Resolution No. 149-2026

CITY OF
Boca Raton

CITY HALL
201 WEST PALMETTO PARK ROAD • BOCA RATON, FL 33432
PHONE (561) 393-7789
FAX: (561) 393-7784
(FOR HEARING IMPAIRED) TDD (561) 367-7043
www.myboca.us

MEMORANDUM

CITY COUNCIL

DATE: November 6, 2026

FROM: James L. Zervis
Interim City Manager

SUBJECT: **Spanish River Dune Crossover**
SC-26-04 (PZCLV-2026-00001)

LOCATION: 3001 N. Ocean Blvd
SITE AREA: 0.92 acres (portion of Spanish River Park)
APPLICANT/ AGENT: City of Boca Raton
OWNER: City of Boca Raton
EXISTING LAND USE: Beach Park
FUTURE LAND USE CATEGORY: Parks & Recreation (PR)
ZONING DISTRICT: Recreation (REC)

APPLICATION REQUEST(S)	SUBJECT PROPERTY LOCATION MAP
A request for approval of a Coastal Construction Control Line variance to authorize the City of Boca Raton's construction of a 12-foot-tall beach pavilion, a landscape planter box system, a dune crossover, a handicap accessible beach mat, and other related landscaping and site improvements including new trash cans, recycling bins, bicycle stands, and shower.	

Staff Recommendation:

☒	Approval
☐	Denial

I. SUMMARY AND PROJECT DESCRIPTION

The City of Boca Raton ("Applicant") is requesting approval of a Coastal Construction Control Line ("CCCL") variance to authorize the construction of a new 12 foot tall, 225 square foot beach pavilion to replace a previously damaged and subsequently removed pavilion, a 1,400 square foot planter box system that will house landscaping and will prevent light trespass from westward sources of light onto the beach, a six (6) foot wide handicap accessible dune crossover, a handicap accessible beach mat, installation of bollards to protect pedestrians, and installation of additional related improvements including new trash cans, recycling bins, bicycle stands, and shower at the approximately 0.92-acre property that is a portion of Spanish River Park and is generally located at 3001 North. Ocean Boulevard ("Property"). As part of the improvements, approximately 5,819 square feet of invasive exotic vegetation will be removed, along with 2,771 square feet of native beach plants, and approximately 7,965 square feet of native vegetation will be planted around the new improvements.

Pursuant to Section 28-1556(3), Code of Ordinances, no person shall construct any structure whatsoever, make any excavation, or remove any beach materials seaward of the established CCCL (see enclosed CCCL map from the City's Comprehensive Plan – Attachment No. 1). Section 28-1556(2) of the Code of Ordinances defines 'excavation' as the "removal of soil, sand or vegetation by the process of digging, scooping or hollowing out." The Applicant's proposed alterations are seaward of the CCCL, as noted below, and meet the threshold of construction of a structure, as defined in Section 28-1556(3), Code of Ordinances.

The Applicant is proposing to install a 12-foot-tall pavilion, a handicap-accessible concrete walkway, and a handicap-accessible mat that will connect to the sidewalk along the eastern frontage of A1A. This new walkway will allow improved access to the ocean for handicapped visitors to the area. The proposed pavilion will replace the original pavilion that was damaged in a car accident and subsequently removed. The new pavilion will be approximately 12 feet in height and an amenity to the public, providing a shade structure for pedestrians. The new boardwalk/walkway will be a 10-foot-wide connection from the existing crosswalks to the dune crossover. The planter box system will house Seagrape shrubs at 36 inches in height and will help prevent light trespassing onto the beach from the headlights of cars heading east on Spanish River Boulevard. Incorporated into the design are bollards along North Ocean Avenue that will increase safety by preventing vehicles from entering the area. Additional public amenities to be installed include new bicycle racks, recycling bins, and a shower area.

The proposed removal of invasives and the installation of new native vegetation will help improve the area's ecology and provide additional restored habitat. The Applicant is not installing any lighting, which will further minimize any potential impacts for nesting Sea Turtles. As such, the staff is recommending approval of this Application.

II. ENVIRONMENTAL ADVISORY BOARD RECOMMENDATION

At the October 30, 2026, meeting, the Environmental Advisory Board (EAB) ("Board") reviewed the Application, and in a vote of 3-0, recommended approval with three recommendations. These recommendations include providing community outreach/information, coordination with the Parks and Recreation Department staff to ensure ongoing maintenance of the new plantings, and the installation of a water fountain/bottle refilling station as well as a dog water fountain on the Property. Subsequent to the Board meeting, staff has coordinated internally with the City's Natural Areas crew to ensure that long-term maintenance will occur once the project is

turned over to the City. Furthermore, a condition of approval has been incorporated in the accompanying resolution that requires the Applicant to evaluate the feasibility of installing a combined water fountain, bottle-refilling station, and pet drinking fountain near the beach entry/exit, based on the availability of water utility connections and adequate space, and install such water fountain(s)/bottle-refilling station if determined to be feasible by the City Engineer. Lastly, the Applicant will coordinate with the City's Public Affairs Department to provide appropriate information to the members of the public regarding the improvements proposed with this Application, all of which are subject to final approval by the Florida Department of Environmental Protection and the Building Department.

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III. BACKGROUND

A. PROPERTY CONTEXT

North

Spanish River Park

Zoning = PL

FLU = PR



West



Boca Towers

Zoning = R-5

FLU = RH



East



Dune & Beach

South

Spanish River Park

Zoning = REC

FLU = PR



DISCLAIMER: Photos are intended to provide context and show the physical improvements on the subject property and environment. They are not intended to demonstrate parking demand, traffic intensity or other time sensitive impacts.

SOURCE: Google Maps dated September 2026 / Boca GIS dated September 2026

B. HISTORY

The Property is part of the overall 94-acre Spanish River Park site. Based on historical aerial imagery, the previous pavilion was installed approximately 35 years ago. It was damaged by a car in 2021 and subsequently removed after that date.

C. COMMUNITY OUTREACH AND PUBLIC INPUT

As stated earlier, the City's Public Affairs Department will provide appropriate information to the members of the public regarding the improvements.

IV. ANALYSIS

A. REVIEW CRITERIA

1. CCCL Variance

Pursuant to Section 28-1556(5) of the City Code, in consideration of whether to grant a variance, the City Council shall determine whether the Application meets the criteria and standards set forth in Section 28-127(3) of the City Code and, in making the determination, shall consider the following:

(a) The recommendation of the City Manager.
(b) The comments of interested parties in the general public.
(c) The engineering data submitted by the Applicant.
(d) All other relevant data.

The Applicant submitted responses to the criteria and standards for granting a variance set forth in Section 28-127(3) of the City Code, which are detailed below. Staff finds that all criteria have been met.

(a) Special and unique conditions exist which are peculiar to the Applicant's case and which are not generally applicable to the property located in the zoning district.

Applicant's Response:

"The project is unique in that the City, as property owner, is providing a desirable and beneficial service to the public, improving public access to the sandy beach in Spanish River Park."

(b) The special and unique conditions are not directly attributable to the actions of the Applicant.

Applicant's Response:

"The project site has been within a City park for more than 40 years, serving as a point for public access to the sandy beach. A vehicle went off A1A and damaged the entrance to the public access, necessitating repair. The City is taking the opportunity to improve safety and environmental design features of the public access."

(c) The literal interpretation of this chapter, as applied to the Applicant, would deprive the Applicant of rights commonly enjoyed by the owners of other property in the zoning district.

Applicant's Response:

"City Ordinance Section 28-1556(3) adopts the Coastal Construction Control Line, restricting modification to the native dune system. This same Section describes a process for obtaining approval, requiring a plan to manage dune vegetation, to be approved by the Environmental Advisory Board. City Ordinance Section 28-1556(4) provides additional steps for obtaining a variance to the Section. This application follows City Ordinance 28-1556, and other applicable City Ordinance pertaining to variances, including Section 28-9, and 28-127."

(d) The variance granted is the minimum variance necessary for the Applicant to make reasonable use of the Property.

Applicant's Response:

"The project is the minimum design necessary to meet the Americans with Disability Act specifications, and to revise the footprint of the path to minimize the potential for dune erosion in case of storm events."

(e) Granting the variance is not detrimental to the public welfare, or injurious to property or improvements in the zoning district or neighborhood involved.

Applicant's Response:

"The project entails improvements to allow easier and safer access to the beach, and increased protection of the dune from damage due to storms. Granting the variance is in fact beneficial to the public welfare, and the publicly owned property."

(f) Granting the variance is not contrary to the objectives of the Comprehensive Plan of the City.

Applicant's Response:

"Consistent with Comprehensive Plan Policy REC.2.5.3., the project is included in the adopted City Capital Improvement Plan. The project maintains public access to the Atlantic Ocean beach, which is consistent with multiple components of the City Comprehensive Plan, including Goal CM.1.0.0.d., Policy CM.1.1.7. and CM.1.1.11."

Staff Analysis: The proposed redesign will improve safety and accessibility for mobility-challenged visitors to this park by creating a handicap accessible pathway from A1A to the beach. The new pathway will be separated

from the existing sidewalk, which will further enhance safety and mobility. The installation of bollards and landscape planter boxes will aid in safety, add screening, and prevent light pollution in an environmentally sensitive area. The new dune crossover will be angled over the dune to comply with current environmental best management practices and will allow for ADA access to the beach via a beach mat. Overall, the habitat of the area will be greatly improved by removing non-native species and replacing them with native species, including Seagrape shrubs, Sea Oat grasses, Cocoplum shrubs, Sea Lavender shrubs, and Beach Pea plants. Additionally, the new plantings will assist in reducing light trespass onto the beach by the new configuration of the crossover and installation of the new native species. This will help sea turtle hatchlings reach the ocean more easily without the risk of disorientation from car headlights or streetlights.

Staff supports the construction of the new improvements and finds that the proposed hardscape improvements are not detrimental to the public welfare.

B. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed variance is not contrary to the Comprehensive Plan and encourages the private use of recreational facilities which mitigates impacts on the City's resources consistent with Objectives CM.1.1.7 and CM.1.1.11 of the Comprehensive Plan. Moreover, this variance relates to the enhancement of an existing outdoor areas presently eastward of the CCCL which will not have an impact on neighboring properties or the City and is otherwise consistent with the goals, objectives, and policies of the comprehensive plan.

Staff Analysis:

Boca Raton Comprehensive Plan

For consistency, relevant, goals policies and objectives were pulled from the entire comprehensive plan to be analyzed for compatibility with the proposed amendment. To access the Boca Raton Comprehensive Plan, click here.

Element	Policy/ Goal/ Objective	Content	Staff Finding
Future Land Use	Objective CM.1.0.0	Coastal Management. Restrict development activities that would damage or destroy resources and protect human life and limit public expenditures in area subject to destruction by natural disasters.	The Application restricts the activity by requiring a variance that reviews all activity in the designated sensitive areas.

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V. FINDINGS AND RECOMMENDATION

FINDINGS

1. The proposed work will improve accessibility for mobility-challenged visitors.
2. The improvements are not expected to adversely affect any wildlife, including nesting sea turtles, as there is no lighting proposed.
3. The proposed habitat restoration will remove invasives from Environmentally Sensitive Land and will improve the existing habitat,
4. The proposed reconfiguration of the pathway will decrease light transmittance onto the beach from A1A.

Document originated by: Joshua Bott, Sr. Environmental Officer

APPLICANT NARRATIVE PACKAGE

The Applicant Narrative Package is a required form for submission. The purpose of this document is to aid the planner in the review process. If not completed, your application will be deemed incomplete. Please fill out the form in its entirety with accurate information about the proposed project.

Project Name:	Spanish River Dune Crossover
Address	3939 N Ocean Blvd
Applicant Name:	Zachary Bihr, City of Boca Raton
Date:	March 5, 2026
Check off all application types that apply for the project:	☐ Site plan ☐ Conditional Use ☐ Text Amendment ☐ IDA ☐ Rezoning ☐ Abandonment ☐ Technical Deviation ☐ Comprehensive Plan Future Use Map Change ☐ Platting ☐ Master Plan ☑ Variance

PROJECT NARRATIVE

Please describe the proposed project, including all components. Please be sure to include the project's overall square footage, height, zoning, etc. Please include all of the following information:

Project description:

- Summarize the project, including name, location, acreage of property, purpose, and type (e.g. residential, commercial)
- Scope: Detail the project's intent, including new construction, renovation, or expansion

Project Components:

- Site Layout: Describe the site design, including the building placement, parking, and open spaces.
- Building Details: Include total square footage, height (stories and elevations).
- Zoning: State current zoning and how the project complies or requires changes. Justify any zoning variances or amendments.
- Landscaping and Open Space: Outline landscaping plans and public or communal spaces.
- Parking and transportation: Provide parking details on parking facilities and transportation impacts.
- Change of Use (if applicable)
- Office Equivalency (propose, conversion of uses and/or transfer of uses): If project is located in the DDRI please list proposed OE's

Compliance with Regulations:

- Zoning Compliance: Explain how the project meets zoning laws setbacks and density.
- Building Codes: Confirm compliance with building codes and standards, including sustainability features.

Impacts on surroundings:

- Compatibility: Discuss how the project fits within the existing neighborhood and any potential impacts.

- Environmental Considerations: Address environmental impacts and mitigation measures.
- Economic and Social Impacts:

Project Phasing and Timeline:

- Phases: If applicable, outline the development phases and timeline for each
- Timeline: Provide an estimated timeline from planning to completion

Conclusion:

- Summary: recap key points and align the project with community goals and standards.
- Community Benefits: Highlight the benefits the project will bring to the community

PROJECT NARRATIVE

Using this space, include all the components listed under the Project Narrative instructions:

Disclaimer, if the font size gets below 11 pt., please use the additional sheet on the next page

The CITY owns and maintains an existing beach access at the intersection of Spanish River Boulevard and SR AIA, Parcel No 06-43-47-09-00-004-0020, approximately 3/4 acre. The property is currently Use Type 8200 - Forest/Pk/Rec, and no change is proposed.

The adjacent road right of way area is utilized by multiple stakeholders including vehicular traffic and beach goers crossing the road to access the CITY beach. The beach access is heavily utilized by pedestrians and their are ongoing safety concerns with the current design. At present there is insufficient space for pedestrians waiting to cross the road and their is insufficient space next to the road. Vehicle accidents have occurred at this intersection. In particular vehicles have not made the turn onto A1A and driven straight east on Spanish River directly into the existing beach access. the previous pedestrian pavilion/staging area was destroyed by a vehicle in this manner. Based on the current beach goer access demands, the CITY proposes to replace the beach access point with an improved design, including an expanded ADA-compliant walkway, dune crossing and pavilion that address safety needs, and a realigned dune crossover that will provide improved environmental functions. An additional issue addressed by the new design is light pollution from the road onto the adjacent beach. This area is known for turtle hatching disorientations associated with this lighting source. The new design includes light shading elements to address this concern.

As significant portions of the area are located east of the Coastal Construction Control Line (CCCL), an application for a permit has been submitted to the Florida Department of Environmental Protection (FDEP). The application is complete, except for the documentation of the City variance, and preliminary indication from FDEP is for approval. The design being submitted with this variance is the same as in the FDEP application.

The project design has been discussed with other City Departments and incorporates safety and environmental design features that have been suggested.

The project is in the City Capital Improvement Program, so has completed the extensive review associated with this process.

The project is consistent with Building Code requirements, and drawings were done by a Professional Engineer. A building permit will be secured following reciept of all permits and the request variance..

Overall, this project is an improvement that was initiated due to safety issues raised by accidents that occurred at the existing beach access. The proposed project incorporates multiple features and revisions to the current design which address safety concerns and will make for a significantly better experience for users, along with improved environmental functions.

PROJECT NARRATIVE CONT.

Using this space, include all the components listed under the Project Narrative instructions:

CONSISTENCY WITH COMPREHENSIVE PLAN

Select a Comprehensive Plan Element from the drop-down list, then list policy(s)/goal(s)/objective(s) which are compatible with the proposed project, then describe under the "Applicant Findings" how the proposed project is compatible with the City's Comprehensive Plan.

Element	Policy/Goal/Objective	Applicant Findings
Coastal Improveme	OBJ CM.1.0.0	The project is designed to maintain and improve public access to the beach.
Conservation	POLICY CON.1.3.2	The project entails proper management of dune vegetation, removal of invasive species, and replanting with native dune plants.
Infrastructure		The Infrastructure Element addresses 5 topics: Potable Water, Wastewater, Stormwater, Groundwater Aquifer Recharge, and Solid Waste. None of these topics are major aspects of the project, but the project is not in conflict with any of the Goals, Policies or Objectives. Potable water, stormwater, and solid waste aspects of the project will be designed and permitted per applicable regulations.
Capital improveme	POLICY CIE.1.3.2 OBJ CIE.1.5.0	The project is included in the adopted annual budget Schedule of Capital Improvements. The project has been designed for minimum impact to the coastal dune.
Recreation and Ope	OBJ REC.1.2.0 OBJ REC.2.5.0	The project entails required maintenance of an existing facility to improve safe access to the public beach. In addition the new design results in a next improvement to environmental functions (reduction in beach lighting relative to turtle nesting and improved dune vegetation)
Capital improveme		

CONSISTENCY WITH COMPREHENSIVE PLAN		
Element	**Policy/Goal/Objective**	**Applicant Findings**
Recreation and Ope		
Recreation and Ope		
Recreation and Ope		
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Recreation and Ope		

LAND USE COMPATIBILITY

Explain how the current proposed project will work within the given context. Describe existing land uses, future land uses, types of uses found, and explain with how the proposed project is compatible with listed uses.

The property is currently Use Type 8200 - Forest/Pk/Rec, and no change is proposed

SITE DESIGN/URBAN DESIGN/ARCHITECTURE

Describe the design of the project, the intended architectural style (included but not limited to materials, style, passive strategies, energy efficiency), and any other details that are important to note.

The revised design includes areas for pedestrian staging away from the active roadway. The new access will be ADA accessible via an on grade concrete pathway to the beach. The path approach is at an angle to the dune consistent with current state guidance regarding dune pedestrian paths. The plan includes a new pavillion to replace the one destroyed in a vehicle accident. The plan includes a sea grape planter feature incorporated into vehicle bollards to provide light shielding to the beach and prevent vehicle ingress into pedestrian areas. The area will inlcude an open shower washdown adjacent to the pathway.

WALKABILITY / PEDESTRIAN INFRASTRUCTURE

Pedestrian Infrastructure

	Request	Infrastructure Type	Location	Width(s)	Relation to Street	Street Trees	Specifications

Discussion

Discuss the presence/lack of sidewalks on adjacent streets, width of sidewalks, whether pedestrian infrastructure is required to be improved as part of the application, discuss in general terms the quality of the pedestrian environment (shade, separation from traffic, presence/not of on-street parking, etc. and discuss how site design handles pedestrians accessing the site from the street and pedestrian circulation within the site.

