

73-6.2 Overlay Districts

73-6.2.1 Character Overlay District (COD)

A. **Purpose and Intent.** The intent of the Character Overlay District (COD) is to set a standard for the design, form and use of properties within the identified corridor that is reflective of the character of the area. The Overlay is intended to support and protect the development and redevelopment in the district all the while ensuring consistency and compatibility with the respective character of the properties. These criteria are intended to elicit high quality materials, enhanced pedestrian experience, an appropriate scale, and a development pattern that effectively implements the City's planning and visioning documents.

1. **Prohibited Uses.** The following uses are prohibited in the COD, regardless of whether the underlying zoning district allows the use:

- i. Animal Boarding
- ii. All "other financial services (check cashing, pawnshop, other)"
- iii. Equipment and material storage
- iv. Extended stay lodging
- v. Mobile food vendors (defined herein as soliciting to the general public)
- vi. Tattoo parlors
- vii. Vape shop or smoke store
- viii. Vehicle equipment sales, service
- ix. Vehicle maintenance and repair, minor
- x. Vehicle maintenance and repair, major
- xi. All "other wireless facilities"
- xii. Liquor Stores
- xiii. Automotive service stations.
- xiv. Convenience Stores
- xv. Vehicle rental facilities (excluding PTV rentals)

B. Applicability

1. Applying for an Overlay Approval Certificate (OAC) is required for any proposed work that requires a permit and is visible from the street, facing streets, facing main parking lots, and adjacent to, or visible from required open spaces, unless otherwise noted.

C. Exemptions

1. An Overlay Approval Certificate (OAC) is not required if the work to be performed falls within the following:
 - i. General exterior maintenance or minor, in-kind repairs;
 - ii. Any activity that is not visible from a public right-of-way, with the exception of relocation or demolition;
 - iii. Items listed below:
 - i. Interior changes that do not affect the exterior of the building;
 - ii. The addition, modification, or removal of any vegetation, including specimen trees;
 - iii. The temporary boarding of openings that will not exceed 60 days; and/or
 - iv. Replacement or installation of new fencing or screens.

D. Residential Building Design Standards

1. The Mayor and Board of Aldermen will review the OAC application for consistency and compatibility with the adjacent and surrounding properties to ensure that the integrity of the proposed application is appropriate for the character area.

E. Non-Residential Building Design Standards

1. The Mayor and Board of Aldermen will review the OAC application for consistency and compatibility with the adjacent and surrounding properties to ensure that the integrity of the proposed application is appropriate for the character area.

F. Review Process

1. Prior to the submittal of an application for an OAC that will require review by the Mayor and Board of Aldermen, the applicant is required to participate in a pre-application meeting with the COD Committee.
2. If a request for an OAC is determined to necessitate review by the Planning and Zoning Commission (i.e. rezone, variance, etc.), the applicant may apply for an OAC and a zoning request concurrently.
3. Following review of the OAC application for completeness by staff, the applicant shall follow the process as outlined below:
 - a. The applicant will obtain a public notice sign from the Development Department.
 - b. No less than 15 days prior to the scheduled public hearing the applicant must post the public notice sign on the primary road frontage of the property in public view.
 - c. The applicant or his/her representative shall attend the scheduled public hearing and present details of their application to the Mayor and Board of Aldermen for consideration.

G. Supplemental Review Guidelines

- 1 Mayor and Board may utilize any of the following residential and non-residential guidelines listed in Section 73-15.1 as well as any other guidelines within the Code of Ordinances and/or other Boards and Commissions guidelines or recommendations, where applicable. For properties that are determined to be 50 years or older, the Mayor and Board will utilize guidelines established and set forth in Acworth's Local "Design Guidelines" for historic districts as adopted by the City of Acworth's Historic Preservation Commission and/or the United States Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings.