

## Chapter 16 - DEFINITIONS

### SECTION 16.01. - GENERAL

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### SECTION 16.02. - DEFINITIONS

The following definitions describe terms found in this Code.

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**Certificate of Appropriateness (CoA).** A certificate documenting approval by the ~~Historic and Architectural Review Commission (HARC)~~ City Council or the Historic Preservation Officer (HPO) to construct, reconstruct, alter, restore, remove, relocate, or demolish a building or structure that is designated as a historic landmark, or contributing historic structure, or located in a historic overlay district, including specific site features such as signage and fences, as applicable.

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**Downtown and Old Town Design Guidelines.** A Council-adopted ordinance that provides guidance and approval criteria for the City Council, Historic and Architectural Review Commission, ~~along with the~~ and Historic Preservation Officer, when reviewing design compliance and proper preservation practices for proposed projects in the Downtown and Old Town Historic Overlay districts.

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**Historic and Architectural Review Commission (HARC).** A City Council-appointed board, consisting of seven members, who ~~have decision-making authority~~ make recommendations to the City Council regarding Certificates of ~~Design Compliance~~ Appropriateness, and ~~make recommendations to the City Council~~ on the designation of Historic Districts, in addition to other duties as identified in Section 2.03 of this Code.

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**Historic District, Designated.** Any site, district, or area of historical, archeological, or cultural importance or value which the City Council determines by action shall be protected, preserved, or enhanced in the interest of the culture, prosperity, education, and welfare of the people.

**Historic Places, National Register.** The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic

Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources. The City of Georgetown, Texas, contains four historic districts that have been listed on the National Register of Historic Places ("National Register"):

- Williamson County Courthouse Historic District, designated in 1977, includes a period of significance ending in 1923. Its boundaries were increased in 1986.
- University Avenue-Elm Street Historic District, designated in 1979, includes a period of significance ending in 1900.
- Belford Historic District, designated in 1986, includes resources constructed prior to 1935.
- Olive Street Historic District, designated in 2013

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**Historic Structure, Contributing.** A building in a designated historic overlay district that supports the district's historical significance through location, design, setting, materials, workmanship, feeling and association. Buildings identified as ~~low, medium and high priority structures in the 1984 and 2007 Historic Resources Survey of Georgetown, Texas by Hardy, Heck & Moore, as amended, shall be considered contributing Historic Structures for purposes of this Code. For the purpose of demolition only, buildings or structures listed in this survey and that are located outside of a historic overlay district shall be considered contributing historic structures~~one of the following shall also be considered a Contributing Historic Structure for purposes of this Code:-

- Medium and High priority structures, as identified on the city's most recent historic resources survey, and that are located within a Historic Overlay District;
- Low, Medium, and High priority structures, as identified on the city's most recent historic resources survey, and that are located within a National Register of Historic Places.

**Historic Structure, Non-Contributing.** A building in a designated historic overlay district that does not support the district's historic significance through location, design, setting, materials, workmanship, feeling and association. ~~Buildings that are not identified in the 1984 and 2007 Historic Resources Survey of Georgetown, Texas by Hardy, Heck & Moore, as amended, shall be considered non-contributing historic structures for purposes of this Code.~~

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## Chapter 2 - REVIEW AUTHORITY

### SECTION 2.01. - GENERAL

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#### Sec. 2.01.020. - Summary of Review Authority.

The following table summarizes the decision-making authority of each review body for the City.

**Table 2.01.020: Summary of Review Authority**

Procedure	Planning Director	Building Official	Dev Engineer	Urban Forester	Historic Preservation Officer	HARC	ZBA	P&Z	City Council
<b>City Council Action</b>									
***									
<u>Certificate of Appropriateness</u>					<u>R</u>	<u>&lt;R&gt;</u>			<u>DM</u>
<u>Certificate of Appropriateness for relocation, removal or demolition, or building height, setback or floor-to-area ratio modification</u>					<u>R</u>	<u>&lt;R&gt;</u>			<u>&lt;DM&gt;</u>
***									
<b>Administrative Action</b>									
***									
Master Sign Plan		DM					A		
<u>Master Sign Plan in a historic overlay district</u>					<u>DM</u>				<u>A</u>
***									
<b><del>Historic and Architectural Review Commission (HARC) Action</del></b>									
<del>Certificate of Appropriateness</del>					<del>R</del>	<del>&lt;DM&gt;</del>			<del>A</del>
<del>HARC Exception (Building Height/Setback</del>					<del>R</del>	<del>&lt;DM&gt;</del>			<del>A</del>

