

## Chapter 1      General Provisions

### Section 1.14      Downtown and Old Town Design Guidelines

The Design Guidelines for the Downtown and Old Town Overlay Districts, adopted as Ordinance No. 2001-48, as amended from time to time, is hereby adopted by reference as if set forth in full. The Design Guidelines establish ~~criteria~~policies to guide improvements to properties and work within the Downtown Overlay District, and Old Town Overlay District, ~~and Historic Overlay District.~~

## Chapter 2 Review Authority

### Section 2.01 General

#### 2.01.020 Summary of Review Authority

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

**Table 2.01.020: Summary of Review Authority**

Procedure	Planning Director	Building Official	Develop. Engineer	Urban Forester	Historic Preservation Officer	HARC	ZBA	P&Z	City Council
<b>City Council Action</b>									
Access Point Connection Exemption	R		R					R	<DM>
Annexation	R								<DM>
Comprehensive Plan Amendment	R							<R>	<DM>
Conservation Subdivision/Site Analysis Map	R		R						DM
Development Agreement	R							<R>	<DM>
Historic <u>Overlay</u> District Designation	R				<u>R</u>	<R>		<R>	<DM>
<u>Historic Landmark Designation</u>					<u>R</u>	<u>&lt;R&gt;</u>			<u>&lt;DM&gt;</u>
Rezoning (Zoning Map Amendment)	R							<R>	<DM>
Special Use Permit	R							<R>	<DM>
UDC Text Amendment	R							<R>	<DM>
<b>Administrative Action</b>									
Administrative Exception	DM						A		A*
Administrative Plat (minor or amend plat)	DM		R					A	
<u>Administrative Certificate of Design- Compliance-Administrative Appropriateness</u>	<u>DM</u>				<u>DM</u>	A			
Construction Plans			DM					A	
Courthouse View Height Determination	DM						A		
Driveway Permit			DM					A	
Final Plat	DM		R					A	
Heritage Tree Protection Priority	DM		R	R					A
Heritage Tree Pruning Permit	A			DM					
Heritage Tree Removal				DM					A
License to Encroach	DM								A
Master Sign Plan		DM					A		
Sign Permit		DM					A		
Site Plan	DM		R					A	
Stormwater Permit			DM					A	
Temporary Use Permit		DM					A		
Traffic Impact Analysis			DM						A
<b>Historic and Architectural Review Commission (HARC) Action</b>									
Certificate of <u>Design- Compliance-Administrative Appropriateness</u>	<u>R</u>				<u>R</u>	<DM>			A

Procedure	Planning Director	Building Official	Develop. Engineer	Urban Forester	<u>Historic Preservation Officer</u>	HARC	ZBA	P&Z	City Council
HARC Exception (Building Height/ Setback variations pursuant to <u>Section 4.08/Alternative Parking Plan</u> )	<del>R</del>				<u>R</u>	<DM>			A
<del>Heritage Tree Protection Priority</del>	<del>R</del>		<del>R</del>	<del>R</del>		<del>DM</del>			<del>A</del>
Master Sign Plan	<del>R</del>				<u>R</u>	<DM>			A
<b>Zoning Board of Adjustment (ZBA) Action</b>									
Appeal of Administrative Decision							<DM>		
Special Exception	R						<DM>		
Variance							<DM>		
<b>Planning and Zoning Commission</b>									
Heritage Tree Protection Priority	R		R	R				DM	A
Minor or Final Plat w/Waiver	R		R					DM	A
Plat Waiver	R		R					DM	A
Preliminary Plat	R		R					DM	A
Variance (floodplain & stormwater)								<DM>	
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.									

## Section 2.02 Administrative Officials

### 2.02.010 Director of Planning and Development Department (Director)

#### B. Powers and Duties

The Director of Planning and Development Department has the following powers and duties:

##### 1. Final Action

The Director is responsible for taking final action on the following procedures described in this Code, subject to the specific criteria for each procedure as described in the Code.

- Administrative Exceptions
- Administrative Plats
- Final Plats
- Site Plans

##### 2. Review and Report

The Director shall review and make either a report or recommendation to the ~~Historic and Architectural Review Commission~~, Zoning Board of Adjustment, Planning & Zoning Commission, or City Council on the following procedures, subject to the terms and conditions set forth for such procedures in this Code.

- Access Point Connection Exemption

- ~~b. Certificate of Design Compliance~~
- ~~e~~b. Comprehensive Plan Amendment
- ~~d~~c. Development Agreement
- ~~e~~d. Historic Overlay District Designation
- ~~f~~e. Preliminary Plat
- ~~g~~f. Rezoning (Zoning Map Amendment)
- ~~h~~g. Special Exception
- ~~i~~h. Special Use Permit
- ~~j~~i. Unified Development Code Text Amendment
- ~~k~~j. Variance

### 3. Additional Duties

The Director shall have the following additional duties:

- a. To comply with any other duty or responsibility clearly assigned to the Director elsewhere in this Code;
- b. To ensure conformance with all provisions of this Code;
- c. To meet with potential applicants in Pre-application Conferences as described in this Code; and
- d. To act and serve as staff for each review body appointed by this Code; ~~and.~~
- ~~e. To act and serve as the City's Historic Preservation Officer and coordinate the City's various efforts and programs furthering historic preservation.~~

### 4. Delegation

The Director may delegate any duties to members of the Planning and Development Department staff. Such designation authorizes the staff member to act on the Director's behalf, but does not relieve the Director of overall responsibility for any final action, report, recommendation or additional duty described in this Code.

## 2.02.060 Historic Preservation Officer

### A. Designation

The Director may designate a Historic Preservation Officer to function as described in this Code.

### 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 (HARC) regarding Certificates of Appropriateness and any other provisions of this Code requiring action by HARC;
- 2. Reviewing and taking final action on Administrative Certificates of Appropriateness;

3. Reviewing and taking final action on Alternative Parking Plans in a Historic Overlay District; and
4. Coordinating local historic preservation efforts with the State Historic Preservation Office (SHPO), the National Park Service (NPS), and the Advisory Council on Historic Preservation (ACHP) in compliance with the National Historic Preservation Act of 1966, as amended, TAC Chapter 15.6, as amended and any additional federal and state enabling legislation.

## Section 2.03 Historic & Architectural Review Commission (HARC)

### 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

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

1. Certificate ~~-of Appropriateness of Design Compliance; and~~
2. HARC Exceptions ~~ons~~ (Building Height and Setback variations pursuant to Section 4.08-~~of this Code~~~~020 and an Alternative Parking Plan pursuant to Section 9.02.050~~); ~~and.~~
- ~~3.—Heritage Tree Protection Priority pursuant to Section 8.02.050.B~~
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 designation of Historic Overlay Districts ~~and Historic Landmark-Designations~~, subject to the terms and conditions set forth for the procedure in this Code.

#### 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 ~~historic resource building~~ or structure or other building within ~~the Downtown, Old Town, and a~~ Historic Overlay Districts or designated as a Historic Landmark.; ~~and~~
- ~~3.—Hear and decide an appeal of an Administrative Certificate of Design Compliance.~~

## Chapter 3 Applications and Permits

### Section 3.01 General

#### 3.01.020 Applicability of Procedures

The following Table shows which review procedures, applications and permits apply in the City and its extraterritorial jurisdiction.

**Table 3.01.020 Applicability of Procedures**

	City Limits	Extraterritorial Jurisdiction
<b>Prior to Subdivision, Platting and any Development</b>		
Comprehensive Plan Amendment	X	X
UDC Text Amendment	X	X
Rezoning (Zoning Map Amendment)	X	
Historic <a href="#">Overlay</a> District Designation	X	
<a href="#">Historic Landmark Designation</a>	<a href="#">X</a>	
Special Use Permit	X	
Development Agreement	X	X
Access Point Connection Exemption	X	X
<b>Subdivision &amp; Platting of Land</b>		
Recording Plats	X	X
Preliminary Plat	X	X
Construction Plans	X	X
Plat Vacation	X	X
Plat Waiver	X	X
<b>Development Application Process</b>		
Site Plan	X	
Construction Plans	X	
Zoning Verification Letter	X	
Legal Lot Verification Letter	X	X
Temporary Use Permit	X	
Master Sign Plan	X	X
Certificate of <del>Design Compliance</del> <a href="#">Appropriateness</a>	X	
Appeal of an Administrative Decision	X	X
License to Encroach	X	X
Variance	X	
Administrative Exception	X	
Special Exception	X	
Stormwater Permit	X	X
Driveway Permit	X	X
Sign Permit	X	X
Courthouse View Height Determination	X	

#### 3.01.030 Simultaneous Submission of Related Applications

- A. Submission of different applications related to the same development may be made simultaneously, although consideration of applications must remain in the following sequence:

1. Comprehensive Plan;
  2. Zoning;
  3. Subdivision and Plat;
  4. Certificate of ~~Design Compliance~~Appropriateness; then
  5. Site Plan.
- B. Any application submitted simultaneously is subject to approval of all other related applications. Denial or disapproval of any concurrently submitted application shall stop consideration of any related applications.
- C. An applicant may withdraw any individual application from a group of simultaneously submitted applications.

## Section 3.02 Common Review Elements

### 3.02.010 Pre-application Conference

Prior to the submission of an application required by this Code, a Pre-application Conference with the Director shall be required as follows.

- A. A Pre-application Conference is a meeting between a potential applicant under this Code and the Director of Planning and Development Department or a designated representative. The conference is an opportunity for an applicant to describe what application is being considered, and the Director to indicate which application is appropriate, which review body is responsible for final action, and what criteria will be used to determine whether the permit should be approved.
- B. There is no required format for a Pre-application Conference; it may occur in any form so long as the potential applicant receives the information described above. The applicant is responsible for completing a Pre-application Conference, and must sign a Pre-application Statement indicating the date of the Pre-application Meeting.
- C. A Pre-application Conference is required for the following applications:
- Access Point Connection Exemption
  - Administrative Exception
  - Annexation (Voluntary)
  - Certificate of ~~Design Compliance~~Appropriateness
  - Comprehensive Plan Amendment
  - Conservation Subdivision Site Analysis Map
  - Construction Plans
  - Courthouse View Height Determination
  - Development Agreement
  - Driveway Permit
  - Historic Overlay District Designation

- [Historic Landmark Designation](#)
  - License to Encroach
  - Master Sign Plan
  - Planned Unit Development
  - Plat Waiver
  - Plat Vacation
  - Rezoning (Zoning Map Amendment)
  - Site Plan
  - Special Exception
  - Special Use Permit
  - Stormwater Permit
  - Subdivision Plats - All
  - Temporary Use Permit
  - Unified Development Code Text Amendment
  - Variance
- D. Pre-application Conferences may be combined when an applicant will be making simultaneous applications for the same project.
- E. Completion of a Pre-application Conference does not imply or assume subsequent approval of the permit or application.

