  
31 Addison Mizner, including colonnades, arcades, awnings, and  
32 other shade-producing elements should be provided along all  
33 pedestrian street frontages, consistent with the examples in  
34 Exhibit O.

1       6. Pedestrian-oriented frontages shall be integrated  
2 with adjacent properties which have also provided  
3 pedestrian-oriented buildings. See Exhibit P for examples  
4 of this standard.

5       7. No reflective glass shall be installed on the  
6 perimeter of a structure or building; provided that this  
7 standard should not be construed to prohibit tinted glass.

8       8. No more than forty percent (40%) of the perimeter of  
9 a building's materials shall be composed of glass.

10       9. All roofs on buildings shall be consistently treated  
11 with Spanish clay tile or other treatment that is  
12 reminiscent of the Addison Mizner style. Roofs shall have a  
13 minimum pitch of 4/12. Roof materials shall consist of metal  
14 (flat or standing seam); flat tile; barrel tile or masonry  
15 materials. This requirement shall not apply to flat roofs  
16 with a parapet wall of at least four (4) feet in height.

17       10. All mechanical equipment shall be screened with  
18 materials consistent with those used in the construction of  
19 the building. The screening material and structure shall be  
20 architecturally compatible with the building. The screening  
21 shall have a height of not less than the mechanical  
22 equipment it screens.

23       11. Light and pastel colors shall be used for external  
24 treatment of buildings.

25       12. No mansard roofs shall be installed.

26       13. Pedestrian circulation systems shall be barrier-free  
27 and provide alternative ramps in addition to steps.

28       14. Where feasible sidewalks along First Avenue,  
29 Federal Highway, and Palmetto Park Road shall have an  
30 unobstructed width of at least eight (8) feet. All  
31 sidewalk paving shall be designed and composed of  
32 materials which are consistent with the sidewalk  
33 design standards in the Beautification Plan adopted by  
34 the CRA Board of Commissioners. The CRA may consider

1 the timing of undergrounding utilities in accordance  
2 with the provisions of paragraph 2(4)(d) when  
3 determining the appropriate time for installation of  
4 such sidewalks.

5 **(g) Signs**

6 1. Signs shall be permitted in the Downtown based on the  
7 commercial sections of Boca Raton's Sign Code with the CRA  
8 Board of Commissioners serving the function of the City of  
9 Boca Raton Community Appearance Board.

10 In addition to the signage provided under Boca Raton's Sign  
11 Code temporary or permanent banners and pedestrian signage  
12 may be permitted in the Downtown if approved by the CRA  
13 Board of Commissioners.

14 2. Any new development or redevelopment may submit, as a  
15 part of an application for Individual Development Approval,  
16 an integrated graphics program indicating the size,  
17 location, letter style and colors of signs and banners which  
18 are to be constructed on or in conjunction with the  
19 development or redevelopment. As part of an integrated  
20 graphics program, specific technical deviations from the  
21 standards of this section and the City Sign Code can be  
22 granted based upon the overall design of the development and  
23 its pedestrian orientation. In addition, as part of an  
24 approved integrated graphics program, approval of individual  
25 signs consistent with the approved program may be delegated  
26 by the Board of Commissioners to the Executive Director of  
27 the Agency.

28 **(h) Nonconforming Standards**

29 1. Applications for Individual Development Approval for  
30 the redevelopment of a nonconforming building existing on  
31 the effective date of this amended Development Order may be  
32 granted, if the CRA Board of Commissioners determines that  
33 compliance is economically infeasible and constitutes a  
34 practical hardship, notwithstanding the fact that the  
35 proposed redevelopment does not comply with the provisions  
36 of Paragraph 2(4), provided that the CRA Board of

1 Commissioners determines that the application complies with  
2 the requirements of Paragraph 2(4) in light of the economic  
3 feasibility of compliance and the practical hardship.

4 2. Nonconforming uses and nonconforming structures may  
5 continue provided that the structure is not enlarged or  
6 expanded so as to increase the nonconformity.

7 3. If a nonconforming use of land ceases or is  
8 discontinued for a period of more than six months, the land  
9 shall thereafter be used in accordance with this amended  
10 Development Order.[Paragraph 2(4)(h)3.]

11 4 If a nonconforming use of a building or part of a  
12 building ceases or is discontinued for a period of six  
13 months or more, the building or part of the building shall  
14 thereafter be used in accordance with this amended  
15 Development Order, except where the use is nonconforming  
16 only because of insufficient off-street parking in which  
17 case the use or another use can be reestablished regardless  
18 of the fact that the use has ceased or been discontinued  
19 for a period of six months as provided in Paragraph  
20 2(4)(b)1.a. of this amended Development Order.

21 5. If any building or structure in which there is a  
22 nonconforming nonresidential use is damaged by fire, flood,  
23 explosion, collapse, wind, war or other catastrophe to such  
24 an extent that the cost of repair or reconstruction will  
25 exceed fifty (50) percent of the fair market value of the  
26 building or structure, it shall not be again used or  
27 repaired or reconstructed for any use except one permitted  
28 as a new use.

29 6. If any nonconforming nonresidential building or  
30 structure is damaged by fire, flood, explosion, collapse,  
31 wind, war or other catastrophe to such an extent that the  
32 cost of repair or reconstruction will exceed fifty (50)  
33 percent of the fair market value of the building or  
34 structure, it shall not be again used or repaired or  
35 reconstructed except as a conforming building or structure.

1           7. If any residential building located in a residential  
2 district is damaged by catastrophe, the building may be  
3 repaired or reconstructed and used to house no greater than  
4 the number of dwelling units and no greater square footage  
5 or total living area in existence in the building prior to  
6 the damage, regardless of the extent of the damage, unless  
7 the regulations then in effect permit a greater number of  
8 dwelling units. Reconstructed structures shall be subject  
9 to the applicable fire and building codes at the time of the  
10 issuance of building permits for the reconstruction.

11

12           **(5) Downtown Quality Development Regulations.**

13           (a) Definitions. In addition to the definitions  
14 located in the Amended Development Order, Section 2,  
15 Paragraph (1), the following definitions are applicable to  
16 Downtown Quality Development Regulations:

17           "Active Uses" or "Active Use" means:

18           1. On the ground floor: Public uses with a minimum  
19 depth of twenty-five (25) feet such as retail stores,  
20 restaurants, lobbies, residential uses, public areas or  
21 urban amenities for institutional and civic uses.

22           2. On upper floors: Uses occupied by human beings,  
23 such as residential, office, hotel or institutional,  
24 and/or parking areas or other uses effectively masked by  
25 architectural treatment(s) compatible with the architecture  
26 of the Downtown Quality Project.

27           "Amended Development Order" means this development  
28 order as subsequently amended.

29           "Downtown Quality Redevelopment Project" or "Downtown  
30 Quality Project" means a project issued an Individual  
31 Development Approval pursuant to Section 2, Paragraph (5) of  
32 this Amended Development Order.

33

34           "Floor Area Ratio", or "FAR", means the gross floor area  
35 of the building or buildings on a site divided by the site  
36 area.

37           "Quality Redevelopment Guidelines" mean the planning  
38 standards and guidelines contained in the Downtown Boca  
39 Raton Interim Design Guidelines, attached hereto as  
40 Attachment A.

1 "Building site" means any portion of land designated  
2 as a separate building location. "Primary Building Mass"  
3 Means the habitable space of a building.  
4

5 (b) Purpose. The purpose of the Downtown Quality  
6 Development Regulations ("Downtown Quality Regulations") is  
7 to improve the design of downtown development projects  
8 resulting in improved articulation of buildings and the  
9 creation of a continuous, interconnected network of  
10 congenial, pedestrian-oriented streets and public spaces  
11 throughout the Downtown consistent with the Quality  
12 Redevelopment Guidelines. To achieve this purpose, the  
13 Downtown Quality Regulations provide for additional  
14 building height, based upon a detailed site specific study  
15 with due regard to the unique characteristics of the site,  
16 Improved building articulation, a reduction in height in  
17 other portions of the building or buildings on the site and  
18 no increase in development on the site beyond that which  
19 would be approvable under the Amended Development Order  
20 as of July 21, 2008.  
21

22 (c) Application for Downtown Quality Project. A  
23 developer may file an application for development approval  
24 for a Downtown Quality Project for any parcel of land  
25 containing at least two (2.0) acres of land within the area  
26 bounded on the west by Dixie Highway, on the north by NE 8th  
27 Street and Mizner Boulevard, on the east by Mizner Boulevard  
28 to a point 500 feet east of the eastern boundary of South  
29 Federal Highway, and then south and parallel to South Federal  
30 Highway to East Camino Real, and on the south East Camino  
31 Real. In addition, applications for development approval for a  
32 Downtown Quality Development may be filed for any parcel of land  
33 with an area of greater than four (4) acres of land that fronts  
34 on Palmetto Park Road between Mizner Boulevard and NE 5<sup>th</sup> Avenue,  
35 provided that the application requirements for such development  
36 shall include submission of a site plan for development of the  
37 applicable site, and further provided that the provisions of  
38 Section 2, paragraphs 5(d)1.a., b., and c. of the Amended  
39 Development Order shall not apply to any such application for  
40 development approval.  
41

42 (d) Downtown Quality Project Application. An application  
43 for a Downtown Quality Project shall demonstrate compliance  
44 with all Development Standards established in this Amended  
45 Development Order, except that the development regulations  
46 pertaining to bulk regulations, architectural design, and  
47 shared parking shall be as set forth in subsections (d) (1),  
48 (d) (2), and (d) (3), below :

49 1. Bulk Regulations.

50 a. Height. Buildings on Downtown Quality Project sites  
51 may be granted up to forty (40) feet of additional height to  
52 a maximum of one-hundred-forty (140) feet consistent with  
53  
54

1 the Quality Redevelopment Guidelines. For each and every increase  
2 in height on the site above one-hundred (100) feet there shall be  
3 equivalent height reduction in the building or  
4 buildings on the site. Buildings on the Downtown Quality  
5 Project site may have up to twelve (12) stories. Habitable  
6 space on the Downtown Quality Project site may extend up to  
7 one-hundred-forty (140) feet. Non-Habitable space such as  
8 tower elements or mechanical enclosures may extend a  
9 maximum of twenty (20) feet above the height of the  
10 tallest Primary Building Mass. Notwithstanding anything to  
11 the contrary contained herein, in order to improve the  
12 articulation of buildings, modify setbacks and strengthen  
13 pedestrian linkages in downtown, up to thirty-three percent  
14 (33%) of the overall building footprint (defined as the total  
15 area of land surrounded by the exterior walls of a building  
16 or portion thereof, excluding courtyards and other areas open  
17 to the sky fronting on the exterior of the building or  
18 structure; in the absence of surrounding exterior walls,  
19 the area under the horizontal projection of the roof,  
20 excluding cornices, eaves, gutters, and similar projections,  
21 shall constitute the building footprint) on a site may be  
22 granted up to forty (40) feet of additional height to a  
23 maximum of one hundred forty (140) feet. However, up to fifty  
24 percent (50%) of the overall building footprint on a site may  
25 be granted up to forty (40) feet of additional height up to a  
26 maximum of one hundred forty (140) feet if necessary to achieve  
27 general consistency with this policy. In order to obtain  
28 additional height all of the following must occur:

29  
30 i. The increase in height, based on a site-specific  
31 study with due regard to the unique character of each  
32 building site, does not result in an increase in the  
33 development on the site greater than would have been  
34 approvable on the site under the Amended Development Order  
35 as of July 21, 2008.

36  
37 ii. Any increase in height above one hundred (100)  
38 feet is accompanied by an equivalent reduction of height in  
39 the building or buildings on the site, as follows: for every  
40 increase in the height of a building that results in an  
41 increase of the volume of a building above the current height  
42 limit of one hundred (100) feet, there must be an equal or  
43 greater decrease in height achieved by decreasing the volume  
44 of the new building or other new buildings on the site below  
45 one hundred (100) feet.

46  
47 iii. The increase in height is directly related to  
48 improved articulation of buildings on the site and the  
49 creation of a continuous interconnected network of congenial,  
50 pedestrian-oriented streets and public spaces throughout the  
51 downtown generally consistent with the Quality Redevelopment  
52 Guidelines.

1           b. Setbacks. Setbacks shall be consistent with those  
2 provided for in the Quality Redevelopment Guidelines except  
3 that modifications may be made for landmark projects of  
4 architectural significance at the southeast corner of  
5 Palmetto Park Road and Federal Highway as specifically  
6 authorized by the Board in order to achieve the overall  
7 objectives of the Quality Redevelopment Guidelines, as  
8 specifically determined by the Board based upon the  
9 character of the proposed development, its relationship to  
10 surrounding development, and its fulfillment of the purpose  
11 of the Downtown Quality Development Regulations. The fact  
12 that a proposed development is located at the southeast  
13 corner of Palmetto Park Road and Federal Highway shall not  
14 be presumed to qualify the proposed development as a  
15 landmark project of architectural significance.  
16

17           c. Parking Garages. Parking garages shall be  
18 designed so that Active Uses are provided adjacent to Type  
19 A, B, and C streets (as identified in the Downtown Boca  
20 Raton Master Plan Update), major pedestrian walkways, and  
21 urban open spaces, pursuant to the Quality Redevelopment  
22 Guidelines.  
23

## 24           2. Architectural Design.

25  
26           Open Space and Public Areas. Downtown Quality Projects  
27 shall be consistent with the creation of congenial,  
28 pedestrian-oriented streets and open public areas. Downtown  
29 Quality Projects shall include renovations, improvements, and  
30 or enhancements to public sidewalks, pedestrian spaces, and  
31 other open space areas consistent with the Quality  
32 Redevelopment Guidelines.  
33

34           Buildings. Downtown Quality Projects shall provide  
35 articulated buildings consistent with the Quality  
36 Redevelopment Guidelines as more particularly described in  
37 the Purpose section hereof (Section 2, paragraph 5(b)).  
38

39           3. Shared Parking. Shared Parking on Downtown Quality  
40 Projects shall not be subject to the maximum twenty-five  
41 percent (25%) limitation.  
42

43           (e) Development Review. An application for Downtown  
44 Quality Project shall be processed in the same manner as  
45 other projects under the Amended Development Order except  
46 that in granting a Downtown Quality Project Approval the Board  
47 must find that:  
48

49           1. All development is consistent with the Downtown  
50 Quality Redevelopment Guidelines and this Section 2(5).  
51

1           2. In those circumstances where building(s) or  
2 structures(s) exist on a site prior to an application for a  
3 Downtown Quality Project, the existing structure(s) or  
4 building(s) are effectively integrated with the new aspects  
5 of the Downtown Quality Project so as to satisfy the  
6 objectives of the Quality Redevelopment Guidelines.  
7  
8  
9

10  
11 **Section 3. SPECIAL PROVISIONS**  
12  
13

14           (1) The Boca Raton DDRI application for development  
15 approval is incorporated herein by reference and relied upon  
16 by the parties in discharging their statutory duties under  
17 Chapter 380, Florida Statutes. For the purpose of this  
18 condition, the Application for Development Approval shall  
19 include the following:  
20

21           (a) Application for Development Approval dated July 13,  
22 1987; and  
23

24           (b) Supplemental information dated November 9, 1987, and  
25 January 6, 1988.  
26

27           (c) "City of Boca Raton CRA, Boca Raton Downtown DRI  
28 Traffic Update", dated October 1990.  
29

30 AIR  
31

32           (2) No individual building site shall be cleared in  
33 advance of actual construction of a building or buildings  
34 unless the cleared site is graded, seeded and mulched  
35 within thirty (30) days of completion of clearing.  
36

37           (3) During land clearing and site preparation, wetting  
38 operations or other soil treatment techniques to control  
39 unconfined emissions shall be employed by individual  
40 developers. Each individual developer shall adhere to the  
41 requirements of an Unconfined Emissions Control Plan which  
42 has been approved by the City of Boca Raton, the Palm Beach

1 County Health Department and the Department of Environmental  
2 Regulation of the State of Florida.

3 (4) Prior to construction of the parking facility at the  
4 Barbar Center/Barbar Group property and construction of road  
5 improvements at the intersection of Palmetto Park Road and  
6 Mizner Boulevard (aka Golfview Drive) the CRA shall evaluate  
7 or cause to be evaluated the projected air quality at  
8 buildout of the project at both the intersection of Palmetto  
9 Park Road and Mizner Boulevard (aka Golfview Drive), and the  
10 parking facility, via a computer model approved by TCRPC in  
11 consultation with the Florida Department of Environmental  
12 Regulation and the Palm Beach County Health Department. In  
13 the event the approved air quality modeling effort projects  
14 unacceptable air quality values, no construction of the  
15 Barbar Center/Barbar Group property which would contribute  
16 to projected air quality problems may proceed until the CRA  
17 Board of Commisioners has prepared a plan acceptable to  
18 TCRPC for mitigation of projected air quality problems.  
19 Upon approval of any required air quality mitigation plan,  
20 conformance of all further development of the Barbar Group  
21 property with the plan shall be a condition of development  
22 approval. The CRA Board of Commisioners shall monitor the  
23 effectiveness of any air quality mitigation plan  
24 implemented. The cost of model and mitigation plan reviews  
25 by the TCRPC shall be paid within thirty (30) days of  
26 submission of a statement supporting the costs of review and  
27 approval.

#### 28 HISTORIC AND ARCHAEOLOGICAL SITES

29 (5) In the event that any archaeological resource or  
30 indication of the presence of an archaeological resource is  
31 discovered during construction, the Individual Developer  
32 shall suspend all construction activity and shall notify the  
33 CRA, the Treasure Coast Regional Planning Council and the  
34 Division of Historical Resources of the Florida Department  
35 of State of the discovery of the archaeological resource.  
36 After the discovery of an archaeological resource, no  
37 construction activity shall be carried out except in  
38 accordance with the provisions of this paragraph. Within  
39 twenty (20) days of receipt of notification of the discovery  
40 of an archaeological resource or indication of the presence

1 of an archaeological resource, the CRA shall undertake a  
2 survey of the site and conduct, or cause to be conducted, an  
3 assessment of the archaeological resource or indication of  
4 the presence of an archaeological resource, including an  
5 evaluation of the significance of the resource and a  
6 recommendation as to whether artifact recovery should be  
7 undertaken or whether the site should be preserved. The  
8 survey and assessment shall be conducted in accordance with  
9 any guidelines established by the United States Department  
10 of the Interior and shall be forwarded to the Treasure Coast  
11 Regional Planning Council and the Division of Historical  
12 Resources of the Florida Department of State. If the  
13 assessment reveals that the site does not contain  
14 archaeological resources, then the CRA, in consultation with  
15 the Treasure Coast Regional Planning Council and the  
16 Division of Historical Resources of the Florida Department  
17 of State shall notify the Individual Developer that he can  
18 recommence construction. Within ninety (90) days after an  
19 assessment confirms the presence of archaeological  
20 resources, the CRA Board of Commissioners shall act to  
21 implement the recommendations of the assessment or authorize  
22 construction to proceed.

23 (6) The modification or restoration of any building  
24 placed on the list of buildings of historical or  
25 architectural significance in Downtown Boca Raton shall  
26 comply with the Secretary of the Interior's Standards for  
27 Rehabilitation. Plans and specifications of any building  
28 alterations, including new construction additions, shall be  
29 submitted to the Florida Department of State, Division of  
30 Historical Resources for review by their architectural staff  
31 to determine compliance with the above cited standards. The  
32 plans and specifications shall also be forwarded to the  
33 Boca Raton Historic Preservation Board for review and  
34 comment and the CRA shall include the recommendations of the  
35 Boca Raton Historic Preservation Board in the record in  
36 regard to the application for Individual Development  
37 Approval.

38 (7) No approval for removal or destruction of any  
39 building listed as historically or architecturally  
40 significant shall be granted until:

1 (a) A report is submitted to and approved by the Division  
2 of Historical Resources of the Florida Department of State,  
3 the TCRPC, and the CRA stating why such properties cannot  
4 reasonably be preserved or relocated; and

5 (b) In the case of approval for removal or destruction,  
6 the building is offered for sale at 1988 assessed value  
7 adjusted for inflation, but not increased value due to  
8 community redevelopment efforts, for a period of not less  
9 than six months.

10 Where removal or destruction of buildings is authorized,  
11 Historic American Buildings Survey/Historic American  
12 Engineering Record Survey shall be prepared and submitted to  
13 the Division of Historical Resources of the Florida  
14 Department of State prior to commencement of demolition.

15 HABITAT, VEGETATION, AND WILDLIFE

16 (8) During construction on a particular parcel within  
17 Downtown Boca Raton, all Melaleuca, Brazilian pepper, and  
18 Australian pine which are present on that parcel shall be  
19 removed. Removal shall be in such a manner that avoids seed  
20 dispersal by any of these species. There shall be no  
21 planting of these species in the Boca Raton DDRI area.

22 WATER SUPPLY: POTABLE AND NONPOTABLE WATER

23 (9) To the maximum extent possible, xeriscape  
24 landscaping shall be used on the project site. No less than  
25 fifty percent (50%) of all landscaped areas shall be  
26 comprised entirely of native or drought-tolerant plants  
27 adapted to soil and climatic conditions occurring on-site.  
28 The use of soil improvement techniques to increase water  
29 absorption and the holding capacity of the soil, mulches to  
30 minimize evaporation, and the most water conservative  
31 irrigation systems available shall be employed in an effort  
32 to minimize irrigation demand and wastage.

33 (10) All development and redevelopment in Downtown Boca  
34 Raton shall use water-saving plumbing devices such as  
35 toilets with a maximum flush of 3.5 gallons and shower heads

1 and faucets with a maximum flow rate of 3.0 gallons per  
2 minute (at 60 pounds of pressure per square inch) as  
3 specified in the Water Conservation Act, Section 553.14,  
4 Florida Statutes, to reduce water use.

5 (11) All development shall comply with the provisions  
6 of the Palm Beach County Wellfield Protection Ordinance and  
7 the Community Redevelopment Agency shall provide a program  
8 to educate the property owners, tenants, and employees  
9 living and/or working in Downtown Boca Raton as to the  
10 applicable regulations contained in the Palm Beach County  
11 Wellfield Protection Ordinance. This education program  
12 shall continue until any affected wellfield is no longer used  
13 as a source of potable water.

14

15 DRAINAGE

16 (12) The stormwater management system serving the Boca  
17 Raton DDRI shall be designed and constructed to retain or  
18 detain with filtration, as a minimum, the first one-inch of  
19 runoff or the runoff from a one-hour, three-year storm  
20 event, whichever is greater. Required retention volumes may  
21 be accommodated in a combination of exfiltration trenches,  
22 vegetated swales, dry retention areas, lakes with vegetated  
23 littoral zones (provided it can be demonstrated that such  
24 would not adversely affect groundwater quality), or other  
25 suitable retention structures. Provision of this standard  
26 of treatment shall occur concurrent with redevelopment. All  
27 discharges from the surface water management system shall  
28 meet the water quality standards of Florida Administrative  
29 Code Rule 17-3 as may be amended from time to time.

30 HAZARDOUS MATERIALS AND WASTE

31 (13) Prior to demolition of any residential or  
32 commercial structure, the Developer of a project shall have  
33 a visual inspection of the interior of the structure and  
34 premises for the purpose of detecting and safely removing  
35 any stored hazardous or toxic materials that may be present.  
36 Particular attention shall be given to commercial property

1 where past or present storage seems likely (e.g., gas  
2 stations). Where storage tanks or hazardous or toxic  
3 materials are evidenced, removal and cleanup shall be  
4 provided to the satisfaction of Palm Beach County and the  
5 Florida Department of Environmental Regulation.

6 (14) Prior to issuance of building permits for any new  
7 commercial or industrial use that will involve the use of  
8 hazardous materials within the Boca Raton DDRI, the Boca  
9 Raton Community Redevelopment Agency shall prepare or cause  
10 to have prepared a hazardous materials management plan which  
11 shall be reviewed and approved by TCRPC in consultation with  
12 Palm Beach County, South Florida Water Management District,  
13 and the Florida Department of Environmental Regulation. The  
14 plan shall:

15 (a) Require disclosure by all nonresidential owners or  
16 tenants of nonresidential property of all hazardous  
17 materials proposed to be stored, used, or generated on the  
18 premises;

19 (b) Require the inspection of all business premises  
20 storing, using, or generating hazardous materials prior to  
21 commencement of operation, and periodically thereafter, to  
22 assure that proper facilities and procedures are in place  
23 to properly manage hazardous materials projected to occur;

24 (c) Provide minimum standards and procedures for storage,  
25 prevention of spills, containment of spills, and transfer  
26 and disposal of such materials;

27 (d) Provide for proper maintenance, operation, and  
28 monitoring of hazardous materials management systems  
29 including spill and hazardous materials containment  
30 systems;

31 (e) Detail actions and procedures to be followed in case  
32 of accidental spill; and

33 (f) Guarantee financial responsibility for spill clean-  
34 up.

