Brooks
GEORGIA

Town of Brooks
Zoning Ordinance Update

ZONING ORDINANCE

TOWN OF BROOKS
GEORGIA

OCTOBER 19, 2026

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Article 31.1
Basic Provisions

31.1.1 Title and authority

A. This document shall be formally known as the “Town of Brooks Zoning Ordinance” and it may also be cited and referred to as the “Zoning Ordinance” or "Ordinance."

B. This Ordinance shall be for the purpose of promoting the public health, safety and general welfare of the Town and all of its citizens.

C. This Ordinance shall be under the authority of Official Code of Georgia Annotated, Title 36, Chapter 66, Zoning Procedures, and Title 36, Chapter 67, Zoning Proposal Review Procedures, and all acts amendatory thereto.

31.1.2 Jurisdiction

This Ordinance shall apply to all land within the jurisdiction of the Town of Brooks, being all portions of the Town not in the ownership of the municipal, state, or federal government and to any area for which the Town of Brooks Mayor and Town Council have jurisdiction consistent with the provisions of Georgia law.

31.1.3 Purpose

This Ordinance is intended to guide the growth and development of Town of Brooks in accordance with the Town of Brooks Comprehensive Plan and for the following purposes:

A. To secure adequate light, air, and convenience of access; and safety from fire, flood, and other dangers.

B. To promote the public health, safety, comfort, convenience, morals and general welfare.

C. To plan for the future development of the Town to the end:

a. that the community grows only with adequate public ways, utilities, health, education, and recreation facilities,

b. that the needs of agriculture, industry, and business be recognized in future growth,

c. that residential areas provide healthful surroundings for family life,

d. that the growth of the community is commensurate with and promotes the efficient and economical use of public funds, and that the community strives for high aesthetic value and quality planning and design.

31.1.4 Definitions

A. The definitions contained in this Article shall be observed and applied in the interpretation of all other actions in this ordinance;

1. Words used in the present tense shall include the future;

2. Words used in the singular number shall include the plural and the plural the singular;

3. Words used in the masculine gender shall include the feminine;

4. The word "shall" is mandatory, not discretionary;

5. The word "may" is permissive;

6. The word "lot" shall include the words "tract" and "parcel;"

7. The word "building" includes all other structures of every kind regardless of similarity to buildings;

8. The phrase "used for" shall include the phrase "arranged for," designed for," intended for," "maintained for," and "occupied for;"

9. The word "person" includes a corporation, firm, partnership or similar, as well as an individual;

10. All measured distances shall be to the nearest greater whole foot;

11. Parenthetical words or statements are integral parts of the definitions in which they are located;

12. Any words not defined in Article 1.4 shall be construed in their generally accepted meanings as defined by standard dictionaries.

C. The words generally used in this Ordinance are defined in Article 1.4, Definitions, and shall be viewed in that context.

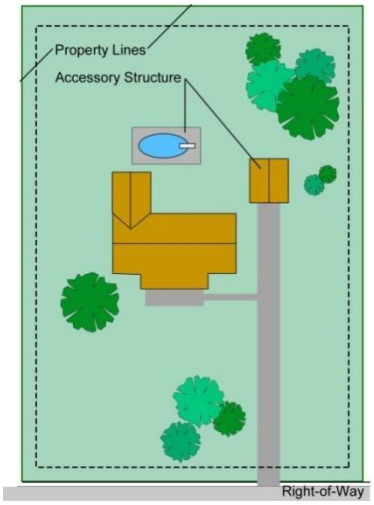
D. For the purpose of these regulations, certain words or terms used shall be defined as follows:

Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of one (1) year by the owner with neither transferring rights to the property to another owner nor resuming the use of the property.

Accessory Dwelling: A dwelling unit, which is used for residential occupancy, created within an existing single-family home or on the same lot. It is an independent unit, but it may share an entrance, yard and parking with the principal unit.

Accessory Equipment: Any equipment serving or being used in conjunction with a Telecommunications Facility or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Accessory Structure: A structure which is subordinate to a primary structure in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary building, structure, or principal use, and does not alter or change the character of the premises; is located on the



same lot as the primary building, structure, or use.

Adult Day Care Facility: Adult day care facilities shall include any building or portion thereof used to house six (6) or more adults requiring care, maintenance, and supervision for part of the a day.

Administrative Approval: Approval that the Zoning Administrator is authorized to grant after an internal review of submitted document, site plan, or application.

Administrative Variance: See “Variance, Administrative

Administrator: The individual or group responsible for the implementation and enforcement of the Ordinance. The Zoning Administrator, or his/ her designee, shall be the administrator for the Zoning Ordinance.

Agriculture: The use of land for the purpose of farming, dairying, pasturage or livestock yard, apiculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary accessory uses. The operation of any accessory uses shall be secondary to that of the normal agricultural activities.

Alley: A street which affords only secondary means of access to abutting property, and not intended for general traffic.

Alteration: A change in size, shape, character, occupancy or use of a building or structure.

Alteration, Structural: Any change in the supporting elements of a building such as bearing walls, columns, beams or girders.

Airport: An area of land which is designed, used or intended to be used for landing and takeoff of aircraft and any appurtenant areas, including buildings and other facilities such as refueling, parking, maintenance and repair facilities for aircraft. The term "airport" applies to all such facilities, whether the facility is public or private.

Amendment: Any repeal, modification, or addition to a regulation; or any new regulation.

Animal Hospital: A building or portion thereof designed or used for the care, observation or treatment of domestic animals.

Appeal: The process by which a party may petition for review of a decision made by an official or department of Town government.

Applicant: The owner, owners, or legal representative of real estate who makes application to Town of Brooks for action affecting the real estate owned thereby.

Application: The application for and all accompanying documents and exhibits required of a petitioner by an approving authority for a development review process.

Arterial Street/Road: See Street/Road, Major Arterial.

As Built Plan: A plan and supporting documentation which describes a particular site after construction has been completed. This plan should indicate all structures, hard surface features, utilities, landscaping areas, tree preservation zones and tree replacement areas.

Assisted Living Facility: A state licensed use in which domiciliary care is provided to adults who are provided with food, shelter and personal services within independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Attached Building: A building that is structurally connected to another building by a foundation, wall, or roof line. Carports, garages, porch awnings and the like shall be considered attached buildings.

Attached Wireless Communication Facility: An antenna array that is attached to an existing structure. These structures include, but are not limited to, utility poles, signs, water towers, rooftops, equipment facilities, and towers with any accompanying pole or device which

attaches the antenna array to the existing building or structure and associated connection cables.

Automobile Repair, Major: A business where engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; and/or overall painting of vehicles is performed.

Automobile Repair, Minor: A business that conducts repairs other than major repair, including engine tune-up, muffler shops, shock absorber replacement shops, undercoating shops and tire stores.

Automobile: A self-propelled, free-moving vehicle with four wheels, usually used to transport not more than six passengers and licensed by the appropriate state agency as a passenger vehicle.

Automobile Wash: Any building or premises or portions thereof used for washing automobiles. The facility for washing automobiles may be self- service, semi-automatic, or automatic application of cleaner, brushes, high-pressure water, rinse water, and heat for drying.

Automobile Sales: The use of any building, land area, or other premises for the display and sale of new or used automobiles, generally, but may include light trucks or vans, trailers, or recreational vehicles and including any vehicle preparation or repair work conducted as an accessory use for display and sales

Automobile Service Station: Any building, land area, or other premise, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Bank: An officially state or federally chartered institution, empowered to receive deposits, make loans, and provide checking and savings account services.

Banquet Hall: A principal use consisting of a large room or hall that is available for rent for use for specific banquets, exhibitions,

and/or meetings that may include the provision of food, drink, and/or entertainment.

Basement: A story partly underground but having more than one-half of its height below finished grade.

Bay (building): An opening or recess in a wall.

Bay Window: A large window or series of windows that projects out from the exterior wall of a building and forms an alcove within.

Bed and Breakfast Facility: An individual owner-occupied residence containing no more than eight (8) guest rooms for hire, for lodging by prearrangement for periods not to exceed three (3) consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel, boarding, lodging house, or motel.

Best Management Practices (BMPs): A collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "*Manual for Erosion and Sediment Control in Georgia*" specified in O.C.G.A. § 12-7-6(b).

Boarding House: A dwelling other than a hotel where, for compensation and by prearrangement for a definite period, where meals and/ or lodging are provided for four (4) or more persons.

Buffer: An area adjacent to front, side or rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Buffers may be undisturbed vegetated areas or planted buffers. Buffers are in addition to, but separate from, the front, rear, or side yard setbacks.

Build To Line: The line at which construction of a building facade is to occur on a lot, running parallel to the front property line. The build to line is determined by using a line established by the nearest building facades on the same side of the street, and thus ensures a uniform (or more or less even) building facade line on the street.

Building: A structure having a roof, supported by columns or walls, and intended for the shelter, housings, or enclosure of an individual, animal, process, equipment, goods, or materials of any kind.

Building Area: The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project less than two feet.

Building Code: The International Building Code pursuant to O.C.G.A. §8-2-20.

Building, Detached: A building surrounded by open space on the same lot.

Building Envelope: The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by the maximum height regulations, minimum yard setbacks, and buffers when applicable.

Building Height: See Structure Height

Building Inspector: The person or persons charged with the responsibility of issuing building permits, inspecting buildings, and issuing certificates of occupancy. This person is certified by the

State or the International Code Council (ICC) in one or more disciplines; a residential or commercial building inspector, a plumbing, electrical or mechanical inspector or other specialty to inspect structures at different stages of completion.

Building Line: The building line is the same as the front yard setback line or build-to line.

Building Permit: A permit allowing a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure or before starting any construction, excavation, or work within its jurisdiction, or the pursuit of changes to the condition of land. No building permit is required for an accessory structure that is less than 200 square feet in size.

Building, Principal: A building or structure in which is conducted the predominant use of the lot, on which it is located.

Building, Residential: A building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families or lodgers and which includes, but is not limited to the following types:

A. single-family detached dwellings;

B. Guest houses

Bulkhead The unit that occupies the lowest level of a storefront and can be described as the base which supports the display window; also referred to as a kick plate.

Business: The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services; an occupation, employment, or enterprise which occupies time, attention, labor, and materials; or the maintenance or operation of offices, recreational, or amusement enterprises.

Caliper: The diameter of thickness of the trunk of a young tree or sapling as measured at six inches above the top of the root

mass. This measurement is used for nursery-grown trees having a diameter of less than six inches.

Canopy: A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

Casement Window: A window in one (1) or two (2) vertical parts, mounted on hinges and opening in the center or from one (1) side.

Carport: A roofed automobile shelter with two or more open sides formed by extension of the roof from the side of a building to which it is attached.

Cemetery: Property used for the interring of the dead. Includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.

Certificate of Occupancy: A certificate stating that the occupancy and use of a structure complies with the provisions of the official Building Code and all other applicable regulations of the Town of Brooks.

Church: See Place of Worship.

Clearing: The removal of vegetation from a property by any means.

Cluster: A development design technique that concentrates buildings on part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

Clinic: An establishment in which human patients, who are not lodged overnight, receive medical or dental study or treatment and in which the services of a physician or dentist are provided.

Club or Lodge, Private: An association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building or portion thereof; the use of such premises being restricted

to members and their guests. (The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members.) It shall be permissible to serve food on such premises.

Collector Road: See Road, Collector.

Combination of Lots: See Lot Combination.

Commercial District: Refers to the TMX zoning district.

Commercial Poultry House: A building in which poultry are sheltered or reared; a henhouse or chicken-house for commercial/industrial purposes.

Commercial Vehicle: Any motor vehicle licensed by the State as a commercial vehicle.

Common Area: Those portions of a site and/or building(s) collectively owned or controlled.

Cornice: A continuous horizontal molding that sits atop a wall or building.

Community Garden: An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one (1) or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Comprehensive Plan: Refers to the Town of Brooks Comprehensive Plan. The plan includes goals, objectives and strategies for land use, transportation, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the Town pursuant

to the Georgia Planning Act of 1989 and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Concentrated Animal Feeding Operation (CAFO): Defined by the United States Department of Agriculture (USDA), is an intensive animal feeding operation (AFO) in which over 1,000 animal units are confined for over 45 days a year. An animal unit is the equivalent of 1,000 pounds of "live" animal weight. A thousand animal units equates to 700 dairy cows, 1,000 meat cows, 2,500 pigs weighing more than 55 pounds (25 kg), 10,000 pigs weighing under 55 pounds, 10,000 sheep, 55,000 turkeys, 125,000 chickens, or 82,000 egg-laying hens or pullets. For Brooks, the threshold for a CAFO is 300 animal units, or 30 percent of the above-listed livestock quantities.

Conditional Use: See: Use, Conditional.

Condition of Approval: Stipulations or provisions that are provided above and beyond the minimum requirements that are set forth as a prerequisite for the approval of an application.

Conforming Building or Structure: Any building or structure that complies with all the regulations of this Ordinance or of any amendment hereto governing the zoning district in which building or structure is located; and is designed or intended for a conforming use.

Construction Plan(s): The maps or drawings showing the specific location and design of improvements to be built in accordance with the applicable requirements of Town of Brooks.

Convalescent Center : See Nursing Home.

Coop (cage): A structure, not necessarily attached to the ground, with a top and sides and designed to provide shelter and protection for small animals or birds.

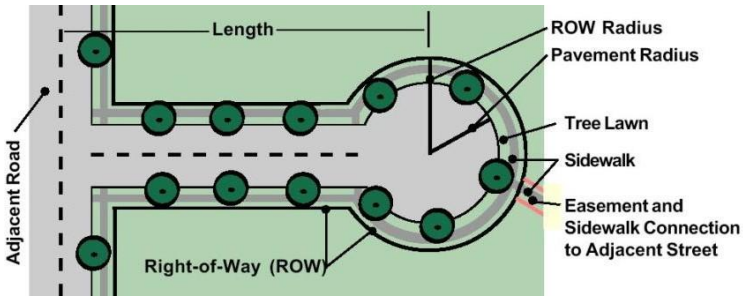
Courtyard: An open unoccupied space bounded on two or more sides by the exterior walls of a building or exterior walls and lot lines.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the sub-divider and/ or developer, that are recorded with the plat and deed.

Crematory: Any place where cremation is performed, other than a hospital, clinic, laboratory, or other facility authorized by the Department of Human Resources for such purposes. This shall include any place where the cremation of animals is performed in accordance with O.C.G.A. § 40-13.5-.04.

Cremation: The reduction of dead human or animal bodies to residue

Cul-de-Sac: The turnaround at the end of a dead-end street.



Curb Level: The level of the established curb in front of such building measured at the center of such front. Where no curb level been established, the pavement elevation at the street center line similarly measured, or the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the "curb level."

Curb Cut: A curb cut is a ramp leading smoothly down from a sidewalk to an intersecting street.

Curb Radius: A term used by highway engineers to describe the sharpness of a corner. A large curb radius allows higher-

speed turns; lower curb radii require slower speeds to turn.

Cutting: The detaching or separating of any limb, branch, or root from a tree; for the purpose of erosion control, the removal of any soil or other solid material from a natural ground surface.

Data Center: A centralized physical facility or building used to house computer systems, servers, and related IT equipment for storing, processing, and distributing digital information, including crypto currency activities.

Day Care Center: As defined by Rules and Regulations of the Georgia Department of Human Resources and for the purposes of the Zoning Ordinance, any place operated by a person, society, cooperation, institution, or group wherein are received for pay for group care, for fewer than 24 hours per day without transfer of legal custody, having nineteen (19) or more children under eighteen (18) years of age, and which is required to be licensed by both Town of Brooks and the Georgia Department of Human Resources. "Day care facilities" shall be further differentiated by the following three (3) classifications:

1. Family day care home. A private residence operated by any person who receives therein, for pay for supervision and care for fewer than twenty-four (24) hours per day, without transfer of legal custody, three (3), but not more than six (6), children under eighteen (18) years of age, who are not related to such person and whose parents or guardians are not residents in the same private residence.

2. Group day care home. Any place operated by any person or group wherein are received for pay not less than seven (7), nor more than eighteen (18), children under eighteen (18) years of age for care and supervision for less than twenty-four (24) hours per day.

3. Day care center. Any place operated by a person, society, agency, corporation, institution or group, wherein are received, for pay, for group care for fewer than twenty-four (24) hours per day, without transfer of legal custody, nineteen (19) or more children under eighteen (18) years of age.

Dead Tree: A tree that does not contain any live tissue in its extremities, i.e., green leaves or live limbs.

Decorative Wall: A masonry wall consisting of brick, stone or similar materials, and constructed with a design that includes specific pattern elements or ornamentation. See also: Fence, Decorative Wall.

Deciduous: A plant with foliage that drops or dies at the end of a growing season.

Dedication: The setting-apart of land or interests in land for use that is accepted by the Town by Code, resolution, or the recording of a plat.

Density Factor: A unit of measure used to prescribe the calculated tree coverage of a site.

Detached Building: A building that has no structural connection with the principal building.

Detention Facility: A low-lying area that is designed to temporarily hold a set amount of water while slowly draining to another location,

Developer: An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site development plan showing the layout of the land and the public improvements involved therein. Inasmuch as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term "developer" is intended to include the term "sub-divider," even though the personnel involved in successive stages of the project may differ.

Development: Any man-made change to improved or unimproved real

estate including but not limited to:

A. construction, reconstruction, or placement of a structure or any addition to a structure;

B. installing utilities, erection of walls and fences, construction of roads, or similar projects;

C. construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;

D. mining, dredging, filling, grading, excavation, or drilling operations;

E. construction and/or reconstruction of bridges or culverts;

F. storage of materials or vehicles; or

G. any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; resurfacing roads, gardening, plowing, and similar agricultural practices.

Disabled: Shall have the same definition as "handicapped" set forth in the Fair Housing Act, 42 U.S.C. § 3602(h), and shall mean: A physical or mental impairment which substantially limits one (1) or more of such person's major life activities; or a record of having such impairment; or being regarded as having such impairment, but such term does not include the current, illegal use or addiction to a controlled substance or the current addiction to alcohol.

Distribution Center: An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

District: A section of Town of Brooks for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by this Zoning Ordinance.

Division of Lots: See Subdivision.

Domestic Pets: Animals commonly used as household pets, protection, companions, and for the assistance of disabled persons. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, and aquarium fish.

Drainage Easement: A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of transporting stormwater.

Drive, Private: See Road, Private.

Driveway: An access-way connecting one or more dwelling units and/or their parking spaces with a street.

Dwelling: A building or structure or portion thereof, conforming to all requirements applicable to the residential use districts of the Zoning Ordinance and official Building Code or Georgia Building Code used exclusively for residential occupancy, but excluding hotels, boarding houses, and lodging houses.

Dwelling Unit: Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family and having permanently installed sleeping, cooking, and sanitary facilities.

Dwelling, Single-Family: A detached residential dwelling unit designed for and occupied by one (1) family.

Easement: A grant by a property owner to specific persons, the general public, corporations, utilities, governments, or others, for a specified purpose.

Erosion: The process by which land surface is worn away by the action of wind, water, ice, or gravity.

Establishment: An economic unit, generally, at a single physical location, where business is conducted or services or industrial operation performed.

Evergreen: A plant with foliage that remains green year-round.

Facade: The face of a building fronting along a street.

Family: A person, or group of persons, immediately related by blood, marriage, or adoption living and cooking together as a single housekeeping unit, exclusive of household servants; also, a group of not more than three (3) persons, or a group of not more than eight (8) disabled persons not necessarily related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit.

Family Day Care Home: A use, in which shelter, care, and supervision are provided for fewer than twenty-four (24) hours per day, without transfer of legal custody, having no more than six (6) children under eighteen (18) years of age who are not related to such persons and whose parent or guardians are not residents in the same private residence. All family day care homes shall meet the requirements of the adopted International Residential Building Code.

Farm: An area of at least three (3) acres used for agricultural operations, forestry, the operation of a tree or plant nursery, or the production of livestock and poultry as well as those properties classified by the Internal Revenue Service as a farm.

Farm Animals: Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to, horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

Farm Stand: A roadside stand that sells Georgia-grown farm produce.

Feedlots: A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals, including livestock and fowl, and specifically designed as a confinement area in which manure may accumulate, or where the concentration of

animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered animal feedlots.

Fence, Chain-Link: A fence constructed of galvanized steel or similar materials as approved by the Zoning Administrator for the purpose of enclosing or securing an area. Chain-link fences shall not include wire fences or fences of similar construction.

Fence, Electric: Electrically-charged strand or strands of wire, intended to produce an electric shock upon contact, which are installed around the perimeter of an area. While low-and high-voltage/current electric fences may both be powered primarily by solar power and secondarily by a 12-volt battery, low-voltage electric fences do not exceed an output of six (6) milliamps, while high-voltage electric fences exceed an output of six (6) milliamps.

Fence, Decorative Wall: A masonry wall consisting of brick, stone, or similar materials as approved by the Zoning Administrator and constructed with a design that includes specific pattern elements or ornamentation.

Fence, Industrial: A chain-link or ornamental fence constructed of materials approved by the Zoning Administrator for the purpose of enclosing or securing an industrial use.

Fence, Living: A continuous hedgerow of living plant material planted and maintained for the purpose of enclosing an area.

Fence, Obscuring Wall: A masonry wall consisting of brick, stone, or similar materials as approved by the Zoning Administrator and constructed for the purpose of enclosing, obscuring or screening an area from view.

Fence, Ornamental: A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation. Columns, or support structures may consist of brick, stone or stucco that is architecturally consistent with the primary structure. Ornamental fences shall not include chain-link

or wire fences or fences of similar construction.

Fence, Privacy: A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than 40 percent for the purpose of obscuring or screening an area from public view.

Fence, Rail: A fence constructed of wood, vinyl or similar materials and consisting of one to four horizontal rails connecting to vertical posts spaced a minimum of six feet apart. All spaces in such fences shall be open and unobstructed and such fences shall not block vision to an extent greater than 40 percent.

Fence, Temporary: A fence constructed of canvas, plastic, chain-link, wood or similar material as approved by the Zoning Administrator for the purpose of enclosing or securing an area for a limited period of time.

Fenestration: The arrangement, size, proportion and design of windows and doors on a building facade.

Festoons: Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels, or other devices or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind.

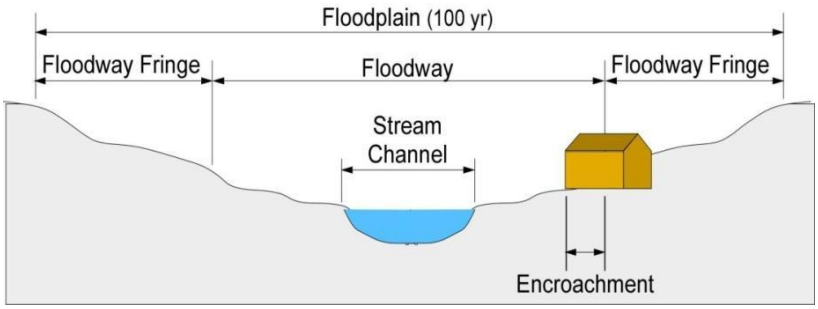
Final Plat: The final map, drawing or chart upon which the sub-divider's as-built plan of subdivision is presented, and which, if approved, will be submitted for recording among the land records for Town of Brooks.

Finished Floor Area: See Floor Area, Finished.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood, Regulatory Base: Flood having a one (1) percent chance of being equaled or exceeded in any given year. This is often referred to as a one hundred year flood.

Floodplain: The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe. Flood plain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration.



Floodway: The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Floodway Fringe: Those portions of the floodplain lying outside the floodway.

Flood Hazard Area: The floodplain consisting of the floodway and the floodway fringe area.

Flood Insurance Rate Map: The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and risk premium zones applicable to the community.

Floor Area, Finished: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space living rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area.

Food Service Facility, Carry-Out: Any place or establishment merchandising or dispensing food or drink, which is located on a permanent foundation and has at least four hundred (400) square feet of floor area, at which the customer is served:

1. Either over a counter or through an exterior sales window, and in which all food and drink merchandised and dispensed has been prepared and packaged so as to facilitate its consumption outside the structure from which the food or drink is dispensed, and

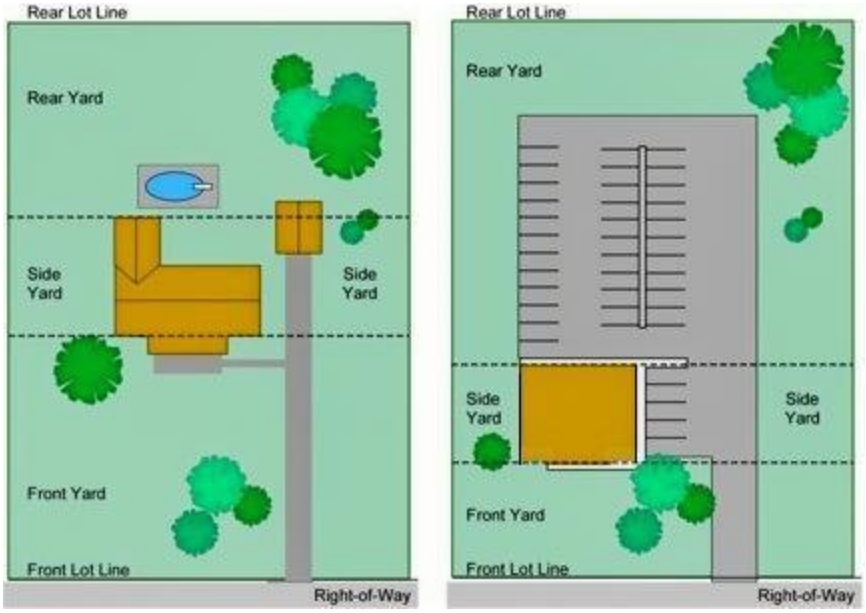
2. Said establishment may or may not have seats for customers inside the establishment.

Foot Candle: A unit of measure of the intensity of light falling on a surface.

Forestry: The science, business and art of creating, conserving and managing forests on a continuous basis for both commodity and non-commodity purposes.

Foundation: The supporting member of a wall or structure.

Front Line: With respect to a building, the foundation line that is nearest the front lot line.



Front Lot Line: For an interior or through lot, the line, marking the boundary between the lot and the abutting street right-of-way or a lake or watercourse; and for a corner lot, the line marking the boundary between the lot and each of the abutting streets.

Front Yard: The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.

Frontage: See Lot Frontage.

Fully Shielded Fixture: An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixtures.

Funeral Home/Mortuary: A place where embalming and/or funeral directing is practiced without engaging in the process of cremation or where observance, services or ceremonies are held for dead human bodies and which is open to the public and transacts business relating to funeral service.

Future Development Map: The official map of the Comprehensive Plan for the Town of Brooks. The Future Development Map guides development and changes to the Zoning Map to ensure that such changes are consistent with the Comprehensive Plan.

Gabled Roof: A roof consisting of two sloping sides that form a ridge and a gable at each end.

Garage: A deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

Gas Station: Any retail location where gasoline is sold.

General Retail: Sales of a variety of goods to the public, excluding vehicular sales.

Glare: The effect produced by brightness sufficient to cause

annoyance, discomfort, or loss in visual performance and visibility.

Greenhouse: A building made of glass, plastic, or fiberglass in which plants are cultivated and/or wintered.

Green Space See Open Space.

Ground Floor Area: See Floor Area, Ground.

Gross Site Area: One or more parcels of land included in a single development plan, and preferably under common ownership, which constitute the entire area of the development shown on the site plan or subdivision plat. Gross site area shall include all land needed for required open space, buffer areas, landscaping, drainage facilities, parking, internal access roads or driveways, and other physical design features needed to serve the proposed development. The gross site area shall also include all land in floodplain, floodway, and dedicated easements or road right-of-way.

Ground Cover: Grasses or other plants grown to keep soil from being blown or washed away.

Group Day Care Home: A use, wherein group care for not less than seven (7) nor more than eighteen (18) children under eighteen (18) years of age for less than twenty-four (24) hours without transfer of legal custody and which is required to be licensed by both Town of Brooks and the Georgia Department of Human Resources. All group day care homes shall meet the requirements of the adopted International Residential Building Code.

Guest House: A residential dwelling structure, subservient to the primary dwelling, and used for guests.

Handbill: Any written or printed notice distributed by hand for the purpose of communication, including but not limited to any pamphlet, booklet or leaflet.

Hardship: A proven difficulty with regard to one's ability to improve land stemming from the application of the development standards of the Zoning Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include, but are not limited to: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of the Zoning Ordinance; any result of land division requiring variance from the development standards of this Ordinance in order to render that site buildable.

Height: See structure height.

Helicopter: Any rotor craft which depends principally for its support and motion in the air upon the lift generated by one or more power-driven rotors rotating on a substantially vertical axis.

Helicopter Port: A facility, either public or private, or an area of land, water, or structural surface which is designed, used or intended to be used for landing and takeoff of helicopters and any appurtenant areas, including buildings and other facilities such as refueling, parking, maintenance and repair facilities for such helicopter(s). The term "helicopter port" applies to all such facilities, whether the facility is public or private.

Hipped Roof: A roof sloping at the ends as well as the sides.

Historic Area: A district or zone designated by a local authority or state or federal government within which the buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form, and architectural detail; or because of their being a part of or related to a square, park, or area the

design or general arrangement of which should be preserved and/ or developed according to a fixed plan based on cultural, historical, or architectural purposes.

Historic District: A district designated either nationally or locally for the preservation of historic resources.

Historic Preservation: The protection, rehabilitation, and restoration of districts, sites, buildings, structures, and artifacts significant in history, architecture, archeology, or culture.

Historic Site: A structure or place of outstanding historical and cultural significance and designated as such by the State or Federal Governments.

Hog Farm Intensive livestock operation, where quantities of swine are kept enclosed in buildings that control temperature, feed, and humidity. Manure is kept in lagoons, posing a level of environmental risk.

Home Occupations: Any occupation or activity carried on within the dwelling by a member of a family residing on the premises in connection with which there is no group instruction, assembly or activity, and there are no supplies or equipment visible to the public that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; there is no commodity sold from the premises, and no person is employed other than a member of the immediate family residing on the premises. No more than twenty-five (25) per cent of the floor may be used for occupation. Home occupation shall include the use of the premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment, but not for the general practice of such person's profession. Home occupation shall also include the use of the premises for gardening and horticulture pursuits.

Hoop-House: A structure made of PVC piping or other material covered with translucent plastic, constructed in a "half-round" or "hoop" shape.

Hospital: An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for three (3) or more unrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" does not apply to institutions operating primarily for treatment of insane persons, drug addicts, alcoholics, and other types of cases necessitating restraint of patients, and the term "hospital" shall not include convalescent, nursing, shelter, or boarding homes.

Hotel: A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

Impervious Surface: Any material that prevents absorption of storm water into the ground.

Industrial Fence: See Fence, Industrial.

Industrial Waste: Solid Waste generated by manufacturing or industrial processes or operations as defined in O.C.G.A. 12-8-22.

Inoperable Vehicle: Any motorized vehicle incapable of immediately being driven.

Institutional Facility for the Developmentally Disabled/Mentally Ill: A residential facility that provides care, supervision and protection and operates under a license issued under the Georgia Department of Human Resources; provides for delivery of mental health services that are appropriate to the needs of the individual; and, complies with the rules adopted by the Georgia Department of Human Resources.

Interior Lot: See Lot, Interior.

Junk: Automobiles, recreational vehicles, boats, trucks, other motor vehicles, large appliances, furniture or like materials which have been damaged to such an extent that they cannot be operated under their own power or used and/or will require major repairs before being made usable.

Junk Yard: A place, usually outdoors, where waste or discarded property, other than organic matter, including but not limited to automobiles and farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale; this shall not include any industrial scrap metal yard. The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as, but not limited to, wood, paper, rags, garbage, tires, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.

Jurisdiction: All land within the incorporated limits of Town of Brooks, Georgia.

Kennel: A place primarily for keeping four (4) or more adult dogs, or other small animals that are ordinarily bred for sale as pets. This definition includes temporary care facility of small animals for compensation.

Landscape Island (Or parking island): "Mini-medians" consisting of cutouts in the asphalt within the limits of the center lane of a roadway or in a parking lot. These cutouts will vary in size and can be at grade for water harvesting or raised with curbing.

Landscaping: The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

Legal Nonconforming Fence or Wall: A fence or wall which was legally erected or installed but is no longer in compliance with the provisions of this article. Such fences or walls must be located outside of any existing right-of-way and wholly upon the parcel to which they are associated.

Legal Nonconforming Use: Any building, structure or land lawfully occupied by a use or lawfully situated at the time of the passage of this ordinance or amendments thereto, which does not conform after the passage of this ordinance or amendments thereto with the regulations of this ordinance. Such use shall be allowed to continue unless:

a) The property is vacated for more than 12 consecutive months; or,
b) The building or structure is damaged beyond fifty (50) percent of its value.

Limited Lodging: The accessory use of all or part of a dwelling unit by rental for temporary occupancy for dwelling, sleeping, or lodging. Limited lodging includes the arrangement of such rental by the owner through a booking agent.

Living Fence: See Fence, Living.

Loading space: A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet; no part of a required front yard can be considered as part of required loading space.

Local Street/Road: A road designed primarily to provide access to abutting properties and discourage through traffic.

Lodger: A person who is a renter of all or part a dwelling unit and has mere use without actual or exclusive possession of the dwelling unit.

Lodging House: See Boarding House.

Loading Space Off Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to the size of delivery vehicles expected to be used.

Lot: A contiguous area of land separated from other areas of land by separate description (including a recorded deed, a subdivision plat or record of survey map, or by metes and bounds) for purpose of sale, lease, and transfer of

ownership or separate use.

Lot Combination The assemblage of two or more lots to create one lot.

Lot Coverage: The area of a zoning lot occupied by the principal building and any accessory structures.

Lot Depth: The horizontal distance between the front and rear lot lines.

Lot Frontage: All property of a lot fronting on a street right-of-way or common, private drive, as measured between side lot lines.

Lot of Record: A lot which is part of a subdivision, the plat of which has first been approved by the Town of Brooks, and recorded in the office of the clerk of the superior court of Fayette County; or a parcel of land described by metes and bounds, and a description of which has been approved by the Town of Brooks, and so recorded in the office of the clerk of the superior court of Fayette County.

Lot Width: The distance as measured between the side lot lines at the front set back line.

Lot, Buildable: Any lot upon which a building or structure is allowed to be constructed and occupied by the regulations of Town of Brooks. Generally, the lot shall have frontage on and access to an improved street, meet minimal setbacks, and have all necessary utilities available.

