

ZONING ORDINANCE

City of Winona, Mississippi

APRIL 17, 2007

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ARTICLE I. TITLE AND PURPOSE

Sec. 1.1. Authority.

The provisions of this ordinance shall be applicable to all property within the incorporated limits of the city of Winona, Mississippi as provided by Section 17-1-7 of Miss. Code Annotated (1972).

Sec. 1.2. Title.

This ordinance shall be known as the “Zoning Ordinance,” and the map herein referred to, identified by the title “Official Zoning Map, City of Winona, Mississippi,” shall be further certified by the mayor of Winona and attested by the City Clerk. The zoning map of Winona, and all explanatory matter thereon, is hereby adopted and made a part of this ordinance. Such map shall be filed in the office of the City Clerk and shall show thereon the date of adoption of this ordinance.

Sec. 1.3. Interpretation.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of public health, safety, welfare and convenience. Where other ordinances or regulations that may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. This ordinance shall not lower the restrictions of plats, deeds, or private contracts if such are greater than the provisions of this ordinance. Should this ordinance impose a greater restriction, this ordinance shall control.

Sec. 1.4. Conflict.

All ordinances or parts of ordinances in conflict herewith are repealed, but nothing contained herein shall prevent the prosecution of any person or the bringing of a civil action to enjoin any person for the prior violation of any ordinance or part of any ordinance hereby repealed.

Sec. 1.5. Severability and validity.

If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

ARTICLE II. DEFINITIONS

Sec. 2.1. Word Usage.

For the purpose of this ordinance certain terms and words are hereby defined:

- 1 Words used in the present tense shall include the future tense.
- 2 Words in the singular number include the plural number, and words in the plural number include the singular number.
- 3 The word “building” shall include the words “structure” and “premises”.
- 4 The word “shall” is mandatory.
- 5 The word “may” is permissive.
- 6 The word “person” includes a firm, organization, association, partnership, trust, company, or corporation as well as an individual.

Sec. 2.2. Definitions.

Accessory Structure: A subordinate building that is incidental to and customary in connection with the principal building or use and located on the same lot.

Accessory Use: A subordinate use that is incidental to and customary in connection with the principal building or use and located on the same lot.

Agriculture: The raising or growing of crops only: except that the City Board may, by special order, permit the raising of fowl or livestock, but not swine, in any rural or outlying fringe area within the City of Winona, providing such use does not constitute a nuisance or health hazard.

Alley: A public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Alteration and Altered: The word “alteration” shall include any of the following:

- 1) Any addition to the height, width, or depth of a building or structure;
- 2) Any change in the location of any of the exterior walls of a building or structure;
- 3) Any increase in the interior accommodations of a building or structure;
- 4) In addition to the foregoing, a building or structure shall be classified as altered when it is repaired, renovated, remodeled, or rebuilt at a cost in excess of fifty (50) percent of its value prior to the commencement of such repairs, renovation, remodeling, or rebuilding.

Apartment: A multiple family dwelling.

Apartment Hotel: An apartment house that furnishes services for the use of its tenants that are ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

Apartment House or Multiple-family Dwelling: Any single detached dwelling unit designed for and occupied by three (3) or more families living independently of each other as separate housekeeping units, including apartment houses, apartment hotels and flats, but not including auto or trailer courts, camps, hotels, motels, or resort-type hotels.

Auto Wrecking: The collecting, burning out, dismantling, or wrecking of used motor vehicles, wheeled or track-laying equipment or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked motor vehicles, wheeled or track-laying equipment or trailers or their parts. The dismantling and rebuilding, other than custom repair, of more than one motor vehicle, piece of wheeled or track-laying equipment or trailer at a time, even though not for profit or a principal use of a parcel of land, shall be defined as auto wrecking. The storage of a partially dismantled motor vehicle, piece of wheeled or track-laying equipment or trailer shall be considered auto wrecking.

Basement (Cellar): A story having part but not more than one-half (½) of its height below average grade of the adjoining ground. A basement is counted as a story for the purpose of height regulations, if subdivided and used for business or dwelling purposes by other than a janitor employed on the premises.

Block: A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, parks, or a combination thereof. There may be more than one numbered block as shown on a plat, falling within a single block as herein defined. In cases where the platting is incomplete or disconnected, the City Engineer shall determine the outline of the block.

Board: The board of adjustment of the City of Winona.

Boardinghouse: A dwelling or part thereof where meals and/or lodging are provided for compensation for two (2) or more persons not transients.

