

LEAFMORE CREEK PARK HILLS OVERLAY DISTRICT

Sec. 0.1 Applicability of Regulations

This division establishes standards and procedures that apply to any development that is in whole or in part within the Leafmore Creek Park Hills (Leafmore) Overlay District.

Sec. 0.2 Statement of Purpose and Intent

The purpose and intent in establishing the Leafmore Overlay District is as follows:

- (a) To implement the policies and objectives of the comprehensive plan and the Zoning Ordinance of DeKalb County within the overlay district.
- (b) To ensure that new developments are compatible with the height, size, and level of forestation of the existing dwellings and lots;
- (c) To encourage property owners to improve and renovate the existing housing stock, rather than demolish the same;
- (d) To preserve the visual appearance of the subject neighborhood; and
- (e) To preserve the existing economic and social structure of the neighborhood.

Sec. 0.3 District Boundaries

The boundaries of the Leafmore Overlay District shall be established by the official zoning maps.

Sec. 04. Principal Uses and Principal Structures

The principal uses of land and structures that are allowed in the Leafmore Overlay District are as provided by the applicable underlying zoning district subject to the limitations and standards contained within this division.

Sec. 05. Accessory Uses and Accessory Structures

The accessory uses of land and structures that are allowed in the Leafmore Overlay District are as provided by the applicable underlying zoning district subject to the limitations and standards contained within this division.

Sec. 0.6 Architectural Regulations

The regulations outlined below shall only apply to land where an existing single-family dwelling is altered or demolished and replaced by new construction as defined

below. Except as provided herein, nothing contained in these regulations shall or is intended to restrict the right of property owners to make improvements, additions, or modifications to existing structures. The following architectural regulations shall apply to all principal buildings within the Leafmore Overlay District:

- (a) *New Construction.* New Construction shall mean a situation where thirty-five (35%) percent or more of the square footage, or thirty-five (35%) percent or more of the roof, of the existing single-family dwelling is demolished and new structures or portions of structures are constructed thereupon.
- (b) *Height.* No New Construction dwelling shall have a height greater than twenty-eight (28) feet as measured from the threshold of the main entrance of the existing dwelling unit to the topmost point of the roof of the proposed New Construction. If the New Construction would require alteration or eradication of the original threshold, then the original elevation thereof shall be measured and certified by a registered surveyor or professional engineer prior to alteration and shall be submitted with the application for any demolition or building permits.

Sec. 0.7 Severability

Each of the provisions included in Section 0.6 above is separate, distinct and severable from the other and remaining provisions of this Regulation, and that the invalidity or unenforceability of any provision shall not affect the validity or enforceability of any other provision or provisions of this Regulation.

Sec. 0.8 Sunset Provision

In the event that County-wide infill legislation, which is as restrictive or more restrictive than the regulations set forth in Section 0.6 above, becomes fully implemented and effective, including withstanding any administrative or court challenges, then the Leafmore Overlay District shall become null and void and the provisions hereof shall be of no further force and effect.