Lot, Corner: A lot situated at the intersection of two (2) streets or which fronts a street on two (2) or more sides forming an interior angle of less than one-hundred thirty-five (135) degrees.

Lot, Developed or Improved: A lot with buildings or structures.

Lot, Interior: A lot other than a corner lot with only one frontage on a street other than an alley.

Lot, Through or Double Frontage: A lot fronting on more than one street, other than an alley, or abutting more than one street which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or lake.

Luminaire: The complete lighting system including the lamp and light fixture.

Luminaire, Cut Off Angle: The angle, measured up from the nadir, between the vertical axis and the first line of sight at which the bare source is not visible.

Luminaire, Fully Shielded: A luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.

Main Street: A future development category listed in the adopted Comprehensive Plan for the Town of Brooks.

Maneuvering Space: An open space in a parking area which is immediately adjacent to a parking space; is used for and/or is necessary for turning, backing or driving forward a motor vehicle into

such parking space but is not used for the parking of or storage of motor vehicles.

Mansard roof: A roof that is flat on top, sloping steeply down on all four sides, thus appearing to sheath the entire top story of a house or other building with a roof-like facade.

Market Garden: An area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non- food, ornamental crops, such as flowers, to be sold for profit.

Massing: The overall bulk, size, physical volume, or magnitude of a structure or project.

Mature Tree: An existing hardwood, pine or other valuable tree that is at least four inches in diameter as measured four feet above grade and has attained the capability of flowering and reproducing

Mini warehouse: A building or portion thereof used for storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals.

Modular Home: A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with regulations of either the Southern Building Code Congress International or the Georgia Industrialized Building Act.

Monopole: A single, freestanding pole-type structure supporting one or more telecommunications antennas.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service,

and the use and upkeep of furniture.

Motorized ATV/Off Road

Vehicle or Motor Bikes: A motorized vehicle whose primary purpose and design is for usage other than transportation and generally off improved road surfaces. Also maybe referred to as not being street legal. Vehicles whose design and use are for use on challenging terrain and/or contests of speed and skill in adverse conditions. Examples but limited to; Dune Buggies, Motor Cross Bikes, Off-road motorcycles, Quad-runners, Three Wheelers.

Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by its own mechanical power, and functional for its intended use.

Multiple Family: See Dwelling, Multiple Family.

Municipal Solid Waste: Any solid waste derived from households as defined in O.C.G.A. 12-8-22.

Natural Disaster: A flood, tornado, hurricane, earthquake, or other occurrence for which the President of the United States has made a federal disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5206. Should the State of Georgia's definition of "Natural Disaster" found in O.C.G.A. § 50-1-9 differ from the definition herein, the definition in O.C.G.A. § 50-1-9 controls.

Natural Area: An area of natural vegetation that is generally undisturbed, un-maintained, and is self-perpetuating. It includes not only trees, but also native shrubs, ground covers, wildflowers, vines, and grasses.

Nonconforming Building: A building, structure, or portion thereof, which was designed, erected, or structurally altered, such that it does not conform to the regulations of the zoning district in which it is located.

Nonconforming Lot of Record: A lot that predates the zoning regulations and was created

such that it does not conform to the regulations of the zoning district in which it is located.

Nonconforming Use: A use of land, buildings, or structures which does not conform with the use regulations of the zoning district in which it is located.

Noxious Matter or Materials: Matter or materials that are capable of causing injury to living organisms by chemical reaction or are capable of causing detrimental effects upon the physical or economic well-being of individuals.

Nursing Home: A use in which domiciliary care is provided to 3 or more convalescing, chronically or terminally ill non-family members who are provided with food, shelter and care. This use shall not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. Convalescent center, nursing home and personal care home are further distinguished in administrative and conditional use provisions.

Obscuring Wall: See Wall, Obscuring.

Office Park: A development on a tract of land in single ownership that contains a number of separate office buildings, as well as accessory and supporting uses, that is designed, planned, constructed, and managed on an integrated and coordinated basis.

Official Zoning Map: A map of Town of Brooks, Georgia, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. The map shall be updated as necessary to reflect changes in zoning districts.

Off-Site Improvements: Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval, upon which is located improvements required by or related to the property to be subdivided.

Open Sales Lot: Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors. (Such merchandise includes, but is not limited to, passenger cars, trucks, motor scooters, motorcycles, boats, and monuments).

Open Space: An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open Space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

Orchard, U-Pick: An agricultural operation where customers are allowed, for a fee, to harvest the produce that they wish to buy.

Ornamental Fence: See Fence, Ornamental.

Outdoor Lighting Fixture: An electrically powered illuminating device or other outdoor lighting fixture including all parts used to distribute the light and/or protect the lamp, permanently installed or portable, used for illumination. Such devices shall include, but are not limited to, search, spot flood and area lighting.

Outdoor Storage: See Storage, Outdoor.

Out Parcel: A lot which either temporarily cannot be built upon or is not intended for development and is intended only for aesthetics, safety, common use, or the public good. Out parcels are normally owned in common by individuals, adjoining property owners, or homeowners associations.

Owner: Someone who has legal or rightful title who is in possession and/or control of a property and/or dwelling unit.

Parapet: A portion of a vertical wall of a building that extends above the roofline.

Parcel: See Lot.

Parking Area, Private: An open area for the parking of privately owned automobiles and not for public use.

Parking Area, Public: An open area, other than street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

Parking Space, Automobile: Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1-1/2) ton capacity.

Paved: A durable surface for parking, driving, riding, or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Dirt, sand or grass are neither considered, nor permitted as a paved surface.

Paving, Pervious: Pervious materials permit water to enter the ground by virtue of their porous nature or by large spaces in the material. Pervious concrete paving is included in this designation.

Pawn Shop: A store which offers loans in exchange for personal property as equivalent collateral. If the loan is repaid in the contractually agreed time frame, the collateral may be repurchased at its initial price plus interest. If the loan cannot be repaid on time, the collateral may be liquidated by the pawn shop through a pawnbroker or secondhand dealer through sales to customers.

Permanent Foundation: A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Personal Care Home: A building or group of buildings, a facility or place in which are provided two or more beds and other facilities and services, including room, meals and personal care for

non-family ambulatory adults, as regulated by the State of Georgia Department of Human Resources. The term "personal care home" does not include buildings which are devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals, nor does it include halfway houses, residential treatment facilities, nursing homes, sanitariums, hospital or other institutional facilities, or rooming or boarding facilities which do not provide personal care.

For the purposes of these regulations personal care homes shall be classified as follows:

A. A family personal care home shall be a personal care home for adults, in a family-type residence, non-institutional in character, which offers care to two (2) through six (6) persons.
B. A group personal care home shall be a personal care home for adults, in a residence or other type building(s), non-institutional in character, which offers care to seven (7) through fifteen 15 persons.
C. A congregate personal care home shall be a personal care home for adults which offer care to sixteen (16) or more persons.

Petition: See Application.

Petitioner: A person submitting an application for a development permit or for the rezoning of land.

Place of Assembly: A structure, portion of a structure, or area (either indoor or outdoor), designed primarily for people to gather to observe or participate in a single event or series of events.

Place of Worship: Buildings and related lands and/or structures used for and generally open to the general public for group religious worship. "Group religious worship" shall mean the practice of praying to, giving thanks to, or otherwise worshiping or studying about a god or gods or other such higher entity or entities, which practice may include instructional,

recreational, utility and maintenance activities. Places of Worship shall not include any building or property used solely for administrative activities related to an institution or group practicing group religious worship.

Planning & Zoning Board: The Planning and Zoning Board shall have exclusive subject matter jurisdiction for:

A. Variances; and

B. Administrative Appeals.

The Planning a Zoning Board shall make a recommendation to Town Council for:

A. Conditional Use Permits;

B. Zoning Map/ Text Amendment;

C. Ordinance and Map Amendments; and D. Comprehensive Planning Documents.

In absence of a Planning and Zoning Board, Mayor and Council will rule on such matters.

Porch: A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

Practical Difficulty: A difficulty with regard to one's ability to improve land stemming from regulations of the Zoning Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Development Standards to improve his site in a practical manner. In order to seek a variance, the applicant shall follow the variance process and apply to the Planning Commission for consideration.

Privacy Fence: See Fence, Privacy.

Primary Building/Structure: The building or structure in which the primary use of the lot or premises is located or conducted, with respect to residential uses, the primary building or structure shall be the main dwelling.

Primary Residence: The use of a dwelling unit for residential household living purposes of more than fifty-one percent (51%) of the calendar year by the owner, tenant/renter, or person in possession and control of the dwelling unit.

Primary Use: The main use of land or buildings as distinguished from an accessory use. A principal use may be either a permitted use or a conditional use.

Private Road: See Road, Private.

Professional Office: An office used by members of a recognized profession such as accountants, architects, artists, consultants, dentists, engineers, lawyers, musicians, physicians, surgeons or pharmacists, and realtors or insurance agents and brokers, and the like.

Public Improvements: Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public Sewerage System: A community sewer system including collection and treatment facilities owned and maintained by a local government or an authority.

Public Street/Road: All property dedicated or intended for public highway, freeway, or roadway purpose and subject to public easements therefore.

Public Utility: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewerage systems.

Public Water System: A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities owned and maintained by a local government or an authority.

Public/Private Parking Area: A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.

Rail Fence: See Fence, Rail.

Rear Lot line: The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line parallel to the front lot line, and wholly within the lot, that is farthest from the front lot line.

Rear Yard: The horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.

Recharge Area: Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.

Recreational Vehicle: A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled by a light duty truck; and designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use. A vehicle that is a temporary dwelling for travel, recreation and vacation use.

Recycling Center: A lot of parcel of land, with or without buildings, upon which used household goods materials are separated and processed for shipment for eventual reuse in new products.

Registered Land Surveyor: A land surveyor properly licensed and registered through

and permitted to practice in the State of Georgia.

Registered Professional Engineer: An engineer properly licensed and registered through and permitted to practice in the State of Georgia.

Regulatory Flood: The flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Georgia Department of Natural Resources and the Federal Emergency Management Agency. The "Regulatory Flood" is also known by the term "Base Flood."

Regulatory Floodway: The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

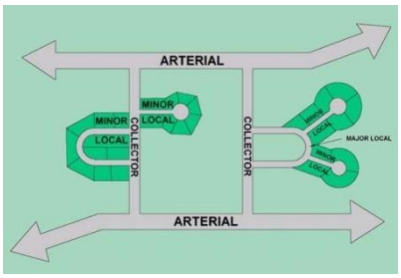
Recessed Lighting Fixture: An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

Residential District: Refers to the RA and TR zoning districts.

Restaurant: An establishment where food and beverages are prepared, served, and consumed primarily within the principal building. Does not include establishments that offer ordering and pick up of food from an automobile.

Riding Academy: An equestrian facility created and maintained for the purpose of accommodating, training or competing equids, especially horses. Based on their use may be known as a barn or stables, riding hall, and may include commercial operations described by terms such as a academy, boarding stable, livery yard, or livery stable.

Right-of-Way: A strip of land acquired by reservation, dedication, prescription, or



condemnation, and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

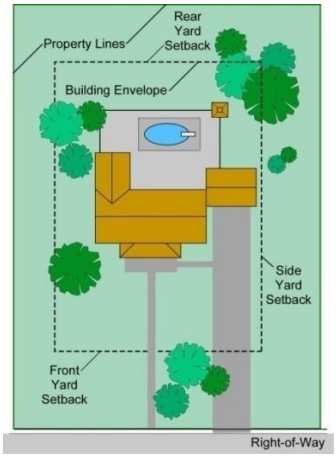
Right-of-Way Width: The distance between property lines measured at right angles of the centerline of the street.

Road/Street: Any vehicular route that: is an existing state, Town, or municipal roadway; or is shown upon a plat approved pursuant to law.

Roadside Stand: A structure for the display and sale of agricultural products, with no space for customers within the structure itself.

Service Station: Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automotive fuels, oils or accessories and in connection with which is performed general automotive servicing such as dispensing gas, changing oil, lubrication, checking tire pressure, fixing flats, replacing points and plugs, and adjusting or regulating parts, as distinguished from repairs such as repairing or replacing mechanical parts, or major engine or transmission overhaul, major body work, and a major automobile painting.

Setback: The minimum horizontal distance between the wall of the building or foundation and a lot line or right-of-way.



Sexually Oriented Businesses: Any business establishment or concern which as a regular and substantial course of conduct performs as an adult bookstore, adult theater, adult motion picture arcade, adult cabaret, escort bureau, stripper, adult model studio, adult motel/hotel, or sells or distributes adult merchandise or sexually-oriented material, or any other business or concern which offers to its patrons products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts but not including those uses or activities, the regulation of which is preempted by state law.

Shared Parking: Parking spaces assigned to more than one use where persons utilizing the spaces are unlikely to need the spaces at the same time of day.

Shed Awning: A flat awning projecting diagonally from the wall surface over a window or door opening; a traditional design.

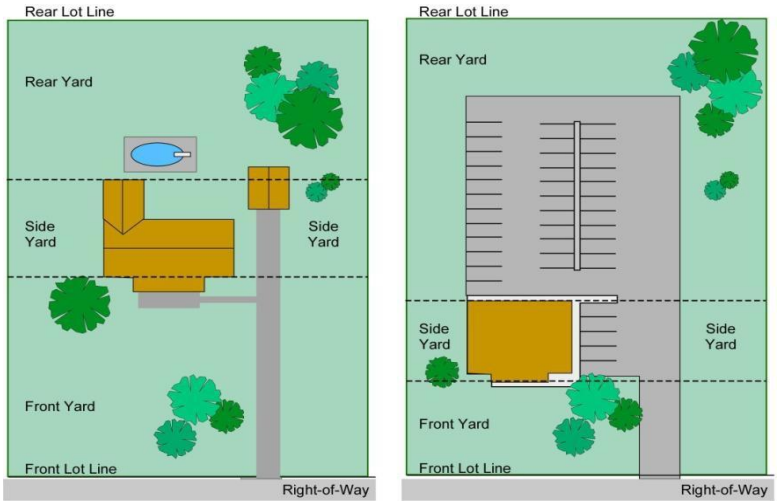
Sidelight: A window (actually, usually a series of small fixed panes arranged vertically) found on either side of the main entry door of many Federal, Greek Revival and other late-18th- to mid-19th-century houses.

Special Flood Hazard Area: Those lands within the jurisdiction of Town of Brooks that is subject to inundation by the regulatory flood. The SFHA's of the Town are generally identified as such on the Flood Insurance Rate Map of the Town prepared by the Federal Emergency Management Agency.

Shoulder: The portion of a street or road from the outer edge of the paved surface or back of curb to the right-of-way limit.

Side Lot line: A lot boundary line other than a front or rear lot line.

Side Yard: The horizontal space between the nearest foundation of a building to the side lot line and that side lot line. unoccupied other than by architectural appurtenances projecting not more than twenty-four (24)



inches into that space; steps or terraces not higher than the level of the first floor of the building; and open lattice-enclosed fire escapes, fireproof outside stairways and balconies projecting not over twenty four (24) inches into that space.

Site Development Plan: A plan and supporting documentation which describes a particular site which is to be disturbed or developed. This plan should indicate all structures, hard surface features, utilities, landscaping areas, tree preservation zones and tree replacement areas.

Solid Waste: Any garbage or refuse as defined in O.C.G.A. 12-8-22.

Solid Waste Handling: The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities as defined in O.C.G.A. 12-8-22.

Stable, Private: A building or structure which is located on a lot on which a dwelling is located, and which is designed, arranged, used, or intended to be used for housing saddle horses, ponies, mules, or other draught animals primarily for the use of occupants of the dwelling, but in no event for hire. Horses

shall be subject to the animal unit/acreage restrictions for the available pasture space, as defined within the Residential Agricultural zoning district.

Stable, Public: A stable other than a private stable which is used to house horses, ponies, mules or other draught animals on a pay-for-services, for-profit basis.

Stabilization: The process of establishing an enduring cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

Storage, Outdoor: The outdoor accumulation of goods, junk, cars, busses, tractor trailers, railroad cars, equipment, products, scrap material, or similar materials for permanent or temporary holding.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. A basement having more than one-half the clear floor-to-ceiling height above grade shall be considered a "story."

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall, not more than three (3) feet above the top level of the story below. In such space, not more than sixty (60) percent of the floor area is completed for a principal or accessory use)

Street: See Road/Street.

Street Grade: The grade of the centerline of a street measured at any point along the street expressed as a percent.

Structural Alteration: A change, other than incidental repairs, which would

prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure: Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to the following: site-built buildings, industrialized buildings, modular homes, swimming pools, satellite dishes, fallout shelters, telecommunication towers and facilities, and satellite communication facilities.

Structure Height: The vertical distance from the average elevation of the building to the highest point of the coping of a flat roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Subdivision: The division of a lot, tract or parcel of land into two (2) or more lots, parcels, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or for building development. It includes re-subdivision and relates to the process of re-subdividing or to the land or territory subdivided.

Support Structure: A structure designed and constructed specifically to support an antenna array. This includes, but is not limited to, a monopole, self-supporting tower, and guy wire-support tower. A support structure does not include any device that is used to attach a wireless communication facility to a building or structure.

Swimming Pool: A structure having a self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure/ use.