<del>variations pursuant to Section 4.08)</del>									
Master Sign Plan					R	<DM>			A
***									
r - Review or Recommendation      DM - Decision Making Authority      A - Appeal Authority < - Public Hearing      * Administrative Exceptions related to Chapter 8 items are sent to the City Council, all others are appealed to ZBA.									

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## SECTION 2.02. - ADMINISTRATIVE OFFICIALS

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### Sec. 2.02.060. - Historic Preservation Officer.

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#### B. Powers and Duties.

The duties of the Historic Preservation Officer shall include, but are not limited to:

1. Providing review, report and recommendation to the Historic and Architectural Review Commission (H ARC) and City Council regarding Certificates of Appropriateness and any other provisions of this Code requiring action by HARC;

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## SECTION 2.03. - HISTORIC AND ARCHITECTURAL REVIEW COMMISSION (HARC)

### Sec. 2.03.010. - Powers and Duties.

The Historic and Architectural Review Commission (HARC) has the following powers and duties as described in this Code:

#### A. ~~Final Action~~Reserved.

~~The HARC shall be responsible for hearing and taking final action on the following procedures described in this Code:~~

- ~~1. Certificate of Appropriateness;~~
- ~~2. HARC Exceptions on building height and setback variations pursuant to Section 4.08 of this Code; and~~
- ~~3. Hear and take final action on an appeal of an administrative Certificate of Appropriateness.~~

**B. Review and Recommendation.**

The HARC shall review and make recommendations to the City Council on the following procedures described in this Code:

1. ~~d~~Designation of Historic Overlay Districts and Historic Landmarks, subject to the terms and conditions set forth for the procedure in this Code;
2. Certificate of Appropriateness; and
3. Certificate of Appropriateness for relocation, removal or demolition, or building height, setback or floor-to-area ratio modification.

**C. Additional Duties.**

The HARC has the following additional duties:

1. To act and assist the City Council in formulating design guidelines and other supplemental materials relevant to historic preservation or design review; and
2. To render advice and guidance, upon request of the property owner or occupant, on new construction or the restoration, alteration, or maintenance of any building or structure within a Historic Overlay District or designated as a Historic Landmark.

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## Chapter 3 – APPLICATIONS AND PERMITS

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### SECTION 3.03. - PUBLIC HEARING AND NOTICE

#### Sec. 3.03.010. - Provision of Public Notice.

##### A. Summary of Notice Required.

Notice shall be required for application review as shown in the following Table.

**Table 3.03.010: Summary of Notice Requirements**

Procedure	Published	Mailed	Posted
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Certificate of Appropriateness ( <u>Sec 3.13.030, City Council approval</u> )			<del>‡</del> X
Certificate of Appropriateness for relocation, removal or demolition, or <u>building height</u> , setback <u>or floor-to-area ratio</u> modification	X	<del>‡</del> X	<del>‡</del> X
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X = Notice Required

\* = Notice to be determined by Development Agreement Committee per Section 3.20

~~‡ = Only applicable to Certificate of Appropriateness applications that require consideration by the Historic and Architectural Review Commission~~

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#### Sec. 3.03.020. - Required Public Hearing.

The following table identifies the types of applications requiring a Public Hearing and the review body responsible for conducting the hearing.

**Table 3.03.020: Summary of Required Public Hearing**

Type of Application	HARC	Zoning Board of Adjustment	Planning & Zoning	City Council
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Certificate of Appropriateness ( <a href="#">Sec 3.13.030, City Council Approval</a> )	<del>‡</del> X			
<a href="#">Certificate of Appropriateness for relocation, removal or demolition, or building height, setback or floor-to-area ratio modification</a>	<u>X</u>			<u>X</u>
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X = Public Hearing Required

\* = Public Hearing to be determined by Development Agreement Committee per Section 3.20.