## Section 3.03 Public Hearing and Notice

### 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
Access Point Connection Exemption	X	X	X
Certificate of <del>Design Compliance</del> <a href="#">Appropriateness</a>			<del>X</del> <u>±</u>
<a href="#">Certificate of Appropriateness for relocation, removal or demolition, or setback modification</a>		<u>±</u>	<u>±</u>
Development Agreement	*	*	*
Historic <a href="#">Overlay</a> District Designation	X	X	X
<a href="#">Historic Landmark Designation</a>	<u>X</u>	<u>X</u>	<u>X</u>



Replat without Vacating (§212.0145)	X	X	
Rezoning (Zoning Map Amendment)	X	X	X
Special Exception	X	X	X
Special Use Permit	X	X	X
UDC Text Amendment	X		
Variance	X	X	X

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](#)

## B. Published Notice

1. A Public Notice shall be published at least once in a local newspaper of general circulation, as designated by the City Council, within the City prior to the meeting. The Notice shall contain the time and place of such Public Meeting or Hearing and a brief description of the agenda items that may be considered or reviewed.
2. A published notice shall be published at least 15 days in advance of the Public Meeting or Hearing.

## C. Mailed Notice

### 1. Generally

A Notice of Public Hearing shall be sent by U.S. mail to owners of record of real property within 200 feet of the boundary of the property under consideration, as determined by the most recent municipal tax roll information. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in United States mail at least 15 days prior to the date set for the Public Hearing or as otherwise required by the Texas Local Government Code, as amended.

### 2. Special Mailed Notice Required for Certain Replats

Replats containing any area or lot that, during the preceding five years, was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot or in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot, require mailed notice to all owners of lots that are part of the original subdivision and located within 200 feet of the boundary of the property to be replatted, in the same manner as prescribed in Section 3.03.010.C.1 above and in accordance with §212.015 of the Texas Local Government Code, as amended.

### ~~3. Special Mailed Notice Required for Special Exception for Setback Modification~~

~~In addition to the requirements of Section 3.03.010.C.1 above, mailed notice shall also be provided to all owners of property within the subject block in which the property under consideration for Special Exception for Setback Modification is located.~~

### ~~4.~~3. Special Mailed Notice Required for PUD Modification

- a. For purposes of mailed notice, the boundary of a PUD Modification shall be the boundary of any tract of land for which PUD standards or requirements are proposed to change due to the modification.

- b. In addition to the requirements of Paragraph 1 above, mailed notice shall also be provided all owners of property within the entire PUD boundary, not otherwise notified.

#### **D. Posted Notice**

1. Notice shall be posted in a format approved by the Director on the subject property, along rights-of-way contiguous to the proposed development according to the following standards:
  - a. One sign for tracts of less than 300 feet of right-of-way frontage;
  - b. One sign at each interval of 1,000 feet; and
  - c. The total number of signs shall not be required to exceed a total of four signs per right-of-way.
2. Notice of application ~~for a Certificate of Design Compliance~~ shall be posted at the project site such that it is visible from the public right-of-way, including contact information and meeting date. ~~For Certificates of Design Compliance processed administratively, the notice shall provide contact information and the expected date of decision.~~
3. The applicant shall be responsible for posting and maintaining the sign on a format approved by the Director, and for removing the sign within five days following the Public Hearing on the application.
4. Posted notice shall be posted not less than 15 days prior to the scheduled Public Hearing.

#### **E. Content of Notice**

Published or mailed notices shall contain at least the following specific information:

1. The general location of land that is the subject of the application, including a location map with the mailed notice only;
2. The legal description or street address;
3. The substance of the application, including the type of proposed development and the current Zoning District;
4. The time, date, and location of the Public Hearing;
5. A phone number to contact the City; and
6. A statement that interested parties may appear at the Public Hearing.

#### **F. Constructive Notice**

Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

### **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
Access Point Connection Exemption				X
Appeal of Admin. Decision		X		
Certificate of <del>Design Compliance</del> <u>Appropriateness</u>	<del>X</del> <u>‡</u>			
Comprehensive Plan Amendment			X	X
Development Agreement			*	X
Historic <u>Overlay</u> District Designation	X		X	X
<u>Historic Landmark Designation</u>	<u>X</u>			<u>X</u>
Replat (Resubdivision)			X	X
Rezoning (Zoning Map Amendment)			X	X
Special Exception		X		
Special Use Permit			X	X
UDC Text Amendment			X	X
Variance		X		

**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

## Section 3.06 Zoning Map Amendment – Rezoning

### 3.06.010 Applicability

For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the City, the Official Zoning Map may be amended based upon changed or changing conditions in a particular area, or in the City generally, or to rezone an area or extend the boundary of an existing Zoning District or Overlay District. All amendments must be consistent with the Comprehensive Plan. The provisions of the Section related to rezoning are adopted pursuant to Texas Local Government Code Chapter 211 and the City Charter.

### 3.06.020 Review Process

#### A. Initiation

Initiation of a map amendment may be made upon:

1. Application of a property owner or their designated agent;
2. Recommendation of the City Council;
3. Recommendation of the Planning & Zoning Commission; ~~or~~
4. For a Historic Landmark or Historic Overlay District designation, recommendation of the Historic and Architectural Review Commission; or
5. Recommendation of the Director.

## **B. Application and Completeness Determination**

The Director is responsible for checking that a complete application has been submitted with all material necessary for the City Council to render an informed decision.

## **C. Staff Review**

1. The Director shall review the application, considering any applicable criteria for approval and prepare a report to the Planning & Zoning Commission, [the Historic and Architectural Review Commission \(where applicable\)](#), and City Council.
2. The Director may establish procedures for administrative review necessary to ensure compliance with this Code and state statutes.
3. The Director may assign staff to review the application and make a report to the Director.
4. The Director's report may include a recommendation for final action.

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

[When a request is made for Historic Landmark or Historic Overlay District designation, the Commission shall hold a Public Hearing in accordance with its rules and state law, and make a recommendation to the City Council following notice in accordance with Section 3.03.](#)

~~D.~~

**Planning &**

## **Zoning Commission Review**

Following notice in accordance with Section 3.03, the Commission shall hold a Public Hearing in accordance with its rules and state law and make a recommendation to the City Council. [Designation of a Historic Landmark shall not require review and recommendation by the Planning and Zoning Commission.](#)

## **F. City Council Final Action**

1. The City Council shall hold a Public Hearing and may take final action on the proposed amendment.
2. The amendment shall become effective when approved by the City Council and in accordance with the City Charter. If a proposed amendment has been recommended for disapproval by the Planning & Zoning Commission ~~or~~ [and the Historic and Architectural Review Commission \(where applicable\)](#) the amendment may not become effective except by a three-fourths vote of all members of the City Council.

### **3.06.030 Approval Criteria (Rezoning)**

The City Council shall consider the following approval criteria for zoning changes:

- A. The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action;
- B. The zoning change is consistent with the Comprehensive Plan;
- C. The zoning change promotes the health, safety or general welfare of the City and the safe orderly, and healthful development of the City;
- D. The zoning change is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood; and

- E. The property to be rezoned is suitable for uses permitted by the District that would be applied by the proposed amendment.

### 3.06.040 Approval Criteria (Planned Unit Development)

In addition to the zoning change criteria above, the City Council shall consider the following specific objectives and criteria for approving the PUD.

#### A. Specific Objectives

Rezoning to and development under the PUD District will be permitted only in accordance with the following specific objectives:

1. A variety of housing types, employment opportunities, or commercial services to achieve a balanced community;
2. An orderly and creative arrangement of all land uses with respect to each other and to the entire community;
3. A planned and integrated comprehensive transportation system providing for a separation of pedestrian and vehicular traffic, to include facilities such as roadways, bicycle ways, and pedestrian walkways;
4. The provisions of cultural or recreational facilities for all segments of the community;
5. The location of general building envelopes to take maximum advantage of the natural and manmade environment; and
6. The staging of development in a manner which can be accommodated by the timely provision of public utilities, facilities, and services.

### 3.06.050 Approval Criteria (Overlay Districts) - Reserved.

### 3.06.060 Approval Criteria (Historic Overlay Districts ~~Designation~~)

- A. In addition to the approval criteria for zoning changes ~~above~~ in Section 3.06.030, the City Council shall consider the following criteria for approving a Historic Overlay District:

1. Character, interest, or value of the structures~~s~~, sites~~s~~ or area because of ~~its~~ their unique role in the development, heritage or cultural characteristics of the ~~City of Georgetown, county,~~ State of Texas or nation;
2. Occurrence of a notable historical event at the structures~~s~~, sites~~s~~, or area;
3. Identification of the structures~~s~~, sites~~s~~, or area with a person or persons who contributed notably to the culture and development of the city, county, state, or nation, ~~or society~~;
4. Embodiment in multiple buildings in a ~~structure or site~~ or area under consideration of distinctive elements of architectural design, detail material, or craftsmanship related to a uniqueness to the area, or the related distinctiveness of a craftsman, master builder or architect, or a style or innovation; and
5. Archaeological value in the sense that the structures~~s~~, sites~~s~~, or area ~~has~~ have produced or can be expected to yield, based on physical evidence, information affecting knowledge of history or prehistory; ~~and~~.

~~6. Other unique historical value.~~

## B. Required Findings

1. In recommending the application of a ~~n-h~~HHistoric ~~o~~OOverlay District designation to an area of the City, the Historic and Architectural Review Commission shall recommend express findings to the City Council regarding the specific structures, ~~landscapes,~~ or other physical aspects of the District on which it bases the determination required by the criteria above.

~~G.2.~~ 2. ~~Where the~~ The designation of a Historic Overlay District is shall be made based on ~~the general character of the District or landmark~~ character defining features of the district or area, ~~these findings may include, but shall not necessarily be limited to~~ including but not limited to:

- ~~1.a.~~ 1.a. Scale of buildings and structures typical of the area;
- ~~2.b.~~ 2.b. Architectural style of the buildings and structures;
- ~~3.c.~~ 3.c. Architectural period of the buildings and structures;
- ~~4.d.~~ 4.d. Building materials typical of the area;
- ~~5.e.~~ 5.e. Colors and textures used in the buildings and structures typical of the area;
- ~~6.f.~~ 6.f. Signage and street furniture typical of the area;
- ~~7.—~~ 7.— ~~Landscapes typical of the area;~~
- ~~8.—~~ 8.— ~~Typical relationships of buildings to the landscapes in the area;~~
- ~~9.g.~~ 9.g. Typical relationships of buildings in the area to the street;
- ~~10.h.~~ 10.h. Setbacks and other physical patterns of buildings s in the area;
- ~~11.i.~~ 11.i. Typical patterns of rooflines of buildings in the area; and
- ~~12.j.~~ 12.j. Typical patterns of porch and entrance treatments of buildings in the area.