Tattoo Parlor: Any establishment in which is offered or practiced the

placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

Temporary Fence: See Fence, Temporary.

Temporary Occupancy: The accommodation of lodgers conducted in a dwelling unit, the primary use of which is for household living, and where the total accommodations of lodgers provided is for fewer than ninety-one (91) days per calendar year but where the provision of lodging to any particular lodger is for no more than thirty (30) consecutive days.

Temporary Use/Structure: A land use or structure established for a limited and fixed period of time with the intent to discontinue such use or structure upon the expiration of the time period.

Tenant: A natural person, business or other entity that occupies land or buildings, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.

Theater: A facility for audio and visual productions and performing arts, excluding adult motion picture theaters

Timber Harvesting: A timber management activity as part of a demonstrated ongoing agricultural land use.

Town Street: For the purpose of this ordinance only, a Town street is a street which is owned and/or maintained by Town of Brooks. Nothing herein shall be construed to designate any street as a Town street for other than zoning purposes.

Trailer: Trailers designed for human dwellings can be divided into RV or mobile homes. To be classified as a RV trailer it must be less than 400 sq. ft. and a trailer of 400 sq. ft. or more is classified as a mobile - single wide. Trailers used for construction or sales offices should not be considered

the same as RV or as mobile homes. Trailers may be allowed for temporary dwellings, for up to 12 months, while being used by the land owner during construction of their permanent home.

Transom Window: A window above a window or door. Transoms can be either stationary or operating.

Undisturbed Vegetation: The natural vegetation in a generally untouched, maintenance free, self-perpetuating stand comprised of indigenous trees, shrubs, herbs, flowers or grasses.

U-Pick Orchard/Farm: An agricultural operation where customers are allowed, for a fee, to harvest the produce that they wish to buy.

Use: The purposes of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use, Conditional: A use that is designated by the Zoning Ordinance as being permitted in the district concerned if it meets special conditions, if found to be appropriate and upon application, is specifically authorized by the Mayor and Town Council, upon recommendation of the Planning and Zoning Board.

Use, Principal: The main use of land or buildings as distinguished from a subordinate or accessory use. (May be either "permitted" or "conditional")

Use, Permitted: A use which may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations, and performance standards, if any, of such district.

Variance: A specific approval granted by the Planning and Zoning Board in the manner prescribed by the Zoning Ordinance, to deviate from the development standards that the Ordinance otherwise prescribes. Appeals to the decision of the Planning and Zoning Board in variance matters are entertained by Town Council.

Variance, Administrative:	The Zoning Administrator has the authority to grant variances in setback requirements of up to twenty (20) percent.
Vegetative screen:	Plantings that may be used to screen different uses from one another. Living fences (fences covered in vines or other vegetation), as well as tall shrubs and hedges may be used.
Vehicle:	A device used as a mode of transportation of persons and/or goods including but not limited to automobiles, semi-tractor trailers, all types of trailers, snowmobiles, recreational vehicles, motorcycles and like devices.
Vehicle, Inoperable:	A vehicle which due to mechanical defect or failure or incorrect or unapparent licensing is not physically or legally able to be operated.
Wetland:	An area that is inundated or saturated by surface or ground water at a frequency and duration that under normal circumstances supports a prevalence of hydrophilic vegetation.
Yard:	An open space on the same lot with a building or structure, unoccupied and unobstructed from the general ground level to the sky, except as otherwise permitted. (a "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such lot is located).
Yard Art	Yard art refers to manmade objects, or repurposed natural items, placed intentionally within a residential lawn, garden, or outdoor landscape for decorative, expressive, or aesthetic purposes. **A**bandoned, wrecked, junked, dismantled or inoperable motor vehicles, and appliances are not to be used as yard art. In the Residential Agriculture (RA) district, farm equipment may be used as yard art.
Yard, Front:	A yard extending along the full length of the front lot line between the side lot lines.

Yard, Rear:	A yard extending along the full length of the rear lot line between the side lot lines.
Yard, Side:	A yard extending along a side lot line from the front yard to the rear yard.
Yard, Corner Side:	A side yard which adjoins a public street, road, or highway.
Yard, Interior Side:	A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.
Yard, Transitional:	A yard which must be provided on a lot in a Business District which adjoins a lot in a Residential District, or a yard which must be provided on a lot in a Manufacturing District which adjoins a lot in either a Residential or Business District.
Zoning Administrator:	The person appointed by the Mayor and Town Council of the Town of Brooks, and his or her designee, and having the duties and responsibilities set forth within the Ordinance.
Zoning District:	See District.
Zoning Map:	See Official Zoning Map.
Zoning Ordinances:	An ordinance or resolution of a local government establishing procedures and zones or districts within its respective territorial boundaries which regulate the uses and development standards of property within such zones or districts. The term also includes the zoning map adopted in conjunction with a zoning ordinance which shows the zones and districts and zoning classifications of property therein." O.C.G.A. § 36-66-3.
Zero Lot Line:	The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

31.1.5 Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or existing use be expanded, except in full compliance with all provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

31.1.6 Severability

If any provision of this Ordinance or the application of any provision to particular circumstances is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

31.1.7 Interpretation

The provisions of this Ordinance shall be held to be the minimum requirements for the protections of the health, safety, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment. If two or more provisions within this Ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

31.1.8 Application

When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws or other regulations regulates a structure or parcel of land, the greater restriction shall control. In no instance shall this Ordinance be interpreted as altering or negating any other applicable regulations.

31.1.9 Saving provision

This ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous Zoning Ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying or altering any penalty accruing or about to accrue.

31.1.10 Repeal and adoption of ordinance

The Town of Brooks Zoning Ordinance dated prior to February 26, 2018, and its associated Zoning Map and any revisions are hereby repealed. In the event all of this Ordinance is struck down as void, unconstitutional or invalid, including therefore this provision, that prior ordinances shall be considered to not have been repealed, and shall therefore still be in effect.

31.1.11 Transition rules

A. Any application for a Building Permit that has been filed with the Town of Brooks and is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Zoning Ordinance.

B. Any application for a Zoning Map Amendment that was filed with the Town of Brooks, and is full and complete prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists in this Ordinance, the Zoning Administrator shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.

C. Any application before the Mayor and Town Council, or Planning and Zoning Board (i.e. conditional use, development standards variance, land use amendment) that has been filed with the Zoning Administrator or its designees and is full and complete, prior to the effective date of this Ordinance, shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing, provided that:

    1. If such application is no longer required by the terms of this Ordinance, the application will be dismissed; or,

    2. If the proposed use or development requires additional approvals from the Mayor and Town Council, or Planning and Zoning Board pursuant to the terms of this Ordinance that were not required under the previous Ordinance, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Mayor and Town Council.

D. Permits

1. All Building Permits issued prior to the effective date of this Ordinance shall be void 1 year after their date of issue if construction has not begun.

2. Building Permits issued prior to the effective date of this Ordinance for which construction has begun shall become void if construction is abandoned for a period of 6 consecutive months or if, in the opinion of the Zoning Administrator and/ or Building Inspector, construction has otherwise ceased.

3. All approvals which expire and/or become void shall comply with all applicable provisions of this Ordinance if re-issued.

31.1.12 Existing nonconforming lots of record

Only those nonconforming lots of record, having been recorded with the Clerk of Superior Court of Fayette County, prior to December 17, 2007, shall be deemed "buildable" for residential use.

31.1.13 Amendments

A. In accordance with O.C.G.A. S 36-66-1 et seq., the Zoning Procedures Law of the State of Georgia, the Mayor and Town Council may amend or partially repeal the text of this Ordinance or they may amend the Official Zoning Map of this Ordinance as follows:

1. The Mayor and City Council or the Planning and Zoning Board may initiate a proposal to amend or partially repeal the text according to the procedure of the Zoning Procedures Law of the State of Georgia and according to the Mayor and City Council Rules and Procedures.

2. The Mayor and Town Council, Planning and Zoning Board, or at least fifty (50) percent of the affected property owners may initiate an application to change the Official Zoning Map according to the procedure of the State of Georgia and according to the Mayor and Town Council Rules and Procedures.

B. In its review of the text and zoning map amendments, the Planning and Zoning Board and Mayor and Town Council shall pay reasonable regard to:

1. The most recently adopted Comprehensive Plan;

2. Current conditions and the character of structure and uses in each district;
3. The most desirable use for which the land in each district is adapted;

4. The conservation of property values throughout the jurisdiction;
5. Responsible development and growth; and
6. The public health safety and welfare.

31.1.14 Repealer

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. It is the intent that any provision declared unconstitutional shall be severed from the Ordinance, and that the remainder of the Ordinance remain in effect.

Article 31.2

Zoning District Intents, Uses and Standards

31.2.1 RA – Residential/Agricultural District

Intent, Permitted Uses, and Conditional Uses

Intent

The intent of this district is to retain the rural character of the area outside of the Town center. This district would allow for agricultural, residential and some associated agricultural related operations. It is also the intent to protect this district from conflicting land uses, non-agriculture oriented businesses and any use that may inflict significant environmental impacts or is injurious to the agriculture community.

Permitted Uses

Agricultural

- Agricultural crop production, processing, or product storage
- Agricultural product (seeds, fertilizer, etc.) sales, distribution, and storage
- Farm implement storage (operable implements used in the farming operation)
- Grazing/pasture land
- Livestock, all areas for animals must be enclosed by fencing
- Nurseries
- Timber cultivation and harvesting

Permitted Uses

Agri-tourism

- Farm stands
- U-pick orchards
- Kennels, provided any structure must be 100 ft. from property lines
- Market gardens
- Public stables, provided any structure must be 100 ft. from property lines

Residential

- Guest House
- Home occupation, allowing for use of accessory structures for studios, workshops, etc.
- Single family residences

Public/Institutional

- Nature preserve/ passive recreation trail
- Parks and playgrounds
- Police, fire, rescue
- Public/ government buildings and offices
- Public structures and uses in accord with the intent of this district

Conditional Uses

- Bed & Breakfast
- Event centers, on parcels of 20 acres or more
- Places of worship
- Private airport, on parcels of 10 acres or more
- Communication towers.

Accessory Structures

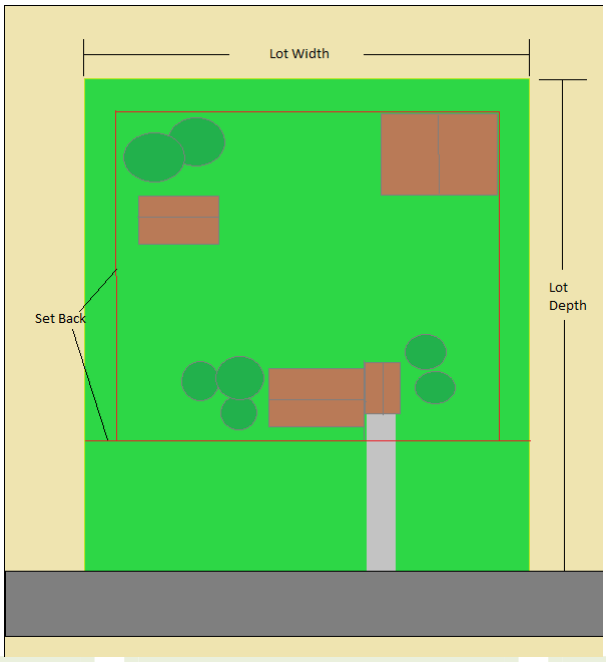
- Agricultural out buildings
- Guest house
- Storage and utility buildings

Prohibited Uses

- Concentrated Animal Feeding Operations
- Commercial poultry houses
- Data Centers
- Structures over 25,000 sq. ft.

31.2.2 RA – Residential/Agricultural District

District Standards



Minimum Lot Area:

- 5 acres

Minimum Lot Width:

- 200 feet

Maximum Lot Depth:

- None

Minimum Lot Frontage:

- 200 ft. lot width on a public street with access from said public street

Sewer and Water:

- May use public water and private well and septic systems

Minimum Front Yard Setback:

- 100 feet
  (For lots 20 acres and above, accessory structures not required to be to rear of main structure)

Minimum Side Yard Setback:

- 50 feet

Minimum Rear Yard Setback:

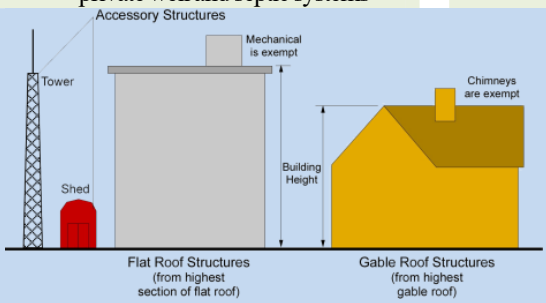
- 50 feet

Maximum Lot Coverage:

- Square footage of all primary and accessory structures, and impervious surface, shall not exceed 15% of the Lot Area (excluding water surface).

Minimum Living Area:

- 1,100 Sq. Ft.



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures
- All agriculture-related structures
- All telecommunication facilities requirements of Article XX

31.2.3 TR – Town Residential

Intent, Permitted Uses, and Conditional Uses

Intent

The intent of this district is to allow for residential uses within the center of the Town of Brooks. New construction in this district shall be built on piers, or at least, have a raised masonry/slab foundation. Slab on grade foundations are prohibited.
Cladding may be of traditional materials, or cementitious board (Hardi-Plank, etc.)
Vinyl siding is prohibited.

Permitted Uses

Residential

- Single Family residences
- Home Occupation, provided that no more than 25% of the dwelling is devoted to the Home Occupation.

Accessory Structures

- Garage- Front-loaded garages must be set back from the front façade by at least 1/3 of house depth. No garage can be forward of the front plane of the house.
- Storage sheds
- Workshop
- Artist's studio
- Greenhouse
- Chicken coop
- Guest house, not for hire

Prohibited Uses

- Communication towers
- Data centers
- Structures over 5,000 sq. ft.

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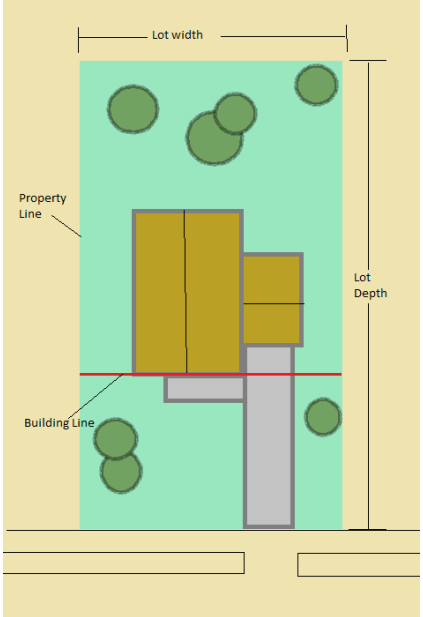
31.2.4 TR – Town Residential

District Standards



Minimum Lot Area:

- 1 acre

Minimum Lot Width:

- 75 feet

Maximum Lot Depth:

- None

Minimum Lot Frontage:

- 100% of the lot width on a public street with access from said public street

Sewer and Water:

- If private well and septic systems are used, lot must be one acre minimum.

Minimum Front Yard Setback:

- 40 feet
  (If not located on major collector road, "build to" line is used to establish setback)

Minimum Side Yard Setback:

- 10 feet

Minimum Rear Yard Setback:

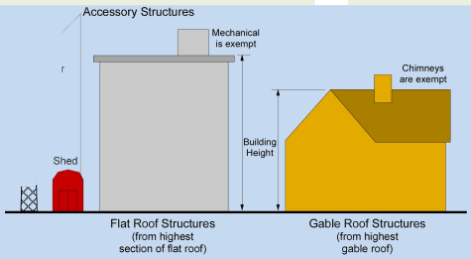
- 30 feet

Maximum Lot Coverage:

- Square footage of all primary and accessory structures, and impervious surface, shall not exceed 35% of the Lot Area
- Guest house- Maximum 1,500 square feet.

Minimum Living Area:

- 1,100 Sq. Ft.



Maximum Structure Height:

- 25 feet for the Primary Structure
- 15 feet for Accessory Structures

31.2.5 TMX – Town Mixed Use

Intent, Permitted Uses, and Conditional Uses

Intent

The intent of this district is to allow for a normal mix of uses usually associated with a traditional small town core. Building type shall reflect the historic precedence set by existing Main Street commercial structures, historic residences and institutional structures.

Permitted Uses

Commercial/Professional

- Art galleries
- Antique stores
- Artist's studios/workshops
- Food & beverage
- Personal care services
- Professional offices
- Service & repair operations
- Retail establishments

Permitted Uses

Residential

- Single-family residences
- Residential in combination w/commercial or professional use
- Home occupation, provided no more than 25% of dwelling is used for home occupation.