The project will improve pedestrian access and safety with a new ADA accessible pathway. the plan separates the pedestrian environment from the roadway. Access is provided to the beach access from both sides of the road with a connected walkway and increases space available to pedestrians away from the active roadway.

BICYCLE INFRASTRUCTURE

Bicycle Infrastructure Near Project

Street	Location	Infrastructure Type	Width (ft)	Protected?	Designated?

Discussion

Discuss location of any existing/proposed bicycle parking, presence/lack of bicycle lanes on adjacent streets, and review what the Comprehensive Plan discusses (goals, policies, and objectives and any maps from the Map Series) with regard to these things.

There is an existing bicycle lane fronting the access along SR A1A and access to the site is provided to those accessing by bicycle. A bicycle rack is included within the design off of the street.

TRANSIT ROUTES

Route Number	Stop Number	Direction	Route Name	Travels Along	Distance From Site	Stop Location	Shelter Present?	Access

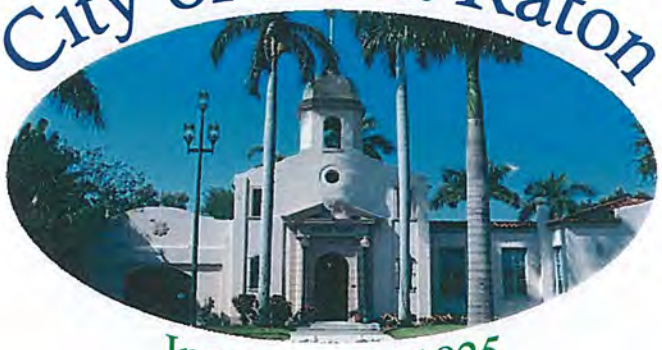
Discuss what Palm Tran route and/or shuttle system serves the site, where is the closest stop and shelter for these services, and how would someone walk/bike to that stop and/or shelter (is there sidewalk/bike lane and what is the quality of the walk/bike trip to the stop), do the nearest stops have shelters or what is the infrastructure at the stop, are there plans for improvements to the routes/stops? Review what the Comprehensive Plan discusses (goals, policies, and objectives and any maps from the Map Series) in terms of transit and shuttles. Is transit infrastructure required to be upgraded as part of this application, etc.

COMMUNITY OUTREACH

Please indicate any meetings or outreach to surrounding communities. Please provide a description of the events that occurred, when and where the meeting took place, how many people attended.

If letters were sent, please indicate how many letters were sent.

City of Boca Raton



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RESOLUTION

149-2026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOCA RATON CONSIDERING, FOR THE APPROXIMATELY 0.92 ACRE PROPERTY GENERALLY LOCATED AT 3001 NORTH OCEAN BOULEVARD, A COASTAL CONSTRUCTION CONTROL LINE (CCCL) VARIANCE FROM SECTION 28-1556(3), CODE OF ORDINANCES, WHICH VARIANCE IS REQUIRED FOR THE CONSTRUCTION OF A BEACH PAVILION, HANDICAP ACCESSIBLE DUNE CROSSOVER, HANDICAP ACCESSIBLE BEACH MAT, AND RELATED IMPROVEMENTS SEAWARD OF THE CCCL (WHERE NO STRUCTURE IS PERMITTED SEAWARD OF THE CCCL WITHOUT A VARIANCE); PROVIDING FOR REPEALER; AND PROVIDING AN EFFECTIVE DATE (SC-26-04/PZCLV-2026-00001)

WHEREAS, Section 28-1556(5), Code of Ordinances, authorizes the City Council to consider requests for variances from the requirements of Section 28-1556, Code of Ordinances,

regarding coastal construction setbacks; and

WHEREAS, an application has been filed by the City of Boca Raton ("Applicant"), (owner of the approximately 0.92 acre property, which is a portion of Spanish River Park and is generally located at 3001 North Ocean Boulevard, as more particularly described in Exhibit "A" ("Property")), requesting a Coastal Construction Control Line (CCCL) variance from Section 28-1556(3), Code of Ordinances, which variance is required for the construction of a pavilion, handicap accessible dune crossover, handicap accessible beach mat, and related improvements (where no structure is permitted seaward of the CCCL without a variance) on the Property, as set forth in the plans attached hereto and made a part hereof as Exhibit "B"; and

WHEREAS, the Development Services Department has reviewed the Application and has submitted its recommendation; and

WHEREAS, public notice was provided as required in the Code of Ordinances; and

WHEREAS, the Environmental Advisory Board reviewed the request and has submitted its recommendations; and

WHEREAS, after due consideration of the Application, the staff report, and all testimony, exhibits and evidence in the record, the City Council has considered the criteria for granting a variance set forth in Section 28-127(3), Code of Ordinances, and has considered the recommendation of the City Manager, the comments of interested parties of the general public, the engineering data submitted by the Applicant, and all other relevant data, as set forth in Section 28-1556(5), Code of Ordinances; now therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOCA RATON:

Section 1. The City Council finds that the criteria for granting a variance set forth in Section 28-127(3), Code of Ordinances, **[have/have not]** been satisfied, for a CCCL variance from Section 28-1556(3), Code of Ordinances, which variance is required for the construction of

a pavilion, handicap accessible concrete walkway, handicap accessible beach mat, and related improvements (where no structure is permitted seaward of the CCCL without a variance) and such variance is therefore **[granted/denied]** for the Property, as more particularly described on the site plan entitled "Spanish River Project (SRP) Boca Dune Crossover," prepared by Michael Jenkins of ATM, A Geosyntec Company, date stamped received by the Development Services Department on June 16, 2026, attached hereto and made a part hereof as Exhibit "B," and subject to the condition set forth in Section 2 **[if approved]**.

Section 2. Condition of Approval **[if approved]**

For purposes herein, the term "Applicant" shall include the property owner, applicant, petitioner, lessee, tenant, heirs, successors in title, or any other party having a lawful interest in the Property for which this resolution is granted:

1. The plans submitted with the building permit application shall implement and be wholly consistent with those plans in Exhibit "B."

2. The Applicant shall evaluate the feasibility of installing a combined water fountain, bottle-refilling station, and pet drinking fountain near the beach entry/exit, based on the availability of water utility connections and adequate space. If the City Engineer determines it to be feasible, the Applicant shall install such facility at a location approved by the City Engineer.

Section 3. **[if approved]** The variance shall expire 18 months from the date of rendition of this resolution, and be null and void and of no further effect, unless one or more permits for the improvements authorized hereunder have been issued in accordance with Exhibit "B" and the condition upon which the variance was granted. Thereafter, the variance shall remain in effect only with respect to improvements for which such permit(s) has been timely issued and construction has proceeded thereunder through issuance of a certificate of completion (and shall be null and void and of no further effect with respect to improvements for which no permit has been issued, the permit has expired, or has been abandoned).

Section 4. **[if approved]** No permit pursuant to this variance shall be authorized until the expiration of 30 days after the date of rendition of this resolution.

Section 5. All resolutions or parts of resolutions in conflict herewith shall be and hereby are repealed.

Section 6. This resolution 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

JS

_____

_____
Execution Date

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

Exhibit "A"

LEGAL DESCRIPTION:
A PARCEL OF LAND IN SECTION 9, TOWNSHIP 47 SOUTH, RANGE 43 EAST, BEING IN THE CITY OF BOCA RATON, COUNTY OF PAIM BEACE AND STATE OF FLORIDA LYING BETWEEN THE NORTH AND SOUTH RIGHT-OF-WAY LINES OF N.E. 40TH STREET EXTENDED, BOUNDED ON THE WEST BY THE EAST RIGET-OF-WAY LINE OF STATE ROAD A1A AND ON THE EAST BY THE ATLANTIC OCEAN.

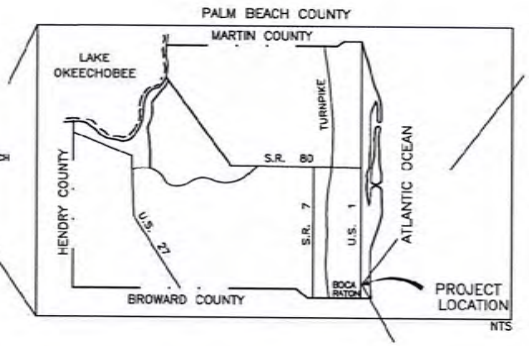
TOGETHER WITH
A PORTION OF SECIION 9, TOWNSHIP 47 SOUTH RANGE 43 FAST, BEING THAT PORTION OF GOVERNMENT LOT 4, LYING SOUTH OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 800 AND THAT PART OF BOCA RATON LAGOON WEST OF AND ADJACENT TO THERETO, LESS THE SOUTH 2125 FEET THEREOF, THAT PART OF THE NORTH 100 FEET OF TEE SOUTH 2325 FEET LYING SOUTHERLY AND EASTERLY OF THE NORTHERLY 66.34 FEET OF THE WESTERLY 350.01 FEET, STATE ROAD 800 AND ALA RIGET-OF-WAY (ALL AS MORE PARTICULARLY DESCRIBED IN 1973 REAL ESTATE TAX BILL NO. 1-434-183-2)

SAID LANDS LYING IN THE CITY OF BOCA RATON.PALM BEACH COUNTY, FLORIDA CONTAINING 40,241 SQUARE FEET, 0.92 ACRES MORE OR -- LESS.

Exhibit "B"

SPANISH RIVER PROJECT (SRP)
CCCL PERMIT SET
BOCA DUNE CROSSOVER
BOCA RATON, FLORIDA







CITY OF BOCA RATON

MAYOR
Andy Thomson
COUNCIL
Yvette Drucker
Michelle Grau (Deputy Mayor)
Jon Pearlman
Stacy Sipple
Andy Thomson
CITY MANAGER
Mark Sohaney

SHEET NO.	SHEET TITLE
CS-1	COVER/LOCATION MAP
SP-1	TOPOGRAPHICAL SURVEY AND PROPOSED DESIGN
L-1	PLANT LIST
L-2	PROPOSED LANDSCAPE PLAN
L-3	LANDSCAPE DETAILS AND SPECS
C-1	SCHEMATIC FOUNDATION DIAGRAM
SP-2	TYPICAL CROSS SECTION A-A[1]
SP-3	TYPICAL CROSS SECTION B-B[1]
SP-4	TYPICAL CROSS SECTION C-C[1]
SP-5	TYPICAL CROSS SECTION D-D[1]

APPLIED TECHNOLOGY & MANAGEMENT
2056 Vista Parkway, Suite 125
West Palm Beach, FL 33411
(561) 659-0041

CITY OF BOCA RATON
MUNICIPAL SERVICES
2500 N.W. 1ST AVE
BOCA RATON, FLORIDA 33431

Aerial Photography Note:
All Aerial Photography in this set are provided by Palm Beach County. Acquired January 2025.

General Notes:
1. For FDEP CCCL Review Only. Not for Construction.
2. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Signature
Michael G. Jenkins, Ph.D., P.E.
Florida License # 50072
Date

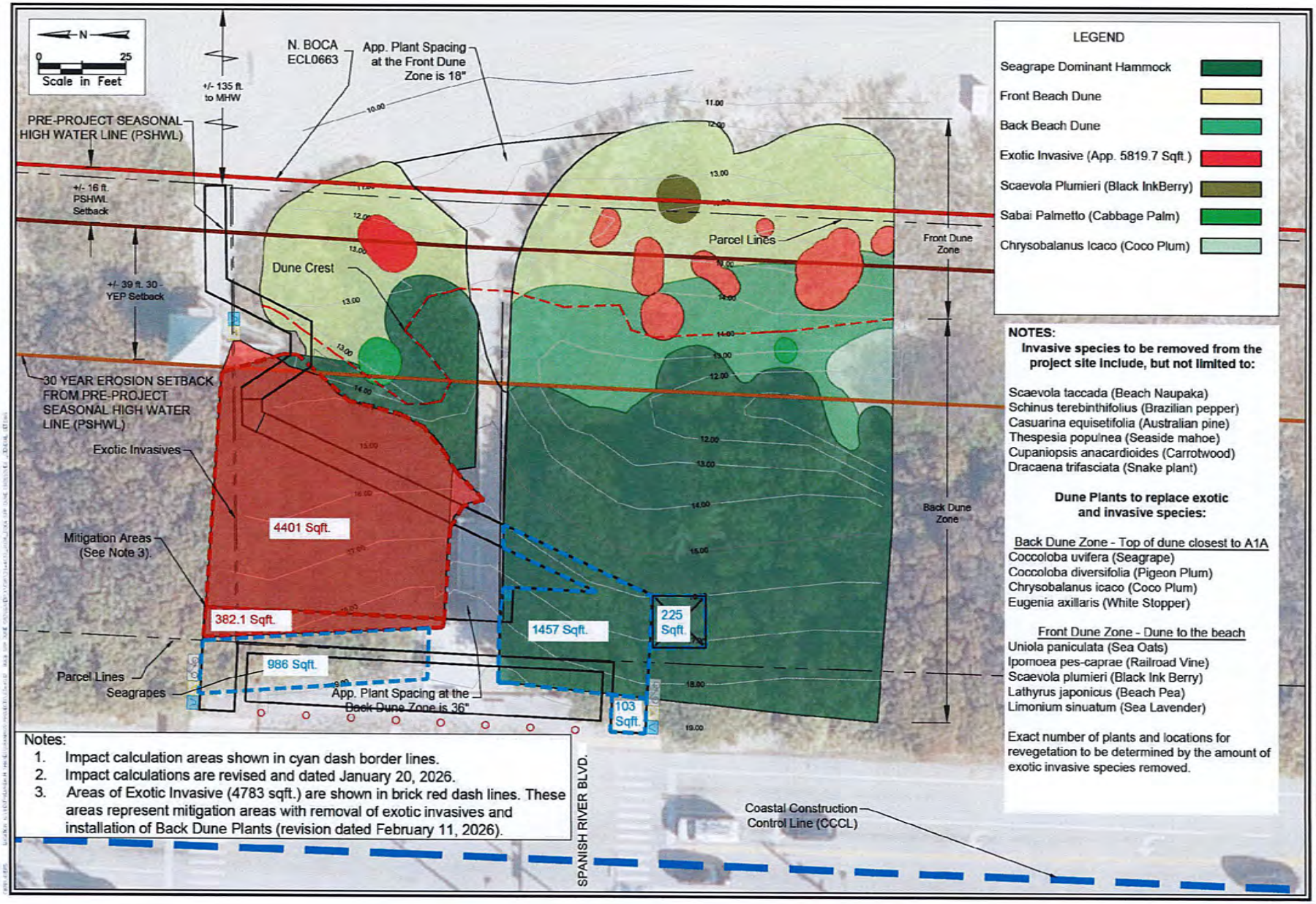
REV NO	DATE	DRWN BY	CHKD BY	DESCRIPTION
2	8/11/2025	CM	MJ	PLAN AMENDMENTS - NEW CITY MEMBERS
1	01/29/2025	CM	MJ	REDESIGN PLANS - NEW ALIGNMENT FOR D-D

DESIGN MJ	DRWN CM	CHKD MJ
JOB NUMBER	25-4032	
ISSUE DATE	06-16-2025	
ISSUE		

Spanish River Project (SRP)
Boca Dune Crossover
Cover Sheet/Location Map
City of Boca Raton, Boca Raton, Florida

ATM, A Geosyntec Company
2056 Vista Parkway, Suite 260
West Palm Beach, Fl 33411
(561) 659-0041
Certificate of Authorization # 4669

SHEET NUMBER
CS-1



NOTES:

Invasive species to be removed from the project site include, but not limited to:

Scaevola taccada (Beach Naupaka)
Schinus terebinthifolius (Brazilian pepper)
Casuarina equisetifolia (Australian pine)
Thespesia populnea (Seaside mahoe)
Cupaniopsis anacardioides (Carrotwood)
Dracaena trifasciata (Snake plant)

Dune Plants to replace exotic and invasive species:

Back Dune Zone - Top of dune closest to A1A
Coccoloba uvifera (Seagrape)
Coccoloba diversifolia (Pigeon Plum)
Chrysobalanus icaco (Coco Plum)
Eugenia axillaris (White Stopper)

Front Dune Zone - Dune to the beach
Uniola paniculata (Sea Oats)
Ipomoea pes-caprae (Railroad Vine)
Scaevola plumieri (Black Ink Berry)
Lathyrus japonicus (Beach Pea)
Limonium sinuatum (Sea Lavender)

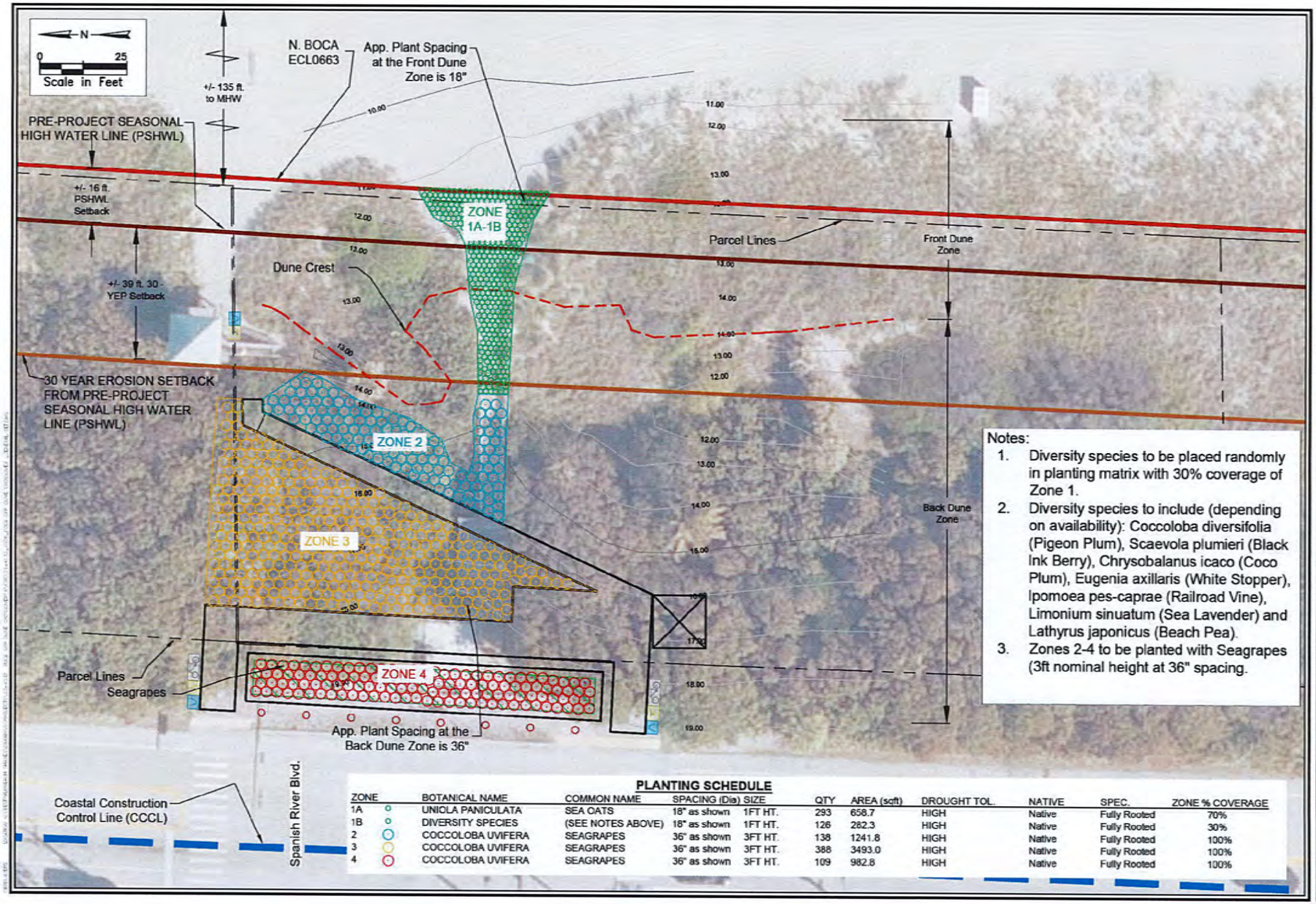
Exact number of plants and locations for revegetation to be determined by the amount of exotic invasive species removed.

Notes:
1. Impact calculation areas shown in cyan dash border lines.
2. Impact calculations are revised and dated January 20, 2026.
3. Areas of Exotic Invasive (4783 sqft.) are shown in brick red dash lines. These areas represent mitigation areas with removal of exotic invasives and installation of Back Dune Plants (revision dated February 11, 2026).

Spanish River Project (SRP)
Boca Dune Crossover
Existing Site Vegetation
City of Boca Raton, Boca Raton, Florida

ATM, A Geosyntec Company
2056 Vista Parkway, Suite 200
West Palm Beach, Fl 33411
(561) 659-0041
Certificate of Authorization # 4669

SHEET NUMBER
L-1



Notes:

1. Diversity species to be placed randomly in planting matrix with 30% coverage of Zone 1.
2. Diversity species to include (depending on availability): Coccoloba diversifolia (Pigeon Plum), Scaevola plumieri (Black Ink Berry), Chrysobalanus icaco (Coco Plum), Eugenia axillaris (White Stopper), Ipomoea pes-caprae (Railroad Vine), Limonium sinuatum (Sea Lavender) and Lathyrus japonicus (Beach Pea).
3. Zones 2-4 to be planted with Seagrapes (3ft nominal height at 36" spacing.

PLANTING SCHEDULE

ZONE		BOTANICAL NAME	COMMON NAME	SPACING (Dia)	SIZE	QTY	AREA (sqft)	DROUGHT TOL.	NATIVE	SPEC.	ZONE % COVERAGE
1A	○	UNIOLA PANICULATA	SEA OATS	18" as shown	1FT HT.	293	658.7	HIGH	Native	Fully Rooted	70%
1B	○	DIVERSITY SPECIES	(SEE NOTES ABOVE)	18" as shown	1FT HT.	126	282.3	HIGH	Native	Fully Rooted	30%
2	○	COCCOLOBA UVIFERA	SEAGRAPES	36" as shown	3FT HT.	138	1241.8	HIGH	Native	Fully Rooted	100%
3	○	COCCOLOBA UVIFERA	SEAGRAPES	36" as shown	3FT HT.	388	3493.0	HIGH	Native	Fully Rooted	100%
4	○	COCCOLOBA UVIFERA	SEAGRAPES	36" as shown	3FT HT.	109	982.8	HIGH	Native	Fully Rooted	100%

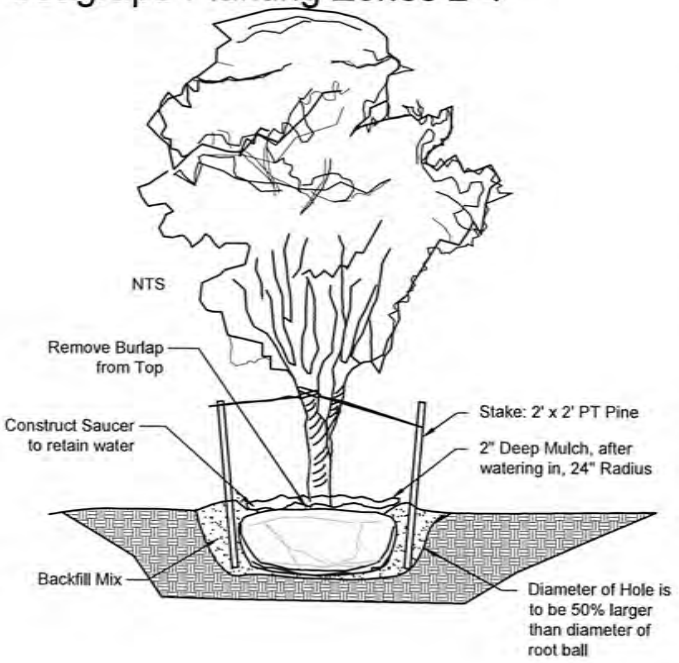
Spanish River Project (SRP)
Boca Dune Crossover
Proposed Planting / Landscape Plan
City of Boca Raton, Boca Raton, Florida

ATM, A Geosyntec Company
2058 Vista Parkway, Suite 200
West Palm Beach, Fl 33411
(561) 659-0041
Certificate of Authorization # 4660

SHEET NUMBER
L-2

Seagrape Planting Detail

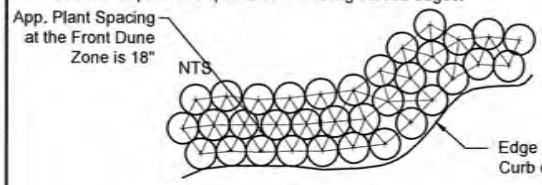
For Seagrape Planting Zones 2-4



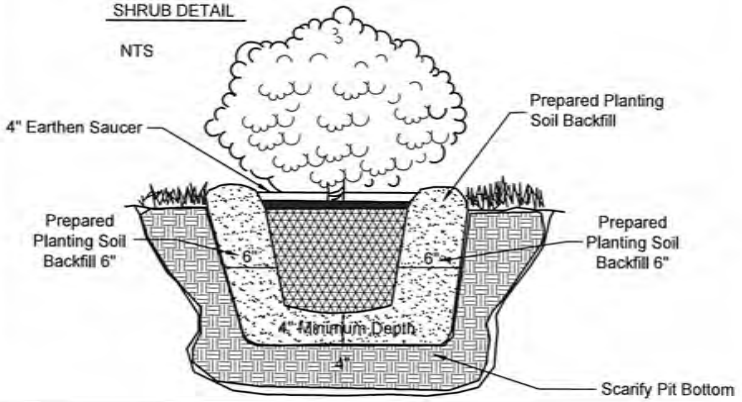
Dune Shrub and Groundcover Detail

For Planting in Zone 1

Note: All Shrubs and Groundcovers shall be triangular spaced along straight edges and will be planted in parallel rows along curved edges.



SHRUB DETAIL



Notes:

1. SCOPE: Work consists of furnishing all labor, material, equipment transportation, etc. to complete all planting as shown in the project drawings.
2. All planting to be done in accordance with the FDEP CCCL permit
3. All plantings within zone one to be done by hand. No mechanical equipment to be allowed on the beach.
4. Planting to occur during daylight hours only.
5. Planting in zone one to include both sea oat (at 70% density) and diversity species (30% density). Diversity species to be distributed randomly in planting pattern.
6. Hand watering only, no fixed irrigation will be installed.
7. Warranty: All plant materials shall be warrantied for a period of 1 year from the date of CO, and to be replaced with in kind if necessary.
8. All container grown materials shall be healthy, vigorous, well rooted and free of defect.
9. All plant material shall be single species and free of debris and weeds.
10. Contractor shall maintain all plantings until final acceptance by owner.
11. Contractor shall remove debris on a daily basis. All debris (containers, etc.) shall be fully removed from the site.
12. Planting substrate shall be beach and dune appropriate (sand dominant) material.
13. Mulch to be applied only in zones 2-4. Mulch to be 2 in. non-cypress mulch.

REV NO	DATE	DRWN BY	CHKD BY	DESCRIPTION
2	07/5/2026	CM	MJ	PLAN AMENDMENTS - NEW CITY MEMBERS
1	01/20/2026	CM	MJ	REVISION PLANS - NEW ALIGNMENT FOR DUNE

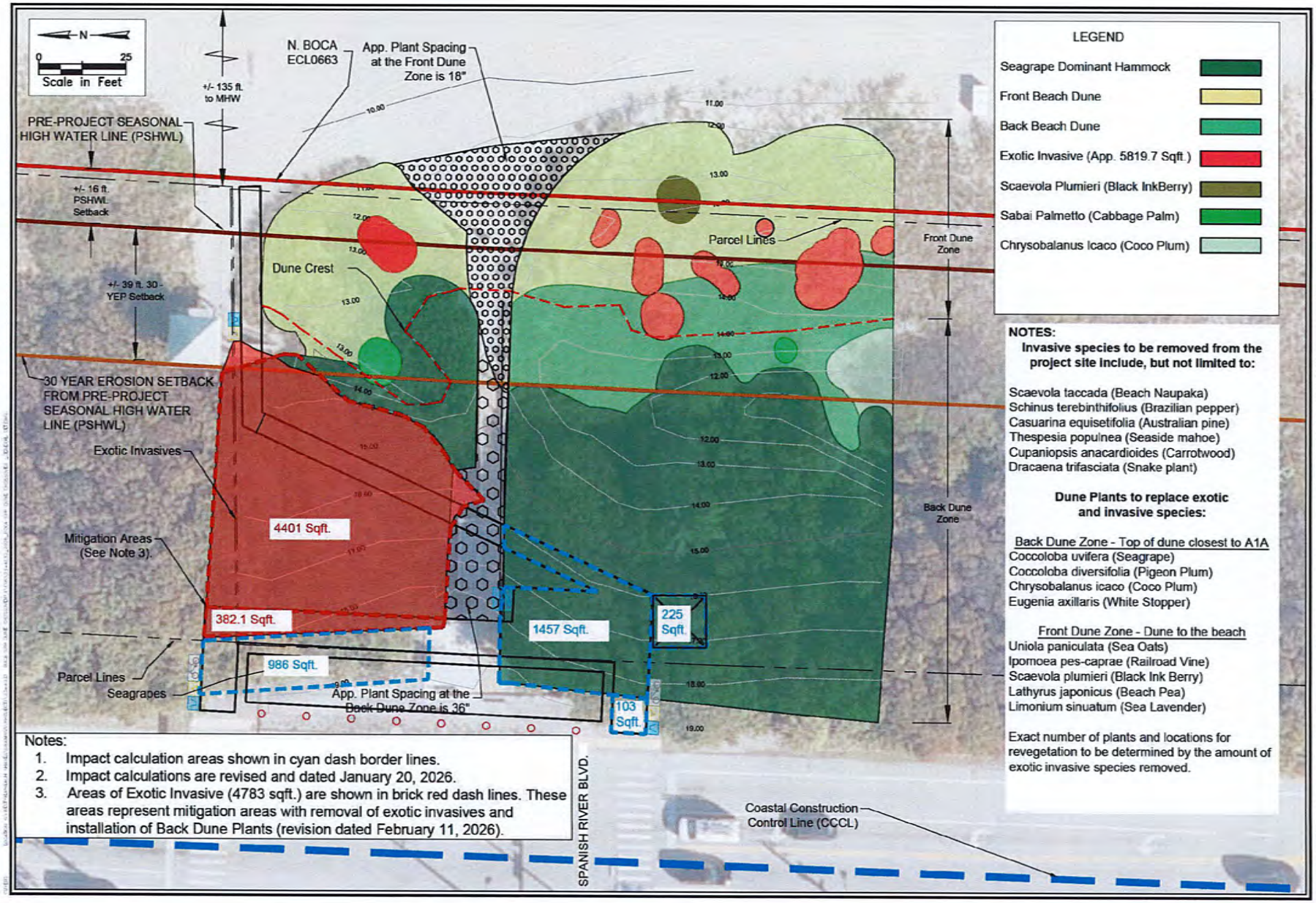
DESIGN BY	DRWN BY	CHKD BY
MJ	CM	MJ

JOB NUMBER 23-002
ISSUE DATE 06-15-2026
ISSUE

Spanish River Project (SRP)
Boca Dune Crossover
Landscape Planting Details Plan
City of Boca Raton, Boca Raton, Florida

ATM, A Geosyntec Company
2056 Vista Parkway, Suite 260
West Palm Beach, FL 33411
(561) 659-0041
Certificate of Authorization # 4909

SHEET NUMBER
L-3



NOTES:

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Casuarina equisetifolia (Australian pine)
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Limonium sinuatum (Sea Lavender)

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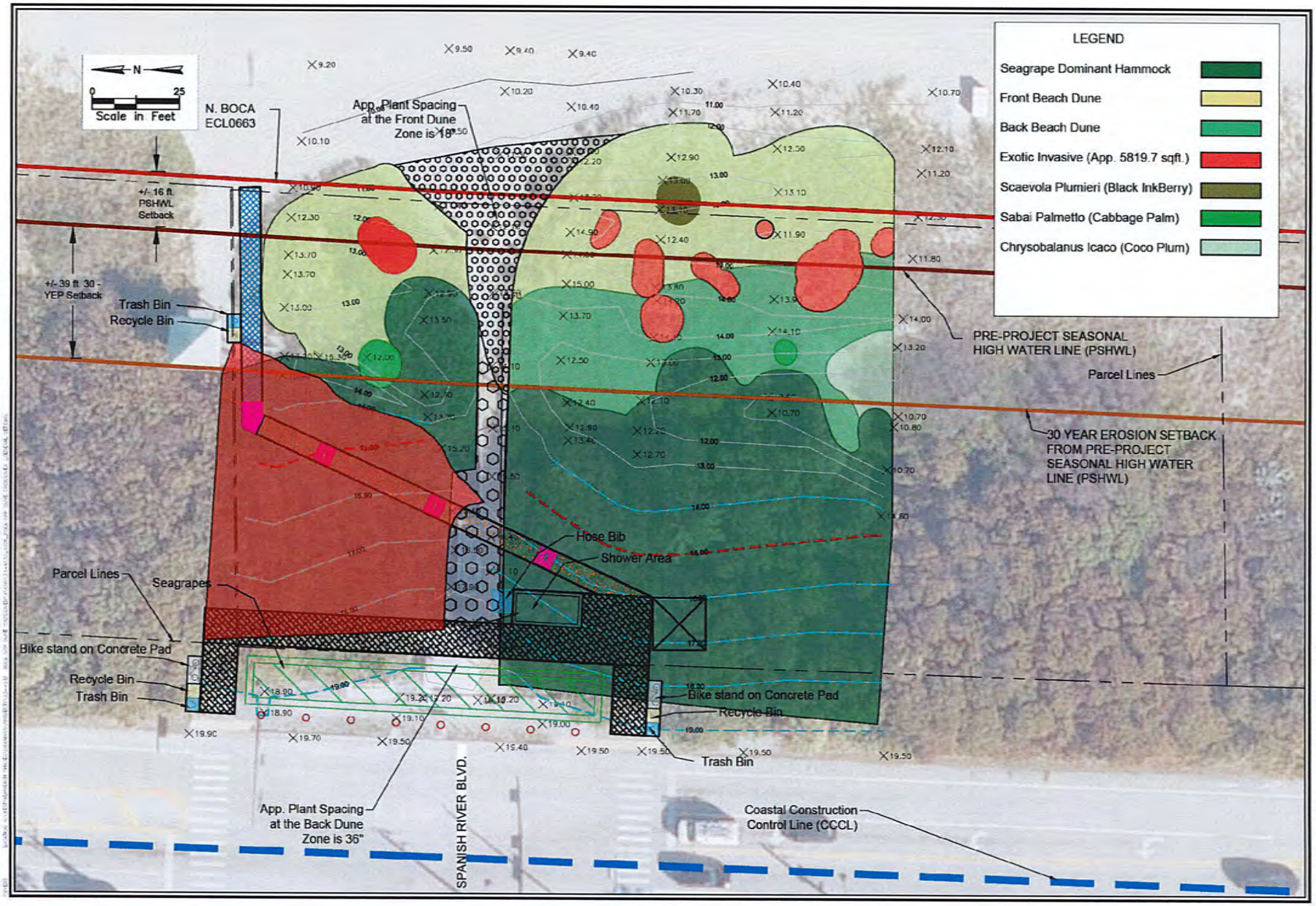
Spanish River Project (SRP)
Boca Dune Crossover
Plant List
City of Boca Raton, Boca Raton, Florida

ATM, A Geosyntec Company
2056 Vista Parkway, Suite 280
West Palm Beach, Fl 33411
(561) 659-0041
Certificate of Authorization # 4669

