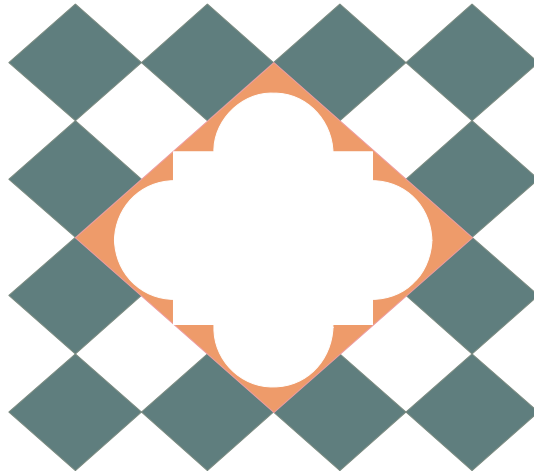


**OVERVIEW OF THE
AMENDED DOWNTOWN DEVELOPMENT
ORDER**



BocaRaton

May 1, 2006

**BOCA RATON
COMMUNITY REDEVELOPMENT AGENCY**

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OVERVIEW DOWNTOWN DEVELOPMENT ORDER

In March of 1988 the City Council adopted the Original Downtown Development of Regional Impact Development Order, Resolution No. 28-88. The purpose of the Development Order was to:

Ensure there are adequate infrastructure facilities for all new development in the Downtown;

Provide the flexibility necessary to encourage redevelopment and allow Downtown development to respond to changes in the marketplace; and

Serve as the Land Development Regulations in the Downtown.

In October of 1992, the City Council adopted the Amended Downtown Development of Regional Impact Development Order (Amended Development Order), Ordinance No. 4035. This ordinance was subsequently taken to a referendum of the voters and approved in May of 1993.

In September of 2000, the Rules of the Community Redevelopment Agency (Rules) were adopted pursuant to the Amended Development Order. These Rules:

- Clarify Board responsibilities;
- Implement Quasi-Judicial Individual Development Approval procedures;
- Modify the approval process to include review by both the Planning and Zoning Board and the Community Appearance Board;
- Provide procedures for the transfer of Authorized Development between Subareas; and
- Clarify Vesting procedures.

The Original or Amended Development Order has controlled all development and redevelopment in the Downtown subsequent to March of 1988. Understanding the Amended Development Order and Rules is fundamental to understanding the rights of Downtown property owners and the protections afforded the general public with respect to the impact of Downtown development.

Key provisions in the Amended Development Order include:

- The level of Authorized Development in Downtown;
- The flexibility afforded by transfers and conversions;
- The Individual Development Approval process;
- Building height and bulk regulations in the Downtown area; and
- Infrastructure linkages in the Downtown.

Level of Authorized Development in Downtown

Under the Development Order, mixed-use development is permitted throughout the Downtown area. Authorized development in the area includes both new and existing development. The level of development authorized in the Development Order is as follows:

Use	Amount
Office	3,209,000 square feet
Retail(High)	1,008,500 square feet
Retail(Medium)	185,800 square feet
Institutional (Peak Hour Traffic Generating)	361,000 square feet
Institutional (Non-Peak Hour Traffic Generating)	60,000 square feet
Hotel	634 rooms
Residential	1,346 dwelling units
Total Office Equivalent	8,043,440 office equivalent square feet

Total Development is primarily controlled in terms of office equivalent development. Office equivalent development is the number of square feet of office development necessary to generate the same number of peak hour trips as the proposed development. Using this definition, all of the authorized uses were converted to an office equivalent development total.

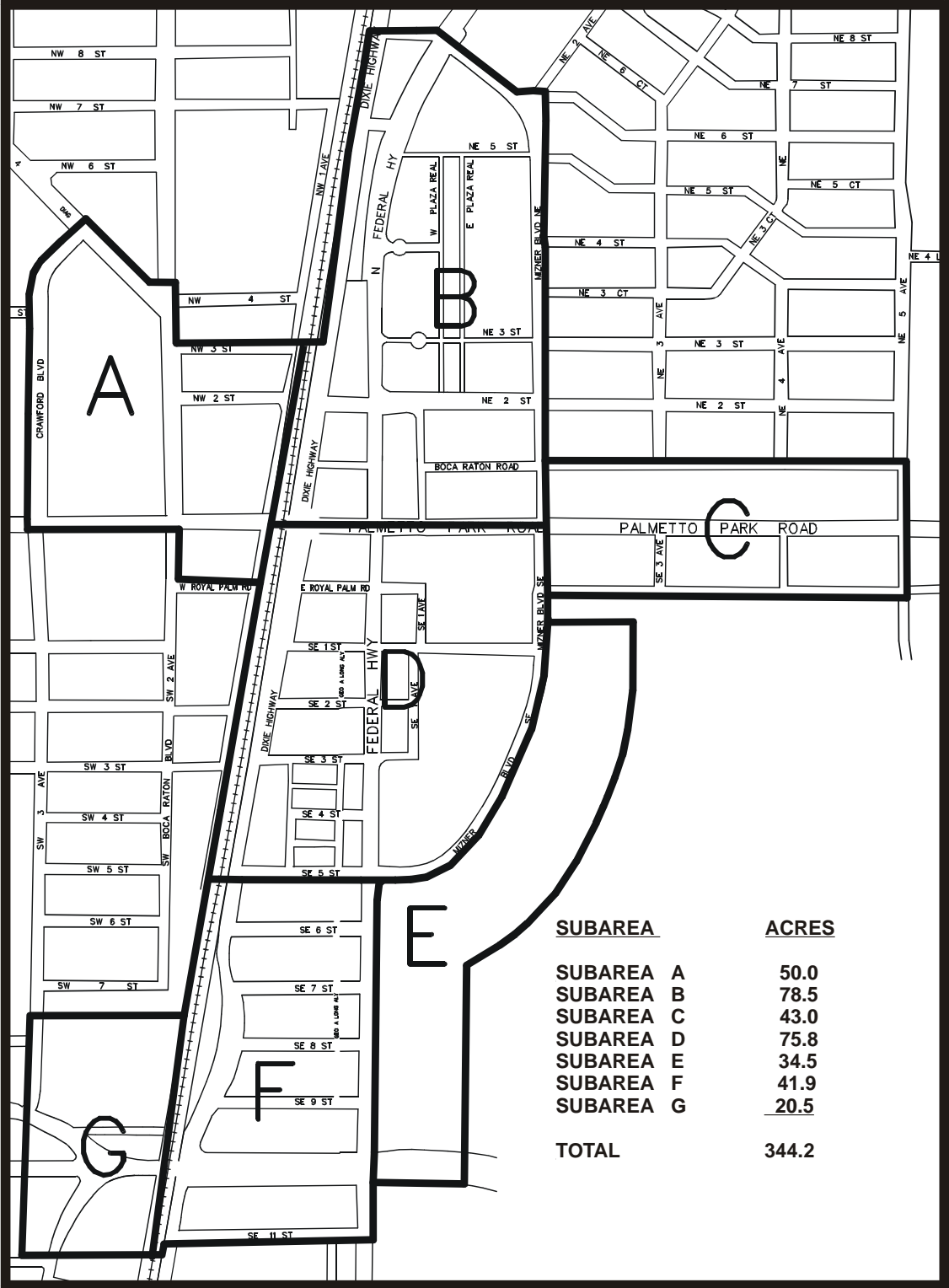
Based upon the level of authorized development, development was then allocated to each of the Subareas as shown in Map 1. This allocation to subareas was necessary in order to analyze the infrastructure implications of this level of development.

Conversion within Subareas and Transfers between Subareas

If it were not for the conversion and transfer provisions under the Development Order, the use and subarea allocation process would have seriously constrained Downtown development in terms of its ability to respond to changes in the marketplace. Conversions are changes within a subarea of authorized development from one land use to another based upon equivalency factors. Transfers are the reallocation of a portion of a permitted land use from one subarea to another subarea.

Using the conversion process, it is possible to change one land use to another within a subarea. For example, 1,000 square feet of office use could be changed to 336 square feet of retail space or 2.4 residential units. Conversions essentially allow one use to be converted to another based upon equal peak hour traffic generation. Conversions to date have primarily been from office use to residential and retail use.

Map 1 Downtown Subareas



<u>SUBAREA</u>	<u>ACRES</u>
SUBAREA A	50.0
SUBAREA B	78.5
SUBAREA C	43.0
SUBAREA D	75.8
SUBAREA E	34.5
SUBAREA F	41.9
SUBAREA G	<u>20.5</u>
TOTAL	344.2

Using the transfer process, uses can be moved from one subarea to another. This process requires the applicant to perform an infrastructure analysis to determine the impacts of the transfer on the infrastructure requirements under the Amended Development Order. The Rules provide a more extensive review process and additional considerations in reviewing projects with transfers. Included in these considerations are:

- The need for redevelopment of the proposed property;
- The impact of the transfer of 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;
- The impact of the design of the project;
- The impact of the transfer of authorized development on required infrastructure in the Downtown and any mitigation proposed by the applicant; and
- The economic and financial impacts of the Individual Development Approval and transfer of authorized development.