~~D.~~ D. ~~Where the designation is made based on the character of a limited number of specific buildings in the area, the findings may include, but shall not necessarily be limited to:~~

- ~~1.—~~ 1.— ~~Architectural style of the buildings;~~
- ~~2.—~~ 2.— ~~Architectural period of the buildings;~~
- ~~3.—~~ 3.— ~~Textures and colors of materials used in the buildings;~~
- ~~4.—~~ 4.— ~~Shapes of the buildings;~~
- ~~5.—~~ 5.— ~~Rooflines of the buildings;~~
- ~~6.—~~ 6.— ~~Porch and entrance treatments of the buildings;~~
- ~~7.—~~ 7.— ~~Height and mass of the buildings; and~~
- ~~8.—~~ 8.— ~~Relative proportions of the buildings (width to height, width to depth).~~

### **3.06.070 Approval Criteria (Historic Landmark Designation)**

- A. The City Council shall consider the following criteria for designating a building, structure or site within the City limits a local Historic Landmark:**
- 1. Character, interest, or value of the building, structure or site because of its unique role in the development, heritage or cultural characteristics of the city, county, state or nation;**
  - 2. Occurrence of a notable historical event at the building, structure or site;**
  - 3. Identification of the building, structure or site with a person or persons who contributed notably to the culture and development of the city, county, state, nation, or society;**
  - 4. Distinctive elements of architectural design, detail material, or craftsmanship that make it an established or familiar visual feature, or the related distinctiveness of a craftsman, master builder or architect, or a style or innovation; and**
  - 5. Archaeological value in the sense that the building, structure or site can be expected to yield, based on physical evidence, information affecting knowledge of history or prehistory.**

### **B. Required Findings**

- 1. In recommending the designation of a Historic Landmark, the Historic and Architectural Review Commission shall recommend express findings to the City Council regarding the specific building, structure or site on which it bases the determination required by the criteria above.**
- 2. Where the designation is made based on the general character of the building or structure, these findings shall include three or more of the following:**
  - a. Architectural style of the building or structure;**
  - b. Architectural period of the building or structure;**
  - c. Textures and colors of materials used in the building or structure;**
  - d. Shape of the building or structure;**
  - e. Roofline of the building or structure;**
  - f. Porch and entrance treatments of the building or structure;**
  - g. Height and mass of the building or structure; and**
  - h. Relative proportions of the building or structure (width to height, width to depth).**

### **3.06.080 Interim Control during Historic Landmark or Historic Overlay District Consideration**

- A. Upon deeming an application for a Historic Landmark or Historic Overlay District designation complete, ~~No~~ Building Permit may be issued by the City for alteration, construction, demolition or removal of any ~~property~~ building or structure located within ~~an~~ the area proposed for such designation. ~~to the Historic District~~**
- B. This Building Permit hold period shall commence on ~~from~~ the date the application for Historic Landmark or Historic Overlay District designation is deemed complete until its final disposition**



by the City Council. For City initiated requests, this Building Permit hold period shall commence on the date the Resolution to initiate the request is adopted until final disposition by the City Council.

- C.** The Building Permit hold period shall not apply to ~~unless such~~ alterations, removal or demolition ~~is~~ authorized by formal action of the Building Standards Board as necessary for preservation of the public health, welfare or safety as provided for Dangerous Buildings in Chapter 15 of the City Code of Ordinances. ~~In no event will the delay be for more than 120 days.~~

## Section 3.12 Master Sign Plan

### 3.12.010 Applicability

A Master Sign Plan shall be required for all multiple-tenant buildings, Planned Unit Developments, and all multi-building or multi-occupant commercial developments before any signs for such development may be erected on the property. All owners, tenants, subtenants, and purchasers of individual units within the development shall comply with the approved Master Sign Plan.

### 3.12.020 Review Process

- A.** Review of a Master Sign Plan shall follow the procedure set forth in Section ~~3.03.040~~ 3.03.050, save and except a Master Sign Plan for property located in a Historic Overlay District.
- B.** Review of a Master Sign Plan for property in a Historic Overlay District shall follow the procedure set forth in Section 3.13 of this Code.

### 3.12.030 Criteria for Approval

In addition to the general ~~administrative~~ review criteria in Section ~~3.03.040.D~~ 3.03.050.D or 3.13 for property in a Historic Overlay District, the Building Official or Historic and Architectural Review Commission, as applicable, must determine the following in order to approve the Master Sign Plan:

- A.** The plan provides that signs of a similar type and function within the development will have a consistent building material~~;~~
- B.** The plan provides for signs that meet the size limitations, location requirements, and other applicable requirements of this Unified Development Code~~;~~ and
- C.** Plans for property located in a Historic Overlay District shall be in keeping with the adopted ~~design guidelines Downtown and Old Town Design Guidelines of the Historic Overlay District.~~

### 3.12.040 Responsibility for Final Action

- A.** The Building Official is responsible for final action on Master Sign Plans, save and except Master Sign Plans for property located in a Historic Overlay District. ~~A sign permit shall also be required in accordance with Section 3.18.~~
- B.** The Historic and Architectural Review Commission is responsible for final action on Master Sign Plans for property located in a Historic Overlay District.
- C.** A Sign Permit for all signs in the Master Sign Plan shall also be required in accordance with Section 3.18.



### 3.12.050 Expiration

A Master Sign Plan shall expire 24 months after the date that the Master Sign Plan was approved unless:

- A. A Building Permit application has been approved or, if no Building Permit is required, a Certificate of Occupancy, or equivalent, has been issued.
- B. In case of projects where more than one building or phase is to be built, the applicant may submit a series of Building Permit applications. The first application must be approved within 12 months from the date Site Plan approval is granted. Each subsequent application must be submitted within 24 months from the date of issuance of a Certificate of Occupancy by the Building Official for the previous phase of the development.

*[Existing Section 3.13 removed and replaced by new Section 3.13 as follows:]*

## Section 3.13 Certificate of Appropriateness

### 3.13.010 Applicability

- A. Pursuant to the authority granted to the City by Texas Local Government Code Chapter 211 and the City Charter, a Certificate of Appropriateness is required in accordance with Table 3.13.010 below:

**Table: 3.13.010: Certificate of Appropriateness Required**

<u>Project (Scope of Work)</u>	<u>Historic Significance</u>	<u>Review Authority</u>
<u>HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required</u>		
<u><i>New Construction (Infill Development)</i></u>		
<u>New building construction</u>	<u>All Historic Overlay Districts</u>	<u>HARC</u>
<u><i>Additions</i></u>		
<u>To create or add to an existing street facing facade</u>	<u>Historic Landmark</u>	<u>HARC</u>
	<u>Contributing Historic Structure</u>	
	<u>Non-Contributing Historic Structure</u>	<u>HPO</u>
<u>Non-street facing facades</u>	<u>Historic Landmark</u>	<u>HARC</u>
	<u>Contributing Historic Structure</u>	<u>HPO</u>
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>New addition does not comply with the zoning standards of the historic overlay district</u>	<u>Historic Landmark</u>	<u>HARC</u>
	<u>Contributing Historic Structure</u>	
	<u>Non-Contributing Historic Structure</u>	
<u>Awning or canopy</u>	<u>Historic Landmark</u>	<u>HARC</u>

<u>Project (Scope of Work)</u>	<u>Historic Significance</u>	<u>Review Authority</u>
<u>HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required</u>		
	<u>Contributing Historic Structure*</u>	<u>HPO</u>
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>Porch, patio or deck</u>	<u>Historic Landmark</u>	<u>HARC</u>
	<u>Contributing Historic Structure*</u>	<u>HARC</u>
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>Reconstruction, Alterations, Changes</u>		
<u>Restoring original door or window openings</u>	<u>Historic Landmark</u>	<u>HPO</u>
	<u>Contributing Historic Structure*</u>	
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>Replacing a historic architectural feature with a non-historic architectural feature</u>	<u>Historic Landmark</u>	<u>HARC</u>
	<u>Contributing Historic Structure*</u>	
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>Replacing roof materials with different roof materials</u>	<u>Historic Landmark</u>	<u>HARC</u>
	<u>Contributing Historic Structure</u>	<u>HPO</u>
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>Modifications to exterior steps, stairways and ramps using in-kind material</u>	<u>Historic Landmark</u>	<u>HPO</u>
	<u>Contributing Historic Structure*</u>	
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>Modifications to exterior steps, stairways and ramps</u>	<u>Historic Landmark</u>	<u>HARC</u>
	<u>Contributing Historic Structure*</u>	<u>HPO</u>
	<u>Non-Contributing Historic Structure*</u>	
<u>Paint removal from historic and significant architectural features</u>	<u>Historic Landmark</u>	<u>HPO</u>
	<u>Contributing Historic Structure*</u>	
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>Changes to paint color on previously painted surfaces</u>	<u>Historic Landmark</u>	<u>HPO</u>
	<u>Contributing Historic Structure*</u>	
	<u>Non-Contributing Historic Structure*</u>	
<u>New paint on unpainted historic and other significant architectural features</u>	<u>Historic Landmark</u>	<u>HPO</u>
	<u>Contributing Historic Structure*</u>	

