



**MEETING AGENDA  
DEVELOPMENT SPECIAL  
MAGISTRATE  
CITY OF RIVIERA BEACH, FL**

LOCAL PLANNING AGENCY  
Development Services Department: (561)845-4060,  
[www.rivierabch.com](http://www.rivierabch.com)

Commencement – 9:30 AM  
Thursday, December 2, 2021

Riviera Beach – Event Center  
190 E 13<sup>th</sup> Street, Riviera Beach, FL33404

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**Due to COVID-19, attendees must adhere to the City of Riviera Beach guidelines.**

*If you wish to speak on any item(s) on this agenda, please complete a public comment card and provide it to Planning and Zoning Staff. Cards must be submitted prior to Board discussion of an item. Thank you.*

**I. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE**

**II. CALL TO ORDER**

**III. NEW BUSINESS**

- A.** An application from Carl L.C. Kah Jr, on behalf of K-Enterprises, LLC., requesting a variance to reduce the rear building setback to 1.3' where 20' is required and 45' is provided, and, requesting a variance to reduce the drive aisle width to 22.7' where 24' is required and 22.7' is provided, at property known as 1640 Australian Avenue, identified by Property Control Number 56-43-42-32-19-003-0010, having an Industrial (IND) Future Land Use designation and a Limited Industrial (IL) Zoning designation, providing for conditions of approval, and providing for an effective date.

**IV. ADJOURNMENT**

NOTICE: In accordance with the Americans with Disabilities Act, persons in need of a special accommodation to participate in this proceeding shall, within a reasonable time prior to any proceeding, contact the City of Riviera Beach, 600 West Blue Heron Boulevard, Riviera Beach, Florida 33404, Telephone 561-845-4000 or TDD 561-840-3350, [www.rivierabch.com](http://www.rivierabch.com).

## ***K-Rain Manufacturing: Variance Request***

### **Justification Statement**

October 7, 2021

#### **Introduction**

On behalf of the applicant, K-Rain Manufacturing, we are requesting approval of two variances to allow for the expansion of the existing operations within the City of Riviera Beach. K-Rain Manufacturing was founded in 1974 and is on the path to become one of the largest manufacturers of irrigation rotors, sprays, electric valves, indexing valves, and irrigation controllers in the world. They are a multigenerational family-run business who has occupied their existing buildings in Riviera Beach for over 30 years. As the business continues to grow, the variance requests will support K-Rain's efforts in research, development, and testing to provide for a top-tier workspace which will attract high level talent to our area.

The applicant is requesting two variances to reduce the minimum rear setback and to reduce the minimum drive aisle width. These variance requests stem from a new site plan amendment (separate from this request) which will replace the northernmost corrugated metal warehouse building with a new 19,140 square-foot two-story building. The new building will function alongside the southernmost existing warehouse building and provide additional space for K-Rain to expand their research & development, warehouse space, and offices. The applicant is working in hand with the Business Development Board of Palm Beach County to see that the project provides for a substantial investment towards the future of their employees and creating high wage jobs for the local area.

#### **Project Contact:**

Agent/Planner - Cotleur & Hearing  
Donaldson Hearing / Nicole Plunkett  
1934 Commerce Lane, Suite 1  
Jupiter, FL 33458  
Phone: (561) 747 - 6336 ext. 113  
Fax: (561) 406 -1005  
Email: [nplunkett@cotleur-hearing.com](mailto:nplunkett@cotleur-hearing.com)

#### **Fees**

Variance #1	\$1,500
Variance #2	\$1,500
Advertising Fee	\$1,000
<b>Total</b>	<b>\$4,000</b>

**Location**

The subject parcel is located on Australian Avenue, at the intersection with West 17<sup>th</sup> Street, about a mile east of Interstate-95. The site is within a primarily light industrial land use section of north Australian Avenue, surrounded by similar uses such as Core & Main Manufacturing, Rosen Materials, and Coastal Furniture Services Inc.

**Land Use & Zoning**

USE	ZONING	FLU
Light Manufacturing	Limited Industrial (IL)	Industrial (IND)

**Variance Request**

The applicant is requesting approval of two variances related to the rear building setback and drive aisle width. Granting the variances will not negatively alter the character of the site and there will be no impact to drainage, noise, traffic, or landscape. The variances are not injurious or detrimental to the public health, safety, and welfare. The variance requests are described below.

Variance Request #1: Rear Setback

ULDC Code Sec. 31-363(3)c. requires the subject property to have a 20-foot minimum rear building setback. The applicant is requesting a variance to reduce the requirement to 1.3 feet. It is important to note that the existing southernmost warehouse on the property currently has a 1.3-foot rear setback to the east property line. This existing rear setback condition is shown within the survey exhibit and site plan exhibit included within this petition. The applicant proposes to keep the southernmost warehouse and to replace the northernmost warehouse which triggers the variance request. The new building for K-Rain Manufacturing is two-stories and is partly cantilevered to allow for two loading spaces with direct access to the existing warehouse. The cantilevered second floor allows for increased research and development space within the new building while also meeting the loading space requirement standards within ULDC Sec. 31-578.

The subject parcel is surrounded by properties of the same district, as identified within the Land Use Exhibit included within this petition. The variance will allow for the building to extend the second floor, consistent with the existing rear setback of the southernmost warehouse. The additional building space will be used to conduct design theory and to test products. Additionally, several conference rooms and offices are included which will serve as private and formal meeting areas. The applicant attracts many national and international clients who travel to Riviera Beach and work with K-Rain on products and sales. With a newly redesigned and modern space, the applicant desires to become a premier workplace for new and young employees, especially interns and college graduates. Additionally, K-Rain currently employs 43% minorities and provides employment opportunities directly within the City of Riviera Beach.



Variance Request #2: Drive Aisle

ULDC Code Sec. 31-576(a)(2)a. requires the subject property to provide a minimum 24-foot drive aisle for ninety-degree parking. The applicant is requesting a variance to reduce the requirement to 22.7 feet. It is important to note that the condition exists on site today and only affects two parking spaces closest to the W 17<sup>th</sup> St entrance. The new site improvements which trigger this variance will ultimately address a number of existing non-conforming site items, including bringing the parking spaces up to code requirements, adding in missing landscape islands, and providing a sidewalk connection from the main entry of the building to the Australian Avenue right of way.

**Waiver Criteria**

ULDC Code Sec. 31-42. - Grounds and criteria for approving applications for variances; imposing time limits on such approvals; prohibited variances.

(1) Mandatory specific criteria for approving variances or relief. In order to authorize any variance or relief under the terms of this article, the development special magistrate must find all of the following specific criteria:

a. Existence of special conditions or circumstances. That a special condition or circumstance exists which is peculiar to the lands, structures, or building involved in the application.

*Response: The location of the property on Australian Avenue provides for an unfit location for a new loading space, as required per the ULDC. The high traffic volumes cause a dangerous scenario. The new loading space with the site plan improvements will be located facing north on W 17<sup>th</sup> St and have been incorporated within the building design. The reason this is important to note is because the first-floor square footage of the new building is limited due to the new loading bay. The applicant has a critical space requirement it needs to maintain for R&D/Testing effectiveness and the square footage will need to be on the second floor. The second floor triggers the variance request for the reduced rear setback and is consistent with the existing condition of the southernmost warehouse.*

b. Conditions not created by applicant. That the special condition or circumstance did not result from the actions or inaction(s) of the applicant.

*Response: Conditions are emergent of property location and existing infrastructure, which has existed for over 30 years.*

c. Special privileges not conferred. That granting the variance or relief requested will not confer on the applicant any special privilege that is denied to other lands, building or structures.



*Response: There are no special privileges conferred. The existing warehouse building setback has remained on site for over 30 years and has provided a baseline for the variance request. The drive aisle variance request for the reduction in drive-aisle width was include on the original site plan and has been in existence for over 30 years as well.*

d. Hardship conditions exist. That literal enforcement of the provisions of the ordinance would work unnecessary and undue hardship on the applicant and would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of existing ordinances.

*Response: The enforcement of the ULDC for the rear setback and drive aisle would have a substantial negative impact on K-Rain for the reasons listed below:*

*1. Undue Financial Hardship: To develop a facility that would accomplish the same goals and operations for K-Rain while not leverage the existing warehouse rear setback (as currently exists) would simply not be financially feasible and could trigger the investigation of alternative properties and cities.*

*2. Business Innovation & Quality: K-Rain relies on internally developed R&D/Testing procedures and many of which will be amplified by the planned facility. The building and site improvements will be critical to K-Rain's continued growth and the variances are a crucial piece of the development.*

## **Conclusion**

In conclusion, the applicant is requesting approval for two variances which will support the future site improvements. K-Rain Manufacturing relies on internal research, development, and testing procedures which will be strengthened by the site improvements. These changes are crucial to K-Rain's continued growth within the City of Riviera Beach and the variances will provide the applicant with an opportunity to continue innovating products and providing for new high-level jobs in the city. The variances requested are the minimum requirements needed to match the existing warehouse building footprint rear setback and to maintain the existing drive aisle on W 17<sup>th</sup> St. The variances are not injurious or detrimental to the public health, safety, and welfare and will not negatively alter the character of the area. The variances also allow for the applicant to upgrade the site in an economically feasible manner which supports K-Rain within Riviera Beach by maximizing the parcel without significantly changing it.

**For Staff Use Only**

<b>City of Riviera Beach</b>  Community Development Department 600 W. Blue Heron Boulevard Riviera Beach, Florida 33404  Phone: (561) 845-4060 Fax : (561) 845-4038	<b>Date:</b>	<b>Case Number:</b>
	<b>Project Title:</b>	
	<b>Fee Paid:</b>	<b>Notices Mailed:</b>
	<b>1<sup>st</sup> Hearing:</b>	<b>2<sup>nd</sup> Hearing:</b>
	<b>Publication Dates (if required)</b>	

**UNIFORM LAND USE APPLICATION**

*(Please attach separate sheet of paper for required additional information)*

**Complete appropriate sections of Application and sign.**

<b>APPLICANT</b>	Name of Property Owner(s): Carl L.C. Kah Jr, on behalf of K-Enterprises, LLC
	Mailing Address: 1640 Australian Avenue, Riviera Beach, FL 33404
	Property Address: 1640 Australian Avenue, Riviera Beach, FL 33404
	Name of Applicant (if other than owner):
	Home: ( ) Work: ( 561 ) 844-1002 Fax: ( )
	E-mail Address: ChipKah@krain.com

**PLEASE ATTACH LEGAL DESCRIPTION**

<b>PROPERTY</b>	Future Land Use Map Designation: <b>IND</b> Current Zoning Classification: <b>IL</b>
	Square footage of site: 70,828.56 SF Property Control Number (PCN): <b>56-43-42-32-19-003-0010</b>
	Type and gross area of any existing non residential uses on site: <b>Light Industrial Manufacturing/Office: 30,132 SF</b>
	Gross area of any proposed structure: <b>19,140 SF</b>
	Is there a current or recent use of the property that is/was in violation of City Ordinance? [ ] Yes [✓] No
	If yes, please describe:
	Have there been any land use applications concerning all or part of this property in the last 18 months? [ ] Yes [✓] No
	If yes, indicate date, nature and applicant's name:
	Briefly describe use of adjoining property: North: <b>IL District, Furniture Upholstery &amp; Automobile Repair</b>
	South: <b>IL District, Industrial Warehouse</b>
East: <b>IL District, Industrial Warehouse</b>	
West: <b>IL District, Materials Distribution/Wholesale</b>	

<b>REZONE</b>	Requested Zoning Classification: <b>N/A - The Applicant is not rezoning within this request.</b>
	Is the requested zoning classification contiguous with existing? <b>N/A - The Applicant is not rezoning within this request.</b>
	Is a Special Exception necessary for your intended use? [ ] Yes [✓] No <b>N/A The Applicant is not rezoning within this request.</b>
	Is a Variance necessary for your intended use? [ ] Yes [✓] No <b>N/A The Applicant is not rezoning within this request. Please see the Variance Section for more detail.</b>



<b>FUTURE LAND USE</b>	Existing Use: <b>Light Manufacturing</b>	Proposed Use: <b>N/A The use is not changing with this request.</b>
	Land Use Designation: <b>IND</b>	Requested Land Use: <b>N/A - The Land Use is not changing with this request.</b>
	Adjacent Land Uses: North: <b>IND</b>	South: <b>IND</b>
	East: <b>IND</b>	West: <b>IND</b>
Size of Property Requesting Land Use Change: <b>N/A - The Land Use is not changing with this request.</b>		

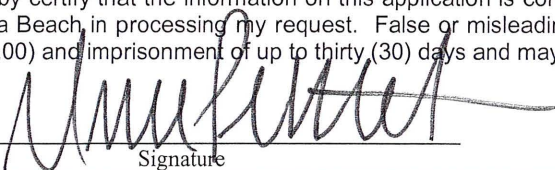
<b>SPECIAL EXCEPTION</b>	Describe the intended use requiring a Special Exception: <b>N/A - A special Exception is not requested.</b>
	Provide specific LDR ordinance section number and page number: <b>N/A - A special Exception is not requested.</b>
	How does intended use meet the standards in the Land Development Code? <b>N/A - A special Exception is not requested.</b>
	Demonstrate that proposed location and site is appropriate for requested use: <b>N/A - A special Exception is not requested.</b>
	Demonstrate how site and proposed building(s) have been designed so they are compatible with adjacent uses and neighborhoods: <b>N/A - A special Exception is not requested.</b>
	Demonstrate any landscaping techniques to visually screen use from adjacent uses: <b>N/A - A special Exception is not requested.</b>
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use: <b>N/A - A special Exception is not requested.</b>
	Demonstrate how utilities and other service requirements of the use can be met: <b>N/A - A special Exception is not requested.</b>
	Demonstrate how the impact of traffic generated will be handled: On-site: <b>N/A - A special Exception is not requested.</b>
	Off-Site: <b>N/A - A special Exception is not requested.</b>
Other: <b>N/A - A special Exception is not requested.</b>	

<b>VARIANCE</b>	Describe the Variance sought: <b>Applicant is requesting a variance to reduce the rear building setback and to reduce the minimum drive aisle width.</b>
	Demonstrate that the Variance is needed to overcome a hardship caused by the unique physical conditions of the site: <b>See attached narrative.</b>
	Specify the minimum Variance requirements including: height, lot area, size of structure, size of yard, setback, buffer or open space: <b>Required Rear Setback = 15 feet. Applicant requests 1.3 feet.</b> <b>Required Minimum Drive Aisle Width = 24 feet. Applicant requests 22.7 feet.</b>
	Other:



<b>SITE PLAN</b>	Describe proposed development: The applicant is requesting variance approval. See attached narrative.
	Demonstrate that proposed use is appropriate to site: The use exists today. There are no changes to the use. See attached narrative.
	Demonstrate how drainage and paving requirement will be met: There no proposed changes to the drainage and paving within the variance request.
	Demonstrate any landscaping techniques to visually screen use from adjacent uses: The applicant is requesting variance approval. Landscape will be addressed in a separate future petition.
	Demonstrate what is proposed to reduce the impact of any potential hazards, problems, public nuisances generated by use: The use exists today. There are no changes to the use.
	Demonstrate how utilities and other service requirements of the use can be met: The applicant is requesting variance approval. Utilities will be addressed in a separate future petition.
	Demonstrate how the impact of traffic generated will be handled: On-site: The applicant is requesting variance approval. Traffic will be addressed in a future petition. Off-site: The applicant is requesting variance approval. Traffic will be addressed in a future petition.

