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**DIVISION 8. TRANSPORTATION DEMAND MANAGEMENT**

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**Sec. 23-243. Scope of division.**

- (1) This division shall apply to development, as defined in the downtown development of regional impact development order, Ord. No. 4035, within the boundaries of downtown Boca Raton and in the VC district, which meets 1 or more of the following criteria:
  - (a) Development or existing development which accommodates 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 30 residential units; and
  - (c) Development or existing development which contains or will contain 2 or more uses which share common parking facilities.
- (2) This division shall apply to any Student Housing Facility.

*(Ord. No. 4677, § 1, 10-22-02; Ord. No. 4908, § 4, 2-28-06; Ord. No. 5193, § 2, 1-24-12)*

**Sec. 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 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 4 10-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 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 1 time.
- (p) "Telecommuting" shall mean the use of communication devices such as facsimile, modem, computer, or other machine to perform a minimum of 20 percent 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 1 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 25 percent.
- (s) "Van pool" shall mean 5 or more people traveling together on a continuing and pre-arranged basis in a van-type or similar type vehicle.

*(Ord. No. 4677, § 1, 10-22-02)*

**Sec. 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.

*(Ord. No. 4677, § 1, 10-22-02)*

### **Sec. 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 city 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.

*(Ord. No. 4677, § 1, 10-22-02)*

### **Sec. 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 fifteenth 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 25 percent reduction in peak hour trip generation.

*(Ord. No. 4677, § 1, 10-22-02)*

### **Sec. 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.

*(Ord. No. 4677, § 1, 10-22-02)*

### **Sec. 23-249. Enforcement.**

Any violation of any provision of this division may be enforced in a proceeding before a special magistrate pursuant to [chapter 2](#), article III, division 3.

*(Ord. No. 4677, § 1, 10-22-02; Ord. No. 5230, § 14, 3-28-13)*

### **Sec. 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.

*(Ord. No. 4677, § 1, 10-22-02)*

### **Secs. 23-251—23-265. Reserved.**