

Article 1 – Adoption, Purpose and Applicability

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Sec. 1-1. - Purpose of Article 1.

This Article provides for the adoption of the Zoning Ordinance, sets out its purpose and intent, describes the lands and development to which the Zoning Ordinance applies, shelters approved permits from changes in the regulations, and provides for the continuation of preexisting uses, structures, lots and signs that are not in conformity with the provisions of this Zoning Ordinance.

Sec. 1-2. - Title and Authority.

(a) Short Title.

This ordinance shall be known as the “The Zoning Ordinance of the City of Newnan, Georgia” and may hereafter be referred to as the “Zoning Ordinance.”

(b) Authority.

This Zoning Ordinance is adopted pursuant to the authority conferred by the Constitution of the State of Georgia and applicable State laws.

Sec. 1-3. - Adoption.

Under the authority and for the purposes stated herein, the City Council of the City of Newnan, Georgia, hereby ordains and enacts into the law the Articles and Sections contained in this Zoning Ordinance.

(a) Components of the Zoning Ordinance.

This Zoning Ordinance and the official zoning maps of the city on file and maintained in the Planning and Zoning Department shall together constitute The Zoning Ordinance of the City of Newnan, Georgia.

(b) Conflict with Other Regulations.

Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other rule, or other provision of law, whichever provisions are more restrictive, or impose higher standards, shall control.

(c) Repeal of Conflicting Ordinances.

- (1) All ordinances, resolutions or regulations and parts of ordinances, resolutions or regulations in conflict with this Zoning Ordinance are hereby repealed to the extent of such conflict.
- (2) Except as expressly provided in this Ordinance, such repeal shall not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, prosecuted, or inflicted, as fully and to the same extent as if such repeal had not been effected.

(d) Codes and Specifications Adopted by Reference.

When reference is made in this Ordinance to statutes, codes, specifications, or other regulations, it is intended that subsequent amendments to such codes, statutes, specifications, or regulations will be automatically adopted by reference herein except as provided by subsequent resolutions of the City Council.

(e) Severability.

It is hereby decreed to be the intention of the City Council that the Articles, Sections, subsections, paragraphs, sentences, clauses, words, or any other part of this Ordinance are severable and if any word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections, or any other part or parts of this Ordinance shall be declared unconstitutional, unlawful, or invalid by the sound judgment or decree of any court of competent jurisdiction, such unconstitutionality, unlawfulness, or invalidity shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses, words, or any other part of this Ordinance as the same would have been enacted by the City Council without the incorporation in this resolution of any such unconstitutional word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, Section or Sections, Article or Articles.

(f) Effective Date.

This Ordinance was adopted on second reading by the City Council of Newnan, Georgia on September 12, 2017 and shall take effect on September 13, 2017.

Sec. 1-4. - Purpose and Intent.

(a) Purpose.

The purpose of the Zoning Ordinance is to promote the health, safety, morals, convenience, order, prosperity, and the general welfare of the community, and is intended to:

- (1) Coordinate and integrate the City's development review process to provide equitable and efficient procedures for the review of proposed developments and improvements, zoning map amendments, and other provisions contained in this Ordinance.
- (2) Guide and regulate orderly, rational, and efficient growth, land development and land use throughout the City in accordance with the Comprehensive Plan.
- (3) Discourage haphazard, premature, uneconomical, or scattered land development and promote, in the public interest, the best utilization of land.
- (4) Ensure safe and convenient traffic control and movement including a reduction or prevention of congestion of public streets, convenience of access, multiple modes of transportation, and an interconnected and well-planned street system.
- (5) Encourage the development of an economically stable and sustainable community.
- (6) Ensure the adequate and timely provision of utilities and other infrastructure.
- (7) Provide for adequate light, air, safety from fire, flood, and other damages.
- (8) Provide open spaces for recreation, conservation, and a healthy community.
- (9) Protect the established character as necessary and the social and economic health of both public and private property.
- (10) Facilitate the creation and maintenance of a convenient, attractive, functional, and harmonious community.
- (11) Facilitate the adequate provision of transportation, water, sewerage, flood protection, schools, parks, and other public service requirements.
- (12) Protect against the destruction of or encroachment upon historic sites, structures, and areas and ensure the protection of these areas.
- (13) Protect against the undue concentration of population and the overcrowding of land and/or buildings beyond safe and reasonable carrying capacity by regulating and limiting the height and bulk of buildings, hereafter erected, as said buildings relate to land area.
- (14) Establish, regulate, and limit building and setback lines on or along streets, roads, boulevards, avenues, lanes, alleys, other rights-of-way, and property lines.
- (15) Regulate and limit the intensity of the use of lot areas, and regulate and determine the area and extent of open space with the surrounding buildings.
- (16) Establish standards to which buildings or structures shall conform.