<b>OTHER</b>	<b>COMMUNICATION TOWER CO-LOCATION REQUIREMENTS:</b>
	<ul style="list-style-type: none"> <li>• Three sets of signed and sealed Construction documents, elevations and all equipment shelters, cabinets, Coax, telephone and power conduits identified. These plans will then be used to obtain the Building Permit.</li> <li>• Antenna manufacture cut sheets including antenna size and shape.</li> <li>• Zoning map of area with site clearly marked.</li> <li>• Photos of existing building or tower and surrounding uses.</li> <li>• Letter of non-interference and FCC compliance from applicant's Radio Frequency Professional.</li> <li>• Map of surrounding carrier existing locations in all directions with type i.e. Guyed, Self-Support, Monopole, Rooftop.</li> <li>• Letter of structural capacity and building code compliance.</li> <li>• Notes on plan or letter demonstrating floor area coverage not in excess of restrictions</li> <li>• Provide Photo Enhancements of proposal.</li> <li>• Statement that proposal is in compliance with Environmental Regulations prior to permit issue.</li> </ul>

<b>Confirmation of Information Accuracy</b>	
I hereby certify that the information on this application is correct. The information included in this application is for use by the City of Riviera Beach, in processing my request. False or misleading information may be punishable by a fine of up to five hundred dollars (\$500.00) and imprisonment of up to thirty (30) days and may result in the summary denial of this application.	
 _____ Signature	10/5/21 _____ Date

**AGENT AUTHORIZATION FORM**

Owner(s) of Record: Carl L. C. Kah, Title Manager of K Enterprises LTD

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared CARL L.C. Kah

who, being first duly sworn upon oath and personal knowledge say(s) that they are the owner(s) of record of the following described real property:

LOT 1, BLOCK "P", REPLAT OF PORTIONS OF BLOCKS "O" AND "P", REPLATE OF PLAT NO. 1, LEWIS TERMINALS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 29, PAGES 18 AND 19, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

the street address of which is: 1640 AUSTRALIAN AVE, RIVIERA BEACH, FL 33404

and that we hereby appoint:

Name: William Sargent / Donaldson Hearing

Address: 1934 Commerce Lane, Suite 1, Jupiter FL 33458

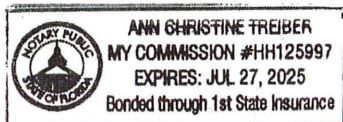
Telephone: 561-406-1005

as our authorized agent, to file applications and papers with the City of Riviera Beach, and to represent me (us) at any Hearing regarding my (our) interest.

[Signature] (Seal)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Seal)

Sworn to and subscribed before me this 28<sup>th</sup> day of June, 2021.

Ann Christine Treiber  
Notary Public ANN CHRISTINE TREIBER





**CITY OF RIVIERA BEACH STAFF REPORT  
CASE NUMBER (VA-21-01)  
1640 AUSTRALIAN AVENUE: K-RAIN  
NOVEMBER 19, 2021**

**A. Applicants:** Carl L.C. Kah Jr.

**B. Request:** The applicant is requesting approval of two variances: a variance to reduce the rear building setback to 1.3' where 20' is required and 45' is provided, and, requesting a variance to reduce the drive aisle width to 22.7' where 24' is required and 22.7' is provided.

**C. Location:** The subject property is located at 1640 Australian Avenue, identified by parcel control number 56-43-42-32-19-003-0010.

**D. Property Description and Uses:** The subject property description and uses are as follows:

Parcel Control Number: 56-43-42-32-19-003-0010

Parcel Size: 1.48 Acres

Existing Use: Light Industrial Manufacturing/Office

Zoning: Limited Industrial (IL) Zoning District

Future Land Use: Industrial

**E. Adjacent Property Description and Uses:**

North: Limited Industrial (IL) Zoning District: Furniture Upholstery & Automobile Repair

South: Limited Industrial (IL) Zoning District: Industrial Warehouse

East: Limited Industrial (IL) Zoning District: Industrial Warehouse

West: Limited Industrial (IL) Zoning District: Materials Distribution/Wholesale

**F. Background:**

The applicant is requesting approval of two variances. The first is a variance to reduce the rear building setback to 1.3' where 20' is required and 45' is provided. The second is a variance to reduce the drive aisle width to 22.7' where 24' is required and 22.7' is provided. Variances, or relief, is typically supported when it can be demonstrated that there are unique circumstances relating to the soil conditions, shape, or topography of the land, and especially affecting such land but not affecting generally the zoning district in which it is located.





**G. Staff Analysis:**

**Proposed Use:** The use of the property is light industrial and it is not proposed to change.

**Zoning Regulations:** The Limited Industrial (IL) Zoning District and Off-Street Parking ordinances identify the development standards (setbacks) (see Exhibit 1) and Design Standards for drive aisles (see Exhibit 2). Copies of both sections of the regulations are attached herewith. The applicant is requesting a variance to reduce the rear building setback to 1.3' where 20' is required and 45' is provided, and, requesting a variance to reduce the drive aisle width to 22.7' where 24' is required and 22.7' is provided.

Per Article II Section 31-42 of the Land Development Code (LDC) there are standards for use when considering a variance from the LDC (see Exhibit 3). The LDC language follows, with staff comments inserted, each variance request reviewed separately.

**REAR BUILDING SETBACK VARIANCE REQUEST ANALYSIS**

***Sec. 31-42. Grounds and criteria for approving applications for variances; imposing time limits on such approvals; prohibited variances.***

*(a) Generally. The development special magistrate may approve an application for a variance or relief from the land development code where such variance or relief is not contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions of the land development would result in unnecessary and undue hardship. The development special magistrate may grant such variance or relief only where all criteria are met by the applicant.*

*(b) Specifically. The development special magistrate may grant an application for a variance or relief from the land development code based on the following criteria:*

- (1) Mandatory specific criteria for approving variances or relief. In order to authorize any variance or relief under the terms of this article, the development special magistrate must find all of the following specific criteria:*
  - a. Existence of special conditions or circumstances. That a special condition or circumstance exists which is peculiar to the lands, structures, or building involved in the application.*

**Staff Comment:** There are no special conditions or circumstances relative to the land, structure or building which is subject to these requests. There is an existing conforming building that the applicant wishes to tear down, and then construct a non-conforming building in its place. The rear setback requirement is 20' but the existing building currently has a 45' rear setback so there is an opportunity to build a new building of greater size within the developable area.

- b. Conditions not created by applicant. That the special condition or circumstance did not result from the actions or inaction(s) of the applicant.*

**Staff Comment:** There is no special condition or circumstance relative to the land, structure or building which is subject to these requests. The applicant is designing a redevelopment without adhering to the LDC.

- c. *Special privileges not conferred. That granting the variance or relief requested will not confer on the applicant any special privilege that is denied to other lands, building or structures.*

**Staff Comment:** Granting relief to build the building with a rear setback of 1.3' where 45' is currently provided and 20' is required would certainly confer special privilege associated with the demolition of an existing conforming building and subsequent construction of a new industrial nonconforming building on this property, and it would follow that other owners would request similar consideration. It would set a precedent. Staff has not identified a compelling reason to treat this project differently than every other development or redevelopment proposal.

- d. *Hardship conditions exist. That literal enforcement of the provisions of the ordinance would work unnecessary and undue hardship on the applicant and would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of existing ordinances.*

**Staff Comment:** The enforcement of the ordinance does not create undue hardship for the applicant. Prior to application for the variances staff attempted to provide comments on the draft site plan and otherwise work with the applicant relative to possibly changing their proposed design to accomplish their goals without the need for relief. There is room on the site to develop a conforming two-story building.

In addition, the Applicant did not thoroughly investigate other opportunities that exist for them, including: expanding on another portion of their property, expanding the cantilevered portion of the building towards the front yard, evaluating if they could change which side of the property is considered the rear yard to avail themselves of different setback requirements, and, evaluate the possibility of having a side setback requirement waived by participating in the MEAHOP program (see Exhibit 4) during development of the new building. In staff's opinion the request for relief is premature because other options were not considered, and, there is no hardship justification for the relief (variances) that were requested.

- (2) *Supplementary criteria to be used in any approval of a request for a variance or relief from the land development code. The development special magistrate shall also use the following standards when granting a requested variance or relief from the land development code:*

- a. *Minimum variance only to be granted. That the variance granted shall be the minimum variance that will make possible the requested use of land, building, or structure.*

**Staff Comment:** Anything in excess of what the code permits should be denied. The applicant has 25' of available rear yard area to expand the building into without encroaching into the required rear yard setback. The land is in use now and there is room to build a new building within the building setbacks once the existing building is demolished. There is no need to grant relief.

*b. Variances to lot minimum requirements. Where a lot area, lot width or lot depth variance is applied for, no such variance may be granted provided vacant land is available, adjacent to the lot in question, sufficient to make the variance unnecessary. However, where the acquisition of such property would cause the adjacent property or structures to become nonconforming, then the acquisition option is invalid. The applicant for such variances or relief shall provide an affidavit with the application for variance stating that the above-mentioned conditions exist with respect to the acquisition of additional property.*

**Staff Comment:** This is not applicable.

*c. Not injurious to public welfare or intent of ordinance. The grant of the variance or relief shall be in harmony with the general intent and purpose of the comprehensive plan and the land development code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

**Staff Comment:** Setbacks and building separation distances are in place for several reasons. Setbacks provide space for light, air and landscape buffers between buildings and uses. Setbacks also provide separation of uses and buildings so that proper access around buildings for maintenance, construction and fire protection. Setbacks also make it harder for fire to spread building to building in case of an emergency. Setbacks provide a location for accessory structures and uses, as well as mechanicals. Setbacks and building separation distances apply to all properties so that each property has access around their building without reliance on adjacent sites.

*d. Conditions and safeguards may be imposed. In granting any variance or relief from the land development code, the development special magistrate may prescribe appropriate conditions and safeguards in conformity with the land development code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall run with the land and shall be deemed a violation of the ordinance.*

**Staff Comment:** Staff has not identified any special conditions or safeguards to impose. Staff does not support the variance requests and does not think that the Applicant has met the burden of proof to qualify for the requested relief.

#### **DRIVE AISLE REDUCTION VARIANCE REQUEST ANALYSIS**



**Sec. 31-42. Grounds and criteria for approving applications for variances; imposing time limits on such approvals; prohibited variances.**

*(a) Generally. The development special magistrate may approve an application for a variance or relief from the land development code where such variance or relief is not contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions of the land development would result in unnecessary and undue hardship. The development special magistrate may grant such variance or relief only where all criteria are met by the applicant.*

*(b) Specifically. The development special magistrate may grant an application for a variance or relief from the land development code based on the following criteria:*

*(1) Mandatory specific criteria for approving variances or relief. In order to authorize any variance or relief under the terms of this article, the development special magistrate must find all of the following specific criteria:*

*a. Existence of special conditions or circumstances. That a special condition or circumstance exists which is peculiar to the lands, structures, or building involved in the application.*

**Staff Comment:** There are no special conditions or circumstances relative to the land, structure or building which is subject to this request. There is an existing conforming building that the applicant wishes to tear down, and then construct a non-conforming building in its place. During the site development process for the new building the drive aisle can easily be modified to be conforming in width.

*b. Conditions not created by applicant. That the special condition or circumstance did not result from the actions or inaction(s) of the applicant.*

**Staff Comment:** There is no special condition or circumstance relative to the land, structure or building which is subject to these requests. The applicant is designing a redevelopment without adhering to the LDC. The drive aisle width is existing but it can easily be modified during the redevelopment process. Staff would not be requesting the drive aisle to be brought up to code except that the applicant is bringing in a redevelopment, including an expansion, so it is reasonable to request the drive aisle to conform to current standards in the LDC.

*c. Special privileges not conferred. That granting the variance or relief requested will not confer on the applicant any special privilege that is denied to other lands, building or structures.*

**Staff Comment:** Granting relief as requested would certainly confer special privilege and it would follow that other owners would request similar consideration. It would set a precedent. Relative to the non-conforming drive aisle, when a site is undergoing a substantial improvement like the construction of a large addition or new building the applicant is required to bring the site up to code at that time to ensure safe vehicular and pedestrian circulation. To not request this property owner to bring the drive aisle width to code would be a shift in procedure and

staff has not identified a compelling reason to treat this project differently than every other development or redevelopment proposal.

- d. *Hardship conditions exist. That literal enforcement of the provisions of the ordinance would work unnecessary and undue hardship on the applicant and would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of existing ordinances.*

**Staff Comment:** The enforcement of the ordinance does not create undue hardship for the applicant. Prior to application for the variances staff attempted to provide comments on the draft site plan and otherwise work with the applicant relative to possibly changing their proposed design to accomplish their goals without the need for relief. There is room on the site to develop a conforming two-story building and re-design the drive aisle to have conforming drive aisle width.