Buffer Area: An area that acts as a separation area between two or more noncompatible districts.

Building: Any structure including a roof supported by walls, designed or intended for the support, enclosure, shelter or protection of persons, animals, chattel, or property and forming a construction that is safe and stable; the word building shall include the word structure.

Building Area: The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.

Building Height: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the structure, exclusive of chimneys, ventilators, or other extensions above the roof line that are not intended for occupancy or internal usage by persons.

Building Line: That line between which and the street or highway right-of-way line no building or part thereof may be erected, except as provided in these regulations. It is the line on the interior of a lot created by the measurement and delineation of a yard as required by these regulations.

Building Official: The individual designated by the Governing Authority to administer and enforce the regulations of this ordinance. In this ordinance, the term “zoning administrator”, “building official”, and “building inspector” are synonymous.

Building, Principal: A building in which is conducted the primary use of the site on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building of the site on which it is located.

Canopy: Any structure having no enclosing walls built for the shelter of persons, animals, chattel, or property of any kind.

Cemetery: A tract of land, private or public, licensed with the State of Mississippi, divided into plots for sale for interment of the human dead.

Central Business District: The area shown and delineated on the official zoning map and generally known as downtown Winona.

Certificate of Occupancy: A permit issued by the building inspector indicating that the use of the building or land in question is in conformity with this ordinance or that there has been a legal variance therefrom as provided by this ordinance.

Child Care Center: Any place, home, or institution that receives six (6) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated, or approved under the laws of this State, custody of children fixed by a

court of competent jurisdiction, children related by blood or marriage within the third degree of the custodial persons or to churches or other religious or public institutions caring for children within the institutional building.

Clinic, Dental or Medical: A facility for the examination and treatment of ill and afflicted human outpatients; provided, however, that patients are not kept overnight except under emergency conditions.

Club: Club shall include clubhouse and shall mean a voluntary association of persons organized for cultural, recreational, fraternal, civil, charitable, or similar purpose but shall not include an organization or premises, the chief activity of which is a service or activity customarily carried on as a business even though it may be chartered and named for purposes herein defining a club.

Concealing Fence: A fence, wall, live shrubbery, or other material approved by the Planning and Zoning Commission that visually prevents, on a perpetually maintained basis, an area so enclosed from being viewed from without by a maximum of twenty (20) per cent visibility. Any live shrubbery used shall be a hardy species to the area and permanently maintained in a manner that will not create a nuisance. Any lack of maintenance of such concealing fence shall be deemed a violation of this ordinance and shall be prosecuted as prescribed herein.

Conforming Use: Any lawful use of a building or lot that complies with the provisions of this ordinance.

Country Club: A chartered, nonprofit membership club catering primarily to its membership, providing one (1) or more of the following recreational and social activities: golf, swimming, riding, outdoor recreation, club house, locker room, and pro shop.

Coverage: The percentage of the lot area covered by the building area.

Density: The number of dwelling units per acre of gross land area.

Drive-in Commercial Uses: Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

Dwelling: Any building or portion thereof designed or used as the residence of one (1) or more persons, but not including a tent, cabin, travel trailer, or a room in a hotel, motel, or boarding house.

Dwelling Unit: A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping, and cooking.

Dwelling, Detached: A dwelling that is completely surrounded by open space on the same lot.

Dwelling, Group: A structure, other than a hotel or motel, inhabited by more or less permanent occupants in excess of four (4), living independently in quarters other than dwelling units.

Dwelling, Mobile: A vehicle used or so constructed as to permit its being used as a conveyance upon a public street or highway and duly licensable as such, and shall include self-propelled vehicles so designed, constructed, reconstructed, or added to by any means in such a manner as will permit the occupancy thereof as a dwelling or sleeping place of one or more persons and supported by wheels, jacks, or similar supports. Transportable dwellings not meeting building code requirements for dwellings shall be treated as mobile dwellings. This definition shall include the terms "automobile trailer," "house trailer" and "mobile home." These types of vehicles shall not be used as permanent dwellings.

Dwelling, Single-family: A building designed for or occupied exclusively by one family.

Dwelling, Two-family: A building designed for and occupied exclusively by two (2) families living independently of each other.

Dwelling, Multifamily: A building designed for or occupied exclusively by more than two (2) families living independently of each other.

Dwelling, Townhouse, or Row House: Two (2) or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and owned by one (1) family.

Dwelling, Zero Lot Line: A single detached dwelling unit that is constructed on a side property line of said lot; such that the wall located on the side property line should be "blank" with no openings of any type allowed.

