Ordinance No. 5790

CITY OF Boca Raton

CITY HALL
201 WEST PALMETTO PARK ROAD • BOCA RATON, FL 33432
PHONE (561) 393-7700
(FOR HEARING IMPAIRED) TDD (561) 367-7043
www.myboca.us

TO: Mayor and City Council

FROM: James L. Zervis
Interim City Manager

DATE: November 9, 2026

SUBJECT: Ordinance No. 5790 - Amendment to the Downtown Plan

RECOMMENDATION: I recommend the adoption of the proposed ordinance that amends the Community Redevelopment Plan for Downtown Boca Raton, as previously amended ("Amended Downtown Plan"), to amend Section VIII "Management, Implementation, and Safeguards" by adding a new Implementation Policy 1.5.

BACKGROUND: The Boca Raton Community Redevelopment Agency ("Agency") was established by the City to carry out community redevelopment within the Downtown Boca Raton Community Redevelopment Area (the "Redevelopment Area"), consistent with the adopted Redevelopment Plan. In furtherance of the Redevelopment Plan, the Agency acquired certain real property commonly known as Mizner Park, a mixed-use development conceived, assembled, and financed to eliminate blight, catalyze private investment, and serve as a long-term anchor for revitalization of the Redevelopment Area. Mizner Park has operated successfully for more than thirty-five years as a principal economic, cultural, and civic destination, generating activity, investment, and tax base stabilization consistent with the Redevelopment Plan's objectives.

The Agency owns or holds various real property and associated proprietary interests within Mizner Park, including interests underlying or associated with commercial and office leases, cultural facilities, CRA-owned and operated public and common areas, and undeveloped property. Certain of these interests are subject to long-term ground leases extending well beyond the Agency's limited existence, which terminates on September 30, 2043. The retail ground lease, for example, is scheduled to expire on April 30, 2088, creating a substantial mismatch between the duration of that interest and the remaining life of the Agency.

Future Policy Implementation: As noted above, the CRA holds a variety of real property and associated proprietary interests within Mizner Park, including certain long-term landlord interests that extend beyond the anticipated termination of the CRA. Waiting until the CRA sunsets to determine ownership, operation, administration and stewardship of those interests creates unnecessary uncertainty and perpetuates fragmented public ownership. Transferring these interests in advance provides continuity of management, simplifies future administration, and places long term stewardship of Mizner Park with the City, the continuing general purpose municipal government..

The proposed consolidation also reflects the changing nature of public revenue as redevelopment matures. Tax increment financing was intended as a temporary funding mechanism to catalyze redevelopment. Lease revenues, by contrast, are contractual revenues generated by City-owned public assets (or assets that will ultimately revert to the City). As redevelopment matures and the CRA completes its mission, it is appropriate that these long-term contractual revenues become part of the City's broader financial resources, allowing the City Council to direct them toward community priorities rather than limiting them to an entity that will no longer exist.

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Importantly, transferring these property interests does not diminish the City's commitment to the redevelopment area. Rather, it recognizes that the City's stewardship responsibilities continue long after the CRA sunsets and provides the flexibility necessary to maintain public assets and respond to future community needs.

To address these issues, the Agency has determined that consolidating its real property and associated proprietary interests within Mizner Park in the City will promote long term continuity and stability in the ownership, operation, management, maintenance, and stewardship of this integrated redevelopment project. The contemplated transfer would include interests associated with leased commercial and office property, cultural property, CRA-owned and operated public and common areas, undeveloped property, and other associated real property and proprietary interests.

Section 163.400, Florida Statutes, authorizes the Agency, in furtherance of community redevelopment and related activities, to convey interests in property to the City. While the Agency possesses the legal authority to transfer ownership of redevelopment assets to the City without amending the Redevelopment Plan, Chapter 163, Florida Statutes, contemplates that redevelopment activities be carried out in furtherance of the Agency's adopted Redevelopment Plan. Accordingly, the proposed amendment is intended to expressly recognize the long-term policy objective of promoting certainty, stability, and continuity in the ownership and stewardship of CRA-owned property and, where appropriate, consolidating CRA-owned real property and associated proprietary interests in the City. This amendment provides additional clarity that the proposed comprehensive transfer of the Agency's real property and associated proprietary interests within Mizner Park is consistent with, and advances, the objectives of the Redevelopment Plan

This proposed ordinance amends the Amended Downtown Plan by adding an implementation policy recognizing that the City and CRA shall promote long-term certainty, stability, and continuity in the ownership, operation, management, maintenance, and stewardship of CRA-owned property within the Redevelopment Area. Where appropriate, the policy recognizes that CRA-owned real property and associated proprietary interests may be consolidated in the City through intragovernmental conveyance, including interests associated with leased, civic, cultural, public, or undeveloped property within an integrated redevelopment project such as Mizner Park.

FISCAL IMPACT: There is no fiscal impact associated with this proposed ordinance.

STRATEGIC IMPACT: The adoption of this proposed ordinance supports the Strategic Focus Area of Growth Management, Quality of Life, and Vibrant Economy.

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BUSINESS IMPACT ESTIMATE
ORDINANCE NO. 5790

TO: Mayor and City Council

FROM: James L. Zervis
Interim City Manager

DATE: November 6, 2026

SUBJECT: Business Impact Estimate- Ordinance No. 5790
(Amendment to the Community Redevelopment Plan for Downtown Boca Raton, Section VIII "Management, Implementation, and Safeguards")

Section 166.041, Florida Statutes, effective July 1, 2023 ("Law"), requires the City prepare (or cause to be prepared) a business impact estimate prior to final consideration of an ordinance, subject to exemptions noted in the Law. The new Law requires that the business impact estimate be posted on the City's website at the time of the published notice of the City Council's final consideration of the ordinance, or ten (10) days prior to the adoption public hearing, whichever is longer. Ordinance No.5790 is proposed to be adopted by the City on October 27, 2026, and is subject to this new requirement. Following are the categories required to be addressed for the proposed ordinance based on the new legislation:

1. Summary of proposed Ordinance No. 5790

The proposed ordinance amends Section VIII, "Management, Implementation, and Safeguards," of the Community Redevelopment Plan for Downtown Boca Raton, as previously amended ("Amended Downtown Plan"), by adding text addressing the long-term ownership and stewardship of CRA-owned property and a new Implementation Policy 1.5.

- The proposed amendment recognizes that the long-term success of redevelopment efforts depends in part on stable and continuous public ownership, operation, management, maintenance, and stewardship of CRA-owned property within the Downtown. Where appropriate to advance redevelopment objectives, reduce fragmentation of public ownership, and provide continuity beyond the statutory life of the CRA, CRA-owned real property and associated proprietary interests may be consolidated in the City, including through intragovernmental conveyance pursuant to Section 163.400, Florida Statutes..

- **IMPLEMENTATION POLICY 1.5**: THE CITY AND CRA SHALL PROMOTE LONG-TERM CERTAINTY, STABILITY AND CONTINUITY IN THE OWNERSHIP, OPERATION, MANAGEMENT, MAINTENANCE, AND STEWARDSHIP OF CRA-OWNED PROPERTY WITHIN THE REDEVELOPMENT AREA. WHERE APPROPRIATE TO FURTHER THE PURPOSES OF THE AMENDED DOWNTOWN PLAN, THE CITY AND CRA MAY CONSOLIDATE CRA-OWNED REAL PROPERTY AND ASSOCIATED PROPRIETARY

INTERESTS IN THE CITY THROUGH INTRAGOVERNMENTAL CONVEYANCE. SUCH CONSOLIDATION MAY INCLUDE FEE, LANDLORD, REVERSIONARY, EASEMENT, COMMON-AREA, AND OTHER REAL PROPERTY OR PROPRIETARY INTERESTS, INCLUDING INTERESTS ASSOCIATED WITH LEASED, CIVIC, CULTURAL, PUBLIC, OR UNDEVELOPED PROPERTY WITHIN AN INTEGRATED REDEVELOPMENT PROJECT SUCH AS MIZNER PARK.

2. **Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City**.

   a. **Estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted**.

The proposed ordinance will not have any direct compliance costs on private, for-profit businesses in the City.

   b. **Identification of any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible**.

New charges or fees are not proposed as part of this ordinance

   c. **An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs**.

None, as new charges or fees are not proposed as part of this ordinance.

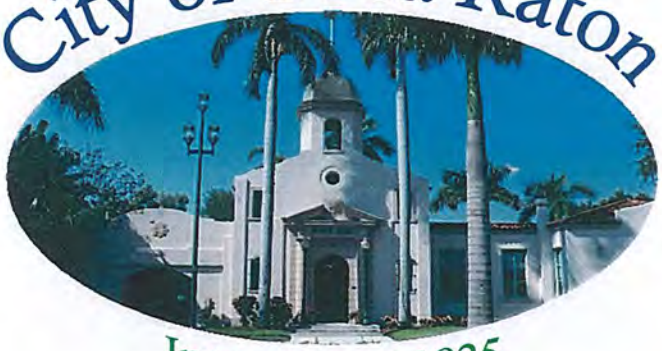
3. **A good faith estimate of the number of businesses likely to be impacted by the ordinance**.

The proposed ordinance will not impact businesses within the City.

4. **Any additional information the City Council (governing board) determines may be useful**.

Ordinance No. 5790 amends the Amended Downtown Plan and does not itself effectuate any conveyance of CRA-owned property to the City. Any conveyance of specific property interests would be separately authorized and implemented through appropriate transactional documents.

City of Boca Raton



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ORDINANCE

5790

AN ORDINANCE OF THE CITY OF BOCA RATON AMENDING THE AMENDED DOWNTOWN PLAN (A COMMUNITY REDEVELOPMENT PLAN) TO ADD A NEW IMPLEMENTATION POLICY TO SECTION VIII "MANAGEMENT, IMPLEMENTATION, AND SAFEGUARDS" TO PROMOTE LONG-TERM CERTAINTY, STABILITY AND CONTINUITY IN THE OWNERSHIP AND STEWARDSHIP OF CRA-OWNED PROPERTY, INCLUDING MIZNER PARK, LOCATED WITHIN THE REDEVELOPMENT AREA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING AN EFFECTIVE DATE

WHEREAS, on August 10, 1982, the City Council of the City of Boca Raton adopted Ordinance No. 3109, which approved a Community Redevelopment Plan for Downtown Boca Raton ("Downtown Plan"), pursuant to the applicable provisions of Chapter 163, Part III Florida Statutes; and

WHEREAS, on January 24, 1995, the City Council adopted Ordinance No. 4203, which adopted an amendment to the Downtown Plan; and

WHEREAS, on November 12, 2008, the City Council adopted Ordinance 5051, on September 9, 2020, the City Council adopted Ordinance No. 5530, on May 23, 2023, the City Council adopted Ordinance No. 5648, on November 14, 2023, the City Council adopted Ordinance No. 5652, on July 23, 2024, the Council adopted Ordinance No. 5695, and on September 9, 2025, the City Council Adopted Ordinance No. 5748, each of which further amended the Downtown Plan, ("Amended Downtown Plan"); and

WHEREAS, the Amended Downtown Plan aims to foster an economic environment conducive to quality development and redevelopment in Downtown Boca Raton, including through coordinated redevelopment efforts, private investment, and municipal oversight; and

WHEREAS, Mizner Park was planned and developed as an integrated redevelopment project consisting of interconnected commercial, office, cultural, civic, public, common area, and other components, and the CRA continues to own or hold various real property and associated proprietary interests within Mizner Park, including interests underlying or associated with commercial and office leases, cultural facilities, CRA-owned and operated public and common areas, and undeveloped property; and