~~‡ = Only applicable to certificate of appropriateness applications that require consideration by the Historic and Architectural Review Commission~~

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## SECTION 3.12. - MASTER SIGN PLAN

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### Sec. 3.12.030. - Criteria for Approval.

In addition to the general review criteria in Section 3.03.050.D or 3.13 for property in a historic overlay district, the Building Official or Historic ~~and Architectural Review Commission~~[Preservation Officer](#), as applicable, ~~must~~shall determine the following in order to approve the Master Sign Plan:

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### Sec. 3.12.040. - Responsibility for Final Action.

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- B. The Historic ~~and Architectural Review Commission~~[Preservation Officer](#) is responsible for final action on Master Sign Plans for property located in a historic overlay district.

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## SECTION 3.13. - CERTIFICATE OF APPROPRIATENESS

### Sec. 3.13.010. - Applicability.

- A. Pursuant to the authority granted to the City by Texas Local Government Code ch. 211 and the City Charter, a Certificate of Appropriateness is required in accordance with Table

3.13.010 below. Activities that include more than one project (scope of work) shall be subject to the review process and criteria for approval for each specific project as identified in Table 3.13.010.

**Table 3.13.010: Certificate of Appropriateness Required**

Project (Scope of Work)	Historic Significance	Review Authority Decision Making
<del>HARC – Historic and Architectural Review Commission</del> <u>CC = City Council</u> * HPO = Historic Preservation Officer * <del>NR = Not Required</del>		
<b>New Construction (Infill Development)</b>		
New building construction	All Historic Overlay Districts	<del>HARC</del> <u>CC</u>
<b>Additions</b>		
<del>To</del> <u>Addition that</u> creates <u>a new</u> , or adds to an existing street facing facade	Historic Landmark	<del>HARC</del> <u>CC</u>
	<del>Contributing Historic Structure</del> <u>All Historic Overlay Districts</u>	
	<del>Non-Contributing Historic Structure</del>	HPO
<u>Addition of a</u> <del>N</del> non-street facing facades	Historic Landmark	<del>HARC</del> <u>CC</u>
	Contributing Historic Structure	HPO
	<del>Non-Contributing Historic Structure</del>	NR
New addition does not comply with the zoning standards of the historic overlay district	Historic Landmark	<del>HARC</del> <u>CC</u>
	Contributing Historic Structure	
	<del>Non-Contributing Historic Structure</del>	
Awning or canopy	Historic Landmark	<del>HARC</del> <u>CC</u>
	Contributing Historic Structure *	<del>HARC</del> <u>CC</u>
	<del>Non-Contributing Historic Structure</del> *	HPO
Porch, patio or deck	Historic Landmark	<del>HARC</del> <u>CC</u>
	Contributing Historic Structure *	
	<del>Non-Contributing Historic Structure</del> *	HPO
<b>Reconstruction, Alterations, Changes</b>		
Restoring historic architectural features	Historic Landmark	HPO
	Contributing Historic Structure *	



	<del>Non-Contributing Historic Structure</del>	NR
Replacing a historic architectural feature with a non-historic architectural feature±	Historic Landmark	<del>HAR</del> <u>CCC</u>
	Contributing Historic Structure *	
	<del>Non-Contributing Historic Structure</del>	NR
Replacing roof materials with different roof materials±	Historic Landmark	<del>HAR</del> <u>CCC</u>
	Contributing Historic Structure	HPO
	<del>Non-Contributing Historic Structure</del>	NR
Modifications to exterior steps, stairways and ramps using in-kind material	Historic Landmark	HPO
	Contributing Historic Structure *	
	<del>Non-Contributing Historic Structure</del>	NR
Modifications to exterior steps, stairways and ramps	Historic Landmark	<del>HAR</del> <u>CCC</u>
	Contributing Historic Structure *	<del>HAR</del> <u>CCC</u>
	<del>Non-Contributing Historic Structure*</del>	<del>HPO</del>
Paint removal from historic and significant architectural features (back to original condition; does not include repainting)	Historic Landmark	HPO
	Contributing Historic Structure *	
	<del>Non-Contributing Historic Structure</del>	NR
Changes to paint color on previously painted surfaces (includes repainting or new paint on previously painted surface)	Historic Landmark	HPO
	Contributing Historic Structure *	
	<del>Non-Contributing Historic Structure*</del>	
New paint on unpainted historic and other significant architectural features	Historic Landmark	HPO
	Contributing Historic Structure *	
	<del>Non-Contributing Historic Structure</del>	NR
Changes in color to awning fabric	Historic Landmark	HPO
	Contributing Historic Structure *	
	<del>Non-Contributing Historic Structure*</del>	
Exterior lighting that is attached to the building or structure	Historic Landmark	HPO
	Contributing Historic Structure *	