In addition, the Applicant did not thoroughly investigate other opportunities that exist for them, including changing the proposed site design. In staff's opinion there is no hardship justification for the relief (variances) that was requested.

- (2) *Supplementary criteria to be used in any approval of a request for a variance or relief from the land development code. The development special magistrate shall also use the following standards when granting a requested variance or relief from the land development code:*

- a. *Minimum variance only to be granted. That the variance granted shall be the minimum variance that will make possible the requested use of land, building, or structure.*

**Staff Comment:** Anything in excess of what the LDC permits should be denied. With the demolition of the existing structure and construction of a new structure there is ample opportunity to modify the drive aisle width to meet the dimensional requirements. There is no need to grant relief.

- b. *Variances to lot minimum requirements. Where a lot area, lot width or lot depth variance is applied for, no such variance may be granted provided vacant land is available, adjacent to the lot in question, sufficient to make the variance unnecessary. However, where the acquisition of such property would cause the adjacent property or structures to become nonconforming, then the acquisition option is invalid. The applicant for such variances or relief shall provide an affidavit with the application for variance stating that the above-mentioned conditions exist with respect to the acquisition of additional property.*

**Staff Comment:** This is not applicable.

- c. *Not injurious to public welfare or intent of ordinance. The grant of the variance or relief shall be in harmony with the general intent and purpose of the comprehensive plan and the land development code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

**Staff Comment:** Driveway widths and other dimensional requirements are in place to facilitate safe circulation for vehicles entering sites as well as the safe internal circulation of a site. To allow the driveway to NOT meet the minimum dimensional design width would be more injurious to public welfare, especially as this is an industrial facility so it is more likely to have trucks entering the site in addition to passenger vehicles and larger vehicles frequently have increased turning radii.

- d. *Conditions and safeguards may be imposed. In granting any variance or relief from the land development code, the development special magistrate may prescribe appropriate conditions and safeguards in conformity with the land development code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall run with the land and shall be deemed a violation of the ordinance.*

**Staff Comment:** Staff has not identified any special conditions or safeguards to impose. Staff does not support the variance request and does not think that the Applicant has met the burden of proof to qualify for the requested relief.

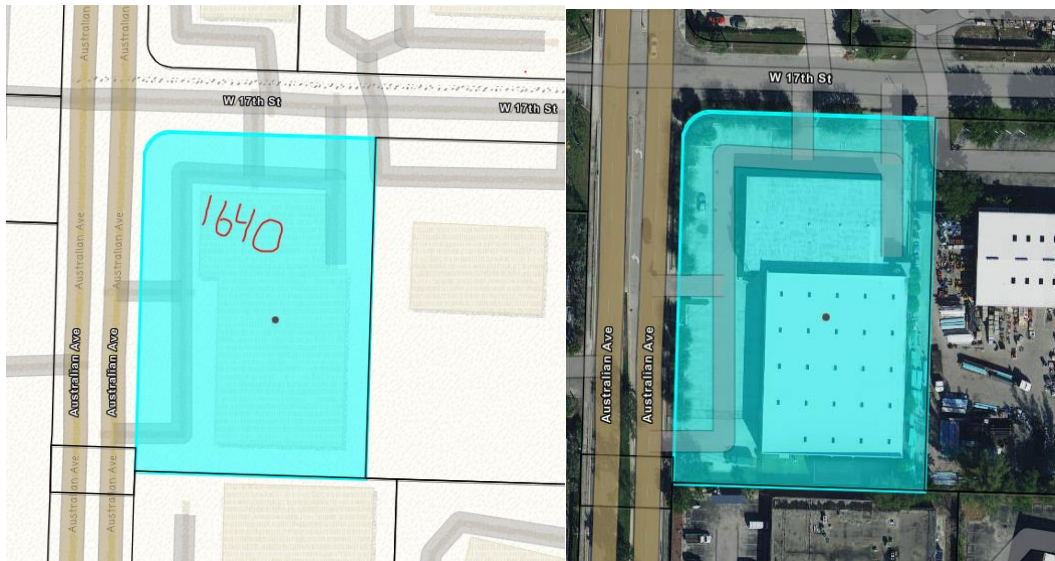
#### **H. Recommendation:**

Staff recommends DENIAL of the subject application (VA-21-01) requesting a variance to reduce the rear building setback to 1.3' where 20' is required and 45' is provided, and, requesting a variance to reduce the drive aisle width to 22.7' where 24' is required and 22.7' is provided, at property known as 1640 Australian Avenue, identified by Property Control Number 56-43-42-32-19-003-0010, having an Industrial (IND) Future Land Use designation and a Limited Industrial (IL) Zoning designation, providing for conditions of approval, and providing for an effective date, with the following findings:

1. There are no special circumstances or conditions relative to the land, structure or building which is subject to these requests.
2. Granting the variances would confer special privileges on the applicant and set a precedent for similar requests from other property owners wishing to redevelop and expand.
3. The enforcement of the LDC does not create undue hardship.
4. The applicant can construct a new two-story building on the site and modify the drive aisle width without relief.
5. Setbacks are required for public health, safety and welfare. Design standards for drive aisles are required to ensure safe vehicular access onto and within developed sites.



## Location Map (N.T.S.)



### Legal Description:

LOT 1, BLOCK "P<sup>11</sup> REPLAT OF PORTIONS OF BLOCKS "O<sup>11</sup> AND "P<sup>11</sup> REPLAT OF PLAT NO. 1, LEWIS TERMINALS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 29, PAGES 18 AND 19, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE AND BEING IN THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAINING 64,366 SQUARE FEET OR 1.478 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.



## **EXHIBITS**

**EXHIBIT 1: LDC Section 31-363  
Property Development Standards**

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### **Sec. 31-363. Property development standards.**

The property development standards in the IL limited industrial district are as follows:

- (1) Minimum property size: 20,000 square feet.
- (2) Maximum building height: 35 feet; 20 feet for open storage of goods and materials.
- (3) Minimum building setbacks:
  - a. Front: 25 feet; 40 feet for properties of one acre or more.
  - b. Side: 15 feet; sites one acre or less may be allowed to build to the property line on one side, thereby eliminating the side yard setback on that side, subject to submittal of appropriate access easement for maintenance purposes and approval by the planning and zoning board and city council. For development of sites more than one acre, see chapter 26.
  - c. Rear: 20 feet.
- (4) Maximum lot coverage (building): 45 percent; additional ten percent coverage may be permitted by participating in the minority employment and affordable housing opportunity plan in chapter 26.
- (5) Privacy wall: there shall be a six-foot high finished masonry wall on the rear and side property lines that are adjacent to residential districts.

(Ord. No. 2152, § 3(B)(23.AA-17.III), 3-17-82; Ord. No. 2213, § 1, 9-21-83; Ord. No. 2214, § 3, 9-21-83; Ord. No. 2271, § 2, 4-3-85; Ord. No. 2285, § 1, 7-17-85)



**EXHIBIT 2: LDC SECTION 31-576 Design Standards**

"The Best Waterfront City in Which to Live, Work And Play."



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**Sec. 31-576. Design standards.**

(a) *Parking lots.* The regulations governing parking lots shall be as follows:

(1) *Parking bays.*

- a. Minimum dimensions are ten feet by 20 feet, except for parallel parking which shall have a minimum bay of ten feet by 24 feet and single- and double-car garages which shall have a minimum bay of nine feet by 19 feet.
- b. Handicapped spaces shall be 12 feet by 20 feet.
- c. All stalls shall have a wheel stop placed 2½ feet from the edge of the stall. This 2½-foot strip may be used for additional landscaping and drainage for the parking lot, so long as it does not interfere with the overhangs of the parked auto.
- d. The minimum parking bay dimensions may be reduced, as indicated below, if a minimum of 30 square feet of landscaped area is added for each parking space with these reduced dimensions. The developer must also demonstrate to the satisfaction of the department director or designee that the maximum floor area of new development is based on paragraph "a" above.

Standard parking spaces - nine feet by 19 feet.

Handicap parking spaces - 12 feet by 19 feet.

Parallel parking spaces - nine feet by 24 feet.

Existing parking spaces may be restriped to these reduced dimensions if the overall parking area is not increased in size.

(2) *Minimum aisle widths/backup.*

- a. Ninety-degree parking: 24 feet.
- b. Sixty-degree parking:
  1. One-way traffic: 18 feet.
  2. Two-way traffic: 24 feet.
- c. Forty-five-degree parking:
  1. One-way traffic: 15 feet.
  2. Two-way traffic: 24 feet.
- d. Thirty-degree parking:
  1. One-way traffic: 13 feet.
  2. Two-way traffic: 24 feet.

(b) *Access.* All access driveways shall meet the following standards:

(1) *Access location.*

- a. Corner lots: point of access shall be located a minimum of 30 feet from intersecting right-of-way lines on streets.
- b. Interior lots: access for interior lots shall not be closer than ten feet apart.

(2) *Access to parking lots.*

- a. One-way access: ten feet.

- 
- b. Two-way access: 20 feet.
  - c. Access drives shall not be closer than five feet from the property line.
- (c) *Minimum size and dimensions of loading space.* For the purposes of these regulations, a loading space is a space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having minimum dimensions of loading bays as follows:

Vehicle	Width	Length	Maneuvering Apron
Single units	12 feet	30 feet	30 feet

(Ord. No. 2152, § 3(B)(23.AA-25.II), 3-17-82; Ord. No. 2728, § 1, 1-15-97)



**EXHIBIT 3: LDC SECTION 31-42  
Grounds and Criteria for approving applications for variances**

"The Best Waterfront City in Which to Live, Work And Play."



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**Sec. 31-42. Grounds and criteria for approving applications for variances; imposing time limits on such approvals; prohibited variances.**

- (a) *Generally.* The development special magistrate may approve an application for a variance or relief from the land development code where such variance or relief is not contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions of the land development would result in unnecessary and undue hardship. The development special magistrate may grant such variance or relief only where all criteria are met by the applicant.
- (b) *Specifically.* The development special magistrate may grant an application for a variance or relief from the land development code based on the following criteria:
- (1) *Mandatory specific criteria for approving variances or relief.* In order to authorize any variance or relief under the terms of this article, the development special magistrate must find all of the following specific criteria:
- a. *Existence of special conditions or circumstances.* That a special condition or circumstance exists which is peculiar to the lands, structures, or building involved in the application.
  - b. *Conditions not created by applicant.* That the special condition or circumstance did not result from the actions or inaction(s) of the applicant.
  - c. *Special privileges not conferred.* That granting the variance or relief requested will not confer on the applicant any special privilege that is denied to other lands, building or structures.
  - d. *Hardship conditions exist.* That literal enforcement of the provisions of the ordinance would work unnecessary and undue hardship on the applicant and would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of existing ordinances.
- (2) *Supplementary criteria to be used in any approval of a request for a variance or relief from the land development code.* The development special magistrate shall also use the following standards when granting a requested variance or relief from the land development code:
- a. *Minimum variance only to be granted.* That the variance granted shall be the minimum variance that will make possible the requested use of land, building, or structure.
  - b. *Variances to lot minimum requirements.* Where a lot area, lot width or lot depth variance is applied for, no such variance may be granted provided vacant land is available, adjacent to the lot in question, sufficient to make the variance unnecessary. However, where the acquisition of such property would cause the adjacent property or structures to become nonconforming, then the acquisition option is invalid. The applicant for such variances or relief shall provide an affidavit with the application for variance stating that the above-mentioned conditions exist with respect to the acquisition of additional property.
  - c. *Not injurious to public welfare or intent of ordinance.* The grant of the variance or relief shall be in harmony with the general intent and purpose of the comprehensive plan and the land development code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
  - d. *Conditions and safeguards may be imposed.* In granting any variance or relief from the land development code, the development special magistrate may prescribe appropriate conditions and safeguards in conformity with the land development code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall run with the land and shall be deemed a violation of the ordinance.

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(c) *Time limit for variances.* The development special magistrate may prescribe a reasonable time limit within which the action for which the variance is required shall be begun, or completed, or both. A variance granted by the development special magistrate shall automatically expire under the following conditions:

- (1) The variance shall expire 180 days from the date of the rendition of the written decision, resolution or order of the development special magistrate granting the variance if a building permit has not been issued in accordance with the plans and condition upon which the variance was granted.
- (2) The variance shall expire if a building permit issued in accordance with the plans and conditions upon which the variance was granted expires and is not renewed pursuant to the applicable provisions regarding renewal of building permits.
- (3) A variance may be extended up to 180 days at the discretion of the development special magistrate.
- (4) Variances shall not become operative until the applicant has fully complied with all conditions in the development special magistrate's order(s).

(d) *Prohibited variances.*

- (1) *Use variances prohibited.* The development special magistrate shall not grant under any circumstances a variance that either (1) permits a use that is not generally or by special exception permitted in the zoning district involved, or (2) permits any use that is expressly or by implication prohibited by terms of the land development ordinance in the subject zoning district. Furthermore, no nonconforming use of neighboring lands, structures, or buildings in the same zoning districts, and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance or request for relief from the land development code.
- (2) *Density variances prohibited.* Under no circumstances shall the development special magistrate grant a variance which has the effect of increasing the density and the number of dwelling units to be allowed on residential property as defined in the applicable sections of the land development code.

(Ord. No. 4054, §§ 2, 3, 12-3-14)

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**Sec. 31-42. Grounds and criteria for approving applications for variances; imposing time limits on such approvals; prohibited variances.**

- (a) *Generally.* The development special magistrate may approve an application for a variance or relief from the land development code where such variance or relief is not contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions of the land development would result in unnecessary and undue hardship. The development special magistrate may grant such variance or relief only where all criteria are met by the applicant.
- (b) *Specifically.* The development special magistrate may grant an application for a variance or relief from the land development code based on the following criteria:
- (1) *Mandatory specific criteria for approving variances or relief.* In order to authorize any variance or relief under the terms of this article, the development special magistrate must find all of the following specific criteria:
- a. *Existence of special conditions or circumstances.* That a special condition or circumstance exists which is peculiar to the lands, structures, or building involved in the application.
  - b. *Conditions not created by applicant.* That the special condition or circumstance did not result from the actions or inaction(s) of the applicant.
  - c. *Special privileges not conferred.* That granting the variance or relief requested will not confer on the applicant any special privilege that is denied to other lands, building or structures.
  - d. *Hardship conditions exist.* That literal enforcement of the provisions of the ordinance would work unnecessary and undue hardship on the applicant and would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of existing ordinances.
- (2) *Supplementary criteria to be used in any approval of a request for a variance or relief from the land development code.* The development special magistrate shall also use the following standards when granting a requested variance or relief from the land development code:
- a. *Minimum variance only to be granted.* That the variance granted shall be the minimum variance that will make possible the requested use of land, building, or structure.
  - b. *Variances to lot minimum requirements.* Where a lot area, lot width or lot depth variance is applied for, no such variance may be granted provided vacant land is available, adjacent to the lot in question, sufficient to make the variance unnecessary. However, where the acquisition of such property would cause the adjacent property or structures to become nonconforming, then the acquisition option is invalid. The applicant for such variances or relief shall provide an affidavit with the application for variance stating that the above-mentioned conditions exist with respect to the acquisition of additional property.
  - c. *Not injurious to public welfare or intent of ordinance.* The grant of the variance or relief shall be in harmony with the general intent and purpose of the comprehensive plan and the land development code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
  - d. *Conditions and safeguards may be imposed.* In granting any variance or relief from the land development code, the development special magistrate may prescribe appropriate conditions and safeguards in conformity with the land development code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall run with the land and shall be deemed a violation of the ordinance.



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- (2) The variance shall expire if a building permit issued in accordance with the plans and conditions upon which the variance was granted expires and is not renewed pursuant to the applicable provisions regarding renewal of building permits.
- (3) A variance may be extended up to 180 days at the discretion of the development special magistrate.
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- (1) *Use variances prohibited.* The development special magistrate shall not grant under any circumstances a variance that either (1) permits a use that is not generally or by special exception permitted in the zoning district involved, or (2) permits any use that is expressly or by implication prohibited by terms of the land development ordinance in the subject zoning district. Furthermore, no nonconforming use of neighboring lands, structures, or buildings in the same zoning districts, and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance or request for relief from the land development code.
- (2) *Density variances prohibited.* Under no circumstances shall the development special magistrate grant a variance which has the effect of increasing the density and the number of dwelling units to be allowed on residential property as defined in the applicable sections of the land development code.

(Ord. No. 4054, §§ 2, 3, 12-3-14)

**EXHIBIT 4: LDC SECTION 26-1  
Minority Employment and Affordable Housing Opportunity Plan**

"The Best Waterfront City in Which to Live, Work And Play."



## Chapter 26 MINORITY EMPLOYMENT AND AFFORDABLE HOUSING OPPORTUNITY PLAN<sup>1</sup>

### Sec. 26-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Affordable housing unit* means a unit which is sold or rented to low to moderate-income families where housing expenses shall not exceed the following:

- (1) *Rental expenses* shall not exceed 35 percent of the gross monthly income, adjusted for family size (range potential equals \$785.00 to \$1,200.00 per month rental).
- (2) *Homeownership expense* means the price paid for the unit, which shall not exceed 2½ times of the purchaser's annual income.

An affordable unit may be either a single-family or multiple-family dwelling unit.

*General contractor* means a person having the primary responsibility of causing to be erected a building or buildings on a job site or of bringing to a job site such services as sewers, water, and drainage attendant to the erection of the buildings on the job site.

*General labor* means persons engaged in building activity on a job site of a nonspecific nature and, without limiting the generality of the foregoing, includes persons engaged in security, night or day watchmen, flagmen, traffic control, time-keepers, clean-up and handymen.

*Job site* means the land where it is proposed by the party requesting the bonus to carry on construction or servicing activities.

*Minority employers* means those businesses employing six or more persons, including the owner or owners and/or managerial staff from minority groups on a job site.

*Minority group* means persons of the Black or Hispanic race or from any racial group which has an unemployment rate in excess of the state unemployment rate for white caucasians.

*Moderate-income family* means those families whose gross incomes are between \$32,200.00 to \$51,500.00 a year, based on family of four.

*Party requesting the bonus* means the owner of the job site, his heirs, executors, administrators, successors and assigns.

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<sup>1</sup>Editor's note(s)—Ord. No. 3010, § 1, adopted July 9, 2006, amended ch. 26 in its entirety to read as herein set out. Former ch. 26, §§ 26-1—26-11, pertained to similar subject matter and derived from Ord. No. 2214, § 1, adopted Sep. 21, 1983; Ord. No. 2285, § 1, adopted July 17, 1985.

Cross reference(s)—Human relations, ch. 9; licenses and business regulations, ch. 10; buildings and building regulations, ch. 22; planning, ch. 27; zoning, ch. 31.

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*Subtrades* means those businesses, whether or not incorporated, engaged in providing supplies or services related to the construction industry by contract to a general contractor or owner of a job site.

(Ord. No. 3010, § 1, 7-9-06)

### **Sec. 26-2. Purpose of plan.**

The provisions of this chapter are enacted to effectuate the following purposes:

- (1) Decrease unemployment by encouraging the hiring of minorities in the construction industry, including minority businesses, skilled and nonskilled labor and professionals.
- (2) Provide a means of increasing the supply of affordable housing in this city.
- (3) Encourage revitalization of the downtown, particularly mixed use development.
- (4) Accomplish the objectives of this section through the use of a voluntary program utilizing zoning-related incentives, in various zoning districts throughout the city.

(Ord. No. 3010, § 1, 7-9-06)

### **Sec. 26-3. Rationale.**

- (a) Solutions to unemployment and lack of affordable housing are two serious challenges facing the city and, under current fiscal constraints, the government cannot rely solely upon public programs, but must work with the private sector.
- (b) The provisions of this chapter recognize that the private sector has the expertise and resources to aid the city in these areas and that the city may call upon that aid in exchange for compensation.
- (c) The program is designed so that bonuses will reflect the appropriate economic incentive for the particular use or district, making it financially advantageous for the developer to use the bonus and provide employment or housing in return.

(Ord. No. 3010, § 1, 7-9-06)

### **Sec. 26-4. Housing needs, potentials and goals.**

- (a) *Need.* The need for an increased supply of affordable housing in the city is substantiated by review of the housing market and existing supply. For example: The average value of house in the county (in 2006) was \$375,000.00. This is outside affordable range for city mainland residents, indicating the need for means to ensure city residents will be able to become homeowners.
- (b) *Potentials for vacant land.* A substantial amount of vacant land is available for housing, both on a large scale and for smaller infill development. The area with the greatest potential for receiving affordable housing units is the south central planning sector, which is west of Old Dixie Highway and south of Blue Heron Boulevard. Numerous scattered single-family and small multifamily sites are located throughout the city.

(Ord. No. 3010, § 1, 7-9-06)



**Sec. 26-5. Bonuses offered.**

- (a) *Generally.* One of the keys to the success of a voluntary program is the bonuses offered to the developer. These bonuses must be attractive enough so that even when something is demanded in return, the developer still desires to participate and utilize the bonus.
- (b) *Bonuses offered, by zoning district.* Table II lists the bonuses to be offered, by zoning district. Bonuses chosen relate to what has been determined as a financial incentive for a particular zoning district. These determinations were made based on staff experience in working with developers and site plans, and discussion with industrial and commercial developers. For example, excessive parking requirements relating to industrial uses are frequently cited by developers, so a reduction has been offered as an incentive.

;

*Table II  
Bonuses Offered*

Districts	Bonus	
RM-20, RH and RMH-20	1.	Density: 3 du/ac (hotel bonus per specific zoning regulation)
	2.	Parking reduction: up to 20 percent of total required and/or 25 percent may be designated compact
CG	1.	Height: additional 5 stories
	2.	Parking reduction: up to 20 percent of total required and/or 25 percent may be designated compact
IL and IG	1.	Parking reduction: no limit, based on demonstrated use
	2.	Waive one side setback
	3.	Additional lot coverage: 10 percent
	4.	CN uses as accessory use
C-PUD	1.	Density: 10 du/ac
	2.	Height: additional 15 stories
	3.	Parking reduction: up to 20 percent of total required and/or 25 percent may be designated compact
R-PUD	1.	Height: additional story (one story)
I-PUD	1.	Height: additional 50 feet
	2.	Parking reduction: no limit, based on usage or alternative plan

- (c) *Base requirements and bonuses.* Table III establishes the relationship of the bonus to the base regulations, indicating the ultimate requirements if a bonus is used. The base is kept at a reasonable standard, so that a developer not using an incentive can still produce a viable project, based on current building trends. However, developers with more ambitious projects will be able to build, while contributing towards the goals of this chapter.

Table III

Base Requirements and Bonuses

Zoning District			Base Requirement			Bonus			Maximum Permitted With Bonus
RM-20, RH and RMH-20	1.		Density: 17 du/ac (hotel per zoning)	1.		3 du/ac	1.		20 du/ac
	2.		Parking: 2 spaces/unit (2 bedroom)	2.		Parking reduction:	2.		Parking reduction:
					a.	20 percent of total req.; and/or		a.	20 percent of total req.; and/or
					b.	25 percent of total spaces may be compact		b.	25 percent of total spaces may be compact
CG	1.		Height: 5 stories or 65 feet	1.		Additional 5 stories	1.		10 stories
	2.		Parking:	2.		Parking reduction:	2.		Parking reduction:
		a.	1/300 sq. ft. office		a.	20 percent of total req.; and/or		a.	20 percent of total req.; and/or
		b.	1/200 sq. ft. retail		b.	25 percent of total spaces may be compact		b.	25 percent of total spaces may be compact
IG and IL	1.		Parking:	1.		Parking reduction:	1.		Reduction in spaces or size (no limit) based on demonstrated use or alternative plan
		a.	1/300 manufacture		a.	Number of spaces			
		b.	1/1,000 wholesale		b.	Percent compact			
	2.		Side setbacks: 15 feet	2.		Waive side setbacks one side only	2.		Elimination of one side setback requirement
	3.		Lot coverage: 45 percent	3.		Additional 10 percent coverage	3.		55 percent lot coverage

	4.	Commercial uses prohibited	4.	CN uses to be allowed	4.	CN uses as accessory use	
C-PUD	1.	Density: 15 du/ac	1.	10 du/ac	1.	25 du/ac (50 hotel/motel)	
	2.	Height: 10 stories	2.	15 stories	2.	25 stories	
	3.	Parking: based on use requirements	3.	Parking reduction:	3.	Parking reduction:	
				a.	20 percent of total required; and/or	a.	20 percent of total required; and/or
				b.	25 percent of total spaces may be compact	b.	25 percent of total spaces may be compact
R-PUD	1.	Height: 3 stories		1 story maximum of 2% of site area		4 stories	
I-PUD	1.	Height: 50 feet	1.	50 feet	1.	100 feet	
	2.	Parking: based on use/sq. ft.	2.	Parking reduction (no limit):	2.	Reduction in spaces or size (no limit) based on demonstrated use or alternative plan	
				a.	Number of spaces		
				b.	Percent of compact		

(d) *Intent of bonuses.* The intent of the bonuses is not to relax zoning restrictions indiscriminately, but to allow for additional leeway upwards within the acceptable bounds of a zoning standard. For example, a developer cannot simply reduce parking by 20 percent. It must be demonstrated that the requirement is unrealistic for a particular use (i.e., based on number of employees) or that an alternative plan, such as park and ride, is available.

(Ord. No. 3010, § 1, 7-9-06)

**Sec. 26-6. Minority employment component.**

(a) The purpose of this section is to encourage the developer to hire minorities in various capacities of project development, from planning to final construction. This will enable the workforce of the city, which is predominately minority, to directly benefit from the economic boom South Florida is experiencing.

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- (b) A zoning bonus, or bonuses, as set forth in this chapter shall be permitted where the person requesting the bonus enters into a written agreement with the city providing for the following:
    - (1) The party requesting the bonus shall employ on the job site at least 20 percent of its part-time and full-time general labor on a job site from minority groups;
    - (2) The party requesting the bonus enters into contracts for work or supplies to a job site with at least ten subtrades or suppliers who are minority employers; and
    - (3) Where the party requesting the bonus demonstrates through an approved minority participation plan, the hiring of five minority professionals.
  - (c) While under the minority employment option, all three components of subsection (b) of this section must be met to qualify for a bonus.
  - (d) A developer desiring more than one bonus to the employment option need only satisfy the requirement once to utilize multiple bonuses.
  - (e) Prior to project site plan approval, the party applying for the bonus shall submit a minority participation plan for council approval, as per administrative procedures.

(Ord. No. 3010, § 1, 7-9-06)

### **Sec. 26-7. Housing contribution component.**

- (a) *Options.* A developer choosing the housing option will have two methods to choose from to satisfy this requirement:
  - (1) Construction of affordable units; or
  - (2) In lieu cash contribution to the housing trust fund.
- (b) *Extent of contribution.*
  - (1) The amount of the housing contribution by a developer directly relates to the extent and number of bonuses used, as shown in Table IV in section 26-8; i.e., as the number of bonus units requested increases, so does the corresponding housing contribution that must be made.
  - (2) It is the intent of the program to encourage construction of units by developers; contribution ratios have been set accordingly.
  - (3) It is anticipated that the additional financial gain with incentives should not exceed the costs of participating in the program.
- (c) *Construction of affordable units; option 1.*
  - (1) Under this option, the developer is responsible for actually constructing the units, including purchasing the land. The units may be single-family or multiple-family.
  - (2) Units must meet the definition of affordable housing and be sold or rented to moderate-income families.
  - (3) Rental units may be rented by the developer or managed by the housing authority or sold to a private party to rent as affordable units.
  - (4) Affordable units shall be governed by legal covenant which guarantees availability to moderate-income residents for at least five years.