- (17) Prohibit uses, buildings, or structures that are incompatible with the character of established zoning districts.
 - (18) Protect and enhance the taxable value of land and buildings throughout the city wherever possible.
 - (19) Encourage and assist in the facilitation, attraction, and retention of economic activities that provide desirable employment, expand the tax base, and serve to meet the goals of the Comprehensive Plan.
 - (20) Ensure land development with installation of adequate and necessary physical improvements.
 - (21) Provide mechanisms whereby new growth and development pays for itself and shares the burden of the provision of public facilities and services with the existing tax base.
 - (22) Ensure that the citizens and taxpayers of the City of Newnan will not have to bear the costs resulting from premature, uneconomical, or inefficient development or use of land.
 - (23) Provide for the protection and preservation of forests, watersheds, groundwater recharge areas, and other environmentally sensitive lands thereby preserving the natural resources and environment of the City of Newnan.
 - (24) Assist in the provision of an adequate supply of affordable housing for City residents.
 - (25) Implement the purposes of the City of Newnan Comprehensive Plan.
- (b) Purposes of the Comprehensive Plan.

The City of Newnan Comprehensive Plan is intended for the following purposes, among others:

- (1) To guide and direct growth and development in the City of Newnan;
 - (2) To protect, preserve and enhance the City's cultural, environmental, economic and social resources;
 - (3) To identify current land uses in order to assist the City in making budgetary, utility and other resource allocations;
 - (4) To enable the City of Newnan to predict future land uses for planning purposes;
 - (5) To assist the City in fulfilling its statutory and other legal obligations; and
 - (6) To provide a public document which will serve as a means of general information on land use and development for the citizens of the City of Newnan and other interested parties.
- (c) Intent in Interpretation.

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion and protection of the public safety, health, convenience, comfort, prosperity, or general welfare, as set forth in the provisions hereof establishing the intent and purpose of this Ordinance in general and its various Articles and Sections in particular.

(d) Intent Relative to Private Provisions.

These regulations are not intended to interfere with, abrogate, or annul any easement, covenant, or any other private agreement, legal relationship, or restriction; provided that, where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or private agreement or restriction, the requirements of these regulations shall govern.

Sec. 1-5. - General Applicability.

(a) Land to Which this Zoning Ordinance Applies.

- (1) This Zoning Ordinance shall apply to all land, water, buildings, structures, and uses of land located within the incorporated area of the City of Newnan, Georgia.
- (2) For parcels split by jurisdictional lines, the jurisdiction containing the greatest percentage of land within the parcel shall govern zoning and other development requirements of the entire lot. The City shall prohibit the development of the city portion of a split jurisdictional lot if two separate jurisdictional codes are proposed for the development of the lot.

(b) Exemptions.

(1) Recently Approved Rezoning.

- a. In order to provide a smooth transition to this Zoning Ordinance, any property rezoned or granted special exception approval within the 6 calendar months preceding adoption of this Zoning Ordinance, but for which such use is not allowed under the Zoning Ordinance, shall nonetheless be allowed to be used for such purpose as previously approved, provided that:
 1. A development permit or building permit authorizing such use is issued within 6 calendar months after the effective date of this Zoning Ordinance; and
 2. The development activity or building construction must comply with all time frames associated with said approval or permit, and must continue without interruption (except due to natural disaster) until the development or construction is complete. If the permit expires and is not renewed, any further development or construction on that site shall occur only in conformance with the requirements of the Zoning Ordinance in effect on the date of the permit expiration.

(2) Conditions of Approval.

Nothing herein shall be construed as repealing or modifying the conditions of approval associated with any zoning, special exception, conditional use, or variance approved prior to the effective date of this Zoning Ordinance.

(3) Previously Issued Building Permits.