1 (g) The cost of plan review to Treasure Coast Regional  
2 Planning Council shall be paid by the Boca Raton CRA within  
3 thirty (30) days of submission of a statement of the costs  
4 of review and approval.

5 SOLID WASTE

6 (15) The CRA shall obtain or cause to be obtained a  
7 commitment from the Palm Beach County Solid Waste Authority  
8 or other authorized agency or authority to provide solid  
9 waste disposal service to all development in Downtown Boca  
10 Raton. Such commitments shall be obtained and maintained in  
11 concert with the granting of Individual Development  
12 Approvals.

13 (16) If a commitment is provided for solid wa ste  
14 disposal outside of Palm Beach County, upon receipt of  
15 notice from the Palm Beach County Solid Waste  
16 Authority, solid waste generated by development shall  
17 be directed to Palm Beach County facilities as  
18 indicated by the Authority.

19 EDUCATION

20 (17) In the event that a fair share school impact fee or  
21 other school impact mitigation program is implemented in  
22 Palm Beach County, development authorized by this amended  
23 Development Order for which Individual Development Approvals  
24 are granted after the effective date of the impact fee or  
25 impact mitigation program shall be subject to such fee or  
26 program.

27 POLICE AND PUBLIC SAFETY

28 (18) No Individual Development Approval shall be granted  
29 for development in Downtown Boca Raton until the Police  
30 Department of the City of Boca Raton has provided the Boca  
31 Raton Community Redevelopment Agency with written  
32 confirmation that the Department has sufficient manpower and  
33 equipment to provide safe and adequate protection to that  
34 development.

1 FIRE PROTECTION

2 (19) No Individual Development Approval shall be granted  
3 for development in Downtown Boca Raton until the Fire  
4 Department of the City of Boca Raton has provided the Boca  
5 Raton Redevelopment Agency with written confirmation that  
6 the Department has sufficient manpower and equipment to  
7 provide safe and adequate protection to that development.

8 ENERGY

9 (20) In the final site and building design plans, the  
10 Boca Raton CRA shall endorse and encourage: (1)  
11 incorporation of those energy conservation measures  
12 identified in Exhibit T attached hereto and incorporated  
13 herein; (2) compliance with the Florida Thermal Efficiency  
14 Code Part VII, Chapter 553, Florida Statutes; (3) to the  
15 maximum extent feasible, incorporation of measures  
16 identified in the TCRPC's Regional Energy Plan dated May,  
17 1979 and the TCRPC's Regional Comprehensive Policy Plan; and  
18 (4) incorporation of the energy saving methods outlined in  
19 the Energy section discussion of the TCRPC Assessment Report  
20 for Downtown Boca Raton.

21 (21) In the final site and building design plans, each  
22 individual developer shall: (1) incorporate those energy  
23 conservation measures identified in Exhibit T attached  
24 hereto and incorporated herein; (2) comply with the Florida  
25 Thermal Efficiency Code Part VII, Chapter 553, Florida  
26 Statutes; and (3) to the maximum extent feasible,  
27 incorporate measures identified in the TCRPC's Regional  
28 Energy Plan dated May, 1979 and the TCRPC's Comprehensive  
29 Policy Plan. As a minimum, each developer shall demonstrate  
30 that incorporation of energy conservation measures already  
31 committed to and those measures to be incorporated by the  
32 requirement of Paragraph 23 below have reduced projected  
33 energy demand by twenty percent (20%) below that demand  
34 which would have occurred without incorporation of the  
35 measures.

36 (22) Each developer shall incorporate each of the 17  
37 energy saving methods outlined in the ENERGY section of the

1 Treasure Coast Regional Planning Council's Assessment Report  
2 for Boca Raton Downtown unless it can be demonstrated to the  
3 satisfaction of the TCRPC that individually each method is  
4 not cost effective.

5 (23) The CRA shall require as a condition of approval,  
6 that all Individual Development Approvals for non-  
7 residential development of greater than 25,000 square feet  
8 the individual developer, his successors or assigns shall:

9 (a) Provide the CRA with an annual travel mode  
10 monitoring survey for the occupants of the development; and

11 (b) Provide pay telephone facilities accessible to the  
12 public to facilitate use of taxi service.

13

14 (24) Within ninety (90) days after completion of the  
15 improvements to Dixie Highway and Mizner Boulevard (aka  
16 Golfview Drive), the CRA shall install or cause to be  
17 installed traffic signs directing motorists to alternative  
18 routes through Downtown Boca Raton from Federal Highway to  
19 Dixie Highway and Mizner Boulevard (aka Golfview Drive). In  
20 addition within 90 days of completion of other improvements  
21 signage shall be installed consistent with Figure 1c from  
22 the "Boca Raton Downtown DRI Traffic Update", dated October,  
23 1990.

24 (25) No building permits shall be issued for the  
25 development of any parcel of land in Downtown Boca Raton  
26 unless and until any right-of-way described in the Palm  
27 Beach County Thoroughfare Right-Of-Way Protection Plan or,  
28 if the City of Boca Raton establishes a Downtown Boca Raton  
29 Right-of-Way Protection Plan the right-of-way described in  
30 the Downtown Boca Raton Right-of-Way Protection Plan, which  
31 is located within the boundaries of the parcel proposed for  
32 development, has been dedicated to or acquired by an  
33 appropriate public agency, free and clear of all liens  
34 and/or encumbrances.

35 (26) Notwithstanding any other condition or limitation of  
36 this amended Development Order, the City shall not grant

1 permits which authorize construction of more than one  
2 million (1,000,000) square feet of office equivalents in  
3 Downtown Boca Raton until contracts have been executed for  
4 the construction of the following roadway improvements and  
5 the City of Boca Raton shall not issue certificates of  
6 occupancy for more than one million (1,000,000) square feet  
7 of office equivalents until the following roadway  
8 improvements are substantially complete:  
9

10 (a) At the intersection of Yamato Road and Dixie  
11 Highway, reconfigure to provide two through and two left  
12 turn lanes to the south approach and add a second left turn  
13 lane to west approach;  
14

15 (b) Widening Mizner Boulevard (aka Golfview Drive) and  
16 NE 2nd Avenue from SE 5th Street to NE 6th Street to four  
17 lanes;  
18

19 (c) At the intersection of Palmetto Park Road and Mizner  
20 Boulevard (aka Golfview Drive), reconfigure to provide one  
21 left turn lane, a through lane and a shared through/right  
22 lane on the northbound and southbound approaches, and a  
23 shared left/through lane and shared through/right lane  
24 on the eastbound and westbound approaches;  
25

26 (d) A median strip on Federal Highway between Camino Real  
27 and NE 6th Street where practicable;  
28

29 (e) At the intersection of Federal Highway and  
30 Mizner Boulevard (aka Golfview Drive), add a second  
31 left-turn lane to the east approach and a free-flow  
32 right-turn lane to the south approach, and a left-turn  
33 lane to the west approach;  
34

35 (f) At the intersection of Palmetto Park Road and  
36 I-95 East provide double eastbound left-turn lanes, 3  
37 eastbound through lanes, double northbound left-turn  
38 lanes, a free-flow northbound right-turn lane, 4  
39 westbound lanes, and a free-flow westbound right-turn;  
40

41 At the intersection of Palmetto Park Road and I-95 West  
42 provide 5 eastbound through lanes, an eastbound free-  
43 flow right-turn lane, 3 westbound through lanes, a  
44 free-flow westbound right-turn lane for the southbound

1 ramp, double southbound left-turn lanes and a free-flow  
2 southbound right-turn lane.

3 (g) At the intersection of Federal Highway and NE  
4 6th Street, add a second left and a first right-turn  
5 lane to the north approach, a first right-turn lane  
6 with a stop condition to the east approach and a first  
7 right-turn lane to the west approach and a third  
8 through lane to the south approach;

9 (h) At the intersection of Federal Highway and  
10 Palmetto Park Road, eliminate left-turn lanes at the  
11 north and south approaches;

12 (i) At the intersection of Federal Highway and  
13 Camino Real, add a right-turn lane to the south  
14 approach, reconfigure to provide two through, one  
15 right-turn lane and one left-turn lane to the east  
16 approach and add a second left-turn lane to the west  
17 approach;

18

19 (27) Notwithstanding any other condition or limitation of  
20 this amended Development Order, the City of Boca Raton shall  
21 not issue certificates of occupancy for more than one  
22 million five hundred thousand (1,500,000) square feet of  
23 office equivalents prior to the preparation of a  
24 Transportation Demand Management Program and its  
25 implementation by adoption of a Transportation Demand  
26 Management Ordinance. The program shall be submitted to  
27 TCRPC in consultation with Palm Beach County for review and  
28 approval. The Transportation Demand Management Program  
29 shall include, but not be limited to, consideration of the  
30 following as requirements for individual developers and the  
31 City:

32 (a) Ride Sharing

33 Participation in locally sponsored ride-matching  
34 service;

35 Provision of preferential parking for High Occupancy  
36 Vehicles (HOV) in terms of location and cost;

37 Use and support of van pool services; and

1 Use of mass transit.

2 (b) Traffic Flow

3 Restrict peak hour, on-street parking;

4 Construct median planting strips to separate  
5 conflicting movements and channelize traffic; and

6 Interconnect and optimize timing of traffic  
7 signals.

8 (c) Other

9 Provide bicycle and pedestrian facilities;

10 Implement flex-time and other work schedules;  
11 and

12 Promote and encourage increased taxi service  
13 prior to the adoption of a Transportation  
14 Demand Management Ordinance.

15 (28) Notwithstanding any other condition or limitation  
16 of this amended Development Order, the City shall not grant  
17 permits which authorize construction of more than one  
18 million and five hundred thousand (1,500,000) square feet of  
19 office equivalents in Downtown Boca Raton until contracts  
20 have been executed for the construction of the following  
21 roadway improvements and the City of Boca Raton shall not  
22 issue certificates of occupancy for more than one million  
23 and five hundred thousand (1,500,000) square feet of office  
24 equivalents until the following roadway improvements are  
25 substantially complete:

26 (a) Widening of Camino Real between Military Trail and  
27 Dixie Highway to four lanes;

28 (29) Notwithstanding any other condition or limitation  
29 of this amended Development Order, the City of Boca Raton  
30 shall not grant permits which authorize construction of  
31 more than two million (2,000,000) square feet of office  
32 equivalents in Downtown Boca Raton until contracts have been  
33 executed for the construction of the following roadway  
34 improvements and the City of Boca Raton shall not issue  
35 certificates of occupancy for more than two million

1 (2,000,000) square feet of office equivalents until the  
2 following roadway improvements are substantially complete:

3 (a) Widening of Spanish River Boulevard from Dixie  
4 Highway to NW 2nd Avenue to four lanes;

5 (b) At the intersection of Spanish River Boulevard  
6 and Dixie Highway, add a second through lane to the  
7 east approach;

8 (c) At the intersection of Dixie Highway and Camino Real  
9 add first right turn lane to the north approach;

10 (30) Notwithstanding any other condition or limitation  
11 of this amended Development Order, the City of Boca Raton  
12 shall not grant permits which authorize construction of more  
13 than two million two hundred thousand (2,200,000) square  
14 feet of office equivalents in Downtown Boca Raton until  
15 contracts have been executed for the construction of the  
16 following roadway improvements and the City of Boca Raton  
17 shall not issue certificates of occupancy for more than two  
18 million two hundred thousand (2,200,000) square feet of  
19 office equivalents until the following roadway improvements  
20 are substantially complete:

21 (a) Widening of Federal Highway from NE 6th Street to  
22 Glades Road to six lanes.

23 (31) Notwithstanding any other condition or limitation  
24 of this amended Development Order, the City shall not grant  
25 permits which authorize construction of more than three  
26 million (3,000,000) square feet of office equivalents in  
27 Downtown Boca Raton until contracts have been executed for  
28 the construction of the following roadway improvements and  
29 the City of Boca Raton shall not issue certificates of  
30 occupancy for more than three million (3,000,000) square  
31 feet of office equivalents until the following roadway  
32 improvements are substantially complete:

1 (a) At the intersection of Dixie Highway and Camino  
2 Real, add a third through lane and a second left-turn lane  
3 to east approach, add a first right-turn lane and a second  
4 left-turn lane to west approach, unless Palm Beach County  
5 adopts an amendment to its comprehensive plan adopting a  
6 CRALLS designation for this intersection, making these  
7 improvements unnecessary, or the City adopts and implements  
8 a Multimodal Transportation District that includes this  
9 intersection eliminating the need for these improvements.

10 (b) Widening Palmetto Park Road from SW 12th Avenue to  
11 SW 9th Avenue to six lanes;

12 (c) Widening Federal Highway between SW 19th  
13 Street and Camino Real to six lanes;

14 (d) At the intersection of Palmetto Park Road and  
15 Military Trail, add a second left-turn lane to the north  
16 approach.

17 (32) Notwithstanding any other condition or limitation of  
18 this Development Order, the CRA shall not grant Individual  
19 Development Approvals for more than four million (4,000,000)  
20 square feet of office equivalents in Downtown Boca Raton  
21 until contracts have been executed for the construction of  
22 the following roadway improvements and the City of Boca  
23 Raton shall not issue certificates of occupancy for more  
24 than four million (4,000,000) square feet of office  
25 equivalents until the following roadway improvements are  
26 substantially complete:

27 (a) Improvements to Federal Highway between Glades Road  
28 and N.E. 20th Street which are consistent with the  
29 Comprehensive Plan of the City of Boca Raton and approved by  
30 the Department of Transportation and Treasure Coast Regional  
31 Planning Council.

32 (33) Notwithstanding any other condition or limitation  
33 of this amended Development Order, the City shall not grant  
34 permits which authorize construction of more than four  
35 million and five hundred thousand (4,500,000) square feet of  
36 office equivalents in Downtown Boca Raton until contracts

Updated

Ordinance No. 5049

55

9-9-08

1 have been executed for the construction of the following  
2 roadway improvements and the City of Boca Raton shall not  
3 issue certificates of occupancy for more than four million  
4 and five hundred thousand (4,500,000) square feet of office  
5 equivalents until the following roadway improvements are  
6 substantially complete:

7 (a) Widening Dixie Highway from SW 18th Street to  
8 Hillsboro Boulevard to five lanes;

9 (b) at the intersection of Glades Road and Dixie  
10 Highway, add a second through lane to the north approach.

11 (34) Notwithstanding any other condition or limitation  
12 of this amended Development Order, the City shall not grant  
13 permits authorizing the construction of more than four  
14 million and nine hundred thousand (4,900,000) square feet of  
15 office equivalents in Downtown Boca Raton until the City or  
16 the CRA has instituted a beach access system involving a  
17 bus, trolley, jitney or other alternative mode of  
18 transportation that will capture or serve at least twenty  
19 (20) peak season, peak hour trips that would otherwise have  
20 used Route A-1-A.

1 **Section 4. OTHER PROVISIONS**

2 (1) For the effective period of this amended Development  
3 Order, the property which is the subject of this amended  
4 Development Order shall not be subject to down-zoning, unit  
5 density reduction, or intensity reduction, unless the City  
6 can demonstrate that substantial changes in the conditions  
7 underlying the approval of this amended Development Order  
8 have occurred or that the change is clearly established by  
9 the City to be essential to the public health, safety, or  
10 welfare.

11 (2) The Executive Director or his/her designees, shall  
12 be the official responsible for assuring compliance with the  
13 amended Development Order.

14 (3) The Developer shall submit a report to the  
15 City, the TCRPC, the DEO, and all affected permitting  
15a agencies in accordance with Section 380.06 Florida Statutes.  
16 This report shall describe the state of  
17 development of the Subject Property and compliance as of the  
18 effective date of the original Development Order, and shall  
19 further be consistent with the Rule 73C-40.025(7) and  
20 40.029 of the Florida Administrative Code. The first  
21 biennial monitoring report shall be submitted not later than  
22 March 15, 2014 and further reporting shall be submitted not  
23 later than March 15 of the following biennial periods. The  
24 monitoring report shall include a description of any  
25 transfers or conversions of use which are approved in  
26 conjunction with IDAs during the preceding year. The  
27 description shall include a DRI subarea land use table  
28 showing the before and after land use allocations after  
29 transfer and/or conversion. This requirement shall not be  
30 construed to require reporting from individual residents,  
31 tenants or owners of individual sites in Downtown Boca

1 Raton. The monitoring procedure shall be the same procedure  
2 for ensuring compliance with local ordinances.

3  
4 (4) The development authorized by this Amended  
5 Development Order is entitled to the protection of Section  
6 163.3167(8) Fla. Stat. (1991) in regard to regulations or  
7 standards adopted by the City of Boca Raton or Palm Beach  
8 County, except as expressly provided for in this Development  
9 Order.

10 (5) Nothing in this amended Development Order shall  
11 affect the rights granted by any Individual Development  
12 Approval issued prior to the adoption date of this amended  
Development Order.

1

2           (6) Subsequent requests for local development permits  
3 shall not require further review pursuant to Section 380.06,  
4 Florida Statutes, 1989, unless it is found by the City,  
5 after due notice and hearing, that one or more of the  
6 following is present:

7           (a) A change from the terms or conditions of this  
8 amended Development Order, or other changes to the approved  
9 development plans which create a reasonable likelihood of  
10 adverse regional impacts or other regional impacts which  
11 were not evaluated in the review by TCRPC; or

12           (b) An expiration of the period of effectiveness of this  
13 amended Development Order as provided herein.

14           (7) This amended Development Order shall be effective for  
15 a period of forty (40) years from the effective date of this  
16 Order, provided that the effective periods may be extended  
17 by the City upon a showing of good cause. This time period  
18 shall be tolled during any period of time during which there  
19 is any building permit moratorium imposed by the City or  
20 other governmental agency having authority to do so.

21           (8) This amended Development Order shall not be construed  
22 as a waiver of any City, County, or State requirements for  
23 other necessary permits, building permits, certificates of  
24 occupancy, or similar matters provided for by statute, rule,  
25 or ordinance, unless said requirements are specifically  
26 waived in this Order.

27           (9) This amended Development Order shall be binding upon  
28 and inure to the benefit of the Developer and its assigns or  
29 successors in interest and the present owners and their  
30 assigns or successors in interest. It is understood that  
31 any reference herein to any governmental agency shall be  
32 construed to also include any future instrumentality which  
33 may be created and designated as successor in interest to,  
34 or which otherwise possesses any of the powers and duties  
35 or, any referenced governmental agency in existence on the  
36 effective date of this amended Development Order.

1           (10) A certified true copy of this amended Development  
2 Order shall be filed and recorded in the public records of  
3 Palm Beach County, Florida within ten (10) days after  
4 adoption.

5           (11) A certified true copy of this amended Development  
6 Order is to be forwarded to the TCRPC, the City and  
7 appropriate state agencies upon adoption.

8           (12) In the event that any portion or section of this  
9 amended Development Order is determined to be invalid,  
10 illegal or unconstitutional by a court of competent  
11 jurisdiction, such decision shall in no manner affect the  
12 remaining portions or section of the amended Development  
13 Order which shall remain in full force and effect.

14           (13) This amended Development Order shall become  
15 effective upon adoption by the City Council of the City of  
16 Boca Raton and transmission to the Treasure Coast Regional  
17 Planning Council and the Florida Division of Community  
18 Affairs; provided, however, that the filing of a notice of  
19 appeal pursuant to Chapter 380, Florida Statutes, stays the  
20 effectiveness of this amended Development Order until  
21 completion of any appellate proceeding.

22           (14) The City Manager is hereby authorized and  
23 directed to make appropriate changes in the zoning  
24 district map of the City designating the area under  
25 this amended Development Order as DDRI Downtown  
26 Development of Regional Impact.

1 PASSED AND DULY ADOPTED with a quorum present and voting, by  
2 the City Council of the City of Boca Raton, Florida, this  
3 13<sup>th</sup> day of October, 1992.

4  
5  
6 CITY COUNCIL OF THE CITY OF BOCA  
7 RATON, PALM BEACH COUNTY, FLORIDA

8  
9 BY: Emil F. Danciu  
10 Emil F. Danciu, Mayor

11  
12  
13 ATTEST:

14 Candace Bridgwater  
15  
16 Candace Bridgwater, City Clerk

17 Approved as to form:

18  
19 Frank S. Bartolone  
20 Frank S. Bartolone  
21

1  
2  
3

---

<sup>1</sup> **EXISTING LAND USES AS OF THE DATE OF THIS TABLE FOR CALCUALTION PURPOSES:**

LAND USE (IN SQ. FT. & UNITS)	SUBAREAS							TOTAL
	A	B	C	D	E	F	G	
RETAIL(HIGH)	13,988	129,579	64,682	324,112	0	8,169	125,769	666,299
RETAIL(MEDIUM)	0	0	0	0	0	0	0	0
RETAIL (LOW)	0	0	0	0	0	0	0	0
OFFICE	24,586	58,688	45,406	204,060	22,051	218,051	31,337	604,179
INSTITUTION (PEAK HOUR)	70,704	8,150	5,100	0	0	3,000	0	86,954
INSTITUTION (NON-PEAK HOUR TRAFFIC GENERATING)	0	0	0	0	0	0	0	0
TOTAL	109,278	196,417	115,188	528,172	22,051	229,220	157,106	1,357,432
RESIDENTIAL	0	3	49	6	0	8	0	66
HOTEL	0	0	0	0	0	64	0	64
TOTAL OFFICE EQUIVALENT	217,617	463,042	269,249	1,171,179	22,051	287,676	405,650	2,836,464

## EXHIBITS

Exhibit A	Legal Description
Exhibit B	Public Improvements
Exhibit C	Subarea Map
Exhibit D	Setback Profile
Exhibit E	Deleted
Exhibit F	Residential/Non-Residential Buffers
Exhibit G	Deleted
Exhibit H	Perimeter Lighting
Exhibit I	Lighting Alternatives
Exhibit J	Consistent Architectural Examples
Exhibit K	Architectural Example
Exhibit L	Architectural Example
Exhibit M	Architectural Example
Exhibit N	Archways and Openings
Exhibit O	Street Level Architectural Treatment
Exhibit P	Pedestrian Oriented Frontages/Adjacent Properties
Exhibit Q	Deleted
Exhibit R	Deleted
Exhibit S	Deleted
Exhibit T	Energy Standards

# EXHIBIT A

The Boca Raton Community Redevelopment Area consists of approximately 344 acres of property located in Sections 19, 20, 29 and 30, Township 47 South and Range 43 East. The area is delineated on the map entitled "Redevelopment Area Boundary" and is more particularly described as follows:

Beginning at the intersection of the Eastern boundary of South Federal Highway (U.S. Route 1) and the Southern boundary of S.E. 11th Street known as the Point of Beginning;

Thence run West along the Southern boundary of Southeast 11th Street to the Western boundary of South Dixie Highway;

Thence run South along the Western boundary of South Dixie Highway 100 feet more or less;

Thence run West to Western boundary of Southwest 3rd Avenue extended South, by a straight line coincident with the Southern boundary of the Camino Gardens Plaza;

Then run North along the Western boundary of Southeast 3rd Avenue to the Northern boundary of Boca Raton Square Gateway Plaza extended West;

Thence run East along the Northern boundary of Boca Raton Square Gateway Plaza and its straight extension to the Western boundary of South Dixie Highway;

Then run North along the Western boundary of S. Dixie Highway to the Southern boundary of West Royal Palm Road extended East;

Thence run West along the Southern boundary of East and West Royal Palm Road to the Western boundary of Southwest 2nd Avenue;

Thence run North along the Western boundary of Southwest 2nd Avenue to the Southern boundary of West Palmetto Park Road;

Thence run West along the Southern boundary of West Palmetto Park Road to the Western boundary of Crawford Boulevard;

Thence run North along the Western boundary of Crawford Boulevard to the Northern boundary of Northwest 4th Diagonal;

Thence run Southeast to the intersection of Northwest 4th Diagonal, West 4th Street and Northwest 2nd Avenue;

Thence run South along the Eastern boundary of Northwest 2nd Avenue to the Northern boundary of Northwest 3rd Street;

Thence run East along the Northern boundary of Northwest 3rd Street to the Western boundary of North Dixie Highway;

Thence run North along the Western boundary of North Dixie Highway to the Northern boundary of Northeast 8th Street;

Thence run East along the Northern boundary of Northeast 8th Street, crossing N. Federal Highway to the Northern boundary of Northeast 6th Street;

Thence run East along the Northern boundary of Northeast 6th Street to the Eastern boundary of Northeast 2nd Avenue;

Thence run South along the Eastern boundary of Northeast 2nd Avenue to the Northern boundary of Boca Raton Road;

