

TOWN OF BEAUX ARTS VILLAGE

ORDINANCE NO. 464

AN ORDINANCE OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON AMENDING CHAPTER 18.15 OF THE MUNICIPAL CODE TO DESIGNATE AND EMPOWER THE KING COUNTY LANDMARKS COMMISSION TO ACT AS THE LANDMARKS COMMISSION FOR THE TOWN FOR THE PURPOSE OF PROVIDING PROPERTY OWNER INCENTIVES TO PRESERVE AND PROTECT HISTORIC PROPERTIES WITHIN THE TOWN.

WHEREAS, Beaux Arts Village was founded in 1908 and incorporated as a Town in 1954; and

WHEREAS, the Town of Beaux Arts Village (hereinafter referred to as the “Town”) is home to a number of “historic properties” that reflect the Town’s unique development; and

WHEREAS, the Town adopted Ordinance No. 428 to establish a Historic Preservation program to provide access to incentives for preservation of historic properties; and

WHEREAS, King County can provide Landmark designation and protection services to the Town for the preservation of historic properties, pursuant to Chapter 20.62 of the King County Code; and

WHEREAS, the Town’s program has never become functional and the Town lacks the expertise to provide Landmark designation and protection services for the preservation of historic properties; and

WHEREAS, the State of Washington offers a tax incentive program for municipalities that are “Certified Local Governments” in order to assist with the preservation of “historic properties;” and

WHEREAS, the Town has determined that it is in the best interest of the Town to join the King County Historic Preservation Program and designate the King County Landmarks Commission to act as the Town’s landmarks commission to provide its citizens the best opportunity to participate, on a voluntary basis, in the regional, State and federal programs; **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON, AS FOLLOWS:

SECTION 1. Beaux Arts Village Municipal Code Section 18.15.010 is hereby amended to read as follows:

18.15.010 Purpose and Intent. The purpose of this ordinance is to provide for the identification, evaluation, designation, and protection of designated historic and prehistoric resources within the Town of Beaux Arts Village and to preserve and rehabilitate eligible historic properties for future generations through state and local incentives by joining the King County Historic Preservation Program through interlocal agreement, in order to:

- (1) Safeguard the heritage of the Town in King County as represented by buildings that reflect significant elements of the Town’s history;
- (2) Foster civic pride in the beauty and accomplishments of the past, with a sense of identity based on the Town’s history;
- (3) Stabilize or improve the aesthetic and economic vitality of such properties;
- (4) Assist, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings;
- (5) Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

SECTION 2. Beaux Arts Village Municipal Code Section 18.15.020 is hereby repealed in its entirety. New Section 18.15.020 of the Beaux Arts Village Municipal Code is adopted as follows:

18.15.020 Definitions. The definitions contained in King County Code Section 20.62.020 – Definitions, including any subsequent amendments thereto, are hereby adopted for the Town of Beaux Arts Village as though fully set forth herein, except as follows:

- (1) Paragraph H is changed to read:

“Director” means the Town Clerk or their designee.

- (2) Add new paragraph:

Z. “Council” is the Town of Beaux Arts Council.

SECTION 3. Beaux Arts Village Municipal Code Section 18.15.030 is hereby repealed in its entirety. New Section 18.15.030 is hereby adopted as follows:

Section 18.15.030. Landmarks Commission.

(1) The King County Landmarks Commission (“Commission”), including the Special Member described below, is hereby designated and empowered to act as the Landmarks and Historic Preservation Commission for the Town, pursuant to King County Code (KCC) Chapter 20.62, including any subsequent amendments thereto.

(2) The Special Member of the Commission, provided for in KCC Section 20.62.030, shall be appointed by the Town Council at such time that an application to nominate an historic resource for designation as a landmark within the town limits of the Town of Beaux Arts Village is received by the Town Council. The Special Member shall have a demonstrated interest and competence in historic preservation. Such appointment shall be made for a

three-year term. The Special Member shall serve until his or her successor is duly appointed and confirmed. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. The Special Member may be reappointed, but may not serve more than two consecutive, three year terms. The Special Member shall be deemed to have served one full term if the Special Member resigns any time after appointment or if the Special Member serves more than two years of an unexpired term. The Special Member of the Commission shall serve without compensation.

SECTION 4. Sections 18.15.040, 18.15.050, and 18.15.060 of the Beaux Arts Village Municipal Code are hereby repealed in their entirety.

