

**TOWN OF BEAUX ARTS VILLAGE
WASHINGTON**

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON,
AMENDING THE ROW CODE BAV MC 12.15.040 PERMITTED USES IN
A PLANTING STRIP AND 12.15.060 USES PROHIBITED WITHIN ANY
RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING
AN EFFECTIVE DATE

WHEREAS, the current Right of Way Code does not fully reflect the Council's original intent regarding permitted uses within a planting-strip right-of-way (ROW); and

WHEREAS, the Town desires to amend BAV MC 12.15.040 (1) regarding permitted uses in a planting strip and 12.15.060 regarding uses prohibited in any right-of-way; and

WHEREAS, the Town believes that the amendments clarifies the Council's original intent; and

WHEREAS, the Planning Commission conducted a Public Hearing on June 20, 2013 to gather public input on the proposed amendments; and

WHEREAS, the Council conducted a second Public Hearing on July 9, 2013 to gather additional public input on the proposed amendments; **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 Chapter 12.15.040 (1), Permitted Uses in a Planting Strip, is hereby amended to read as follows:

12.15.040 Permitted uses within a planting strip.

(1) The following uses by the property owner immediately adjacent to the planting strip shall be allowed outright within the planting strip without the need for permits or town review:

- (a) Placement of mailboxes within mailbox stands.
- (b) Installation, maintenance, and removal of plant material, of any species other than those prohibited in BAVMC 12.15.060 and 12.15.090; provided, that visibility standards are maintained.
- (c) Installation of landscaping rocks located a minimum of one and one-half feet from the pavement edge and not to exceed a size that can be moved by two persons.

- (d) Installation of underground utilities, provided all appropriate utility and/or building permits have been issued, and the area is fully restored to the preinstallation condition, with the exception of plant materials prohibited in BAVMC 12.15.060.
- (e) Installation of address identification signs.
- (f) Above-ground irrigation systems and low-voltage landscape lighting.

Section 2. Beaux Arts Village Municipal Code Chapter 12.15.060, Uses Prohibited within any Right-of-Way, is hereby amended to read as follows:

12.15.060 Uses prohibited within any right-of-way.

The following uses are prohibited within any right-of-way: single mailboxes; landscape water features; landscaping rocks larger than the size allowed in BAVMC 12.15.040; placement of any plantings, landscaping rocks or other improvements in a planting strip by a property owner who is not immediately adjacent to that planting strip; planting of holly, ivy, laurel, or any noxious weed or invasive plant species; or any other use not expressly permitted either outright or conditionally in this chapter.

Section 3. 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 4. Effective Date. This ordinance shall take effect five (5) 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 ___th day of _____, 2013.

Richard Leider, Mayor

ATTEST:

APPROVED AS TO FORM:

Sue Ann Spens, Clerk/Treasurer

Wayne Stewart, Town Attorney

I certify that copies of the above ordinance were posted as required by law in the Town of Beaux Arts Village, Washington, on the _____th day of _____, ____.

Sue Ann Spens, Clerk/Treasurer