The provisions of this Zoning Ordinance shall not affect the validity of any lawfully issued building permit if:

- a. The permit was issued prior to the effective date of this Zoning Ordinance or any amendment hereto;
- b. The permit has not expired pursuant to the Procedures and Permits Article;
- c. The permit has not been revoked pursuant to the Procedures and Permits Article; and
- d. Construction pursuant to such permit or approval is commenced prior to the expiration of such permit or approval.

(4) Subdivisions with Prior Approval.

A subdivision that received preliminary plat approval prior to the adoption of this Zoning Ordinance shall be allowed to continue development according to said preliminary plat under the Subdivision Regulations in effect at the time the preliminary plat was approved. This provision shall expire 1 year following the date of preliminary plat approval, unless site development plans are approved by the City within that time. Furthermore, site development plans approved pursuant to such subdivisions or approved prior to the adoption of this Zoning Ordinance shall expire within 1 year from date of approval, unless construction has begun and continuous work is being performed on the project.

(5) Previously Submitted Applications.

a. Applications for Subdivision Plat and Site Plan Approval.

Any valid and complete application for preliminary or final subdivision plats or site plan approval which is accepted by the Planning and Zoning Department prior to the effective date of this Ordinance shall be processed and approved under the applicable City of Newnan regulations in place prior to the effective date of this Ordinance.

b. Applications for Zoning Map Amendments and Special Exceptions.

Any valid and complete application for Zoning Map amendment, PD project plan, and special exception which is accepted by the Planning Department prior to the effective date of this Ordinance shall be processed under the applicable City of Newnan regulations in place prior to the effective date of this Ordinance.

Sec. 1-6. - Application of the Regulations.

- c. The following utility uses are exempt from the provisions off this Ordinance: electrical transmission lines, poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar equipment when used for the purpose of distributing service to individual customers, and also including substations, transmission lines, or trunk lines on or above the surface of the ground, for the distribution to consumers of telephone, cable television or other communications, electricity, gas or water, or for the collection of sewerage or surface water. All railroad facilities contained within the right-of-way of a railroad company duly recognized by the U.S. Department of Commerce and the Georgia Department of Transportation (GDOT) including railroad tracks, signals, bridges, and similar facilities and equipment and the maintenance and repair work on such facilities and equipment. All federal, state and local government agencies, quasi-governmental authorities and other similar institutions shall be exempt from the provisions of this Ordinance.
- (6) Effect of the Zoning Ordinance on Exempt Properties.
- a. To the extent that exemption under this Sec. 1-5 results in nonconformity with the provisions of this Zoning Ordinance, such properties shall be governed by the requirements of Sec. 1-7, Nonconformities.
 - b. Any new application for a zoning map change, a variance, a concept plan, a preliminary subdivision plat, a site development plan, a development permit, a building permit, or any other action affecting an exempt property covered under the provisions of this Sec. 1-5 shall be considered and acted upon under the procedural provisions of this Zoning Ordinance, as applicable.
 - c. The owner of a property that is otherwise exempt under this Sec. 1-5 may, at his or her option, develop the property in conformity with the provisions of this Zoning Ordinance.

Sec. 1-6. - Application of the Regulations.

- (a) Use, Occupancy, and Construction.
 - (1) All buildings and structures erected hereafter, all uses of land, water or buildings established hereafter, any occupation of a building, structure or land hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in, and relocations of existing uses occurring hereafter shall be subject to the regulations of this Zoning Ordinance.
 - (2) Existing buildings, structures, and uses which comply with the regulations of this Ordinance shall likewise be subject to all regulations of this Ordinance.
 - (3) Existing buildings, structures, and uses which do not comply with the regulations of this Ordinance shall be permitted to continue subject to the provisions of Sec. 1-7, Nonconformities.

(b) General Prohibition.

- (1) Any building or structure, any use of any building, structure, or land; and any lot of record which does not now or hereafter exist on the effective date of this Ordinance shall be prohibited from being created, established, altered, moved, diminished, divided, eliminated, or maintained in any manner except in conformity with the provisions of this Ordinance.
- (2) No use or sale of land or buildings shall be allowed except in conformance with the provisions of this Ordinance.

Sec. 1-7. - Nonconformities.

(a) Purpose and Scope.