	<del>Non-Contributing Historic Structure*</del>	
Rooftop HVAC, mechanical or communication equipment that result in no modifications to the building facade	Historic Landmark *	HPO
	Contributing Historic Structure *	
	<del>Non-Contributing Historic Structure*</del>	
Rooftop HVAC, mechanical or communication equipment that result in modifications to the building facade	Historic Landmark	<del>HAR</del> <u>CCC</u>
	Contributing Historic Structure *	
	<del>Non-Contributing Historic Structure*</del>	<del>HPO</del>
<b>Removal, Demolition or Relocation</b>		
Awnings or canopies	Historic Landmark	<del>HAR</del> <u>CCC</u>
	Contributing Historic Structure *	<del>HAR</del> <u>CCC</u>
	<del>Non-Contributing Historic Structure</del>	NR
Exterior non-historic architectural features	Historic Landmark	HPO
	Contributing Historic Structure *	
	<del>Non-Contributing Historic Structure</del>	NR
Exterior siding to unencapsulate historic siding materials	Historic Landmark	HPO
	Contributing Historic Structure *	
	<del>Non-Contributing Historic Structure</del>	NR
Removal, stripping, concealing, or destruction of any historic and architectural features that is integral to the historic character of the building or structure, or historic overlay district	Historic Landmark	<del>HAR</del> <u>CCC</u>
	Contributing Historic Structure *	
	<del>Non-Contributing Historic Structure*</del>	<del>HPO</del>
Non-historic additions that are made of non-historic materials	Historic Landmark	HPO
	Contributing Historic Structure	
	<del>Non-Contributing Historic Structure</del>	NR
Attached carport, porch, patio or deck	Historic Landmark	<del>HAR</del> <u>CCC</u> †
	Contributing Historic Structure *	
	<del>Non-Contributing Historic Structure</del>	NR
	Historic Landmark	HPO

Attached carport, porch, patio or deck made of non-historic materials	Contributing Historic Structure *	
	<del>Non-Contributing Historic Structure</del>	NR
Reopen enclosed porch, patio or deck to original condition	Historic Landmark	HPO
	Contributing Historic Structure *	
	<del>Non-Contributing Historic Structure</del>	NR
Street facing facade	Historic Landmark	HARCC <del>†</del>
	Contributing Historic Structure	
	<del>Non-Contributing Historic Structure</del>	NR
Demolition that results in the reduction or loss in the total square footage of the existing structure	Historic Landmark	HARCC
	Contributing Historic Structure	
	<del>Non-Contributing Historic Structure</del> <u>High Priority resources identified in the Historic Resource Survey located outside a Historic Overlay District</u>	NR-CC <del>†</del>
	<u>Medium Priority resources identified in the Historic Resource Survey located outside a Historic Overlay District</u>	HPO <del>†</del>
Relocation of a building or structure on the same lot	Historic Landmark	HPO
	Contributing Historic Structure	
	<del>Non-Contributing Historic Structure</del>	
Relocation of a building or structure to a historic overlay district (includes relocation of buildings or structures within the same historic overlay districts)	Historic Landmark	HARCC
	Contributing Historic Structure	
	<del>Non-Contributing Historic Structure</del>	
Relocation of a building or structure outside of the historic overlay district	Historic Landmark	HARCC
	Contributing Historic Structure	
	<del>Non-Contributing Historic Structure</del>	NR
<b>Signage</b>		
Master Sign Plan	All Historic Overlay Districts	HAR <del>C</del> HPO

