



**GUNSTER**  
FLORIDA'S LAW FIRM FOR BUSINESS

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January 23, 2023

Town of Palm Beach  
360 S. County Road  
Palm Beach, FL 33480

Re: Response Narrative for C-TS Zoning Text Amendment  
Zoning Case Number: ZON-23-040

The following is our response narrative to the First Submittal Comments issued.

**1. APPLICATION**

- a. No comments.

**RESPONSE: Acknowledged.**

**2. ARCHITECTURAL PRESENTATION**

- a. No comments.

**RESPONSE: Acknowledged.**

**3. ZONING**

- a. Please note that an amendment to Code Section 106.1 Obstructions generally, will be necessary as the Town Code speaks to obstruction of any sidewalk or crossing in anyway.

**RESPONSE: We respectfully disagree with the assertion that Code Section 106.1 needs to be revised as part of the code amendment that we are proposing. At the beginning of Code Section 106.1, which states that obstructions of any sidewalks or crossing are not permitted, it states "*Except as otherwise permitted by this Code:*". This introductory statement is clear that other sections of the code may supersede these restrictions, which makes sense when you consider that Section 134-1164, as it currently exists, allows for obstructions of sidewalks or crossings in the C-WA zoning district.**

- b. As Code amendments are not site specific but pertain to the district that is proposed for amendment, please consider the following amended text to the proposed text amendment which is consistent with the C-WA, code section 134-1164 relating to arcades and colonnades.

Sec. 134-1114. Same – Exceptions.

e) Within the C-TS town serving commercial district, ~~for properties that have at least 300 linear feet of street frontage along North County Road, South County Road, or Royal Poinciana Way,~~ arcades or colonnades may be constructed ~~subject to approval as a special exception,~~ 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 ~~(or to the face of the street curbline if the curbline is separated from the traffic lane by on-street parking)~~ 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 located past the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance. ~~a~~ Arcades or colonnades do ~~shall~~ not obstruct safe sight visibility triangles and ~~shall be designed so~~ to not interfere with vehicular traffic or parking, including entering and exiting vehicles. Approval shall be conditioned upon granted of an easement and a revocable right-of-way permit from the Town of Palm Beach or license approval as part of the special exception request. 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.

**RESPONSE:** See attached revised code amendment language. Please note that we propose that revocable right-of-way permit from the Town not be required as part of the approval of an arcade or colonnade within a right-of-way.

#### 4. LANDSCAPE

- a. No comments.

**RESPONSE:** Acknowledged.

#### 5. PUBLIC WORKS

Public Works is not in support of the request; however, the following at a minimum need to be included:

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

**RESPONSE:** Proposed code amendment specifies that Public Works will review any future proposal to ensure that safe sight visibility triangles or clear zones will not be obstructed, and that sidewalk widths within an arcade or colonnade shall be maintained or increased if needed to meet Town requirements. Furthermore, the proposed code specifies that an arcade or colonnade cannot interfere with vehicular traffic or parking

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We look forward to proceeding to the meeting date with Town Council, and please let us know if you have any questions or require any additional information.

Sincerely,

*John Lindgren*

John Lindgren, AICP