Thence run East along the Northern boundary of Boca Raton Road to the Eastern boundary of Northeast 5th Avenue;

Thence run South along the Eastern boundary of Northeast 5th Avenue and Southeast 5th Avenue to the Southern boundary of East Royal Palm Road;

Thence run Westerly along the Southern boundary of East Royal Palm Road to an intersection with the Western boundary of Golfview Drive, as shown on the plat of Spanish River Land Co., Plat Book 16, Pages 27 and 28;

Thence Southerly along the Eastern boundary of Golfview Drive a distance of 165 feet to a point;

Thence Easterly, at a right angle to the last described course, a distance of 500 feet;

Thence run Southwesterly along a line which is 500 feet East and parallel to the Southeast line of Golfview Drive to a point which is 500 feet east of the Eastern boundary of South Federal Highway and then South parallel to Federal Highway to the Southern boundary of East Camino Real;

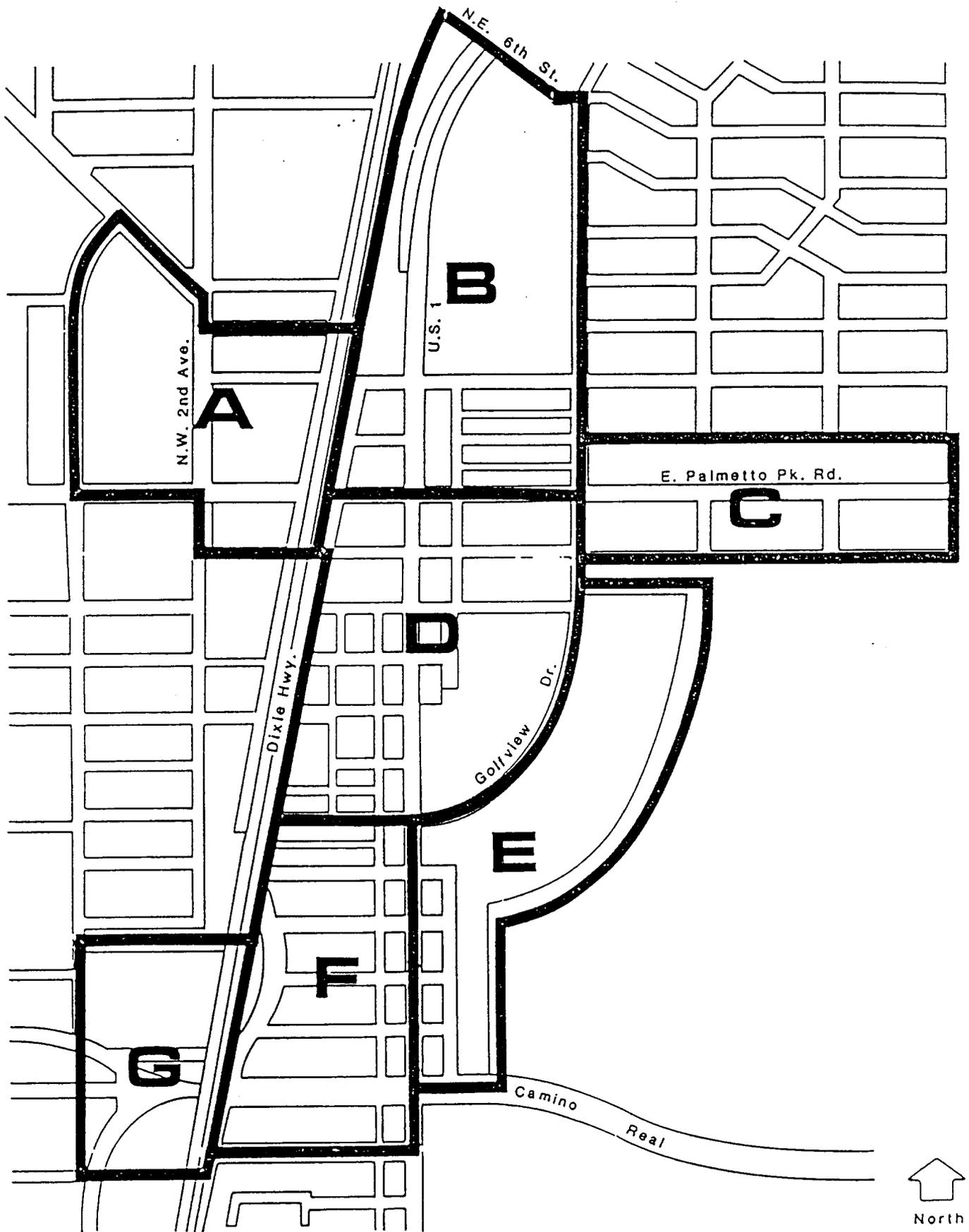
Thence run West along the Southern boundary of East Camino Real to the Eastern boundary of South Federal Highway;

Thence run South along the Eastern boundary of South Federal Highway to the intersection of South Federal Highway and Southeast 11th Street and the Point of Beginning.

EXHIBIT B	FINANCE PLAN REFERENCE	DESCRIPTION	TOTAL ESTIMATED COST AT TIME OF CONSTRUCTION	<--DESIGN & CONSTRUCTION-->		DDRI TABLE 13.13 REFERENCE	TCRPC TRAFFIC CONDITION REFERENECE	
				STARTING	COMPLETION		Original D.O.	Amended D.O.
	CRA - 1	Golfview-N.E. 2nd Ave-N.E. 6th St	\$9,702,294	1988	1991	B-3 B-5 D-4	35dc(part) 35e	(26)(b) (26)(c)
	CRA - 2	N.E. 1st Ave.-S.E. 1st Ave. (Spine)	\$1,098,155	1991	1993	B-4 D-3		
	CRA - 3	Federal Highway (Camino Real to N. E. 6th Street)	\$6,847,122	1989	1993	B-2,D-2,E-1, E-2,E-7,F-1, F-7	35d(part)	(26)(e), (26)(h) (30)(a), (31)(a) (31)(b), (31)(f)
	CRA - 4	Camino Real (Federal Hwy. to S.W. 3rd Ave.)	\$1,420,078	1990	1993	G-1		
	CRA - 4A	Camino Real (S.W. 2nd Ave. to S.W. 7th Ave.)	\$1,752,433	1989	1993		35fi, 31c	(29)d, (31)(b)
	CRA - 5	Palmetto Park Road (S.W. 12th Ave. to Crawford Blvd.)	\$2,180,000	1997	1999	O-3	35c436b	(31)(c)
	CRA - 6	Federal Highway (N.E. 6th St. to Glades Rd.)	\$3,490,145	1989	1993	O-4	35h36c	(30)(b)
	CRA - 7	Federal Highway (Camino Real to 0.16 N. Hillsboro Blvd.)	\$2,395,169	1989	1993	O-5	35i39a	(31)(d)
	CRA - 8	Palmetto Park Road (Dixie Hwy. to N.E. 5th Ave.)	\$2,651,370	1992	1993	B-8 C-2	38a, 38b, 38c, 38d, 38e	Delete
	CRA - 9	Deleted						
	CRA-10	N.W.2nd Ave. Beautification & Street Lights (4th Diagonal to Royal Palm Road)	\$222,758	1991	1992	A-2		
	CRA-11	Palmetto Park Road (Crawford Blvd. to Dixie Highway)	\$1,859,871	1992	1993	A-5	35e	(26)(c)
	CRA-12	N.W. 2nd Street Beautification & Lights (Dixie Hwy. to N.W. 2nd Ave.)	\$175,787	1991	1992	A-6		
	CRA-13	N.E. 2nd St. Beautification & Lights	\$877,730	1990	1992	B-6		

## EXHIBIT B (con't)

FINANCE PLAN REFERENCE	DESCRIPTION	TOTAL ESTIMATED COST AT TIME OF CONSTRUCTION	---DESIGN & CONSTRUCTION---		DDRI TABLE 13.13 REFERENCE	TCRPC TRAFFIC CONDITION REFERENECE	
			STARTING	COMPLETION		Original D.O.	Amended D.O
CRA-14	Dixie Hwy. Beautification & Lights (N.E. 6th St. to S.E. 11th St.)	\$964,728	1991	1994	B-9 O-2		
CRA-15	Royal Palm Road Beautification & Lights (Golfview Drive to S.E. 5th Ave.)	\$820,488	1989	1991	C-3		
CRA-16	Subarea F Beautification & Lights (SE 6th, SE 7th, SE 8th and SE 9th)	\$1,025,607	1992	1993	F-2 F-3		
CRA-17	Deleted						
CRA-18	Subarea D Beautification & Lights (SE 1st, SE 2nd, SE 3rd, SE 4th & SE 5th St)	\$2,400,652	1994	1996	D-1,D-5,D-6, D-7,D-8,D-9, D-10,D-11,D-12		
CRA-19	Subarea A Beautification & Lights (Crawford Blvd., NW 3rd St. & 4th Diagonal)	\$611,613	1994	1996	A-3,A-2,A-3, A-4,A-7,A-8		
CRA-20	Boca Raton Road Beautification & Lights (Dixie to Federal Hwy & NE 1st to NE 2nd Avenue)	\$465,818	1994	1995	B-7		
CRA-21	Boca Raton Road Drainage (NE 2nd Ave. to NE 5th Ave.)	\$771,688	1989	1991	C-1		
CRA-22	SE 3rd & 4th Avenue (Palmetto Park Rd. to Royal Palm Road)	\$143,693	1994	1995	C-4 C-5		
CRA-23	SE 9th Street Beautification & Lights	\$471,191	1994	1995	F-5 F-6		
CRA-24	Subarea G Beautification & Lights ██████	\$591,522	1995	1996	G-2,G-3,G-4, G-5,G-6		
CRA-25	Spanish River Blvd. Improvements (Dixie Hwy. to West of NW 2nd Ave.)	\$863,378	1998	1999		35a37a 37b	29(a) 29(b)
	TOTAL	\$43,803,290					



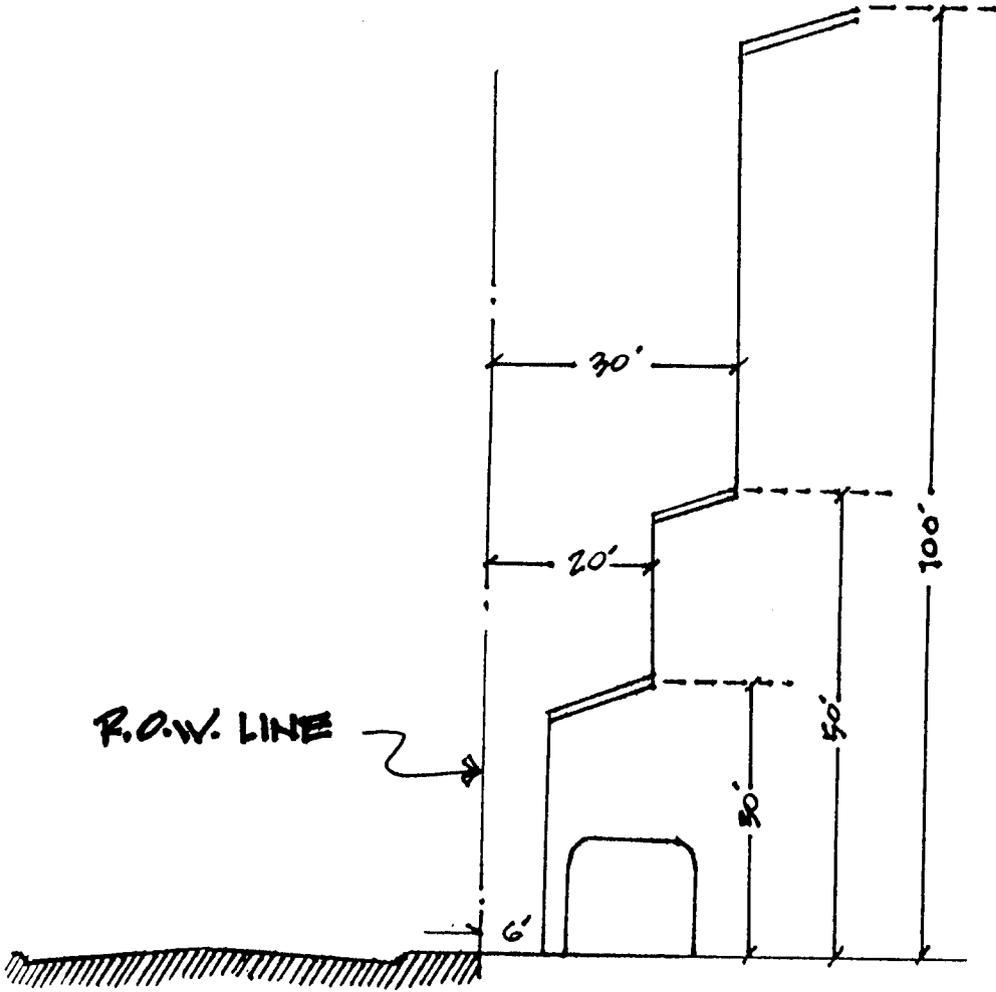
**SUBAREAS**

**EXHIBIT C**

**DOWNTOWN BOCA RATON  
BOCA RATON, FLORIDA**

Scale: 1" = 700'  
Prepared: NE 8, 1987

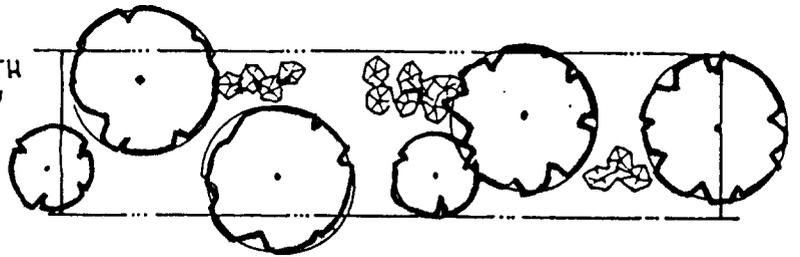
# SETBACK PROFILE



# BUFFER

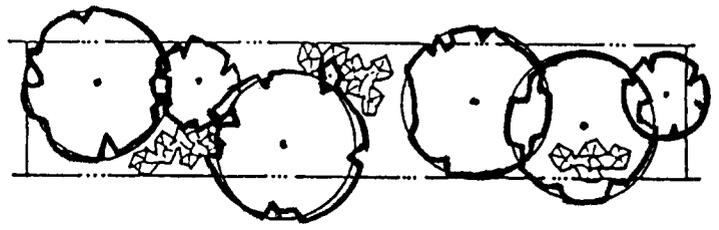
PLANT MATERIAL/100'  
3.5 CANOPY  
1.4 UNDERSTORY  
14 SHRUBS

WIDTH  
25'



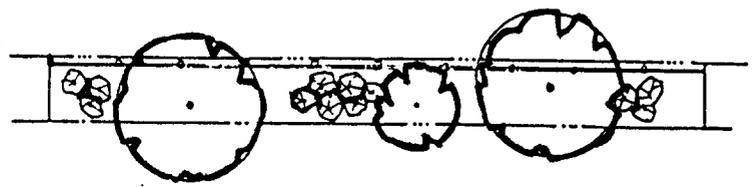
4 CANOPY  
1.6 UNDERSTORY  
16 SHRUBS

20'



2 CANOPY  
1 UNDERSTORY  
12 SHRUBS  
6 FOOT WOOD FENCE

10'



# Fernandina

Luminaire size • 14" x 28" high

Wattage • Up to 300 watts for incandescent lamps; up to 250 watts HID with remote ballast

Mounting heights • 10' to 20'

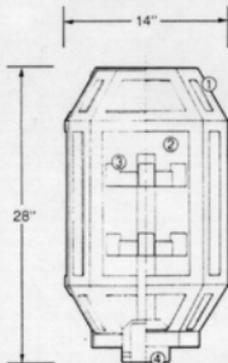
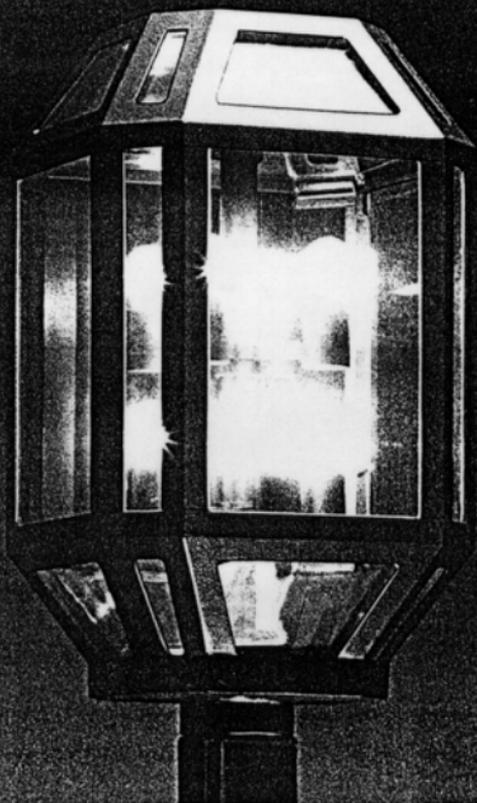
Wind load rating • 37

**Special features** • All cast aluminum construction • Optional 4-way and 8-way socket clusters • "Grip-Tite" mogul socket furnished with HID lamps • Hinged side door for relamping • May be top or bottom mounted

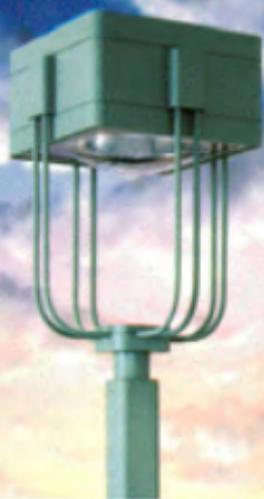
## Product Information

1. Series Code  
FD
2. Luminaire Size  
28
3. Diffuser code  
R - White Smooth Acrylic  
F - Clear Smooth Acrylic  
G - Clear Smooth Polycarbonate  
S - White Smooth Polycarbonate  
BA - Clear Hammered Acrylic  
BB - Smoke Hammered Acrylic  
BC - Bronze Hammered Acrylic  
BD - Red Hammered Acrylic  
BE - Blue Hammered Acrylic  
BF - Yellow Hammered Acrylic  
BG - Amber Hammered Acrylic  
BH - Orange Hammered Acrylic  
BJ - Jade Green Hammered Acrylic  
AT - White "DR" Acrylic  
AU - Clear "DR" Acrylic
4. Luminaire Options Code  
C - Cylindrical Glass Refractor  
SC4 - 4-way Socket Cluster  
SC8 - 8-way Socket Cluster  
P - Photoelectric Control  
N - Options Not Required

For how-to-order instructions, see fold-out p. 20.



1. Housing  
cast aluminum
2. Diffuser Panels  
acrylic or polycarbonate  
plastic
3. Lamp Holder  
8-socket cluster  
(optional)
4. Fitter  
cast aluminum for  
3" O.D. tenon or  
pole top



Alameda



Delano



Glendale



Fontana

**EXHIBIT I**



**EXHIBIT J I**



**EXHIBIT J II**



**EXHIBIT K**



**EXHIBIT L**



**EXHIBIT M**



**EXHIBIT N I**



EXHIBIT N II



**EXHIBIT 01**



EXHIBIT O II



**EXHIBIT P**

D. What considerations relative to energy conservation have been incorporated into the site planning, building design and equipment selection for this project?

The Community Redevelopment Agency cannot dictate energy conservation considerations, but can encourage some of the following during site plan and building approvals.

A major source of energy consumption in South Florida building is air conditioning. In the area of site planning and landscape planting, consideration could be given to siting and orientation of buildings to provide optimum natural ventilation in summer, protection in winter months and shade from sun for large glass exposure surfaces. This applies not only to occupied work areas, but also to trap spaces. On low level structures, shade landscape plantings can also be effective in reducing heat loads on vulnerable glass areas.

High efficiency (EER) air conditioner compressors placed in shaded areas significantly increase efficiency and cut consumption. Use of full shade shutters (such as the "Bahama" type) over, or trans-reflective "Mylar" films on glass areas also contribute to a reduced energy demand as would the more expensive alternative of sandwich panel glass. Roofs could be designed with appropriate slopes, peaks or ridge line configuration and overhang/eave extensions to provide integral shade elements over glass areas and mechanical equipment, thereby blocking direct heat load and increasing equipment efficiency. Glass areas could be organized, designed and oriented to provide high levels of natural light capture (to reduce lighting loads) while avoiding direct sun exposures. Use of shade fins, awning, louvers or smaller area "clear story" window strips can also be effective in reducing air conditioning demand. Also, where buildings are grouped or clustered, the complex itself can be designed to provide maximum shading of exposed areas during low sun-angle hours.

Finally, in the area of construction materials and equipment, a number of alternatives could be considered. Wall insulation (batt or blown) and ceiling insulation can significantly reduce heat load/loss and save air conditioning. Self-closing hinged and sliding exterior doors further cut load/loss.



**Attachment A**  
**Revised 11/12/2008**

# DOWNTOWN BOCA RATON INTERIM DESIGN GUIDELINES



URBAN DESIGN ASSOCIATES | NOVEMBER 12, 2008

## III INTRODUCTION

The Master Plan Update was prepared through a public engagement process. This included a series of meetings and workshops in which the design team solicited public input on the aspects of Downtown Boca Raton that were most admired, and those that were least appreciated. It also solicited ideas for the future of Downtown and the most important qualities to provide in future development.

The primary goal that emerged is to create a continuous and interconnected network of pedestrian friendly streets and public spaces. This will require improved intersections, pedestrian crossings, sidewalks, and plazas. To achieve this, it is necessary to improve the quality and character of the architecture of new buildings. Instead of being conceived as individual building, they need to be designed to create the appropriate size and character of public space.

To achieve that goal, it is essential to create a new, more rigorous and detailed set of design guidelines in the form of a Pattern Book.

The City of Boca Raton has retained Urban Design Associates to continue the Master Plan Update process by providing recommendations for revising the Downtown Design Guidelines.

To accomplish this, the buildings must provide adequate public open space and have a character of architecture that is human in scale and diverse, especially for buildings that are larger than 50'-0" in length along street frontages. In the public process, many people lamented the loss of the small scale feeling of Downtown due to the insertion of large monolithic, bulky buildings. It is possible to integrate large buildings into a traditionally scaled streetscape by breaking up the monolithic mass of the building into a series of smaller scale elements. There also must be greater attention to the details of public space including landscape elements, special features such as balconies and pergolas, and ground floor uses.

The principal objection noted in the public process to the architecture of recent buildings is their large bulk and flat tops which lead to a loss of scale and character. This monolithic quality, in which large building masses dominate the streetscapes, is not consistent with the urban design goals articulated through the Master Plan Update process and described in the Master Plan Update.

UDA's analysis of the current Downtown Design Guidelines identified that the current setback and height requirements are provisions that result in the very buildings that the community dislikes. In addition, there are no substantive provisions for requiring appropriate articulation of building volume, composition of openings, special elements to provide character, or sufficient requirements for critical embellishments.

UDA is currently developing revised Design Guidelines and testing them with developers, architects, city officials, and citizens. This document represents the completion of the first phase of this work and provides Interim Design Guidelines for building volume, placement, massing, and articulation. The next step is to proceed to the next phase and develop detailed final guidelines, in the form of a Pattern Book. Projects that comply with these Interim Design Guidelines are Downtown Quality Projects. These attributes may be found in the Compliance Checklist attached to this document.

This first phase has been accomplished through effective collaboration with a developer of a large-scale project in order to verify that the project complies with the Interim Design Guidelines and the vision of the CRA and the City for downtown Boca Raton and that the guideline requirements are feasible. The interim design guideline ideas that were tested in the process and are recommended for adoption do not conform to the current downtown development regulations, but it is in the best interest of the City's goal to develop a vibrant, pedestrian-oriented downtown to encourage development under these interim guidelines.

The first draft of the Interim Design Guidelines was distributed at the July 21, 2008 CRA Board meeting during the presentation and were meant to be the next step in developing the final guidelines. Therefore, they were intended to replace the design guideline suggestions in the Master Plan Update. The following are further refinements to the draft Interim Design Guidelines that were distributed at that meeting, based on subsequent discussions and concerns.

# HEIGHT AND PLACEMENT OF BUILDINGS

The height and placement of buildings can contribute to the character and quality of urban spaces. Tall building facades can create a comfortable street space along wide and busy roads. The presence of tall facades has a traffic calming effect because they create the impression that drivers are passing through an urban room. On the other hand, lower scale buildings of three to four stories provide an effective transition to adjacent residential areas. The best downtown environments have a variety of street types including small scale, narrow streets with two or three story facades along them.

