

**DRAFT
CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. O2011 - 310

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, ADOPTING AMENDMENTS TO THE TOWN CENTER DEVELOPMENT REGULATIONS CODIFIED INTO CHAPTER 25 OF TITLE 21B AND ADOPTING AMENDMENTS TO THE TRANSFER OF DEVELOPMENT RIGHTS REGULATIONS CODIFIED INTO CHAPTER 80 OF TITLE 21A OF THE SAMMAMISH MUNICIPAL CODE

WHEREAS, the City Council adopted the Town Center Plan on June 9, 2008, which established the policy basis for the development of the Transfer of Development Rights regulations and program; and

WHEREAS, the City Council adopted the Town Center Development Regulations on December 7, 2010 to authorize development within the Town Center consistent with the adopted Town Center Plan; and

WHEREAS, the City Council adopted the Transfer of Development Rights regulations and program on February 8, 2011 to authorize development consistent with the policy direction of the adopted Town Center Plan, subject to specific regulatory provisions; and

WHEREAS, the City Council determined that the dwelling units within the Town Center D zone (TC-D) should be available for conveyance to other Town Center properties, and deferred action to a later date; and

WHEREAS, an Addendum to the State Environmental Policy Act (SEPA) Determination of Non Significance for the proposed amendments was issued on July 1, 2011; and

WHEREAS, in accordance with RCW 36.70A, a request for expedited review was received by the State of Washington Department of Commerce on June 28, 2011 and was granted expedited review on July 14, 2011; and

WHEREAS, the public process for the proposed amendments has provided for public participation opportunities at a public hearings before the City Council in July and September of 2011; and

WHEREAS, the City Council considered the proposed amendments to the Town Center Development regulations at a City Council public hearing on July 5, 2011, which was continued on July 18, 2011 and closed on September 6, 2011.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption of an amendment to the Town Center development and Transfer of Development Rights regulations. The code amendment Sammamish Municipal Code regulations as set forth in Attachment “A” to this ordinance is hereby adopted.

Section 2. Codification of the regulations. The City Council authorizes the Community Development Director and City Clerk to codify the regulatory provisions of the amendment to into Titles 21A and 21B of the Sammamish Municipal Code for ease of use and reference.

Section 3. Interpretation. The City Council authorizes the Community Development Director to administratively interpret these provisions as necessary to implement the intent of the Council.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 6TH DAY OF SEPTEMBER 2011.

CITY OF SAMMAMISH

Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce L. Disend, City Attorney

Filed with the City Clerk: June 30, 2011
Public Hearing: July 6, 2011
First Reading: July 6, 2011
Public Hearing: July 18, 2011
Public Hearing: September 6, 2011
Passed by the City Council: September 6, 2011
Date of Publication: September 12, 2011
Effective Date: September 17, 2011

ATTACHMENT A

SMC 21A.80.090 Receiving Site Incentives (*Modify TDR Incentive Table*)

SMC 21B.25.040 Provisions to Obtain Additional (Bonus) Residential Density or Commercial Development Capacity (*Modify subsection b*)

“**Highlighted Text**” is code language revised per the Council July 5 discussion

“Plain Text” is existing code language

“~~Strikethrough Text~~” is existing language that will be deleted

“Underline Text” is code language that will be added

ATTACHMENT A

21A.80.090 Receiving Site Incentives

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(2) Receiving Site Incentives.

- (a) Town Center. The following table outlines TDR-based incentives for eligible receiving sites with the purchase of a development right. (For example, a sending site in the R-1 zone that generates one TDR will allow for the creation of four dwelling units at a receiving in the TC-C zone of the Town Center. Alternatively, the same site in the R-1 zone that generates one TDR will allow 7,716 square feet of additional commercial development in the Town Center):

Table 21A.80.090

Receiving Site Incentive Table

		Sending Zoning				
		R-1	R-4	R-6	KC Lands	TC-D
Receiving Zoning	Commercial	7716 sqft	3560 sqft	2600 sqft	3560 sqft	TBD
	Zone C	4 du	2 du	1 du	2 du	TBD
	Zone B	7 du	3 du	2 du	3 du	TBD
	Zone A	10 du	5 du	4 du	5 du	TBD

Note: Dwelling Units may be transferred from the TC-D zone into the TC-A zones, subject to the provisions of SMC 21B.25.040(2)(d).

- (b) [Placeholder for future receiving sites].

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ATTACHMENT A

21B.25.040

Provisions to Obtain Additional (Bonus) Residential Density or Commercial Development Capacity

- (1) Bonus Residential Dwelling Units. SMC 21B.25.030 identifies the “Maximum Density” and “Allocated Density” for each Town Center zone. Projects may obtain additional density by complying with the affordable housing provisions set forth in SMC Chapter 21B.75, by the incorporation of site amenities subject to TC-D zone residential dwelling unit transfers, and/or through the City’s Transfer of Development Rights (TDR) program. Bonus provisions vary by zone. Specifically:
 - (a) TC-A zones: Applicants may select from the following options for obtaining additional dwelling units, subject to the provisions below:
 - (i) Additional dwelling units are awarded from the Town Center’s available affordable housing bonus pool subject to compliance with affordable housing provisions set forth in SMC Chapter 21B.75. Within each quadrant, the bonus pool units shall be distributed on a first come, first serve basis, up to the maximum number of bonus pool units, provided the development does not exceed the density limit for the zone.
 - (ii) Additional dwelling units may also be awarded by the City from its TC-D residential density allocation pursuant to design criteria of 21B.25.040(2)(b).
 - (iii) Once the affordable housing bonus pool is exhausted, developments may obtain additional units through the City’s TDR program or through the provisions of 21B.25.040(2)(d).

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- (2) Bonus Commercial and Residential Development Capacity. SMC 21B.25.030 and Figure 21B.25.040c below specify commercial floor area allocations by zones and sub-zones with an additional 120,000 square feet of commercial floor area available through bonus incentives. Subsections (a) and (b) below provide the distribution and criteria for allocating bonus commercial floor area, respectively. Subsection (b) also includes provisions for allocating bonus residential dwelling units. Subsection (c) below provides for the opportunity for additional commercial or residential development capacity through the City’s TDR program. Subsection (d) below provides an option for the City to sell units from its TC-D residential density allocation to other properties within the Town Center.

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- (d) The City is authorized to sell dwelling units from its TC-D residential density allocation to other properties zoned TC-A within the Town Center. The City shall limit the sale of dwelling units to projects that have a pending land use application within the Town Center at the time of closing of the sale. The price of such units shall be based upon a market analysis performed within 180 days of closing on the sale and the proceeds shall be used for public benefits within the Town Center. Each unit transferred from the TC-D zone into the TC-A zone shall be worth one dwelling units for development in the TC-A zone. For example, if 10 dwelling units are purchased from the TC-D zone, they may be used to develop 10 dwelling units in the TC-A zone.