- 
- (5) The principle behind the construction contribution is that, while the developer must bear the cost of buying the land and constructing the unit, his costs are recovered when it is sold. The difference between his cost and the affordable price is his profit.
  - (6) Under the construction option, while time and effort is involved, the developer will make a profit or break even. His contribution is the production of affordable housing adding to the supply.
  - (7) No certificate of occupancy shall be issued for a project utilizing bonuses, until the affordable units are complete and have received a certificate of occupancy.
- (d) *In lieu contribution to housing trust fund, option 2.*
- (1) Under this option, the developer chooses to contribute directly to the housing trust fund in accordance with Table IV in section 26-8.
  - (2) Timing of the contribution shall be one-half to be deposited in fund prior to permit remainder prior to certificate of occupancy.
- (Ord. No. 3010, § 1, 7-9-06)

## **Sec. 26-8. Calculating bonus contributions.**

- (a) *Introduction.*
- (1) This section sets forth the means of translating the bonus used into the amount of contribution which is required in return, as shown in Table IV. As Table IV indicates, available bonuses include:
    - a. Additional density.
    - b. Reduction in number of parking spaces.
    - c. Reduction in size of spaces.
    - d. Additional height.
    - e. Setback waiver.
    - f. Lot coverage.
    - g. Additional uses permitted.
  - (2) To simplify contribution calculations, the benefits of the above, varied bonuses are translated into two bonus measures: units or building square footage. The amount of housing contribution is then assessed by unit or square footage gain. (There is one exception, which is detailed in subsection (d) of this section.)
  - (3) Only the bonus increments are assessed a contribution.
- (b) *Bonus measure: units.*
- (1) *Where available.* Additional units may be created by density bonus in the RM-20, RH, and RMH-20 districts. Additional units may be created by density, height or parking in the C-PUD (see subsection (e) of this section.)
  - (2) *How assessed.* Contribution is assessed on the additional units possible through use of the bonus. The amount of contribution per unit will vary according to the project location, as per Table IV.
- (c) *Bonus measure: square footage.*

- 
- (1) *Generally.* Bonuses of height, lot coverage, setback waiver, CN uses and parking reductions are translated into additional square footage gained for a structure, by the use of these bonuses, as detailed in this subsection.
  - (2) *Height.*
    - a. Where available. In CG, C-PUD, I-PUD, R-PUD districts.
    - b. How assessed. The available stories allowed by the bonus are translated into the additional square footage gained.
    - c. Bonus square footage is then assessed according to Table IV.
  - (3) *Lot coverage.*
    - a. Where available. IG and IL districts.
    - b. How assessed. That building square footage which exceeds the amount permitted under the base lot coverage requirements is assessed.
    - c. Example. A base 45 percent lot coverage on a certain lot allows a 15,000 square foot building. Using the bonus of increased lot coverage, a 20,000 square foot building is constructed, the additional 5,000 square feet are then used to assess contribution.
  - (4) *Setback waiver.*
    - a. Where available. IG and IL districts.
    - b. One side setback may be waived, allowing for zero lot line construction (not streetside).
    - c. How assessed. That portion of the building which encroaches into the setback is assessed in terms of the square footage which is in the base setback.
  - (5) *CN uses in industrial districts.*
    - a. Where available. IG and IL districts.
    - b. How assessed.
      1. Neighborhood commercial use (except as residential) permitted as subordinate use in an industrial building.
      2. Industrial use must comprise 75 percent or more of the building.
      3. Assessed by amount of square footage devoted to CN use.
  - (6) *Parking reduction in number of spaces.*
    - a. Available in:
      1. RM-20, RMH-20, CG, C-PUD: reduction up to 20 percent.
      2. IG, IL, I-PUD: no limit on reduction.
    - b. How assessed.
      1. Assumption is made that a reduction in the number of spaces creates additional buildable area and thus results in a larger structure.
      2. The square footage of the building gained by the reduction in spaces is then assessed.
    - c. Example.

- 
1. A developer desires to build a 10,000 square foot building which would require 50 parking spaces.
  2. The developer can only supply 40 spaces (20 percent less than requirement).
  3. Under base requirements, 40 spaces would allow 8,000 square feet.
  4. The developer is able to construct 2,000 additional square feet based on bonus.
  5. This 2,000 bonus square feet of building is assessed as per Table IV.
- d. To utilize parking spaces reduction, a developer shall demonstrate the following:
1. Parking requirements are excessive and require substantially more spaces than are needed, as demonstrated by actual usage, etc.; or
  2. Alternative means of transportation are to be provided, such as park and ride, shuttle buses, etc.
- e. Failure to accommodate parking demand on site or by alternative methods may result in revocation of the permit to occupy the building.
- (7) *Parking; allowance for compact spaces.*
- a. Where available. RM-20, RMH-20, CG, IL, IG, I-PUD and C-PUD districts.
  - b. Compact parking stall shall measure eight feet by 16 feet.
  - c. How assessed. As use of this bonus, by decreasing parking area and increasing buildable area, results in a larger structure, additional building square footage created shall be assessed accordingly.
- (d) *Parking reduction.* If reduction in number or size of spaces is unrelated to an increase in size, an assessment shall be made based on either:
- (1) Number of spaces reduced, at \$250.00 for each space eliminated; or
  - (2) Number of compact provided at \$150.00 for compact space.
- (e) *C-PUD; special case.*
- (1) Bonuses in the C-PUD are translated into units or square footage gains, as in the above district.
  - (2) However, due to the more complex nature of a C-PUD involving multiple uses, the means of assessment are summarized below:
    - a. If use of the bonus regarding height, density or parking reduction results in additional residential units, the unit measurement is used; i.e., for each bonus condo unit created, one affordable unit or 7,500 square feet are required.
    - b. For bonuses relating to nonresidential uses, the gain is translated into square feet in CG and the contribution is assessed per square foot at the rate in Table IV.
    - c. Special case: height. In cases where the building contains mixed uses, the bonus square footage shall be assessed at the least restrictive ratio.
    - d. Use of the parking bonus for residential uses shall not be assessed a contribution if a contribution has been received in the density category.
- (f) *Bonus/contribution ratio.*

Table IV  
Bonus/Contribution Ratio

		Minority Employment Or Contribution		Housing Contribution (Per Bonus Increment)			
Bonus				Construction Or Lieu		Cash in	
RM-20, RH and RMH-20 districts:							
1.	Density: 3 du/ac	1.	Per section 26-6	1.	1 AU*/bonus condo unit	1.	Ocean: 3.5% of sale price/value-minimum \$30,000
					1 AU*/bonus motel/hotel unit		Mainland: 3.5% of sale price/value-minimum \$30,000
2.	Parking reduction: 20 percent required spaces	2.	Per section 26-6	2.	Same as 1 above based on additional units due to parking reduction		
CC district:							
1.	Height: 5 stories	1.	Per section 26-6	1.	1 AU*/bonus 1,000 sq. ft.	1.	\$10,000/1,000 sq. ft. (\$10/sq. ft.)
2.	Parking reduction: 20 percent required space	2.	Per section 26-6	2.	1 AU*/1,000 sq. ft.	2.	\$10,000/1,000 sq. ft.
IL and IG districts:							
1.	Parking reduction	1.	Per section 26-6	1.	0.5 AU*/1,000 sq. ft.	1.	\$5,000/1,000 sq. ft. (\$5/sq. ft.)
2.	Side setback waiver	2.	Not applicable	2.	Not applicable	2.	\$2/sq. ft. (area within required 15 foot setback)
3.	Lot coverage	3.	Per section 26-6	3.	0.5 AU*/1,000 bonus sq. ft.	3.	\$5,000/1,000 sq. ft.



4.	CN uses as accessory	4.	Per section 26-6	4.	1 AU*/1,000 sq. ft.	4.	\$10,000/1,000 sq. ft. bonus
C-PUD district:							
1.	Density: 10 du/ac	1.	Per section 26-6	1.	1 AU*/bonus condo unit 1 AU*/bonus motel unit	1.	3.5% of sale price/value
2.	Height: 15 stories	2.	Per section 26-6	A.	Residential: see 1 above, based on additional units due to increased height		
				B.	Nonresidential:		
					1 AU*/1,000 sq. ft.		\$10,000/1,000 sq. ft.
3.	Parking reduction: 20 percent of required spaces	3.	Per section 26-6	A.	Residential: see 1 above, based on additional units due to parking reduction		
				B.	Nonresidential: see 2-B above		
R-PUD district:							
1.	Height: 1 story	1.	Per section 26-6	1.	1 AU*/1,000 sq. ft. Maximum 2% of total site area		\$3,000/1,000 sq. ft. (\$3/sq. ft.)
I-PUD district:							
1.	Height: Additional 50 feet (office and commercial)	1.	Per section 26-6	1.	0.5 AU*/1,000 sq. ft.	1.	\$5,000/1,000 sq. ft.
2.	Parking reduction	2.	Per section 26-6	2.	0.5 AU*/1,000 sq. ft.	2.	\$5,000/1,000 sq. ft.
Parking reduction (No relationship to square feet):							
1.	Reduction in number of spaces	1.	Not applicable	1.	Not applicable	1.	\$250/space
2.	Reduction in size; 25 percent compact	2.	Not applicable	2.	Not applicable	2.	\$150/space

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\*AU = affordable unit

(Ord. No. 3010, § 1, 7-9-06)

### **Sec. 26-9. Related policies and administration.**

- (a) In recognition of the value of C-PUD and I-PUD projects to downtown revitalization and/or the general economy of the city, the city council shall have the authority to waive, in part, portions of the contribution amounts based upon the following:
  - (1) Demonstration that the project will result in the creation of a significant number of permanent jobs for city residents.
  - (2) Demonstration that the magnitude of the project is such that satisfying the total contribution (based on cumulative assessments) would render the project infeasible.
  - (3) Long-range economic benefits to the city and downtown are substantial and should be considered in lieu of stated contributions in this chapter.
- (b) A developer of an I-PUD choosing to construct affordable units may place those units within the I-PUD, and further may construct additional housing units within the I-PUD, not to exceed 25 percent of the area.
- (c) Administrative guidelines shall be established and adopted by city council.
  - (1) All bonus requests shall be approved by city council in accordance with the plan and guidelines.
  - (2) Guidelines shall include, but are not limited to:
    - a. Review procedures to be followed.
    - b. Staff personnel responsibilities.
    - c. Monitoring and enforcement.
    - d. Means to ensure mix of affordable homes across income range, and by housing type.
    - e. Guidelines as necessary to implement the goals of this chapter.

(Ord. No. 3010, § 1, 7-9-06)

### **Sec. 26-10. Role of single-family and medium density multiple-family districts.**

- (a) It is anticipated that the affordable units produced by the developer or through the housing trust fund would be located in the RM-15 multiple family, RD-15 duplex or RS-8 single-family districts. Under the plan, bonuses are not given in these single-family or multiple-family districts. Examination of existing zoning standards for the districts indicates:
  - (1) Existing standards are set at a minimum level already, which allow the development of affordable housing:
    - a. For example, 800 square feet minimum for a house could not be categorized as an excessive requirement.
    - b. Minimum lot size for single-family is lower than in the county.

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(Supp. No. 53)

Created: 2021-10-18 14:35:43 [EST]

- 
- (2) Review of those communities which were able to offer cost-reducing incentives revealed that the codes contained requirements for enclosed garages and minimum number of bedrooms. The city Code does not contain these types of excessive standards.
  - (b) The types of bonuses given in the high density residential and commercial districts would not contribute to creating quality low density residential housing. Allowing increased densities in the RM-15 district would generally result in overcrowded sites, without adequate play area for children and privacy for occupants.
  - (c) The districts are best served by being the recipients of the units added through the housing contribution process, in keeping with existing standards.
  - (d) Those who choose to build affordable housing in the districts will be able to take advantage of the programs offered through the housing trust fund to help with the costs of construction, rental, home ownership, etc.
- (Ord. No. 3010, § 1, 7-9-06)

**Sec. 26-11. Appendices.**

The appendices to the minority employment and affordable housing opportunity plan adopted regarding certain recommendations and methods are on file in the city clerk's office.

(Ord. No. 3010, § 1, 7-9-06)



**Development Services Department**  
**City of Riviera Beach, Florida**  
600 W. Blue Heron Blvd.  
Riviera Beach, FL 33404

## MEMO

**To:** Applicant  
**From:** Mary F Savage-Dunham, AICP  
**Date:** November 23, 2021  
**Re:** (VA-21-01)

I have reviewed your application and offer the following comments:

1. The rear setback requirement is 20'. Your Universal Land Use application calls out 15'. Please correct this error and provide an updated application form for the record.



**From:** [Grimm, Michael](#)  
**To:** [Savage-Dunham, Mary](#)  
**Subject:** RE: comments on yard setbacks  
**Date:** Monday, November 22, 2021 11:00:39 AM

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Constructing a building right up to a property line, although not prohibited in the Florida Building Code, does require much more stringent codes to be met such as; no openings allowed in the wall on the property line, higher fire resistance rating , no overhang and lack of access for fire fighters.

Construction up to the property line also causes many other issues such as drainage and property maintenance. Typically an easement is needed on the neighboring property so the building can be maintained without trespassing. This easement often becomes a problem when the neighboring property owners do not get along and they want the city to get involved with enforcement.

If building get built too close to each other they almost always have maintenance issues for the facing walls as they tend to not get weatherproofed in timely manner, the wall surfaces get peeled , mildewed or otherwise deteriorated and unsightly. The area between the buildings typically gather junk , debris and weeds.

Building up to the property line also does not allow proper landscaping on that side of the building.

**Michael Grimm, CBO, CFM**  
Building Official  
City of Riviera Beach  
600 W. Blue Heron Blvd.  
Riviera Beach, FL 33404  
Office: (561) 845-4008  
Cell: (561) 329-5667  
Email: [mgrimm@rivierabeach.org](mailto:mgrimm@rivierabeach.org)

---

**From:** Savage-Dunham, Mary <MSavageDunham@rivierabeach.org>  
**Sent:** Monday, November 22, 2021 7:12 AM  
**To:** Frank Stallworth <fstallworth42@gmail.com>; Grimm, Michael <MGrimm@rivierabeach.org>  
**Subject:** comments on yard setbacks  
**Importance:** High

Good morning,  
I'm following up on our request for comments relative to the importance of or reason for building setbacks, relative to the pending variance. If you have any comments can you send them today please?