Public/Institutional

- Nature preserve/ passive recreation trail
- Parks and playgrounds
- Police, fire, rescue
- Public/ government buildings and offices
- Public structures and uses in accord with the intent of this district
- Places of worship and fraternal organizations

Conditional Uses

- Bed & Breakfast

Accessory Structures

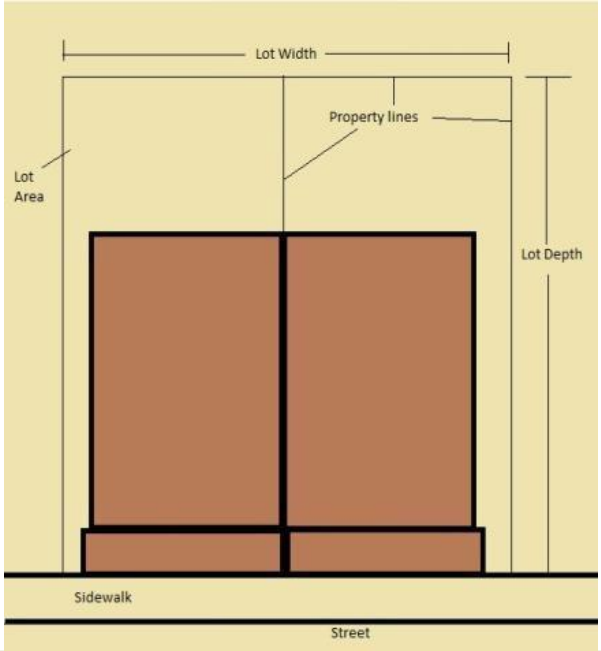
- Storage shed
- Garage

Prohibited Uses

- Pawn shops
- Tattoo parlors
- Sexually oriented business
- Communication towers.
- Data centers
- Structures over 5,000 sq. ft.

31.2.6 TMX – Town mixed Use

District Standards



Minimum Lot Area:

- 5,445 sq. ft.
- 1 acre for residential not on arterial road

Minimum Lot Width:

- 50 ft.

Minimum Lot Depth:

- 70 ft.

Sewer and Water:

- May use public water and sewer, and/or private well and septic system. Private systems will require one acre minimum.

Build to Line:

- 0 feet
- 15 feet if outdoor dining, landscaping, public art, fountains or similar are provided

Minimum Side Yard Setback:

- 0 feet
- 10 feet when either building sidewall has windows, doors, or openings
- 20 feet when abutting a residential zoning district, or a residential use

Minimum Rear Yard Setback:

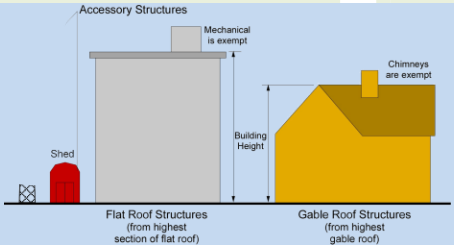
- 15 feet when abutting a non-residential use
- 25 feet when abutting a residential use

Maximum Lot Coverage:

- Square footage of all primary and accessory structures, and impervious surface, shall not exceed 85% of the Lot Area.
- Sole Residential use not to exceed 45% lot coverage.

Minimum Living Area:

- None



Maximum Structure Height:

- 25 feet for the Primary Structure
- 15 feet for Accessory Structures

31.2.7 I - Institutional

Intent, Permitted Uses, and Conditional Uses

Intent

The intent of this district is to allow for government services, community services, public safety and recreational opportunities.

Use and ownership are not limited to the Town of Brooks, but may include Fayette County, the State of Georgia and the Federal Government.

Permitted Uses

Public/Institutional

- Nature preserve
- Passive recreation areas
- Trail systems
- Parks andplaygrounds
- Police, fire, rescue
- Public/ government buildings and offices
- Public structures and uses in accord with the intent of this district
- Schools and other educational facilities

Conditional Uses

Communication towers.

Accessory Structures

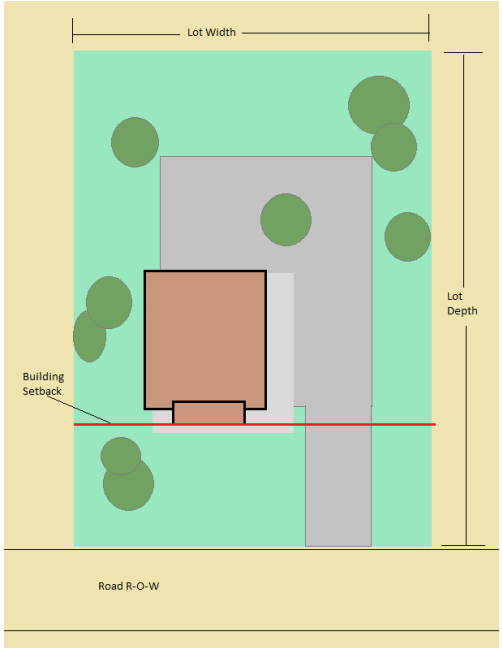
- Storage and utility buildings

Prohibited Uses

- Data centers
- Structures over 25,000 sq. ft.

31.2.8 I - Institutional

District Standards



Minimum Lot Area:

- 1 acre

Minimum Lot Width:

- 125 feet

Maximum Lot Depth:

- None

Minimum Lot Frontage:

- 100% of the lot width on a public street with access from said public street

Sewer and Water:

- May use public water and private well and septic systems

Minimum Front Yard Setback:

- 50 feet

Minimum Side Yard Setback:

- 25 feet

Minimum Rear Yard Setback:

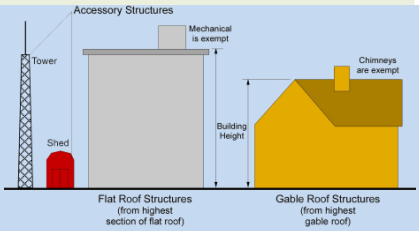
- 100 feet

Maximum Lot Coverage:

- Square footage of all primary and accessory structures, and impervious surface, shall not exceed 75% of the Lot Area

Minimum Living Area:

- None



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunication facilities requirements of Article XX

31.2.9 LAM – Light Assembly Manufacturing

Intent, Permitted Uses, and Conditional Uses

Intent

The intent of this district is to promote clean industry and job creation. This district allows for light industrial businesses where all processing, fabricating, assembly, or disassembly including but not limited to: apparel, home accessories, food, drapes, clothing & accessories, jewelry, instruments, computers and electronic devices.

No outside storage of materials is allowed. All operations must take place within the allowed structure(s).

Permitted Uses

Assembly/Manufacturing

- Food processing
- Light assembly of consumer goods
- Professional offices
- Research & development
- Veterinarian services with boarding.
- Schools and other educational facilities

Public/Institutional

- Nature preserve/ passive recreation trail
- Parks and playgrounds
- Police, fire, rescue
- Public/ government buildings and offices
- Public structures and uses in accord with the intent of this district

Conditional Uses

- Mini-warehouse
- Pawn shop
- Personal care home
- Recycling center
- Wireless tele-communications facilities

Accessory Structures

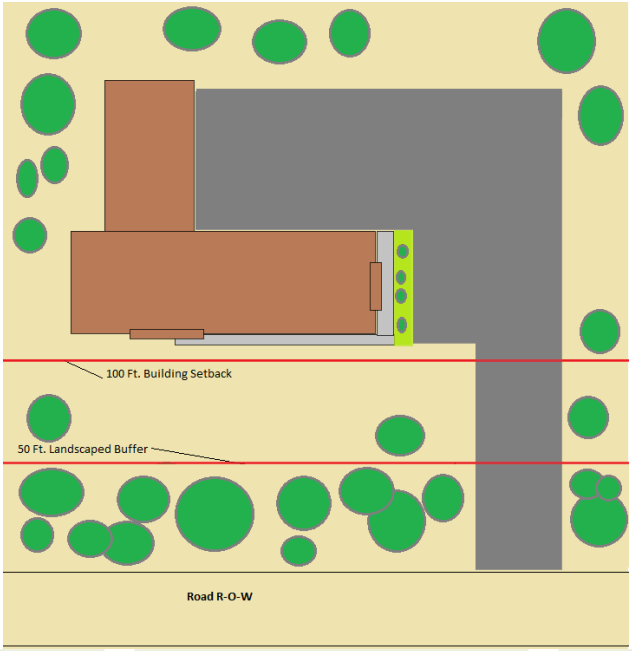
- Storage and utility buildings

Prohibited Uses

- Chemical production and processing
- Distribution centers
- Outside storage of materials
- Steel mills, lumber mills and pulp wood processing
- Data Centers
- Structures over 25,000 sq. ft.

31.2.10 LAM – Light Assembly Manufacturing

District Standards



Minimum Lot Area:
- 3 acre

Minimum Lot Width:
- 250 feet

Maximum Lot Depth:
- None

Minimum Lot Frontage:
- 100% of the lot width on a public street with access from said public street

Sewer and Water:
- May use public water and private well and septic systems

Minimum Front Landscape Buffer:
- 50 feet

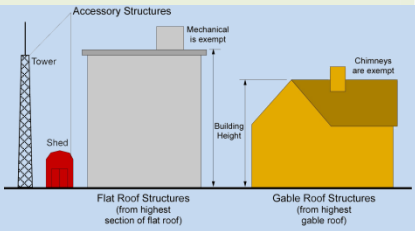
Minimum Front Yard Setback:
- 100 feet

Minimum Side Yard Setback:
- 50 feet

Minimum Rear Yard Setback:
- 50 feet

Maximum Lot Coverage:
- Square footage of all primary and accessory structures, and impervious surface, shall not exceed 50% of the Lot Area

Minimum Living Area:
- None



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures
- All telecommunication facilities requirements of Article XX

Article 31.3
Design Guidelines for Town Mixed Use (TMX) District

31.3.1 Purpose

The purpose of this Article is to establish Design Guidelines for the Town Mixed Use district to address the unique characteristics of the commercial and non-commercial uses in the Town of Brooks.

31.3.2 Intent

The central transportation corridors that traverse the Town of Brooks have unique traffic management needs, development pressures, and aesthetic characteristics that require the establishment of additional development standards to meet the Town's goals and fulfill the purpose of this Ordinance.

31.3.3 Elevations and entryways

A. **Buildings:** Buildings shall be designed to provide human scale interest and variety. The following techniques should be used to meet these objectives.

1. Vary the building form such as recessed or projecting bays;
2. Express architectural or structural modules and detail;
3. Diversify window size, shape or patterns that may relate to interior functions;
4. Emphasize building entries through projecting or recessed forms, details, color or materials;
5. Vary materials, expressed joints and details, surface relief, color to break up large building

Example: Building design

Example: Building design/main entrance

forms and wall surfaces. Such detailing could include sills, headers belt courses, reveals, pilasters, window bays and similar features.

B. **Entrances:** Main entrances shall be a dominant and recognizable feature of the building. Smaller retail shops shall have individual entrances from the street or pedestrian way, even when these shops are part of a larger retail anchor.

Example: Main entrances/fenestration

C. **Fenestration and Articulation Standards:** Vertical architectural features such as columns, piers, and windows shall be included.

31.3.4 Architectural materials

A. **Construction Materials:** All primary building facades shall incorporate materials that are durable, economically maintainable, and of a quality that will retain their appearance and finish over time. High-quality durable materials such as brick, stone, architectural concrete masonry units, and glass shall be used in retail and commercial office developments.

Example: Brick

B. **Prohibited Construction Materials:** Materials that shall not be used are as follows:

1. Tilt-up concrete wall systems that are primarily structural in appearance;
2. Vinyl, synthetic stucco, or EIFS (Exterior Insulating Finish Systems) as a primary exterior wall cladding system.

Reflective glass (exceeding a visible light reflectivity factor of .19 with a light transmittance factor of less than 60 percent), glass block, and obscure glass as a primar glazing material. Reflective glazing, glass block, an obscure glass shall be permissible for limited detail and aesthetic effect.

Example: Stone

Example: Cementitious material

Example: Combination of materials

C. **Window Glazing:** Glazing within a façade that adjoins a public street, pedestrian walk or bikeway shall be generally transparent as viewed from the exterior during daylight hours.

D. **Pedestrian Accents:** Durable materials that also provide scale and detail shall always be incorporated close to pedestrian areas, near streets and entries and around the ground floor.

31.3.5 Franchise architecture

A. **Appropriate Attributes:** Knowing that franchise development is a necessary and vital component to the growth of most communities. It remains important that the focus of such development reflects the character and scale of the Town of Brooks.

B. **Corner Lots:** Buildings located on corner lots shall incorporate design features to provide architectural interest for side walls that are not considered part of the primary façade.

C. **Prohibited Elements:** The following elements shall be prohibited:

1. Building elements shall not function as signage. Incorporation of franchise or business design elements unique or symbolic of a particular business shall be unobtrusive and secondary to the overall architectural design.
2. Permitted drive-thru windows shall not isolate the building from the sidewalk or connecting walkway of an establishment.
3. Service windows and stacking lanes for the permitted drive-thru shall not be located between the street and any building façade.

Example: Franchise architecture

Example: Franchise architecture

31.3.6 Service and equipment areas

A. **Service Areas:** Service areas shall occur away from public streets, parks, plazas and adjoining development. Views of service areas from streets, parks, plazas, pedestrian walkways and adjoining development shall be screened. Screening shall include walls or fences of a minimum height of 6 feet to provide complete screening from normal eye level on all sides where access is not needed.

Example: Service areas

B. **Refuse Areas:** Refuse storage and pick-up areas shall be combined with other service and loading areas where practicable. Where areas cannot be combined screening shall include walls or fences of a minimum height of 6 feet to provide complete screening from normal eye level on all sides where access is not needed.

Example: Refuse areas

C. **Equipment:** Mechanical equipment shall be screened and the screen integrated into the overall mass of a building by screening it behind fences, screens, or landscaping.

Example: Equipment

Example: Equipment

31.3.7 Sidewalks, walkways and accessibility

A. **Sidewalks:** Sidewalks should be provided along the full length of the building along any facade abutting streets and parking areas, where practicable and approved by The Town of Brooks.

B. **Pedestrian Walkways:** Continuous pedestrian walkways shall be provided to connect the public sidewalk to the principal customer entrances at each tenant space and transit stops. The drive aisle shall not be used as a pedestrian walkway.

C. **Sidewalk and Pedestrian Walkway Width:** Sidewalks and pedestrian walkways shall be scaled to the use and expectations of pedestrian volumes in any given location with the minimum width of the sidewalk and pedestrian walkways no less than 5 feet.

D. **Accessibility:** The building design shall include accessibility options to those with disabilities including, but not limited to physical disabilities, vision and hearing.

Example: Sidewalks

Example: Walkway

31.3.8 Parking

A. **Parking:** The use of on street parking and/ or Town designated parking lots is encouraged and shall be used wherever possible.

B. **Shared Parking:** When opportunities exist for shared parking between different uses with staggered peak parking demand, every effort should be made to take advantage of this opportunity to reduce the total number of parking spaces within the development.

C. **Parking Lot Design:** Parking lots shall be designed to avoid dead-end aisles and, where feasible, provide connections to adjacent parking aisles, roads or lots. Preferable locations for parking lots shall be located to the rear or side of the building.

D. Parking Separation: Parking areas should be separated from buildings by a decorative concrete walkway and landscaped strip to avoid situations where parking spaces directly about structures**.**

E. **Parking Orientation:** Parking aisles should be perpendicular to building entries so pedestrians walk is parallel to moving cars, thus minimizing the need for pedestrians to cross parking aisles and landscape areas.

F. **Parking Linkages:** Parking areas should be designed in a manner that links buildings to the street sidewalk system as an extension of the pedestrian environment. Design features such as walkways with enhanced paving, trellises, or special landscape treatments can be used to achieve this objective. .

Example: On street parking

Example: Parking

p
Example: Parking orientation

31.3.9 Bicycles

A. **Bicycle Racks:** Off-street bicycle parking may be furnished to encourage use of alternative transportation modes.

Example: Bike Rack

B.

31.3.10 Parking lot landscaping

A. **Landscaping:** Parking areas shall have landscaped area containing trees to provide visual relief.

B. **Screening:** Screening of parking lots from public rights-of way and adjacent public areas shall be done with shrubs, perennial plants, berming or small, decorative masonry walls.

Example: Parking lot landscaping

Example: Parking lot landscaping

Example: Parking lot landscaping

31.3.11 Building and site landscaping

A. **Planting Beds:** Annual and/or perennial beds should be planted at entrance points, building entries, and other strategic points for seasonal interest.

Responsibility: The property owner or occupant is responsible for installing and maintaining the landscaping adjacent to the street starting at the back of the street curb.

Example: Planting beds

Example: Planting beds

31.3.12 Parking lot lighting

A. **Location:** Parking and interior drives may be lighted to provide functional, attractive, and unified lighting system throughout the lot.

B. **Fixtures:** Fixtures shall be downward facing cut off illuminative design to minimize spill light and glare onto adjacent properties. Parking area lighting adjacent to residential development shall direct the light away from residential units

C. **Fixture Locations:** Poles shall be placed to provide a unified, organized appearance throughout the parking area or development and shall provide an even and uniform light distribution. The use of a greater number of low fixtures in a well-organized pattern is preferred over the use of a minimum number of tall fixtures.

D. **Pole Height:** The maximum height of parking lot light fixtures shall be:
   1. 20 feet when the fixture is within 75 feet of the lot line.
   2. 30 feet when the fixture is located beyond 75 feet from the lot line.

E. **Design:** Parking area lighting shall complement the lighting of adjacent streets and properties and shall use consistent fixtures, source colors and illumination levels.

F. **Hours:** The Parking area lighting shall be turned off one hour after the close of business, except as needed to provide for minimum-security levels.

G. **Light levels:** At no point shall lighting levels in parking and service areas, including service stations, exceed 10-foot candles when measured at the ground.

Example: Lighting

Example: Downward lighting

Example: Decorative lighting

31.3.13 Accent and security lighting

A. **Accent Lighting:** Architectural accent lighting shall be limited to indirect lighting of architectural features only. No bare bulb or exposed neon lighting shall be used to accentuate building forms or details. Holiday lighting displays are exempted from restrictions on bare bulbs and colored accents.