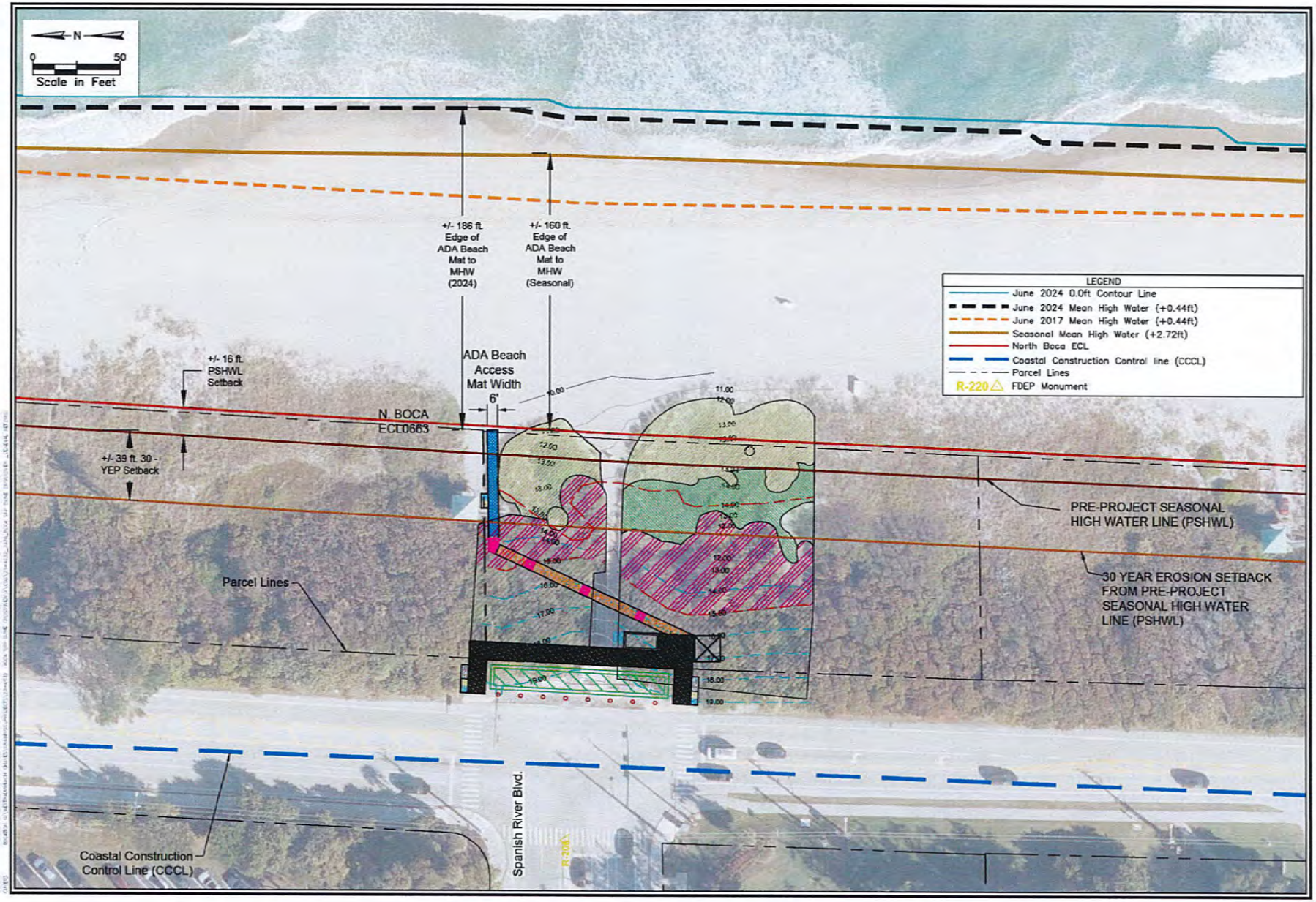
SHEET NUMBER
OS-1



Spanish River Project (SRP)
Boca Dune Crossover
Habitat Map
City of Boca Raton, Boca Raton, Florida

ATM, A Geosyntec Company
2058 Vista Parkway, Suite 200
West Palm Beach, FL 33411
(561) 656-0251
Certificate of Authorization # 4659

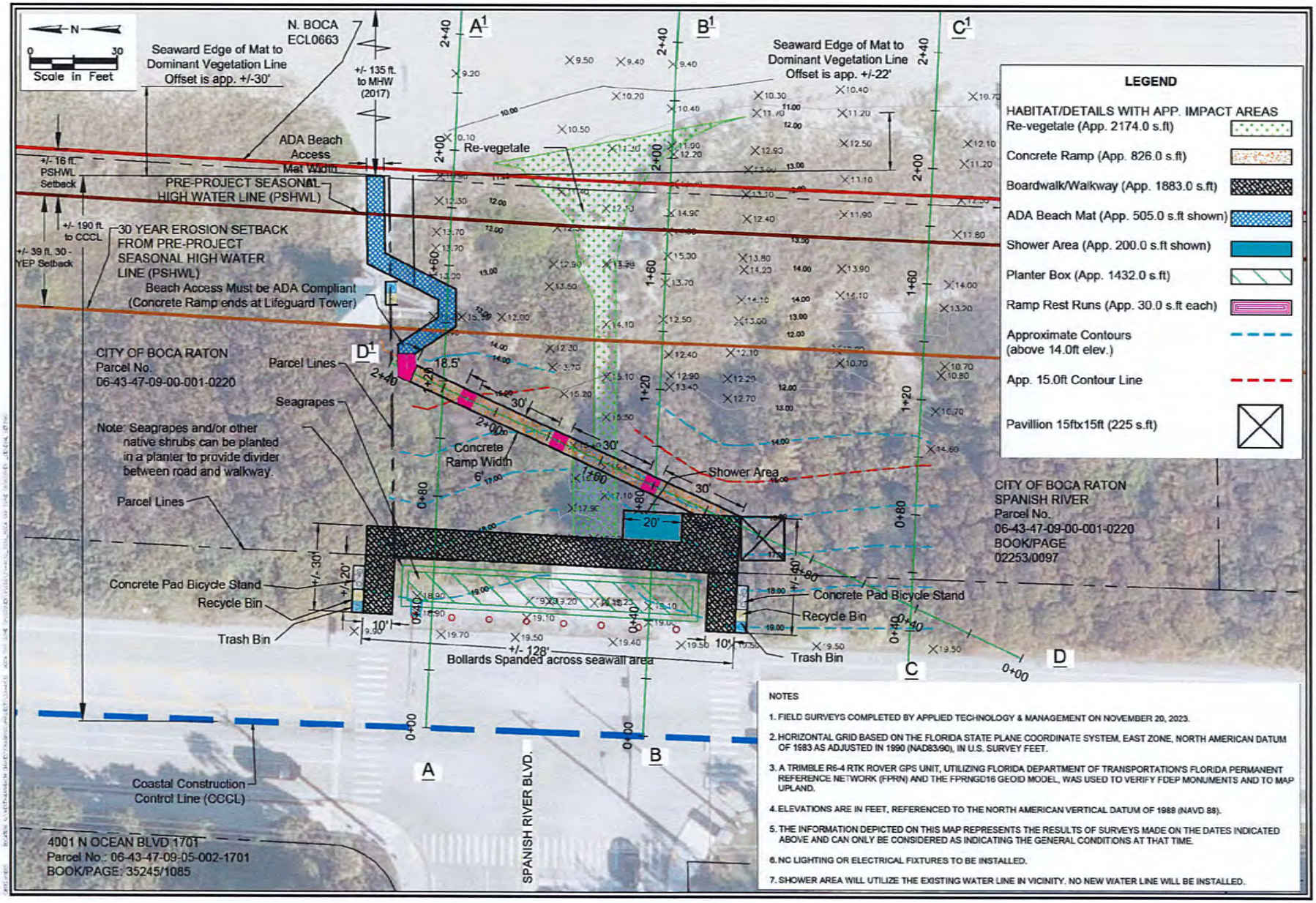
SHEET NUMBER
OS-2



Spanish River Project (SRP)
Boca Dune Crossover
MHW MAP
City of Boca Raton, Boca Raton, Florida

ATM, A Geosyntec Company
2056 Vista Parkway, Suite 280
West Palm Beach, Fl 33411
(561) 659-0041
Certificate of Authorization # 4663

SHEET NUMBER
OS-3



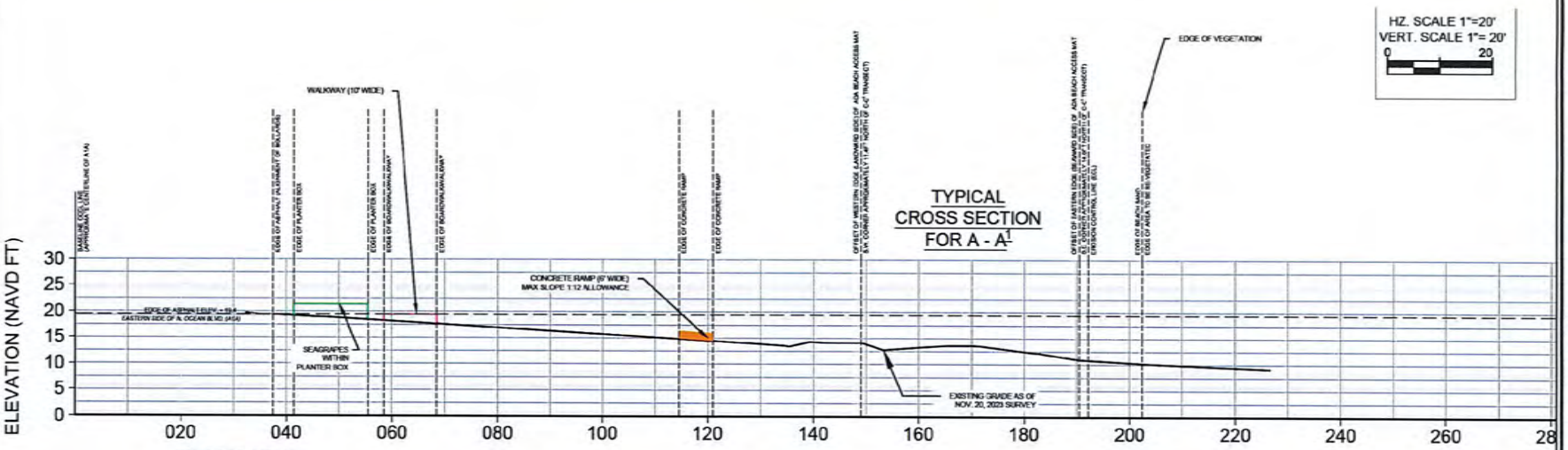
NOTES

1. FIELD SURVEYS COMPLETED BY APPLIED TECHNOLOGY & MANAGEMENT ON NOVEMBER 20, 2023.
2. HORIZONTAL GRID BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 AS ADJUSTED IN 1990 (NAD83/90), IN U.S. SURVEY FEET.
3. A TRIMBLE R6-4 RTK ROVER GPS UNIT, UTILIZING FLORIDA DEPARTMENT OF TRANSPORTATION'S FLORIDA PERMANENT REFERENCE NETWORK (FPRN) AND THE FPRNGD16 GEOID MODEL, WAS USED TO VERIFY FDEP MONUMENTS AND TO MAP UPLAND.
4. ELEVATIONS ARE IN FEET, REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
5. THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF SURVEYS MADE ON THE DATES INDICATED ABOVE AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS AT THAT TIME.
6. NC LIGHTING OR ELECTRICAL FIXTURES TO BE INSTALLED.
7. SHOWER AREA WILL UTILIZE THE EXISTING WATER LINE IN VICINITY. NO NEW WATER LINE WILL BE INSTALLED.

Spanish River Project (SRP)
Boca Dune Crossover
Topography and Design Layout
City of Boca Raton, Boca Raton, Florida

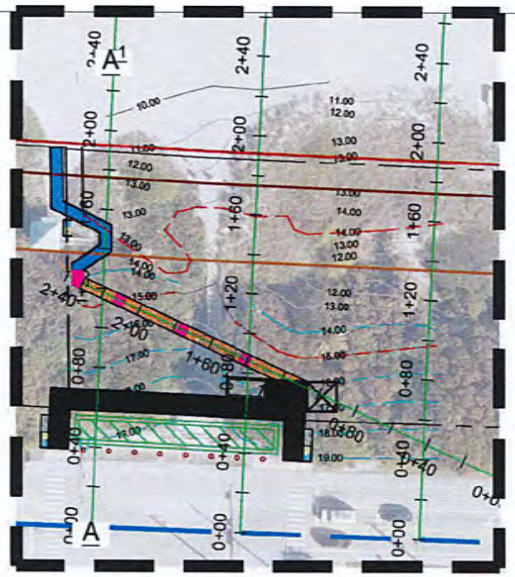
ATM, A Geosyntec Company
2035 Vista Parkway, Suite 260
West Palm Beach, Fl 33411
(561) 653-0041
Certificate of Authorization # 4663

SHEET NUMBER
SP-1



TYPICAL CROSS SECTION FOR A - A[1]

PLAN VIEW A - A[1]



NOTES

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2. HORIZONTAL GRID BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 AS ADJUSTED IN 1990 (NAD83/90), IN U.S. SURVEY FEET.
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Signature
Michael G. Jenkins, Ph.D., P.E.
Florida License # 2007 2
Date

REV NO	DATE	DRWN BY	CHKD BY	DESCRIPTION
2	6/1/2026	CM	MJ	PLAN AMENDMENTS - NEW CITY MEMBERS
1	01/29/2026	CM	MJ	REDESIGN P. ANS - NEW ALIGNMENT FOR D-07

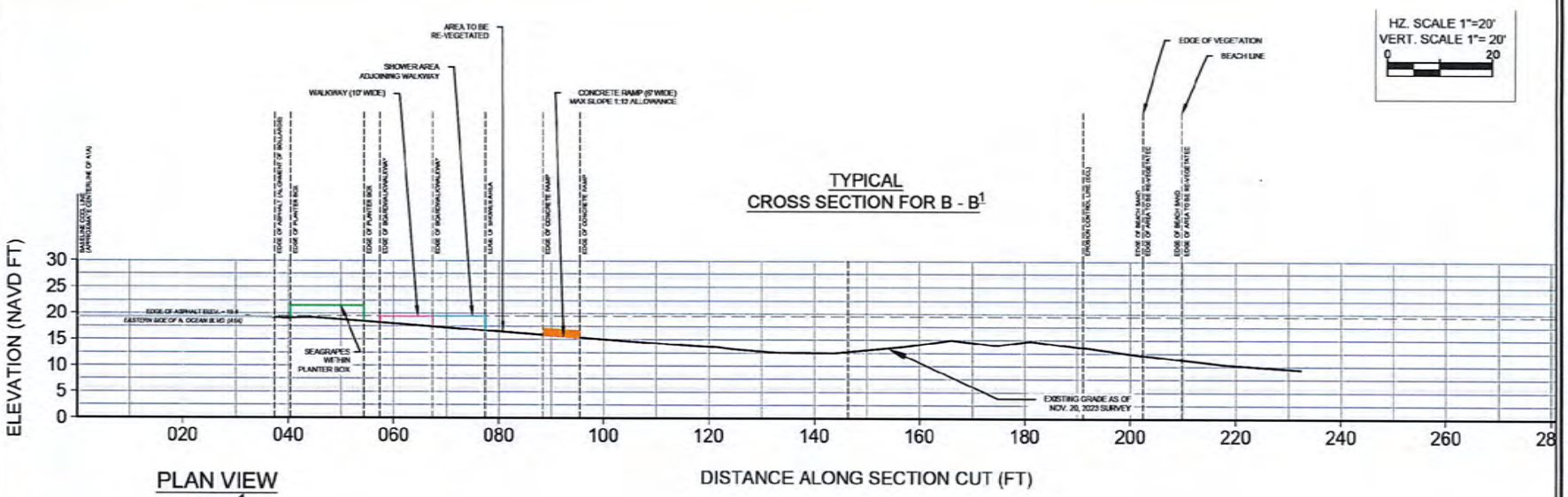
DESIGN	DRWN	CHKD
MJ	CM	MJ
JOB NUMBER	23-4032	
ISSUE DATE	06-16-2026	
ISSUE		

Spanish River Project (SRP)
Boca Dune Crossover
Typical Profile A-A'
City of Boca Raton, Boca Raton, Florida

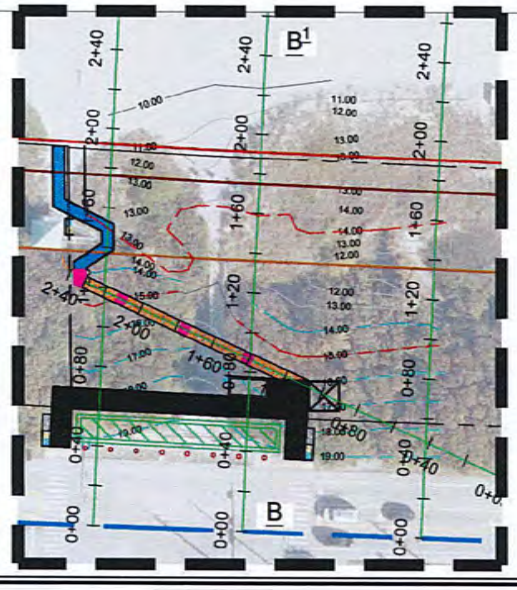
ATM, A Geosyntec Company
2056 Vista Parkway, Suite 250
West Palm Beach, Fl 33411
(561) 659-0041
Certificate of Authorization # 4609

SHEET NUMBER
SP-2

TYPICAL CROSS SECTION FOR B - B¹



PLAN VIEW
B - B¹



NOTES

1. FIELD SURVEYS COMPLETED BY APPLIED TECHNOLOGY & MANAGEMENT ON NOVEMBER 20, 2023.
2. HORIZONTAL GRID BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 AS ADJUSTED IN 1990 (NAD83/90), IN U.S. SURVEY FEET.
3. A TRIMBLE R6-4 RTK ROVER GPS UNIT, UTILIZING FLORIDA DEPARTMENT OF TRANSPORTATION'S FLORIDA PERMANENT REFERENCE NETWORK (FPRN) AND THE FPRNGD16 GEOID MODEL, WAS USED TO VERIFY FDEP MONUMENTS AND TO MAP UPLAND.
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5. THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF SURVEYS MADE ON THE DATES INDICATED ABOVE AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS AT THAT TIME.