Deleted language is ~~strikethrough~~Added language is underline

<u>Project (Scope of Work)</u>	<u>Historic Significance</u>	<u>Review Authority</u>
<u>HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required</u>		
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>Changes in color to awning fabric</u>	<u>Historic Landmark</u>	<u>HPO</u>
	<u>Contributing Historic Structure*</u>	
	<u>Non-Contributing Historic Structure*</u>	
<u>Exterior lighting that is attached to the building or structure</u>	<u>Historic Landmark</u>	<u>HPO</u>
	<u>Contributing Historic Structure*</u>	
	<u>Non-Contributing Historic Structure*</u>	
<u>Rooftop HVAC, mechanical or communication equipment that result in no modifications to the building façade</u>	<u>Historic Landmark*</u>	<u>HPO</u>
	<u>Contributing Historic Structure*</u>	
	<u>Non-Contributing Historic Structure*</u>	
<u>Rooftop HVAC, mechanical or communication equipment that result in modifications to the building façade</u>	<u>Historic Landmark</u>	<u>HARC</u>
	<u>Contributing Historic Structure*</u>	<u>HPO</u>
	<u>Non-Contributing Historic Structure*</u>	
<u>Removal, Demolition or Relocation</u>		
<u>Awnings or canopies</u>	<u>Historic Landmark</u>	<u>HARC</u>
	<u>Contributing Historic Structure*</u>	<u>HPO</u>
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>Exterior non-historic architectural features</u>	<u>Historic Landmark</u>	<u>HPO</u>
	<u>Contributing Historic Structure*</u>	
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>Exterior siding to unencapsulate historic siding materials</u>	<u>Historic Landmark</u>	<u>HPO</u>
	<u>Contributing Historic Structure*</u>	
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>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</u>	<u>Historic Landmark</u>	<u>HARC</u>
	<u>Contributing Historic Structure*</u>	
	<u>Non-Contributing Historic Structure*</u>	<u>HPO</u>
<u>Non-historic additions that are made of non-historic materials</u>	<u>Historic Landmark</u>	<u>HPO</u>
	<u>Contributing Historic Structure</u>	
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>Attached carport, porch, patio or deck</u>	<u>Historic Landmark</u>	<u>HARC±</u>

Deleted language is ~~strikethrough~~Added language is underline

<u>Project (Scope of Work)</u>	<u>Historic Significance</u>	<u>Review Authority</u>
<u>HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required</u>		
	<u>Contributing Historic Structure*</u>	
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>Attached carport, porch, patio or deck made of non-historic materials</u>	<u>Historic Landmark</u>	<u>HPO</u>
	<u>Contributing Historic Structure*</u>	
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>Reopen enclosed porch, patio or deck to original condition</u>	<u>Historic Landmark</u>	<u>HPO</u>
	<u>Contributing Historic Structure*</u>	
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>Street facing façade</u>	<u>Historic Landmark</u>	<u>HARC±</u>
	<u>Contributing Historic Structure</u>	
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>30% or more of the square footage of a building</u>	<u>Historic Landmark</u>	<u>HARC</u>
	<u>Contributing Historic Structure</u>	
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>Less than 30% of the square footage of a building</u>	<u>Historic Landmark</u>	<u>HARC</u>
	<u>Contributing Historic Structure</u>	<u>HPO</u>
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>Relocation of a building or structure on the same lot</u>	<u>Historic Landmark</u>	<u>HPO</u>
	<u>Contributing Historic Structure</u>	
	<u>Non-Contributing Historic Structure</u>	
<u>Relocation of a building or structure to a historic overlay district (includes relocation of buildings or structures within the same historic overlay districts)</u>	<u>Historic Landmark</u>	<u>HARC</u>
	<u>Contributing Historic Structure</u>	
	<u>Non-Contributing Historic Structure</u>	
<u>Relocation of a building or structure outside of the historic overlay district</u>	<u>Historic Landmark</u>	<u>HARC</u>
	<u>Contributing Historic Structure</u>	
	<u>Non-Contributing Historic Structure</u>	<u>NR</u>
<u>Signage</u>		
<u>Master Sign Plan</u>	<u>All Historic Overlay Districts</u>	<u>HARC</u>
<u>New signage, to include new signage that is consistent with an approved Master Sign Plan</u>		<u>HPO</u>

<u>Project (Scope of Work)</u>	<u>Historic Significance</u>	<u>Review Authority</u>
<u>HARC = Historic and Architectural Review Commission * HPO = Historic Preservation Officer * NR = Not Required</u>		
<u>New signage that is inconsistent with an approved Master Sign Plan or applicable guidelines</u>		<u>HARC</u>
<u>Changes in content or configuration (re-facing) that do not involve changes in sign location, dimensions, lighting or total sign area</u>		<u>HPO</u>
<u>Amending an approved Master Sign Plan</u>		<u>HARC</u>
<u>Fences</u>		
<u>New fence, railing or wall that is consistent with the overlay district's characteristics and applicable guidelines</u>	<u>All Historic Overlay Districts†</u>	<u>HPO</u>
<u>New fence, railing or wall that is inconsistent with the overlay district's characteristics and applicable guidelines</u>		<u>HARC</u>
<u>Removal of chain, link, plywood, or vinyl fence and replacing with wood, wrought iron, or masonry</u>		<u>HPO</u>
<u>Miscellaneous</u>		
<u>HARC exceptions (building height and setback variations pursuant to Section 4.08)</u>	<u>All Historic Overlay District</u>	<u>HARC</u>
<u>Renewal of an expired Certificate of Appropriateness</u>	<u>All Historic Overlay Districts</u>	<u>HPO</u>
	<u>Historic Landmark</u>	

\*Only applicable to a street facing façade

†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

## **B. Exemptions**

A Certificate of Appropriateness shall not be required for the following:

1. Ordinary Maintenance and Repair, as this term is defined in Chapter 16 of this Code.
2. Interior construction or alterations provided the alterations do not alter the exterior wall of the building.
3. New single and two-family residential development in the Old Town Overlay District provided the building is in compliance with the zoning standards of the Historic Overlay District.
4. New additions to existing single-family and two-family structures provided the addition does not create or add to a street facing façade, and the addition in combination with the existing building is in compliance with the zoning standards of the Historic Overlay District.
5. New or modifications to existing awnings (to include changes in color), canopies, exterior paint color or exterior lighting fixtures of a single-family or two-family residential structure provided the alterations do not alter the exterior wall of a building designated as a Historic Landmark.

6. Demolition of a building or structure that the Building Official has declared a dangerous structure in accordance with Chapter 15.40 of the City Code, as amended, or determined that demolition is necessary for the preservation of the public health, safety and welfare.
    - a. Should the Building Official declare a building a dangerous structure or determine that demolition is necessary for the preservation of public health, safety and welfare, the Building Official shall coordinate with the Historic Preservation Officer and property owner to identify historic and significant architectural features that are unique to the building or structure, era or district and that may be salvaged.
    - b. The Historic Preservation Officer shall create a record of the building or structure to be demolished through archival-quality photo-documentation, drawings, and other information similar to those required by the Historic American Buildings Survey. The list of identified historic and significant architectural features to be salvaged shall also be made part of this record.
  7. Site alterations and other hardscape features provided that these do not alter a building or structure designated as a Historic Landmark or that is a contributing historic structure to the Historic Overlay District.
- C. No Building Permit shall be issued by the Building Official for any building or structure designated as a Historic Landmark or that is located in a Historic Overlay District until the application for such permit has been reviewed and approved by the Historic and Architectural Review Commission or the Historic Preservation Officer, as applicable, and the project, as proposed, is in compliance with all other applicable regulations of this Code.

### **3.13.020 Certificate of Appropriateness – Administrative Approval**

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

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

Initiation of a Certificate of Appropriateness to the Historic Preservation Officer 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.

##### **2. Application Completeness**

- a. The applicant shall submit all of the information and materials required in the UDC Development Manual as specified on the applicable Certificate of Appropriateness checklist.
- b. The Historic Preservation Officer shall determine that a complete application has been submitted with all material necessary to review the Certificate of Appropriateness' conformance with applicable criteria for approval in accordance with this Code.

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

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.

#### **4. Responsibility for Final Action**

- a. The Historic Preservation Officer is responsible for final action on a Certificate of Appropriateness for certain projects as specified in Section 3.13.010 of this Code.
- 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 for review and final action at the next available meeting.

#### **B. Criteria for Approval**

The Historic Preservation Officer shall determine whether to grant a Certificate of Appropriateness based on the following criteria:

1. The application is complete and the information contained within the application is correct and sufficient enough to allow adequate review and final action;
2. Compliance with applicable design and development standards of this Code;
3. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties to the most extent practicable, and the adopted Downtown and Old Town Design Guidelines, as may be amended from time to time, specific to the applicable Historic Overlay District; and
4. The overall character of the applicable Historic Overlay District and the building or structure is preserved, and the design is consistent with the Historic Overlay District.

### **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 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.

##### **2. Application Completeness**

- a. The applicant shall submit all of the information and materials required in the UDC Development Manual as specified on the applicable Certificate of Appropriateness checklist.
- b. The Historic Preservation Officer shall determine that a complete application has been submitted with all material necessary to review the Certificate of Appropriateness' conformance with applicable criteria for approval in accordance with this Code.

##### **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.

- c. The Historic Preservation Officer's report shall include a recommendation for final action.

#### **4. Responsibility for Final Action**

- a. The Historic and Architectural Review Commission shall review the application, the Historic Preservation Officer's report, conduct a hearing in accordance with the Historic and Architectural Review Commission'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 shall be considered approved by a majority vote of all members of the Historic and Architectural Review Commission.

### **B. Criteria for Approval**

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

- 1. The application is complete and the information contained within the application is correct and sufficient enough to allow adequate review and final action;
- 2. Compliance with any design standards of this Code;
- 3. Compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties to the most extent practicable, and the adopted Downtown and Old Town Design Guidelines, as may be amended from time to time, specific to the applicable Historic Overlay District;
- 4. The general historic, cultural, and architectural integrity of the building, structure or site is preserved;
- 5. New buildings or additions are designed to be compatible with surrounding properties in the applicable Historic Overlay District;
- 6. The overall character of the applicable Historic Overlay District is protected; and
- 7. The Master Sign Plan is in keeping with the adopted Downtown and Old Town Design Guidelines-and character of the Historic Overlay District.

### **C. Additional Criteria for Approval for Building Height Exceptions**

- 1. Applicants requesting exceptions to the building height standards set forth in Section 4.08.020.A must submit documentation to HARC that the following standards will be met if the requested exception to the height standards is approved:
  - a. The proposed building or addition shall not obscure views to and from the Courthouse or overwhelm or detract from views of the Town Square Historic District;
  - b. The proposed building or addition shall be compatible with the height, scale, massing, and volume reflected in the Downtown Overlay District, and the historic character of the District; and
  - c. The proposed building shall be an extraordinary contribution to the aesthetic and economic goals of the Downtown Master Plan.



2. The documentation required by Section 3.13.030.C.1 must include, at a minimum, the following information:
  - a. A visual analysis that identifies:
    - i. The extent to which the building would impact views to and from the Courthouse, and to what extent the building will be visible from four directions; and
    - ii. How the building will relate to the context of the surrounding structures and the character of the District; and
  - b. A summary of the conclusions of the visual analysis as to how the proposed building will impact the District, specifically the immediate surroundings.
3. HARC 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:
  - a. Views to and from the Courthouse and to and from the Town Square Historic District will be protected; and
  - b. The character of the Downtown Overlay District and the Town Square Historic District will be defined, reinforced, and preserved; and
  - c. The relationship of the proposed project to the existing structures in the immediate vicinity remains consistent; and
  - d. The proposed project allows for the best utilization of redevelopment in the Downtown Overlay District and the Town Square Historic District; and
  - e. The proposed project protects the historic buildings in the Downtown Overlay District.