Respectfully,

Mary F. Savage Dunham, AICP, CFM

Assistant Director of Development Services  
City of Riviera Beach  
600 W. Blue Heron Blvd.  
Riviera Beach, FL 33404  
Office: (561) 845-4037  
[msavagedunham@rivierabeach.org](mailto:msavagedunham@rivierabeach.org)  
[www.rivierabeach.org](http://www.rivierabeach.org)



**From:** [Frank Stallworth](#)  
**To:** [Savage-Dunham, Mary](#)  
**Subject:** RE: Fire lanes  
**Date:** Monday, November 22, 2021 6:13:18 PM  
**Attachments:** [A1C4689D51A1489B93BF89ED605B4170.png](#)

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**Florida Fire Prevention Code. 7<sup>th</sup> edition**

**Fire lane dimensions:** shall be not less than 20 ft. (6 m) of unobstructed width, able to withstand live loads of fire apparatus and have a minimum of 13 ft. 6 in. (4.1 m) of vertical clearance. FFPC: 1-18.2.3.4.1.1.

**Grade:** The gradient for a fire department access road shall not exceed the maximum approved. The angle of approach and departure for any means of fire department access road shall not exceed 1ft drop in 20ft (0.3m drop in 6m) or the design limitations of the fire apparatus of the fire department and shall be subject to approval by the AHJ. FFPC: 1-18.2.3.4.6.2.

Sent from [Mail](#) for Windows 10

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**From:** [Savage-Dunham, Mary](#)  
**Sent:** Tuesday, November 16, 2021 4:09 PM  
**To:** [Frank Stallworth](#)  
**Subject:** RE:

Frank –

They are also proposing to have the side of the building opened up for a counter area and have stools outside on the counter. Like a bar area. Not sure if this changes your thoughts.

Respectfully,

Mary F. Savage Dunham, AICP, CFM  
Assistant Director of Development Services  
City of Riviera Beach  
600 W. Blue Heron Blvd.  
Riviera Beach, FL 33404  
Office: (561) 845-4037  
[msavagedunham@rivierabeach.org](mailto:msavagedunham@rivierabeach.org)  
[www.rivierabeach.org](http://www.rivierabeach.org)

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**From:** Frank Stallworth <fstallworth42@gmail.com>  
**Sent:** Tuesday, November 16, 2021 2:37 PM  
**To:** Savage-Dunham, Mary <MSavageDunham@rivierabeach.org>  
**Subject:**

Sent from [Mail](#) for Windows 10

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*unless you recognize the sender and know the content is safe.*

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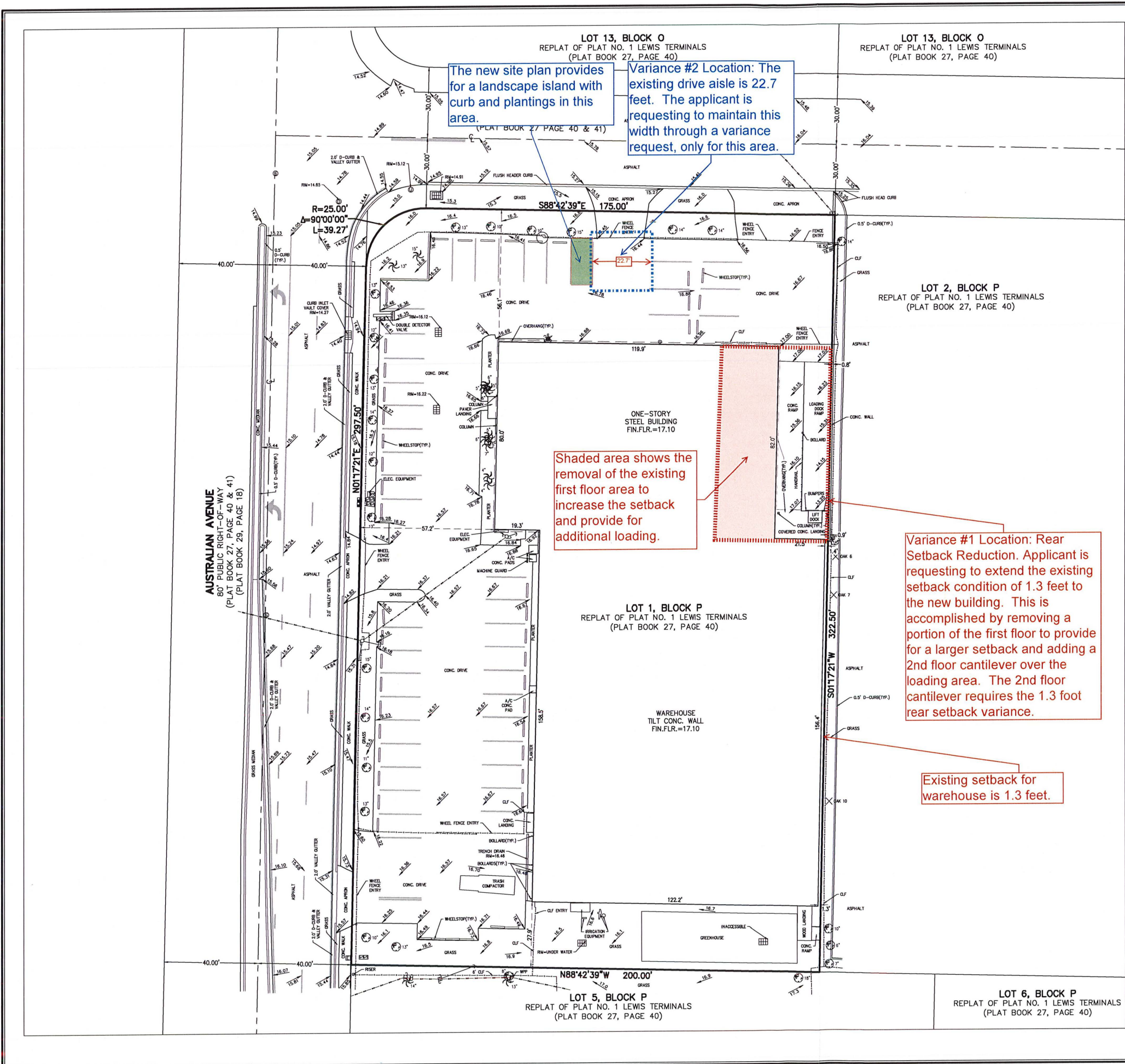
Please be advised that the City of Riviera Beach is a public entity subject to Florida's broad public records law under Chapter 119, Florida Statutes. Most written communications, including email addresses, to or from City of Riviera Beach employees and elected officials regarding city business are public records and are available to the public and the media upon request. Your email communications may therefore be subject to public disclosure. If you do not want your email address to be subject to disclosure as a public record, please do not send electronic mail to the City of Riviera Beach. Instead, contact the City by telephone at (561) 845-4000.

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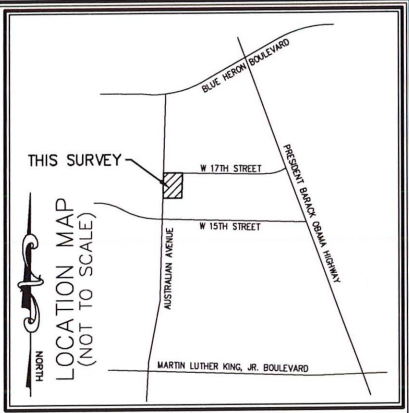
The new site plan provides for a landscape island with curb and plantings in this area.

Variance #2 Location: The existing drive aisle is 22.7 feet. The applicant is requesting to maintain this width through a variance request, only for this area.

Shaded area shows the removal of the existing first floor area to increase the setback and provide for additional loading.

Variance #1 Location: Rear Setback Reduction. Applicant is requesting to extend the existing setback condition of 1.3 feet to the new building. This is accomplished by removing a portion of the first floor to provide for a larger setback and adding a 2nd floor cantilever over the loading area. The 2nd floor cantilever requires the 1.3 foot rear setback variance.

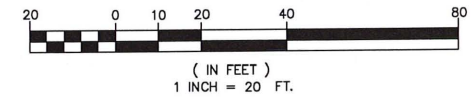
Existing setback for warehouse is 1.3 feet.



**LEGEND**

- |                                       |                                    |
|---------------------------------------|------------------------------------|
| A/C - AIR CONDITIONER                 | SO. FT. - SQUARE FEET              |
| L - ARC LENGTH                        | TWP. - TOWNSHIP                    |
| ALUM. - ALUMINUM                      | TYP. - TYPICAL                     |
| B.E. - BUFFER EASEMENT                | U.E.P. - UTILITY EASEMENT          |
| C.O. - CLEANOUT                       | W.M. - WATER METER                 |
| CLF - CHAIN LINK FENCE                | W.E. - WATER EASEMENT              |
| CONC. - CONCRETE                      | S.E. - SANITARY EASEMENT           |
| COV. - COVERED                        | ☆ - LIGHT POLE                     |
| D.E. - DRAINAGE EASEMENT              | ⊙ - FIRE HYDRANT                   |
| ELEC. - ELECTRIC                      | ⊕ - WATER VALVE                    |
| ELEV. - ELEVATION                     | ⊙ - SET 5/8" IR/CAP LB 3591        |
| EQUIP. - EQUIPMENT                    | ⊙ - SANITARY MANHOLE               |
| EXIST. - EXISTING                     | ⊙ - DRAINAGE MANHOLE               |
| F.P.L. - FLORIDA POWER & LIGHT        | ⊙ - WOOD POWER POLE (UNLESS NOTED) |
| FIN. - FINISHED                       | ⊙ - CENTER LINE                    |
| FLR. - FLOOR                          | ⊙ - EXISTING ELEVATION             |
| FND. - FOUND                          | ⊙ - TRAFFIC SIGN                   |
| IR./CAP. - IRON ROD & CAP             | ⊙ - ELECTRICAL WIRES OVERHEAD      |
| INV. - INVERT                         | ⊙ - ANCHOR                         |
| IRR. - IRRIGATION                     | ⊙ - WATER METER                    |
| L.A.E. - LIMITED ACCESS EASEMENT      | ⊙ - RPZ                            |
| O.S. - BUILDING OFFSET                | ⊙ - GROUND LIGHT                   |
| O.R.B. - OFFICIAL RECORD BOOK         | ⊙ - ELECTRIC HAND HOLE             |
| P. - PLAT                             | ⊙ - IRRIGATION CONTROL VALVE       |
| P.B.C.R. - PALM BEACH COUNTY RECORD   | ⊙ - CONCRETE POWER POLE            |
| P.O.B. - POINT OF BEGINNING           | ⊙ - FIRE DEPARTMENT CONNECTION     |
| P.O.C. - POINT OF COMMENCEMENT        |                                    |
| P.G.S. - PAGE(S)                      |                                    |
| P.R.M. - PERMANENT REFERENCE MONUMENT |                                    |
| PROP. - PROPOSED                      |                                    |
| R - RADIUS                            |                                    |
| R/W - RIGHT-OF-WAY                    |                                    |
| RGR. - RANGE                          |                                    |
| SEC. - SECTION                        |                                    |
| Δ - DELTA (CENTRAL ANGLE)             |                                    |

**GRAPHIC SCALE**



**NOTES**

- REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH A SURVEYOR'S SEAL.
- SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR.
- LANDS SHOWN HEREON WERE ABSTRACTED BY TITLE INSURANCE COMPANY, FILE NUMBER [REDACTED] EFFECTIVE DATE: [REDACTED] SCHEDULE EXCEPTIONS ARE SHOWN HEREON.
- ELEVATIONS SHOWN HEREON ARE RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
- BEARINGS SHOWN HEREON ARE RELATIVE TO A GRID BEARING OF N89°27'01"E ALONG SOUTH LINE OF SECTION 15, TOWNSHIP 46 SOUTH, RANGE 42 EAST, RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (1990 ADJUSTMENT) AND BASED ON FIELD MEASUREMENTS. BEARINGS ANNOTATED WITH (PLAT) REFER TO RECORD PLAT BEARINGS. THE ROTATION FROM GRID TO RECORD PLAT BEARINGS IS COUNTERCLOCKWISE 1°35'14".
- THE "DESCRIPTION" SHOWN HEREON IS IN ACCORD WITH THE DESCRIPTION PROVIDED BY THE CLIENT.
- UNDERGROUND FOUNDATIONS WERE NOT LOCATED.
- ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- FLOOD ZONE: "X" (UNSHADED); COMMUNITY PANEL NO. 125142 0389 F; DATE: OCTOBER 5, 2017.
- BENCHMARK ORIGIN DESCRIPTION: PALM BEACH COUNTY ENGINEERING BENCHMARK "CATERS", ELEVATION = 14.291 NAVD88

**DESCRIPTION**

LOT 1, BLOCK "P", REPLAT OF PORTIONS OF BLOCKS "O" AND "P", REPLAT OF PLAT NO. 1, LEWIS TERMINALS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 29, PAGES 18 AND 19, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

SAID LANDS SITUATE AND BEING IN THE CITY OF RIVERA BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAINING 64,366 SQUARE FEET OR 1.478 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

**CERTIFICATE:**

I HEREBY CERTIFY THAT THE ATTACHED BOUNDARY AND TOPOGRAPHIC SURVEY OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED UNDER MY DIRECTION ON FEBRUARY 1, 2021. I FURTHER CERTIFY THAT THIS BOUNDARY AND TOPOGRAPHIC SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTES 472.027.