Sealed
Michael S. Jenkins, Ph.D., P.E.
Florida License # 59872
Date

REV NO	DATE	DRWN BY	CHKD BY	DESCRIPTION
2	6/16/2026	GM	MJ	PLAN AMENDMENTS - NEW CITY MANAGER
1	01/29/2026	GM	MJ	REDESIGN P-AWS - NEW ALIGNMENT FOR D-D

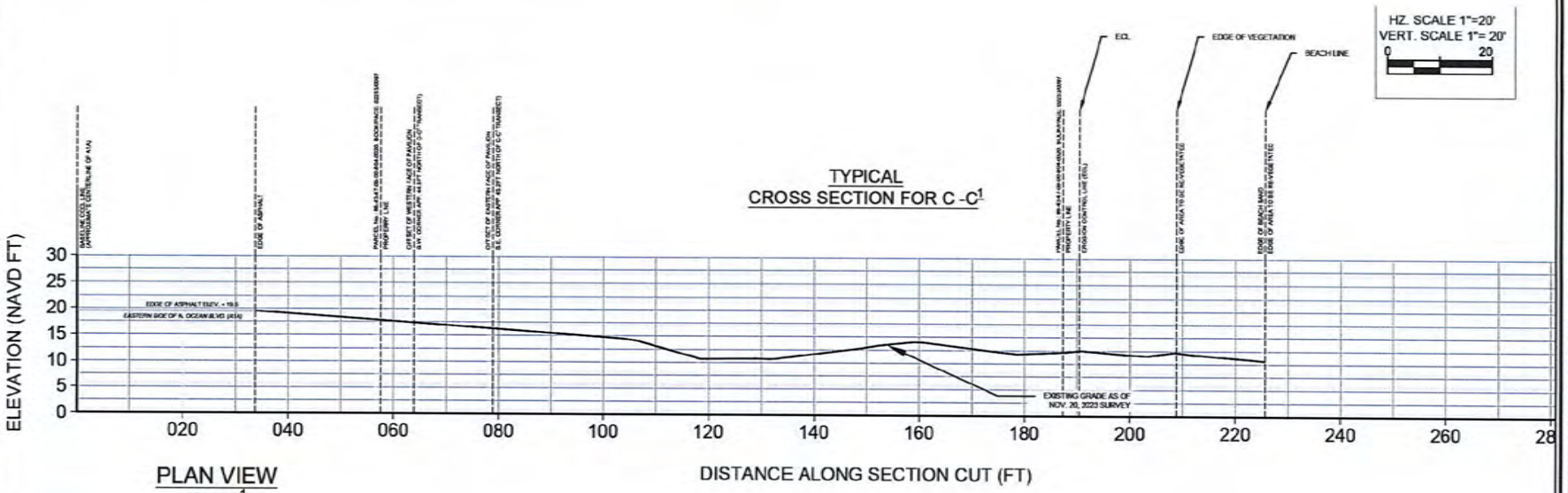
DESIGN	DRWN	CHKD
MJ	GM	MJ

JOB NUMBER: 23-602
ISSUE DATE: 06-16-2026
ISSUE:

Spanish River Project (SRP)
Boca Dune Crossover
Typical Profile B-B'
City of Boca Raton, Boca Raton, Florida

ATM, A Geosyntec Company
2050 Vista Parkway, Suite 200
West Palm Beach, FL 33411
(561) 689-0041
Certificate of Authorization # 4659

SHEET NUMBER
SP-3



TYPICAL
CROSS SECTION FOR C -C1

PLAN VIEW
C - C1



NOTES

1. FIELD SURVEYS COMPLETED BY APPLIED TECHNOLOGY & MANAGEMENT ON NOVEMBER 20, 2023.
2. HORIZONTAL GRID BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 AS ADJUSTED IN 1990 (NAD83/90), IN U.S. SURVEY FEET.
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Signature
Michael G. Jenkins, Ph.D., P.E.
Florida License # 59072
Date

REV NO	DATE	DRWN BY	CHKD BY	DESCRIPTION
2	6/1/2026	CM	MJ	PLAN AMENDMENTS - NEW CITY MEMBERS
1	01/29/2026	CM	MJ	REDESIGN PLANS - NEW ALIGNMENT FOR C-C'

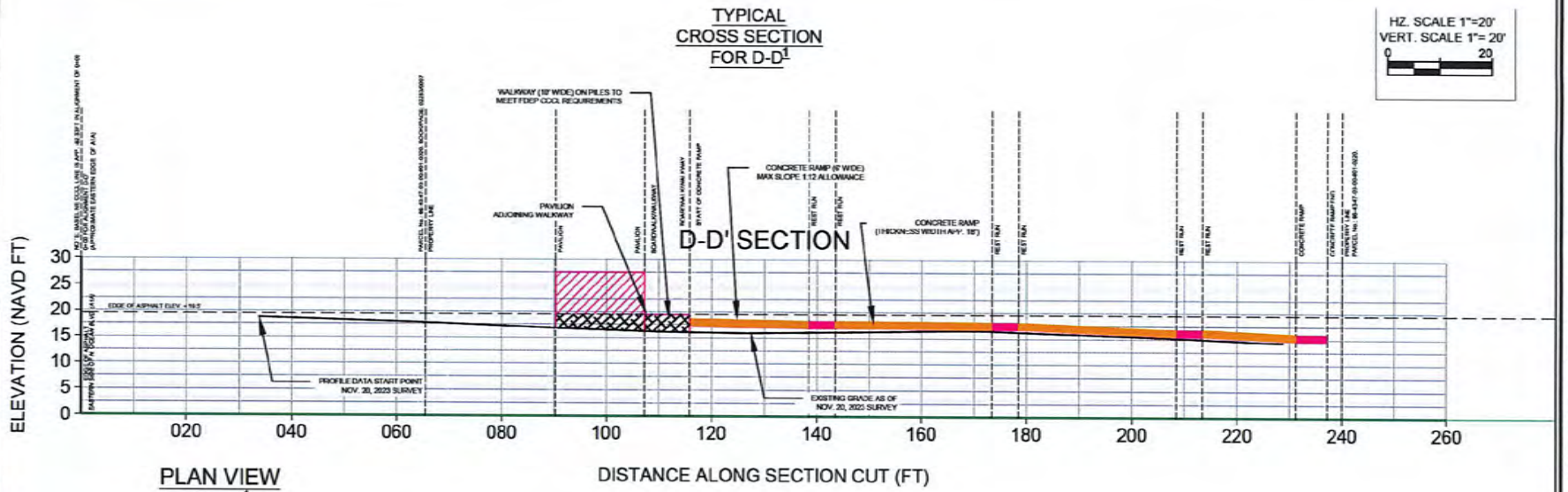
DESIGN	DRWN	CHKD
MJ	CM	MJ
JOB NUMBER	23-4032	
ISSUE DATE	06-16-2026	
ISSUE		

Spanish River Project (SRP)
Boca Dune Crossover
Typical Profile C-C'
City of Boca Raton, Boca Raton, Florida

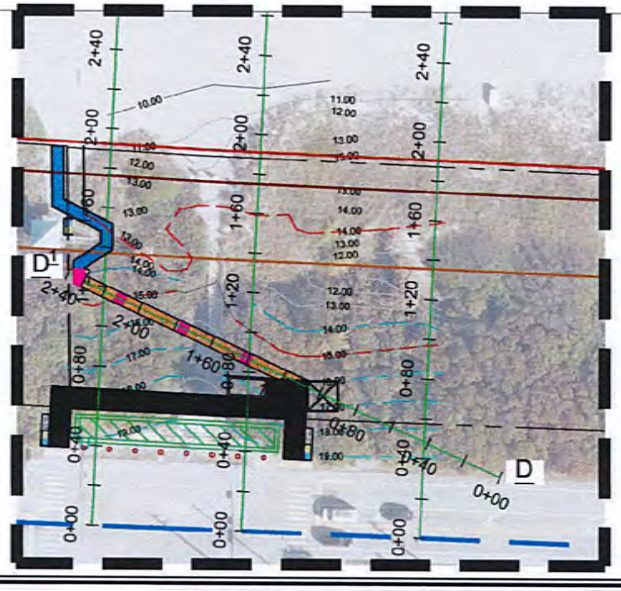
ATM, A Geosyntec Company
2256 Vista Parkway, Suite 280
West Palm Beach, Fl 33411
(561) 659-9041
Certificate of Authorization # 4659

SHEET NUMBER
SP-4

TYPICAL CROSS SECTION FOR D-D[1]



PLAN VIEW D - D[1]



NOTES

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2. HORIZONTAL GRID BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 AS ADJUSTED IN 1990 (NAD83/90), IN U.S. SURVEY FEET.
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Signature
Michael G. Jenkins, Ph.D., P.E.
Florida License # 50072
Date

REV NO	DATE	DRWN BY	CHKD BY	DESCRIPTION
2	6/14/2026	CM	MJ	PLAN AMENDMENTS - NEW CITY MEMBERS
1	01/29/2026	CM	MJ	REDESIGN PLANS - NEW ALIGNMENT FOR D-D'

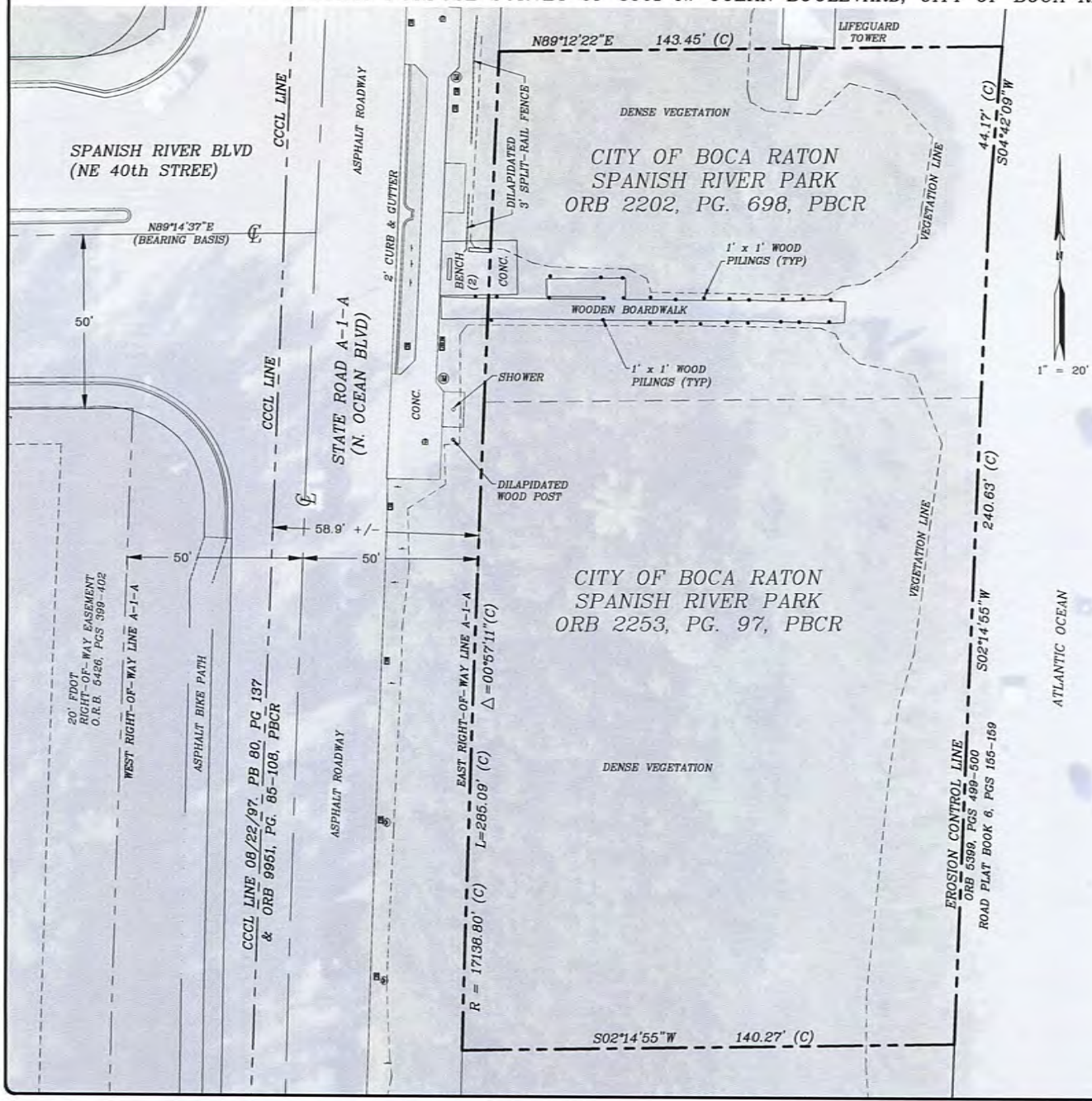
DESIGN	DRWN	CHKD
MJ	CM	MJ
JOB NUMBER	23-4032	
ISSUE DATE	06-16-2026	
ISSUE		

Spanish River Project (SRP)
Boca Dune Crossover
Typical Profile D-D'
City of Boca Raton, Boca Raton, Florida

ATM, A Geosyntec Company
2056 Vista Parkway, Suite 280
West Palm Beach, Fl 33411
(561) 659-0041
Certificate of Authorization # 4609

SHEET NUMBER
SP-5

SPECIFIC PURPOSE SURVEY OF 3001 N. OCEAN BOULEVARD, CITY OF BOCA RATON, FLORIDA



SURVEY NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON GRID NORTH WITH THE BEARINGS SHOWN HEREON REFERENCED TO GRID NORTH BASED ON THE 2011 ADJUSTMENT OF THE NORTH AMERICAN DATUM OF 1983 (NAD 83/2011, EPOCH 2010), OF THE FLORIDA STATE PLANE COORDINATE SYSTEM (TRANSVERSE MERCATOR PROJECTION), EAST ZONE, WITH THE BEARING BASIS BEING THE CENTERLINE OF SPANISH RIVER BOULEVARD HAVING A BEARING OF N 89°14'37" E.
2. IMPROVEMENTS OTHER THAN SHOWN WERE NOT LOCATED.
3. NO UNDERGROUND FOUNDATIONS WERE LOCATED.
4. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS EMBOSSED WITH THE CERTIFYING SURVEYOR'S SEAL.
5. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR RIGHTS-OF-WAY OF RECORD.
6. TREES NOT LOCATED OR SHOWN HEREON.
6. LEGAL DESCRIPTION OF THIS PROPERTY IS BASED ON OFFICIAL RECORDS BOOK 2202, PAGE 698 AND OFFICIAL RECORDS BOOK 2253, PAGE 97 OF THE PALM BEACH COUNTY RECORDS.
7. THE SPECIFIC PURPOSE OF THIS SURVEY IS TO DEPICT IMPROVEMENTS AT THE PROPOSED CONSTRUCTION AREA PURSUANT TO SITE PLAN AS PROVIDED BY APPLIED TECHNOLOGY & MANAGEMENT INC., SP-1 DATED MARCH 4TH, 2026.
8. THIS IS NOT A BOUNDARY SURVEY AS SUCH, NO PROPERTY CORNERS WERE FOUND OR RECONCILED.

LEGAL DESCRIPTION:

A PARCEL OF LAND IN SECTION 9, TOWNSHIP 47 SOUTH, RANGE 43 EAST, BEING IN THE CITY OF BOCA RATON, COUNTY OF PALM BEACH AND STATE OF FLORIDA, LYING BETWEN THE NORTH AND SOUTH RIGHT-OF-WAY LINES OF N.E. 40TH STREET EXTENDED, BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF STATE ROAD A1A AND ON THE EAST BY THE ATLANTIC OCEAN.

TOGETHER WITH:

A PORTION OF SECTION 9, TOWNSHIP 47 SOUTH, RANGE 43 EAST, BEING THAT PORTION OF GOVERNMENT LOT 4, LYING SOUTH OF THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 800 AND THAT PART OF BOCA RATON LAGOON WEST OF AND ADJACENT THERETO, LESS THE SOUTH 2125 FEET THEREOF, THAT PART OF THE NORTH 100 FEET OF THE SOUTH 2325 FEET LYING SOUTHERLY AND EASTERLY OF THE NORTHERLY 66.34 FEET OF THE WESTERLY 350.01 FEET, STATE ROAD 800 AND A1A RIGHT-OF-WAY (ALL AS MORE PARTICULARLY DESCRIBED IN 1973 REAL ESTATE TAX BILL NO. 1-434-183-2)

SAID LANDS LYING IN THE CITY OF BOCA RATON, PALM BEACH COUNTY, FLORIDA, CONTAINING 40,241 SQUARE FEET, 0.92 ACRES MORE OR LESS.

LEGEND

E	ELECTRIC HANDHOLE
FL	FLOOD LIGHT
MA	MAST ARM
S	SIGN
PC	PEDESTRIAN CROSSING SIGNAL
(C)	CALCULATED
℄	CENTERLINE
CCCL	COASTAL CONTROL CONSTRUCTION LINE
CONC	CONCRETE
FDOT	FLORIDA DEPARTMENT OF TRANSPORTATION
ORB	OFFICIAL RECORDS BOOK
PB	PLAT BOOK
PG.	PAGE
PP	POWER POLE
PBCR	PALM BEACH COUNTY RECORDS
S.R.	STATE ROAD
R	RADIUS
Δ	CENTRAL ANGLE
L	ARC LENGTH

CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED SPECIFIC PURPOSE SURVEY OF THE HEREON DESCRIBED PROPERTY, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE, AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, CHAPTER 5J-17, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. SUBJECT TO QUALIFICATIONS NOTED HEREON.

WILLIAM A. ARATA, PSM
FLORIDA REG. No. 5082

City Of Boca Raton
Public Works & Engineering Department
201 West Palmetto Park Road, Boca Raton Florida 33432-3795

No.	Revision	By:	Date:
1	UPDATE TOPOGRAPHIC SURVEY TO SPECIFIC PURPOSE SURVEY	VC	03/26/26

Scale: 1" = 20'
Drawn By: V.C.
Checked By: C.A.C.
Approved By: C.A.C.
Date: 03-29-22
Field Book#: 349
Page#: 68

Issued For :
- ☐ Permits
- ☐ Bidding
- ☐ Review & Comments
- ☐ Construction
- ☐ Informational

SPECIFIC PURPOSE SURVEY
3001 N. OCEAN BOULEVARD
S.R. A-1-A & SPANISH RIVER BLVD
CITY OF BOCA RATON, PBC, FL

Drawing No. SUR864 BEACH ACCESS
Project No. SPAN RIV PARK
SHEET 1 OF 1

Q:\ENGINEERING\SURVEY\LDD2 PROJECTS\SPANISH RIVER PARK\dwg

PLAN DETAILED REPORT PZCLV-2026-00001
FOR CITY OF BOCA RATON

Plan Type:	Coastal Construction Control Line Setback	**Project:**		**App Date:**	03/06/2026
Work Class:	Coastal Construction Control Line Setback	**District:**	Boca Raton	**Exp Date:**	NOT AVAILABLE
Status:	PreScreen	**Square Feet:**	0.00	**Completed:**	NOT COMPLETED
Valuation:	$0.00	**Assigned To:**	Claudia Sterling	**Approval Expire Date:**	
Description:	Spanish River Dune Crossover				

Parcel:	**Address:**	**Zone:**

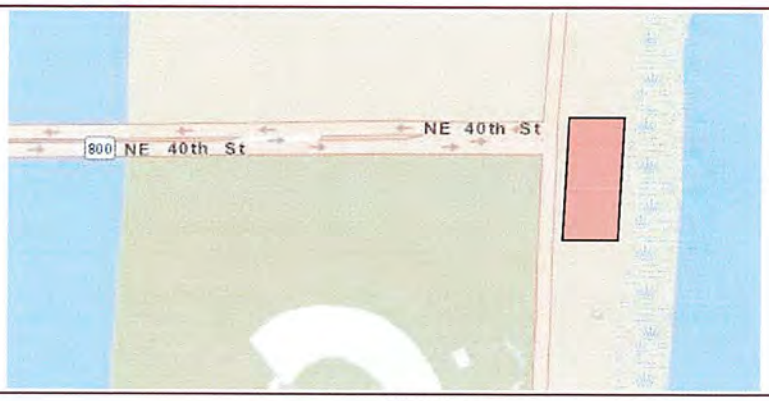
Applicant
John K Edwards
2500 NW 1 Ave
Boca Raton, FL 33432
Business: (561) 416-3472

Property Owner
Zachary Bihr
Business: (561) 416-3430

Applicant
Zachary Bihr
Business: (561) 416-3430

Property Detail

Parcel Control Number:	06-43-47-09-00-004-0020	Location Address:	OCEAN BLVD		
Owners:	BOCA RATON CITY OF	Municipality:	BOCA RATON		
Mailing Address:	201 W PALMETTO PARK RD, , BOCA RATON FL 33432 3730				
Last Sale:	01/01/1973	Book/Page#:	02253 / 00097	Price:	$100
Property Use Code:	8200 - FOREST/PK/REC	Zoning:	REC - MISC - REC		
Legal Description:	9-47-43, THAT PT OF GOV LOT 4 LYG S OF N R/W LINE OF SR 800 & TH PT OF BOCA RATON LAGOON W OF & ADJ THERETO (LESS S 2125 FT, SR 800 & A1A R/W)	Total SF:	0	Acres	4.51



2025 Values		2025 Taxes	
Improvement Value	$0	Ad Valorem	$0
Land Value	$8,644,700	Non Ad Valorem	$0
Total Market Value	$8,644,700	Total Tax	$0
Assessed Value	$8,644,700	**2025 Qualified Exemptions**	
Exemption Amount	$8,644,700		
Taxable Value	$0	**Applicants**	

All values are as of January 1st each year.