While there are limitations in the conversion and transfer process, these processes provide substantial flexibility in terms of allowing development to respond to changes in the marketplace. These provisions also deal with development approvals on a first-come, first-served basis. There is no guarantee that a specific level of new development capacity will be preserved in a particular subarea. Under the Rules, prior to approving any transfer, the notices are posted on the property, a public hearing notice published in the newspaper and notices mailed to property owners in both the subarea receiving the transfer and the subarea from which the transfer is being made.

The transfer process does not guarantee that a specific level of new development capacity will be preserved in a subarea.

Building Height, Bulk and Open Space Regulations in the Downtown Area

The height, bulk and open space requirements of the Amended Development Order are as follows:

- **Height** - 100 feet and not more than 9 stories
- **Front Setbacks** - Vary by height of building:
 - No part of any building can be located within 6 feet of the outside edge of the right of way;
 - No part of any building greater than 30 feet can be located within 20 feet of the outside edge of the right-of-way; and
 - No part of any building greater than 50 feet can be located within 30 feet of the outside edge of the right-of-way.
- **Side Setbacks** - None provided
- **Rear Setbacks** - None provided

- **Open Space** - Varies by height of building with:
 - Buildings less than 35 feet requiring 15% open space;
 - Buildings above 35 feet and up to 75 feet requiring 15% open space plus 1% for every 1.6 feet of height in excess of 35 feet; and
 - Buildings greater than 75 feet requiring 40% open space.

Design Guidelines

The design guidelines in the Amended Downtown Development Order are intended to ensure that the development of Downtown Boca Raton is carried out in accordance with a harmonious architectural environment. This environment is primarily based upon encouraging a Mizner influence and pedestrian orientation in both building and site design. Key provisions of the guidelines encourage:

Development to use the fundamental concepts found in the architecture of Addison Mizner;

Creation of pedestrian-scaled buildings through the use of building massing, varied roof-scapes, ornamentation and color;

Use of smooth and textured stucco, clay tile roofing, painted window frames, stucco mouldings, masonry garden walls and wood trellis members;

Use of light and pastel colors;

Pedestrian-oriented frontages integrated with adjacent properties which have also provided pedestrian-oriented buildings;

Linkage of landscaped exterior spaces (courtyards, loggias, arcades and plazas) to buildings;

Recognition of the South Florida climate in terms of building shape and orientation, the nature of roofs and overhangs, and the location and size of windows;

Emphasis on the buildings' street facades as major elements of the overall streetscape;

Recognition of the scale and character of adjacent structures or developments; and

Barrier-free and pedestrian circulation systems.