SECTION 5. New Sections 18.15.040 and 18.15.050 of the Beaux Arts Village Municipal Code are hereby adopted as follows:

18.15.040 Designation Criteria. The Town hereby adopts the designation criteria listed in KCC Section 20.62.040 – Designation Criteria, except all references to “King County” are changed to read “Town of Beaux Arts Village.”

18.15.050 Nomination Procedure. The Town hereby adopts the nomination procedures listed in KCC Section 20.62.050 – Nomination Procedure, except that an additional requirement that all nominations must have the prior written consent of the property owner(s) is added.

SECTION 6. Beaux Arts Village Municipal Code Section 18.15.070 (“Reimbursement of actual costs.”), is hereby renumbered to be Section 18.15.060.

SECTION 7. A new Section 18.15.070 of the Beaux Arts Village Municipal Code is hereby adopted as follows:

18.15.070 Designation Procedure. The Town hereby adopts the designation procedures listed in KCC Section 20.62.070 – Designation Procedure, except all references to “King County” are changed to read “Town of Beaux Arts Village.”

SECTION 8. A new Section 18.15.080 of the Beaux Arts Village Municipal Code is hereby adopted as follows:

18.15.080 Certificate of Appropriateness Procedure. The Town hereby adopts the procedures for obtaining a Certificate of Appropriateness set forth in KCC Section 20.62.080 – Certificate of Appropriateness Procedure, except the last sentence of paragraph A thereof.

SECTION 9. A new Section 18.15.100 of the Beaux Arts Village Municipal Code is hereby adopted as follows:

18.15.100 Economic Impact. The Town hereby adopts KCC Section 20.62.100 – Evaluation of Economic Impact.

SECTION 10. A new Section 18.15.110 of the Beaux Arts Village Municipal Code is hereby adopted as follows:

18.15.110 Appeal Procedure. The Town hereby adopts KCC Section 20.62.110 – Appeal Procedure, except that appeals shall be filed with the Town Clerk for decision by the Beaux Arts Village Hearing Examiner.

SECTION 11. A new Section 18.15.120 of the Beaux Arts Village Municipal Code is hereby adopted as follows:

18.15.120 Penalty. The Town hereby adopts KCC Section 20.62.130 – Penalty for Violation of Section 20.62.080, as the penalty provisions governing violations of Section 18.15.080 – Certificate of Appropriateness Procedure.

SECTION 12. A new Section 18.15.130 of the Beaux Arts Village Municipal Code is hereby adopted as follows:

18.15.130 Special Valuation for Historic Properties. The Town hereby adopts KCC Section 20.62.140 – Special Valuation for Historic Properties, except that the reference to “King County” in subsection C is changed to “Town of Beaux Arts Village.”

SECTION 13. A new Section 18.15.090 is adopted as follows:

18.15.090 Application required for changes to landmark properties.

(1) Complete application. Development proposals and permit applications for changes to landmark properties shall not be considered complete unless accompanied by a certificate of appropriateness pursuant to BAVMC 18.15.080.

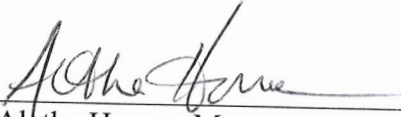
(2) Effect of application. Upon receipt of an application for a development proposal or permit which affects a Town of Beaux Arts historic resource that has received a preliminary determination of significance pursuant to BAVMC 18.15.070, the application circulated to the King County Historic Preservation Officer shall be deemed an application for a certificate of appropriateness under BAVMC 18.15.080 if accompanied by the additional information required to apply for such certificate.

(3) Exemptions. The following activities do not require a certificate of appropriateness or review by the Commission: ordinary repair and maintenance, painting, work limited to the interior of the building, or emergency measures defined in the Beaux Arts Village Municipal Code.

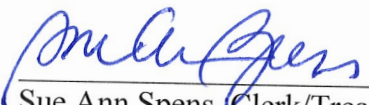
SECTION 14. Validity. If any section, paragraph, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses, or phrases subsequently may be found by competent authority to be unconstitutional or invalid.

SECTION 15. Effective Date. This ordinance shall take effect thirty (30) days after its passage and publication.


PASSED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE and signed in authentication of its passage on this 13th day of June, 2023.


Aletha Howes, Mayor

ATTEST:


Sue Ann Spens, Clerk/Treasurer

APPROVED AS TO FORM:


David Linehan, Town Attorney