- (1) The purpose of this Section is to regulate and limit the development and continued existence of uses, structures, signs, and lots established prior to the effective date of this Ordinance which do not conform to the requirements of this Ordinance. Many nonconformities may continue, but the provisions of this Section are designed to curtail substantial investment in nonconformities and to bring about their eventual improvement to a conforming status or elimination in order to preserve the integrity of this Ordinance and the character of the City.
- (2) This Section shall not apply, however, to any feature which is the subject of a variance or modification from particular regulations that has been granted by the Board of Zoning Appeals (BZA), Planning Commission, or City Council. Where a variance or modification has been granted for a feature which does not otherwise conform to the requirements of this Ordinance, that feature shall be deemed conforming.

(b) Nonconforming Development; In General.

- (1) Lawfully nonconforming uses, structures, buildings, lots, and signs are declared by this Zoning Ordinance to be incompatible with land uses, structures, buildings, lots, and signs that conform to the zoning districts in which the nonconformity exists. However, such nonconforming development may continue under the circumstances presented in this Section for each type of nonconformity.
- (2) For the purpose of this Section, "value" shall be computed from the amount a building or structure, as applicable, is appraised for tax purposes by Coweta County.

(c) Nonconforming Uses.

(1) Nonconforming Uses; Defined.

A nonconforming use is a use or activity that was lawfully established prior to the adoption or amendment of this Zoning Ordinance, but which, by reason of such adoption or amendment, is no longer a use or activity allowed by right or no longer meets or conforms to the requirements of this Ordinance.

(2) Continuation of Nonconforming Uses.

- a. To avoid undue hardship, the lawful but nonconforming use of any structure or land at the time of adoption or amendment of this Zoning Ordinance may be continued even though the use does not conform to the provisions of this Ordinance, except that the nonconforming use shall not be:
 1. Expanded or extended beyond the floor area or lot area that it occupied on the effective date of this Ordinance except in those cases approved pursuant to Subsection (g) of this Sec. 1.7.
 2. Changed to another nonconforming use.
 3. Reestablished after discontinuance for 6 consecutive months or more, regardless of any reservation of an intent not to abandon or to resume such use. This restriction shall not apply, however, to nonconforming single-family dwellings located in any established historic preservation district. If a nonconforming use of property is discontinued, but re-established within 6 months, then the nonconforming use may continue, provided that the nature and degree of the nonconformity will not be changed or increased from that which existed before the nonconforming use was discontinued.
- b. A building occupied by a nonconforming use or a structure containing a nonconforming use at the time of adoption or amendment of this Zoning Ordinance, or because of changes in the use of adjoining properties, may be retained under the following circumstances:
 1. It shall not be enlarged or altered except in conformance with this Zoning Ordinance. It may be repaired to the extent necessary to maintain and to correct any damage or deterioration to the structural soundness or interior appearance or to remedy unsafe conditions which cause a threat to public health or safety.
 2. If it is destroyed by any means to an extent greater than 50% of its value at the time of destruction, then such structure shall not be rebuilt or such use shall not be reestablished in any way which does not conform to the requirements of this Ordinance.
- c. If any existing use was lawfully established in a zoning district that is subsequently amended to require special exception approval for such use, the existing use shall not be subject to the provisions of this Section.
- d. No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

(d) Nonconforming Structures.

- (1) Nonconforming Structure; Defined.

A nonconforming structure is a structure or building whose size, dimensions, location on a property or other features which were lawful prior to the adoption or amendment of this Zoning Ordinance, but which, by reason of such adoption or amendment, no longer meets or conforms to one or more such requirements of this Ordinance.

(2) Continuation of Nonconforming Structures.

- a. A nonconforming structure may continue to be occupied and used, except that it shall not be:
 1. Enlarged or altered in a way that increases its nonconformity, except as provided in Subsection (g) of this Sec. 1.7 but it may be repaired to the extent necessary to maintain and to correct any damage or deterioration to the structural soundness or interior appearance; or to remedy conditions which cause a threat to public health or safety or that are required to bring the structure up to standards of the American with Disabilities Act (ADA).
 2. Moved in whole or in part to any other location unless every portion of such structure and the use thereof is made to conform with all requirements of this Ordinance and other applicable City ordinances.
- b. If a nonconforming structure is destroyed by any means and to an extent greater than 50% of its value at the time of destruction, then such structure shall not be restored, nor any use of the structure be re-established, in any way which does not conform to the requirements of this Ordinance.
- c. Any structure which existed on the date of adoption of this Ordinance which is nonconforming solely due to a setback or yard requirements imposed by this Ordinance and not existing as a part of previous ordinances, or as a part of any other lawfully adopted ordinance, may be enlarged, increased, extended, repaired or replaced so long as any such improvements do not result in an increase in the degree of nonconformity.
- d. See also the Restrictions on Particular Uses Article for additional requirements pertaining to Telecommunications Facilities.

