

ORDINANCE NO. 4677

AN ORDINANCE OF THE CITY OF BOCA RATON RELATING TO TRANSPORTATION DEMAND MANAGEMENT IN DOWNTOWN BOCA RATON, AS DEFINED HEREIN; CREATING A NEW DIVISION 8 OF CHAPTER 23, ARTICLE IV, CODE OF ORDINANCES; REQUIRING EXISTING DEVELOPMENT, AS DEFINED HEREIN, IN DOWNTOWN BOCA RATON TO PARTICIPATE IN TRANSPORTATION DEMAND MANAGEMENT PROGRAMS; PROVIDING FOR THE SCOPE OF DIVISION 8; PROVIDING FOR DEFINITIONS; REQUIRING DEVELOPMENT, AS DEFINED HEREIN, IN DOWNTOWN BOCA RATON TO PARTICIPATE IN TRANSPORTATION DEMAND MANAGEMENT PROGRAMS; REQUIRING A SWORN STATEMENT OF COMPLIANCE TO BE FILED BY PROPERTY OWNERS; REQUIRING ANNUAL REPORTS TO BE FILED BY PROPERTY OWNERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Boca Raton has adopted certain goals, objectives, and policies in the City's Comprehensive Plan to protect and enhance

the quality of life of the City; and

WHEREAS, Policy TRAN 1.3.9 of the Transportation Element of the Comprehensive Plan provides for the enactment of a transportation demand management ordinance to encourage the implementation of the programs to reduce trip generation and peak hour traffic; and

WHEREAS, the Downtown Development of Regional Impact Development Order, Ordinance No. 4035, requires the preparation of a transportation demand management program and its implementation by adoption of a transportation demand ordinance prior to the issuance of Certificates of Occupancy for more than one million five hundred thousand (1,500,000) square feet of office equivalents; and

WHEREAS, transportation demand management is a method of promoting the use of alternative modes of transportation other than the single occupant automobile; and

WHEREAS, transportation demand management is a way to influence driver behavior and habits to reduce peak hour trips; and

WHEREAS, transportation demand management is a means to modify the mode, frequency or route of work trip to relieve peak hour congestion; and

WHEREAS, transportation demand management is a means by which the City can enhance the quality and level of service on the City's thoroughfare roadway network; and

WHEREAS, transportation demand varies according to the location and character of land uses; and

WHEREAS, the City Council of the City of Boca Raton desires to implement

a program of transportation demand management in Downtown Boca Raton to ensure that: the public health, safety, and general welfare standards are maintained; surrounding land, structures, persons and property are adequately protected; the adopted roadway level-of-service is maintained; trip generation and peak hour traffic are reduced; and public and private transportation is facilitated; and

WHEREAS, the City of Boca Raton intends to pursue implementation of transportation demand management by: (1) establishing a shuttle bus system connecting Downtown to the nearest Tri-Rail Station within 60 months of adoption of this ordinance; (2) establishing an intra-downtown shuttle/trolley system within 60 months of adoption of this ordinance; (3) surveying residents and employees in the Downtown in order to identify the type of transportation and circumstances under which residents and employees would use alternative modes of transportation for work related trips within 12 months of adoption of this ordinance; (4) establishing a remote parking operation for Downtown providing a shuttle between remote parking areas and the Downtown within 72 months of adoption of this ordinance; (5) adopting a Citywide Transportation Demand Management Program within 24 months of adoption of this ordinance; (6) investigating the possibility of incorporating zoning and land use programs to reduce peak period traffic into the new Citywide Transportation Demand Management Program; (7) encouraging all buildings with less than 50 employees to participate in Transportation Demand Management; and (8) pursuing funding for these projects through grants, bonds, special taxing districts, special assessments, developer contributions, or any other available funding sources; and

WHEREAS, this ordinance will implement a Transportation Demand Management Program in Downtown Boca Raton and protect and enhance the quality of life of the City of Boca Raton; now therefore

THE City of Boca Raton Hereby ORdAINS:

Section 1. Division 8, Section 23-243 through 23-250, Article IV, Chapter 23, Code of Ordinances, is created to read:

Article IV. Development Regulations, Division 8, Transportation Demand Management.

Section 23-243. Scope of Division.

(1) This Division shall apply to development, as defined in the Downtown Development of Regional Impact Development Order, Ordinance No. 4035, within the boundaries of Downtown Boca Raton, which meets one or more of the following criteria:

(a) Development or Existing Development which accommodates fifty (50) or more full time employees. Such 50 employee threshold shall be measured per Development or Existing Development, not per employer.

(b) Development or Existing Development which contains more than thirty (30) residential units; and

(c) Development or Existing Development which contains or will contain two or more uses which share common parking facilities.

Section 23-244. Definitions.

(1) The following words and phrases shall, for purposes of this Division, have the following meanings:

(a) “Bus Pool” shall mean subscription bus service between locations on a regular and prearranged basis responsive to commuter needs.

(b) “Car Pool” shall mean two (2) or more people traveling together on a continuing and prearranged common ownership, common phasing, common plan or lease basis in a private motor vehicle for the purposes of commuting to and from a place or places of employment.

(c) “Compressed Work Week” shall mean a limitation by an employer on the number of days worked during the week by increasing the hours worked each day. An example would be a 40-hour workweek of four ten-hour workdays.

(d) “Commuter Van Service” shall mean a transportation service provided in a multi-occupant vehicle which offers commuter service from a place of residence or its immediate vicinity to a place of employment or its immediate vicinity on an on-going basis. For the purposes of this definition, immediate vicinity shall mean a distance of less than one thousand (1000) feet.

(e) “Development” shall mean any and all building activities, or material changes in the use or appearance of any structure or land, authorized pursuant to an Individual Development Approval approved after October 22, 2002.

(f) “Downtown Boca Raton” shall mean the area which is subject to the Downtown Development of Regional Impact Development Order, Ordinance No. 4035.

- (g) “Existing Development” shall mean Development authorized pursuant to an Individual Development Approval approved or amended on or before October 22, 2002.
- (h) “Flex Time” shall mean work schedules whereby employees choose their regular arrival and departure times within reasonable limits imposed by the employer.
- (i) “Property Owner” shall mean the fee owner of any land on which Development or Existing Development is located.
- (j) “Public Transit” shall mean publicly provided and regularly scheduled transportation, typically by bus or rail, or a combination of both.
- (k) “Ride Matching” shall mean the process of identifying interested drivers and interested riders with other drivers and riders of similar interests, employment origins and destinations for purposes of sharing rides by car pooling, van pooling or other.
- (l) “Ride Sharing” shall mean the transportation of persons in a motor vehicle where such transportation is incidental to another purpose of the driver. The term shall include ride-sharing arrangements known as car pools, van pools, and bus pools.
- (m) “Shared Shuttle” shall mean a vehicle that is owned by a group of businesses and used to transport employees from transit stop locations to places of employment.
- (n) “Shuttle” shall mean a privately or publicly owned vehicle used to transport employees from transit stop locations to places of employment.

(o) “Staggered Work Hours” shall mean a situation where an employer varies work shifts for employees by staggering beginning and end times. For example, 20 employees work from 7:00 a.m. to 4:00 p.m. and another 40 employees work from 8:00 a.m. to 5:00 p.m., thereby reducing the number of trips arriving or leaving a place of employment at one time.

(p) “Telecommuting” shall mean the use of communication devices such as facsimile, modem, computer, or other machine to perform a minimum of 20% of an employee’s business activities at the employee’s home or employee’s satellite location without commuting to a principal place of employment.

(q) “Transit Subsidies” shall mean the provision of reimbursement or payment of transit fare (for example, tickets, tokens, or passes) to business occupants of a building to encourage use of public transit.

(r) “Transportation Demand Management Program” or "TDM Program" shall be a program comprised of one or more of the following program elements: bus pool, car pool, compressed work week, flex time, public transit, ride-matching, ride sharing, shared shuttle, shower and locker facilities, shuttle, staggered work hours, telecommuting, transit subsidies or van pool. A TDM Program shall be any transportation demand management initiative or combination of initiatives which create a realistic opportunity by which peak hour vehicle trip generation to and from the workplace will be reduced by twenty-five percent (25%).

(s) “Van Pool” shall mean five (5) or more people traveling together on a continuing and pre-arranged basis in a van-type or similar type vehicle.

Section 23-245. Transportation Demand Management Requirements.

(1) Development. The Property Owner of any Development within the

scope of this Division pursuant to Section 23-243 shall:

- (a) design driveways and parking areas to accommodate the use of vans and shuttle buses;
- (b) provide a bus shelter or transit/bus pickup facility if the Development has frontage on any transit route unless the developer can demonstrate that a suitable facility is already available within 600 feet of the property on which the Development is located;
- (c) provide reserved priority employee parking spaces for qualifying multiple occupant vehicles;
- (d) provide facilities for the posting of TDM Program information in the location within the Development which is readily visible to employees;
- (e) provide sheltered, secure facilities for storage of bicycles in accordance with the numerical requirements of Section 28-1655, Code of Ordinances. For the purpose of this Division, sheltered, secured facilities for the storage of bicycles shall mean an area which is covered and provides security by means of a locked gate or door or provides an area which is monitored to assure no theft or damage occurs to the bicycles; and
- (f) designate an individual to act as the Development TDM Program Coordinator. This person will be the contact person between the Development and the City and shall monitor all TDM Program activities for the Development, disseminate information and act as a resource of information for employees.

