



TOWN OF PALM BEACH
Planning, Zoning & Building Department
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

THRU: Wayne Bergman, MCP, LEED-AP
Director PZ&B

FROM: Jennifer Hofmeister-Drew, AICP
Planner III

SUBJECT: ZON-23-040 C-TS TEXT AMENDMENT

MEETING: APRIL 4, 2023

ZON-23-040 C-TS TEXT AMENDMENT. ZON-23-040. The applicant, James M. Crowley, Esq., Gunster Law Firm, has filed an application requesting Town Council review to amend the Town of Palm Beach's Zoning Code to allow for arcades or colonnades to extend into the public right-of-way in the Commercial-Town Serving (C-TS) zoning district through the Special Exception process.

Zoning Code Text Amendment - Proposed

The applicant has submitted a proposal for discussion with the Town Council to allow the placement of building arcades and colonnades to extend beyond private property lines that would permit covered walkways within public rights of way. The applicant's Letter of Intent (LOI) accurately cites that the Town currently allows for this code provision in the C-WA zoning district through the implementation of the Worth Avenue Design Guidelines. The purpose of this allowance in the C-WA zoning district is to increase the aesthetic appearance of the streetscape, add protection from the elements and enhance the overall walking experience for the pedestrian. The subject application seeks to duplicate this amenity in the C-TS commercial district.

Having said that, it must be noted that the Public Works Department reviewed the text amendment during the pre-application meeting and is not in support of the request. However the following, at a minimum, needs to be provided with any development proposal that includes arcades within the public right-of-way.

- Include clear zone requirements for travel lanes. Proposed columns cannot be located with a clear zone.
- The required sidewalk widths within the district need to be maintained. Where deficient, additional accommodations need to be provided.
- Existing parking conditions need to be included. Specify that proposed columns cannot adversely affect use of parking lane / parking spots.

The proposed code language is to the Exceptions section of Division 8. C-TS Town Serving Commercial District and is as follows:

...

Sec. 134-1114. Same—Exceptions.

(a) In the C-TS town-serving commercial district, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.

(b) Marquees or canvas-covered fireproof canopies, no wider than entranceways, may be constructed over main entrances to hotels, theaters and places of public assembly and may extend to the face of the curb, provided that no support shall be nearer than 18 inches to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance between any solid construction and the sidewalk.

(c) No projections shall be allowed in the required rear yard except open-type fire escapes, and these must be provided with a counter-balanced bottom section to provide for nine feet of clearance when up.

(d) Awnings may be suspended over sidewalks or ways, provided that they shall not project nearer than 18 inches to the face of the street curbline or more than eight feet from the exterior wall of the building, and the installation shall have at least seven feet six inches of vertical clearance between any solid construction and the sidewalk or way. Cloth front and side drops shall measure not less than six feet six inches from their lowest point to the sidewalk or way.

(e) Within the C-TS town-serving commercial district, arcades or colonnades may be constructed over sidewalks or ways, provided that they shall not project nearer than three feet to the face of the street curbline or more than ten feet, but not less than seven feet, from the exterior wall as measured from the exterior face of the building to the exterior face of the arcade or colonnade, and provided that no support shall be nearer than three feet to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance. Review shall be conducted by the Town's Public Works Department confirming that the arcades or colonnades do not obstruct safe sight visibility triangles and are designed to not interfere with vehicular traffic or parking, including entering and exiting vehicles. Sidewalk widths within arcades and colonnades shall be maintained or increased if needed per Town requirements. Enclosed usable space shall be permitted above the arcade, and within the right-of-way. Approval shall be conditioned upon granting of an easement or license approval. The design of such arcades or colonnades shall be subject to review and approval by the architectural commission or the landmarks preservation commission, whichever has jurisdictional review.

~~(e)~~ (f) One open, one story pergola may extend five feet into a setback provided said structure does not exceed a height of nine feet; the supporting beams do not obstruct a sidewalk or walkway.

~~(f)~~ (g) One arbor shall be allowed in a required setback on a property provided said arbor does not exceed a height of eight feet nor cover more than 15 square feet in area; and, does not block a sidewalk or walkway.

The subject application is presented to the Town Council for discussion purposes only. Should support for the proposed text amendment be offered by the Town Council, pursuant to Code Section 134-251. *Town council actions; submission to Planning and Zoning Commission for recommendations and report.* a “studied” text amendment application will be submitted to the Planning, Zoning and Building Department. The studied text amendment will include a proposed draft Ordinance for review and recommendation by the Planning and Zoning Commission and then to public hearing before the Town Council for consideration for adoption. Additionally, the application currently in review by Town staff for the redevelopment of the Paramount Theatre will be modified to incorporate an arcade.

WRB:JGM:JHD