REVISIONS	DATE	BY

CAULFIELD & WHEELER, INC.  
 CIVIL ENGINEERING  
 LANDSCAPE ARCHITECTURE - SURVEYING  
 7000 GLADES ROAD - SUITE 100  
 BOCA RATON, FLORIDA 33434  
 PHONE (561) 392-1991 / FAX (561) 750-1452

1640 AUSTRALIAN AVENUE  
 LOT 1 BLOCK P  
 BOUNDARY AND TOPOGRAPHIC SURVEY

DATE 2/1/2021  
 DRAWN BY EJS  
 F.B./ PG. N/A  
 SCALE 1"=20'

DAVID P. LINDLEY  
 REGISTERED LAND SURVEYOR NO. 5005  
 STATE OF FLORIDA  
 L.B. 3591

JOB # 9231  
 SHT. NO. 1  
 OF 1 SHEETS





1 in = 500 ft  
 0 125 250 500 750 Feet

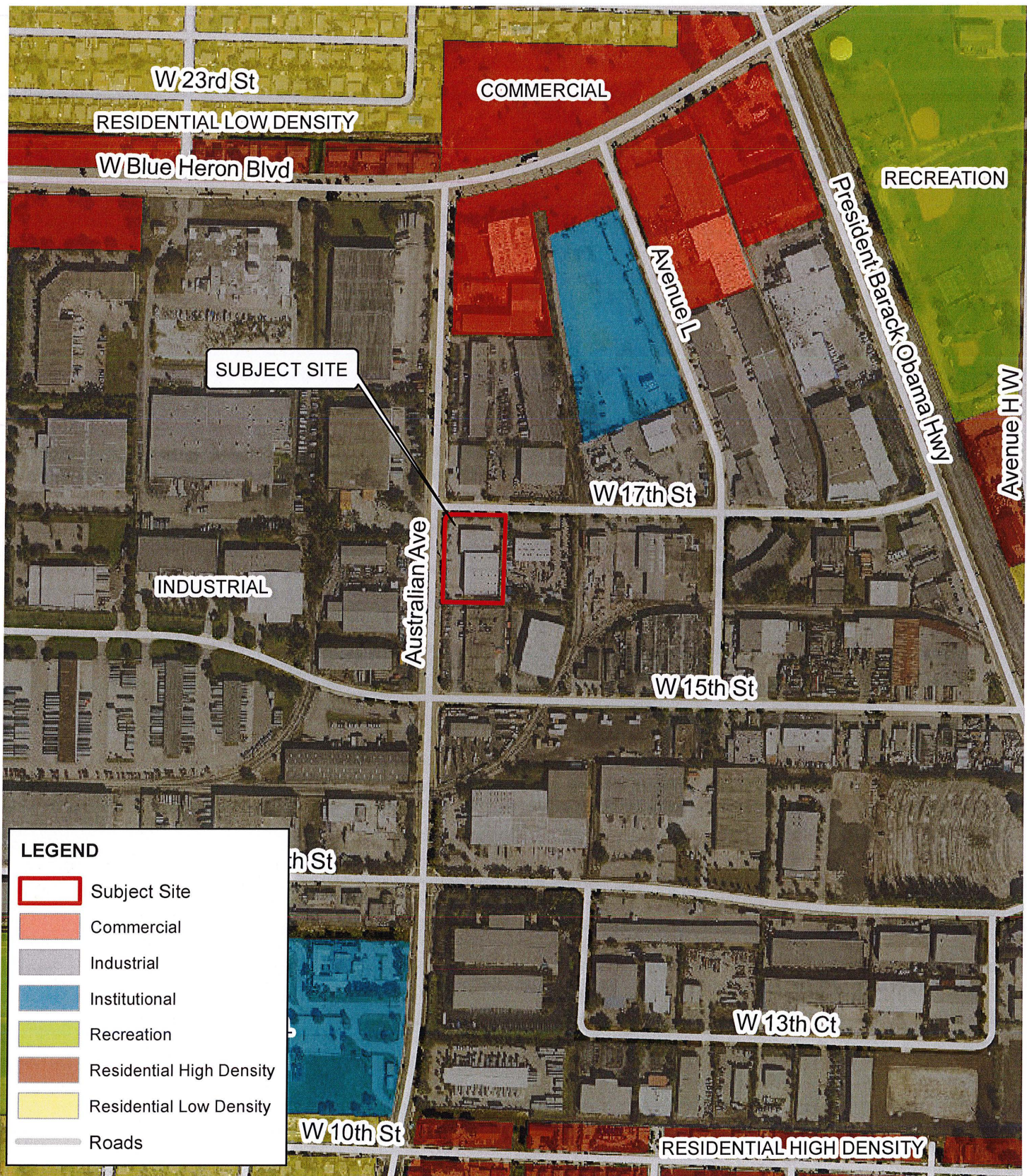
**Location Map**  
**K-Rain Manufacturing**  
*Riviera Beach, FL*



Map Document:  
 F:\Projects Active\21-0105 K-Rain - 1640 Australian Ave\  
 Maps and Graphics\ArcMap\_Projects  
 06/25/2021 -- 1:30:00 PM (WS)

1934 Commerce Lane · Suite 1 · Jupiter, FL · 33458  
 561.747.6336 · 561.747.1377





**LEGEND**

- Subject Site
- Commercial
- Industrial
- Institutional
- Recreation
- Residential High Density
- Residential Low Density
- Roads

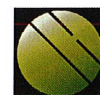


1 in = 500 ft  
 0 125 250 500 750 Feet

# Future Land Use Map

## K-Rain Manufacturing

*Riviera Beach, FL*



**Cotleur & Hearing**

1934 Commerce Lane · Suite 1 · Jupiter, FL · 33458  
 561.747.6336 · 561.747.1377

Map Document:  
 F:\Projects Active\21-0105 K-Rain - 1640 Australian Ave\  
 Maps and Graphics\ArcMap\_Projects  
 06/25/2021 -- 1:30:00 PM (WS)





# Cotleur & Hearing

Landscape Architects  
Land Planners  
Environmental Consultants  
1934 Commerce Lane  
Suite 1  
Jupiter, Florida 33458  
561.747.6336 · Fax 747.1377  
www.cotleurhearing.com  
Lic# LC-26000535

## K-RAIN SITE PLAN Riviera Beach, Florida

DESIGNED: DEH  
DRAWN: RO  
APPROVED: DEH  
JOB NUMBER: 21-0105  
DATE: 07-28-21  
REVISIONS:



Scale: 1" = 20'

July 28, 2021 10:35: a.m.  
Drawing: 21-0105 SP.DWG

SHEET 1 OF 1

© COTLEUR & HEARING, INC.  
These drawings are the property of the architect and are not to be used for any other project without the written consent of the architect. Immediately report any discrepancies to the architect.

### PROPERTY DEVELOPMENT REGULATIONS

ZONING	MINIMUM LOT DIMENSIONS			FAR	BLDG. COVERAGE	SETBACKS/SEPERATION				
	SIZE	FRONTAGE	DEPTH			FRONT	SIDE	SIDE STREET	REAR	
REQUIRED	IL	20,000 SF	100'	200'	1.15	MAX 45%	40'	15'	15'	20'
PROVIDED	IL	64,366 SF	297.5'	175'	0.42	42%	57.2'	27.9'	56'	45'

### GENERAL NOTES

THE PHOTOMETRIC PLAN WILL REFLECT LIGHTING VALUES IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF RIVIERA BEACH LORS.  
ALL PAVING LOT STRIPPING, EXCEPT FOR PARKING SPACES, SHALL BE CONSTRUCTED USING THERMOPLASTIC MATERIAL.  
ALL ADA ACCESSIBLE RAMPS SHALL MEET ALL APPLICABLE, REGIONAL AND STATE ACCESSIBILITY GUIDELINES AND REGULATIONS. ANY MODIFICATIONS SHALL BE APPROVED BY THE ENGINEER-OF-RECORD.

### PROJECT TEAM

**APPLICANT:**  
CHRIS KAH  
K-RAIN MANUFACTURING CORPORATION  
1640 AUSTRALIAN AVENUE  
RIVIERA BEACH, FL  
561-844-1002

**LANDSCAPE ARCHITECT/PLANNER:**  
COTLEUR & HEARING, INC.  
1934 COMMERCE LANE, SUITE 1  
JUPITER, FL 33458  
561-747-6336

**ENGINEER:**  
JEFF H. TRAVANI, INC  
1934 COMMERCE LANE, SUITE 5  
JUPITER, FL 33458  
561-575-6030

**ARCHITECT:**  
TI ARCHITECTURE INC  
3000 HIGH RIDGE ROAD, BAY #4  
BOYNTON BEACH, FL 33426  
561-860-2905

**SURVEYOR:**  
CAULFIELD & WHEELER, INC.  
7900 GLADES ROAD, SUITE 100  
BOCA RATON, FL 33434  
561-392-1991

**TRAFFIC:**  
KIMLEY-HORN  
1920 WEKIVA WAY, SUITE 200  
WEST PALM BEACH, FL 33411  
561-845-0665

### SITE DATA

NAME OF PROJECT: K-RAIN  
EXISTING LAND USE: IND (INDUSTRIAL)  
EXISTING ZONING DISTRICT: IL (LIMITED INDUSTRIAL DISTRICT)  
EXISTING USE: LIGHT MANUFACTURING  
PROPOSED USE: RESEARCH & DEVELOPMENT, WAREHOUSE AND OFFICE.

SECTION 32, TOWNSHIP 42, RANGE 43  
PROPERTY CONTROL NUMBER: 56434232190030010  
TAZ: 136

MAXIMUM BUILDING HEIGHT: 35'  
NUMBER OF STORIES: 2  
NUMBER OF BUILDINGS: 1

TOTAL SITE AREA: 70,828.56 SF  
1.63 AC

**BUILDING DATA**  
EXISTING BUILDING: 19,300 SF  
WAREHOUSE: 19,300 SF  
PROPOSED EXPANSION: 19,140 SF  
RESEARCH AND DEVELOPMENT: 10,385 SF  
OFFICE: 1,620 SF  
WAREHOUSE: 2,873 SF  
ANCILLARY: 4,242 SF  
TOTAL SQUARE FOOTAGE: 38,440 SF

FAR: 0.38

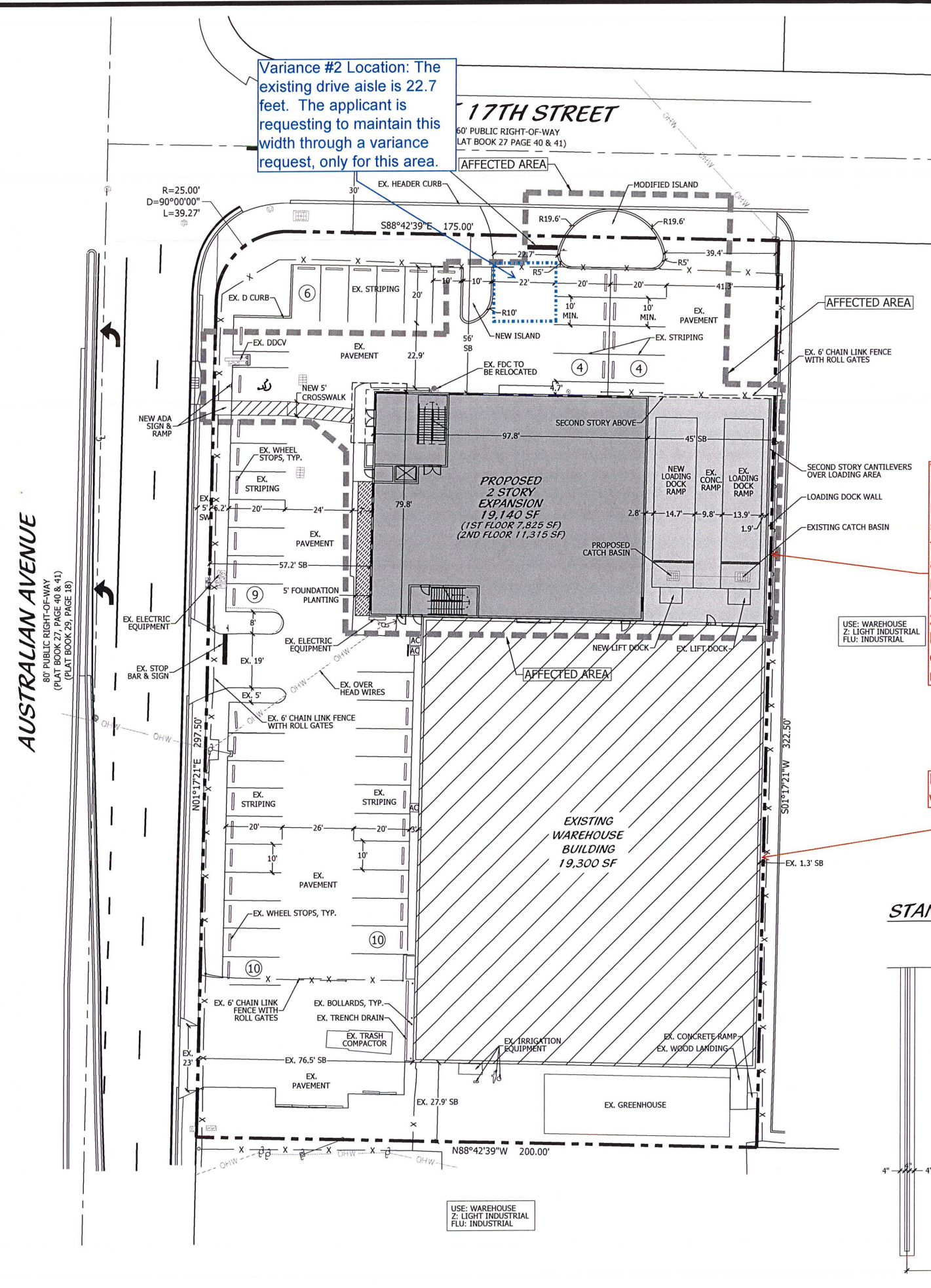
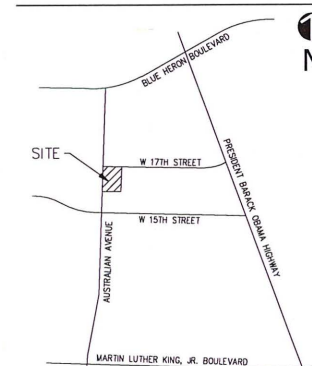
**SURFACE COVER**  
IMPERVIOUS AREA: SF AC %  
BUILDING LOT COVERAGE: 27,141 0.62 38.32%  
VEHICULAR USE AREA: 26,109 0.60 36.86%  
SIDEWALK AREA: 2,960 0.07 4.18%  
TOTAL IMPERVIOUS AREA: 56,210 1.29 79.36%

**PERVIOUS AREA**  
GREEN SPACE AND BUFFERS: SF AC %  
TOTAL PERVIOUS AREA: 14,618 0.34 20.64%  
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TOTAL SITE AREA: 70,829 1.63 100.00%

**PARKING DATA**  
RESEARCH & DEVELOPMENT (1/1000 SF): REQ 10 PROV 10  
OFFICE (1/300 SF): 5 5  
WAREHOUSE (1/1000 SF): 23 23  
ANCILLARY (1/1000 SF): 4 4  
TOTAL: 43 43  
HANDICAP SPACES (INCLUDED IN TOTAL): 1 1

### LOCATION MAP

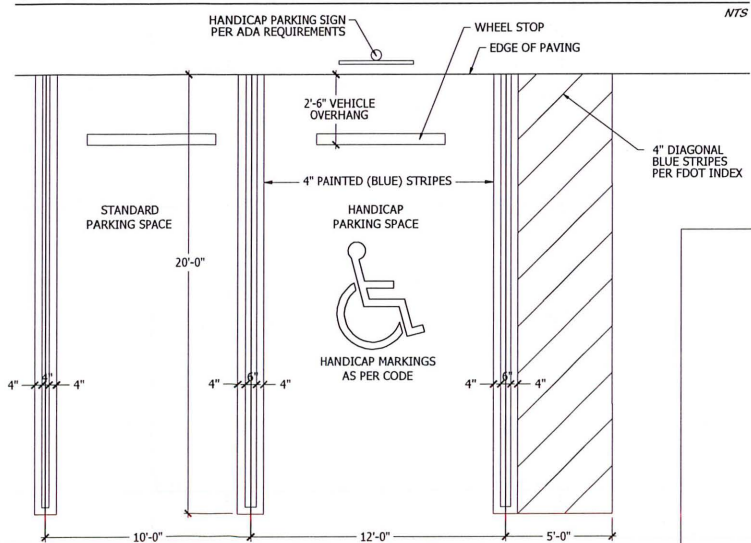


Variance #2 Location: The existing drive aisle is 22.7 feet. The applicant is requesting to maintain this width through a variance request, only for this area.