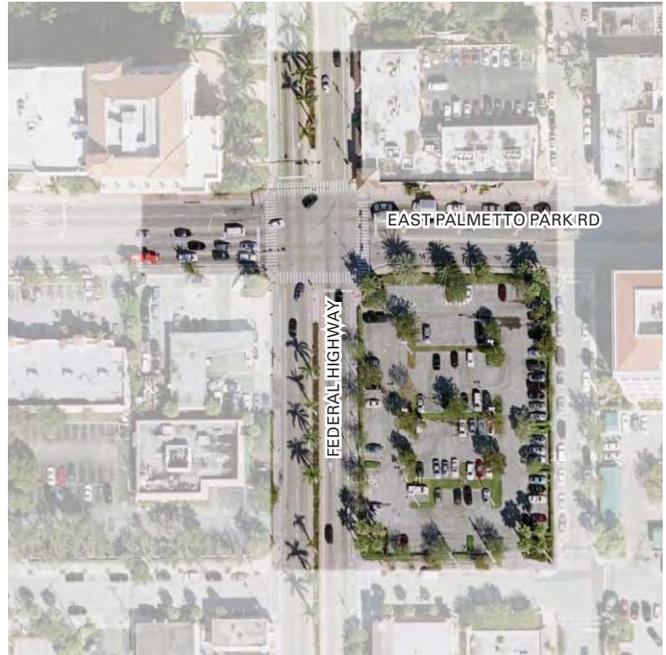
The Master Plan Update proposed a method for determining building setback and height requirements based on street types. In the Master Plan Update, this was very conceptual and diagrammatic. In the first phase of developing the Pattern Book and the Interim Design Guidelines, these concepts were further developed and refined using the RAM project as a test case. For example, a literal use of the setbacks diagrammed and described in the Master Plan Update would produce a “wedding cake” effect that would not provide the articulated facades which we believe will be the most effective way of creating good street spaces. Therefore, the step by step process in the Interim Design Guidelines suggests both horizontal and vertical articulation. Other sites with different conditions may have different results. The idea of this program is to test the new guidelines on real projects before they become general guidelines for all of downtown. Based on the experience with the RAM project the following refinements and additions to the Interim Design Guidelines are recommended:

# LANDMARK LOCATIONS

Great cities are known for a combination of what are described as fabric buildings and landmarks. The great majority of buildings make up the “fabric” of a city. Fabric buildings establish the character of a place through their scale, materials, and details. By contrast, landmark buildings highlight key places within a city that stand out from the typical fabric. Their prominent expression makes them and the places surrounding them more pleasant and memorable. All great cities, towns, and neighborhoods have recognizable landmarks.

In the case of Boca Raton, special urban design and/or architectural treatment may be necessary to create recognizable landmarks for way-finding and/or placemaking within and between the Quarters identified within the Master Plan Update. Over time, each of the Quarters should become known for its unique attributes and remembered for its landmark features.

In addition to the Quarters, the Downtown as a whole needs a landmark in a highly recognizable location. As stated in the August 2007 Master Plan Update report, “the tallest buildings should be closest to Federal Highway and Palmetto Park Road to reinforce the center of Downtown.” At the present time, this is the only specific place that is recommended as a Landmark Location.



*A Landmark Location: the intersection of Federal Highway and Palmetto Park Road*

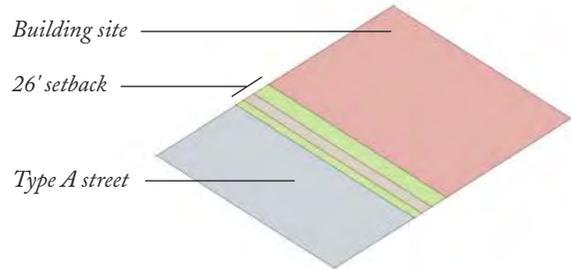


*A landmark building helps with placemaking and wayfinding*

# DESIGN PROCESS

## STEP 1: Determine Building Footprint and Placement

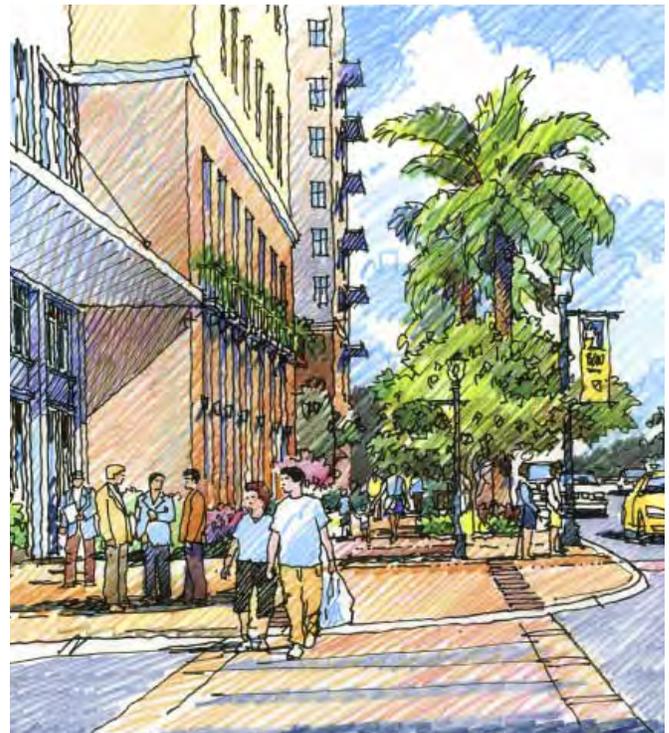
Using the proposed requirements for setbacks for building placement, locate the perimeter of the building mass. In most cases, the setbacks will be greater than the present regulations. They should be measured from the curb to the building facade and based on the recommendations in the Master Plan Update. Depending on the scale of the street they face (Type A, B or C), facades will be set back either 26'-0" or 20'-0" from the face of the curb.



*Setbacks for Street Type A*



*A view of generous sidewalks and setbacks*

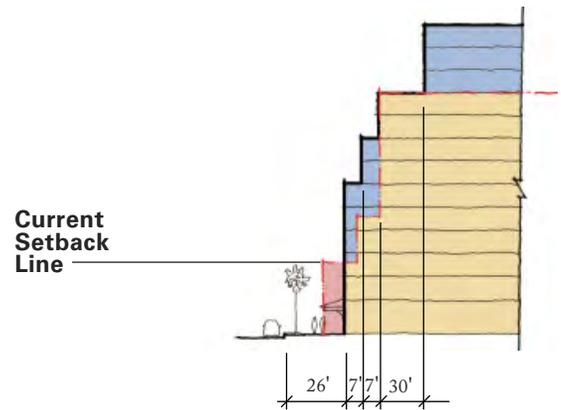


*Illustrative example of setbacks at the street level*

## TYPE A:

### Downtown Thoroughfares:

Wide streets with heavy volumes of traffic should have buildings set-back a minimum of 26'-0" from the curb to provide ample space for sidewalks, landscape treatment with shade trees, and sidewalk cafes. The facades should rise up for six stories above which there should be shallow setbacks.

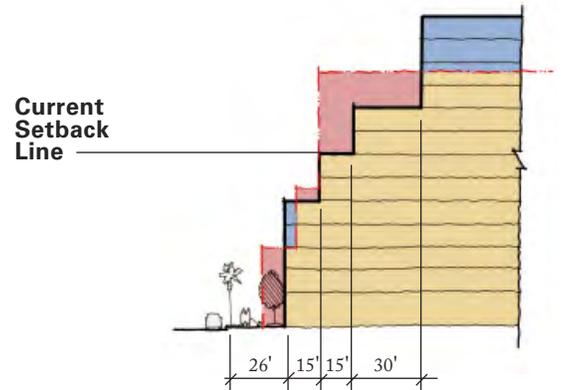


*Cross-section of the proposed guidelines under Type A. Note: dashed red line denotes existing setback criteria*

## TYPE B:

### Downtown Commercial Streets:

Typical downtown streets should have a minimum of 26'-0" setbacks from the curb to provide space for sidewalks, landscape treatment with shade trees, and sidewalk cafes. The facades can have a variety of setbacks. The typical condition should be a full five stories with shallow setbacks for the upper floors.

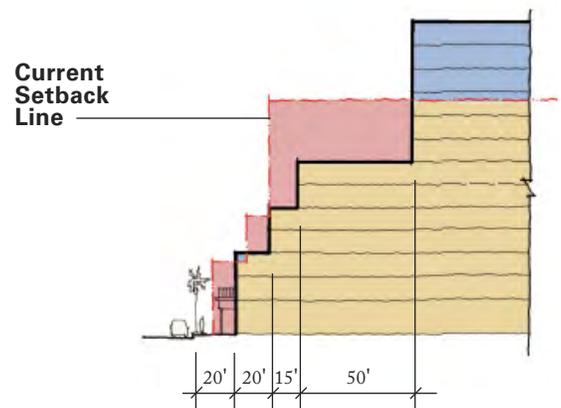


*Cross-section of the proposed guidelines under Type B*

## TYPE C:

### Small Scale Streets:

Small scale streets should have setbacks of 16'-0" (commercial) to 20'-0" (residential), depending on ground floor uses, with building facades of three or four stories in height. Taller building masses should be set back a minimum of 20'-0" from the lower facade in order to not be visible from the opposite sidewalk.



*Cross-section of the proposed guidelines under Type C*

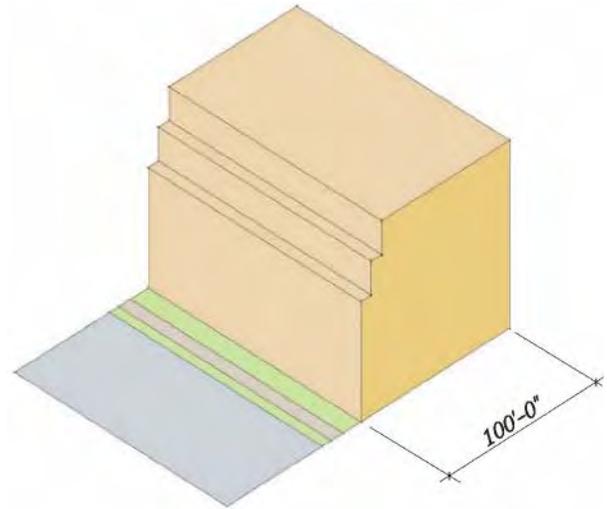
## STEP 2: Determine General Building Envelope

The capacity of the site as determined by the current downtown development order design parameters will determine the maximum amount of development permitted on the site. Therefore, the first step will be to determine that capacity by using the building envelope that conforms to existing setbacks, open space and existing height requirements. This should be calculated in floor area, FAR, and/or cubic volume, as appropriate.

The essential quality to achieve is that of a walkable traditional streetscape in which a collection of smaller buildings are lined up to create a continuous street facade, but one which has a succession of memorable individual places along the way. This will provide the diversity needed to create a lively and active streetscape, so that as people move from one place to another they have a pleasant experience.

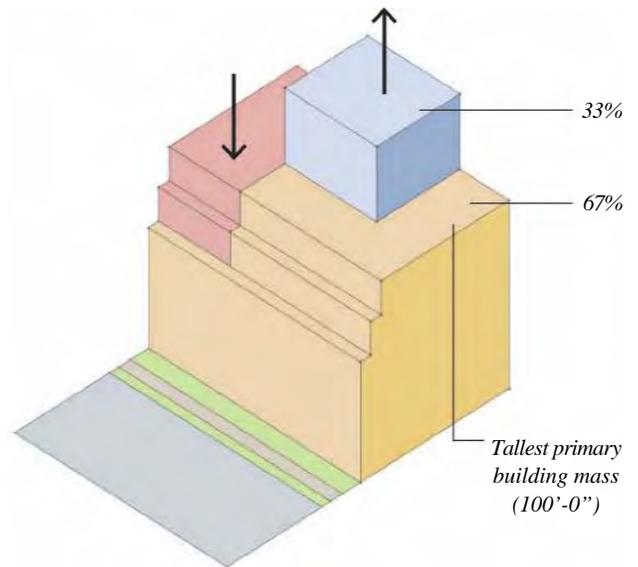
Using the required setbacks in the proposed guidelines as noted in Step 1, determine the general building envelope.

- » For every increase in the height of a building that results in an increase of the volume of a building above the current height limit of 100 feet, there must be an equal or greater decrease in height achieved by decreasing the volume of the new building or other new buildings on the site below 100 feet.
- » The maximum height of any primary building mass shall be 140'-0" and will normally be limited to 33% of the overall buildable footprint as of July 21, 2008.
- » However, up to 50% of the overall building footprint may be approved for an increase up to 140'-0" if necessary to achieve general consistency with these guidelines.



*Type A prototype building envelope*

*By reducing the building volume in some areas, an equivalent volume*



*can then be redistributed above 140'-0", up to 33% of the tallest primary building mass.*

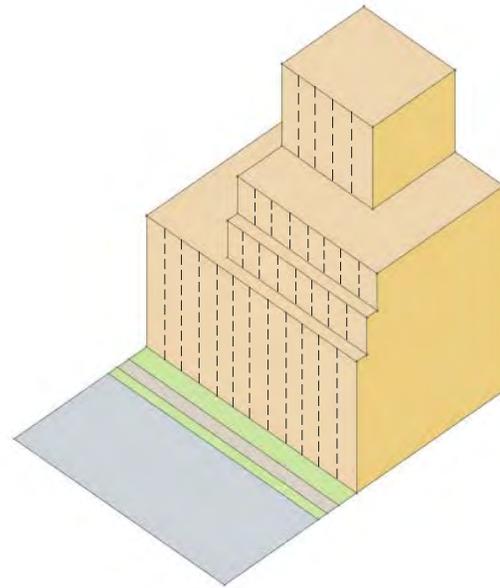
## STEP 3: Establish Architectural Bays

Great cities, towns and neighborhoods generally have a cadence of building facades when a collection of smaller buildings are lined up to create a continuous street facade. One of the distinguishing characteristics of Mizner's architecture is the creativity and picturesque qualities within a unified and regular bay spacing. Taking a similar approach for new development will provide the diversity needed to create a lively and active streetscape. The following requirements must be met:

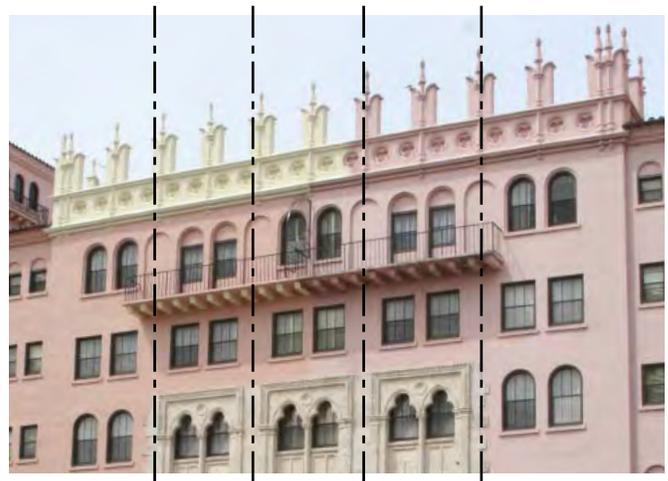
- » All street-facing building facades must be divided into architectural bays. An architectural bay is defined as: A vertical division of the exterior of a building marked not by walls but by doors, windows, projections, roof compartments, etc.
- » Each architectural bay will be a minimum of 7'-0" wide and a maximum of 14'-0" wide.
- » Bays that occur at the end of a facade or at corners may be a maximum of 15'-0" wide.
- » Each street-facing building facade shall be no more than 12 bays wide.
- » Buildings wider than 12 bays shall be comprised of multiple facades, each of which shall be no greater than 12 bays wide. Corner buildings will be allowed 12 bays in each direction.
- » Buildings along public streets with multiple facades shall be offset from one another and articulated with different colors and materials.



*Elevation view of architectural bays*



*Street Type A prototype building with architectural bays*



*Addison Mizner's architectural bays*

## STEP 4: Determine Building Massing

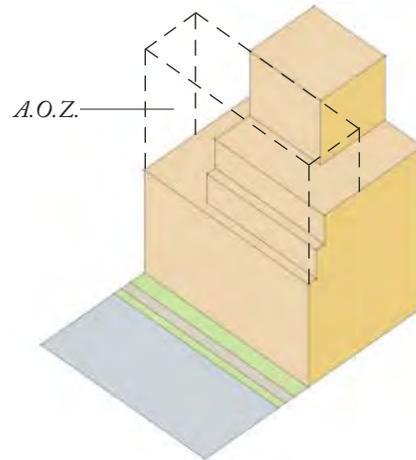
In order to create an interesting skyline along public streets, a building must vary its massing. Addison Mizner was a master of this approach. Varied massing can be accomplished by the following means:

### A. THE ARCHITECTURAL OPPORTUNITY ZONE (A.O.Z.)

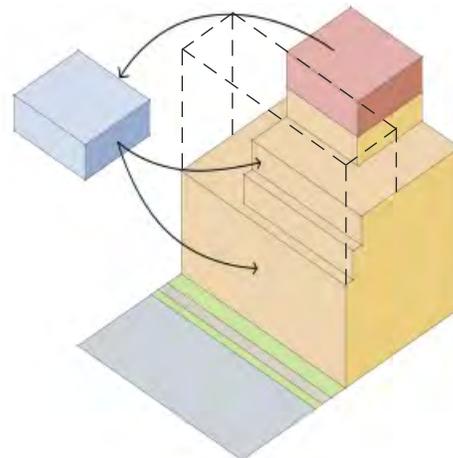
- » The A.O.Z. is defined as the space above the vertical setbacks as defined in Steps 1 and 2, to a maximum height of 140'-0". Within this zone, occupiable space can be added under the following conditions:
- » For any addition of occupied space within the A.O.Z. there must be an equivalent reduction in the overall building volume.
- » Occupied space within the A.O.Z. shall be limited to five bays of aggregate width, or two-thirds of the overall number of bays; whichever is less.
- » Occupied space is limited to 35% of the total A.O.Z. volume.
- » Special elements that create tall slender tower forms are encouraged.

### B. MASSING PROJECTIONS

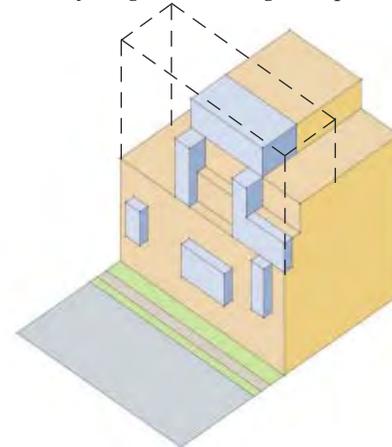
- » Conditioned architectural projections (such as bay windows) that align with bay spacing, may be permitted up to 7'-0" into the building setback as a cantilevered mass above the ground floor up to the first vertical building setback.
- » For any addition of occupied space into the setback area there must be an equivalent reduction in the overall building volume.
- » In order to create loggias, cantilevered projections at the second floor may post down to the ground level.
- » Projections may occur at a maximum aggregate width of five bays or two-thirds the number of bays, whichever is less.



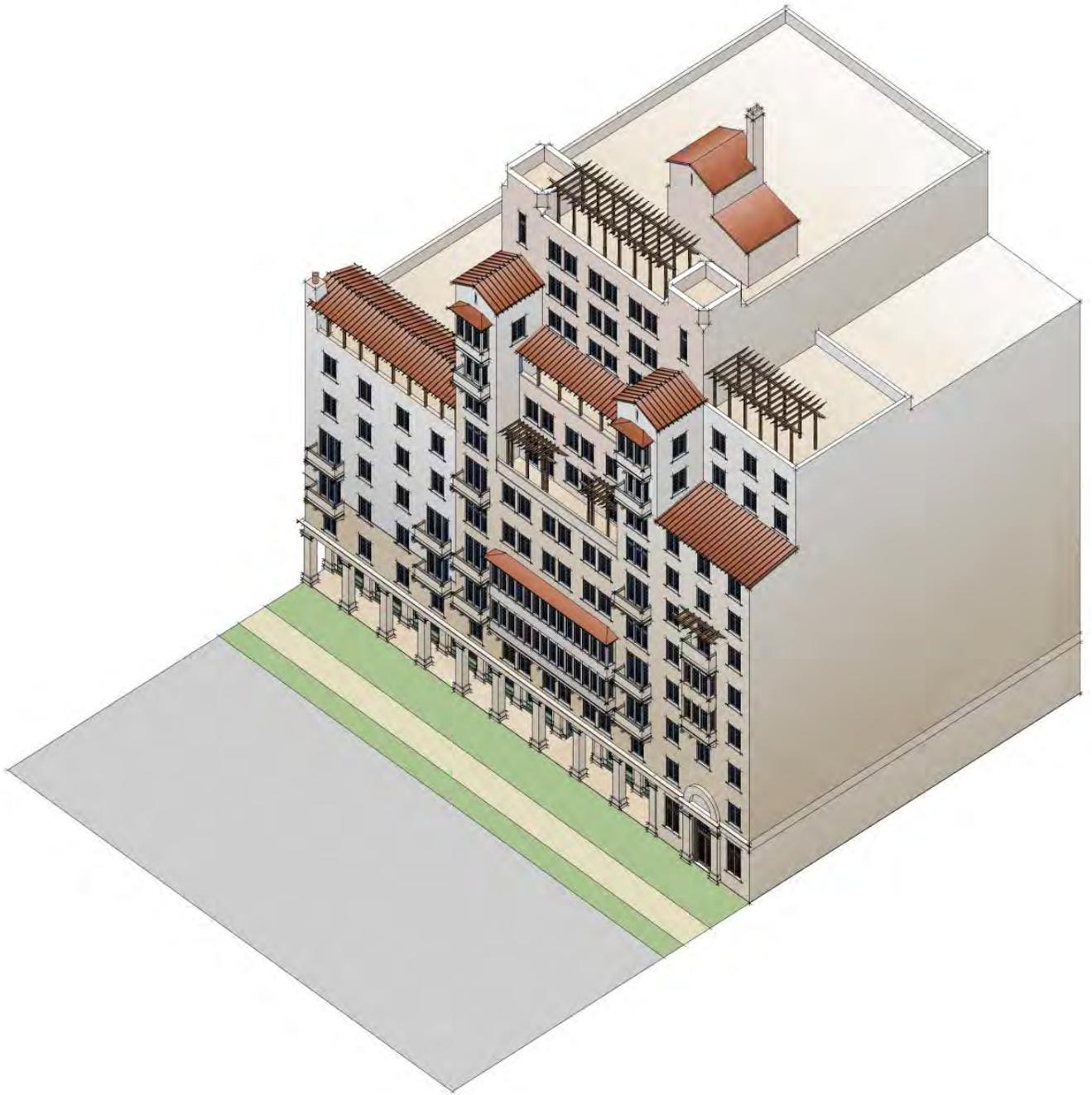
*General building envelope w/ A.O.Z. indicated*



*Volume subtracted from general building envelope*



*Volume added to A.O.Z. and massing projections*



*Axonometric view of the overall composition*

## STEP 5a: Building Articulation

The articulation of a building's mass provides a sense of human scale, reinforces the rhythm of architectural bays, and adds visual interest to the overall composition. Buildings typically are organized into three distinct sections: a top (skyline), mid-section, and a base. The following categories reinforce this concept by highlighting common building elements and their appropriate vertical organization.

### A. SKYLINE

- » The skyline of tall buildings is extremely important. The tops of taller elements, including mechanical enclosures, must be articulated with architectural features which create an attractive skyline.
- » They must have elements and embellishments which indicate human habitation on the upper floors.
- » Unoccupied tower elements or mechanical enclosures located above 140 feet may extend a maximum of 20'-0" above the height of the tallest primary building mass to a maximum of 160'-0".
- » Individual elements or enclosures shall be limited to 13% of the area of the tallest primary building mass and collectively shall not exceed 26% of this area. (Ratios determined through testing of alternate designs.)



*Illustrative example*



*Example of a trellis*



*Street Type A example*



## STEP 5b: Building Articulation

### B. MID-SECTION

This area of a building is defined largely by architectural bays and the elements within them:

#### WINDOWS

- » Windows provide a sense of activity for both commercial and residential buildings, giving the feel of a vibrant and enjoyable place.
- » Windows should be appropriately scaled to their function, whether those functions are retail, commercial, or residential in nature.
- » Where shutters are used, their width should be one half of the window opening.

#### BALCONIES

- » Balconies reinforce the sense of activity within a building and provide a connection to the outdoors for building occupants.
- » Materials should be consistent with the architectural style of the building, and scaled appropriately according to the doorways that open onto them.
- » As balconies do not increase the occupied space of a building, they do not impact the overall development area as outlined in Step 4.