WHEREAS, the CRA's finite legal existence, which extends only through September 30, 2043, while many of the ownership, leasing, operation, management, maintenance, civic, cultural, and stewardship interests associated with major redevelopment assets such as Mizner Park are continuing and long-term in nature, creates a need for orderly planning concerning the long term public ownership and administration of such interests; and

WHEREAS, the City Council finds that the long-term success of integrated redevelopment projects such as Mizner Park may be advanced by consolidating CRA owned real property and associated proprietary interests in the City, the permanent general purpose municipal government, thereby providing continuity of public ownership and stewardship, reducing fragmentation of public ownership, facilitating coordinated municipal administration, and supporting continued maintenance, reinvestment, modernization, and future redevelopment; and

WHEREAS, Section 163.400, Florida Statutes, authorizes the CRA, in furtherance of community redevelopment and related activities, to convey interests in property to the City; and

WHEREAS, the City Council desires to amend Section VIII of the Amended Downtown Plan to add a new Implementation Policy 1.5, providing that the City and CRA shall promote long-term certainty, stability and continuity relating to CRA owned property, where appropriate, through the consolidation in the City of CRA-owned real property and associated proprietary interests; and

WHEREAS, the CRA has recommended the Amended Downtown Plan be so further amended; and

WHEREAS, the City Council has held a public hearing on the proposed amendment to the Amended Downtown Plan, after public notice thereof; now therefore

THE CITY OF BOCA RATON HEREBY ORDAINS:

Section 1. The Amended Downtown Plan is hereby amended as follows:

* * *

VIII. Management, Implementation, and Safeguards

* * *

Fundamental to these processes are safeguards which include this plan, the retention of powers by the City, an orderly and continuing process of public input, and the development of annual objectives.

The City further recognizes that the long-term success of redevelopment efforts depends in part on stable and continuous public ownership, operation, management, maintenance, and stewardship of CRA-owned property within the Downtown. Where appropriate to advance redevelopment objectives, reduce fragmentation of public

ownership, and provide continuity beyond the statutory life of the CRA, CRA-owned real property and associated proprietary interests may be consolidated in the City, including through intragovernmental conveyance pursuant to Section 163.400, Florida Statutes.

* * *

IMPLEMENTATION GOAL 1:

* * *

IMPLEMENTATION POLICY 1.5: THE CITY AND CRA SHALL PROMOTE LONG TERM CERTAINTY, STABILITY AND CONTINUITY IN THE OWNERSHIP, OPERATION, MANAGEMENT, MAINTENANCE, AND STEWARDSHIP OF CRA-OWNED PROPERTY WITHIN THE REDEVELOPMENT AREA. WHERE APPROPRIATE TO FURTHER THE PURPOSES OF THE AMENDED DOWNTOWN PLAN, THE CITY AND CRA MAY CONSOLIDATE CRA-OWNED REAL PROPERTY AND ASSOCIATED PROPRIETARY INTERESTS IN THE CITY THROUGH INTRAGOVERNMENTAL CONVEYANCE. SUCH CONSOLIDATION MAY INCLUDE FEE, LANDLORD, REVERSIONARY, EASEMENT, COMMON AREA, AND OTHER REAL PROPERTY OR PROPRIETARY INTERESTS, INCLUDING INTERESTS ASSOCIATED WITH LEASED, CIVIC, CULTURAL, PUBLIC, OR UNDEVELOPED PROPERTY COMPRISING OR ASSOCIATED WITH AN INTEGRATED REDEVELOPMENT PROJECT SUCH AS MIZNER PARK.

* * *

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. This ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Boca Raton this _____ day of _____, 2026.

CITY OF BOCA RATON, FLORIDA

ATTEST:

_____
Andy Thomson, Mayor

_____
Mary Siddons, City Clerk

Approved as to form:

_____
Joshua P. Koehler
City Attorney

COUNCIL MEMBERS	YES	NO	ABSTAINED
MAYOR ANDY THOMSON			
DEPUTY MAYOR MICHELLE GRAU			
VACANT			
COUNCIL MEMBER JON PEARLMAN			
COUNCIL MEMBER STACY L. SIPPLE			