Dorothy Jacks, CFA, AAS PALM BEACH COUNTY PROPERTY APPRAISER www.pbcgov.org/PAPA 3/5/2026

Owner : BOCA RATON CITY OF PCN: 06434709000040020 1 of 0

Geosyntec consultants

TECHNICAL MEMORANDUM

2056 Vista Parkway, Suite 280
West Palm Beach, FL 33411
561.659.0041

To: John Kent Edward; Coastal Environmental Program Manager; City of Boca Raton

From: Michael Jenkins, PhD, PE; Senior Principal; Geosyntec Consultants

Date : June 16, 2026

Re : PZCLV-2026-00001 Spanish River Dune Crossover

This memorandum is provided in support of a Coastal Construction Control Line (CCCL) application submitted on behalf of the City of Boca Raton. The project involves re-development of an existing beach access at the intersection of A1A and Spanish River Blvd. The re-design is intended to address several deficiencies in the current design as summarized in the following:

Traffic intersection: the proposed design includes traffic bollards and vegetative shielding along the seaward edge of the road. This is intended to be a physical and visual barrier to vehicle traffic. On multiple occasions cars have not stopped at the intersection and have proceeded into the pedestrian beach access area before coming to a stop.

Beach access alignment: The proposed design replaces the straight access to the beach with an on grade angled access that enters the beach adjacent to the lifeguard tower. This proposed alignment decouples the access path with the road orientation and allows for the increase in vegetative shielding along the access path. The proposed orientation would also limit the potential for turtle disorientation along the path.

Pedestrian use: The beach access is heavily used and pedestrian space is limited. This results in pedestrians in or near the active roadway while waiting to cross the street. The new design allows greater room for pedestrian staging and shifts these spaces farther away from the active roadway.

Turtle lighting issues: The proposed plan includes vegetative shielding along the seaward edge of the intersection. This is intended to further shield the beach from road lighting which has been identified as a disorientation issue on the adjacent beach.

ADA accessibility: the proposed plan allows for the beach access to be ADA accessible. The current access is not ADA compliant.

Beach vegetation: The plan includes removal of exotic vegetation in the vicinity and re-planting of native vegetation within the denuded areas and the previous beach access alignment area. Revegetation area is in excess of the impacted area.

Existing Conditions

The project area consists of the existing beach access infrastructure surrounded by both native and exotic vegetation. The primary impact of concern is to existing native dune vegetation. Within the footprint of the project the following species to be removed are predominantly:

Schinus terebinthifolius (Brazilian Pepper), *Dracaena trifasciata* (Snake Plant), *Scaevola taccada* (Beach Naupaka), *Casuarina equisetiflolia* (Australian Pine), *Thespesia populnea* (Seaside mahoe), *Cupaniopsis anacardioides* (Carrotwood), and *Coccoloba uvifera* (Sea Grape).

Approximately, 1,814 sq. ft. of native vegetation consisting mostly of *Coccoloba uvifera* (Sea Grape) will be impacted due to the placement of the concrete ramp, boardwalk, pavilion, planter box, and shower area. The current existing vegetation labeled as exotic invasive on the habitat map was *in-situ* identified per FDEP guidelines to contain more than 50% of invasive nuisance species. This area accounts for approximately 5,819.7 sq. ft. and will be removed and revegetated with native species. Revegetation of native species will also occur within the existing beach access path of approximately 2,174 s. ft. Combining the area of revegetation of the exotic invasive habitat and existing beach access, the total estimated area of revegetation is 7,993.7 sq. ft.

The native species that are planned for revegetation include: *Coccoloba uvifera* (Sea Grape), *Coccoloba diversifolia* (Pigeon Plum), *Scaevola plumieri* (Black Ink Berry), *Chrysobalanus icaco* (Coco Plum), *Eugenia axillaris* (White Stopper), *Uniola paniculata* (Sea Oats), *Ipomoea pes-caprae* (Railroad Vine), *Limonium sinuatum* (Sea Lavender) and *Lathyrus japonicus* (Beach Pea). One quarter gallon plant sizes will be utilized for the frontal dune plantings at a nominal spacing of 18 inches. One-gallon sized planters will be utilized for the upland revegetation (primarily sea grape) at a 3-foot nominal spacing. This equates to an approximate plant number of 647 upland 1-gallon planters (primarily sea grape) and 966 quarter gallon planters for the frontal dune consisting of a range of species (primarily sea oats).

Soil type(s) and condition(s): Beach sand, primarily associated with material placed as part of the North Boca Raton Nourishment Project.

List of endangered, threatened and rare species, and species of special concern found on site.

The beach fronting the project site is acknowledged nesting habitat for leatherback, loggerhead and green sea turtles. The site is known for turtle disorientations associated with lighting from the upland including the road intersection. The proposed project includes light shielding to reduce site disorientation risks to turtles.

Colonial bird nesting or roosting areas, or areas in which migratory species are know to concentrate;

The site is not known to support nesting or aggregation for any migratory bird species.

Archaeological and/or historically significant features;

The site is within the boundaries of the North Boca Raton Nourishment project and the dune features within the project vicinity are a result of sand placement associated with this project. A cultural resource survey was required for the nourishment project and no cultural resources of significance have been identified in the immediate project vicinity.

Geologically significant features;

None. The site is primarily composed of sand associated with the North Boca Raton Nourishment Project.

Areas of previous disturbance or degradation, including present and past human uses of site; and
Surrounding land uses.

The site has been historically utilized as a public beach access. A previous pavilion of the site was heavily damaged by a car accident and has been removed and there are ongoing concerns with intersection safety that the project addresses through the installation of bollards and increased separation between traffic and pedestrians.

Status of development approvals, including permit applications.

The project requires a CCCL permit from the FDEP. An application for this permit has been submitted to the FDEP and requires a consistency letter from the City for final issuance.

Identification of solid wastes generated and disposal methods expected to be used.

The project includes installation of trash and recycling bins that will be maintained by City staff. Construction debris will be removed by the contractor.

Mitigation considerations must be discussed in detail as they relate to possible loss of habitat or impact on endangered, threatened or rare animal and plant species, or species of special concern.

The primary impact and mitigative actions are associated with the disturbance of existing vegetation. A mitigation plan has been proposed which includes removal of existing exotic vegetation and replanting with appropriate native dune vegetation.

Subpart A - CHARTER OF THE CITY OF BOCA RATON

Footnotes:

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Editor's note— *Subpart A of Part I of Volume I contains the Charter of the City of Boca Raton, as set forth in Ordinance Number 2326, § 1, adopted January 7, 1977 and ratified by the voters in the election held February 15, 1977. Amendments to the Charter are indicated in a history note following the section affected. Where there is no such history note, the section is part of the original enactment and has not been amended. Obvious misspellings have been corrected and material in brackets [ ] has been added for clarification.*

ARTICLE I. - INCORPORATION AND BOUNDARIES

Section 1.01. - Former Charter amended.

The Charter of the City of Boca Raton, Palm Beach County, of the State of Florida, adopted by the Legislature of the State of Florida, as Chapter 65-1264, Special Acts, Laws of Florida, as amended from time to time, is hereby amended in its entirety, except for that part describing the boundaries of said City of Boca Raton, to read as follows.

Section 1.02. - Boundaries.

The following area shall constitute the corporate limits of the City of Boca Raton:

All that part of Section 34, Township 46 South, Range 42 East, and Sections 31, 32 and 33 of Township 46 South[,] Range 43 East and Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32 and 33 of Township 47 South, Range 43 East, and of Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 35 and 36 of Township 47 South, Range 42 East situate, lying and being within the following described corporate area, to wit:

Beginning at the intersection of the township line between Township[s] 47 and 48 South, being the boundary line between Palm Beach and Broward County with the waters of the Atlantic Ocean; thence run westerly along the said township line between Townships 47 and 48 South to its intersection with the center line of the Hillsborough State Canal (also known as Hillsborough River or Hillsborough Canal); thence run along and coincident with the meandering center line of the said Hillsborough State Canal in a general westerly direction to its intersection with the west line of Section 31, Township 47 South, Range 43 East, said line being the range line between Ranges 43 and 42 East; thence continue westerly along the center line of said Hillsborough State Canal to its intersection with the east right-of-way line of Military Trail as now laid out and in use; thence northerly along said east right-of-way line of Military Trail to a point on the north right-of-way line of Palmetto Park Road; thence westerly, along the north right-of-way line of said

Palmetto Park Road, to a point of intersection with the west boundary of said Section 23, Township 47 South, Range 42 East, also being the west boundary of Town Place Club Villas, according to the plat thereof, as recorded in Plat Book 45, pages 98 through 100; thence northerly along said West line, to a point of intersection with the north right-of-way line of the Lake Worth Drainage District Canal L-47, said line also being the north line of the south half of Section 22, Township 47 South, Range 42 East; thence westerly along the said north line of said south half of Section 22, and said north right-of-way line of the Lake Worth Drainage District Canal L-47, to a point of intersection with the east right-of-way line of Jog Road (a k a Power Line Road) as per Official Record Book 1794, page 1422 of the Public Records of Palm Beach County, Florida; thence northerly along said east right-of-way line of Jog Road to a point of intersection with the southeasterly extension of the southerly boundary of Estancia III of Via Verde, according to the plat thereof, as recorded in Plat Book 32, pages 105 and 106 of the Public Records of Palm Beach County, Florida; thence northwesterly along said line to the southwest corner of said Estancia III of Via Verde; thence west along a line perpendicular to the west boundary of Estancia III of Via Verde to a point of intersection with the west line of Section 22; thence north along the west line of said Section 22 to the northwest corner of said Section 22, said point also lying on the south boundary of Estancia II of Via Verde, according to the plat thereof, as recorded in Plat Book 32, page 112 and 113 of the Public Records of Palm Beach County, Florida; thence westerly along the southern boundaries of said Estancia II of Via Verde and Estancia IV of Via Verde, according to the plat thereof, as recorded in Plat Book 35, pages 69 and 70 of the Public Records of Palm Beach County, Florida, to the southwest corner of said Estancia IV of Via Verde; thence northerly along the west boundary of said Estancia IV of Via Verde to the northwest corner of said Estancia IV of Via Verde, said point also being a point on the south right-of-way Line of Boca Raton West Road (a k a Glades Road, State Road 808); thence easterly along the south right-of-way line of said Boca Raton West Road to a point of intersection with the east right-of-way line of Jog Road (a k a Power Line Road); thence northerly and northwesterly along said east right-of-way line of said Jog Road to a point of intersection with the north line of the south half of the southwest quarter of said section 10; thence westerly along said north line to a point of intersection with the west boundary of said Section 10; thence northerly along the west boundary of said Section 10, Township 47 South, Range 42 East to the southeast corner of Fox Landing, according to the plat thereof as recorded in Plat Book 57, Pages 151 and 152 of the Public Records of Palm Beach County, Florida; thence westerly along the south boundary of said Fox Landing to the southwest corner of said Fox Landing; thence northerly along the west boundary of said Fox Landing to a point on the south line of Section 4, Township 47 South, Range 42 East; thence westerly along the south boundary of said Section 4 to the southwest corner of said Section 4; thence northerly along the west boundary of said Section 4, also being the east right-of-way line of the Florida Turnpike, to the northwest corner of said Section 4; thence easterly along the north boundary of Sections 4,

and 3, of Township 47 South, Range 42 East, to the North Quarter Corner of Section 3, also being the South Quarter corner of Section 34, Township 46 South, Range 42 East, said point also being on the centerline of Jog Road (a k a Powerline Road); thence Northerly, along the West line of the East half of said section 34, and along said centerline of Jog Road, to the point of intersection with the North line of the Southeast Quarter of said Section 34, said line also being the westerly extension of the southern boundary line of Oxley Northern, a P.U.D., according to the plat thereof, as recorded in Plat Book 106, pages 172 through 175, of the Public Records of Palm Beach County, Florida; thence Easterly along the North line of the Southeast Quarter of said Section 34, and said South line of Oxley Northern, and its Easterly extension of Oxley Northern, to the point of intersection with the northerly extension of the west boundary of Le Lac (A Planned Unit Development), according to the plat thereof, as recorded in Plat Book 39, Pages 145 and 146, of the Public Records of Palm Beach County, Florida; thence southerly along said West boundary and its Southerly extension of Le Lac (A Planned Unit Development), to the South line of said Section 34, said line also being the North line of said Section 3, Township 47 South, Range 42 East; thence easterly along the north boundary of Sections 3, 2 and 1, Township 47 South, Range 42 East, to the northeast corner of said Section 1, also being the northwest corner of Section 6, Township 47 South, Range 43 East; thence easterly along the north line of said Section 6, also being the south line of Section 31, Township 46 South, Range 43 East to a point of intersection with the west line of the east quarter of the southwest quarter of Section 31, Township 46 South, Range 43 East; thence run northerly along the west line of the east quarter of the west half of Section 31, Township 46 South, Range 43 East to the intersection with the north boundary of Section 31, Township 46 South, Range 43 East, said line also being the center line of the Central and Southern Florida Flood Control District C-15 Canal; thence easterly along and coincident with the center line of said C-15 Canal through Sections 31, 32 and 33, Township 46 South, Range 43 East to its intersection with the centerline of the Intracoastal Waterway as recorded in Plat Book 17, page 19, of the Public Records of Palm Beach County, Florida; thence run in a general southerly direction, along and coincident with the center line of the right-of-way of the said Intracoastal Waterway through Section 33, Township 46 South, Range 43 East, and Sections 4 and 9, Township 47 South, Range 43 East, to a point of intersection with a line 1,333.86 feet south of and parallel to the north line of Section 9, Township 47 South, Range 43 East; thence run easterly along a line 1,333.86 feet south of and parallel to the north line of Section 9, Township 47 South, Range 43 East to the water's edge of the Atlantic Ocean; thence continue easterly along the extension of the aforesaid line 1,333.86 feet south of and parallel to the north line of said Section 9 to a point being 3 geographical miles distance from the water's edge of the Atlantic Ocean; thence run southerly along the 3-geographical-mile line to a point on the easterly extension of the township line between Townships 47 and 48 South, said point being 3 geographical miles east of

the water's edge of the Atlantic Ocean; thence westerly for a distance of 3 geographical miles along said easterly extension of the township line between Townships 47 and 48 South to a point of intersection with the water's edge of the Atlantic Ocean and the point of beginning.

(Ord. No. 2425, §§ 1, 4, 4-11-78; Ord. No. 2498, §§ 2, 4, 6-27-78; Ord. No. 2520, §§ 2, 4, 11-4-78; Ord. No. 2632, 12-4-79; Ord. No. 2711, 3-4-80; Ord. No. 3048, § 1, 1-26-82; Ord. No. 3077, § 2, 4-13-82; Ord. No. 3213, 9-13-83; Ord. No. 3215, 8-9-83; Ord. No. 3222, 8-9-83; Ord. No. 3273, § 1, 5-22-84; Ord. No. 3365, § 1, 1-8-85; Ord. No. 3369, § 1, 12-18-84; Ord. No. 4415, § 2, 11-10-98; Ord. No. 4717, 7-22-03; Ord. No. 4718, 7-22-03; Ord. No. 4719, 7-22-03; Ord. No. 4734, 7-23-03; Ord. No. 4795, 9-18-04; Ord. No. 4796, 9-18-04; Ord. No. 5004, § 2, 10-23-07; Ord. No. 5243, 11-26-13)

Section 1.03. - Boundary amendments.

The city council shall by ordinance amend from time to time the boundary description of the City of Boca Raton as set forth in this Charter to conform such boundary description with any annexation done in accordance with Florida Statutes. Such Charter amendments shall be authenticated in accordance with section 7.02 of this Charter.

ARTICLE II. - POWERS

Section 2.01. - Powers.

The City of Boca Raton shall have all governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.

Section 2.02. - Construction.

The powers of the city shall be construed liberally in favor of the city, limited only by the Constitution, Florida Statutes and specific limitations contained herein. Future special acts of the Florida Legislature pertaining to the jurisdiction and exercise of powers of this city shall be considered amendments to this Charter and, pursuant to the provisions adopted for incorporation of other Charter amendments specified in section 7.02 of this Charter, shall be incorporated as official amendments to the Charter.

Section 2.03. - Extraterritorial powers.

(a) The following constitute the reserve area of the City of Boca Raton.