B. **Accent Fixtures:** Accent fixtures providing direct illumination shall be in character with the architectural and landscape design character of the development.

C. **Service Areas:** Service area lighting shall be confined within the service yard boundaries and enclosure walls. Lights at service or exit doors shall be limited to low wattage downcast or low cut-off fixtures that may remain on throughout the night.

D. **Architectural Lighting:** Building lighting shall only be used to highlight specific architectural features. Lighting of architectural features shall be designed with the intent of providing accent and interest or to help identify entry and not to exhibit or advertise buildings or their lots.

E. **Landscape Lighting:** Accent lighting of landscape shall be low level and background in appearance.

F. **Storage Areas:** Outdoor storage areas, including auto/ truck parking and equipment and material storage, shall be illuminated from poles similar to those used for parking lot lighting. Maintaining lower illumination levels than entrance and parking areas is encouraged.

G. **Security Lighting:** Security lighting shall be limited to low intensity specialty fixtures. The light source shall not be visible from the street or adjoining properties.

Example: Architectural/ accent lighting

Example: Architectural/ accent lighting

Example: Landscape lighting

Example: Landscape lighting

31.3.14 Furniture, Planters, and Receptacles

A. **Benches:** Benches should be provided near drop off areas and entryways to major buildings.

B. **Planters:** Planters should be provided in plazas areas, building entry areas, and other paved open areas to give scale to the pedestrian ways.

C. **Waste and Recycling Receptacles:** Waste and recycling receptacles shall be provided at building entry ways, public areas, and near bens.

Example: Bench

Example: Planter

Example: Receptacle

Article 31.4
Sign Regulations

31.4.1 Intent

The intent of this Article is:

- to further the goals of the Comprehensive Plan;
- avoid the proliferation of signage;
- encourage signs to be compatible with the scale of buildings and the surrounding features;
- maintain and enhance the aesthetic environment of the Town;
- eliminate potential hazards to motorists and pedestrians resulting from signs; and
- promote the health, safety, and welfare of the residents of the Town of Brooks.

31.4.2 General Sign Standards (GS)

GS-01: **This General Sign Standards section applies to all zoning districts.**

Except as otherwise provided in this Article, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the jurisdiction of The Town of Brooks, or cause the same to be done without first obtaining a sign permit from the Zoning Administrator, or designee. The following general sign standards apply to all signs.

1. **Inspection:** Signs for which a permit is required may be inspected periodically by the Planning Director for compliance with this Article.
2. **Removal of Sign:** The Zoning Administrator or designee may order the removal of any sign erected or maintained in violation of this Article.
3. **Maintenance:** All signs and their components shall be kept in good repair and in safe, neat, clean and attractive condition. If failure to maintain a sign is determined by the Zoning Administrator, or designee, a written notice will be given to the owner, business operator or lessee of the property consistent with the provisions of this Ordinance.
4. **Abandoned Signs:** A sign shall be removed by the owner or lessee of the premises upon which the sign is located within 30 days from the date when the business which

it advertises is no longer conducted on the premises. For the purpose of this requirement, the sign shall include all supports, poles, and other structural elements. In no instance shall the removal of only the sign face be considered compliance with this provision.

5. **Illuminated Signs:** All illuminated signs must meet the standards specified in the State Electrical Code, as adopted and amended by the State of Georgia. In addition, all illuminated signs shall comply with the following standards.
    1. All illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated.
    2. All electrical wiring for permanent signs shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place.
    3. The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
    4. The light from any illuminated sign shall be so shaded, shielded, or directed such that the light intensity or brightness will not be objectionable to the surrounding properties. All lighting shall have 90 degree cut-off luminaries (shielded downlighting). No light shall shine directly onto adjacent property.
6. **Exempt Signs:** The following signs are exempt from all provisions of this Ordinance.
    1. Flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags.
    2. Names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.
    3. Public signs erected by or on the order of public officer(s) in the performance of public duty, such as signs to promote safety, no trespassing, traffic signs, parking signs, memorial plaques, signs of historical interest, and signs directing people to public and quasi-public facilities.
    4. Utility signs are permitted to mark cables and lines for public and private utilities unless determined to be a hazard by the Zoning Administrator, or designee.
    5. Seasonal or holiday signs, including lighting erected in connection with the observance of holidays, provided that such signs shall be removed no later than 10 days following the holiday.
    6. Real estate signs provided they are not located in the right-of-way and do not exceed 6 square feet in residential zoning districts and 32 square feet in non-residential zoning districts.

7. Political signs and other signs of expression.

7. **Prohibited Signs:** The following types of signs are expressly prohibited in all zoning districts.
   1. Signs that utilize any motion picture, laser, or visual projection of images or copy in conjunction with any business or advertisement.
   2. Signs that emit audible sound, odor or visible matter.
   3. Signs that purport to be or are in imitation of, or resemble an official traffic sign or signal or which bear the words "Stop," "Slow," "Caution," "Danger," "Warning," or similar words.
   4. Signs that may be construed as a light of an emergency or road equipment vehicle.
   5. Signs that hide any traffic or roadway sign, signal or device from view.
   6. Signs that are located in any right-of-way, non-sign easement, or septic field.
   7. Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any structure.
      Signs placed on vehicles parked on public or private property primarily for the purpose of displaying the sign. Prohibited signs do not include those displayed on vehicles parked for the purpose of lawfully making deliveries or random sales or service. Prohibited signs do not include vehicles which are customarily used for transporting persons or properties, and vehicles parked at a driver's place of residence during non-business hours or for incidental purposes.

8. Signs consisting of streamers, pennants, and/or inflatable devices alone or in combination with other such signs.
9. Exposed neon lighting elements, with the exception of those in place for fifty or more years as of the original date of this ordinance (January 22, 2018), which are hereby exempted from this prohibition on the basis that any such element(s) is(are) deemed to be of historic and cultural interest to the Town of Brooks and its residents.

31.4.3 Temporary Sign Standards (TS)

TS-01: **This Temporary Sign Standards section applies to all zoning districts.**

One temporary sign shall be permitted on all non-residential zoned properties for two non-consecutive periods of not more than 45 continuous days nor exceeding 90 days per year. A permit shall be required, and the sign shall be subject to the following requirements:

A. The sign shall not exceed 16 square feet in area or 6 feet in height from ground level.
B. The sign shall be placed a minimum of 10 feet from any public right-of-way and any other property line.
C. The sign may not be illuminated.

31.4.4 Permanent Sign Standards (PS)

PS-01: **This Permanent Signs Standards section applies to the Town Mixed Use and Institutional zoning districts:**

The following sign regulations shall apply. All signs require a permit unless otherwise specified.

A. One square foot of signage shall be allowed for every 1 linear foot of the front facade of the building that is occupied by that use. (For example: If a use occupies a tenant space in a commercial building and that space includes 50 linear feet of the building's frontage, then 50 square feet of signage would be allowed for the use). In no instance shall the amount of signage permitted per use exceed 100 square feet.
   1. Any combination of the following signs may be used as long as they do not exceed the total area allowed per use or are inconsistent with the other development standards listed in this section:
      a. Wall signs,
      b. Awning signs,
      c. Free-standing ground signs,
      d. Changeable copy signs,
      e. Time & temperature sign, and
      f. Multi-Tenant Joint Entrance Signs.
   2. Development standards per type of sign are as follows:
      a. Wall Sign: Wall signs shall be located on the facade of the primary structure. No sign shall exceed 50 square feet in area.
      b. Awning Sign: Awning signs shall be printed on awnings mounted on the facade of the primary structure.
      c. Free-Standing Ground Sign: Free-standing ground signs shall be placed a minimum of 10 feet from the public right-of way. No free-standing sign may exceed 6 feet in height or 50 square feet in area.
      d. Changeable Copy Signs and Time/Temperature Signs: Changeable copy signs

and time/ temperature signs shall be counted toward the maximum allowable square footage and shall meet the development standards which are consistent with the manner in which they are mounted.

e. Multi-Tenant Joint Entrance Signs: Structures and/or centers containing multiple uses shall establish 1 sign at each entrance for the joint use of all tenants for which the facility is designed. The use of individual free-standing signs for each tenant is prohibited. Each sign shall be setback a minimum of 10 feet from all public rights-of-way. No sign may exceed 15 feet in height or an average of 24 square feet per tenant in area.

B. **Window Signs:** Non-illuminated window signs not exceeding 20 percent of the window area are permitted. No permit is required and they shall not be counted toward the total area allowed per use. Illuminated window signs, and any exceeding 20 percent of the window area shall be counted toward the total sign area and shall require a sign permit.

C. **Directional Signs:** Directional signs must be no more than 4 feet in height and no more than 6 square feet in area. Directional signs shall be setback a minimum of 2 feet from all public rights-of-way. No permit is required and they shall not be counted toward the total area allowed per use.

PS-02: **This Permanent Sign Standards section applies to the Light Assembly Manufacturing zoning district:**

The following sign regulations shall apply. All signs require a permit unless otherwise specified.

A. One and one-quarter square feet of signage shall be allowed for every 1 foot of the front facade of the building that is occupied by that use. (For example: If a use occupies a tenant space in a commercial building and that space includes 100 feet of the building's frontage then 125 square feet of signage would be allowed for the use.) In no instance shall the total amount of signage permitted per use exceed 150 square feet.

1. Any combination of the following signs may be used as long as they do not exceed the total area allowed per use or are inconsistent with the other development standards listed in this section:
   a. Wall signs,
   b. Awning signs,
   c. Free-standing ground signs,
   d. Changeable copy signs,

e. Time & temperature sign, and
f. Multi-Tenant Joint Entrance Signs.

2. Development standards per type of sign are as follows:
   a. **Wall Sign:** Wall signs shall be located on the facade of the primary structure. No wall sign shall exceed 75 square feet in area.
   b. **Awning Sign:** Awning signs shall be printed on awnings mounted on the facade of the primary structure.
   c. **Free-Standing Ground Sign:** Free-standing signs shall be placed a minimum of 10 feet from the public right-of way. No free-standing sign may exceed 15 feet in height or 75 square feet in area.
   d. **Changeable Copy Signs and Time/Temperature Signs:** Changeable copy signs and time/ temperature signs shall be counted toward the maximum allowable square footage and shall meet the development standards which are consistent with the manner in which they are mounted.
   e. **Multi-Tenant Joint Entrance Signs:** Structures and/or centers containing multiple uses shall establish 1 sign at each entrance for the joint use of all tenants for which the facility is designed. The use of individual free-standing signs for each tenant is prohibited. Each sign shall be setback a minimum of 10 feet from all public rights-of-way. No sign may exceed 18 feet in height or an average of 40 square feet per tenant in area.

B. **Window Signs:** Non-illuminated window signs not exceeding 20 percent of the window area are permitted. No permit is required and they shall not be counted toward the total area allowed per use. Illuminated window signs, and any exceeding 20 percent of the window area shall be counted toward the total sign area and shall require a sign permit.

C. **Directional Signs:** Directional signs must be no more than 4 feet in height and no more than 6 square feet in area. Directional signs shall be setback a minimum of 2 feet from all public rights-of-way. No permit is required and they shall not be counted toward the total area allowed per use, however, no more than two directional signs are allowed per individual use

Article 31.5

Fences and Walls Standards

31.5.1 Intent

The Fences and Walls Standards section applies to all zoning districts.

31.5.2 Regulations

Fences and walls shall be permitted in all zoning districts with an approved permit subject to conformance with the following requirements:

A. All fences and walls shall present the non-structural face (where applicable) outward.

B. All fences and walls may be permitted up to any property line that is not also a right-of-way line. All fences and walls shall be setback a minimum of 2 feet from all adjacent rights-of-way.

C. No fence or wall may be placed in any right-of-way or any sight visibility area, as determined by the Zoning Administrator.

D. No fence or wall may be placed in any drainage, utility, sidewalk, landscaping, access or other easement without written permission from the easement holder.

E. No fence or wall may be placed in any required buffer zone that does not specifically provide for the inclusion of fences.

1. Fences specifically required by this Code for screening, swimming pools, telecommunications facilities, or other purposes may exceed the maximum heights established by this section in a manner consistent with the specific requirements of this Code.
2. The height of a fence shall be determined by measuring from the highest grade to the highest point of the fence, including any posts or finials.
3. RA, TR, & I Districts: Fences and walls constructed of chain link, of ornamental metal, of ornamental masonry, or of ornamental wood, shall not exceed 6 feet in height in any side or rear yard and shall not exceed 4 feet in any front yard or in that portion of the side yards abutting front yards of other residential lots. For the purposes of this requirement, the front yard shall be defined as all areas located between any adjacent streets and the walls of the primary structure which face them.
4. TMX District: Fences and walls constructed of chain link, of ornamental metal, of ornamental masonry, or of ornamental wood, shall not exceed 6 feet in height in any side or rear yard and shall not exceed 4 feet in any front yard or in that portion of the side yards abutting front yards of other residential lots. For the purposes of this requirement, the front yard shall be defined as all areas located between any adjacent streets and the walls of the primary structure which face them.

5. LAM District: Fences and walls shall not exceed 8 feet in height in any front, side, or rear yard. Front yard fences and walls shall be placed behind the required planted buffer.

F. Any fence may be prohibited if, in the opinion of the Zoning Administrator or Town Manager, that fence obstructs the vision of motorists to the public rights-of-way so as to create a dangerous condition, or if for some other reason such fence would endanger the public safety or general welfare.

G. The use of barbed-wire, razor wire or similar fencing materials may only be allowed upon application to and approval by the Zoning Administrator.

H. High voltage electric fences are prohibited throughout the town; however, the construction and use of low voltage electric fences, shall be allowed in the town only as provided in this section and subject to the following standards:

1. **Permit.** The construction or installation of any high voltage electric fence shall not commence except with approval from the Zoning Administrator.
2. **Electrification**. The energizer for electric fences must be driven by a commercial storage battery, not to exceed 12 volts DC. The storage battery must be charged primarily by a solar panel; however, the solar panel may be augmented by a commercial trickle charger.
3. **Location.** Electric fences shall be permitted only in the AR & TR district.
4. **Height.** Electric fences shall have a minimum height of four (4) feet and maximum height of eight (8) feet.
5. **Warning signs**. Electric fences shall be clearly identified with warning signs that read: "Danger: Premises Protected by an Electric Fence" at intervals of not less than fifty (50) feet and at a height no higher than five (5) feet from the ground.
6. **Warnings**. Electric fences shall not be energized until such signs are posted.
7. **Accessibility.** A Knox Box rapid entry system, unlocked by a key, shall be required and installed per the standards of the Fayette County Fire Department.
8. **Power source**. The power source for electrified fences shall come from an internal source and not be generated directly from a utility-powered source.
9. **Power Lines**. Electric fence conductors shall not be mounted on support surfaces utilized for overhead power lines.
10. **Indemnification.** The applicant or property owner agrees to defend, indemnify, and hold harmless the town or its agents, officers, and employees from any claim, action or proceeding against the town or its agents, officers, or employees resulting from the approval and installation of an electric fence. Prior to issuance of the any permits, the applicant or property owner shall execute such indemnification and hold harmless agreements reflecting the obligations required under this subsection, in such form as approved by the town attorney.
11. **UL Standards.** Electric fences shall meet UL standards.

Article 31.6
Telecommunication Towers and Antennae

31.6.1 Purpose

The purpose of this article is to establish guidelines and regulations for the siting of all wireless, cellular, television and radio telecommunications towers and antennae. The mayor and council recognize that the Town is to provide for the siting of telecommunication towers and antennae pursuant to the mandates of the Telecommunications Act of 1996 and implement Section 6409(a) of the 2012 Middle Class Tax Relief and Job Creation Act.

The goals of this article, therefore, are:

(1) To establish adequate communication networks for public safety;

(2) To facilitate an efficient telecommunications network to provide proficient personal wireless services to the Town of Brooks;

(3) To encourage the joint use of new and existing tower sites among service providers;

(4) To locate telecommunications towers and antennae in areas where adverse impacts on the community are minimized;

(5) To encourage design and construction of towers and antennae to minimize adverse visual impacts;

(6) To encourage the location of new towers on municipal property; and

(7) To enhance the ability of the providers of wireless telecommunications services to deliver such services to the community effectively, efficiently and safely.

31.6.2 Definitions

(a) Except as specifically defined herein, all words used in this article shall be as defined in The Latest Illustrated Book of Development Definitions (2007, Rutgers). Words not defined herein or in the above-referenced text shall be construed to have the meaning given by common and ordinary usage and shall be interpreted within the context of the sentence, section and article in which they occur.

(b) For the purpose of this article, certain words or terms used herein shall be defined as follows:

(1) Words used in the singular include the plural and words used in the plural include the singular.

(2) Words used in the present tense include the future tense.

(3) The word "erected" includes the words "constructed," "located" or "relocated."

(4) The word "map" or "zoning map" means the zoning map of Brooks, Georgia.

(5) The word "parcel" includes the word "plot" or "lot."

(6) The word "person" includes the words "individuals," "firms," "partnerships," "corporations," "associations," "governmental bodies" and all other legal entities.

(7) The word "shall" is always mandatory and never discretionary.

(8) The words "used" or "occupied" include the words "intended, arranged or designed to be used or occupied."

