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ORDINANCE NO. 4064

TITLE: AN ORDINANCE AMENDING SECTION 02.12.370 OF THE ALBANY MUNICIPAL CODE PERTAINING TO THE DEDICATION OF LAND FOR PUBLIC OPEN SPACE AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1:

That Section 02.12.370 of the Albany Municipal Code is hereby amended to read as follows:

"Section 02.12.370. PUBLIC OPEN SPACE.
The provisions of public open spaces for parks and playground within carefully selected areas of the city is considered essential for the proper development of all residential neighborhoods. Furthermore, it is determined that every type of residential development contributes to the need for open space and by all rights should provide for such. Therefore, it is the intent of this section to insure that all future residential developments shall in an equitable manner provide for the acquisition and development of park lands within their geographic area of the city without creating an undue burden on established taxpayers.

The requirements for park land dedication in all types of residential developments shall be based on the following formula:

Residential developments shall provide for:

- 1) Neighborhood park at 1 acre per 800 population
- 2) Community park at 1 acre per 800 population
- 3) Regional park at 1 acre per 400 population OR to provide total needed 4 acres per 800 population OR need for each person.

$4/800 = .005$ acres for each person.

The requirement for all types of multiple family dwellings shall be \$12.50 per bedroom or 0.005 acres per bedroom where bedroom is defined as any room designed and intended for sleeping purposes.

The requirement for single family lots using an average of 3 persons per family -- \$37.50 per lot.

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Procedure for Land Dedication or Fee Payment

In the case of any proposed residential development the Planning Commission shall recommend to the developer whether the dedication of land or payment of fees in lieu thereof would be appropriate. The recommendation of the Planning Commission shall be based upon the recommendation of the Parks and Recreation Commission in each case and any appropriate approved public open space plan or Comprehensive Land Use Plan.

In the case of land dedication the developer shall designate a park site when requesting preliminary development or subdivision approval which shall contain at least the minimum acreage required by this ordinance. The Parks and Recreation Commission shall review the proposed site together with any other potential sites within the development and shall submit its recommendation to the Planning Commission. Prior to granting preliminary development or subdivision approval, the Planning Commission shall make the final determination as to the location and size of the park within the proposed development.

Where the payment of fees is recommended by the Planning Commission in lieu of land dedication and agreed to by the owner or developer to payment of such fees, shall be made prior to issuance of building permits for developments and minor land partitions and prior to signing of the final plat for subdivisions.

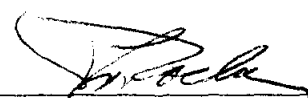
Payments received in lieu of dedication shall be expended for the acquisition and/or development of public open space within the same neighborhood planning area (as established by the City Council).

No subdivider shall be required to dedicate or make payments in lieu thereof, for more than forty percent (40%) of his land for all public purposes including streets, but not including utility easements or drainage ways.

Section 2: EMERGENCY CLAUSE

WHEREAS, the peace, health, and safety of the people of the City of Albany require that this Ordinance become immediately effective, therefore, an emergency is hereby declared to exist and this Ordinance shall become effective immediately upon its final passage by the Council and approval by the Mayor.

Passed by the Council:	<u>October 12, 1977</u>
Approved by the Mayor:	<u>October 12, 1977</u>
Effective Date:	<u>October 12, 1977</u>


MAYOR

ATTEST:


City Recorder

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