Easement: A grant by the property owner to the public, a corporation, or persons of the use of a strip of land for specific purposes.

Family: One (1) or more persons related by blood or marriage, including adopted children, or a group of less than five (5) persons not all related by blood or marriage, occupying premises living as a single, nonprofit unit, as distinguished from a group occupying a boarding or

lodging house, hotel, club, or similar dwelling for group use. A family may include domestic servants employed by said family.

Farm: An area that is used for the growing of the usual farm products such as vegetables, fruit, trees, hay, cotton and grain and their storage on the area, as well as the raising thereon of the usual farm poultry and farm animals such as horses, mules, cattle, sheep and swine, and including dairy farms. The term “farming” includes the operating of such an area for one or more of the above uses with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities. Farming shall not include the extraction of minerals, the feeding of collected garbage or offal to swine or other animals, or intensive livestock raising, such as commercial feed lots, large batteries of rabbit hutches, or poultry lots or coops. (See “farming, intensive.”).

Farm Building or Structure: Any building or structure upon a farm having no dwelling facilities and constituting a necessary accessory building or structure for treating, processing, storing and assembling of farm produce or products associated with farm production and/or the storage and maintenance of tools and implements involved in normal farming activities conducted on the farm.

Farming, Intensive: An area that is used for the feeding of collected garbage or offal to swine or other animals or intensive livestock raising, such as commercial feed lots or fattening pens for cattle or swine, large batteries of rabbit hutches, or poultry lots or coops.

Flammable Liquids: Any liquid that gives off flammable vapors, as determined by the flashpoint from an open-cup tester as used for test of burning oils, at or below a temperature of eighty (80) degrees Fahrenheit is flammable.

Floodplain: Floodplain or flood prone area means any land area susceptible to being inundated by water from any source. (Federal Emergency Management Agency)

Floodway: The width on either side of a stream, river, or drainage course designated by the mayor and city Board of the City of Winona as necessary to provide sufficient channel and capacity to drain storm waters flowing into it in a manner that will prevent extensive flooding or inundation of property located adjacent to the area so designated.

Floor Area: The sum of the gross horizontal areas of all of the floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of walls separating two (2) buildings.

Frontage: All the property abutting on one side of a street between two (2) intersecting streets, measured along the street line.

Garage Apartment: A dwelling unit erected above a private garage.

Garage, Mechanical: A facility used for the repair of automobiles, trucks and similar vehicular powered, hydraulic or control systems.

Garage, Private: An accessory building or part of a main building used for storage purposes only for automobiles, used solely by the occupants and their guests of the building to which it is accessory.

Garage, Public: A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.

Garage, Storage: A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.

Gasoline Service Station: Any building, structure, or land used primarily for the dispensing and sale of fuels, oils, accessories, or minor maintenance and repair services but not including painting, body work, or major repairs.

Golf Course: Golf course as used herein shall mean standard sized layouts of at least nine (9) holes and shall not include miniature golf courses, par-3 golf courses, pitch and putt courses, or driving ranges.

Governing Authority: The mayor and city Board of Winona, Mississippi.

Grade: The mean elevation of the ground, measured along the wall of a building or a lot line or the top of a street curb or official grade of a street curb not yet constructed or an official grade of an alley surface, as appropriate to the context in which the term is used.

Gross Floor Area Ratio (G.F.A.R.): The floor area of a building divided by the area of the zoning lot as defined herein. (For example, a building one story high covering an entire lot would have a G.F.A.R. of 1.0, whereas a building two (2) stories high covering half a lot would also have a G.F.A.R. of 1.0, while a building one story high covering half a lot would have a G.F.A.R. of 0.5.) Both principal and accessory buildings shall be considered in calculating gross floor area.

Ground Area: Ground area shall be the total geometric area of a lot as defined within its

boundaries.

Ground Coverage: The area of a zoning lot occupied by all buildings expressed as a percentage of the gross area of the zoning lot.

Group Housing Project: A group of one-family, two-family, or multiple dwellings, arranged on land not subdivided into customary streets and lots.

Hobby: An accessory use carried on by the occupant of the premises in a shop, studio, or other workroom, purely for personal enjoyment, amusement, or recreation; provided that the articles produced or constructed in said shop, studio, or workroom are not sold either on or off the premises and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke, or fumes.