(c) Definitions:

Alternative tower structure: Clock towers, bell towers, church steeples, light/power poles, electric transmission towers, man-made trees and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of antennae or towers. An alternative tower structure may include a pre-existing building.

Antenna: Any exterior apparatus designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Base Station: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:

(1) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(2) Radio transceivers, antennae, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration [including Distributed Antenna systems ("DAS") and small-cell networks].

(3) Any structure other than a tower that, at the time the relevant application is filed the Deparment under this section, supports or houses equipment described in paragraphs (a)(i) – (a)(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not build for the sole or primary purpose of providing that support.

Co-location: The mounting of installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Concealed cell towers: Also referred to as camouflage cell towers, stealth towers, hidden cell towers and disguised cell towers. These cellular sites are often developed on municipal properties or on church properties on bell towers, church or town hall cupolas or church steeples. Often times cellular antennas are concealed in artificial trees (Palm trees on the West Coast and Pine trees on the East Coast), grain silos, flag poles, wind mills, pole signs and lighthouses.

Eligible Facilities Request: Request for modification of an existing wireless tower or base station that involves –

(a) co-location of new transmission equipment;

(b) removal of transmission equipment; or

(c) replacement of transmission equipment.

Eligible support structure: Towers or base stations as defined in this section, provided that it is existing at the time the relevant application if filed with the Town under this section.

Existing; A constructed tower or base station is existing for the purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for the purposes of this section.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

Geographic search area: The geographic area within which the placement of an antenna is necessary to meet the engineering requirements of an applicant's cellular network or other broadcasting need.

Governing authority: Mayor and council of Brooks, Georgia.

Height: When referring to a tower or other structure, shall mean the distance measured from ground level to the highest point on the tower structure or appurtenance, including antennae or lightning rods.

Preexisting towers and antennae: Structures as set forth in section 94-523 (c) of this article.

Public officer: As used in O.C.G.A. §§ 41-2-7—41-2-17, shall mean the Brooks Town Manager and/or his/her assigns.

Site: For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and ant access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Substantial increase in size: Shall mean:

i. Any increase in tower height by more than:

   (a) Ten (10) percent, or by the height of additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;

ii. For towers in the ROW and all base stations, an increase in the height of the tower by more than 10% or ten (t10) feet, whichever is greater;

iii. For towers outside of the ROW, a protrusion from the edge of the tower by more than twenty (20) feet or more than the width of tower, whichever is greater;

iv. For towers in the ROW and all base stations, a protrusion from the edge of the structure by more than six (6) feet;

v. The installation of more than the standard number of new equipment cabinets for the technology involved, with the total number not to exceed four (4);

vi. The excavation outside existing leased or owned property and current easements;

vii. Compromising the existing concealment/camouflage elements of the tower or base station; or

viii. The change does not comply with conditions associated with prior zoning/development approval, or previous modification of the tower or base station, unless non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds.

Tower: Any structure that is built for the sole or primary purpose of supporting any FCC-licensed or authorized antennae and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Transmission Equipment; Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennae, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services, including, but not limited to,

private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Visual quality: The appropriate design, arrangement and location of tower structures in relation to the built or natural environment to avoid abrupt or severe differences.

31.6.3 Application of chapter

(a) *Governmental exemption.* The provisions of this article shall not apply to Town owned property, facilities and structures.

(b) *Amateur radio; receive-only antennae.* This article shall not govern any tower, or the installation of any antenna, that is forty (40) feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator's residence, or is used exclusively as a receive-only antenna.

(c) *Pre-existing towers and antennae.* Any tower or antenna for which a permit has been properly issued prior to the effective date of this article shall not be required to meet the provisions of this article. Any such towers or antennae shall be referred to in this article as "preexisting towers" or "preexisting antennae."

(d) *Additional antennae.* If an additional antenna is co-located upon a preexisting tower after adoption of this article, then fencing and landscaping requirements shall be met as part of the permitting process.

31.6.4 Removal of abandoned towers and antennae

(a) Any tower or antenna that is not operated for a continuous period exceeding six (6) months shall be considered abandoned, and the owner of such antenna or tower shall place such antenna or tower into operation or remove the structure within sixty (60) days of receipt of notice from the Town notifying the owner of such abandonment. If said tower or antenna is not removed within said sixty (60) days, the governing authority may, in the manner provided in the O.C.G.A. §§ 41-2-7—41-2-17, remove such antenna or tower at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective unless and until all users cease utilizing the tower.

(b) Prior to the issuance of a permit for the construction of a tower, the owner of the tower shall procure a bond or an irrevocable letter of credit in an amount not less than twenty-five thousand dollars ($25,000.00) conditioned upon the removal of the tower, should it be deemed abandoned under the provisions set forth in subsection (a) of this section. Such bond or letter of credit (a) shall be renewed at least every two (2) years during the life of the

tower, (b) shall not expire unless the Town is given sixty (60) days' prior written notice, (c) shall include the name, address, telephone number, and contact for the provider bond or letter of credit and (d) in the case of a bond, shall include a statement that the provider of the bond is listed in the latest issue of the U.S. Treasury Circular 570.

31.6.5 Legal status provisions

(a) Whenever the regulations of this article require a greater width, depth or size of yard or impose other more restrictive standards than are required in or under any other statute or covenants, the requirements of this article shall govern. Whenever the provisions of any other statute or covenants require more restrictive standards than those of this article, the provisions of such statutes or covenants shall govern.

(b) Any preexisting antenna, tower, or telecommunication facility which does not meet the requirements of this article shall be considered nonconforming and subject to the nonconforming use provisions of the Brooks zoning ordinance; provided, however, that the installation of a new antenna on a preexisting tower or monopole shall not constitute the expansion of a nonconforming use provided that (a) the new antenna does not result in a substantial increase in size and (b) the resulting height of the preexisting tower or monopole is less than the maximum height of the tower previously approved by the Town.

31.6.6 Annual registration of towers and antennae

The owner of any telecommunications tower or antenna shall submit an annual registration of such structure, by tax parcel number and physical street address, on such forms as the Town shall prescribe. Each annual registration of such a structure shall describe all facilities on the site, describe in detail any improvements during the preceding calendar year, and, for towers only, state the total gross income from all improvements on the site for the preceding calendar year. Each annual registration shall be filed on or before April 1st of each year and shall be accompanied by an administrative fee as established by the mayor and council.

31.6.7 Principal or accessory use

A tower and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structure. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or tower. For purposes of determining whether the installation of a tower or antenna complies with zoning district requirements, including but not limited to setback, buffer and other requirements, the dimensions of the entire lot or parcel shall control, even though the antenna or tower may be located on a

leased area within such lot or parcel. Towers that are constructed, and antennae that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

31.6.8 Inventory of existing sites

(a) The Town shall maintain an inventory of all towers or alternative tower structures, active and inactive, which are present in Brooks. This inventory shall include specific information about the location (latitude and longitude coordinates), height, design, tower type and general suitability for antenna co-location of each tower, and other pertinent information as may be decided by the Town.

(b) To facilitate the co-location of antennae, each applicant seeking to locate a new tower or alternative tower structure or modify any such existing tower or alternative tower shall provide to the Town, an inventory of its existing towers or alternative tower structures as provided for below. The applicant shall specifically identify its towers or alternative structures, active or inactive, which are present in Brooks. Applicants seeking to erect an amateur radio tower or antenna less than forty (40) feet in height shall be exempt from this provision.

(c) The applicant's inventory shall include all of its structures that are within the jurisdiction of the governing authority or within one-quarter (¼) mile of the border of Brooks, and shall include specific information about the location (latitude and longitude coordinates), height, design, tower type and general suitability for antenna co-location of each tower, and other pertinent information as may be required by the Town. The Town shall share such information with other applicants under this article or other organizations seeking to locate towers or antennae within the jurisdiction of Brooks, provided, however that the Town shall not, by sharing such information, in any way be deemed to have represented or warranted that such sites are available or suitable.

(d) An application shall not be considered complete without the inventory required in this section.

31.6.9 Co-location; availability of suitable existing structures

Applicants for the erection of an antenna, except amateur radio operators, shall be required to co-locate upon an existing tower structure. No new tower, except amateur radio towers, shall be permitted unless the applicant demonstrates to the satisfaction of the Town and mayor and council that no existing tower or existing alternative tower structure can accommodate the applicant's proposed antenna. The applicant must present an affidavit which lists the available

existing towers and reasons why co-location on those towers is not possible. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts and shall consist of more than mere conclusory statements that no existing tower is suitable. Evidence submitted to demonstrate that no existing tower or structure can accommodate the proposed antenna shall consist of one or more of the following:

31.6.9.1 That no existing towers or suitable alternative tower structures are located within the geographic search area required to meet the applicant's engineering requirements.

31.6.9.2 That existing towers or structures within the geographic search area do not have sufficient structural strength to support the applicant's antenna and related equipment.

31.6.9.3 That the applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing towers or structures in the geographic search area, or the antenna on the existing towers or structures in the geographic search area, would cause interference with the applicant's proposed antenna.

31.6.9.4 That the cost or contractual provisions required by the tower owner to share an existing tower or structure in the geographic search area or to adapt an existing tower or structure for collocation are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

31.6.9.5 That the applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

For each of the above, the applicant must provide a listing of the existing towers or structures within the geographic search area that were considered, and ultimately rejected, by the applicant and provide a detailed explanation of why the existing towers or structures within the geographic search area are not suitable.

31.6.10 Co-location; design requirement

In addition to all applicable building and safety codes, all towers, except amateur radio towers, shall be designed to accommodate the co-location of cellular telecommunication antennae according to the following:

31.6.10.1 For towers up to one hundred twenty-five (125) feet in height, the structure and fenced compound shall be designed to accommodate at least two (2) providers, and

31.6.10.2 For towers greater than one hundred twenty-five (125) feet in height, the structure and fenced compound shall be designed to accommodate at least three (3) providers.

31.6.11 Aesthetics

The guidelines set forth in this section shall govern the design and construction of all towers, and the installation of all antennae, governed by this article.

31.6.11.1 Towers and/or antennae shall either maintain a galvanized steel or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Where possible, towers should be designed as monopole towers.

31.6.11.2 At all tower sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding built environment.

31.6.11.3 For antennae installed on a structure other than a tower, the antenna and supporting electrical and mechanical ground equipment shall be a neutral color so as to make the antenna and related equipment as visually unobtrusive as is reasonable.

31.6.11.4 Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available federally-approved lighting alternatives and approve the design that would cause the least disturbance to the surrounding area. If lighting is installed for identification purposes (FAA), daytime lighting shall be white, and nighttime lighting shall be red.

31.6.11.5 No signage or other identifying markings of a commercial nature shall be permitted upon any tower or alternative tower structure within Brooks.

31.6.12 Setbacks and separation

The following setbacks and separation requirements shall apply to all towers:

31.6.12.1 Towers shall be set back a distance equal to the greater of the height of the tower or fifty (50) feet, from its base, to any public right-of-way or property line of the lot or parcel containing the tower.

31.6.12.2 Guy-wires and accessory buildings and facilities shall meet the minimum accessory use location and setback requirements and shall be completely contained within the lot in which the tower is located.

31.6.12.3 Towers over one hundred (100) feet in height shall not be located closer than two thousand five hundred (2,500) feet from any existing tower that is over one hundred
(100) feet in height.

31.6.12.4 Towers must be set back from any adjoining residentially zoned property by at least 1.5 times the height of the tower.

31.6.13 Security fencing/anti-climbing devices

(a) All towers and supporting equipment shall be enclosed by fencing not less than six (6) feet in height and shall also be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood or other approved alternative, as determined by the chief building inspector.

(b) Amateur radio towers and antennae, or receive-only antennae, shall not be subject to the provisions of this section unless such structures exceed forty (40) feet in height.

31.6.14 Landscaping

The following requirements shall govern landscaping surrounding all towers:

31.6.14.1 Where adequate vegetation is not present, tower facilities shall be landscaped with a landscaped strip of plant materials which effectively screens the view of the equipment compound. Landscaped strips shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the compound. Landscaped strips shall satisfy the minimum design and planting requirements for buffers established in the Brooks zoning ordinance.

31.6.14.2 Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized.

31.6.14.3 Amateur radio towers and antennae, or receive-only antennae, shall not be subject to the provisions of this section unless such structures exceed forty (40) feet in height.

31.6.15 Federal requirements

All towers must meet or exceed current standards and regulations of the FCC, the FAA, and any other agency of the federal government with the authority to regulate towers and antennae.

31.6.16 Building codes: Safety standards

To ensure the structural integrity of towers, the owner, permittee or subsequent lessee of a tower or alternative tower structure shall ensure that it is maintained in compliance with standards

contained in applicable local building codes. If, upon inspection, the Town concludes that a tower fails to comply with all applicable codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice by the owner, permittee, or lessee of the tower, said party shall have fifteen (15) days to bring the tower into compliance with such standards. If the owner, permittee, or lessee fails to bring the tower into compliance within the 15-day period, the governing authority may remove the tower at the owner, permittee, or lessee's expense. Prior to the removal of any tower, the Town may consider detailed plans submitted by the owner, permittee, or subsequent lessee for repair of substandard towers, and may grant a reasonable extension of the above referenced compliance period. Any such removal by the governing authority shall be in the manner provided in O.C.G.A. §§ 41-2-7—41-2-17.

31.6.17 Change of ownership notification

Upon the transfer of ownership of any tower, alternative tower structure, or lot upon which such a structure has been erected, the party transferring ownership shall notify the Town of the transaction in writing within thirty (30) days.

31.6.18 General

(a) The Town may administratively approve the placement of additional antennae upon towers or alternative tower structures.

(b) Each applicant requesting an administrative approval under this article shall specifically request such approval in writing and submit the information required and any other information deemed by the Town to be necessary to assess compliance with this article and compatibility with surrounding uses.

(c) The Town shall respond to each application within fifteen (15) days of its receipt by either approving or denying the application. An extension of this review period may be exercised by the Town if such additional time is deemed necessary to adequately assess the request. If the Town fails to respond to the applicant within a maximum of sixty (60) days and the applicant shall have given five (5) business days' advance written notice of their intent to proceed upon the expiration of the sixty (60) days, the application shall be deemed to be approved. If an application for administrative approval is denied, the matter shall be appealed to the mayor and council for a hearing as provided for in section 94-543 (b).

(d) As part of any administrative approval, the Town may administratively reduce setback requirements by up to ten (10) percent to compensate for irregularly shaped lots or parcels.

31.6.19 Uses allowed by administrative approval

The following uses may be approved by the Town after conducting an administrative review:

Installation of an antenna on an existing tower or alternative tower structure and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as (a) the new antenna does not result in a substantial increase in size and (b) the resulting height of the preexisting tower is less than the maximum height of the tower previously approved by the Town.

31.6.20 Construction/installation applications required

All applications for permit to construct towers or install antennae shall be made to the building inspector. The application forms and other documents and papers necessary for the implementation and enforcement of this article shall be on such forms as may be prepared by the building inspector. No application shall be considered by the building inspector until such application is complete and accompanied by all necessary documents, papers, and other evidence of eligibility as may be set forth or otherwise required by the application. All such applications shall be sworn to by the applicant if an individual, or by a partner if a partnership, or by a manager or member if a limited liability company, or by an officer or equivalent position if a corporation or other legal entity.

31.6.21 Contents of applications

Prior to submitting an application, all applicants shall be required to attend a pre-application meeting with the building inspector and applicable Town staff to discuss the requirements for the application.

(a) Applications for permits to erect a new tower shall be made upon forms provided by the building inspector, and shall contain or have attached thereto the following information:

(1) Name, address and telephone number of the applicant;

(2) Address of building, structure, or lot to which or upon which the tower is to be erected;

(3) Name of the person, firm, corporation or association erecting the tower;

(4) Written consent of the owner of the building, structure, or land to which or upon which the tower is to be erected;

(5) A site plan showing existing vegetation to be removed from the site, and vegetation to be replanted to replace the vegetation that will be removed;

(6) A certified statement prepared by an engineer licensed to practice in Georgia or qualified industry professional that the installation and operation of any antenna on the tower, including reception and transmission functions, will not interfere with the usual and customary transmission or reception of radio, television, or other telecommunication service enjoyed by adjacent properties;

(7) Written certification that all emissions from any antenna on the tower will comply with Federal Communications Commission frequency emissions standards;

(8) The applicant shall provide photo-simulated post-construction renderings of the completed proposed tower, equipment compound and/or equipment cabinets, ancillary structures, and landscaping, if any, from locations determined at the pre-application conference. The views shall incorporate before and after scenarios, a scaled color image of the proposed type of facility, an aerial map with the location of the selected views, and a description of the technical approach used to create the photo simulations. The simulations shall include a minimum of four (4) vantage points (generally north, south, east, and west). Based on the information provided at the pre-application conference, the applicant may be required to provide other pictorial representations from other viewpoints, including, but not limited to, state highways and other major roads, state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors, travelers or residents.

(9) The Town may at its sole discretion require a balloon test to be conducted at any time during which an application is pending before the Town.