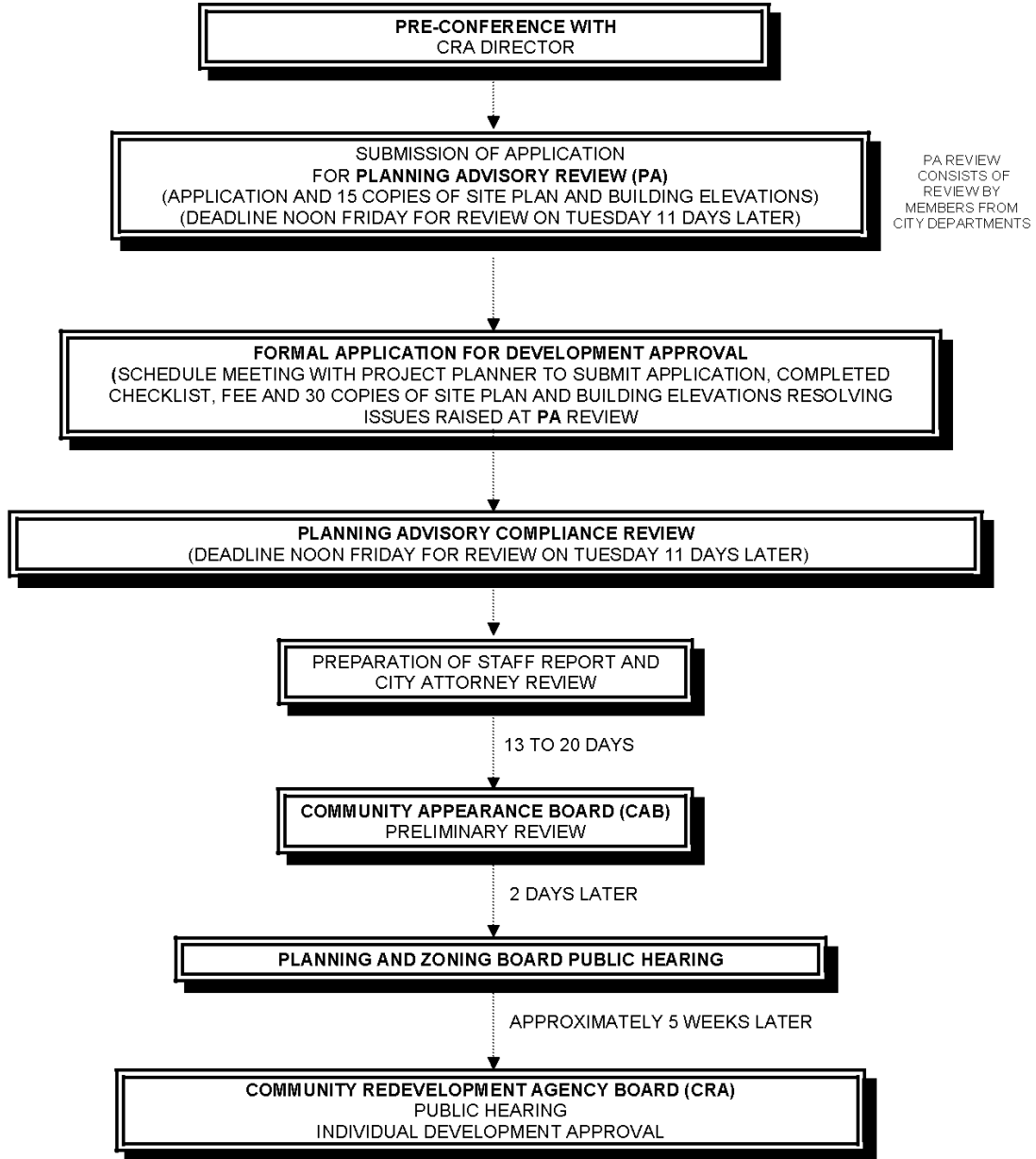
In terms of Individual Development Approvals, meeting the above design guidelines is generally the most difficult part of site, use and building design.

Individual Development Approval Process

All development under the Development Order must be approved pursuant to an Individual Development Approval. Individual Development Approvals for new projects are processed pursuant to the Amended Development Order and Rules of the Boca Raton Community Redevelopment Agency. Figure 2 provides a general flowchart of this process. Included in this

Figure 1

**INDIVIDUAL DEVELOPMENT APPROVAL
REVIEW PROCESS**



**APPROXIMATE TIME FRAME FROM
THE PLANNING ADVISORY COMPLIANCE REVIEW
TO
INDIVIDUAL DEVELOPMENT APPROVAL
59 TO 74 DAYS**

process is a review by both the Planning and Zoning Board and Community Appearance Board. Final action is taken by the Community Redevelopment Agency Board.

Infrastructure Linkages

Infrastructure linkages are intended to ensure the timely construction of the infrastructure necessary to support Downtown Development and mitigate the impacts of Downtown Development on the general public. These linkages generally take one of two forms:

Specific infrastructure contracts which must be approved prior to exceeding a specific level of building permit issuance; or

Specific infrastructure improvements which must be substantially complete prior to exceeding a specific level of Certificates of Occupancy in the Downtown.

The infrastructure facilities required under the Original Development Order were organized into 25 projects. These 25 projects were adopted by the City of Boca Raton as the Visions 90 Capital Improvements Program. The Visions 90 Capital Improvements Program estimated to cost \$45 million is being funded through a combination of sources including the City of Boca Raton, the Florida Department of Transportation, Palm Beach County and the Downtown Special Assessment. Continued compliance with these linkage requirements and the other provisions of the Development Order are what enable the City of Boca Raton to continue issuing building permits and Certificates of Occupancy in the Downtown.

Summary

The Development Order is the controlling land use regulation in Downtown Boca Raton. Most, if not all, of the new development subsequent to March of 1988 is a result of the Development Order. This overview provides a basic understanding of the Development Order and Rules of the Community Redevelopment Agency.

This overview is not a substitute for understanding the detailed provisions of the Development Order, the status of the Development Order and the Rules of the Community Redevelopment Agency.

Copies of the Amended Downtown Development Order and Rules of the Community Redevelopment Agency are available for purchase at the CRA Office, City Hall, 201 West Palmetto Park Road, or by calling 561-367-7070. These documents are also available on the City's web site at www.myboca.org/planning/cra.cfm.