*Example of commercial windows and balconies*



*Street Type A example*



## STEP 5c: Building Articulation

### C. GROUND FLOOR TREATMENTS

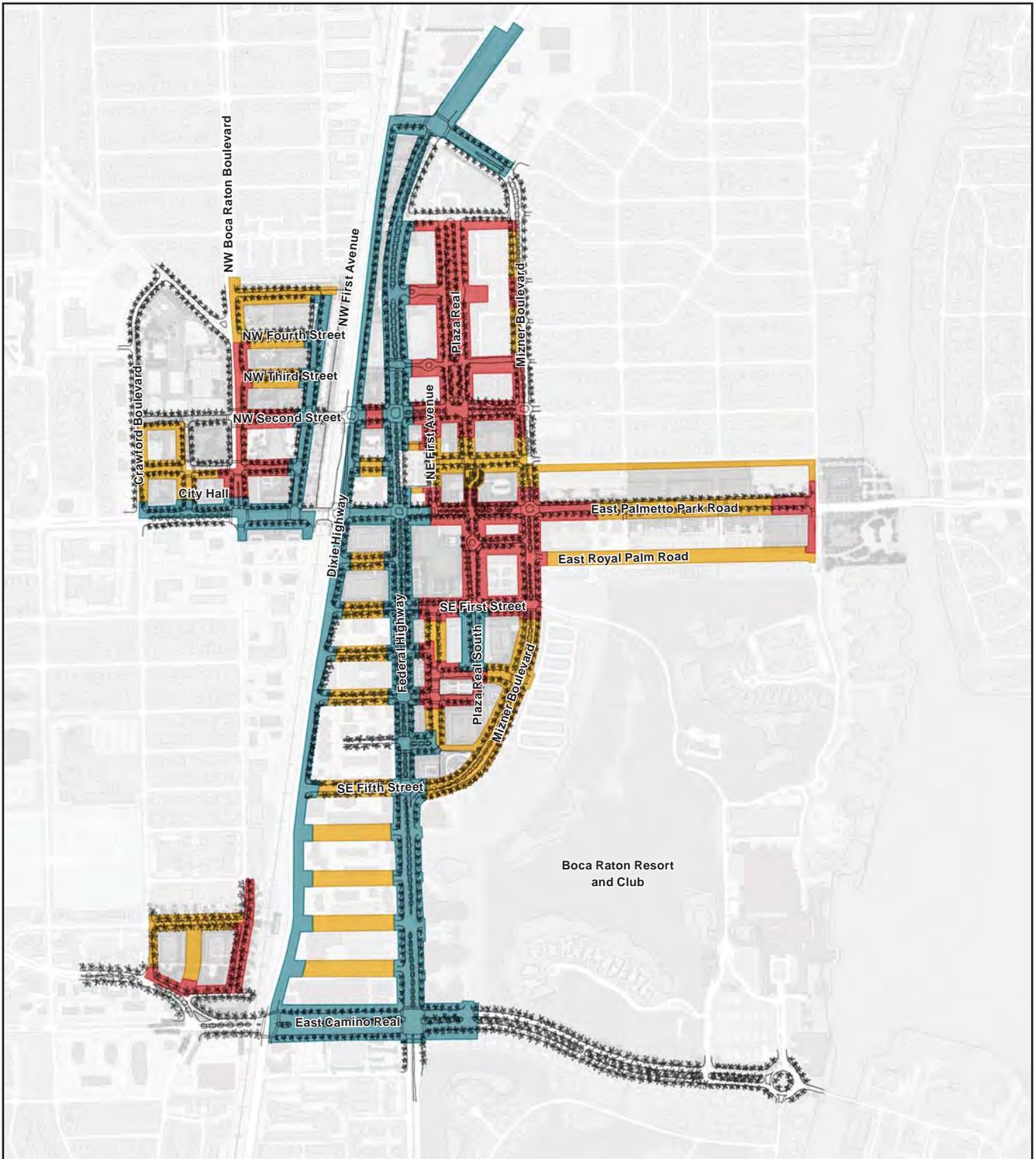
The details for the ground floor treatment should add to the quality of the pedestrian experience. They include:

- » Active uses on the ground floor of buildings
- » For ground floor public uses such as retail shops there should be Storefronts
- » For ground floor Residential uses there should be landscaped area to provide a buffer and appropriate doors and windows
- » The ground plane should include areas for outside dining and gathering
- » The ground plane should include planting beds for ornamental flowers and trees
- » Shade trees, as well as palm trees should be provided along the street spaces
- » Pergolas, and other shade devices can be a substitute for shade trees
- » Ground floor arcades are encouraged
- » Light fixtures on the buildings as well as street light fixtures should be provided
- » Lower floors should have box windows and balconies projecting beyond the facade of the building to provide views up and down the street.



*Street Type A example*



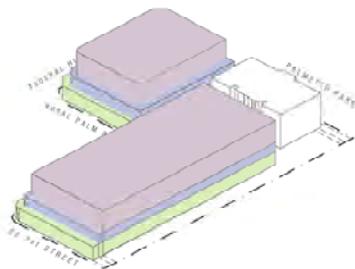


A framework diagram showing the streets of Boca Raton based upon type

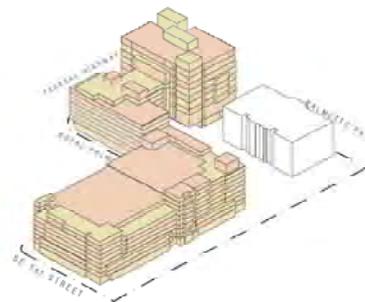
- TYPE A
- TYPE B
- TYPE C

# Compliance Checklist of Dimensional Attributes with Sample Entries

**SAMPLE ALLOWED  
7/21/08**



**SAMPLE PROPOSED**



<b>Floor Area (includes parking)</b>	944,717	sq. ft.	799,247	sq. ft.	145,470	sq. ft.	15.3% Reduction in Floor Area
<b>FAR - Floor Area Ratio (excludes parking)</b>	3.01	FAR	2.32	FAR	0.69	FAR	22.2% Reduction in FAR
<b>Cubic Volume</b>	11,032,720	cubic ft.	8,957,654	cubic ft.	2,075,066	cubic ft.	18.8% Reduction in Cubic Volume
<b>% of 7/21/08 Allowed Footprint above 100 feet</b>	0%		32.4%		32.4%		Less than 33% of Allowed 7/28/08 above 100 feet
<b>For every Increase above 100 feet a Decrease below 100 feet</b>							
<b>Cubic Volume above 100 feet</b>	0	cubic ft.	728,426	cubic ft.	728,426	cubic ft.	Increased Cubic Volume above 100 feet
<b>Cubic Volume below 100 feet</b>	11,032,720	cubic ft.	8,229,228	cubic ft.	2,803,492	cubic ft.	Greater Reduction in Cubic Volume below 100 feet
<b>Open Area</b>							
<b>Open Area from Ground to Sky</b>	26%		46%		20%		76.9% Increase in Area Open from Ground to Sky
<b>Open Area Covered (maximum)</b>	14%		10%		-4%		Less than Maximum
<b>Total Open Area</b>	40%		56%		16%		40% Increase in Total Open Area
<b>Building &amp; Site Heights</b>							
<b>Maximum</b>	100	feet	140	feet	40	feet	40 feet allowed on 33% of 7/21/08 Footprint

# Compliance Checklist of Qualitative Attributes with Sample Entries

## I. COMMUNITY PATTERNS

### 1 Pedestrian Scale Street Space:

- » Appropriate dimension of sidewalk and public open space based on street type, measured from curb – **Generous pedestrian frontages**
- » Amount of public open space on the site – **Exceeds required amounts**
  - » Streetscape treatment including trees and landscaped areas – **Significant landscaping shown**
- » Streetscape elements such as pergolas, street lights and other elements – **Expansive loggias and a large fountain shown**

**2 Building Massing that provides the appropriate scale for the width and type of street – **Scale responds well to the intersection and pedestrians****

**3 Building facades that enhance the pedestrian scale street space: Ground floor treatment of buildings that is human scale**

- » Facades with active uses on the ground floor with open facades – **Abundant store frontage and shaded areas**
- » Facades with active uses on upper floors with appropriate openings and windows – **Balconies and loggias shown on most facades**
- » Arcades or other elements which expand the public space within the building footprint – **A strength of the proposed project**

**4 Site Plan that screens service and other uses from designated public spaces – **Services face appropriate areas and do not front public spaces****

## II. ARCHITECTURAL PATTERNS

**1 Building Massing that is appropriate for its context:**

- » Height of street facade that relates to scale of street and width of pedestrian space – **Scale devices relate to pedestrians, facades respond to the intersections**

- » Variety of Massing and height that provides diverse streetscapes – **Varied heights and eaves are appropriate**

**2 Horizontal articulation:**

- » An effective “base” of one or two stories that provides scale for the pedestrian – **Double height ground floor conforms**
- » A strongly articulated “top” to building masses that provide an effective sky line – **Well defined sky line, tower elements and significant offsets**
- » A well defined “middle” – **Clearly readable in elevation and perspective views**

**3 Vertical Articulation:**

- » Facades on properties greater than 50'-0" in width, must be articulated as smaller vertical building masses of 12 bays or less – **Vertical articulations are less than 12**
- » Each of the smaller building masses should be defined with:
  1. a minimum of 3'-0" change of plane in plan.
  2. a minimum of two of the following:
    - a. Change of height – **Yes**
    - b. Change of material and color
    - c. Change of window configuration – **Yes**
    - d. Change of detail elements – **Yes**
  3. a distinctive base treatment – **Yes**
  4. a distinctive top or roof treatment – **Yes**

**4 Facade composition:**

- » Windows shall be vertically proportioned and spaced so the minimum ratio between window and wall is 50% in linear measurement – **Windows appear vertical in their reading**
- » There shall be a variety of size and type of windows on large facades – **Variations are appropriate**

» Special elements: Balconies, pergolas, loggias, are essential to the creation of congenial pedestrian spaces. These elements are especially important on the lower floors of buildings to add to the character of the street. They should include planters and other means of providing landscape elements on the building facades. Loggias and Pergolas are effective on upper floors but need to be larger scale than those on lower floors. – **Another strength of the project - significant elements included**

**5 Towers and Roof Top Elements:**

- » The tops of buildings should have towers and architectural features that provide character and visual interest for the skyline. – **Substantial tower element at the primary intersection**
- » Towers size and height conform to the design guideline formulas – **No heights above 160'-0"**
- » They must be treated as architectural features that are compatible with the architecture of the building. – **Designs are compatible**
- » They must be designed as an integral part of the facades – **Confirmed**



# **SECTION 2**

## **RULES OF THE BOCA RATON COMMUNITY REDEVELOPMENT AGENCY**



**RULES OF THE  
BOCA RATON COMMUNITY REDEVELOPMENT AGENCY**

**Chapter 1. GENERAL PROVISIONS**

**Section 1. How Rules are Designated and Cited.**

The rules embraced in the following chapters and sections shall constitute and be designated the "Rules of the Boca Raton Community Redevelopment Agency" and may be so cited.

**Section 2. Reference Documents.**

The following reference documents form, but not exclusively, an integral part of these Rules of Boca Raton Community Redevelopment Agency.

The Development Order for the Boca Raton Downtown Development of Regional Impact.  
Community Redevelopment Plan for Downtown Boca Raton, as amended.

**Section 3. Definitions and Rules of Construction.**

In the construction of these Rules, the definition of terms shall be as provided in the Development Order unless specifically defined below, defined in a particular chapter, section or the content clearly indicates otherwise:

"Affected Person" shall mean either (i) the applicant, (ii) a person owning property within 500 feet of the applicant's project, or (iii) a person that appeared before the Board which made the decision the person desires to appeal, or (iv) a person who resides or operates a business within 500 feet of the applicant's project.

"Agency" shall mean the Boca Raton Community Redevelopment Agency.

"Board" shall mean the Boca Raton Community Redevelopment Agency Board of Commissioners.

"City" shall mean the City of Boca Raton.

"Computation of Time" shall mean whenever a notice is required to be given or an act to be done, a certain length of time before any proceeding shall be scheduled, the day on which such notice is given, or such act is done, shall not be counted in computing the time, but the day on which such proceeding is to be scheduled shall be counted.

“Development Order” or “DDRI” shall mean the Boca Raton Downtown Development of Regional Impact Development Order Ordinance No. 4035, as may be amended from time to time.

“Guarantee within a Threshold” shall mean a reservation, as provided in the Individual Development Approval (IDA) resolution for a project, that infrastructure capacity within a Threshold will be reserved, subject to the provisions of the Development Order and these Rules, for a project or a portion of a project.

“Gender” shall mean a word importing the masculine gender only, shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

“Individual Development Approval” or “IDA” shall mean a development approval issued by the Board approving an individual developer to carry out development authorized by the Development Order.

“Individual Development Approval with a Transfer of Authorized Development between Subareas” shall mean an Individual Development Approval with an amount of development which currently exceeds the amount of authorized development available in the subarea and which requires a transfer of authorized development between subareas to be approved.

“Minor Low Intensity Project” shall mean a project of less than 5,000 square feet building area, on less than ½ acre of land, with a building height of less than forty (40) feet and only surface parking.

“Number” shall mean a word importing the singular number only. It may extend and be applied to several persons and things as well as to 1 person and thing.

“Or” may be read “and,” and “and” may be read “or” if the sense requires it.

“Owner” shall include when applied to a building or land, any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

“Person” shall include and be applied to associations, clubs, societies, firms, partnerships and bodies, politic and corporate, as well as to individuals.

“Rules” shall mean the Rules of the Boca Raton Community Redevelopment Agency.

“Small Property Owner” shall mean a property owner who owns less than one acre of land within the Community Redevelopment Area.

“Tense” the word used in the present or past tense includes the future as well as the present and past.

"Threshold" means a specific level of Office Equivalent Development as provided in the Development Order in terms of permits or Certificates of Occupancy which can not be exceeded without specific construction contracts being let, specific infrastructure being substantially complete or other actions being taken.

"Vesting" or "vesting hall mean the right, subject to the availability of infrastructure capacity within a given DDRI threshold and subject to expiration pursuant to the provisions of the Development Order and these Rules, for a new project or the continuation of a project to receive building permits.

"Required Minimum Vesting Portion of Project" a specific square footage of building area set forth in the IDA which must be permitted and built in order to continue the vesting of the project, subject to expiration pursuant to the provisions of the Development Order and these Rules.

#### **Section 4. Catchlines of Sections.**

The catchlines of several sections of these Rules printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be the titles of such sections, nor as any part of the section unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

#### **Section 5. References to Chapters or Sections.**

All references to chapters or sections are to the chapters and sections of these Rules unless otherwise specified.

#### **Section 6. References and Editor's Notes.**

References and editor's notes following certain sections are inserted as an aid and guide to the reader and are not controlling nor meant to have any legal effect.

#### **Section 7. Provisions Considered Reasonable Rules under the Development Order of the City.**

These Rules are adopted pursuant to Section 2(2)a of the Development Order of the City and applicable law.

#### **Section 8. Effect of Repeal of Provisions.**

The repeal of any provision under these Rules shall not revive any rule in force before or at the time the provision repealed took effect.

## **Section 9. Effect of Amendments to Rules.**

Any and all additions and amendments to these Rules, when passed in such form as to indicate the intention of the Board to make the same a part, hereof, shall be deemed to be incorporated in this Rule so that reference to the Rules shall be understood and intended to include such additions and amendments.

## **Section 10. Amendments to Rules.**

1. All Rules adopted, subsequent to the adoption of these Rules, shall be made by resolution of the Board after public hearing. A notice of the public hearing shall be published in a newspaper of general circulation in the City, by notice, a minimum of seven (7) days prior to the public hearing.
2. All Rules adopted subsequent to the adoption of these Rules which amend, repeal or add to these Rules shall be numbered in accordance with the numbering system of these Rules and printed herein. In the case of chapters, sections and subsections or any part, thereof, repealed by subsequent resolution, such repealed portions shall be excluded from these Rules by omission from reprinted pages affected, thereby. All subsequent Resolutions, as numbered and printed in these Rules or omitted, in the case of repeal, from these Rules shall be prima facie evidence of such subsequent resolutions until such time that these Rules and subsequent resolution are readopted as new Rules by the Board.
3. If any provision printed in these Rules differs in phrasing, punctuation or numbering from the phrasing, punctuation or numbering, as set forth in the resolution which adopted the provision, the provision printed in these Rules shall be deemed to have the same purpose, intent and effect as the provision as set forth in the adopting resolution unless the difference clearly appears to be erroneous, in which case the adopting resolution shall control.
4. A resolution amending any provision printed in these Rules shall show words to be added or deleted by the use of underlining to indicate words to be added and by the use of struck-through type or brackets to show words to be deleted or by any other self-explanatory coding system. Coded indicators of words to be added or deleted are solely for the convenience of the public, the Board and the publisher of these Rules and shall not be considered to constitute a part of the Rules as adopted.
5. Any resolution amending any provision printed in these Rules may refer to the phrasing, punctuation and numbering of chapters, sections, subsections or any part, thereof, as printed in this Rules, notwithstanding that the resolution which adopted the provision may contain different phrasing, punctuation or numbering. In such cases, the amending resolution shall be deemed to be an amendment to the adopting resolution.

**Section 11. Altering Rules.**

No person shall change or amend by additions or deletions, any part or portion of these Rules, or to insert or delete pages, or portions thereof, or to alter or tamper with such Rules in any manner, whatsoever, which will cause the law of the Rules to be misrepresented thereby.

**Section 12. Applicability of Rules.**

1. The Rules adopted pursuant to Resolution No. 2000-08-CRA and Resolution No. 93-5-CRA shall continue to govern the implementation of IDA's approved prior to the effective date of the Rules adopted pursuant to this Resolution, as set forth in 3. below.
2. The Rules adopted pursuant to this Resolution shall govern any IDAs and amendments (including transfers as provided for by such Rules) to previously approved IDAs; which IDAs and amendments are reviewed by the Board after the effective date of these Rules, as set forth in paragraph 3. below.
3. These Rules shall take effect December 12, 2000; provided, however, Chapter 3 Section 1 and Section 2; Chapter 4, Section 2; and Chapter 5, Section 2 of these Rules, which require review by the Planning and Zoning Board or Community Appearance Board, as appropriate, shall only be effective for IDA applications determined to be complete on or after the effective date of an Ordinance adopted by City of Boca Raton delegating advisory powers pursuant to these Rules to the Planning and Zoning Board and Community Appearance Board.

**Section 13. Promulgation of Rules.**

The Rules shall be provided to the public whenever a copy of the Development Order of the City is provided.

**Section 14. Severability of Parts of Rules.**

The sections, paragraphs, sentences, clauses and phrases of these Rules are severable, and if any phrase, clause, sentence, paragraph or section of these Rules is declared unconstitutional by the valid judgment or decree of the court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of these Rules.

**Chapter 2. BOARD RESPONSIBILITIES & PROCEDURES**

**Section 1. Officers Duties and Responsibilities.**

1. The Chairman shall be the presiding officer, when present and eligible, at all meetings of the Board.
2. The Vice Chairman shall become the Chairman pro-tempore upon the absence of the Chairman at any meeting of the Board.

## **Section 2. Meetings.**

1. The business of the Board shall be conducted at any of four forms of meetings: Regular Meetings, Special Meetings, Workshop Meetings or Committee Meetings. All meetings shall be scheduled to provide sufficient notice to the public and shall be open to the public. At Regular and Special Meetings a majority of the membership of the Board in attendance shall constitute a quorum. The Chairman shall preside at all Regular and Special Meetings. In the event of the absence or lateness of the Chairman, the Vice Chairman or the longest serving member of the Board shall become the Chairman pro-tempore, respectively in that order.
2. Regular Meetings of the Board shall be held on the day of the Boca Raton City Council Workshop. All Regular Meetings shall be held in the Council Chambers of City Hall at 1:30 p.m., unless the Board adopts a motion providing for an alternative time and/or location. Any Regular Meeting may be postponed or canceled by a motion adopted by a majority of the quorum.
  - a. There shall be an official agenda for each Regular Meeting of the Board which shall determine the matters of business to be considered at the meeting and the order in which the items shall be presented. Matters may be placed on the agenda by any Board member, the Executive Director and the City Attorney. All minutes of prior meetings requiring approval resolutions, contract documents, bills, reports, communications or other matters to be submitted to the Board shall, at least twenty-eight (28) business hours prior to each regular meeting, be delivered to the City Clerk. The City Clerk, upon the receipt of the aforesaid agenda items, shall immediately prepare such agenda by listing such matters according to an order of business and furnish each member of the Board, the Executive Director, the City Manager and the City Attorney with a copy of same, together with copies of the documents and papers which are pertinent, thereto, prior to the Board meeting and as far in advance of the meeting as time for preparation will permit.
3. Special Meetings of the Board may be called by the Chairman of the Board, any three (3) Board members or the Executive Director whenever, in their opinion, Board business requires it. At least twenty-four (24) hours notice and the nature or purpose of the Special Meeting shall be delivered to Board members and the public.

## **Section 3. Rules of the Board.**

1. Governing rules.
  - a. *Robert's Rules of Order, Newly Revised.* Except as otherwise provided by this section, the methods of organization and the conduct of business of the Board shall be governed by *Robert's Rules of Order Newly Revised, 1990 edition.*
2. Presiding officer.

- a. The Chairman shall be the presiding officer of the Board. He or she shall be addressed as "Mr. Chairman" or "Madam Chairman" as appropriate.
  - b. The presiding officer shall preserve strict order and decorum at all meetings of the Board. He shall state every question coming before the Board and announce the decision of the Board on all matters before it. A majority vote of the Board present shall determine all questions of order not otherwise covered.
3. Parliamentarian. The City Attorney shall act as parliamentarian and he/she shall advise and assist the presiding officer and the other members of the Board in matters of parliamentary law.
4. The City Attorney. The City Attorney shall be available to the Board at all meetings.
5. Call to order. The Chairman shall take the chair at the hour appointed for the meeting and shall immediately call the Board to order. In the absence of the Chairman, the same procedure shall be followed by the Vice Chairman, or the longest serving member of the Board, respectively in that order. Upon the Chairman's arrival, the then presiding officer shall relinquish the chair upon the conclusion of the business immediately before the Board.
6. Roll call and quorum.
  - a. Before proceeding with the business of the Board, the City Clerk or the Deputy City Clerk shall call the roll of the members as follows: Chairman, Vice-Chairman and alphabetically, thereafter. A majority of the whole membership of the Board shall constitute a quorum.
  - b. If a quorum of the Board members is not in attendance within fifteen (15) minutes of the hour appointed for the meeting, the Chairman or the Vice-Chairman or, in their absence, the other members of the Board present may adjourn the meeting until such date and hour as shall be designated by unanimous agreement of those members present at such meeting.
  - c. The vote of the Board shall be taken and recorded by roll call of the members for the adoption of resolutions and on all motions pertaining to matters arising as a result of public hearings.
7. Order of Business. All meetings of the Board shall be open to the public. Promptly, at the hour set for each meeting, the members of the Board, the City Attorney, the Executive Director of the Agency, the City Manager and the City Clerk shall take their regular stations in the Board chamber. The agenda shall constitute the order of business, unless otherwise determined by a majority of the membership of the Board, then present.

8. Rules of Debate.

- a. When a motion is presented and seconded, it is under consideration. No other motion, except a motion to adjourn, to lay on the table, to postpone or to amend, shall be received until the question is decided. Motions to adjourn, to lay on the table, to postpone or to amend shall have preference in that order and the first two (2) shall be decided without debate. Final action on a pending motion may be deferred until the next regular meeting or such other time as a majority of the Board members present shall determine.
- b. The chairman or such other Board member as may be presiding, shall have every right and privilege of participation in every respect as is enjoyed by any other member of the Board.
- c. Every member prior to speaking for any purpose shall address the presiding officer and upon recognition, shall confine himself to the question under debate.
- d. A member, once recognized, shall not be interrupted when speaking unless it is to call him to order or as herein otherwise provided. When called to order, a member shall cease speaking until the question of order is decided by the presiding officer and, if in order, he shall be permitted to proceed. A member may appeal the decision of the Chairman upon a question of order to the Board and, thereupon, the Chairman shall submit to the Board the question: "Shall the decision of the chair be sustained?" at which time the Board shall decide by majority vote.
- e. The Board member moving the adoption of a resolution shall have the privilege of closing the debate.
- f. Upon any roll call, there shall be no discussion by any Board member voting and he/she shall vote "yes" or "no" or he/she may abstain. Any Board member may give a vocal or written explanation of his vote.

9. Reading Minutes.

- a. Unless a reading is requested by a majority of the Board present, the minutes, when signed by the Chairman and the City Clerk, shall be considered approved without reading.
- b. The minutes of prior meetings may be approved by a majority of the Board members present at the time of the meeting to which the minutes refer, and when so approved, they shall become the official minutes.