All that part of Sections 32, 33, 34, 35 and 36, Township 46 South, Range 42 East; Section 31, Township 46 South, Range 43 East; Sections 1, 3, 4, 5, 8, 9, 10, 14, 15, 16, 17, 20, 21, 22, 23, 26, 27, 28, 29, 32, 33, 34 and 35, Township 47 South, Range 42 East and Section 6, Township 47 South,

Range 43 East lying and being within the following described area:

Beginning at the intersection of the center line of the Hillsborough State Canal and the east right-of-way line of Military Trail as now laid out and in use; thence run westerly along and coincident with the center line of said canal through Sections 35, 34, 33 and 32, Township 47 South, Range 42 East to the east right-of-way line of the Sunshine State Parkway, according to the right-of-way map as recorded in the Public Records of Palm Beach County, Florida; thence northerly along the east right-of-way line of said parkway through Sections 32, 29, 20, 17, 8 Township 47 South, Range 42 East to a point on the south line of Section 5 of Township 47 South, Range 42 East; thence east along the south of said Section 5 and the south line of Section 4, Township 47 South, Range 42 East to a point of intersection with the west boundary line of Fox Landing, according to the plat thereof, as recorded in Plat Book 57, Pages 151 and 152 of the Public Records of Palm Beach County, Florida; thence south along the west boundary of said Fox Landing to the Southwest Corner of said Fox Landing; thence east along the south boundary of said Fox Landing to the southeast corner of said Fox Landing and a point on the west line of Section 10, Township 47 South, Range 42 East; thence south along the west boundary of said Section 10 to the south line of the north half of the southwest quarter of said Section 10; thence east along said south line to a point of intersection with the east right-of-way line of Jog Road (a k a Power Line Road) per Official Record Book 6434, page 498 of the Public Records of Palm Beach County, Florida; thence southerly along the east right-of-way line of said Jog Road to a point of intersection with a line 370 feet south of and parallel with the north line of the south half of the southwest quarter of said Section 10; thence easterly along said parallel line to a point of intersection with a line 115 feet west of and parallel with the west line of the southeast quarter of said Section 10; thence south along said parallel line to a point of intersection with the westerly extension of the north line of Boca Madera Unit 2, according to the plat thereof, as recorded in Plat Book 32, Pages 59 and 60 of the Public Records of Palm Beach County, Florida; thence easterly along said line to a point on the west line of the southeast quarter of said Section 10; thence south along said line and the west line of the northeast quarter of Section 15, Township 47 South, Range 42 East to a point on the south boundary line of the northeast quarter of said Section 15; thence east along the south line of the northeast quarter of said Section 15 to a point on the east right-of-way line of the aforementioned Jog Road; thence south along the east right-of-way line of said Power Line Road to a point of intersection with the south right-of-way line of Boca Raton Road (a k a Glades Road, State Road 808); thence west along said south right-of-way line to the northwest corner of Estancia IV of Via Verde, according to the plat thereof, as recorded in Plat Book 35, Pages 69 and 70 of the Public Records of Palm Beach County, Florida; thence southerly along the west boundary of said Estancia IV to the southwest corner of said Estancia IV; thence easterly along the south boundary lines of said Estancia IV and Estancia II, according to the plat thereof, as recorded in Plat Book 32, pages 112 and 113 of the Public Records of Palm Beach County, Florida to point

of intersection with the west line of Section 22 Township 47 South, Range 42 East; thence south along the west line of said Section 22 to a point of intersection with a line that is perpendicular to the west boundary of Estancia III, according to the plat thereof, as recorded in Plat Book 32, Pages 105 and 106 of the Public Records of Palm Beach County, Florida said line runs through the southwest corner of said Estancia III; thence east along said line to the southwest corner of said Estancia III; thence southeasterly along the southerly boundary of said Estancia III and the southerly extension of said boundary to a point of intersection with the east right-of-way line of said Jog Road; thence southerly along the east right-of-way line of said Jog Road per Official Record Book 1794, Page 1422 to a point of intersection with the south line of the north half of said Section 22; thence east along the south line of the north half of said Section 22, said line also being the north line of the Lake Worth Drainage District L-47 Canal to a point of intersection with the east line of said Section 22; thence south along said east line of Section 22 said line also being the west line of Town Place Club Villas, according to the plat thereof, as recorded in Plat Book 45, Pages 98 through 100 of the Public Records of Palm Beach County, Florida to a point of intersection with the north right-of-way line of Palmetto Park Road; thence east along the north right-of-way line of said Palmetto Park Road to a point of intersection with the east right-of-way line of Military Trail as now laid out and in use; thence south along the east right-of-way line to a point of intersection with the center line of the aforementioned Hillsborough State Canal and the point of beginning.

TOGETHER WITH

Beginning at the point of intersection of the north line of Section 4, Township 47 South, Range 42 East with the east right-of-way line of the aforementioned Sunshine State Parkway; thence north along said east right-of-way line through Section 33, Township 47 South, Range 42 East to a point to a point on the north line of said Section 33 also being the centerline of the C-15 Canal; thence easterly along the north line of Sections 33, 34, 35 and 36 of Township 46 South, Range 42 East and Section 31, Township 46 South, Range 43 East to the intersection with the west line of the east quarter of the west half of said Section 31, Township 46 South, Range 43 East; thence southerly on the west line of said east quarter of the west half of Section 31 to a point on the south line of said Section 31; thence westerly along the south lines of Sections 31, Township 47 South, Range 43 East and Sections 36,35, 34, and 33 to a point of intersection with the east right-of-way line of said Sunshine State Parkway and the point of beginning.

(b) None of the area contained in the aforesaid described lands shall become a part of, or be incorporated into, any municipality other than the City of Boca Raton.

(c) Except as may be provided by Florida Statutes, the City of Boca Raton shall exercise no corporate powers concerning the "Boca Raton Reserve Area" until the area (or part thereof) shall have been annexed by the City of Boca Raton in the manner hereinafter provided in this section.

(d) The City of Boca Raton may annex the "Boca Raton Reserve Area" or any part thereof at any time in any manner allowed by the Constitution and Florida Statutes; provided, however, that any area thus annexed must be adjacent to and contiguous to the existing limits of the City of Boca Raton.

(Ord. No. 4717, 7-22-03; Ord. No. 4718, 7-22-03; Ord. No. 4719, 7-22-03; Ord. No. 4734, 7-23-03; Ord. No. 4795, 9-18-04; Ord. No. 4796, 9-18-04)

Section 2.04. - Intergovernmental relations.

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

ARTICLE III. - CITY COUNCIL

Section 3.01. - City council; powers and composition.

There shall be a city council, consisting of five (5) members, with all legislative powers of the city vested therein.

Section 3.02. - Qualifications.

Any qualified elector of the city shall be eligible to hold the office of city council member. The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing.

Section 3.03. - Election, terms and term limitations.

The mayor and other city council members shall be elected for three-year terms at the regular city election in the manner provided in Article V of this Charter. The terms of council members shall begin on the last day of March. No person who has been elected to the office of mayor or to the office of council member for two consecutive terms shall be eligible to qualify for election, or be elected, to that office for the succeeding term; provided, however, for transition purposes, council members serving on the city council on March 31, 2005 shall be eligible to qualify for election, and be elected, to that office for a maximum of three consecutive terms (including consecutive terms immediately prior to March 14, 2006). The office of mayor and the office of council member shall be considered separate offices for the purpose of consecutive term limits set forth in this section. For transition purposes, the three current council members, including the mayor, elected at the regular election in March 2005 shall have their current term extended by one

additional year and such term shall now expire on March 30, 2008. In the event a vacancy is filled in the office of mayor or council member, by appointment or election as provided in this Charter, the partial term shall not be considered a term for purposes of term limits as specified herein.

(Ord. No. 2441, § 1, 12-13-77; Ord. No. 2444, § 1, 12-31-77; Ord. No. 4088, § 1, 3-30-93; Ord. No. 4919. § 1, 1-24-06)

Section 3.04. - Compensation.

The council shall determine the annual salary of council members by ordinance, but no ordinance increasing such salary shall become effective until ratified by a majority of the electorate voting on the proposed increase. Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

Section 3.05. - Mayor.

One council member shall be the mayor, who shall be elected to the office in the manner provided in Article V of this Charter, except as provided in this article for the filling of a vacancy in the office of mayor. The council shall hold an organizational meeting on the last day of March or the first business day thereafter, and elect from its members a deputy mayor, who shall serve at the pleasure of the council for a term of one year. In the event a majority of the council is unable to agree upon the selection of a deputy mayor within five (5) days after the organizational meeting, then such deputy mayor shall be the most recently elected council member other than the mayor receiving the largest number of votes in the regular election. The mayor shall preside at meetings of the council and shall be recognized as the head of city government for all ceremonial and official purposes, by the governor for purposes of military law, as agent for the service of process and as the city official designated to execute contracts, deeds and other documents and to represent the city in all agreements with other governmental entities or certifications to other governmental entities, but shall have no administrative duties except as required to carry out the responsibilities herein. The deputy mayor shall act as mayor during the absence or disability of the mayor.

(Ord. No. 2438, § 1, 12-13-77; Ord. No. 2441, § 1, 12-13-77; Ord. No. 2444, § 1, 12-13-77)

Section 3.06. - General powers and duties of city council.

All legislative powers of the city shall be vested in the city council, which shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law. The council may by resolution or ordinance delegate to the city manager the power to execute contracts, deeds and other documents approved by the council, and to represent the city in all agreements with other governmental entities or certifications to other governmental entities.

Section 3.07. - Prohibitions.

(a) *Appointment and removals.* Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his or her subordinates are empowered to appoint, but the council may express its views and fully discuss with the manager anything pertaining to appointment and removal of such officers and employees.

(b) *Interference with administration.* Except for the purpose of inquiries and investigations, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the council from closely scrutinizing, by questions and personal observation, all aspects of city government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the council. It is the express intent of this Charter, however, that recommendations for improvement in city government operations by individual council members shall be made to and through the city manager, so that the manager may coordinate efforts of all city departments to achieve the greatest possible savings through the most efficient and sound means available. Violation of this provision shall be grounds for forfeiture of office.

(c) *Holding other office.* No former elected city officer shall hold any compensated appointive city office or employment until one year after the expiration of the term for which the officer was elected.

Section 3.08. - Vacancies; forfeiture of office; filling of vacancies.

(a) *Vacancies.* The office of a council member shall become vacant upon his or her death, disability, resignation, removal from office or forfeiture of office in any manner authorized by law, such forfeiture to be declared by the remaining members of the council.

(b) *Forfeiture of office.* A council member shall forfeit office if he or she lacks at any time during the term of office any qualification for the office prescribed by this Charter or by law.

(c) *Filling of vacancies, generally.* If a vacancy occurs in the council for any reason whatsoever, other than a vacancy in the office of mayor, a special election shall be held to fill the vacancy for the remainder of the unexpired term. The special election shall be held no later than the Tuesday following the ninetieth (90th) day after the vacancy occurs, or as soon thereafter as practicable; provided, however, if the vacancy occurs within one hundred fifty (150) days of a previously scheduled federal, state, countywide, or city election, or within one hundred fifty (150) days of the date of a Uniform Municipal Election, the special election may be held concurrently with such

election, if practicable. For the period prior to the special election, the council, by a majority vote of its remaining members, including the mayor, may appoint a qualified person to temporarily fill the vacancy and serve until the office is filled by election.

(d) *Filling of vacancies, office of mayor.* The office of mayor shall become vacant for any reason that the office of any other council member may become vacant, and a vacancy in the office of mayor shall also be deemed a vacancy in the council. If a vacancy occurs in the office of mayor for any reason whatsoever, a special election shall be held to fill the vacancy for the remainder of the unexpired term. The special election shall be held no later than the Tuesday following the ninetieth (90th) day after the vacancy occurs, or as soon thereafter as practicable; provided, however, if the vacancy occurs within one hundred fifty (150) days of a previously scheduled federal, state, countywide, or city election, or within one hundred fifty (150) days of the date of a Uniform Municipal Election, the special election may be held concurrently with such election, if practicable. For the period prior to the special election, the deputy mayor shall succeed to the office of mayor and shall serve until the office of mayor is filled by election; and shall then complete the remainder of his/her unexpired term if any part of such term remains unexpired. The succession to the office of mayor by the deputy mayor shall create a vacancy in the council, and the council, by a majority vote of the remaining members, including the mayor, may appoint a qualified person to temporarily fill such vacancy on the city council and serve until the office of mayor is filled by election.

(e) *Extraordinary vacancies.* In the event that all members of the council are removed by death, disability, resignation, removal or forfeiture of office, the governor shall appoint an interim council that shall call a special election to fill the unexpired terms of office.

(Ord. No. 2441, § 1, 12-13-77; Ord. No. 2444, § 1, 12-13-77; Ord. No. 5350, § 1, 6-14-16)

Section 3.09. - Procedure.

(a) *Meetings.* The council shall meet regularly at least once a month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of a majority of the members and, whenever practicable, upon no less than twenty-four (24) hours' notice to each member and to the public.

(b) *Rules and journal.* The council shall by ordinance determine its own rules and order of business. The city manager shall appoint a city clerk who shall keep the journal of council proceedings and shall perform such other duties as prescribed by the city manager, this Charter, or Florida Statutes.

(c) *Voting.* Voting on ordinances and resolutions shall be by roll call on final action and shall be recorded in the journal. A majority of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. Passage of an

ordinance or resolution shall require an affirmative vote of not less than a majority of the council members. Passage of an ordinance adopting a comprehensive plan or a comprehensive plan amendment shall require an affirmative vote of not less than four-fifths (⅘) of the membership of the city council. Passage of any resolution authorizing the city attorney or special counsel to institute eminent domain proceedings, or any ordinance to confirm the acquisition of property through eminent domain proceedings by the Boca Raton Community Redevelopment Agency, shall require an affirmative vote of not less than four-fifths (⅘) of the membership of the city council. The council shall establish by ordinance requirements for approval of expenditures of public funds and acceptance of public improvements upon their completion. All council members shall vote on all matters before the council except on those matters on which the council member announces a conflict of interest as the reason for abstention.

(Ord. No. 4510, § 1, 4-25-00; Ord. No. 4548, § 1, 11-14-00; Ord. No. 4564, § 1, 1-23-01)

Section 3.10. - Legal counsel.

The council shall appoint legal counsel, as it deems necessary, to serve at the pleasure of the council and to act as legal advisor to the city and to all its officers on matters relating to their official duties.

Section 3.11. - Annual audit.

The council shall provide for an annual audit of its financial accounts as provided by Florida Statutes. The accountants or firm performing such audit shall be employed for a period not to exceed 5 years, except that the accountants or firm may be reemployed for periods not to exceed 5 years after competitive selection upon consideration of proposals from accountants or firms offering to perform the services.

(Ord. No. 2724, § 1, 1-22-80)

Editor's note— Ordinance Number 2724 was approved at an election held Mar. 11, 1980.

Section 3.12. - Ordinances and resolutions.

Ordinances and resolutions shall be adopted in accordance with Florida Statutes.

(a) *Form.* Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be amended by reference to its title only. Any ordinance which amends an existing ordinance or part of the city code shall set out in full the ordinance or sections or subsections of the city code to be amended and shall clearly indicate the changes to be made.

(b) *Procedure.* A proposed ordinance, except an ordinance described in section 3.14, shall be read by title, or in full, on at least 2 separate days, at either regular or special meetings of the council and shall, at least 10 days prior to the proposed adoption, be noticed once in a newspaper of general

circulation in the city. The notice of proposed enactment shall state the date, time and place of the meeting, the title of the proposed ordinance, and the place or places within the city where such proposed ordinance may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(c) *Effective date.* Except as may be provided in this Charter or by Florida Statutes, every adopted ordinance or resolution shall become effective 10 days after adoption or as otherwise specified therein, except that an adopted ordinance or resolution approving a contract shall become effective 10 days after adoption or at any later time specified therein.

State Law reference— Ordinance adoption procedure, F.S. § 166.041.

Section 3.13. - Action requiring an ordinance.

In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the city council shall be by ordinance which:

(a) Adopt or amend a standard code of technical regulations.

(b) Upon the recommendation of the city manager, alter or abolish any city department or agency.

(c) Establish a rule or regulation, the violation of which carries a penalty.

(d) Levy taxes authorized by general law.

(e) Grant, renew or extend a franchise.

(f) Set service or user charges for municipal services or grant administrative authority for such charges.

(g) Authorize the borrowing of money not inconsistent with the limitations established in the constitution and the Florida Statutes.

(h) Convey or lease or authorize administrative action to convey or lease any lands of the city.

(i) Amend or repeal any ordinance previously adopted, except as provided by article VI.

Section 3.14. - Emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the council may adopt 1 or more emergency ordinances, but such ordinances may not levy taxes; grant, renew or extend a franchise; set service or user charges for any municipal services; enact or amend a land use plan or rezone private real property; or authorize the borrowing of money for a period exceeding 60 days.

(a) *Form.* An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

(b) *Procedure.* An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least two-thirds (⅔) of all the council shall be required for adoption. After its adoption the ordinance shall be published by title once in a newspaper of general circulation in the city, and shall be authenticated, recorded and printed in the same manner as other adopted ordinances.

(c) *Effective date.* Emergency ordinances shall become effective upon adoption or at such other date as may be specified in the ordinance.

(d) *Repeal.* Every emergency ordinance except emergency appropriations shall automatically stand repealed as of the sixty-first day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance under regular procedures or, if the emergency still exists, in the manner specified in this section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

State Law reference— Emergency ordinances, F.S. § 166.041.

Section 3.15. - Zoning and land use ordinances.

Ordinances which rezone private real property or deal with land use pursuant to the provisions of the Local Government Comprehensive Planning Act shall be enacted under the procedure described in state law.

State Law reference— Land use and zoning ordinances, F.S. § 166.041.

Section 3.16. - Action requiring a resolution.

(a) In addition to other acts required by law or by specific provision of this Charter to be done by resolution, those acts of the city council shall be by resolution which:

(1) Establish the date, time and purpose of a special election;

(2) Provide for forfeiture of office of a council member, or fill a vacancy in the council;

(3) Establish an advisory board not otherwise established by ordinance;

(4) Authorize the execution of deeds and contracts, excluding contracts for the purchase by the city of goods or services as may be provided by ordinance;

(5) Approve conditional uses of property;

(6) Amend or rescind a resolution;

(7) Any other act as may be required by ordinance.

(b) The enumeration of matters in this section requiring a resolution shall not be deemed to exclude other matters not enumerated.

State Law reference— Resolutions, F.S. § 166.041.

Section 3.17. - Reserved.

Editor's note— Ordinance Number 2585, § 1, adopted Jan. 23, 1979, and approved at referendum March 13, 1979, repealed former § 3.17 of the Charter. The former section required city council action to provide urban services outside the city limits be approved by the electorate at referendum, and was enacted pursuant to Ordinance Number 2366, § 1, adopted April 26, 1977.

Section 3.18. - Recording and authentication.

Every ordinance or resolution shall, upon its final passage, be authenticated, recorded and printed as specified in section 7.02 of this Charter.

(Ord. No. 2366, § 2, 4-26-77)

Section 3.19. - Budget adoption.

The council shall by ordinance adopt the budget on or before the thirtieth day of September of each year for the ensuing fiscal year beginning October first. [Upon its] failing to adopt the budget by this date, the amounts appropriated for current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the council adopts a budget for the ensuing fiscal year. Adoption of the budget shall constitute appropriations from the funds indicated and shall constitute a levy of the property tax therein proposed.

(Ord. No. 2366, § 2, 4-26-77)

State Law reference— Adoption of budget, F.S. § 200.065.

Section 3.20. - Appropriation amendments during fiscal year.

(a) *Supplemental appropriations.* If during the fiscal year revenues in excess of those estimated in the budget are available for appropriation, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

(b) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, the manager shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

(c)

Limitations; effective date. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(d) *Transfer of appropriations.* The manager may at any time transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency. Upon written request by the manager, the council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.

(Ord. No. 2366, § 2, 4-26-77)

Section 3.21. - Codes of technical regulations.

(a) The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance, and such ordinance may amend such code. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally, except that:

(1) The requirements of section 7.02 for authentication and recording of ordinances shall be construed to include a copy of the code of technical regulations, as well as of the adopting ordinance, and

(2) A copy of each adopted code of technical regulations, as well as of the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to section 7.02.

(b) Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution, or for purchase at a reasonable price.

(Ord. No. 2366, § 2, 4-26-77)

ARTICLE IV. - ADMINISTRATIVE

Section 4.01. - City manager.

There shall be a city manager who shall be the chief administrative officer of the city. The manager shall be responsible to the council for the administration of all city affairs placed in the manager's charge by this Charter or by ordinance.

Section 4.02. - Appointment; removal; compensation.

(a) *Appointment.* The council shall appoint a city manager for an indefinite term by a majority vote of all the council members.