#### **D. Additional Criteria for Approval of a Setback Exception**

1. The Historic and Architectural Review Commission 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 may take in consideration the following in determining whether to approve a Certificate of Appropriateness for a setback exception:
  - a. Whether the proposed setback encroachment is solely a matter of convenience;
  - b. Whether there is adequate room on the site to allow the proposed addition or new structure without encroaching into the setback;
  - c. Whether the proposed setback is compatible and in context within the block in which the subject property is located;
  - d. Whether the proposed addition or new structure will be set closer to the street than other units within the block;
  - e. Whether the proposed structure is replacing a structure removed within the past year;
  - f. Whether the proposed structure will replace a structure that previously existed with relatively the same footprint and encroachment as proposed;

- g. If the proposed encroachment is for a structure that is replacing another structure, whether the proposed structure is significantly larger than the original;
- h. If the proposed encroachment is for an addition, the scale of the addition compared to the original house;
- j. The size of the proposed structure compared to similar structures within the same block;
- k. Whether the proposed addition or new structure will negatively impact adjoining properties, including limiting their ability to maintain existing buildings;
- l. Whether there is adequate space for maintenance of the proposed addition or new structure and/or any adjacent structures; and/or
- m. 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 to the Historic Overlay District 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 shall not take action on a request for demolition until the 60-day demolition delay period is complete.
- b. During this 60-day delay period, the applicant shall coordinate with the Historic Preservation Officer to reach a satisfactory resolution that preserves the building or structure, or that preserves historic and significant architectural features that are unique to the building or structure, era or district.
- c. The Historic Preservation Officer shall coordinate with local, county and other historic organizations to explore possibilities for preserving, to include the possible relocation of the structure.
- d. The Historic Preservation Officer shall present the findings and resolution, if applicable, to the Historic and Architectural Review Commission with the request.

**2. Demolition Subcommittee Review**

- a. No later than the 30<sup>th</sup> day from deeming the application complete, the Historic and Architectural Review Commission's Demolition Subcommittee shall complete a walk-through of the building or structure proposed to be demolished or relocated with the Historic Preservation Officer and the applicant.
- b. The Demolition Subcommittee shall review the application and analyze the building or structure to determine possibility of preservation and restoration, and appropriateness for demolition or relocation. In the event of demolition, the Demolition Subcommittee

shall also create a list of historic salvageable materials identified during the walk-through.

c. The Demolition Subcommittee's report shall include a recommendation for final action.

### **3. Responsibility of Final Action**

a. In addition to the application and Historic Preservation Officer's report, the Historic and Architectural Review Commission shall review the recommendation by the Demolition Subcommittee, conduct a Hearing in accordance with the HARC'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 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 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 shall make the following findings when considering a request for demolition or relocation of a structure:

#### a. Loss of Significance

i. The applicant has provided information that the building or structure is no longer historically, culturally or architecturally significant, or is no longer contributing to the Historic Overlay District; and

ii. The applicant has established that the building or structure has undergone significant and irreversible changes, which have caused the building or structure to lose the historic, cultural or architectural significance, qualities or features which qualified the building or structure for such designation; and

iii. The applicant has demonstrated that any changes to the building or structure were not caused either directly or indirectly by the owner, and were not due to intentional or negligent destruction, or lack of maintenance rising to the level of a demolition by neglect; and

iv. Demolition or relocation of the building or structure will not cause significant adverse effect on the Historic Overlay District or the City's Historic Resources; or

#### b. Unreasonable Economic Hardship

i. The applicant has demonstrated that the property owner cannot take reasonable, practical or viable measures to adaptively use, rehabilitate or restore the building or structure, or make reasonable beneficial use of, or realize a reasonable rate of return on a building or structure unless the building or structure may be demolished or relocated; and

- ii. The applicant must prove that the structure cannot be reasonably adapted for any other feasible use, which would result in a reasonable rate of return; or
- c. There is a compelling public interest that justifies relocation, removal or demolition of the structure.

### **3. Relocation of a structure to a Historic Overlay District**

In the event the building or structure is proposed to be relocated to a property in a Historic Overlay District, in addition to the above, the applicant must demonstrate the following with the application:

- a. The architectural compatibility of the relocated building or structure with adjacent buildings according to the applicable Downtown and Old Town Design Guidelines and UDC standards for new construction; and
- b. The proposed siting, setback and other applicable site-specific treatments according to pertinent Downtown and Old Town Design Guidelines and UDC standards of the applicable Historic Overlay District; and
- c. Relocation will not damage existing contributing historic buildings or structures, or the character of the Historic Overlay District.

#### **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, 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 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, 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 concurrently with the determination of the longevity of the permit hold period.
- D. During this delay period, the applicant shall provide the following information to the Historic Preservation Officer:
  - 1. Documentation regarding the original and existing condition of the building or structure, to include structural integrity and the extent of work necessary to stabilize the building or structure.
  - 2. Site Development Plan (or Plot Plan) identifying proposed development on site following demolition of the building or structure.
  - 3. List of any salvageable materials, and a plan offering donation or sale of the remaining building or structure and any salvageable materials identified.
- E. In the event of demolition by neglect, the applicant shall complete any work required to stabilize and arrest further deterioration of the building or structure.

### **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, 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.
- B.** Work performed pursuant to the issuance of a Certificate of Appropriateness shall conform to the requirements of the Certificate. In the event that work is not in compliance, the Building Official shall issue a stop work order and/or citation as prescribed by ordinance.

### **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 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 or Historic Preservation Officer, as applicable, at any time.

### **3.13.070 Expiration**

- A.** A Certificate of Appropriateness, except as noted below, expires if the work authorized by the Certificate of Appropriateness is not commenced within 24 months from the date of the final action to approve the request. In the case of a phased project, after the initial phase is complete or a Certificate of Occupancy has been issued, each subsequent phase shall commence within 24 months of the completion or Certificate of Occupancy of the prior phase. The Historic Preservation Officer may extend the time commencement of work upon written request by the applicant.
- B.** A Certificate of Appropriateness for relocation, removal or demolition expires if a Permit for relocation or demolition has not been issued within 180 days or, if a permit is not required, the work authorized by the Certificate of Appropriateness is not commenced within 180 days from the date of the final decision to approve the request. The Historic Preservation Officer may extend the time for commencement of work upon written request of the applicant.

### **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 to the procedures established for new applications. 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, 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 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 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 a majority of the appellate body's members to overturn a decision on a Certificate of Appropriateness.

## Section 3.15 Variance and Special Exception

### 3.15.040 Criteria for Special Exception Review

If authorized by this Code, the Zoning Board of Adjustment may grant a Special Exception from the requirements of the certain provisions of this Unified Development Code, if the Special Exception is not contrary to the public interest and the spirit of this Code is preserved and substantial justice done. No Special Exception shall be granted unless the ZBA finds the specific criteria identified in this Code are met. The only Special Exceptions that may be granted by the Board are for the following:

- ~~Residential Setback Modifications pursuant to Section 4.09.040 and 6.06.010.D~~
- Time Extension for an Abandoned Nonconforming Use, pursuant to Section 14.01.060.B.7
- Expansion of Nonconforming Use, pursuant to Section 14.02.050
- Right to Continue Nonconforming Use after destruction or damage, pursuant to Section 14.02.060.A
- Abandonment of a Nonconforming Structure Determination, pursuant to Section 14.04.050
- Expansion of a Nonconforming Structure, pursuant to Sections 14.04.080.B & C
- Abandonment of a Nonconforming Site, pursuant to Section 14.05.050
- A setback exception, pursuant to Section 14.05.050.D
- Expansion of a Nonconforming Site, pursuant to Sections 14.05.080.B & C

## Chapter 4 Zoning Districts

### Section 4.04 Zoning District Purpose Statements

#### 4.04.040 Mixed-Use Zoning Districts

##### A. Mixed Use Downtown District (MU-DT)

The Mixed Use Downtown District (MU-DT) is intended to provide a location for a mix of land uses including general commercial and retail activities, office as well as Single-family and Multi-family in the downtown area. Developments in the MU-DT District are typically smaller in size and scope although there may be occasionally heavy traffic. The Mixed Use Downtown District is only appropriate in the traditional downtown area of Georgetown. Properties in MU-DT shall meet the design requirements of the Downtown Overlay District, and Downtown and Old Town Design Guidelines.

- \* For Uses allowed in the MU-DT District, see Chapter 5
- \* For Lot and Dimensional Standards, see Section 7.03
- \* For Building and Site Design Standards, see Sections 7.04 and 7.05
- \* For Downtown Overlay District Design Standards, see Section 4.08
- \* See also the Downtown Master Plan in the Comprehensive Plan
- \* See also the Downtown and Old Town Design Guidelines, referenced in Section 1.14

#### 4.04.050 Overlay Zoning Districts

##### A. Special Area Plan Overlay District (SP)

##### B. Historic Overlay Districts

The City of Georgetown recognizes that as a matter of public policy the protection, enhancement, and perpetuation of landmarks and districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. Historic Overlay Districts are created to:

- Protect and enhance the landmarks and districts which represent distinctive elements of Georgetown's historic, architectural, and cultural heritage;
- Foster civic pride in the accomplishments of the past;
- Protect and enhance Georgetown's attractiveness to visitors and the support and stimulus to the economy thereby provided;
- Insure the harmonious, orderly, and efficient growth and development of the city that is sensitive to its historic resources;
- Promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the city; and
- Encourage stabilization, restoration, and improvements of such properties and their values by offering incentives for rehabilitation and preservation.

##### 1. Downtown Overlay District (D)

The Downtown Overlay District is intended to protect the aesthetic and visual character of the Town Square and downtown Georgetown through the establishment of two distinct



zones, designated as Area 1 (Town Square Historic District) and Area 2 (remainder of the Downtown Overlay District). ~~All development within the Downtown Overlay District, except ordinary maintenance and repair, shall be reviewed in accordance with the adopted Design Guidelines by the Historic and Architectural Review Commission, which shall review the location, character, and appearance of proposed development, renovation, or redevelopment activity.~~

~~\* For Specific Standards of the Downtown Overlay District, see Section 4.08~~

## **E2. Old Town Overlay District (OT)**

The Old Town Overlay District is intended to preserve and protect historic structures, maintain a residential appearance along South Austin and University Avenues, and maintain the integrity of the historic character in the area commonly referred to as Old Town.