New signage, to include new signage that is consistent with an approved Master Sign Plan		HPO
New signage that is inconsistent with an approved Master Sign Plan or applicable guidelines		<del>HAR</del> CC
Changes in content or configuration (re-facing) that do not involve changes in sign location, dimensions, lighting or total sign area		HPO
Amending an approved Master Sign Plan		<del>HAR</del> CHPO
Fences		
New fence, railing or wall that is inconsistent with the overlay district's characteristics and applicable guidelines	All Historic Overlay Districts†	<del>HAR</del> CC
Miscellaneous		
<del>HAR</del> eExceptions <del>on</del> (building height, setback and FAR <del>variations</del> <u>alternative standards</u> pursuant to Section 4.08) <u>of this Code</u>	All Historic Overlay District	<del>HAR</del> CC
Renewal of an expired Certificate of Appropriateness	All Historic Overlay Districts	HPO
	Historic Landmark	

\* Only applicable to a street facing facade

† Only applicable to fences along a street lot line or located in a street yard

‡ CLG demo delay period and Demolition Subcommittee review not applicable

+ Material that is intended to replace a historic material or feature that is either the same or a similar material, and the result will match all visual aspects, including form, color, and workmanship in order to retain the original design of the structure, may be permitted by the identified decision maker for medium and low priority resources.

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### Sec. 3.13.020. - Certificate of Appropriateness—Administrative Approval.

#### A. Review Process.

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#### 4. Responsibility for Final Action.

Added language is underlined

Deleted language is ~~strikethrough~~

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- b. Should the Historic Preservation Officer be unable to approve the request, the Historic Preservation Officer may forward the request to the ~~Historic and Architectural Review Commission~~City Council for review and final action at the next available meeting following a recommendation from the Historic and Architectural Review Commission and public notification in accordance with Section 3.03 of this Code.

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### **Sec. 3.13.030. - Certificate of Appropriateness—HARC Approval.**

#### **A. Review Process.**

##### **1. Initiation.**

Initiation of a Certificate of Appropriateness to the ~~Historic and Architectural Review Commission~~City Council may be made upon application by the property owner of the affected property or their authorized agent following the established application processes and requirements of this Chapter.

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##### **3. Staff Review.**

- a. Once a Certificate of Appropriateness has been initiated and the application deemed complete, the Historic Preservation Officer shall review the application for consistency with any applicable criteria~~for approval~~.
- b. The Historic Preservation Officer shall prepare a report to the Historic and Architectural Review Commission and City Council.
- c. The Historic Preservation Officer's report shall include a recommendation for final action.

##### **4. Historic and Architectural Review Commission Review.**

Following notice in accordance with Section 3.03 of this Code, the Commission shall hold a Public Hearing in accordance with its rules and State law and make a recommendation to the City Council.

##### **45. Responsibility for Final Action.**

- a. The ~~Historic and Architectural Review Commission~~City Council shall review the application, the Historic Preservation Officer's report, and the Historic and Architectural Review Commission's recommendation, ~~conduct a hearing and~~ in accordance with the ~~Historic and Architectural Review Commission's~~City Council's established procedures and State law, ~~and~~ take final action on the application ~~within 35 days of the application hearing unless the applicant agrees to extend the time.~~
- b. An application before the ~~Historic and Architectural Review Commission~~City Council shall be considered approved by a majority vote of all members of the ~~Historic and Architectural Review Commission~~City Council.

**B. Criteria for Approval.**

The ~~Historic and Architectural Review Commission~~City Council shall determine whether to grant a Certificate of Appropriateness based on the following criteria:

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2. Compliance with ~~any~~applicable design standards of this Code;

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**C. Additional Criteria for Approval for Building Height ~~Exceptions~~Modification.**

1. Applicants requesting exceptions to the building height standards set forth in Section 4.08.020.A must submit documentation to ~~HARC~~the City Council that the following standards will be met if the requested exception to the height standards is approved:

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3. ~~HARC~~City Council may grant a request for a variation in height from the standards set forth in Section 4.08.020.A only if it determines that the following goals or purposes will still be achieved:

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**D. Additional Criteria for Approval of a Setback ~~Exception~~Modification.**

1. The ~~Historic and Architectural Review Commission~~City Council may grant a Certificate of Appropriateness, per Section 4.08.080.D of this Code, to modify the setback standards

of the underlying base zoning district for residential properties located within the Old Town Overlay District.