10. Public Requests. Any person may orally petition the Board at any regular meeting for leave to address the Board. Leave to address the Board shall be granted only after showing to the satisfaction of the Board, then present, that the subject matter of the addressee deserves the time and attention of the Board. If a request is made at a

meeting for information which cannot be furnished at the time of the request, the response to the request shall be made by the Executive Director at the next regularly scheduled Board meeting.

11. Addressing the Board. Any person granted leave to address the Board shall limit such address to five (5) minutes. An address extending beyond five (5) minutes shall, thereafter, be continued at the discretion of the Chairman. However, a Board member may interrupt the speaker anytime after the five (5)-minute limit to obtain recognition from the chair and, after recognition from the chair, may move to terminate or limit the address. All remarks shall be directed to the Board as a body. No person other than the person having the floor and the Board member shall enter the discussion without the permission of the presiding officer. No question shall be asked of the Board members other than through the presiding officer. Any person who makes slanderous or derogatory remarks or who becomes boisterous while addressing the Board shall be barred from further audience before the Board unless permission to continue or again address the Board shall be granted by a majority vote of the Board.
12. Sergeant-at-arms. The Chief of Police or such other City official or employee as the Board may designate shall be the sergeant-at-arms of the Board meeting. The sergeant-at-arms shall carry out all orders and instructions of the presiding officer for the purpose of order and decorum.
13. Special committees. All committees and the Chairman, thereof, shall be appointed by the presiding officer.
14. Resolutions, Individual Development Approvals, contracts and settlements.
  - a. All Resolutions, Individual Development Approvals and contract documents, before presentation to the Board, shall have been reduced to writing.
  - b. Any private meeting to discuss litigation pursuant to Subsection 286.011(8), Florida Statutes, as it may be amended from time to time, shall occur only after a motion authorizing the meeting is approved by the Board at a public meeting.
15. A motion to adjourn shall always be in order and shall be decided without debate.
16. The City Clerk or in his/her absence his/her designated Deputy City Clerk shall be the Clerk of the Board. The Clerk shall copy the minutes, all resolution and other documents of the Board. The Clerk shall make a copy of the agenda available to the Board members not later than the Friday preceding a Regular Meeting. A matter not on the agenda may be considered only upon approval of a majority of the members of the Board present.
17. Uniform public hearing procedure.
  - a. Scope.

These rules shall apply to all public hearings concerning proposed acts or actions of the Board. *Robert's Rules of Order, Newly Revised* shall govern, in procedural questions not covered by these rules, except that in the case of a conflict between these rules and *Robert's Rules of Order*, these rules shall prevail. Any board may adopt a procedural rule not inconsistent with these uniform rules, but copies of any such additional rules shall be forwarded to the Executive Director and the City Attorney.

b. Definitions.

- (1) Public hearing: Any hearing required by ordinances of the City or other laws held before a Board for the purpose of obtaining information affecting a proposed act or action of the Board.
- (2) Person: An individual, corporation, partnership, association, club or group interested in the proposed legislation, act or action.
- (3) Applicant: A person who has made a written application or petition to the Agency pursuant to a provision of the ordinances of the City, statute or otherwise for action by the Board, or a written application to the City pursuant to a provision of the ordinances of the City, statute or otherwise upon which the Board will make a recommendation to the City.

c. Conduct of public hearings.

- (1) The presiding officer shall announce that a public hearing has commenced and the substance of the proposed legislation, act or action to be considered by the Board, together with the name of the applicant, if any, and the number, nature and title of the particular document or instrument under consideration.
- (2) In the case of a quasi-judicial land use proceeding, the presiding officer shall direct the City Clerk to administer the oath to the Agency and City staff members and to those persons who intend to participate in the hearing.
- (3) The presiding officer shall next recognize the representative of the staff responsible for presentation of the factual background of the matter to be considered, if any. Such representative shall present a comprehensive report of the material facts available immediately prior to the hearing. The report shall contain such informative materials, diagrams, drawings, visual aids, documents and reports as shall be pertinent to the subject to assist the Board in making its decision. The presentation shall include any written comments of interested persons received by the Agency together with the recommendations of such other Boards as may be appropriate and may include recommendations of City departments which shall be affected by the act or action under consideration. The contents of the Agency and City's staff and

other official files containing information on the particular matter shall be deemed entered in the record of the proceeding without any action.

- (4) The presiding officer shall then open the hearing to public participation subject to the following rules which may be announced prior to commencement of the hearing.
  - (a) Prior to speaking at a quasi-judicial land use hearing, a speaker shall fill out a card with his or her name, address and identification of the matter on which the speaker desires to speak. Once completed, the card shall be tendered to the City Clerk.
  - (b) The applicant, if any, shall present such relevant material, evidence and statements as the applicant deems would be of assistance to the Board.
  - (c) All other persons, other than an applicant, may then present like information to the Board.
  - (d) Each speaker shall give his/her name and address and shall disclose any relationship he/she may have with the subject matter under consideration.
  - (e) Each speaker shall be limited to five (5) minutes, unless the Board shall waive or vary such requirement.
  - (f) Order and decorum shall prevail and be enforced by the presiding officer. The hearing shall not be allowed to be conducted as a debate or a political forum.
  - (g) Upon recognition by the presiding officer, a member of the Board may courteously and briefly question a speaker to gain information or assistance in reaching a decision but shall not engage in debates, disagreements or discussions with the speaker.
  - (h) The purpose of the public hearing is to inform the Board of the relevant views of interested persons and the general public, and to present such factual information as is necessary for the Board to make a decision or recommendation. Any action, conduct or statement not reasonably in accord with this purpose may be ruled "out of order" by the presiding officer, subject to appropriate point of order by the Board.
  - (i) Any person may be represented by an attorney or other spokesperson. No person serving as a member of the Board conducting a particular hearing shall represent a person before such Board.
  - (j) Should provisions of the ordinances of the City or law delineate matters which shall be considered in reaching a decision, the presentations to the

Board and the deliberations of such body shall be reasonably restricted to such considerations.

- (k) The applicant, if any, may, before the close of the public hearing, present a brief rebuttal not to exceed ten (10) minutes.
- (l) After the close of the public hearing, at the discretion of the presiding officer and, with the consent of a majority of the other members of the Board who are present, the applicant or members of the public or the staff, or any or all of them, may be requested or permitted to comment further upon the matter being considered.
- (m) The Board, after an appropriate motion is made and seconded, shall consider all presentations, debate and discuss the item, act or action under consideration and shall make such decision or recommendation as may be appropriate to the function of the Board.
- (n) It is desirable for presentations to be reduced to writing, and distributed to members of the Board and placed in the record of the proceedings.
- (o) Minutes of each Board shall contain a concise and accurate summary of actions taken at meetings, but shall not include verbatim comments from Board members or persons making presentations to the Board. Any written prepared comments or documents utilized during the public hearing by a speaker which are tendered to the City Clerk prior to the conclusion of the public hearing shall be included in the official file of the proceeding.

#### 18. Access to Members of the Board.

- a. This rule shall govern ex parte activities by members of the Board with respect to matters on which quasi-judicial action may be taken by the Board.
- b. The substance of any ex parte communication or other ex parte action involving a Board member which relates to quasi-judicial action pending before the Board member shall not be presumed prejudicial to the action if the subject of the communication or and the identity of the person, group or entity with whom the communication or action took place is disclosed pursuant to this rule, and made a part of the record before final action on the matter.
- c. Any person not otherwise prohibited by statute, charter provision or ordinance may discuss with any Board member the merits of any land use matter on which quasi-judicial action may be taken by the Board, provided that the communication is disclosed pursuant to the provisions of this rule.

- d. A Board member may conduct investigations and site visits, and may receive written expert opinions regarding a quasi-judicial action pending before them. Such activities shall be disclosed and made part of the record pursuant to this rule.
- e. Disclosure made pursuant to this rule shall occur in such a manner that persons who have opinions contrary to those expressed in the ex parte communication or action are given a reasonable opportunity to refute or respond to the communication or action. Any communication or action subject to this rule, other than a written communication, shall be disclosed as follows:
  - (1) A written memorandum to the official file of the City shall be prepared and submitted by the Board member who participated in an ex parte discussion and by the Board member who took the ex parte action. This memorandum shall be issued and filed prior to the hearing at which the quasi-judicial action will be taken.
  - (2) If written disclosure is not made prior to the hearing, it shall be made orally at the hearing at which quasi-judicial action will be taken as the first item of business with respect to the hearing.
- f. A Board member may read any written communication from any person regarding a pending quasi-judicial action. However, a written communication that relates to a quasi-judicial action pending before the Board member shall not be presumed prejudicial to the action and such written communication shall be made part of the record before final action on the matter.
- g. Discussions between Board members and the Executive Director, the City Manager or any member of the Agency or City staff are deemed not to be ex parte communications subject to this rule.
- h. This rule does not subject elected or appointed local public official(s) to Part III of Chapter 112, Florida Statutes, for not complying with this rule.

**Chapter 3. DOWNTOWN DEVELOPMENT REVIEW AND ADVISORY RECOMMENDATIONS AND PERMIT APPROVAL.**

**Section 1. Individual Development Approval Review and Advisory Recommendations and Minor Individual Development Approval and Permit Approval Powers**

- 1. The Planning and Zoning Board of the City of Boca Raton is hereby authorized to review and make recommendations to the Board for all IDA's other than for signs and minor cosmetic and landscape renovations to existing buildings and sites which do not include new square footage of a structure nor significantly impact site circulation, nor significantly impact access to the property, nor increase the intensity of a use (as

determined by the Executive Director).

2. The Community Appearance Board of the City of Boca Raton is hereby authorized to:
  - a. review and approve, approve with conditions or deny Individual Development Approvals for signs and minor cosmetic and landscape renovations to existing buildings and sites which do not include new square footage of a structure, or significantly impact site circulation, or significantly impact access to the property, or increase the intensity of a use (as determined by the Executive Director);
  - b. review and approve, approve with conditions or deny applications for building permits pursuant to an IDA (for the sole purpose of confirming consistency of the building permit application with the IDA); and
  - c. review and make recommendation to the Board for all IDAs other than signs and minor cosmetic and landscape renovations to existing buildings and sites which do not include new square footage of a structure, nor significantly impact site circulation, nor significantly impact access to the property, nor increase the intensity of a use (as determined by the Executive Director).
  - d. In reviewing applications pursuant to 2a. and 2b. for permits, the Community Appearance Board shall:
    - (1) pay specific attention to the details of buildings and public spaces on the site, including landscape elements and special features such as balconies and pergolas, and other architectural details so as to create a continuous, interconnected network of congenial, pedestrian-oriented streets, public spaces and articulated buildings throughout the Downtown;
    - (2) utilize the guidance provided by function, aesthetics and design guidelines adopted by the Board or City Council, as amended from time to time; and
    - (3) make a determination within thirty (30) days of the 1st day the application for building permit appears on their agenda, unless an extension of time is agreed to by the applicant.
3. The Planning and Zoning Board or Community Appearance Board, as appropriate, shall operate under the same rules applicable to the Board under the Development Order, Amended Downtown Plan and these Rules except that the notice requirements to these Boards for IDAs shall be:
  - a. In the case of the Community Appearance board, public posting of the agenda with the complete title of the IDA at least seventy-two (72) hours before the Community Appearance Board's meeting.

- b. In the case of the Planning and Zoning Board, posting of the property and publication in a local newspaper of the public hearing at least 7 days prior to the Board's meeting.
4. Decisions of the Community Appearance Board pursuant to 2a. and b. shall be final actions, subject only to appeal as provided in 5.
5. Any Affected Person may appeal a decision or a lack of a decision within the time frame required by the Amended Development Order, Ordinance No. 4035 or these Rules by filing a notice of appeal with the City Clerk within fourteen (14) days after the rendition of an order by the Community Appearance Board. The notice of appeal shall specify the action taken by the Community Appearance Board and in what respect the appellant is aggrieved by such action or lack of action and the action which appellant desires the Board to take with respect to the decision of the Community Appearance Board. The Board shall sit in open session as an appeal board and shall either affirm the action of the Community Appearance Board, affirm it with modifications, reverse it or remand it for further consideration.

#### **Chapter 4. INDIVIDUAL DEVELOPMENT APPROVALS**

##### **Section 1. Intent, Purpose.**

This section sets forth procedures for the processing of Individual Development Approvals.

##### **Section 2. Processing of IDA's for signs and minor cosmetic and landscape renovations to existing buildings and sites which do not include new square footage of a structure, nor significantly impact site circulation, nor significantly impact access to the property, nor increase the intensity of a use (as determined by the Executive Director).**

1. IDA's for signs and minor cosmetic renovations to existing buildings and sites which do not include new square footage of a structure, nor significantly impact site circulation, nor access to the property, nor increase the intensity of use shall be based upon the building plans submitted to the City (as determined by the Executive Director).
2. The Executive Director shall route IDA's for signs and minor cosmetic renovations to existing buildings and sites which do not include new square footage of a structure, nor significantly impact site circulation, nor significantly impact access to the property, nor increase the intensity of use (as determined by the Executive Director) to the Community Appearance Board and the Community Appearance Board shall review and approve, approve with conditions, or deny the IDA's act in a timely manner so as to not exceed the time limitations set forth in the Development Order.

**Section 3. Processing of IDA's for other than minor renovations to existing buildings and signs, which do not include new square footage of a structure nor increase the intensity of a use, and for other than IDA's pursuant to Chapter 5.**

1. Submission Requirements

- a. The following submission requirements shall be met by all applicants for Individual Development Approval.
  - (1) A complete Individual Development Approval application and checklist pursuant to the Development Order and Individual Development Approval Checklist;
  - (2) The Individual Development Approval review fee established by a resolution of the Agency;
  - (3) Such other information as determined by the Executive Director, as necessary to appropriately review the project in terms of its conformance with the Development Order and the Amended Downtown Plan.

2. Review and Public Notice.

- a. The Executive Director shall determine whether the application for Individual Development Approval is complete and shall take appropriate action pursuant to the Development Order. The Executive Director shall route Individual Development Approvals to Planning and Zoning Board and the Community Appearance Board, as appropriate, and the Planning and Zoning Board and Community Appearance Board shall act in a timely manner so as to not exceed the time limitations set forth in the Development Order for Board action. If not acted upon in a timely manner by the Planning and Zoning Board or Community Appearance Board, unless an extension of time is agreed to by the applicant, the Executive Director shall schedule the Individual Development Approval for action by the Board consistent with the time limitations set forth in the Development Order.
- b. The Board shall consider Individual Development Approvals after a public hearing with public notice as required by Section 2(2)(n)1. and 2. of the Development Order and Rules. In addition, a copy of the notice shall be sent by mail to all owners of property within five hundred (500) feet in all directions from the real property involved in the application for Individual Development Approval. For the purposes of this paragraph, the owners of the subject property shall be deemed to be the persons shown on the current ad valorem tax roll of the property appraiser of the county and such notice shall be sent to the address in the roll for each owner. All notices shall be provided by the Executive Director and the applicant for the Individual Development Approval shall reimburse the Agency for any costs incurred in providing such notice.
- c. The notice shall include the date, time and place of the public hearing, a map showing the location of the property proposed for development, a brief narrative

description of the proposed development including the site area, square footage of buildings, height and any technical deviations or conversions of use necessary for the approval and the remaining office equivalent square footage in the subarea if approved.

### 3. Review by the Board.

The Board shall consider, but the consideration shall not be limited to, the following factors when reviewing Individual Development Approvals:

- a. The Development Order, Building Code, Land Dedication Requirements, Sign Ordinance, Subdivision Regulations, Vacation and Abandonment of Streets and Easements and sections of the Zoning Code specially referenced in the Development Order;
- b. The information and plans submitted by the applicant;
- c. Any testimony and public input received at the public meeting;
- d. The data, files, recommendations and comments of the Executive Director of the Agency, City departments, the Planning and Zoning Board and the Community Appearance Board;
- e. Conformance with the Development Order and the Design Guidelines in the Development Order; and
- f. Conformance with the Amended Downtown Plan and planning principles some of which may be articulated in subsequent studies necessary to achieve the Vision, Goals and Policies of the Plan.

*(To assist in this review the Design Guidelines in the Development Order and Vision, Goals and Policies of the Amended Downtown Plan, and function, aesthetics and design guidelines adopted by the Board or City Council are provided as Appendices)*

### 4. Action by Board upon Application for Individual Development Approval

The Board shall take action on any application for an Individual Development Approval in accordance with the Development Order. In addition, for Individual Development Approvals for which notice is required by the Development Order, a copy of the notice shall be sent by mail to all of the owners of property within five hundred (500) feet in all directions from the real property involved in the application for the Individual Development Approval. For the purposes of this paragraph, the owners of the subject property shall be deemed to be the persons shown on the current ad valorem tax roll of the property appraiser of the county and such notice shall be sent to the address given in the roll for each owner. The notices shall be deposited in the mail not less than seven (7) days prior to the date of the public hearing. All required notices shall be provided by the

Executive Director and the applicant for Individual Development Approval shall reimburse the Agency for any costs incurred in providing such notice.

#### 5. Modification to an Individual Development Approval

A modification to an Individual Development Approval shall be processed in the same manner as a new application.

#### **Section 3A. Administrative Individual Development Approvals for compliance with disabled parking requirements.**

Notwithstanding the other provisions of Chapter 4, Section 2 and 3, the Executive Director, or his designee, may issue Individual Development Approvals for existing developments to achieve compliance with disabled parking requirements pursuant to the following conditions:

(1) The Executive Director may issue an Administrative Individual Development Approval for an existing development for reduction of the number of required off-street parking spaces, and minor modifications of planter islands or landscaping, provided the application for the Administrative Individual Development Approval meets the standards set forth in (3). No Administrative Individual Development Approval shall be issued except for existing development. For purposes of this section, “existing development” shall mean any development which was granted approval or Individual Development approval prior to October 1, 1997.

(2) Conditions. The Executive Director may impose such conditions in a development order granting an Administrative Individual Development Approval for compliance with disabled parking requirements as are necessary to accomplish the goals, objectives and policies of the Amended Downtown Plan and this section.

(3) Standards for granting Administrative Individual Development Approvals for compliance with disabled parking requirements. When granting an Administrative variance for compliance with disabled parking requirements, the Executive Director shall make the following findings:

(a) The Individual Development Approval granted is the minimum variance necessary for the petitioner to comply with the disabled parking requirements of the Florida Americans With Disabilities Accessibility Implementation Act, Chapter 553, Part V, Fla. Stat., the Americans with Disabilities Act, 42 U.S.C. 12101 et seq., or other law establishing disabled parking requirements;

(b) Granting the variance is not detrimental to the public welfare, or injurious to property or improvements in the Downtown or any adjacent neighborhood involved; and

(c) Granting the variance is not contrary to the objectives of the Amended Downtown Plan.

(4) Appeal of Executive Director’s decision. A petitioner may appeal the determination of the Executive Director to the Boca Raton Community Redevelopment Agency.

#### **Section 4. Abandonment of Application**

An application for an approval under this chapter shall be deemed abandoned 30 days after the date the Executive Director notifies the applicant of any deficiencies contained in the application. The Executive Director may, upon written request and justification by the applicant, grant not more than 1 30-day extension. At the expiration of the 30-day period, or any extension thereof, the application shall automatically expire and become null and void. Permit fees and charges paid at the time of application shall be refunded, except that an administrative fee shall be retained.

### **Chapter 5. INDIVIDUAL DEVELOPMENT APPROVALS WITH TRANSFERS OF AUTHORIZED DEVELOPMENT BETWEEN SUBAREAS**

#### **Section 1. Intent, Purpose.**

This section sets forth procedures for the processing of Individual Development Approvals with a transfer of authorized development between subareas.

#### **Section 2. General Submission Requirements.**

1. The following submission requirements shall be met by all applicants for Individual Development Approvals with a transfer of authorized development between subareas:
  - a. A complete Individual Development Approval application and checklist pursuant to the Development Order.
  - b. A complete Transfer of Authorized Development application sufficient to provide the necessary authorized development for the Individual Development Approval application needing the transfer of authorized development. In addition, the applicant shall provide:
    - (1) An assessment indicating why the project justifies a transfer of authorized development between subareas based upon its furtherance of the goals of the Amended Downtown Plan and the Development Order; and
    - (2) An assessment of the impact on the subarea from which the authorized development is being transferred.
  - c. The transfer of authorized development between subareas review fee established by Resolution of the Agency.

- d. An impact assessment, except in the case of Minor Low Intensity Projects, which analyzes the extent to which the transfer of a portion of authorized development between subareas alters the public facility needs established in the Development Order and details any infrastructure needs necessary to mitigate any impact or additional public facility needs caused by the transfer of authorized development. The impact assessment shall include, at a minimum, the following as determined by the City's Engineering Services Director:
- Traffic Impact Assessment
  - Water & Sewer Impact Assessment
  - Drainage Impact Assessment
  - Other Public Facilities Impact Assessment
- (1) The methodology of the report and base data shall be determined by the City's Engineering Services Director.
- (2) The date of the base data for the analysis shall be the date on which the Executive Director finds, in writing, that the plans submitted to the Agency are complete as provided in the Development Order. From that date, the applicant shall have 60 days to complete the report and file the necessary Transfer of Authorized Development application. The Executive Director may extend this time by thirty (30) days based upon written request and justification by the applicant. After sixty (60) days, and one approved thirty (30)-day extension, thereof, the impact assessment shall be assumed abandoned and any subsequent analysis of the property must utilize updated base data as determined by the City's Engineering Services Director.
- e. Such other information as determined by the Executive Director as necessary to appropriately review the Individual Development Approvals with a transfer of authorized development between subareas in terms of its conformance with the Development Order and the Amended Downtown Plan.

### **Section 3. Review and Public Notice.**

1. The Executive Director shall determine whether the application for Individual Development Approval with a Transfer of Authorized Development is complete and shall take appropriate action pursuant to the Development Order. The Executive Director shall route Individual Development Approvals with a Transfer of Authorized Development to the Planning and Zoning Board and the Community Appearance Board, and the Planning and Zoning Board and Community Appearance Board shall act in a timely manner so as to not exceed the time limitations set forth in the Development Order for Board action. If not acted upon in a timely manner by the Planning and Zoning Board or the Community Appearance Board, unless an

extension of time is agreed to by the applicant, the Executive Director shall schedule the Individual Development Approval for action by the Board consistent with the time limitations set forth in the Development Order.

2. The Board shall consider Individual Development Approvals with a transfer of authorized development between subareas after a public hearing with public notice as required by Section 2(2)(n)1. and 2. of the Development Order.
3. The Board may consider Minor Low Intensity Projects with transfers of authorized development between subareas prior to considering large projects which are still in the impact assessment process if the application for the Minor Low Intensity Project is determined complete by the Executive Director and the approval includes a transfer so as to not increase the transfer necessary for the projects still in the impact review process.
4. The notice shall include the date, time and place of the public hearing, a map showing the location of the property proposed for development, a brief narrative description of the proposed development including the site area, square footage of buildings, height, any technical deviations or conversions of use necessary for the approval, the subarea designations and the amount of authorized development being transferred into or from the subarea along with the amount of authorized development remaining in the subareas if approved.
5. A copy of the Notice shall be sent by first-class mail to all of the owners of property in the subarea(s) from which Authorized Development is to be transferred and the subarea receiving the transfer, and to all owners of property within five (500) hundred feet in all directions from the real property involved in the application for Individual Development Approval. For the purposes of this paragraph, the owners of the subject property shall be deemed to be the persons shown on the current ad valorem tax roll of the property appraiser of the county and such notice shall be sent to the address given in the roll for each owner. A notice of the public hearing shall also be published in a newspaper of general circulation in the city. The notices shall be deposited in the mail not less than 14 days, and the advertisement shall be published not less than seven (7) days, prior to the date of the public hearing.

#### **Section 4. Review by Board.**

The Board shall consider, but the consideration shall not be limited to, the following factors when reviewing Individual Development Approvals with related transfers of authorized development:

1. All technical regulations of the Development Order, the Building Code, Land Dedication Requirements, Sign Ordinance, Subdivision Regulations, Vacation and Abandonment of Streets and Easements and sections of the Zoning Code specifically referenced in the Development Order;
2. The information and plans submitted by the applicant;
3. Any testimony and public input received at the public meeting;

4. The data, recommendations and comments of the Executive Director of the Agency, City departments, Planning and Zoning Board and the Community Appearance Board;
5. Conformance with the Development Order and the Design Guidelines in the Development Order;
6. Conformance with the Amended Downtown Plan and the planning principals necessary to achieve the Vision, Goals and Policies of the Plan;
7. The impact of the Transfer of Authorized Development in terms of furthering the Vision, Goals, Policies and intent of the Development Order and Amended Downtown Plan as indicated by:
  - a. The need for redevelopment of the proposed property;
  - b. The impact of the transfer of authorized development on the subarea from which the transfer is made and the subarea receiving the transfer in terms of the need for redevelopment of that subarea;
  - c. The impact of the design of the project;
  - d. The impact of the transfer of authorized development on required infrastructure in the Downtown any mitigation proposed by applicant;
  - e. The economic and financial impacts of the Individual Development Approval and transfer of authorized development.