Variance #1 Location: Rear Setback Reduction. Applicant is requesting to extend the existing setback condition of 1.3 feet to the new building. This is accomplished by removing a portion of the first floor to provide for a larger setback and adding a 2nd floor cantilever over the loading area. The 2nd floor cantilever requires the 1.3 foot rear setback variance.

Existing setback for warehouse is 1.3 feet.

### STANDARD AND HANDICAP PARKING DETAIL



### LEGEND

- DDCV 5' WIDTH FOUNDATION PLANTING
- EX DOUBLE DETECTOR CHECK VALVE
- EX EXISTING
- FDC FIRE DEPARTMENT CONNECTION
- MIN MINIMUM
- R RADIUS
- SB SETBACK
- SW SIDEWALK
- TYP TYPICAL

AUSTRALIAN AVENUE  
80' PUBLIC RIGHT-OF-WAY  
(PLAT BOOK 27, PAGE 40 & 41)  
(PLAT BOOK 25, PAGE 18)

17TH STREET  
60' PUBLIC RIGHT-OF-WAY  
LAT BOOK 27 PAGE 40 & 41

USE: WAREHOUSE  
Z: LIGHT INDUSTRIAL  
FLU: INDUSTRIAL

USE: WAREHOUSE  
Z: LIGHT INDUSTRIAL  
FLU: INDUSTRIAL





○ SIDE ELEVATION (NORTH)  
3/16" = 1'-0"



○ FRONT ELEVATION (WEST)  
3/16" = 1'-0"

1100 SOUTH FEDERAL HWY SUITE #2  
BOYNTON BEACH, FLORIDA 33435  
ARCHITECT  
AA #26001725

HAROLD TUTTLE  
A/E  
AF #0015395

OFFICE / RESEARCH FACILITY for: K-RAIN INC.  
1640 AUSTRALIAN AVENUE  
RIVIERA BEACH, FL.

REVISIONS	DATE

Contract	
Permit	
Bid	
Date	6/1/21
Scale	AS NOTED
Drawn	HT
Job	2021-36
Sheet	A3.01
Of	X/X Sheets





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3/16" = 1'-0"



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1100 SOUTH FEDERAL HWY SUITE #2  
BOYNTON BEACH, FLORIDA 33435  
TEL: 561-393-1111  
AA #26001725

**HT**

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LEGAL DESCRIPTION

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SAID LANDS SITUATE AND BEING IN THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAINING 64,366 SQUARE FEET OR 1.478 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

**PUBLIC HEARING NOTICE  
DEVELOPMENT SPECIAL MAGISTRATE  
CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA**

The Development Special Magistrate will conduct a public hearing on Thursday, December 2, 2021 at 9:30 A.M. or soon thereafter, and from time to time thereafter as necessary, at the Riviera Beach Event Center located at 190 E 13<sup>th</sup> Street, Riviera Beach, FL 33404, to consider the following item(s):

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To obtain a complete copy, please contact the Office of the City Clerk between the hours of 8:30 AM and 5:00 PM, except weekends and holidays at (561) 845-4090 or by email at [cityclerk@rivierabeach.org](mailto:cityclerk@rivierabeach.org).

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceedings should contact the City Manager's Office at 561-845-4010 no later than 48 hours prior to the proceedings. If hearing impaired, telephone the Florida Relay Services 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice) for assistance.

[Please publish ASAP - Proof Requested]

## Order Confirmation

<b><u>Ad Order Number</u></b> 0000670238	<b><u>Customer</u></b> RIVIERA BEACH, CITY OF	<b><u>Payor Customer</u></b> RIVIERA BEACH, CITY OF	<b><u>PO Number</u></b>
<b><u>Sales Rep.</u></b> teal.pontarelli	<b><u>Customer Account</u></b> 35942	<b><u>Payor Account</u></b> 35942	<b><u>Ordered By</u></b> Mary Savage-Dunham
<b><u>Order Taker</u></b> teal.pontarelli	<b><u>Customer Address</u></b> 10682 PO DRAWER RIVIERA BEACH FL 334190682 USA	<b><u>Payor Address</u></b> 10682 PO DRAWER RIVIERA BEACH FL 334190682 USA	<b><u>Customer Fax</u></b>
<b><u>Order Source</u></b> Non Web	<b><u>Customer Phone</u></b> 5618454000	<b><u>Payor Phone</u></b> 5618454000	<b><u>Customer EMail</u></b>
			<b><u>Special Pricing</u></b>

**Invoice Text**

**Ad Order Notes**

<b><u>Net Amount</u></b>	<b><u>Tax Amount</u></b>	<b><u>Total Amount</u></b>	<b><u>Payment Amount</u></b>	<b><u>Amount Due</u></b>
\$268.32	\$0.00	\$268.32	\$0.00	\$268.32

<b><u>Ad Number</u></b>	<b><u>Ad Type</u></b>	<b><u>Production Method</u></b>	<b><u>Production Notes</u></b>
0000670238-01	Legal	AdBooker	

<b><u>External Ad Number</u></b>	<b><u>Ad Attributes</u></b>	<b><u>Ad Released</u></b>	<b><u>Pick Up</u></b>
		No	0000580193

<b><u>Ad Size</u></b>	<b><u>Color</u></b>
1 X 78 li	

<b><u>Run Date</u></b>	<b><u>Product</u></b>	<b><u>Placement</u></b>	<b><u>Sched Cst</u></b>	<b><u>Disc/Prem</u></b>	<b><u>Color</u></b>	<b><u>Pickup</u></b>	<b><u>Tax</u></b>	<b><u>Subtotal</u></b>
11/11/2021	P-Palm Beach Post	Legals	\$268.32	\$0.00	\$0.00	\$0.00	\$0.00	\$268.32
11/11/2021 - 12/02/2021	P-PBP Web	Legals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**Ad Content**



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PALM BEACH COUNTY, FLORIDA**

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11-11/2021

0000670238-01

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Riviera Beach, FL 33404

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MAIL TO:

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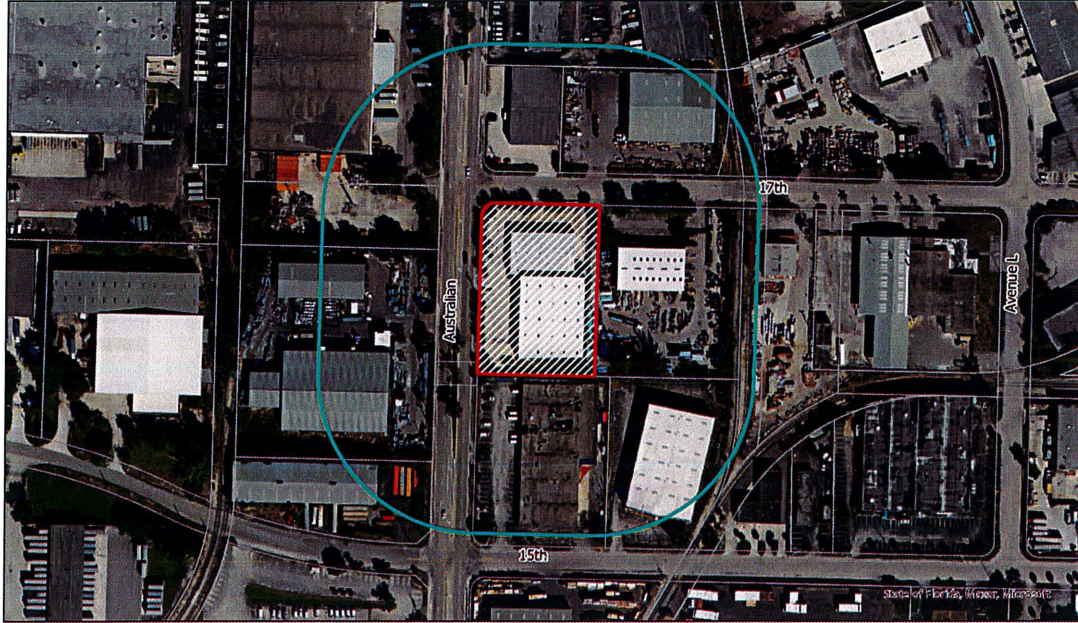
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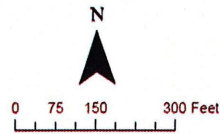
## CITY OF RIVIERA BEACH, FLORIDA



- 300 Feet Buffer
- Subject Property (1640 Australian Ave)
- Parcel

Application Type: VARIANCE (Application no. VA-21-01)

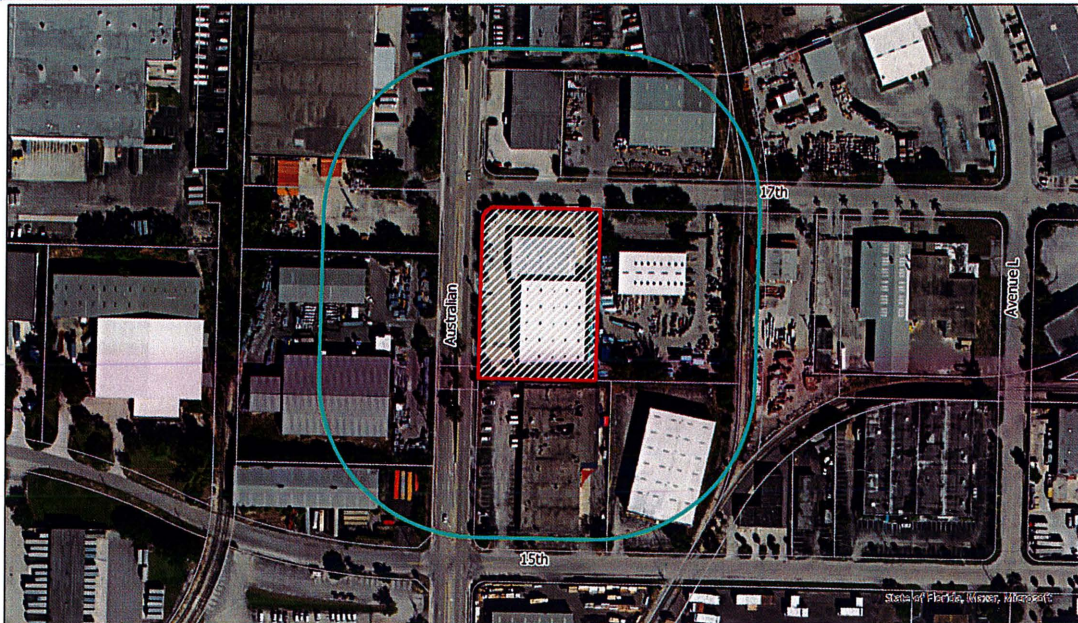
### Location Map



Data and Map Disclaimer: The Data is provided as is without a warranty or any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, timeliness, completeness, merchantability and fitness for appropriate for use rests solely on the requester. The City of Riviera Beach, and Palm Beach County make no warranties expressed or implied, as to use of the Data. There are no implied warranties of merchantability and fitness or appropriateness for a particular purpose. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is dynamic and in constant state of maintenance, correction, and update.

# PUBLIC HEARING NOTICE

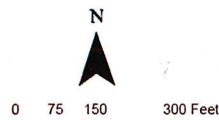
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**An application from Carl L.C. Kah Jr, on behalf of K-Enterprises, LLC., requesting a variance to reduce the rear building setback to 1.3' where 20' is required and 45' is provided, and, requesting a variance to reduce the drive aisle width to 22.7' where 24' is required and 22.7' is provided, at property known as 1640 Australian Avenue, identified by Property Control Number 56-43-42-32-19-003-0010, having an Industrial (IND) Future Land Use designation and a Limited Industrial (IL) Zoning designation, providing for conditions of approval, and providing for an effective date.**

MAIL TO:

The aforementioned meeting location is subject to change. Background material is available for review in its entirety in the Development Services Department between the hours of 8:30 AM and 5:00 PM, except holidays; (561) 845-4060

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Board or Council with respect to any matter considered at the meetings, such interested person, at own expense, will need to record of the proceedings, and for such purpose 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.

In accordance with the Americans with Disabilities Act of 1990, Persons needing special accommodations to participate in the proceedings should contact the Legislative Aide at 561-845-4095 no later than 96 hours prior to the proceedings. If hearing impaired, telephone the Florida Relay Services 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice) for assistance.



CITY OF RIVIERA BEACH  
Development Services Department  
600 W. Blue Heron Boulevard  
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