(2) Existing Development and Development. The Property Owner of any

Existing Development and Development within the scope of this Division pursuant to Section 23-243 shall:

(a) By October 22, 2004:

1. Provide facilities for the posting of TDM Program information in the location of the Existing Development which is readily visible to employees or, in the case of Development, continue to provide such facilities;
2. Provide or cause to be provided on-site availability of public transit tickets for one or more of the existing public transit providers;
3. Ensure the availability of meaningful incentives to the employees in the Development or Existing Development who make work trips by modes of transportation other than single occupant automobiles;
4. Provide a Transportation Demand Management Plan to the City describing in detail the TDM Program for the Development or Existing Development which has been implemented. This plan is for information purposes only and does not require approval of the City; and
5. Designate an individual to act as the TDM Program Coordinator or, in the case of Development, continue to designate such Coordinator. This person will be the contact person between the Development or Existing Development and the City and shall monitor all TDM Program activities for the site, disseminate information and act as a resource of information for employees.
6. Participate in, and implement, a TDM Program.

(b) By October 22, 2007, or within 5 years of the issuance of the Certificate of Occupancy, whichever is later:

1. Make commuter van service available to all employees in the Development or Existing Development at the expense of the employer or employee. If at the expense of the employee, the cost of such service to the employee shall be no more than the actual cost of the service; and

Section 23-246. Statement of Compliance with TDM Program Participation Required.

(1) Sworn Statement Required. The Property Owner of any Development or Existing Development within the scope of this Division pursuant to Section 23-243, shall, in the case of Existing Development, on or before October 22, 2004 or, in the case of Development, within 2 years of the issuance of the Certificate of Occupancy, submit a sworn Statement of Compliance to the Executive Director of the Boca Raton Community Redevelopment Agency.

(2) Contents of Statement. The sworn, notarized Statement of Compliance shall describe in detail the TDM Program which has been implemented for the Development or Existing Development, including the name, address and telephone number of any third party providers involved in the provision of TDM Program services. In addition, the Statement of Compliance shall contain text as follows:

COMES NOW [name of Property Owner, and authorized officer and title of officer of same, if officer is executing on behalf of the Property Owner], being duly sworn, states that [name and address of Development or Existing Development] is in full and

complete compliance with each and every requirement of

Division 8, Sections 23-243 through 23-247, Article IV, Chapter 23, Code of Ordinances.

Section 23-247. Annual Report.

The Property Owner of each Development or Existing Development within the scope of this Division pursuant to Section 23-243, shall file an annual report describing in detail the TDM Program implemented for the Development or Existing Development during the preceding calendar year. In the event that the implementation of the TDM Program involves employees employed by persons other than the owner of the Development or Existing Development, the annual report shall also include information compiled by the Property Owner regarding each such employer identifying the participation of such employees in the TDM Program. The annual report shall be due on January 15, 2006, or the 15th day of January of each year after the third anniversary of issuance of the Certificate of Occupancy for the Development, whichever is later, and shall include a detailed description of the TDM Program implemented during the preceding calendar year and an explanation of how the TDM Program will achieve a twenty five percent (25%) reduction in peak hour trip generation.

Section 23-248. City Training Program and Coordination Program.

- (1) The City will provide comprehensive TDM Program training for employers, which training shall commence on or before October 22, 2004.
- (2) Commencing no later than October 22, 2004, the City will conduct quarterly meetings with designated TDM Program Coordinators to facilitate coordination

between TDM initiatives.

Section 23-249. Enforcement.

Any violation of any provision of this division may be enforced in a proceeding before a special master pursuant to Division 3, Article III, Chapter 2.

Section 23-250. Relation With Other Provisions Of Law.

The requirements and provisions of this Division shall apply in addition to the requirements and provisions of the Downtown Development of Regional Impact Development Order, Ordinance No. 4035, the City Charter, the Code of Ordinances, and general law, and compliance with the requirements and provisions of this Division and the requirements and provisions of the Downtown Development of Regional Impact Development Order, Ordinance No. 4035, the City Charter, the Code of Ordinances, and general law shall be required.

Section 2. If any section, subsection, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 3. All ordinances and resolutions or parts of ordinances and resolutions and all sections and parts of sections in conflict herewith shall be and hereby are repealed.

Section 4. Codification of this ordinance in the City Code of Ordinances is hereby authorized and directed.

Section 5. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Boca Raton this _____ day of _____, 2002.

CITY OF BOCA RATON,

FLORIDA

ATTEST:

Steven L. Abrams, Mayor

Sharma Carannante, City Clerk

Approved as to form:

John O. McKirchy, Sen. Asst.

City Attorney

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COUNCIL VOTE			
	YES	NO	ABSTAINED
MAYOR STEVEN L. ABRAMS			
DEPUTY MAYOR SUSAN HAYNIE			
COUNCIL MEMBER DAVE FREUDENBERG			
COUNCIL MEMBER BILL HAGER			
COUNCIL MEMBER CAROL G. HANSON			