



City of
Gainesville

200731C

March 3, 2022

Legistar #200731 / PB-20-165 TCH

Department of Sustainable Development

Brittany McMullen, AICP

Background

City initiated text change Land Development Code Section(s): 30-3.41

Request: Amend the Land Development Code to modify review criteria for right-of-way vacation requests.

Key Issues

- Criteria for projects not introducing new commercial uses
- Criteria for single-family properties to vacate “paper” alleys or streets which were never constructed and present ongoing maintenance issues
- Payment for vacation of right-of-way

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Sec. 30-3.41. Right-of-way vacations.

A. Review procedures.

1. *Application.* An application to vacate a public right-of-way may be submitted by either the city commission or by all the owners of land abutting the subject right-of-way.
2. *Board review.* Applications to vacate a public right-of-way shall be reviewed by the city plan board and the city commission according to the criteria provided in this section, with notice of the board hearings provided in accordance with law and this article. The city plan board's review shall be a recommendation to the city commission. Prior to the public hearing before the city plan board, the application shall be reviewed by city staff in accordance with the development plan review process as stated in this article.

B. Review criteria. Rights-of-way may only be vacated by the city commission upon its finding that the criteria in both 1. and 2. as provided below have been met:

1. The public right-of-way no longer serves a public purpose and the vacation of the public right-of-way is in the public interest, which shall be based on a consideration of the following:
 - a. Whether the public benefits from the use of the subject right-of-way as part of the city street system;
 - b. Whether the proposed action is consistent with the Comprehensive Plan;
 - c. Whether the proposed vacation is consistent with the minimum block size requirements and other applicable street connectivity standards;
 - d. Whether the proposed action would deny access to private property;
 - e. The effect of the proposed action upon public safety;
 - f. The effect of the proposed action upon the safety of pedestrians and vehicular traffic;
 - g. The effect of the proposed action upon the provision of municipal services including, but not limited to, emergency service and waste removal;
 - h. The necessity to relocate utilities both public and private; and
 - i. The effect of the proposed action on the design and character of the area.
2. If the public right-of-way is a street, the city shall not vacate the right-of-way except if the following additional criteria are met:
 - a. The loss of the street will not foreclose reasonably foreseeable future bicycle/pedestrian use;
 - b. The loss of the street will not foreclose non-motorized access to adjacent land uses or transit stops;
 - c. The loss of the street is necessary for the construction of a high density, mixed-use project containing both residential and non-residential uses or creating close proximity of residential and non-residential uses; and
 - d. There is no reasonably foreseeable need for any type of transportation corridor for the area.

Proposed Changes

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2. If the public right-of-way is ~~a~~ an improved street, the city shall not vacate the right-of-way except if the following additional criteria are met:
 - a. The loss of the street will not foreclose reasonably foreseeable future bicycle/pedestrian use;
 - b. The loss of the street will not foreclose non-motorized access to adjacent land uses or transit stops;
 - c. For public right-of-way abutting any property located within the U4 through U9 transect zones or any property within a mixed-use zoning district, tThe loss of the street is necessary for development that includes the construction of a high density, mixed-use project containing both residential and non-residential uses or creating close proximity of residential and non-residential uses; and
 - d. There is no reasonably foreseeable need for any type of transportation corridor for the area.

C. *Vacation conditions.* The applicant shall pay all costs associated with relocating all public facilities, infrastructure, and utilities located within the vacated public right-of-way or as otherwise required by the vacation, and shall also compensate the City with fair market value for the property as may be applicable in accordance with the City's adopted policy for the disposition of real property.

Recommendation

Staff: Approve

City Plan Board: Approve

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Thank You.