(10) Applications for permits to construct a tower shall contain or have attached thereto the following information:

Six (6) sets of accurate scale drawings including a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation including, but not limited to, the method of construction and attachment to the ground for the tower. The plans for the tower construction shall be certified by a registered structural engineer licensed in the State of Georgia as meeting all current safety and design standards of all applicable federal, state, and Town codes, and shall show the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking,

fencing, landscaping, adjacent uses, and other information deemed by the Town to be necessary to assess compliance with this article. In addition, the report from the structural engineer must contain:

i. Tower height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design. A cross-section of the tower structure shall be included;

ii. Total anticipated capacity of the structure, including number and types of antennae which can be accommodated;

iii. Evidence of structural integrity of the tower structure;

iv. Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris;

(b) Applications for permits to install a new antenna shall be made upon forms provided by the building inspector, and shall contain or have attached thereto the following information:

(1) Name, address and telephone number of the applicant;

(2) Address of tower upon which antenna is to be installed;

(3) Name of the person, firm, corporation or association installing the antenna;

(4) Written consent of the owner of tower or upon which the antenna is to be installed;

(5) Applications for permits to install an antenna shall contain or have attached thereto six (6) sets of accurate scale drawings including a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation including, but not limited to, the method of construction and attachment to the tower for the antenna. The plans for the antenna installation shall be certified by an independent registered structural engineer licensed in the State of Georgia as meeting all current safety and design standards of all applicable federal, state, and Town codes.

(c) All applications for permits to construct towers or install antennae shall be accompanied by an administrative fee as provided for.

31.6.22 Variances

(a) Where an applicant for installation of a tower or antenna can demonstrate that no site meeting the standards of this article exists which allows uninterrupted service or service without signal distortion, the applicant may apply for a variance from one or more of the standards or limitations provided for in this article.

(b) Application for any such variance shall include date which demonstrates the technical necessity for the relief requested and shall describe with specificity the structure upon which the tower, monopole, or antenna is proposed to be erected and such other information as may be required.

(c) Applications for variances may require an additional fee.

(d) Mayor and Council shall review and decide upon variance applications after having received a recommendation from the Planning Commission.

31.6.23 Procedure for issuance

(a) Within one hundred twenty (120) days from receipt of a fully completed application for a new tower structure or within ninety (90) days from receipt of a fully completed application for a collocation submitted in accordance with this article, the Town shall issue a written determination granting, subject to such reasonable conditions as the governing authority deems appropriate, or denying the application in whole or in part.

(b) Within fifteen (15) days of the receipt of any application for the location of an antenna on an existing building, structure, tower or monopole, the building inspector shall render his decision. Any decision by the building inspector to deny an application shall be in writing and supported by substantial evidence contained in a written record. The building inspector's decision to deny an application may be appealed to the mayor and council by filing a written notice of appeal within thirty (30) days of the denial. Failure to file a notice of appeal within thirty (30) days of the denial shall constitute a waiver of the applicant's appeal rights.

(c) Within sixty (60) days of the receipt of an application for a co-location on an existing eligible facility that does not substantially change the physical dimensions of that that facility the Town shall complete its review. Should the Town find the application incomplete, the applicant shall be notified within thirty (30) days.

(d) Within sixty (60) days of the receipt of any application for the location of a new tower, the building inspector shall transmit a recommendation to the mayor and council.

(e) The mayor and council shall hold a public hearing within forty-five (45) days of receipt of (i) a recommendation as provided for in subsection (c) or (ii) of the notice of appeal of an application as provided in subsection (b).

(f) Official notice of the public hearing shall be given in a newspaper of general circulation in the Town of Brooks, at least fifteen (15) days, but not more than forty-five (45) days, prior to the hearing. The newspaper notice of the public hearing shall include the time, place and purpose of the hearing. In addition, the newspaper notice of the public hearing shall include the location of the proposed facility.

31.6.24 Considerations in approval or denial of an application

Any denial of a request to place, construct or modify a tower or antenna shall be in writing and supported by substantial evidence contained in a resolution adopted by the mayor and council. For new towers, the mayor and council shall consider, but is not limited to, the following factors in acting upon a tall structure permit application under the provisions of this article:

1) The height and setbacks of the proposed tower;
2) The proximity of the tower to residential structures and residential district boundaries;
    i. The nature of uses, as well as the height of existing structures, on adjacent and nearby properties;
3) The surrounding topography;
4) The surrounding tree coverage and foliage;
5) The design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
6) The proposed ingress and egress;
7) The availability of suitable existing towers or other structures for antenna co-location;
8) The evidence submitted regarding the need for the tower in the area, including but not limited to propagation maps and other similar materials;
9) The tower's effect on property values of adjacent and nearby residential properties; and
10) Structural safety concerns associated with the proposed tower or antenna, including design features which minimize risks to surrounding areas in the event of major structural failure.

31.6.25 Fees

The fees levied and charged for all persons and businesses subject thereto are set forth on a schedule which may be amended from time to time by resolution of mayor and council, a copy of which is on file in the Town clerk's office and the office of the operating permit officer. Fees are levied and assessed in addition to any business or occupational taxes assessed and levied under this Code of Ordinances.

31.6.26 Zoning

If it is adequately demonstrated that antenna co-location is not possible for a given geographic search area, the construction of a new tower including the placement of a service building or other supporting equipment used in connection with said tower or antenna, in the following zoning districts (provided, however, that all structures shall meet the setback, screening and buffer requirements contained herein) shall be permitted subject to the following:

(a) No permit to construct a tower shall be issued unless the location has been zoned Residential Agriculture (RA) or Institutional (I) under the zoning laws of the town.

(b) No permit to construct a tower shall be issued for any tower in excess of one hundred fifty (150) feet in height.

31.6.27 Inspections

(a) Whenever inspections of the premises used for or in connection with a tower or antenna are provided for or required by ordinance, or are reasonably necessary to ensure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the permittee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making the inspection any officer, agent, or employee of the Town who is authorized or directed to make such inspection, at any reasonable time that admission is requested.

(b) In addition to any other penalty which may be provided, the permit of any applicant or permittee who refuses to allow any authorized officer, agent or employee of the Town to make any inspection provided for in subsection (a) hereinabove, or who interferes with such officer or employee while in the performance of his duty in making such inspection may be suspended or revoked in accordance with the provisions of the Town of Brooks Code of Ordinances.

31.6.28 Penalties for violation

In addition to the other remedies available to the Town for violation of this article set forth herein or in any other applicable provision of the Code of Ordinances, the municipal court of the Town, after notice to the applicant or permittee and hearing, may impose a civil fine for failure to comply with the provisions of this article or a sentence not to exceed sixty (60) days. Such a civil fine shall not exceed one thousand dollars ($1,000.00) per day and may be enforced by the contempt power of the court. In addition the applicant or permittee shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this section shall prevent the governing authority from taking such other lawful action as is necessary to prevent or remedy any violation of this article.

Article 31.7
Planning and Zoning Board

31.7.1 Establishment and membership

Pursuant to the provision of this Ordinance, the Town of Brooks' Town Council establishes the Planning and Zoning Board of the Town of Brooks, Georgia, which shall conduct business consistent with all requirements of the General Planning and Zoning Act of 1957, as amended, and this Ordinance.

The Planning and Zoning Board shall consist of and continue as a 5-member Board. Members shall reside within Town limits and be appointed by the Town Council. None of the Board members shall hold any other public or appointed governmental office. Any Board member may be removed upon the majority vote of the Town Council. Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest as defined by Sections 17-1.01 and 170-1.02 of this Ordinance. Furthermore, it shall be deemed cause for removal should any Board member fail, without proper reason, to attend 3 consecutive meetings.

31.7.2 Term of office

The term of office for each member of the Board shall be for 3 years. The terms shall be staggered as determined by the Town Council. If a vacancy occurs among the members of the Board, the appointing authority shall appoint a member for the unexpired term of the vacating member.

31.7.3 Powers and duties

The Planning and Zoning Board shall have exclusive subject matter jurisdiction for:

A. Variances;
B. Administrative Appeals; and
C. Subdivisions and plat revisions

The Planning and Zoning Board shall make a recommendation to Town Council for:

A. Conditional Use Permits;
B. Zoning Map/ Text Amendment;
C. Ordinance and Map Amendments; and
D. Comprehensive Planning Documents.

31.7.4 Rules and procedures

A. **Rules and Procedures:** The Planning and Zoning Board, at its first annual meeting each year, shall elect one of its members as Chairman and another as Vice-Chairman, each serving until the end of the year or until re-elected or a successor is elected the following year. In the absence of the Chairman, the Vice-Chairman shall have the authority to act as the Chairman. The Board shall appoint a Secretary, who may be an officer of the Town of Brooks. The Board shall have the authority to adopt rules and procedures approved by Town Council. All meetings of the Board shall be held at the call of the Chairman or Town Council. The Board Secretary shall keep minutes of its proceedings, showing the vote of each member upon each question or if he or she is absent or failing to vote, indicating such fact. The Secretary shall also keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Planning and Zoning Board and shall be of public record.
B. **Facilities and Funding:** The Town of Brooks shall provide suitable facilities for the holding of the Planning and Zoning Board's meetings and hearings and for the storage of its records, documents, and accounts; and in its annual budget shall provide sufficient funds for the functioning of the Board and its staff.
C. **Filing:** All applications for variances, administrative appeals, zoning amendments and comprehensive plan requests shall be filed by the Applicant with the Zoning Administrator, or designee, in the form prescribed by the Board and Town.

31.7.5 Hearings

Within a reasonable time of the acceptance of any complete application and payment for a variance, administrative appeal, conditional use permit, zoning map / text amendment, and/ or comprehensive plan amendment, the Zoning Administrator, or designee, shall transmit copies of a report of findings and recommendation of action to the Planning and Zoning Board for its consideration and decision or its review and recommendation to the Town Council.

A. The Board shall review and make a recommendation of approval, denial, deferral, or withdraw without prejudice on each application for a conditional use permit, zoning map/ text amendment, or comprehensive plan amendment. The Planning and Zoning Board may also recommend conditions to be attached to the approval or recommend amendments to the Applicant's request which would reduce the land area for which the application is made. The change of the district requested or recommended conditions of zoning that may be deemed advisable to the purpose of the Ordinance will served and the public health, safety, and general welfare secured. A report of the Planning and Zoning Board's decision shall be submitted to Town Council with the report of findings and recommendation of the Zoning administrator, or designee.
B. The Board shall review and make a decision of approval, denial, deferral, or withdraw without prejudice on each application for a variance or administrative appeal.
C. The Planning and Zoning Board shall submit its recommendation and report to the Town Council, or take action upon the variance or administrative appeal within 60 days from the initial required public hearing.
D. A person may not communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the Board.

31.7.6 Notice of public hearing

For all public hearings, the petitioner shall provide notice to the public no sooner than forty five (45) days and no later than fifteen (15) days prior to the public hearing, and consistent with the requirements of Article 31 of this Ordinance. Notification shall follow the requirements established by the Brooks Town Council.

31.7.7 Appeals

Every decision of the Planning and Zoning Board on variances and administrative appeals shall be subject to appeal. Any such appeal must be presented to the Town Manager within 30 days of the Planning and Zoning Board's decision for presentation to the Mayor and Council.

31.7.8 Conditional uses

There shall be no cases or applications therefor, nor any particular situation in which this Code authorizes conditional uses without the recommendation of the Planning and Zoning Board and the approval of the Town Council.

A. The Board may recommend approval of a conditional use permit for a use listed as such in the appropriate zoning district in this Ordinance if, after a public hearing, it makes findings of facts in writing, that:
   1. The proposal will not be injurious to the public health, safety, morals, and general welfare of the Town;
   2. The requirements and development standards for the requested conditional use as prescribed by this Ordinance will be met;
   3. Granting the conditional use will not subvert the general purposes served by this Ordinance and will not permanently injure other property or uses in the same district and vicinity; and
   4. The proposed use will be consistent with the character of the zoning district in which it is located and the Town of Brooks Comprehensive Plan.
B. When considering a conditional use the Planning and Zoning Board may examine the following items as they relate to the proposed use:
   1. Topography and other natural site features;
   2. Zoning of the site and surrounding properties;
   3. Driveway locations, street access, and vehicular and pedestrian traffic;
   4. Parking amount, location, and design;
   5. Landscaping, screening, and buffering;
   6. Open space and other site amenities;
   7. Noise production and hours of operation;
   8. Design, placement, architecture, and building material of the structure;
   9. Placement, design, intensity, height, and shielding of lighting;
   10. Traffic generation; and
   11. General site layout as it relates to its surroundings.
C. The Board may recommend such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval above will be served.

31.7.9 Standards for granting of variance

A. The Board may grant a variance from the development standards of this Code (such as height, bulk, area) if, after a public hearing, it makes findings of facts in writing, that:
   1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
   2. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of size, shape, or topography;
   3. The application of these regulations to this particular piece of property would

create a practical difficulty or unnecessary hardship;

4. Such conditions are peculiar to the particular piece of property;
5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited by this ordinance;
6. A literal interpretation of this Ordinance would deprive the Applicant of any rights that others in the same district are allowed;
7. The conditions complained of by the Applicant were not actually created or caused by the Applicant or its agents or the Applicant's successor in title;
8. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
9. The strict application of the terms of this Code will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

B. The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval above will be served.

C. A developmental standards variance granted by the Board and executed in a timely manner as described in this section shall run with the parcel until such time as:
   1. The property conforms with the Code as written, or
   2. The variance is terminated.

31.7.10 Use variances

The Planning and Zoning Board of the Town of Brooks shall under no circumstances grant a variance or take any action to establish a use on any property within its jurisdiction that is neither a listed permitted use nor a listed conditional use in the district in which it is located as established by Article 31 of this Ordinance.

31.7.11 Variance execution and termination

A. If the Board grants a variance, it shall direct the applicant to apply for a building permit and or certificate of occupancy. If such application complies with all established requirements and this Ordinance, a building permit and/ or certificate of occupancy for the execution of the approved variance shall be issued.

B. A variance ceases to be authorized and is terminated if a building permit and/ or certificate of occupancy for the execution of the approval has not been obtained

within 1 year of the date the variance is granted. The variance shall also be terminated if the approved construction has not been completed and approved by the Zoning Administrator, or designee, as being consistent with all written commitments or conditions, the requirements of this Code, and all applicable permits within 2 years of the date the variance is granted.

C. A variance may be terminated by the Planning and Zoning Board under the following procedure:
   1. Upon determination by the Zoning Administrator, or designee that possible grounds for termination exist, the matter shall be placed on the Planning and Zoning Board's agenda for a public hearing.
   2. At the public hearing the variance shall be terminated if a finding is made by the Board that one or more of the following is true:
      a. The execution of the approval is not consistent with any requirement of this Ordinance,
      b. The execution of the approval is not consistent with any condition of approval,
      c. The execution of the approval is not consistent with any written commitment, or
      d. The approved was the result of fraud or the misrepresentation of facts.
   3. No variance may be reviewed by the Planning and Zoning Board for the same cause more than once in any 1 year period.

31.7.12 Administrative appeals

A. The Planning and Zoning Board may grant an appeal of any decision, interpretation, or determination made by the Zoning Administrator or any other administrative official charged with the duty of enforcing and interpreting this Ordinance.

B. The Board shall only grant an appeal of such an administrative decision based on a finding, in writing, that the decision of the administrative person was inconsistent with the provisions of this Ordinance.

C. The approval of an administrative appeal may be terminated by the Planning and Zoning Board under the following procedure:
   1. Upon determination by the Zoning Administrator, or designee, that possible grounds for termination exist, the matter shall be placed on the Planning and Zoning Board's agenda for a public hearing.
   2. At the public hearing the approval shall be terminated if a finding is made by the Board that the approved was the result of fraud or the misrepresentation of facts.
   3. No administrative appeal may be reviewed by the Planning and Zoning Board for

the same cause more than once in any 1 year period.

D. If an administrative appeal is granted, the Board may refund any application fees which have been paid to the Town by the applicant in petitioning for the appeal. In no way shall this provision be interpreted as providing the applicant with the ability to seek the refund of any other fees or costs associated with the appeal or the application which is the subject of the appeal.

E. The Board may grant an appeal of any decision, interpretation, or determination made by the Zoning Administrator, their assigns, or any other administrative official or board charged with the duty of enforcing and interpreting this Code.

F. The Board shall only grant an appeal of such an administrative decision based on a finding, in writing, that the decision of the administrative person or board was inconsistent with the provisions of this Code.

G. The approval of an administrative appeal may be terminated by the Planning and Zoning Board under the following procedure:
   1. Upon determination by the Zoning Administrator that possible grounds for termination exist, the matter shall be placed on the Planning and Zoning Board agenda for a public hearing.
   2. At the public hearing the approval shall be terminated if a finding is made by the Planning and Zoning Board that the approved was the result of fraud or the misrepresentation of facts.
   3. No administrative appeal may be reviewed by the Planning and Zoning Board for the same cause more than once in any 1 year period.

H. If an administrative appeal is granted, the Planning and Zoning Board may refund any application fees which have been paid to the Town by the applicant in petitioning for the appeal. In no way shall this provision be interpreted as providing the applicant with the ability to seek the refund of any other fees or costs associated with the appeal or the application which is the subject of the appeal.

31.7.13 Exclusion

Nothing in this Code shall be deemed to restrict or regulate the power of eminent domain by the State of Georgia or by any state agency. Nor shall they be deemed to authorize any unit of government, legislative body, plan commission, or board of zoning appeals to restrict or regulate the power of eminent domain by the State of Georgia or a state agency. As used in this section, the term “state agency” shall mean and include all agencies, boards, commissions, departments, and institutions, including state educational institutions of the State of Georgia.