~~\* For Specific Standards of the Old Town Overlay District, see Section 4.0908~~

## **D3. Designated Historic ~~Overlay~~ District (H)**

The Designated Historic ~~Overlay~~ District (~~H~~) is intended to preserve areas, structures, and landmarks of historical or cultural significance. Each ~~overlay designated district~~ has may have specific standards unique to the district, ~~although developments in an Historic Overlay District require a Certificate of Design Compliance from the Historic and Architectural Review Commission.~~

### **1a. ~~Designated Historic District~~ Town Square Designated Historic District (H-TS)**

~~\* For Specific Standards of the Town Square Designated Historic Overlay District, see Section 4.1008~~

## **E4. Historic Landmark Designation (HL)**

The purpose of the Historic Landmark Designation is to protect, preserve and enhance buildings or structures of historical, architectural or cultural importance or value to the City of Georgetown.

\* For Specific Standards of the Historic Overlay Districts, see Section 4.08

## **C. Courthouse View Protection Overlay District (CVP)**

## **FD. Gateway Overlay District (G)**

*[Existing Sections 4.08, 4.09, and 4.10 removed and replaced by new Section 4.08 as follows:]*

## **Section 4.08 Historic Overlay Districts**

### **4.08.010 Designation of a Historic Overlay District**

- A.** A Historic Overlay District may be established over any base zoning district within the city limits and may be established over more than one base zoning district.
- B.** Creation or expansion of a Historic Overlay District requires approval by the City Council, following the procedures for a Zoning Map Amendment in Section 3.06.



### **C. Consideration of Standards for a Designated Historic District**

The following shall be considered when developing standards for a Designated Historic District:

1. The findings adopted by the City Council for a specific Designated Historic District shall define the scope of the City's interest in protecting the historic resource and shall provide the guidelines to be used, along with the applicable regulations, in considering whether to grant or deny a Certificate of Appropriateness.
2. HARC may develop and the City Council may approve supplemental guidelines as it may deem necessary to implement the regulations of a particular Designated Historic District or the findings applicable to the designation of a particular Designated Historic District. Such guidelines may include, but are not limited to, the following.
  - a. Charts or samples of acceptable materials for siding, foundations, roofs, or other parts of buildings;
  - b. Illustrations of appropriate architectural details;
  - c. Numerical specifications of appropriate rhythms or proportions;
  - d. Specifications of appropriate relationships to streets, sidewalks, other structures, and buildings;
  - e. Illustrations of appropriate porch treatments or entrances; or
  - f. Illustrations of appropriate signage or street furniture.

#### **4.08.020 Historic Overlay Districts Established**

The Historic Overlay Districts are established as follows. Each Historic Overlay District includes all the land within the boundary of the District shown on the Official Zoning Map.

##### **A. Downtown Overlay District**

The Downtown Overlay District was established by the City Council as part of adoption of Ordinance No. 2001-48 on August 28, 2001 and expanded with the adoption of Ordinance No. 2014-86, adopted on October 28, 2014. The district is divided into two distinct zones, designated as Area 1 and Area 2. The Downtown Overlay District is generally bounded by the river to the north, the lots fronting the south side of University Avenue to the south, Martin Luther King, Jr., Street to the west, and Myrtle Street to the east. The Downtown Overlay District abuts, but does not include, the Old Town Overlay District. The precise boundaries are depicted on the map incorporated below.

##### **[Insert updated map]**

This map is available for viewing at the Planning Department office or as a downloadable map at <http://maps.georgetown.org>.

##### **B. Old Town Overlay District**

The Old Town Overlay District was established by the City Council as part of adoption of Ordinance No. 2004-22 on April 13, 2004. The Old Town Overlay District is generally bounded on the north by 2nd Street; on the east by Holly Street, the railroad tracks, University Avenue, and Hutto Road; on the south by 17th, 18th, and 19th Streets; and on the west by the properties on the western side of Austin Avenue and the boundaries of the Downtown Overlay District. The Old

Town Overlay District abuts, but does not include the Downtown Overlay District. The precise boundaries are depicted on the map incorporated below.

**[Insert updated map]**

This map is available for viewing at the Planning Department office or as a downloadable map at <http://maps.georgetown.org>.

**C. Designated Historic Districts**

Designation of a Historic District shall be established and governed in accordance with this Code. This subsection contains all designated Historic Districts under this Code. Designated Historic Districts are as follows:

**1. Town Square Historic District**

The City Council designated the Town Square Historic District by the adoption of Ordinance No. 2001-48, the confines of which are defined as follows: All lots in Blocks 37, 38, 39, 40, 41, 50, 51, and 52 of the City of Georgetown, Texas, according to the map or plat thereof of record and which lots are all of those properties on the nine blocks surrounding and including the property that may commonly be referred to as the Public Square or Court House Square of the City of Georgetown, Williamson County, Texas. The precise boundaries are depicted on the map incorporated below.

**[Insert map]**

This map is available for viewing at the Planning Department office or as a downloadable map at <http://maps.georgetown.org>.

**D. Historic Landmark Designation**

Designation of a Historic Landmark shall be established and governed in accordance with this Code. Buildings or structures to be protected, preserved, restored and enhanced as a historic resource and in the interest of the culture, prosperity, education, and welfare of the City of Georgetown may be designated as a Historic Landmark by ordinance of the City Council. Upon designation of a building or structure as a Historic Landmark, the City Council shall cause this designation to be recorded in the official public record of real property of Williamson County and the City of Georgetown official's zoning map. All zoning maps shall reflect historic landmarks by inclusion of the words "Historic Landmark" (HL) as a prefix to its use designation in accordance with this Code.

**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 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.

**4.08.040 Applicability of Historic Overlay District Standards**

- A.** Each designated Historic Overlay District may have unique standards that are described in the adopting ordinance for that District.

- B. The development and design standards contained within this Section are intended to supplement any development and design standards of an underlying base zoning district. The standards of the underlying base zoning district, as well as those of any other applicable overlay district, shall remain in effect unless superseded by specific standards of the applicable Historic Overlay District.
- C. In the event of a conflict between the development regulations of the underlying zoning district and the provisions of this Section, the provisions of this Section shall apply.
- 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.
- 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.

#### **4.08.050 General Guidelines Applicable to All Historic Overlay Districts**

- A. The historic character of a building or structure should be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a building or structure should be avoided.
- B. Each building or structure should be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other structures, should not be undertaken.
- C. Most buildings or structures change over time; those changes that have acquired historic significance in their own right should be retained and preserved.
- D. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a building or structure should be preserved.
- F. Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- E. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials should not be used. The surface cleaning of structures, if appropriate, should be undertaken using the gentlest means possible.
- F. Significant archeological resources affected by a project should be protected and preserved. If such resources must be disturbed, mitigation measures should be undertaken.
- G. New additions, exterior alterations, or related new construction should not destroy historic materials that characterize the building or structure. The new work should be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the building or structure and its environment.

H. New additions and adjacent or related new construction should be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

#### **4.08.060 Demolition by Neglect**

A. An owner of a building or structure designated as a Historic Landmark or located in a Historic Overlay District, or person with interest in the real property, shall not allow such structure to fall into a serious state of disrepair so as to result in deterioration which would, in the judgment of the Historic Preservation Officer and the Building Official, produce a detrimental effect upon the life and character of the structure itself.

B. The Building Official and Historic Preservation Officer of the City of Georgetown shall determine the "serious state of disrepair" in accordance with the most current form of the International Property Maintenance Code. Examples of such deterioration include, but are not limited to, the following:

1. Deterioration of walls or other vertical supports;
2. Deterioration of roofs or other horizontal members;
3. Deterioration of exterior chimneys;
4. Deterioration or crumbling of exterior stucco or mortar;
5. Ineffective waterproofing of exterior walls, roof or foundations, including broken windows or doors;
6. Deterioration of exterior walls, doors, windows, or other means of interior access, so as to create a danger of trespassing;
7. Deterioration of plumbing and electrical systems affecting the exterior of the structure; or
8. A hazardous condition resulting from the deterioration of any exterior feature, which might indicate that demolition is necessary for the public safety.

C. A property owner, or person with interest in the real property, who is in violation of this Section shall be subject to enforcement measures under Section 15.02.030 of this Code.

D. Should compliance with this Section require more than ordinary maintenance and repair, the provisions of Section 3.13, Certificate of Appropriateness, shall be applicable.

#### **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 in accordance with the procedures set forth in Section 3.13 of this Code.

#### **B. Setbacks**

Building setbacks adjacent to public rights-of-way in the Downtown Overlay District shall generally be assumed to be zero (o) feet or “built to” the right-of-way line. Such setbacks shall be reviewed on a case-by-case basis in accordance with the adopted Design Guidelines.

#### **C. Parking**

There shall be no off-street parking requirement in Area 1 of the Downtown Overlay District, except as required by Section 5.04.020.M.2 of this Code. In Area 2 of the Downtown Overlay District, the parking standards of Table 9.02.030.A shall apply. Alternative parking plans, as described in Section 9.02.060 of this Code, may be considered.

#### **D. Signs**

The sign standards shall be those contained within the Downtown and Old Town Design Guidelines. In the event that no standards exist, the standards in this Code shall apply, and may be modified in order to more accurately reflect the express language or the intent of the Design Guidelines in regard to signs.

### **4.08.080 Standards Specific to the Old Town Overlay District**

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

#### **A. Parking**

The parking standards of Table 9.02.030.A shall apply. Alternative parking plans, as described in Section 9.02.060 of this Code, may be considered.

#### **B. Signs**

The sign standards contained within the Downtown and Old Town Design Guidelines shall apply. In the event that no standards exist, the standards of this Code shall apply and may be modified in order to more accurately reflect the express language or the intent of the Design Guidelines with regard to signs.

#### **C. Building Height**

1. Buildings within the Old Town Overlay District shall not exceed 30 feet in height. However, a Certificate of Appropriateness may be approved in accordance with Section 3.13 of this Code to allow utilization of the height limitation of the underlying zoning district.
2. Maximum building height at the prescribed setback of the underlying base zoning district shall not exceed 15 feet. For each additional 3 feet of setback from the property line, the building may increase in height by 5 feet. However, a Certificate of Appropriateness may be approved in accordance with Section 3.13 of this Code to allow building heights in excess of this requirement.

#### **D. Setbacks**

Setbacks shall be that of the underlying base zoning district. However, for residential structures in the Old Town Overlay District, a Certificate of Appropriateness may be approved in

accordance with Section 3.13 of this Code to allow a residential structure to encroach into a required setback.

**E. Floor-to-area Ratio**

The floor-to-area-ratio (FAR) within the Old Town Overlay District shall not exceed 0.45, unless a Certificate of Appropriateness is approved in accordance with Section 3.13 of this Code.