2. ~~HARC~~City Council may take in consideration the following in determining whether to approve a Certificate of Appropriateness for a setback exception:

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~~i. Reserved.~~

~~ji.~~ The size of the proposed structure compared to similar structures within the same block;

~~kj.~~ Whether the proposed addition or new structure will negatively impact adjoining properties, including limiting their ability to maintain existing buildings;

~~lk.~~ Whether there is adequate space for maintenance of the proposed addition or new structure and/or any adjacent structures; and/or

~~ml.~~ Whether the encroachment would enable existing large trees or significant features of the lot to be preserved.

**E. Additional Requirements for Relocation, Removal or Demolition of a Historic Landmark or Contributing Historic Structure.**

In addition to the staff review process established in Section 3.13.030.A, applications for a Certificate of Appropriateness for the relocation, removal or demolition of a building or structure designated as a Historic Landmark or contributing historic structure shall be subject to the following additional review:

**1. Demolition Delay Period Certified Local Government (CLG) Program.**

- a. Upon deeming the application complete, requests for a Certificate of Appropriateness for demolition of a Historic Landmark or contributing historic structure shall be subject to a 60-day demolition delay period. The ~~Historic and Architectural Review Commission~~City Council shall not take action on a request for demolition until the 60-day demolition delay period is complete.

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- d. The Historic Preservation Officer shall present the findings and resolution, if applicable, to the Historic and Architectural Review Commission and City Council with the request.

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**3. Responsibility of Final Action.**

- a. In addition to the application, ~~and the~~ Historic Preservation Officer's report, ~~and the~~ Historic and Architectural Review Commission's recommendation, the City Council shall review the recommendation by the Demolition Subcommittee, conduct a hearing in accordance with the ~~HARC's~~ Historic and Architectural Review Commission and City Council's established procedures and state law, and take final action on the application within 35 days of the application hearing unless the applicant agrees to extend the time.
- b. As conditions of approval, the Historic and Architectural Review Commission may recommend and the City Council may require historic materials to be salvaged, archival-quality photo-documentation, and/or architectural drawings of the building or structure proposed to be demolished or relocated similar to those required by the Historic American Buildings Survey to be submitted to the Historic Preservation Officer.

**F. Criteria for Approval for Relocation, Removal or Demolition of a Historic Landmark or Contributing Historic Structure.**

1. The ~~Historic and Architectural Review Commission~~ City Council shall use circumstances or items that are unique to the building or structure proposed to be relocated, removed or demolished when reviewing the application.
2. The ~~Historic and Architectural Review Commission~~ City Council shall make the following findings when considering a request for demolition or relocation of a structure:

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**Sec. 3.13.040. - Relocation, Removal or Demolition Prior To Approval of a Certificate of Appropriateness.**

- A. Demolition, including demolition by neglect, of a building or structure prior to approval of a Certificate of Appropriateness by the ~~Historic and Architectural Review Commission~~ City Council, when required, shall be subject to an automatic hold on all permits. No permit may be granted until this period is complete and the ~~Historic and Architectural Review Commission~~ City Council has granted a Certificate of Appropriateness for the demolition of the remaining building or structure, if applicable.



- B. The permit delay period shall be determined by the ~~Historic and Architectural Review Commission~~City Council, but in no case shall it exceed 365 days.
- C. The Certificate of Appropriateness for the demolition of the remaining building or structure, if applicable, shall be reviewed and final action taken by the ~~Historic and Architectural Review Commission~~City Council concurrently with the determination of the longevity of the permit hold period.

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#### **Sec. 3.13.050. - Certificate and Compliance Inspections.**

- A. It shall be the responsibility of the Historic Preservation Officer to issue the actual Certificate of Appropriateness following approval by the Historic Preservation Officer or the ~~HARC~~City Council, with any designated conditions, and to maintain a copy of the Certificate of Appropriateness, together with the proposed plans. The certificate shall be forwarded to the Building Official. These shall be public documents for all purposes.

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#### **Sec. 3.13.060. - Limits on Resubmission.**

No application for the same project shall be considered within 180 days of the rejection or disapproval by the ~~Historic and Architectural Review Commission~~City Council or Historic Preservation Officer, as applicable, of an application. The applicant may submit a design for an entirely new project or a revised design that substantially responds to the reasons for denial as set forth by the ~~Historic and Architectural Review Commission~~City Council or Historic Preservation Officer, as applicable, at any time.