(e) Nonconforming Lots.

(1) Nonconforming Lots; Defined.

A nonconforming lot is a lot of record whose area, frontage, width or other dimensions, or location were lawful prior to the adoption or amendment of this Zoning Ordinance, and which, by reason or such adoption or amendment, no longer meets or exceeds one or more such requirements of the applicable zoning district.

(2) Treatment of Nonconforming Lots.

Any lot of record existing at the time of adoption or amendment of this Zoning Ordinance may be used subject to the following exceptions and modifications:

- a. Where the owner of a lot at the time of the adoption of this Ordinance or the owner's successor in title thereto does not own sufficient land to enable the owner or successor to conform to the dimensional requirements of this Ordinance, such lot may be used as a building site for a single-family residence in the RS-20, RS-15, or RU-7 districts or for an allowed use in all other districts except PDR, PDC, PDO, PDI, MXD, OSD-1, or OSD-2. This shall be subject to the building conforming to the dimensional requirements which can be reasonably applied to the lot and that a variance from those which it cannot reasonably conform to be granted by the BZA, and that construction is in compliance with other City ordinances.
- b. If two or more adjacent and vacant nonconforming lots are in single ownership, and such lots individually have less frontage or area than the minimum requirements of the district in which such lots are located, then such lots shall be considered and treated as a single lot or several lots which meet the minimum requirements of this Ordinance for the district in which such lots are located.
- c. If two or more adjoining and vacant lots with continuous frontage are in single ownership, and such lots individually are less than the lot width requirements for the district in which they are located, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subject to the dimensional requirements of this Ordinance.
- d. Wherever the line of demarcation between two zoning districts of different usage divides a lot so that either one or both sections are made too small to meet the requirements of this Ordinance, the property owner has the privilege of using said lot for any allowed use of either of the two adjacent districts provided the specific use and site plan is approved by the BZA. If, however, one of the two uses is equal to or greater than 75% of the area of the lot, that use shall be required.
- e. Notwithstanding the provisions of Subsection (3) below, boundary line adjustments may be allowed between nonconforming lots provided the Zoning Administrator finds that the degree of nonconformity is not increased due to such adjustment.
- f. Any lot, which by reason of realignment of a Federal or State highway or by reason of condemnation proceedings, has been reduced in size to an area less than that required by law, shall be considered a nonconforming lot of record subject to the provisions set forth in this section; and any lawful use or structure existing at the time of such highway realignment or condemnation proceedings which would thereafter no longer be allowed

under the terms of this Ordinance shall be considered a nonconforming use or structure as that term is used in this Ordinance.

(3) Establishment of Nonconforming Lot Prohibited.

A lot may only be established after the effective date of this Ordinance if such lot conforms to all applicable requirements of this Ordinance.

(f) Nonconforming Signs.

(1) Nonconforming Signs; Defined.

A nonconforming sign is a sign that was lawfully erected and maintained prior to the adoption or amendment of this Zoning Ordinance, and which by reason of such adoption or amendment fails to conform to all applicable regulations and restrictions of this Ordinance.

(2) Continuation of Nonconforming Signs.