**4.08.090 Standards Specific to Designated Historic Districts**

**A. Town Square Designated Historic District**

The Town Square Historic District shall follow the standards set forth for the Downtown Overlay District.

**4.08.100 Standards Specific to Historic Landmark Designation**

**A.** Design, alterations, additions and maintenance of a building or structure designated as a Historic Landmark shall be in keeping with applicable guidelines of the Downtown and Old Town Design Guidelines as adopted by the City Council.

**B.** Buildings, structures or sites designated as a Historic Landmark shall follow the standards set forth of the applicable underlying and overlay zoning districts.

**Section 4.~~11~~09 Mixed Use District**

**Section 4.~~12~~10 Courthouse View Protection Overlay District**

**Section 4.~~13~~11 Gateway Overlay District**

## Chapter 6 Residential & Agriculture Zoning Districts: Lot, Dimensional & Design Standards

### Section 6.05 Dimensional Interpretations and Exceptions

#### 6.05.020 Setbacks

##### B. Setback Reductions and Exceptions

1. On lots with approved rear access, the minimum front setback may be reduced to 15 feet.
2. On lots with an approved private rear access easement, rear setbacks shall be measured from the nearest boundary of the easement. For all other lots, rear setbacks shall be measured from the rear property line.
3. A minimum side setback of 10 feet shall be provided along all side lot lines that parallel a public street, except as follows:
  - a. The side setback shall be 25 feet when adjacent to a roadway classified in this Code as a freeway or the frontage road of a freeway.
  - b. The side setback shall be 20 feet for a garage or carport taking access from a side street.  
(See Section 6.06.010)
4. Where the front, side and rear setbacks reduce the buildable width of an existing corner lot to less than 40 feet, the Director is authorized to reduce the required front setback on the longer street side as much as necessary to increase the buildable width to 40 feet. In the event that the street sides of the lot are of equal length, the reduction shall be made on the side which lies on the shorter side of the block.
5. When an existing setback is reduced because of a conveyance to a federal, state or local government for a public purpose and the remaining setback is at least 50% of the required minimum setback for the District in which it is located, then that remaining setback will be deemed to satisfy the minimum setback requirements of this Code.
6. Properties in the Old Town Overlay District may request a Certificate of Appropriateness for setback exception in accordance with Section 3.13 of this Code. ~~Where an existing block was acknowledged by the City or created by a plat recorded prior to May 10, 1977, an applicant may request a setback modification pursuant to Section 4.09.040.~~

### Section 6.06 Accessory Structures and Amenity Areas

#### 6.06.010 Accessory Structures, Garages and Carports

The requirements of this Section apply to the AG, Agriculture District and all Residential Districts, except as specified.

- A. Accessory structures and buildings shall meet the dimensional standards of the base zoning district, except as specified in this Section. However, properties in the Old Town Overlay District may request a Certificate of Appropriateness for setback exception in accordance with Section 3.13 of this Code.

- B.** The accessory structure shall only be located on a lot with a principal structure, unless two adjacent lots have common ownership, in which case the structures may be located on different lots. In such instance, the accessory structure shall be located in the rear yard as determined by the lot with the principal structure on it.
- C.** The square footage of an accessory structure shall not exceed 25% of the square footage of the principal structure. For the purposes of this calculation, the square footage of a garage shall not be considered part of the principal structure.
- D.** Accessory structures measuring 8 feet or less in height are allowed in the setbacks in the rear yard up to 3 feet from the property line, but may not extend into any P.U.E. ~~Properties in the Old Town Overlay District must follow the procedures outlined in Section 4.09.040, Special Exception for Setback Modification and the approval process pursuant to Section 3.15.~~
- E.** Garages and carports, whether attached or detached from the principal structure, shall be set back a minimum of 20 feet from the public street from which the associated driveway takes access or a minimum of 10 feet when taking access from a public alley.
- F.** No more than 30% of the rear yard may be covered with accessory buildings or structures. All impervious cover requirements in Section 11.02 shall be met.
- G.** Accessory dwelling units located in accessory structures in the AG, RE, RL, and RS Districts are allowed subject to the limitations provided for in Section 5.02.020.B or within a Housing Diversity Development without limitations (as detailed in Section 6.07.020).



## Chapter 8 Tree Preservation, Landscaping and Fencing

### Section 8.02 Tree Preservation and Protection

#### 8.02.050 Tree Preservation Incentives and Priorities

##### B. Tree Preservation Priorities

##### 1. Heritage Trees

The City values its Heritage Trees and, therefore, Heritage Tree protection may be considered for priority over conflicting UDC development requirements, including, but not limited to, setbacks, lot design standards, building heights, sidewalks, lighting, signage, parking design and numbers, drainage criteria, connectivity, driveway separation and utility extension and location. If there is a conflict between Heritage Tree protection and other provisions of this Code, the applicant may request an alternative standard or design, provided that public health and safety shall be maintained with all proposed designs. After consultation with the Urban Forester, an alternative standard or design that gives priority to Heritage Tree protection may be approved by the Director for administrative applications or the Planning and Zoning Commission ~~and the Historic and Architectural Review Commission~~ for applications under their approval authority. Appeal of a Heritage Tree Protection Priority decision by any of the approval authorities may be taken to the City Council. This appeal is required within 30 days of the approval authority's action.

## Chapter 9 Off-Street Parking and Loading

### Section 9.02 Parking Requirements

#### 9.02.030 Off-Street Parking Requirements

##### A. Off-Street Parking Requirements Table

The following Table lists minimum off-street parking requirements by land use category.

**Table 9.02.030.A: Off-Street Parking Requirements\***

Use Category	Specific Use	General Requirement
<b>Residential Uses</b>		
<b>Household Living</b>	Multi-family - Senior	1 per dwelling unit + additional 5% of total spaces for visitor use
	Multi-family	1.5 per 1-bedroom unit 2 per 2-bedroom unit 2.5 per 3-bedroom unit + additional 5% of total spaces for visitor use
	All other household dwellings	2 per dwelling unit
<b>Group Living</b>	Nursing Home/Hospice/ Assisted Living	1 per bedroom
	All other Group Living	1 per bedroom
<b>Civic Uses</b>		
<b>Educational and Day Care Facilities</b>	Family Home Day Care	2 per home
	Group Day Care	6 per home
	Commercial Day Care	1 per 400 sq ft GFA
	Elementary or Middle Schools	1.5 per classroom + 1 per 2.5 seats capacity for auditoriums and flexible space
	All other Educational Facilities	10 per classroom + 1 per 2.5 seats capacity for auditoriums and flexible space
<b>Government and Community Facilities</b>	Government/Post Office	1 per 250 sq ft GFA + 1 per fleet vehicle
	All other Government/ Community Facilities	1 per 250 sq ft GFA + 1 per fleet vehicle
<b>Medical and Institutional Facilities</b>	Hospitals	1 per 2 patient beds
	All other Institutions	1 per 250 sq ft GFA
<b>Parks and Open Areas</b>	Golf Courses and Country Clubs	3 per hole + 1.5 per 250 sq ft GFA of clubhouse and other structures including pools and tennis courts
	Neighborhood Amenity Center	1 per 300 sq ft GFA + 1 additional for every 300 sq ft GFA over 1800 sq ft GFA including pools
	All other Parks and Open Spaces	Determined by Director
<b>Places of Worship</b>	Religious Assembly	1 per 100 sq ft GFA of sanctuary, classrooms, flexible seating areas

Use Category	Specific Use	General Requirement
<b>Commercial Uses</b>		
<b>Mixed-Use Retail Center* (optional)</b>	Commercial Centers less than 10,000 sq ft including all Commercial Uses (except Self-Storage, Agriculture or Landscape Supply, Funeral, Repair and Commercial Sales and Service)	1 per 150 sq ft GFA
<b>Automotive Sales and Services</b>	Car Wash	1 per 200 sq ft GFA (does not include self-service facility) + 2 spaces
	All other Automotive Sales and Services (except Fuel)	1 per 400 sq ft GFA (indoor only) + 1 additional per 1000 sq ft GFA of outdoor lot, storage or repair bay area
<b>Overnight Accommodation</b>	Bed and Breakfast/Inn	1 per guest room + 2 additional spaces
	All other Overnight Accommodations	1 per guest room + 1 per 250 sq ft GFA of office/conference space
<b>Food and Beverage Establishments</b>	All Restaurants/Bar/Brewery/Winery	1 per 100 sq ft of designated seating area/entertainment area + 4 additional spaces
	Food Catering Services	1 per 400 sq ft GFA
<b>Entertainment and Recreation</b>	Theaters and Stadiums	1 per 250 sq ft GFA + 1 additional per 500 sq ft GFA up to 50,000 sq ft GFA
	All other Entertainment and Recreation	1 per 400 sq ft GFA + 1 additional per 4 capacity seating
<b>Health Services</b>	Home Health Care	1 per 400 sq ft GFA
	All other Health Services	1 per 200 sq ft GFA
<b>Professional and Business Offices</b>	Professional Office	1 per 300 sq ft GFA
	All other Offices and Services	1 per 400 sq ft GFA
<b>Consumer Retail Sales and Services</b>	Funeral Home	1 per 150 sq ft GFA
	Self Storage (all)	1 per 300 sq ft GFA office space
	Small Engine Repair	1 per 400 sq ft GFA
	Farmers Market, Agricultural and Landscape Supply Sales	1 per 400 sq ft GFA + 1 additional per 2,500 sq ft indoor and outdoor storage or staging area
	All other Consumer Retail	1 per 250 sq ft GFA for first 20,000 sq ft GFA, 1 per 500 sq ft GFA from 20,000 sq ft GFA up to 100,000 sq ft GFA
<b>Commercial Sales and Service</b>	All Commercial Sales and Service	1 per 300 sq ft GFA of office/showroom area + 1 additional per 2,500 sq ft indoor and outdoor storage or staging area
<b>All Other Uses</b>		
<b>Transportation, Utilities and Communication</b>	All Transportation Terminal or Dispatch Facilities	1 per 300 sq ft GFA of office; 1 per 400 sq ft GFA of terminal area + additional spaces as determined by the Director
	Major Utilities	1 per 500 sq ft GFA - minimum of 2

Use Category	Specific Use	General Requirement
<b>Industrial Manufacturing and Warehousing Uses</b>	Batch Plant/Oil Refinery/Resource Extraction/Waste	1 per 300 sq ft GFA of office/showroom area + 1 additional per 2,500 sq ft indoor and outdoor storage area
	All other Industrial Manufacturing and Warehousing	1 per 500sq ft GFA of indoor facility + 1 additional per 2,500 sq ft indoor and outdoor storage area
<b>Agriculture</b>	Farm Stand	2 per stand
	Kennel	1 per 300 sq ft GFA of office
<b>Downtown Overlay District</b>		
<b>Downtown Overlay District</b>	<u>Retail buildings greater than 20,000 square feet in Area 1</u>	<u>1 per 1,500 sq ft GFA</u>
	<u>All other uses in Area 1</u>	<u>No off-street parking requirement</u>
	<u>Residential Uses in Area 2</u>	<u>See the Household Living parking requirements of this table</u>
	<del>Applies only to Development in Area 2 of the Downtown Overlay District. See Section 5.04.020.L for larger buildings in Area 1 of the Downtown Overlay District.</del> <u>Non-Residential Uses in Area 2†</u>	<del>1 per 500 sq ft GFA for allowed Non-Residential uses. Allowed Residential Uses shall be consistent with the requirements for Residential Uses (above)</del>

\*The required number of parking spaces for uses not listed in the above Table will be determined by the Director. Alternative Parking Plans may be requested in accordance with Section 9.02.050.

†No parking required for outdoor seating areas where a primary indoor restaurant is present.

#### 9.02.040 Rules for Computing Requirements

#### 9.02.050 Alternative Parking Plans

#### 9.02.060 Alternative Parking Plans in ~~the Downtown~~ a Historic Overlay District

- A. General. Within any Historic Overlay District ~~or the Downtown Overlay District~~, the ~~Historic and Architectural Review Commission~~ Historic Preservation Officer, or designee, shall be authorized to approve alternatives to providing the number of off-street parking spaces required in accordance with this Section.
- B. Procedure. Alternative Parking Plans shall be reviewed and approved by the ~~Historic and Architectural Review Commission~~ Historic Preservation Officer, or designee following the procedures of the Administrative Exception process established in Section 3.16 of this Code.
- C. Recording of Approved Plans. Where an Alternative Parking Plan requires use of property other than the subject property, an attested copy of an approved Alternative Parking Plan must be recorded with the County Clerk on forms made available in the Planning ~~and Development~~ Department. An Alternative Parking Plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recording prior to approval of the Certificate of Occupancy.
- D. On-Street Parking. The ~~Historic and Architectural Review Commission~~ Historic Preservation Officer, or designee, may approve counting on-street parking spaces to satisfy the requirements for off-street parking. Such on-street parking shall be located on public right-of-way immediately

abutting the subject property and shall be reviewed by the Development Engineer for compliance with City's standards for use of rights-of-way.

E. Off-Site Parking. The ~~Historic and Architectural Review Commission~~Historic Preservation Officer, or designee, may approve the location of required off-street parking spaces on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards.

1. Ineligible Activities. Off-site parking may not be used to satisfy the off-street parking standards for residential uses (except for guest parking), restaurants (except in the Downtown Overlay District), convenience stores, or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.
2. Location. No off-site parking space may be located more than 900 feet from the primary entrance of the use served (measured along the shortest legal pedestrian route) unless remote parking shuttle service is provided. Off-site parking spaces may not be separated from the use served by a street right-of-way with a width of more than 80 feet, unless a grade-separated pedestrian walkway is provided or other traffic control or remote parking shuttle service is provided.
3. Zoning Classification. Off-site parking areas require the same or a more intensive zoning classification than required for the use served.
4. Agreement for Off-Site Parking. In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners will be required. The agreement must be for a specified time, and guarantee the use of the off-site parking area for a minimum of five years. An attested copy of the agreement between the owners of record must be submitted to the ~~Historic and Architectural Review Commission~~Historic Preservation Officer, or designee, for recording in form established by the City Attorney. Recording of the agreement must take place before issuance of a Building Permit or Certificate of Occupancy for any use to be served by the off-site parking area. An off-site parking agreement may be terminated only if all required off-street parking spaces will be provided. No use shall be continued if the parking is removed unless substitute parking facilities are provided, and the ~~Historic and Architectural Review Commission~~Historic Preservation Officer, or designee, shall be notified at least 60 days prior to the termination of a lease for off- site parking.

F. Shared Parking. The ~~Historic and Architectural Review Commission~~Historic Preservation Officer, or designee, may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards.

1. Location. Shared parking spaces must be located within 600 feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided.
2. Zoning Classification. Shared parking areas require the same or a more intensive zoning classification than required for the use served.
3. Shared Parking Study. Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the City that clearly demonstrates the feasibility of shared parking. The study must be provided in a form

established by the City and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

4. Agreement for Shared Parking. A shared parking plan will be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record must be submitted to the City for recording in a form established by the City Attorney. Recording of the agreement must take place before issuance of a Building Permit for any use to be served by the off-site parking area. A shared parking agreement may be terminated only if all required off-street parking spaces will be provided.

- G. Fee-In Lieu of Parking. The ~~Historic and Architectural Review Commission~~Historic Preservation Officer, or designee, may approve the acceptance of a fee-in-lieu of required parking in extreme cases where none of the alternatives above, alone or in combination, provide for the requisite number of spaces. Such fee shall be based on the cost of land acquisition, construction (including landscaping and lighting), and the estimated cost of maintenance for a period of ten years. Such fee shall be placed in a dedicated fund to provide parking solutions in the affected portion of the Downtown area or other affected project area where the project is not within the Downtown.
- H. Other Eligible Alternatives. The ~~Historic and Architectural Review Commission~~Historic Preservation Officer, or designee, may approve any other alternative to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the City that the proposed plan will function equally well in protecting surrounding neighborhoods, maintaining traffic circulation patterns, and promoting quality urban design than would strict compliance with otherwise applicable off-street parking standards. Such alternatives may include, but are not limited to, the use of tandem parking spaces.

## Chapter 15 Enforcement

### Section 15.02 Compliance Required

#### 15.02.030 Demolition by Neglect

- A. Upon identification of any property in possible violation of Section 4.08.060 of this Code, the Building Official shall notify the property owner or person with interest in the real property, of the possible violation. Such notification shall be in writing and be mailed by certified mail, return receipt requested. The notification shall state the nature of the possible violation with sufficient specificity to enable the owner or person with an interest in the real property to bring the property into compliance with this section. The notification shall also state that the owner or person with an interest in the real property shall have 90 days to bring the property into compliance with this Code.
- B. The Building Official and Historic Preservation Officer will work with the property owner to develop a rehabilitation plan. Upon completion of the 90-day grace period, the Building Official and Historic Preservation Officer will reinspect the property to determine compliance with this Code. Should the property owner or person with an interest in the real property fail to bring the property into compliance with the 90-day grace period, the City shall seek enforcement of this Code under Section 15.03 of this Code and any applicable provisions of the Georgetown Municipal Code.



## Chapter 16 Definitions

### Section 16.02 Definitions

**Alteration.** Any exterior change or modification in the architectural appearance and design, other than cosmetic or decorative, or in supporting members of a building, such as bearing walls or partitions, columns, beams or girders; or a complete rebuilding of the roof or the exterior walls. Alteration also includes the removal, stripping or concealing of any significant exterior architectural feature that is integral to the historic character of a building or structure that is designated as a local Historic Landmark or contributing to the Historic District. Alteration does not include modifications that qualify as “Ordinance Maintenance and Repair” as this term is defined in this Code.

~~**Building Wall Surface Area.** The total vertical wall area, including windows, of a building when seen in an elevation view of the building. Roofs, including mansard roofs, having a slope of greater than 65 degrees shall be considered part of a wall surface for the purposes of this ordinance. (See for comparison “Roof”.)~~

**Certificate of ~~Design Compliance Appropriateness (CDCoA)~~.** A certificate documenting approval by the Historic and Architectural Review Commission (HARC) or the Historic Preservation Officer (HPO) to construct, reconstruct, alter, restore, remove, relocate, or demolish ~~any exterior~~ building or structure that is designated as a Historic Landmark or located in a Historic Overlay District, including specific site features ~~including but not limited to architectural elements, such as signage, and fences~~ landscaping within the Old Town and Downtown Overlay Districts or any other established Historic District.

**Demolition.** The ~~complete intentional~~ destruction, razing, dismantling or removal in whole or in part of a building or structure; ~~or the intentional destruction or removal of more than 30 percent of the perimeter walls; or removal of any portion of a street facing façade~~ any dismantling, intentional destruction or removal of sites, surfaces, utilities or other improvements.

**Demolition by Neglect.** Demolition of a building that is in a serious state of disrepair and deterioration due to lack of proper maintenance, and for which certain measures must be taken in order to preserve the public health, safety and welfare.

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

**Historic Architectural Features.** Architectural features that are unique to the design, style and period of the historic structure.

**Historic District ~~or Site~~, designated.** Any site, District, or area, ~~building, or structure~~ 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 Landmark.** A building, structure or site of historical, architectural, or cultural importance or value to the City of Georgetown that has been designated as a “landmark” by ordinance of the City Council and that is to be protected, preserved, restored, and enhanced in the interest of the culture, prosperity, education, and welfare of the people.



**Historic Preservation Officer (HPO).** A person designated to review development applications in ~~the Downtown and Old Town~~ a Historic Overlay Districts. The HPO presents findings and recommendations to the Historic and Architectural Review Commission and any other duties granted ~~them~~ by this Code.

**Historic Structure.** A building or structure that is a) 50 years or more, and b) associated with significant people or events, or c) conveys a character of building and design found during the City's period of significance. Historic structure also includes a building that has been designated as a local Historic Landmark, or that is contributing to the historic overlay district.

**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 Historic Resources Survey of Georgetown, Texas by Hardy, Heck & Moore, 1984 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.

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

**Reconstruction.** Rehabilitation or replacement of a building or structure which ~~either have~~ has been damaged, altered, or removed, or ~~are is~~ proposed to be altered or removed.

**Secretary of the Interior's Standards for the Treatment of Historic Properties.** The standards established by the Secretary of the Interior for providing guidance on the preservation, rehabilitation, restoration and reconstruction of historic properties.

**Street Facing Façade.** The building façade or wall that is parallel to a street lot line.

~~**Structure, High Priority (Historic).** Any structure designated a high priority in the Historic Resources Survey of Georgetown, Texas by Hardy, Heck & Moore, 1984 as amended from time to time by the Preservation Officer to reflect an updating of the list.~~

~~**Substantial Alteration.** Any exterior change or modification in the architectural appearance and design or supporting members of a building, such as bearing walls or partitions, columns, beams or girders; or a complete rebuilding of the roof or the exterior walls, unless such modification qualifies as "Ordinary Maintenance and Repair" as that term is defined in this Code.~~