



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

Detail:

Criteria in the Land Development Code contains review criteria which effectively requires applications for right-of-way (ROW) vacations to support the construction of high density, mixed-use projects. This has been a challenge for situations that are not related to new development of mixed-use projects (i.e. city parks, municipal buildings, and single-family development).

The right-of-way vacation process is initiated through the submittal of an application with a fee of \$921.75 to the Department of Sustainable Development. The application is then reviewed by staff based upon the review criteria outlined in the comprehensive plan and land development code. The request requires a recommendation by the City Plan Board and for the City Commission to grant final approval. The Code currently does not require payment for the ROW. State law does not prohibit a municipality from receiving compensation for ROW.

This text change would amend review criteria for right-of-way vacations to clarify that criteria related to high-density mixed-use development applies to improved right-of-way within the U4 - U9 transect zones or any property within a mixed-use zoning district. It would also require the applicant to pay all costs associated with relocating public facilities, infrastructure, and utilities located within the vacated public right-of-way, in addition to compensating 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.

Related Issues:

The same review criteria exists within the Comprehensive Plan (Policy 10.2.1) and would also require an update.

Initiated by: City Plan Board and City Commission

Fiscal Impact: ☒ Yes ☐ No

Fiscal impact could occur if the City requires payment for the vacation of right-of-way.

Code:

[Art. III, Division 8. Right of Way Vacations. Sec 30-3.41](#)