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#### **Sec. 3.13.080. - Appeals.**

~~A person aggrieved by a final action of the Historic and Architectural Review Commission on a Certificate of Appropriateness may appeal to the City Council, pursuant to the procedures set forth below. Such appeal shall be submitted to the Historic Preservation Officer within 30 days of the final action.~~

~~Appeals from an administratively issued Certificate of Appropriateness will be processed through the Historic and Architectural Review Commission, subject~~Historic Preservation Officer on a Certificate of Appropriateness may appeal to the City Council pursuant to the procedures established for new applications and set forth below. Such appeal shall be submitted to the Historic Preservation Officer within 30 days of the administrative action.

**A. Appeal Hearing.**

The hearing shall be set for the next available City Council ~~or HARC~~ meeting, subject to the provision of public notification. Notification shall be provided in the same manner as the initial certificate of appropriateness.

**B. Burden of Proof in Appeals.**

When an appeal is considered by the ~~appellate body~~City Council, the final action by the original reviewing authority is presumed to be valid. The person filing the appeal shall present sufficient evidence and have the burden to justify a reversal of the action being appealed.

**C. Findings and Conclusions.**

All findings and conclusion necessary to the appeal decision shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) will be preferred whenever reasonably available, but in no case may findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed. In exercising its authority, the ~~appellate body~~City Council may reverse or affirm, in whole or in part ~~or modify~~ the original order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, ~~and for that purpose the appellate body has the same authority as the original reviewing authority.~~

**D. Decision on Appeal.**

The ~~appellate body~~City Council shall review the application, the staff report and meeting minutes, conduct a hearing in accordance with established procedures and state law, and take final action on the appeal. ~~It shall require a concurring vote of~~ by a majority ~~of the appellate body's members to overturn a decision on a certificate of appropriateness~~vote.

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## Chapter 4 - ZONING DISTRICTS

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### SECTION 4.08. - HISTORIC OVERLAY DISTRICTS

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#### Sec. 4.08.030. - Certificate of Appropriateness Required.

All new buildings and changes to existing buildings located in a Historic Overlay District, ~~or~~ designated as a Historic Landmark, or located in a National Register of Historic Places of the US National Park Service are subject to the Certificate of Appropriateness provisions of Section 3.13 of this Code. Any activity requiring review of a Certificate of Appropriateness per Section 3.13 of this Code will be subject to the Design Guidelines adopted by the City of Georgetown.

#### Sec. 4.08.040. - Applicability of Historic Overlay District Standards.

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- D. ~~Any regulations for a specific Historic Overlay District shall apply to all properties or structures wholly contained within that district and to those portions of any property or district located within the district~~Reserved.
- E. All uses permitted or conditionally permitted in the underlying zoning districts shall continue to be permitted or conditionally permitted, respectively, unless otherwise specified in the specific standard for the overlay district. ~~HARC shall not have the authority to approve the specific use of a site.~~

#### Sec. 4.08.050. - General Guidelines Applicable to All Historic Overlay Districts.

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- I. Maintaining and repairing features is preferred over replacing features as to maintain the high-quality materials, character, and embodied energy of historic buildings and to reduce the amount of waste that goes to a landfill. However, if features are deteriorated beyond repair in-kind replacement using new components that match the original in form, finish, and materials is favored. Substitute materials should be used only on a limited basis and only when they will match the appearance and general properties of the historic material and will not damage the historic resource.

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**Sec. 4.08.070. - Standards Specific to the Downtown Overlay District.**

This Section contains specific development and design standards applicable to properties located in the Downtown Overlay District of the City of Georgetown.

**A. Building Height.**

1. Building height in the Downtown Overlay District shall not exceed 40 feet, unless a Certificate of Appropriateness is approved ~~by HARC~~ in accordance with the procedures set forth in Section 3.13 of this Code.
2. Buildings located along the portion of Austin Avenue that lies within the boundaries of the Downtown Overlay District shall be at least two usable stories in height with an overall building height of not less than 20 feet, subject to compliance with the Courthouse View Protection Overlay District of Section 4.10. However, ~~HARC may approve~~ a Certificate of Appropriateness may be approved in accordance with the procedures set forth in Section 3.13 of this Code.

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