(b) *Removal.* The council may remove a manager in accordance with the following procedures:

(1) The council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed ninety (90) days. A copy of the resolution shall be delivered promptly to the manager.

(2) Within five (5) days after a copy of the resolution is delivered, the manager may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than fifteen (15) days nor more than thirty (30) days after the request is filed. The manager may file with the council a written reply at least five (5) days before the hearing.

(3) The council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date which a copy of the preliminary resolution was delivered to the manager, if a public hearing was not requested, or at any time after the public hearing if one is requested. The manager shall continue to receive his or her salary until the effective date of a final resolution of removal, or, at the discretion of the council, for a period not to exceed ninety (90) days from the adoption of the preliminary resolution.

(c) *Compensation.* The compensation of the manager shall be fixed by the council.

Section 4.03. - Acting city manager.

By letter filed with the council, the manager shall designate, subject to approval of the council, a qualified city administrative officer to exercise the powers and perform the duties of the manager during his or her temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or the disability shall cease.

Section 4.04. - Powers and duties of the city manager.

The city manager shall:

(a) Appoint, and when deemed necessary for the good of the city, suspend or remove all city employees and appointive administrative officers provided for by or under this Charter, except as otherwise provided by law, this Charter or personnel rules adopted pursuant to this Charter. The manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(b) Plan, organize, direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this Charter or by law.

(c) Attend all council meetings, with the right to take part in discussion but not to vote.

(d) See that all laws, provisions of this Charter, and acts of the council, subject to enforcement by the manager or by officers subject to the manager's direction and supervision, are faithfully executed.

(e) Prepare and submit at least forty-five (45) days prior to the beginning of the fiscal year, the annual budget, budget message, and capital program to the council in a form provided by ordinance.

(f) Submit to the council and make available to the public not more than one hundred eighty (180) days after the completion of each fiscal year, based upon audited financial data, a report on the finances and administrative activities of the city for the fiscal year just completed.

(g) Make such other reports as the council may require concerning the operations of the city departments, offices and agencies subject to the manager's direction and supervision.

(h) Keep the council fully advised as to the financial condition and future needs of the city and make such recommendations to the council concerning the affairs of the city as deemed desirable.

(i) Sign contracts on behalf of the city pursuant to ordinances and resolutions.

(j) Perform such other duties as are specified in this Charter or as may be required by the council.

(Ord. No. 2725, § 1, 1-22-80)

[Section 4.05. - Reserved.]

Section 4.06. - Personnel system; the merit principle.

All appointments and promotions of city officers and employees, except those specifically exempted by ordinance, shall be made solely on the basis of merit and fitness, demonstrated by examination or other evidence of competence, and in accordance with established personnel procedures and rules. The city manager shall recommend personnel procedures and rules which shall be adopted by ordinance.

Section 4.07. - Administrative regulations code.

The manager shall maintain an administrative regulations code for the purpose of implementing ordinances passed by the council.

ARTICLE V. - QUALIFICATIONS AND ELECTIONS

Section 5.01. - Electors.

Any person who is a resident of the city who has qualified as an elector of this state, and who registers in the procedural manner prescribed by Florida Statutes and ordinances of the city, shall be a qualified elector of the city.

Section 5.02. - Nonpartisan elections.

All qualifications and elections for the office of city council member shall be conducted on a nonpartisan basis without regard for, or designation of, the political party affiliation of any nominee on any nomination petition or ballot.

Section 5.03. - Qualifications.

A candidate for the office of city council member shall be a qualified elector of the city at the time of qualifying as a candidate, and a resident of the city for a period of not less than one year prior to the first day of the qualifying period for candidates. At the time of qualifying, candidates shall submit proof of residency in a form prescribed by ordinance. A person who has applied for or maintained a homestead exemption for a residence located outside of the city during the period within one year prior to the first day of the qualification period shall be deemed a nonresident for purposes of this section. A person that does not meet the residency qualification requirements shall not qualify as a candidate and shall not be included on the ballot. Candidates shall qualify during the first seven regular business days of November by submitting to the city clerk a petition bearing the signatures of two hundred (200) qualified electors of the city. The city council shall, by ordinance, prescribe procedures for the collection, submission, and verification of the petition signatures.

(Ord. No. 2472, § 1, 3-21-78; Ord. No. 2956, § 1, 5-19-81; Ord. No. 5182, § 1, 10-12-11; Ord. No. 5531, § 1, 9-9-20; Ord. No. 5539, §§ 1, 3, 9-9-20; Ord. No. 5606, § 1, 1-11-22)

Section 5.04. - Form of ballots.

(a) *Charter amendment or ordinance.* A charter amendment or ordinance or other ballot issue to be voted on by the electors shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (amendment) (ordinance) (proposal) be adopted?" Immediately below such question shall appear, in the following order, the word "yes" and also the word "no" with a sufficient blank space thereafter to provide for marking or indicating the voter's choice.

Section 5.05. - Elections.

(a) Regular elections. The regular election shall be held on the second Tuesday of March of each year in which a term of the mayor or city council member expires (which shall be 2006, and every three years thereafter, for council member seats C and D, and 2008, and every three years thereafter, for the mayor and council member seats A and B).

(b) Number of votes. Each qualified voter shall be entitled to vote for one candidate for each seat for the office of Council Member to be filled.

(c) Council Member Seats. Candidates for the office of Council Member shall qualify for election to a specific Council Member seat designated A, B, C or D. No candidates for the office of Council Member shall be permitted to qualify for more than one (1) seat. Candidates for the office of Council Member shall be elected to seats A and B at the regular election in 2005, to seats C and D at the regular election in 2006, and thereafter as provided in subsection 5.05(a) above. When more than one candidate qualifies for a seat for the office of City Council Member, the order of the candidates on the ballot for such seat shall be in the order chosen by lot. The candidate for each seat receiving the greatest number of votes from the electors voting for that seat shall be declared elected without a runoff election.

(d) Single candidates. In the event only one candidate qualifies for a seat for the office of City Council Member, such candidate shall be declared elected without the necessity of being voted upon and shall assume office at the same time and in the same manner as if an election had been held.

(e) Mayor. In any election to the office of Mayor, candidates for the office shall be grouped in order chosen by lot. No person shall be a candidate for Mayor and for City Council Member in the same election. Each qualified voter shall be entitled to vote once for a candidate for the office of Mayor. In determining which candidate has been elected, the results of the mayoral election shall be determined separately from the results of the election to other council seats. The candidate for Mayor receiving votes from a plurality of electors voting for Mayor shall be declared elected.

(Ord. No. 2438, § 1, 12-13-77; Ord. No. 2441, § 1, 12-13-77; Ord. No. 2444, § 1, 12-13-77; Ord. No. 4799, § 1, 8-24-04; Ord. No. 4919, § 1, 1-24-06)

State Law reference— Uniform election date for Palm Beach County, Laws of Fla., ch. 83-498.

ARTICLE VI. - INITIATIVE, REFERENDUM AND RECALL PETITIONS

Section 6.01. - Initiative.

The qualified voters of the city shall have power by petition to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriations of money, levy of taxes or salaries of city officers or employees.

Section 6.02. - Referendum.

The qualified voters of the city shall have power by petition to require reconsideration by the council of any adopted ordinance or resolution, and if the council fails to repeal an ordinance or resolution so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget, the capital program, any emergency ordinance, or any ordinance relating to appropriation of money, levy of taxes or salaries of city officers or employees.

Section 6.03. - Recall.

The qualified voters of the city shall have the power by petition to remove from office any elected official of the city. Such recall procedure shall be in accordance with Florida Statutes. Grounds for removal shall include malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or the commission of a felony.

Section 6.04. - Commencement of proceedings.

Any five (5) qualified voters may commence initiative or referendum proceedings by filing with the city clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, representing the petitioners in any subsequent formal proceedings, and withdrawing a submitted petition. The affidavit shall specify the committee members' names and addresses and the address to which all notices to the committee are to be sent, and shall set out in full the proposed initiative ordinance or cite the ordinance or resolution sought to be reconsidered. An affidavit to commence referendum proceedings shall be filed within ten (10) days following the adoption of the ordinance or resolution sought to be reconsidered.

Within five (5) calendar days after the affidavit of the petitioners' committee is timely filed, the clerk may, at the committee's request, issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

Section 6.05. - Petition procedure.

(a) *Number of signatures.* Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least fifteen (15) percent of the total number of votes cast in the last regular city election.

(b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the name and address, in block letters, of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or the ordinance or resolution sought to be reconsidered.

(c)

Affidavit of circulator. Each paper of a petition shall contain or have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signature of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or the ordinance or resolution sought to be reconsidered.

(d) *Time for filing referendum petitions.* Referendum petitions must be filed within thirty (30) days after adoption by the council of the ordinance or resolution sought to be reconsidered.

(Ord. No. 2437, § 1, 12-13-77; Ord. No. 2473, § 1, 3-21-78)

Section 6.06. - Procedure for certification.

(a) *Certificate of clerk.* Within twenty (20) days after an initiative petition is filed or within ten (10) days after a referendum petition is filed, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioner's committee by registered mail.

(b) *Petition insufficiency.* An initiative or referendum petition certified insufficient for lack of the required number of valid signatures may be amended only once if the petitioners' committee files a notice of intention to amend it with the clerk or other officer designated by the council within two (2) days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of section 6.05, subsections (b) and (c).

Within five (5) days after the supplementary petition is filed, the city clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail, as in the case of an original petition.

(c) *Certification to council.* If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (d) of this section within the time required, the city clerk shall promptly present the clerk's certificate to the council and the certificate shall then be a final determination as to the sufficiency or insufficiency of the petition.

(d) *Council review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting

following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition subject to the right of judicial review.

Section 6.07. - Referendum petitions; suspension of effect of ordinance or resolution.

When the affidavit of the petitioners' committee, as specified in section 6.04, is timely filed with the city clerk, the ordinance or resolution sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when any of the following occurs:

(a) Thirty (30) days has expired following the adoption of the ordinance or resolution and no petition has been filed;

(b) There is a final determination of insufficiency of the petition;

(c) The petitioners' committee withdraws the petition;

(d) The council repeals the ordinance or resolution; or

(e) A vote of the city's electorate on the ordinance or resolution has been certified.

Section 6.08. - Action on petitions.

(a) *Action by council.* When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance in the manner provided in Article III for nonemergency ordinances, or reconsider the referred ordinance or resolution by voting its repeal. If the council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance or resolution within thirty (30) days, or if the council sooner takes final action having the same effect, the council shall submit the proposed or referred ordinance or resolution to the voters of the city.

(b) *Submission to voters.* The vote of the city on a proposed or referred ordinance or resolution shall be held not less than thirty (30) days and not later than sixty (60) days after the time provided in subsection (a) of this section for action by council has expired, or after the council sooner takes final action having the same effect, whichever occurs first. If no regular city election is to be held within the period prescribed by this subsection, the council shall provide for a special election. The council may, in its discretion, provide for a special election within the prescribed period at a date earlier than a regular election. Copies of the proposed or referred ordinance or resolution shall be made available at the polls.

(c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(Ord. No. 2437, § 1, 12-13-77)

Section 6.09. - Results of election.

(a) *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

(b) *Referendum.* If a majority of the qualified electors voting on a referred ordinance or resolution vote against it, it shall be considered repealed upon certification of the election results.

(c) *Recall.* If a majority of the qualified electors voting on a recall of an elected city official vote for the recall, that official shall be removed from office upon certification of the election results and shall not be eligible to be appointed to the council within a period of two (2) years after being recalled; but such removal shall not constitute a disqualification to become a candidate for or be elected to the same or any other city office at some future time.

ARTICLE VII. - GENERAL PROVISIONS

Section 7.01. - Charter amendment.

This Charter may be amended in either of two (2) ways:

(a) *Initiation by ordinance.* The council may by ordinance propose amendments to any part or all of this Charter, except Article I prescribing boundaries, and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose.

(b) *Initiation by petition.* The electors of the city may propose amendments to this Charter by petition signed by qualified voters of the city equal in number to at least ten (10) percent of the total number of qualified voters registered to vote in the last regular city election.

(1) *Form and content.* The city council shall by ordinance determine a standard form of petition which shall contain or have attached thereto throughout their [its] circulation the full text of the proposed charter amendment.

(2) *Affidavit of circulator.* Each paper of a petition shall contain or have attached to it when filed an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her

presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed charter amendment.

(3) *Certification of petition.* Upon certification of the petition by the city clerk in accordance with the procedures established in section 6.06 for initiative petitions, the council shall place the proposed amendments to a vote of the electors not less than sixty (60) days after certification at the next regularly scheduled election or at a special election called for such purpose. In no event shall the charter amendment be voted upon later than three (3) months from the date of certification.

(c) *Form of ballot.* The form of the ballot shall be as prescribed in section 5.04 of this Charter.

Section 7.02. - Authentication, recording and disposition of charter amendments, ordinances and resolutions.

(a) *Authentication.* The mayor and the city clerk shall authenticate by their signatures all ordinances and resolutions adopted by the council. In addition, when charter amendments have been approved by the electors, the mayor and the city clerk shall authenticate by their signatures the charter amendment, such authentication to reflect the approval of the charter amendment by the electorate.

(b) *Recording.* The city clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions passed by the council. Ordinances shall, at the direction of the council, be periodically codified. The city clerk shall also maintain the city charter in current form and shall enter all charter amendments and send a copy of the revised charter incorporating amendments to the department of state.

(c) *Printing.* The council shall by ordinance establish procedures for making all resolutions, ordinances, technical codes adopted by reference, and this Charter available for public inspection and for purchase at a reasonable price.

Section 7.03. - Standards of ethics.

All elected officials and employees of the city shall be subject to the standards of conduct for public officers and employees set by Florida Statutes. In addition, the council may by ordinance establish a code of ethics for officials and employees of the city which may be supplemental to Florida Statutes, but in no case may an ordinance diminish the provisions of Florida Statutes.

Section 7.04. - Penalties.

Violations of ordinances shall be punishable in accordance with the fines and penalties set by ordinance or by Florida Statutes.

Section 7.05. - Limitation of number of dwelling units.

The total number of dwelling units within the boundaries of the City of Boca Raton as they exist at the time of adoption by the voters of this Charter is limited to 40,000. No building permit shall be issued for the construction of any dwelling unit within the City of Boca Raton which would permit the total number of dwelling units within the city as it is described in article I at the time of adoption of the Charter to exceed 40,000.

Case Law reference— Former Charter § 12.09, from which this section is derived, was declared invalid, City of Boca Raton v. Boca Villas, 371 So.2d 154(1979).

Section 7.06. - Reserved.

Editor's note— Section 7.06, providing that no city funds be expended in any manner to accrue, directly or indirectly, to the benefit of any religious, charitable, benevolent, civic or service organization, was repealed by § 1 of Ordinance Number 3115, adopted July 13, 1982, and approved at an election held Sept. 7, 1982.

Section 7.07. - Protection of public beach.

The city council shall not in any manner alienate from the public the public beach, or any part thereof, of the City of Boca Raton, except upon approval of the proposed action at a referendum election.

Section 7.08. - Gambling prohibited.

No gambling shall be permitted within the corporate limits of the city, except that bingo or guest games may be allowed only to the extent specifically authorized by Florida Statutes.

Editor's note— Ordinance Number 2328, § 1, adopted Dec. 28, 1976, and ratified by the voters at an election held February 1, 1977, provided a Charter amendment relative to gambling to read as set out herein. Section 5 of the ordinance provided that the amendment should be applicable to either the proposed Charter set out herein or to the then existing city Charter.

Section 7.09. - Severability.

If any article, section, subsection, sentence, clause, or provision of this Charter or the application thereof shall be held invalid for any reason, the remainder of the Charter and any ordinances or regulations made thereunder shall remain in full force and effect.

Section 7.10. - Recreational facilities.

User fees for city recreational facilities located outside the city limits shall bear a surcharge of not less than twenty-five (25) percent to be paid by users who are not residents of the city.

(Ord. No. 2880, § 1, 12-16-80)

Editor's note— The amendment to the Charter promulgated by Ordinance Number 2880 was approved at an election held March 10, 1981.

ARTICLE VIII. - TRANSITION PROVISIONS

Section 8.01. - Former Charter provisions.

Except as provided by Florida Statutes, any office, board, commission or other agency of the City of Boca Raton, existing at the time of adoption of this Charter revision, except the city council and the city manager, may by ordinance be abolished and the duties and functions transferred to such other employee, office, board or commission as deemed appropriate.

Section 8.02. - Ordinances preserved.

All ordinances in effect at the time of the adoption of this Charter and consistent with it shall remain in effect until repealed or changed as provided herein.

Section 8.03. - Rights of officers and employees.

Nothing in this Charter, except as otherwise specifically provided, shall affect or impair the rights of persons who are city officers or employees at the time of adoption. Elected officers shall continue to hold their offices and discharge the duties thereof until their successors are elected and certified.

Section 8.04. - Pending matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings involving the city shall continue except as may be modified herein.

Section 8.05. - Deletion of obsolete schedule items.

The council shall have power by ordinance to delete from this Article VIII any section, including this one, when all events to which the section to be deleted is or could become applicable have occurred.

NOTICE OF PUBLIC HEARING
THE ENVIRONMENTAL ADVISORY BOARD (EAB)
City of Boca Raton, Florida hereby gives notice:
EAB: 6:00 P.M. on October 29th, 2026
Police Administration and Training/ Fire Rescue Administration
6500 Congress Avenue, Boca Raton, FL 33487

The Environmental Advisory Board will consider and provide a recommendation to the City Council regarding:

Case No. SC-26-02/PZCLV-2026-00001
A resolution of the City Council of the City of Boca Raton considering, for the approximately 0.92 acre property generally located at 3001 North Ocean Boulevard, a Coastal Construction Control Line ("CCCL") variance from Section 28-1556(3), Code of Ordinances, which variance is required for the construction of a beach pavilion, handicap accessible dune crossover, handicap accessible beach mat, and related improvements seaward of the CCCL (where no structure is permitted seaward of the CCCL without a variance); providing for repealer; and providing an effective date.

If you have any questions regarding this matter, please email the project manager, Joshua Bott, via email at: jbott@bocaraton-fl.gov.



All quasi-judicial public hearings are conducted pursuant to the Quasi-Judicial Public Hearing Procedures that are posted on the City's website and a copy can be obtained from the City Clerk.

NOTICE: If any decision of the Environmental Advisory Board or Planning and Zoning Board affects you, and you decide to appeal any decision made at these meetings with respect to any matter considered, you will need a record of the proceedings and, for such purposes, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This NOTICE is required by State Law. If you desire a verbatim transcript, you shall have the responsibility, at your own cost, to arrange for the transcript.

In accordance with the Americans with Disabilities Act and Florida Statutes 286.26, persons with disabilities needing special accommodation to participate in this proceeding should contact the Office of the City Clerk at 393-7740 at least three business days prior to the proceeding (whenever possible) to request such accommodation.