Home Occupation: Any occupation or profession carried on by the inhabitants that is clearly incidental and secondary to the use of the dwelling for dwelling purposes, that does not change the character thereof and that is conducted entirely within the main or accessory building does not conflict with provisions regarding parking, signage or generate a consistent pattern of traffic in and out of the dwelling. Retail Establishments are strictly prohibited as home occupations.

Hospital: An institution providing health services primarily for human inpatient, medical, or surgical care for the sick or injured, and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities.

Hospital, Small Animal: An institution where sick or injured small animals of less than one hundred fifty (150) pounds are given medical care and in the course of same are housed overnight, fed and provided related services. Hospital, small animal shall be considered a commercial use.

Hotel: Any building or portion thereof that contains at least ten (10) guest rooms intended for occupancy by transient individuals for compensation, whether paid directly or indirectly.

Industrial, Heavy: Those industrial uses that have extensive space requirements and/or generate substantial amounts of noise, vibrations, odors, or possess other characteristics that are detrimental, hazardous, or otherwise offensive and incompatible with other land uses.

Industrial, Light: Those industrial uses that do not generate odors, smoke, fumes, or excessive noises.

Junk: Old and dilapidated vehicles and parts thereof, scrap building material, scrap contractor's equipment, tanks, casks, cans, barrels, boxes, drums, piping, bottles, glass, old iron, machinery, rags, paper, textiles, excelsior, hair, mattresses, beds, bedding, or any other kind of scrap or waste material which is stored, kept, handled, or displayed within the City Limits.

Junk or Salvage Yard: A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment when conducted entirely within a completely enclosed building, or sale of used cars in operating condition.

Kennel: Any building, lot, or premises on in which four (4) or more dogs, cats, or similar pets (at least eight (8) weeks of age) are kept for personal use or boarding.

Kindergarten: A school other than a public school for children of pre-public school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

Legal Nonconforming use, Building, or Yard: A use, building, or yard existing legally at the time of the passage of this ordinance that does not, by reason of design, use, or dimensions, conform to the regulations of the district in which it is situated. A use, building, or yard established after the passage of this ordinance that does not conform to regulations of the district in which it is situated shall be considered an illegal nonconforming use.

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 area of five hundred forty (540) square feet, minimum width of twelve (12) feet, a minimum depth of forty-five (45) feet and connected with a right-of-way serving the premises.

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this ordinance including one (1) main building together with its accessory building, and the open spaces and parking spaces required by this ordinance, and having its principal frontage upon a street.

Lot of Record: A lot, the deed or plat of which has been recorded in the office of the clerk of Winona County.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.

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

Lot, Interior: A lot that is not a corner lot.

Lot Line: A boundary of a lot. Lot line is synonymous with property line.

Lot Line, Front: In the case of an interior lot, the line separating said lot from the street. In the case of a corner or through lot, the line separating said lot from the street that is designed as the front street in the request for a building permit.

Lot, Through: A zoning lot having frontage on two (2) parallel, approximately parallel, diverging, or converging streets, but not including a corner lot as defined herein.

Lot, Reverse Corner: A corner zoning lot, the side street of which is substantially a continuation of the front lot line of the zoning lot to its rear.

Lot Width: The width of a lot measured at the front distance setback line.

Lot, Zoning: See zoning lot.

Manufactured Home: A detached single-family dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. This Code means the standard for construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and USC 5401, ET SEQ, as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.

Manufacturing Establishment: A facility where goods are made through use of raw materials, machinery and labor and often employing assembly-line techniques.

Manufactured Home Lot: A parcel of land for the placement of a single manufactured home and the exclusive use of its occupants.

Manufactured Home Park: A site or parcel of land under single management that has been planned and improved for the rental or lease of lots for one or more manufactured homes and the provision of services for manufactured homes for transient and/or non-transient use.

Manufactured Home Subdivision: A manufactured home subdivision is a tract of land in which spaces or lots for manufactured homes are for sale and in which the purchaser receives fee simple title to the space or lot.

Minimum Lot Area: The minimum ground space required for a dwelling unit by this ordinance.

Minor Repair, Automobile: The replacement of minor assemblies or parts and tune-up of automobiles, or trucks of less than fifteen thousand (15,000) pounds gross license weight, but not including body and fender work, painting, engine overhaul, or similar type of work.

Mobile Home: A movable or portable structure built prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Act of 1974, which is larger than three hundred twenty (320) square feet, and designed to be used as a year-round residential dwelling unit. Hereinafter the effective date of this ordinance any structure meeting the definition for a mobile home shall be subject to the following regulation. Any change in occupancy, ownership or location will bring cause for the structure to be removed from the City of Winona.

