



**CITY OF RIVIERA BEACH STAFF REPORT
ORDINANCE NUMBER 4179**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 29 SECTION 29-66 OF THE CITY'S CODE OF ORDINANCES ENTITLED "RELOCATION AND USE OF PUBLIC RIGHTS-OF-WAY", IN ORDER TO CHANGE THE TITLE OF THE SECTION; INSERT PURPOSE, INTENT AND DEFINITIONS; PROVIDE A PROCESS FOR THE ABANDONMENT OF PUBLIC RIGHT OF WAYS; CLARIFY CRITERIA FOR RELOCATION OF RIGHTS OF WAY; PROVIDING FOR APPLICABILITY, CONFLICTS, SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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- A. Applicant:** The Applicant is the City of Riviera Beach.
- B. Request:** The application is a proposed amendment to the Code of Ordinances Chapter 29, Section 29-66 "Relocation and Use of Public Rights-of-Way", in order to change the section title, insert a purpose statement, intent and definitions sections, provide a process for the abandonment of public rights-of-ways, clarify the criteria for relocation of rights-of-way, and provide for applicability, conflicts, severability and codification, and providing for an effective date.
- C. Location:** The Ordinance is applicable city wide.
- D. Property Description and Uses:** N/A
- E. Adjacent Property Description and Uses:** N/A
- F. Background:**

This proposed amendment to the code of ordinances is being brought forward as an initiative of the administration, partially in response to increased development pressure in the City. Because land is at a premium it is not uncommon for project proponents to express interest in abandoning rights-of-way that fall within their project perimeter in order to have more usable developable area.

Typically rights-of-way have a public purpose in that they may provide vehicular or pedestrian access to a destination for the public or a travel route to another location. Rights of way also



frequently have utilities (water, sewer, drainage) located within the boundary of the right-of-way. The most common right-of-way is a road.

Administration is interested in establishing a process for consideration of right-of-way abandonment requests and would like to establish a mechanism for the City to be reimbursed for the real property that is essentially being transferred to the project proponent to increase the developable area.

G. Staff Analysis:

The revision of the Code of Ordinances to provide for abandonment of right of ways makes good sense. And it also is reasonable for the City to receive compensation for the land being abandoned to make way for development. Palm Beach County (PBC) has a process in place for this and receives a privilege fee from applicants as part of the process. The proposed amendment to the City of Riviera Beach's Code of Ordinances in large part mirrors the PBC language (copy attached).

H. Recommendation:

Staff recommends that the Planning and Zoning Board find that it is reasonable and appropriate for the City to amend the Code of Ordinances relative to the abandonment and relocation of rights-of-way, and thus, recommend approval of this Ordinance 4179 as proposed.