*(To assist in this review a summary of Design Guidelines in the Development Order and Vision, Goals and Policies of the Amended Downtown Plan are provided as Appendices)*

#### **Section 5. Action by the Board upon Application for Individual Development with a Transfer of Development between Subareas.**

The Board shall take action on any application for an Individual Development Approval with a Transfer of Authorized Development in accordance with the Development Order. In approving the Individual Development Approval with a transfer of development between subareas, with or without modifications or conditions, the Board shall determine that the Individual Development Approval and related transfer of authorized development results in a preferable set of impacts, in terms of design, infrastructure, redevelopment, economics and finance in furthering the goals of the Development Order and the Amended Downtown Plan

## **Section 6. Modification of Transfer.**

1. Except as provided in subsection (2) below, any modification of any approval transfer of authorized development pursuant to this chapter shall be processed in the same manner as a new application.
2. Amendments of Individual Development Approvals with transfers of authorized development which do not permit any of the following to occur may be granted without amending the transfer of authorized development by the Board after public notice and a public hearing:
  - a. A change in the use of the property;
  - b. An increase in the intensity of the development to occur on the property;
  - c. A reduction of open space;
  - d. A substantial change to the location of a structure or elevation previously approved.

## **Section 7. Expiration or Violation of Transfer of Authorized Development.**

1. If an Individual Development Approval with a transfer of authorized development expires or becomes null or void for any reason, the authorized development so transferred as part of the Individual Development Approval for which a permit has not been issued, shall be immediately and automatically returned to the subarea from which it was obtained.
2. No property on which an Individual Development Approval has expired with a transfer of authorized development shall be eligible for reapplication for an Individual Development Approval with a transfer of authorized development for the next twenty-four (24) months from the date of expiration.

## **Section 8. Abandonment of Application**

An application for an approval under this chapter shall be deemed abandoned 30 days after the date the Executive Director notifies the applicant of any deficiencies contained in the application and related impact assessment. The Executive Director may, upon written request and justification by the applicant, grant not more than 1 30-day extension. At the expiration of the 30-day period, or any extension thereof, the application shall automatically expire and become null and void. Permit fees and charges paid at the time of application shall be refunded, except that an administrative fee shall be retained.

## **Chapter 6. INDIVIDUAL DEVELOPMENT APPROVAL VESTING RULES**

### **Section 1. Purpose and Intent.**

The purpose and intent of this section is to provide guidelines to developers and the Community Redevelopment Agency regarding the vesting of Individual Development Approvals with and without transfers of authorized development between subareas and Guarantees within a Threshold.

### **Section 2. Vesting and Guarantees Within a Threshold for IDA Approvals without Transfers of Authorized Development**

1. The Board is authorized to grant Individual Development Approvals which shall provide for the Vesting of development for a maximum period of ten (10) years with Guarantees within a Threshold for a maximum of two (2) years. The Vesting and Guarantees within a Threshold shall expire in ten (10) years and two (2) years respectively subject to earlier expiration or termination pursuant to these Rules or expiration or termination of the Development Order. Upon expiration or termination of Vesting as provided herein, the applicable IDA shall contemporaneously expire and/or terminate, provided, however, any and all conditions and obligations related to or in connection with the project or any specific portion, thereof, which is completed or under construction shall survive the expiration or termination of the IDA.
2. In the event that any of the following occur, the vesting of all of the square footage of the project for which construction has not commenced, pursuant to a valid building permit shall expire and become null and void:
  - a. The construction of the total square footage of the Required Minimum Vesting Portion of a Project is not commenced, pursuant to a valid building permit, within twenty-four (24) months of the Individual Development Approval date;
  - b. Active development of the Required Minimum Vesting Portion of the Project is abandoned. Active development of the real property shall mean actual construction work on site pursuant to a valid building permit;
  - c. A Certificate of Occupancy is not obtained for the Required Minimum Vesting Portion of the Project within twenty-four (24) months of the date upon which construction commenced, pursuant to a valid building permit;
  - d. The applicant does not faithfully comply with, implement and fulfill all conditions, restrictions and requirements of the Individual Development Approval;
  - e. A building permit is not obtained for all development under the Individual Development Approval within ten (10) years or earlier buildout date in the Individual Development Approval.

3. The minimum percentage of an approved project eligible for a Guarantee within a Threshold shall be determined pursuant to the following chart:

FOOTAGE AND/OR RESIDENTIAL	MINIMUM PERCENTAGE OF PROJECT ELIGIBLE TO BE GUARANTEED WITHIN A THRESHOLD
Under 25,000 square feet or under 10 units on less than one acre	100%
25,001—50,000 square feet or 11-50 units	50%
50,001—100,000 square feet or 51—100 units	33%
100,001—200,000 square feet or over 100 units	25%
Over 200,001 square feet	20%

4. The Board may grant up to a twelve (12) month extension of the commencement date for a project, provided that the applicant presents to the Board, in writing, an explanation of the progress made regarding the proposed project and a justification for granting such an extension. The granting of an extension, pursuant to this section, shall be made after a public hearing, noticed in a local newspaper, and posted on the property, at least 7 days prior to the meeting, and the decision to grant or deny a request for extension shall be within the sole discretion of the Community Redevelopment Agency Board.
5. In the event that any of the following occur, the Guarantee within a Threshold for which building permits are not in effect shall expire and become null and void:
- a. Any square footage for which the vesting has expired or become null and void, as provided in paragraph 2 of this section.
  - b. Any square footage portion of the guarantee not permitted within twenty-four (24) months of the date of the IDA approval provided an extension has been applied for and received.
6. Small Property Owners shall have the right of first, refusal to an amount of development rights equal to not less than ten (10) percent of the total amount of each development threshold. When an application for an Individual Development Approval is received by the Agency or a building permit application which would, if granted, decrease the amount of available development below ten (10) percent of a Threshold, the Executive Director of the Agency shall provide notice by publication in a newspaper of general circulation within the City that such an application has been received and that the Agency shall consider any requests of Small Property Owners to

utilize a portion of the remaining square footage within the Threshold, provided such requests are received, in writing by the Agency within fourteen (14) days of the date of publication of the notice. If the sum of the requests from all Small Property Owners and the application for Individual Development Approval received by the Agency is less than the total amount of the available development in the Threshold, then the application for Individual Development Approval with a transfer of uses between subareas or building permit application may proceed through the process. If the sum of the request from all small property owners and the application for Individual Development Approval received by the Agency or building permit application exceed the total amount of available development in the Threshold, then the Agency shall consider the requests of all the Small Property Owners prior to consideration of the application received for Individual Development Approval or processing the building permit application.

### **Section 3. Vesting and Guarantees for Individual Development Approvals with Transfers of Authorized Development.**

1. The Community Redevelopment Agency is authorized to grant Individual Development Approvals with transfers of authorized development between subareas which shall provide for the Vesting of development for a period of five (5) years with Guarantees within a Threshold for a maximum of two (2) years. The Vesting and Guarantees within a Threshold shall expire in five (5) years and two (2) years respectively subject to earlier expiration or termination pursuant to these Rules or expiration or termination of the Development Order. Upon expiration or termination of Vesting as provided herein, the applicable IDA shall contemporaneously expire and/or terminate, provided, however, any and all conditions and obligations related to or in connection with the Project or any specific portion, thereof, which is completed or under construction shall survive the expiration or termination of the IDA.
2. In the event that any of the following occur, the vesting of all of the square footage of the Project for which construction has not commenced, pursuant to a valid building permit, and the transfer of authorized development relative to that square footage shall become null and void:
  - a. The construction of the total square footage of the Required Minimum Vesting Portion of the Project is not commenced, pursuant to a valid building permit, within twenty-four (24) months of the Individual Development Approval with Transfers of Authorized Development between Subareas approval date;
  - b. Active development of the Required Minimum Vesting Portion of the Project is abandoned. Active development of the real property shall mean actual construction work on site pursuant to a valid building permit;
  - c. A Certificate of Occupancy is not obtained for the Required Minimum Vesting Portion of the Project within twenty-four (24) months of the date upon which construction commenced, pursuant to a valid building permit;

- d. The applicant does not faithfully comply with, implement and fulfill all conditions, restrictions and requirements of the Individual Development Approval with Transfers of Authorized Development between Subareas;
  - e. A permit is not obtained for all of the development under the IDA within five (5) years or earlier buildout date in the IDA.
3. The minimum percentage of an approved project eligible for a Guarantee within a Threshold shall be determined pursuant to the following chart:

FOOTAGE AND/OR RESIDENTIAL	MINIMUM PERCENTAGE OF PROJECT ELIGIBLE TO BE GUARANTEED WITHIN A THRESHOLD
Under 25,000 square feet or under 10 units on less than one acre	100%
25,001—50,000 square feet or 11-50 units	50%
50,001—100,000 square feet or 51—100 units	33%
100,001—200,000 square feet or over 100 units	25%
Over 200,001 square feet	20%

4. The Board may grant up to a twelve (12) month extension of the commencement date for a project, provided that the applicant presents to the Board, in writing, an explanation of the progress made regarding the proposed project and a justification for granting such an extension. The granting of an extension, pursuant to this section, shall be made after a public hearing, noticed in a local newspaper, and posted on the property, at least 7 days prior to the meeting, and the decision to grant or deny a request for extension shall be within the sole discretion of the Community Redevelopment Agency Board.
5. In the event that any of the following occur, the Guarantee within a Threshold for which valid building permits are not in effect shall expire and become null and void:
- a. Any square footage for which the Vesting has become null and void, as provided in paragraph 2 of this section;
  - b. Any square footage portion of the guarantee not permitted within twenty-four (24) months of the date of the IDA approval provided an extension has been applied for and received.
6. Small Property Owners shall have the right of first refusal to an amount of

development rights equal to not less than ten (10) percent of the total amount of each development threshold. When an application for an Individual Development Approval with a Transfer of Authorized Development between Subareas is received by the Agency which would, if granted, decrease the amount of available development below ten (10) percent of a given Threshold, the Executive Director of the Agency shall provide notice by publication in a newspaper of general circulation within the City that such an application has been received and that the Agency shall consider any requests of Small Property Owners to utilize a portion of the reserved square footage, provided such requests are received in writing by the Agency within fourteen (14) days of the date of publication of the notice. If the sum of the requests from all Small Property Owners and the application for Individual Development Approval with a transfer between subareas received by the Agency is less than the total amount of the available development in the Threshold, then the application for Individual Development Approval with a transfer of uses between subareas or building permit application may proceed through the process. If the sum of the requests from all Small Property Owners and the application received for Individual Development Approval with a Transfer of Authorized Development between Subareas by the Agency exceeds the total amount of available development in the Threshold, then the Agency shall consider the requests from Small Property Owners prior to the consideration of the application received for Individual Development Approval with a Transfer of Authorized Development between Subareas.

#### **Section 4. Issuance of Building Permits.**

Building permit applications under a Vested Individual Development approval shall be granted, subject to meeting all of the applicable requirements of the City Code of Ordinances and one of the following:

1. The building square footage under the permit application is part of a Guarantee within a Threshold which has been met;
2. If adequate capacity exists within the currently met threshold for the issuance of the permit after deduction of all guarantees, permits issued and ten (10) percent of the total amount of the threshold reserved for small owners;
3. If adequate capacity exists within the currently met threshold for the issuance of the permit after deduction of all guarantees and permits issued and the procedures in Section 2 Paragraph 6 or Section 3 Paragraph 6 of this chapter are followed as appropriate;
4. If the developer lets the necessary contracts to construct the necessary public facilities required by the Development Order for the issuance of the building permit and enters into an agreement with the Agency not to seek a Certificate of Occupancy until the facilities are substantially complete.

#### **Section 5. Acceptance of a Notice of Infrastructure Status and other Development Order Requirements.**

Prior to the issuance of building permits, all applicants shall sign a notice in a form acceptable to the City Attorney's Office acknowledging the risks associated with delays in the substantial completion of infrastructure improvements and other Development Order requirements necessary for a Certificate of Occupancy to be issued.

**Section 6. Annual Report to Downtown Property Owners.**

The Executive Director of the Agency shall prepare a report annually on the status of the Downtown Development of Regional Impact, each subarea, the vesting of all projects, and updates on Agency initiatives. This report shall be posted on the Agency web page by May 15th of each year. The downtown property owners and public may view the annual report online. Within 5 days after website posting, a courtesy notice of report availability shall be mailed to each property owner in the Community Redevelopment District based upon the most current certified tax roll.



# **APPENDIX I**

## **Design Guidelines Ordinance No. 4035**



# **Design Guidelines**

## **Ordinance No. 4035**

1. Conformance with the fundamental or creative re-interpretations of the concepts which are found in the architecture of Addison Mizner as a principal design influence:
  - a. the creation of pedestrian-scaled buildings through the use of building massing, varied roof-scapes, ornamentation and color;
  - b. the linkage of landscaped exterior spaces (courtyards, loggias, arcades and plazas) to buildings;
  - c. the recognition of the South Florida climate which should influence building shape and orientation, nature of roofs and overhangs and the location and size of windows;
  - d. the use of smooth and textured stucco, clay tile roofing, painted window frames, stucco mouldings, masonry garden walls and wood trellis members;
  - e. archways as a motif for windows and other openings; and
  - f. street level architectural treatment reminiscent of Addison Mizner, including colonnades, arcades, awnings and other shade-producing elements along all pedestrian street frontages.
  
2. Design which contributes to the creation of a pedestrian-oriented downtown by providing the following:
  - a. emphasis on the buildings' street facade as major elements of the overall streetscape; and
  - b. recognition of the scale and character of adjacent structures or developments, including continuation of existing facade treatment or expression lines and the use of similar finish materials;
  - c. pedestrian-oriented frontages integrated with adjacent properties;
  - d. Pedestrian circulation systems which are barrier-free and provide alternative ramps in addition to steps;
  - e. sidewalk paving consistent with the sidewalk design standards in the Beautification Plan adopted by the CRA Board of Commissioners; and

## **Design Guidelines**

### **Ordinance No. 4035 (Con't)**

- f. where feasible, sidewalks along First Avenue, Federal Highway, and Palmetto Park Road shall have an unobstructed width of at least eight (8) feet.
3. Maintenance of the following percentages of the parcel as open space and no structures or buildings other than landscape features, fountains, benches, arcades and objects of art shall be located within the open space area:
  - 15%, if the building is less than thirty five (35) feet in height; and
  - for each foot of height above thirty-five (35) feet, up to seventy-five (75) feet, 15% open space plus 1% for every 1.6 feet of height above thirty-five (35) feet; and
  - 40%, if the building is greater than seventy-five (75) feet.
4. At least sixty-five percent (65%) of the required open space is open and uncovered from the ground to the sky. Up to thirty-five percent (35%) may be arcades, colonnades, areas under exposed balconies, areas under exposed stairwells, areas under canopies and areas under pedestrian bridges.
5. No more than forty percent (40%) of the perimeter of a building's materials be composed of glass.
6. No reflective glass installed on the perimeter of a structure or building; this standard should not be construed to prohibit tinted glass
7. All roofs of buildings consistently treated with Spanish clay tile or other treatment that is reminiscent of the Addison Mizner style. Roofs shall have a minimum pitch of 4/12. Roof materials shall consist of metal (flat or standing seam), flat tile, barrel tile or masonry materials. This requirement shall not apply to flat roofs with a parapet wall of at least four (4) feet in height.
8. No mansard roofs.
9. All mechanical equipment screened with materials consistent with those used in the construction of the building. The screening material and structure shall be architecturally compatible with the building. The screening shall have a height of not less than the mechanical equipment it screens.
10. Light and pastel colors shall be used for external treatment of buildings.

**APPENDIX II**

**AMENDED DOWNTOWN PLAN**

**Vision, Goals, and Policies**

**Adopted January 1995**



# Downtown Vision

The most basic level of the Downtown Plan is its Downtown Vision. In its broadest and most general sense, this amended Redevelopment Plan establishes a long-term vision for Downtown Boca Raton - a plan for the future which reflects not only the development to occur there, but also the activities of the people who will visit, live and work there. A consensus vision for downtown Boca Raton was developed as a result of a Planning Workshop of citizens, downtown property owners and downtown merchants whose report served as the basis for the Action Plan adopted by the Community Redevelopment Agency in January of 1994. This Vision of the Downtown is that of a downtown which is memorable for its design, lush landscaping and mix of public, private and cultural uses. This vision is typified by the following vision elements:

- **Livable:**
  - sensitively scaled
  - comfortable
  - expanded role of residential uses
- **Convenient:**
  - full range of services/amenities
  - ease of access, circulation, parking
- **Choice:**
  - multiple modes of transportation
  - restaurants, shopping , entertainment
- **Connected:**
  - Strongly linked to the larger community by tri-rail, bus and trolley
  - A Strong North/South Linkage with a mid-block location between Federal Highway and Mizner Boulevard encouraged as a private activity
  - Palmetto Park Road - recognized as the major East/West link connecting downtown to Beach/Community
- **Unified Theme:**
  - harmonious leadership
  - consistent message
  - buildings, streets, public spaces of distinctive quality
  - each element of the downtown should be of visionary quality
  - all interests and areas in the downtown and the community as a whole should share in the benefits of redevelopment

These Vision elements are embodied in the Vision Statement and Design Elements provided as Exhibits 1 and 2. In achieving this Vision numerous designs and land use distributions are possible.

The synthesis of these elements produces a theme which can be best expressed by describing the typical day in Downtown Boca Raton in 2005.

The day begins with employees arriving at their destinations by car or transit. The streets will be busy but workers will find the walk from their parking garage pleasant since the streets are lined with lush vegetation. Some workers will walk to work from their downtown residence or adjacent neighborhoods.

Once the day has begun for office workers a new bustle occurs in the shopping areas downtown from Royal Palm Plaza to Mizner Park and along East Palmetto Park Road. Patrons begin arriving at the International Museum of Cartoon Art. Shoppers and patrons are aided in their visit to the downtown by a trolley system that links all areas of Downtown.

At lunch, everyone converges on the Sanborn Square Plaza and Mizner Park. A concert announces the beginning of the May Day Fair and a new exhibit at the museum. Office workers and visitors from as far away as Palm Beach are here for this event.

Toward late afternoon some of the downtown employees begin to head home. Many, however, remain for dinner and a movie or a concert at the amphitheater. Many more come from other areas of the region for dinner, shopping, the concert, and relaxing strolls through the Downtown area.

The next day the process begins anew.

The Amended Downtown Plan is about making this day the future for Downtown.

## **EXHIBIT 1**

### **DOWNTOWN BOCA RATON VISION**

Boca Raton is not a "hard edge city." The Downtown needs to reflect this fact and function as the larger community functions. The Downtown should be a community resource -- a "real downtown"; providing a rich mixture of uses, not just office and retail, but a full array of residential, commercial, civic, cultural, and institutional uses linked and orchestrated by a renewed focus on the street and pedestrian experience.

The great cities of the world offer lasting continuity and unexpected joy. It is in the mix of buildings, the unity of the landscape, the tight streets and broad plazas that we derive our notions of beauty of the civilized city. Many of the tests of a city's civility are rather simple ones: Can you walk on the sidewalk? Can you stop for a drink? Is there shade? Is there sun? Can you cross the street? Is there a reason to cross the street?

Some elements which aid in transforming a city from an ordinary workplace to a work of art are these: sidewalks, curbs, trees, hedges, flowers, shops, restaurants, cafes, benches, fountains, lamp posts, awnings, signs. It all goes together.

Streets and open space systems will provide the organizational framework for the Downtown. A strong simple concept for the public spaces will allow for future development in the Downtown to take place while providing flexibility in changing market conditions.

Design a city that is beautiful and people will respect it, but build a city that bows to the lowest common denominator, or disregard the fundamentals of good design, and it will never rise to greatness.

## EXHIBIT 2

### URBAN DESIGN CRITERIA

Criteria applicable to each project within the Downtown and the Downtown as a whole

1. Visionary Quality:
  - Each project must be rooted in a visionary concept.
  - Transcend conventional approach in terms of function, physical organization, architecture and open space.
2. Incremental Growth:
  - Individual identity.
  - Integral to the larger development entity.
  - Each separate project should suggest the next.
  - Organic approach to growth accepting of diversity.
3. Unity:
  - Each project must relate to the whole.
  - Enhance the order and richness of the downtown.
  - The whole is represented on the ground plane.
4. Definition of Positive Urban Space:
  - All projects and buildings must create and define positive, meaningful, visually exciting usable urban spaces.
5. Buildings Must Relate to the Whole:
  - Provide integration of planning and architecture.
  - Visual forms, architectural theme materials, details and scale of elements must relate to an overall concept.
  - Each element of the downtown must contribute to a diverse, but specific thematic character with a special architectural theme.

## EXHIBIT 2 (Con't)

### URBAN DESIGN CRITERIA

6. Creation of Corridors and Central Places:
  - Central places at various scales.
  - Individual buildings and the downtown as a whole should express and reinforce the creation of corridors and central places.
  - Corridors arrive at central places.
  - Express the principals of centrality and linearity.
  
7. Flexibility:
  - Provide for changes occurring over time.
  - Buildings must reflect changes in geometry, detailing and architectural expression, while maintaining a sense of continuity.
  - Certain buildings must be adaptive to change over time, while others are fixed.
  
8. Essential Elements:
  - Edges, walls, gateways, garden entries, arcades, plazas, squares, vistas, pedestrian streets, landscaped areas.
  - Each project must contribute significant essential elements.
  - These elements or archetypical forms should evoke a sense of history.
  
9. A Sense of History:
  - Our roots, history, and past must be reflected and revered.
  
10. Economic Feasibility:
  - All projects must be economically sound.
  - Individual projects may be subsidized, but only if they contribute to the success of the downtown.

# Land Use and Urban Design

## LAND USE & URBAN DESIGN GOAL 1

**REVITALIZE THE DOWNTOWN AREA THROUGH A VARIETY OF LAND USE POLICIES AND URBAN DESIGN GUIDELINES INTENDED TO ENHANCE THE RETAIL, OFFICE, RESIDENTIAL, CULTURAL AND RECREATIONAL CHARACTER OF THE AREA**

**LAND USE & URBAN DESIGN POLICY 1.1 :** PROVIDE FOR A DIVERSE MIX OF LAND USES THROUGHOUT THE REDEVELOPMENT AREA WITH A QUALITY URBAN DESIGN CONSISTENT WITH THE DEVELOPMENT OF THE DOWNTOWN AS A FOCAL POINT FOR THE CITY.

**LAND USE & URBAN DESIGN POLICY 1.2 :** ENCOURAGE MIXED RETAIL, COMMERCIAL, RESIDENTIAL, AND PUBLIC USES THROUGHOUT THE AREA.

**LAND USE & URBAN DESIGN POLICY 1.3 \_\_\_\_\_ :** PROHIBIT THOSE USES WHICH ARE INCOMPATIBLE WITH A STRONG PEDESTRIAN ORIENTATION SUCH AS GAS STATIONS, OUTSIDE STORAGE, DRIVE-INS, DRIVE THROUGH AND PARKING STRUCTURES ALONG IMPORTANT PEDESTRIAN LINKAGES .

**LAND USE & URBAN DESIGN POLICY 1.4:** PROHIBIT THOSE USES NOT PERMITTED IN ANY OTHER AREAS OF THE CITY.

## LAND USE GOAL 1 (RETAIL)

**STRENGTHEN THE RETAIL COMPONENT OF DOWNTOWN BY:**

**ATTRACTING ADDITIONAL RETAIL ANCHORS,**

**BROADENING THE RANGE OF AVAILABLE RETAIL GOODS AND SERVICES,**

**RECAPTURING A SHARE OF THE RETAIL MARKET WHICH HAS BEEN DIVERTED TO WESTERN AREAS.**

**LAND USE POLICY 2.1:** SUPPORT THE EARLY DEVELOPMENT OF A QUALITY DEPARTMENT STORE(S) IN THE DOWNTOWN.

**LAND USE POLICY 2.2:** ENCOURAGE THE DEVELOPMENT OF RETAIL USES ON THE FIRST FLOOR OF BUILDINGS LINKING MIZNER PARK TO ROYAL PALM PLAZA AND ALONG EAST PALMETTO PARK ROAD.

**LAND USE POLICY 2.3:** ENCOURAGE THE LOCATION OF LARGER TENANTS AND USES WHICH WILL SERVE AS ANCHORS FOR RETAIL DEVELOPMENT OR BROADEN THE RANGE OF RETAIL GOODS IN KEEPING WITH THE CHARACTER OF DOWNTOWN BOCA RATON.

