

Section 1225. ~~Mayor and City Council: Powers and Duties Enumerated.~~ Variances, Review, and Appeal

The Mayor and City Council shall have the following powers and duties:

- A. *Administrative review.* To hear and decide whether there is an error in any order, requirement, decision or determination made by the City Administrator in the enforcement of this Article.
- B. *Variances.* To authorize upon appeal in specific cases such variance from the terms of this Article as will not be contrary to the public interest, when due to special conditions a literal enforcement of the provisions of this Article will, in an individual case, result in unusual hardship, so the spirit of this Article shall be observed, public safety and welfare secured, and substantial justice done. The mere existence of a nonconforming sign or advertising device shall not constitute a valid reason to grant a variance. A variance may be granted in an individual case of unusual hardship upon a finding by the Mayor and City Council that the following conditions exist:
  - 1. There exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography which are not applicable to other lands or structures in the area.
  - 2. A literal interpretation of the provisions of this Article would deprive the applicant of rights commonly enjoyed by other similar properties.
  - 3. Granting the variance requested will not confer upon the property of the applicant any significant privileges which are denied to other similar properties.
  - 4. The requested variance will be in harmony with the purpose and intent of this Article and will not be injurious to the neighborhood or to the general welfare.
  - 5. The special circumstances are not the result of actions of the applicant.
  - 6. The variance requested is the minimum variance which will make possible the logical use of the land, building or structure.
  - ~~7.~~ 7.8. An Administrative Variance of less than five (5) feet in height or ten (10) percent of the advisement area of the sign may be processed administratively at the discretion of the City Administrator.
- C. *Appeal.* Any applicant aggrieved by the decision of the Mayor and Council in their review of decisions by the Mayor and City Council shall seek judicial review by filing for a writ of certiorari in the Superior Court of Gwinnett County within 30 days of the decision of Mayor and Council.
- D. *Petitions for variance.* All petitions for review of variance requests shall be in written form and filed with the office of the City Administrator. The Mayor and City Council shall hear all such petitions within thirty (30) days of receipt by the office of the City Administrator and shall act upon all such petitions within fifteen (15) days of the hearing.

Section 1225. Mayor and City Council: Powers and Duties Enumerated. (Continued)

- E. *Off-Premises advertising or off-premises directional signs.* The Mayor and City Council will approve and/or disapprove all requests for off-premises signs. The permittee will submit with each request for an off-premises sign the following information:
1. The street address of the property on which the sign will be located and the zoning district in which such property is located.
  2. A plat of the property on which the sign will be located which shows where thereon the sign will be located and the distance from the property lines and the paved street.
  3. A design of the sign which shows the height of the sign, the area of the face of the sign, the color scheme of the sign, and the structural supports of the sign.
  4. A statement stating that all of the requirements of the zoning district in which the sign will be located have been complied with.
  5. A copy of the lease or other document from the owner of the sign which authorized the erection thereof.
  6. The cost of the sign and/or estimated cost if such is not known at the time the permit is requested which will be changed to actual cost as soon as such is known.
  7. No action will be taken on the erection of the sign by the owner of the property, the lessee, the sign owner, and/or any of their contractors, agents, or employees until the sign has been approved by the Mayor and City Council.
- F. *Variations as to size and message.* The Mayor and City Council shall have the power to grant any variance as to the maximum size and message of signs.

Section 1226. Suspension, Revocation of Permit, License.

Violation of any provision of this Article will be grounds for terminating the permit granted by the City to the owner and/or the license of the person or entity erecting the sign. No permit and/or license shall be suspended, revoked or canceled except for due cause as hereinafter defined, and the permittee and/or licensee is granted a public hearing before the Mayor and City Council. The permittee and/or licensee will be given ten (10) days written notice of the time, place and purpose of the hearing, with a statement of the reason for the suspension, revocation or canceling of such permit and/or license. A Due cause is the willful and/or continued violation of the provisions of this Article. The termination of the permit and/or license does not in any way preclude the person or persons alleged to have violated the provisions of this Article from being tried under Section 3-1-28 of this Article, or preclude the City from taking any other action authorized by this Code, and/or any action authorized by law.

Section 1227. Enforcement.

This Article shall be administered and enforced by the City Administrator or her/his designee.

Section 1228. Penalty.

Any person violating any provision of this Article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$300.00 ~~fifty dollars (\$50.00)~~ and not more than \$1,000.00 ~~per one hundred fifty (\$150.00) for each~~ offense. Each day such violation continues shall constitute a separate offense.

Section 1229. Additional Enforcement Options.

In case any sign, advertising device, or other device covered by this Article is or is proposed to be erected, constructed, altered, converted, or used in violation of any provision of this Article, the City Administrator may, in addition to other remedies, and after due notice to the appropriate person, issue a citation for violation of the city code requiring the presence of the violator in the municipal court; institute injunction, or other appropriate action or proceeding to prevent such unlawful erection, construction, alteration, conversion, or use to correct or abate such violation.