Signs which, on the date of adoption or amendment of this Zoning Ordinance, were approved and legally erected under previous sign restrictions, and which became or have become nonconforming with respect to the requirements of this newly adopted or amended Zoning Ordinance, may continue in existence subject to the following restrictions:

(3) Burdon of Proof:

1. Signs for which documentation exists showing that the sign was erected in conformance with the city's requirements and regulations are considered "legal" nonconforming signs.
 2. The burden of proof that an existing sign qualifies as a legal nonconforming sign lies with the owner of the sign. Lacking such proof, the sign may be determined to be an illegal nonconforming sign and its removal required.
- b. In all use districts, legal nonconforming signs may continue in existence provided that the size of the sign face, body or structure is not increased.
 - c. A nonconforming sign shall not be replaced, enlarged or structurally altered except to conform to the provisions of the Sign Regulations Article.
 - d. An existing sign that was legally erected and that becomes nonconforming as to the setback requirements of the city due to road widening may be moved to meet the setback requirements of this Ordinance. Such sign shall not be increased in size or changed in any manner except as to become conforming.
 - e. All nonconforming banners, pennants, and portable signs in existence as of the date of adoption or subsequent amendment of this Zoning Ordinance shall be removed within 12 months of such adoption or amendment.

- f. When a nonconforming sign is demolished or damaged to the extent that more than 50% of its surface area requires replacement, the sign shall be removed or made to conform to the applicable requirements of this Ordinance.
 - g. When the repair, maintenance, or replacement cost of a nonconforming sign exceeds 50% of the value of such sign, the sign shall be removed or made to conform to the applicable requirements of this Ordinance.
- (4) A nonconforming sign shall not be replaced by another nonconforming sign, except that:
- a. The substitution or interchanging of poster panels, painted boards or demountable material on nonconforming signs shall be allowed; and
 - b. A nonconforming sign may be altered to reduce its degree of nonconformity to another type of nonconforming sign where the owner of an existing nonconforming sign seeks to upgrade the sign to utilize newer technology and/or new materials in the sign structure as subject to the following standards:
 - 1. Any nonconformity concerning height is decreased by at least 50% by the proposed improvement.
 - 2. Any nonconformity concerning size of sign face is decreased by 50% of the proposed improvement.
 - 3. Any change-out of materials or technology conforms to the applicable requirements of the Sign Regulations Article.
 - 4. To the extent that the owner of the nonconforming sign owns more than one nonconforming sign on the parcel or lot, improvement of one nonconforming sign will be contingent upon the removal of any additional nonconforming signs on the parcel or lot.
 - c. Where changed conditions beyond the control of the owner render the sign nonconforming or warrant the sign's repair.
- (g) Expansion, Alteration, or Major Repair of Nonconformities.
- (1) Intent.
- a. The intent of this subsection is to allow the continuation of any nonconformity and the normal maintenance and repair thereof, but to require any expansion, alteration, or major repair of a nonconformity to obtain a special exception to determine whether it will substantially injure the value, use, and enjoyment of neighboring properties.
 - b. For the purpose of this Subsection, "normal maintenance and repair" shall mean:

1. Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness of interior appearance of a building or structure without expanding or altering the building or structure;
 2. Maintenance of land areas to protect against health hazards and promote the safety of surrounding land uses;
 3. Repairs which are required to remedy unsafe conditions which cause a threat to public safety; and
 4. Repairs which are required to bring a structure up to the standards of the Americans with Disabilities Act (ADA).
- (2) Special Exception Procedure.
- a. Unless this Section expressly provides otherwise, the expansion, alteration, or major repair of any nonconformity shall require a special exception and shall occur only as approved by the BZA in accordance with the procedures and standards set forth in the Procedures and Permits Article.
 - b. In considering a special exception application, the BZA shall include in its analysis the following factors in addition to the standards outlined in the Procedures and Permits Article:
 1. The possible detriment or benefit to the owner of the nonconformity resulting from denying the approval, from approving the request but requiring that the nonconformity be brought wholly or partially into compliance, or from approving the request;
 2. The possible detriment or benefit to the owners of nearby properties resulting from denying the approval, from approving the request but requiring that the nonconformity be brought wholly or partially into compliance, or from approving the request; and
 3. The possible detriment or benefit to the general public resulting from denying the approval, from approving the request but requiring that the nonconformity be brought wholly or partially into compliance, or from approving the request.
 - c. The BZA may impose any conditions on approval in accordance with the Procedures and Permits Article.
 - d. If the BZA permits a nonconforming use to expand, then the area of such expansion shall not exceed 25% percent of the area of the existing nonconforming use.
 - e. In acting upon a special exception application, the BZA shall not order the discontinuation or termination of a nonconformity. If an application is denied, then the continuation, maintenance, and minor repair of the

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nonconformity shall still be allowed in accordance with the terms of this Article.