**LAND USE POLICY 2.4:** REQUIRE STRONG LINKAGES BETWEEN RETAIL USES AND ADJACENT OFFICE, RESIDENTIAL, AND OTHER USES.

### **LAND USE GOAL 3 ( OFFICE)**

**EXPAND THE OFFICE COMPONENT OF THE DOWNTOWN BY PROMOTING THE MIXED USE CHARACTER AND SYNERGY BETWEEN SITES.**

**LAND USE POLICY 3.1 :** PROMOTE OFFICE DEVELOPMENT IN THE DOWNTOWN, WITH EMPHASIS ON MIXED-USE DEVELOPMENT WITH AN OFFICE COMPONENT.

**LAND USE POLICY 3.2 :** ENCOURAGE THE LOCATION OF MAJOR REGIONAL AND CORPORATE OFFICES IN THE DOWNTOWN.

**LAND USE POLICY 3.3 :** ENHANCE THE MIXED USE CHARACTER OFFICE SPACE AS A CONTRAST TO SUBURBAN SINGLE USE LOCATIONS.

**LAND USE POLICY 3.4.:** REQUIRE STRONG LINKAGES BETWEEN OFFICE USES AND ADJACENT RETAIL, RESIDENTIAL, AND OTHER USES.

### **LAND USE GOAL 4 ( HOUSING)**

**ENCOURAGE THE DEVELOPMENT OF A RANGE OF TYPES AND SIZES OF RESIDENTIAL UNITS IN DOWNTOWN**

**LAND USE POLICY 4.1 :** ENCOURAGE THE DEVELOPMENT OF MIXED USE BUILDINGS AND PROJECTS WITH A RESIDENTIAL COMPONENT IN THE DOWNTOWN.

**LAND USE POLICY 4.2 :** UTILIZE EXISTING CITY PROGRAMS TO ASSIST ANY DISPLACED RESIDENTS BY PUBLIC OR PRIVATE DEVELOPMENT.

### **LAND USE GOAL 5 (CULTURAL)**

**ENCOURAGE THE DEVELOPMENT OF CULTURAL FACILITIES AND ACTIVITIES IN THE DOWNTOWN AREA**

**LAND USE POLICY 5.1:** ENCOURAGE THE LOCATION OF A CONCERT HALL, ART MUSEUM(S), AND PLAYHOUSE(S) IN THE DOWNTOWN AREA

**LAND USE POLICY 5.2:** UTILIZE THE PARKS AND RECREATION IMPACT FEES COLLECTED IN THE DOWNTOWN AREA FOR THE DEVELOPMENT OF OPEN SPACE AND FACILITIES RELATED TO CULTURAL USES.

**LAND USE POLICY 5.3:** PROMOTE AND SUPPORT A COMPREHENSIVE PROGRAM OF CULTURAL ACTIVITIES ON APPROPRIATE PRIVATE AND PUBLIC SITES IN THE DOWNTOWN

**LAND USE POLICY 5.4 :** SUPPORT LAND USE POLICIES CONSISTENT WITH DIRECTING CULTURAL INVESTMENT IN THE DOWNTOWN.

### **LAND USE GOAL 6 (RECREATIONAL & OPEN SPACE)**

**THE ENLARGEMENT, MAINTENANCE AND IMPROVEMENT OF RECREATIONAL FACILITIES TO PROVIDE A FUNCTIONAL AND ATTRACTIVE SYSTEM OF OPEN SPACES THROUGHOUT THE DOWNTOWN.**

**LAND USE POLICY 6.1:** DEVELOP A FUNCTIONAL AND ATTRACTIVE SYSTEM OF OPEN SPACE CONNECTORS WHICH LINK THE DOWNTOWN FOCAL POINTS CONSISTENT WITH THE RECREATION AND OPEN SPACE ELEMENT OF THE COMPREHENSIVE PLAN.

**LAND USE POLICY 6.2 :** DEVELOP A COMPREHENSIVE PROGRAM OF RECREATION ACTIVITIES WHICH ARE CULTURALLY ORIENTED AS A COMPLEMENT TO THE OUTDOOR RECREATION PROGRAM.

**LAND USE POLICY 6.3 :** DEVELOP A CONTINUOUS AND INVITING SYSTEM OF SHADY PEDESTRIAN STREETS, WALKS, AND COURTYARDS LINKING DEVELOPMENT IN THE DOWNTOWN.

#### **URBAN DESIGN GOAL 1**

**TO DEVELOP THE MANMADE ENVIRONMENT DOWNTOWN IN A FUNCTIONAL, EFFICIENT AND AESTHETICALLY APPEALING MANNER BASED UPON THE DEVELOPMENT OF STRONG LINKAGES BETWEEN SITES AND THE FUNDAMENTAL CONCEPTS REFLECTED IN THE ARCHITECTURE OF ADDISON MIZNER.**

**URBAN DESIGN POLICY 1.1 :** REQUIRE DEVELOPMENT OF A CONTINUOUS AND INVITING SYSTEM OF PEDESTRIAN STREETS, WALKS, AND COURTYARDS LINKING DEVELOPMENT IN THE DOWNTOWN.

**URBAN DESIGN POLICY 1.2 :** STRENGTHEN DOWNTOWN LINKAGES BY ABANDONING ALLEYWAYS AND RIGHTS-OF-WAY WHEN AN ABANDONMENT WILL RESULT IN NEW LINKAGES WHICH BETTER MEET PEDESTRIAN OR VEHICULAR TRANSPORTATION NEEDS, PROVIDE BETTER QUALITY OF DESIGN, INCREASE OPEN SPACE OR PROVIDE OTHER IMPROVEMENTS.

**URBAN DESIGN POLICY 1.3 :** ESTABLISH AN INTERIM NORTH/SOUTH LINKAGE ALONG FIRST AVENUE OR OTHER APPROPRIATE PATH(S) FROM MIZNER PARK TO ROYAL PALM PLAZA.

**URBAN DESIGN POLICY 1.4:** REINFORCE PALMETTO PARK ROAD AS A RETAIL AREA.

**URBAN DESIGN POLICY 1.5 :** ENCOURAGE THE PRESERVATION OF HISTORIC AND ARCHITECTURALLY SIGNIFICANT BUILDINGS.

**URBAN DESIGN POLICY 1.6 :** EMPHASIZE FACADES AS MAJOR ELEMENTS OF THE OVERALL STREET-SCAPE AND RECOGNIZE THE SCALE AND CHARACTER OF ADJACENT STRUCTURES OR DEVELOPMENTS.

**URBAN DESIGN POLICY 1.7 :** ENCOURAGE THE DEVELOPMENT OF VISTAS AND VIEWS AS PART OF MAJOR PROJECTS.

**ARCHITECTURAL DESIGN GOAL 1**

**THE DEVELOPMENT OF BUILDINGS OF A DISTINCTIVE AND COMPATIBLE VISUAL CHARACTER BASED UPON CREATIVE REINTERPRETATIONS OF THE FUNDAMENTAL CONCEPTS OF ADDISON MIZNER**

**ARCHITECTURAL DESIGN POLICY 1.1:** THE CREATION OF PEDESTRIAN-SCALED BUILDINGS THROUGH THE USE OF BUILDING MASS, VARIED ROOF-SCAPES, ORNAMENTATION AND COLOR.

**ARCHITECTURAL DESIGN POLICY 1.2 :** LIMIT THE HEIGHT OF BUILDINGS TO NOT MORE THAN 100 FEET OR MORE THAN 9 STORIES WITH APPROPRIATE DISTANCES FROM RESIDENTIAL DWELLINGS OUTSIDE OF THE REDEVELOPMENT AREA.

**ARCHITECTURAL DESIGN POLICY 1.3 :** REQUIRE A MINIMUM 6 FOOT FRONT SETBACK AT GROUND LEVEL WITH INCREASED SETBACK FOR THE UPPER PORTIONS OF BUILDINGS BASED UPON BUILDING HEIGHT.

**ARCHITECTURAL DESIGN POLICY 1.4 :** REQUIRE A MINIMUM OF 15% OPEN SPACE WITH INCREASING OPEN SPACE REQUIREMENTS RELATED TO BUILDING HEIGHT.

**ARCHITECTURAL DESIGN POLICY 1.5 :** REQUIRE CONTINUITY OF PEDESTRIAN-ORIENTED FRONTAGES BETWEEN ADJACENT REDEVELOPED BUILDINGS.

# Infrastructure

## **INFRASTRUCTURE GOAL 1**

**TO PROVIDE ALL OF THE NECESSARY INFRASTRUCTURE IMPROVEMENTS NECESSARY TO ENCOURAGE DOWNTOWN REDEVELOPMENT IN A COST EFFECTIVE AND TIMELY MANNER.**

**INFRASTRUCTURE POLICY 1.1** : TO WORK WITH PROPERTY OWNERS WITHIN THE EXISTING VISIONS 90 PROGRAM TO MAXIMIZE THE REDEVELOPMENT BENEFITS ON ADJACENT PROPERTIES WHILE MEETING THE OVERALL INFRASTRUCTURE NEEDS OF THE AREA.

**INFRASTRUCTURE POLICY 1.2**: TO WORK WITH PROPERTY OWNERS TO ENCOURAGE THE ENHANCEMENT OF LINKAGES AS A PRIVATE ACTIVITY.

## **TRANSPORTATION GOAL 1:**

**THE PROVISION OF THE TRANSPORTATION SYSTEM IMPROVEMENTS NECESSARY TO ENCOURAGE DOWNTOWN REDEVELOPMENT CONSISTENT WITH THE DOWNTOWN VISION.**

**TRANSPORTATION POLICY 1.1**: TRAFFIC IMPROVEMENTS WILL BE DESIGNED TO :

PRESERVE ARCHITECTURALLY SIGNIFICANT AND HISTORIC BUILDINGS.

ENCOURAGE THE DEVELOPMENT OF A PEDESTRIAN ORIENTED DOWNTOWN.

PROVIDE ADEQUATE ACCESS TO AND WITHIN THE DOWNTOWN

**TRANSPORTATION POLICY 1.2** : RETAIN FEDERAL HIGHWAY AS A FOUR LANE DIVIDED FACILITY IN THE DOWNTOWN FROM MIZNER BOULEVARD TO NORTHEAST 6TH STREET TO PROVIDE VISUAL AND PEDESTRIAN CONTINUITY TO DOWNTOWN.

**TRANSPORTATION POLICY 1.3** : ENCOURAGE THE USE OF TRAFFIC MANAGEMENT SYSTEMS SUCH AS RIDE SHARING, TRANSIT SYSTEMS, LIMITING CONFLICTING TRAFFIC MOVEMENTS, REROUTING TRAFFIC, AND PEDESTRIAN AND BICYCLE FACILITIES.

**TRANSPORTATION POLICY 1.4**: ENCOURAGE THE DEVELOPMENT OF A TROLLEY SYSTEM IN THE DOWNTOWN AS SOON AS POSSIBLE.

**TRANSPORTATION POLICY 1.5**: ENCOURAGE THE EXPANSION OF COMMON PARKING AREAS FOR MULTIPLE SITES.

**TRANSPORTATION POLICY 1.6** : ENCOURAGE EFFICIENT USE OF PARKING FACILITIES THROUGH SHARED PARKING ARRANGEMENTS, PARKING MANAGEMENT SYSTEMS, AND COOPERATION BETWEEN SITES.

## **POTABLE WATER GOAL 1:**

**PROVISION OF POTABLE WATER SERVICES NECESSARY TO ENCOURAGE DOWNTOWN REDEVELOPMENT CONSISTENT WITH THE DOWNTOWN VISION.**

**POTABLE WATER POLICY 1.1:** THE CITY SHALL PROVIDE THE WATER TREATMENT CAPACITY AND TRANSMISSION FACILITIES NECESSARY TO ENCOURAGE DEVELOPMENT AND REDEVELOPMENT OF THE DOWNTOWN AREA.

**POTABLE WATER POLICY 1.2 :** THE CITY SHALL DEVELOP A PHASED PLAN AND COMPLETE CONSTRUCTION OF THE IMPROVEMENTS NECESSARY TO ELIMINATE EXISTING DISTRIBUTION SYSTEM DEFICIENCIES AND PROVIDE THE DISTRIBUTION SYSTEM CAPACITY NECESSARY FOR THE PROJECTED WATER DEMAND IN THE DOWNTOWN AREA.

**POTABLE WATER POLICY 1.3:** WATER CONSERVATION SHALL BE ENCOURAGED IN THE DOWNTOWN, DEVELOPMENT SHALL BE REQUIRED TO USE WATER EFFICIENT DEVICES, AND IRRIGATION QUALITY WATER SHALL BE USED WHEREVER POSSIBLE FOR IRRIGATION PURPOSES.

**POTABLE WATER POLICY 1.4:** DEVELOPMENT IN THE DOWNTOWN AREA SHALL BE REQUIRED TO USE NATIVE AND DROUGHT RESISTANT LANDSCAPE MATERIALS WHERE POSSIBLE CONSISTENT WITH THE DOWNTOWN BEAUTIFICATION PLAN.

**POTABLE WATER POLICY 1.5:** ON-SITE WATER DISTRIBUTION IMPROVEMENTS SHALL BE AT THE LAND OWNER'S EXPENSE.

## **SANITARY SEWER GOAL 1:**

**PROVISION OF SANITARY SEWER SERVICES NECESSARY TO ENCOURAGE DOWNTOWN REDEVELOPMENT CONSISTENT WITH THE DOWNTOWN VISION.**

**SANITARY SEWER POLICY 1.1:** THE CITY SHALL PROVIDE THE SANITARY SEWER TREATMENT CAPACITY AND COLLECTION FACILITIES NECESSARY TO ENCOURAGE DEVELOPMENT AND REDEVELOPMENT OF THE DOWNTOWN AREA.

**SANITARY SEWER POLICY 1.2 :** THE CITY SHALL DEVELOP A PHASED PLAN AND COMPLETE CONSTRUCTION OF THE IMPROVEMENTS NECESSARY TO ELIMINATE EXISTING COLLECTION SYSTEM DEFICIENCIES AND PROVIDE THE DISTRIBUTION SYSTEM CAPACITY NECESSARY FOR THE SANITARY SEWER DEMAND IN THE DOWNTOWN AREA.

**SANITARY SEWER POLICY 1.3:** ON-SITE SANITARY SEWER IMPROVEMENTS SHALL BE AT THE LAND OWNER'S EXPENSE.

## **DRAINAGE GOAL 1:**

**PROVISION OF AN ECONOMICALLY FEASIBLE DRAINAGE SYSTEM AND PROVIDING FLOOD PROTECTION TO MINIMIZE DAMAGE FROM SEVERE STORM EVENTS, WHILE MAINTAINING ACCEPTABLE QUALITY OF STORMWATER RUNOFF**

**DRAINAGE POLICY 1.1** : THE CITY SHALL PROVIDE THE DRAINAGE SYSTEM FACILITIES NECESSARY TO ENCOURAGE DEVELOPMENT AND REDEVELOPMENT OF THE DOWNTOWN AREA.

**SANITARY SEWER POLICY 1.2** : THE CITY SHALL DEVELOP A PHASED PLAN AND COMPLETE CONSTRUCTION OF THE DRAINAGE IMPROVEMENTS NECESSARY TO ELIMINATE EXISTING DRAINAGE SYSTEM DEFICIENCIES AND PROVIDE THE DRAINAGE SYSTEM CAPACITY NECESSARY IN THE DOWNTOWN AREA.

**DRAINAGE POLICY 1.3** : THE CITY WILL CONTINUE TO ENFORCE THE PROVISIONS OF THE ADOPTED STORMWATER UTILITY ORDINANCE

**DRAINAGE POLICY 1.4**: THE CITY SHALL CONTINUE TO REQUIRE ON-SITE DRAINAGE IMPROVEMENTS TO BE AT THE LAND OWNER'S EXPENSE.

**BEAUTIFICATION GOAL 1:**

**IMPLEMENT A BEAUTIFICATION PLAN WHICH PROVIDES A CONTINUOUS AND INVITING SYSTEM OF SHADY PEDESTRIAN STREETS, WALKS, AND COURTYARDS LINKING DEVELOPMENT IN THE DOWNTOWN.**

**BEAUTIFICATION POLICY 1.1**: ESTABLISH A THEME AND STANDARDS FOR STREET LIGHTS, BENCHES, TRASH RECEPTACLES, SIDEWALK PATTERNS AND LANDSCAPE MATERIALS.

**BEAUTIFICATION POLICY 1.2** : THE CITY SHALL DEVELOP A PHASED PLAN AND COMPLETE CONSTRUCTION OF BEAUTIFICATION IMPROVEMENTS BASED UPON THE THEME FOR BEAUTIFICATION IMPROVEMENTS.

**BEAUTIFICATION POLICY 1.4** ; ESTABLISH GUIDELINES FOR UPGRADING BEAUTIFICATION IMPROVEMENTS BEYOND THOSE PROVIDED BY THE PHASED BEAUTIFICATION PROGRAM.

**BEAUTIFICATION POLICY 1.5** : REQUIRE ALL PRIVATE DEVELOPMENT TO PROVIDE BEAUTIFICATION CONSISTENT WITH THE THEME FOR BEAUTIFICATION IMPROVEMENTS.

# **Economic Environment, Finance, and Marketing**

## **ECONOMIC ENVIRONMENT GOAL 1:**

**DEVELOP AND MAINTAIN AN ECONOMIC ENVIRONMENT IN THE DOWNTOWN CONDUCTIVE TO QUALITY DEVELOPMENT AND REDEVELOPMENT.**

**ECONOMIC ENVIRONMENT POLICY 1.1 :** IMPROVE THE COMPETITIVE POSITION OF THE DOWNTOWN BY DIFFERENTIATING THE DOWNTOWN IN THE MARKET THROUGH:

DEVELOPMENT OF A COMMON ARCHITECTURAL THEME IN THE DOWNTOWN.

IMPLEMENTATION OF A OVERALL BEAUTIFICATION PLAN IN THE DOWNTOWN.

DEVELOPING A MIXED USE CHARACTER AND SYNERGY BETWEEN SITES NOT EASILY REPRODUCED IN WESTERN LOCATIONS.

**ECONOMIC ENVIRONMENT POLICY 1.2 :** REDUCE THE IMPEDIMENTS TO DEVELOPMENT BROUGHT ABOUT BY THE REVIEW PROCESS THROUGH:

THE ELIMINATION OF STUDIES OF OFFSITE IMPACTS ALREADY PERFORMED AS PART OF THE DOWNTOWN DEVELOPMENT OF REGIONAL IMPACT.

DEVELOPMENT OF A PROCEDURES MANUAL PROVIDING CLEAR, STREAMLINED, QUALITY REVIEW PROCEDURES AS ENVISIONED IN THE DOWNTOWN DEVELOPMENT OF REGION IMPACT.

ELIMINATION OF THE EXACTION PROCESS FOR OFFSITE IMPROVEMENTS COVERED UNDER THE DOWNTOWN DEVELOPMENT OF REGIONAL IMPACT.

**ECONOMIC ENVIRONMENT POLICY 1.3 :** THE CRA SHALL SEEK CREDIT DUE DOWNTOWN PROPERTY OWNERS FOR ALL IMPROVEMENTS MADE IN THE DOWNTOWN AREA IN TERMS OF IMPACT FEES, DRAINAGE FEES, OR OTHER APPLICABLE FEES.

**ECONOMIC POLICY 1.4 :** THE CITY SHALL CREATE NO NEW IMPACT FEES FOR IMPACTS MITIGATED UNDER THE DEVELOPMENT OF REGIONAL IMPACT, AND SHALL OPPOSE THE IMPOSITION OF SIMILAR IMPACT FEES OR CHARGES CREATED BY OTHER JURISDICTIONS.

**ECONOMIC POLICY 1.5:** THE CITY AND CRA SHALL ENCOURAGE REINVESTMENT IN THE DOWNTOWN THROUGH MAINTAINING CONSISTENT LAND USE POLICIES THROUGHOUT THE CITY AND ENCOURAGING OTHER JURISDICTIONS TO DO THE SAME.

## **FINANCIAL GOAL 1:**

**MAXIMIZE THE LONGRUN BENEFITS FROM REDEVELOPMENT FOR TAXPAYERS AND PROPERTY OWNERS.**

**FINANCIAL POLICY 1.1** : THE CRA SHALL SEEK THE SUBSTANTIAL REDEVELOPMENT PROJECTS NECESSARY TO MINIMIZE THE IMPACT OF THE DOWNTOWN SPECIAL ASSESSMENT, PAY FOR MIZNER PARK BONDS, AND MAXIMIZE THE LONGRUN BENEFITS OF REDEVELOPMENT FOR TAXPAYERS.

**FINANCIAL POLICY 1.2**: THE CITY AND CRA SHALL SEEK NON-LOCAL FUNDING OR GRANTS FOR DOWNTOWN IMPROVEMENTS WHENEVER AND WHEREVER POSSIBLE.

## **Marketing**

### **MARKETING GOAL 1:**

**A COORDINATED DOWNTOWN MARKETING PROGRAM BASED UPON PUBLIC AND PRIVATE EFFORTS TO ENCOURAGE BUSINESS AND REDEVELOPMENT IN THE DOWNTOWN.**

**MARKETING POLICY 1.1** : ENCOURAGE THE DEVELOPMENT OF A STRONG PRIVATE COUNCIL OR GROUP TO COORDINATE MARKETING EFFORTS.

**MARKETING POLICY 1.2**: DEVELOP AND MAINTAIN A DOWNTOWN MARKETING DATABASE AND DIRECTORY FOR USE BY DOWNTOWN PROPERTY OWNERS, TENANTS AND RESIDENTS.

**MARKETING POLICY 1.3**: DEVELOP DOWNTOWN MARKETING MATERIALS SPECIFICALLY TARGETED TO:

ATTRACT NEW TENANTS TO THE DOWNTOWN AREA.

ATTRACT BOTH PRIVATE AND NON-PROFIT CULTURAL USERS.

ENCOURAGE USE OF DOWNTOWN RETAIL ESTABLISHMENTS AND BUSINESSES.

# Implementation

## IMPLEMENTATION GOAL 1:

**IMPLEMENT THE DOWNTOWN REDEVELOPMENT PLAN AND REDEVELOP DOWNTOWN AS PART OF AN ORDERLY PROCESS WITH ADEQUATE SAFEGUARDS, PUBLIC INPUT, AND HARMONIOUS PUBLIC AND PRIVATE LEADERSHIP.**

**IMPLEMENTATION POLICY 1.1** : IMPLEMENT LAND USE POLICIES THROUGH THE DOWNTOWN DEVELOPMENT ORDER AND RELATED LAND USE REGULATIONS.

**IMPLEMENTATION POLICY 1.2** : IMPLEMENT CAPITAL IMPROVEMENTS POLICIES THROUGH THE DOWNTOWN DEVELOPMENT ORDER, THE CITY'S VISIONS 90 PROGRAM AND RELATED RESOLUTIONS AND ORDINANCES.

**IMPLEMENTATION POLICY 1.3:** IMPLEMENT AN ORDERLY PROGRAM OF PUBLIC INPUT AND PLAN UPDATING THROUGH:

ESTABLISHING MEASURABLE OBJECTIVES FOR THE CRA ON AN ANNUAL BASIS.

HOLDING QUARTERLY INFORMATIONAL AND PLANNING WORKSHOPS TO GATHER PUBLIC AND PROPERTY OWNER INPUT, DISCUSS PROBLEM AREAS AND OPPORTUNITIES IN THE DOWNTOWN, AND ASSIST IN THE DEVELOPMENT OF ANNUAL OBJECTIVES.

ESTABLISHING SPECIAL TASK FORCES OF LIMITED DURATION TO ADDRESS SPECIFIC ISSUES IN THE DOWNTOWN AND TO REPORT THE CRA BOARD.

DEVELOPING CASE STUDIES ON SPECIFIC ISSUES IN THE DOWNTOWN FOR DISCUSSION AT QUARTERLY INFORMATIONAL OR PLANNING MEETINGS.

**IMPLEMENTATION POLICY 1.4** : PROVIDE ADEQUATE SAFEGUARDS THROUGH THE RETENTION OF POWER BY THE CITY COUNCIL TO:

ZONE OR REZONE

ABANDON OR VACATE STREETS

APPROVE THE USE OF EMINENT DOMAIN POWERS TO ACQUIRE PROPERTY WITHIN THE AREA

APPROVE THE EXPENDITURE OF LOCAL PUBLIC FUNDS, IF ANY, FOR THE CONSTRUCTION OF A NEW CONNECTOR FROM MIZNER PARK TO ROYAL PALM PLAZA.