

## ORDINANCE NO. 008-2023

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, ARTICLE VI, DISTRICT REGULATIONS, DIVISION 8, C-TS TOWN-SERVING COMMERCIAL DISTRICT, SECTION 134-1114, SAME- EXCEPTIONS, TO ALLOW ARCADES AND COLONNADES WITHIN PUBLIC RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** Chapter 134, Zoning Article VI, District Regulations, Division 8, C-TS Town-Serving Commercial District, is hereby amended as follows:

Section 134-1114, Same- Exceptions.

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(e) Arcades or colonnades may be constructed over sidewalks or ways after review and approval from the Town Council as a special exception use, provided that all of the following criteria are met:

- (1) The proposed arcades or colonnades are in harmony with the general intent and purpose of this chapter, and will not be injurious to the area involved or otherwise detrimental to the public welfare, as determined by the Town Council. In granting approval of an arcade or colonnade, the Town Council may prescribe appropriate conditions and safeguards in conformity with this chapter.
- (2) The proposed arcade or colonnade shall not project nearer than three feet to the face of the street curbline;
- (3) The proposed arcade or colonnade shall not project 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.

- (4) No above-ground structural support for the proposed arcade or colonnade shall be nearer than three feet to the face of the curb, and the vertical wall face for any floor above the first floor shall not be nearer than eight feet to the face of the curb, as measured horizontally;
  - (5) The proposed arcade or colonnade shall have a minimum of nine feet of vertical clearance.
  - (6) Review shall be conducted by the Town's Public Works Department to confirm that the arcades or colonnades do not obstruct safe sight visibility triangles and do not otherwise interfere with vehicular traffic or parking, including, but not limited to, entering and exiting vehicles from adjacent streets.
  - (7) Sidewalk widths within arcades and colonnades shall be maintained or increased if needed per Town requirements at the expense of the applicant..
  - (8) Enclosed usable space shall be permitted above the arcade, and within the right-of-way, subject to review and approval by the Town Council.
  - (9) The design of arcades or colonnades shall be subject to review and approval by the architectural commission or the landmarks preservation commission, whichever has jurisdictional review.
  - (10) The approval of any colonnade or arcade over sidewalks or other public rights-of-way shall be conditioned upon execution of a license or easement agreement to be reviewed and approved by the Town Attorney and the Director of Public Works.
  - (11) Any easement agreement drafted pursuant to this Section shall require, at minimum, adequate insurance coverage naming the Town as an additional insured party. The agreement shall also hold the Town harmless and provide for indemnification to the Town for any injury occurring on Town property, and shall require the applicant to maintain the arcade or colonnade in a structurally sound and safe condition at the applicant's sole expense.
- (~~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.

**Section 2.** Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

**Section 3.** Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

**Section 4.** Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

**Section 5.** Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

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**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023; and for the Second and Final Reading on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Danielle H. Moore, Mayor

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Margaret Zeidman, Town Council President

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Bobbie Lindsay, President Pro Tem

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Julie Araskog, Town Council Member

ATTEST:

\_\_\_\_\_  
Lewis S.W. Crampton, Town Council Member

\_\_\_\_\_  
Kelly Churney, Acting Town Clerk

\_\_\_\_\_  
Edward Cooney, Town Council Member