Mobile Home Lot or Trailer Lot: A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

Mobile Home Park or Trailer Park: A site or parcel of land under single management that has been planned and improved for the rental or lease of lots for one or more mobile homes and the provision of services for mobile homes for transient and/or non-transient use.

Mobile Home Subdivision: A mobile home subdivision is a tract of land in which spaces or lots for mobile homes are for sale and in which the purchaser receives fee simple title to the space or lot.

Modular Structure: A modular structure is a factory-fabricated building over thirty-two feet in length and at least twenty-four (24) feet wide, designed and constructed without carriage or hitch collar as stationary construction for placement on a permanent foundation, to be permanently connected to utilities and to be used for year round occupancy. The modular structure may be used for residential dwelling purposes or commercial or industrial uses when in compliance with this and other city ordinances. It may consist of two (2) or more components that can be separated when transported but designed to be joined into one integral unit. A modular structure must meet the "National Manufactured Home Construction and Safety

Standards.” Construction shall also meet the City of Winona building code and as the minimum construction standards may from time to time be fixed by the law of the State of Mississippi, and must have a roof with at least a 3/12 pitch.

Motel or Motor Court: A business comprised of a building or group of buildings so arranged as to furnish overnight accommodations for transient guests.

Modifying Zone: A zone that is dependent upon a primary zone and that is designed to add to the primary zone a specific restriction or liberalization to meet specific location needs that, if accomplished by an additional series of primary zones, would make the ordinance unnecessarily lengthy and complicated.

Nonconforming Building: A building or structure or portion thereof lawfully existing at the time this ordinance or an amendment thereto becomes effective that does not meet the bulk, height, yard, parking, loading or other requirements of this ordinance or any amendment thereto.

Nonconforming Use: A use of any structure or land that, though originally lawful, does not conform with the provisions of this ordinance for the district in which it is located.

Nursing Home (including Convalescent Centers): A privately operated establishment where maintenance and personal or nursing care are provided for persons (as the aged or the chronically ill) who are unable to care for themselves properly.

Offices: Space or rooms used for professional, administrative, clerical and similar uses.

Open Space, Common: A parcel or parcels of land not occupied by dwellings or other buildings that is permanently maintained in a suitable state for the shared use and enjoyment by the owners and/or occupants of individual dwelling units within a particular development.

Outdoor Storage: A depository or place for storing goods related to the establishment on the same premises and not located within a building.

Par-3 Golf Course: A golf course, other than a miniature golf course and other than a golf course defined herein, and having greens similar to a golf course and fairways of not less than fifty (50) yards in length. A par-3 golf course may not be lighted unless so specified as permitted in the text of this ordinance.

Parking Space: An area, enclosed or unenclosed, intended for the purpose of storing one automobile and that shall be not less than nine (9) feet wide and eighteen (18) feet long and shall be provided with a hard surface except where limited to private residential use, together with a driveway connecting the parking space with a street, road or alley.

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

Parking Area, Semi-public: An open area other than a street or alley used for temporary parking of more than four (4) self-propelled vehicles as an accessory use to semi-public institutions, schools, churches, hospitals and noncommercial clubs.

Pharmacy: A facility preparing and dispensing drugs and drug-related items, and medical- and dental-related items.

Planned Unit Development (PUD): A land tract in which a multiplicity of land uses may be permitted, including single-family residential, multifamily residential, public use and compatible commercial use, and in which land not used by residential or commercial structures and yards but required by basic zoning of the site shall be reserved collectively in contiguous units accessible to all the building sites in the development as open space for the purpose of providing recreational facilities and pedestrian circulation.

Planning Commission: The duly designated planning commission for the City of Winona, Mississippi. The planning commission is responsible for reviewing, approving and making recommendations for master plans and land development applications, in accordance with Section 17-1-11 of the State of Mississippi Code.

Portable building: Any building not covered by the building code four hundred (400) square feet or less.

Premises: Land, together with structure or structures occupying it.

Primary Zone: A zoning classification that can stand alone as a classification of a parcel of property.

Principal Permitted Use: That use of a zoning lot that is among the uses allowed as a matter of right under the zoning classification.

Public Uses: Any land use operated by or through a unit or level of government, either through lease or ownership, such as municipal administration, county buildings, state offices and federal uses such as post offices and other departmental offices.

Rest Home (Including Personal Care Facilities): An establishment that provides housing and general care for the aged or the convalescent.

Right-of-way: The land occupied, including necessary parkway or open space, dedicated

or designated for the use of a public street or alley.

Roof: A canopy or covering that is supported by a floor or ceiling structure of the main building.

Rooming House: Any building or portion thereof that contains not less than three (3) nor more than nine (9) guest rooms that are designed for lodging, by prearrangement for definite periods, with or without meals and are provided for compensation, whether paid directly or indirectly.

Screening: This term refers to landscaping and/or architectural barriers that block vision.

Service Station: Any building, structure or land used primarily for the dispensing, sale or offering for sale at retail of any automotive fuels, oils, accessories or other sundry items normally sold at service stations for the traveling public, but not including major repair work such as motor overhaul, body and fender repairs, or spray painting.

Semi-public Uses: Philanthropic and charitable land uses including YMCA, YWCA, churches and church-related institutions, orphanages, humane societies, private welfare organizations, nonprofit lodges and fraternal orders, hospitals and general charitable institutions.

Site Plan Review Committee: That committee shall have the duty to review certain site plans, all as herein provided for in this ordinance.

Special Exception: A use that is not permitted in the zoning district where the property is located under the provisions of this ordinance but that, in the specific case, would, in the judgment of the Planning and Zoning Commission, promote the public health, safety and the general welfare of the community and the granting of which would not adversely affect adjacent properties. A permit granted as a special exception will not change the general zoning of the property or allow any change in integrity and appearance of the existing structure that would be contrary to the desired character of the district, and will be given on a yearly basis only during the occupancy or ownership of the person to whom it was granted, and upon their vacating the property or structure, the property and structure shall revert to the original use.

Stable, Private: An accessory building for the keeping of horses or mules owned by the occupants of premises and not kept for remuneration, hire or sale.

Stable, Public: A stable other than a private or riding stable.

Stable, Riding: A structure in which horses or mules used for pleasure riding or driving are housed, boarded or kept for hire, including a riding track.

Story: That portion of a building, other than a basement or cellar, 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.

Street A strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails, or other thoroughfares.

Street Right-of-way Line: The legal property line boundary between the street right-of-way and the abutting property.

Structure: Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

Subdivision: An area of land divided into lots for development by means of an appropriately recorded legal document.

Townhouse Subdivisions: The term "townhouse subdivision" shall apply to those developments in which it is proposed to partition land into individual lots and construct townhouses that may be individually owned and where the minimum lot sizes shall be as required under the R-3 Residential District of this ordinance.

Tract Development: A tract of land at least five (5) acres in size designed for residential purposes where dwellings may be grouped or clustered to maximize advantageous development of the site and where, through the proper use of common maintained open space, character and density requirements of the residential district in which it is located are satisfied.

Travel Trailer or Camper: A dependent temporary single-family dwelling unit built on a chassis not exceeding eight (8) feet wide and thirty-two (32) feet long designed for short-term occupancy and frequent travel, requiring park services for utility and sanitary facilities. Unit may be self-propelled or towed behind a vehicle without a special permit required.

Unobstructed Open Space: An area of land upon which no structure may be erected.

Use: The purpose for which land or a building or other structure is designed, arranged or intended or for which it is or may be occupied or maintained.

Use, Accessory: A use customarily incident to a principal permitted use of building and

location on the same zoning lot with such principal use or building.

Use, Conditional: A use that is not automatically allowed in the zone but that is permitted upon findings of the zoning board of adjustment that, under the particular circumstances present, such use is in harmony with the principal permitted uses of the zone. Allowable conditional uses are specifically listed under the district regulations. Uses not so listed shall not be allowed as conditional uses.

Use, Specifically Excluded: A use of land or a structure that is excluded from a zone by the operation of other regulations of the zone but that is specifically enumerated as excluded for purposes of clarity of intent and ease of reference.

Variance: A modification of the literal provisions of this ordinance that the board is permitted to grant when strict enforcement of said provisions would cause undue hardship (such hardship cannot be self-created or of an economic nature) owing to circumstances unique to the individual property on which the variance is sought.

Yard: An open space on the same lot with a building unobstructed from the ground upward and measured as the minimum horizontal distance between the lot line and the main building.

Yard, Front: A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street right-of-way line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear: A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line in the rear of the main building or an projection other than steps, unenclosed porches, or entrance-ways.

Yard, Side: A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereof.

Zero Lot Line Subdivision: A residential complex consisting of no less than ten (10) zero lot line lots.

Zoning Administrator: See “building official.”

Zoning Board of Adjustment: The zoning board of adjustment for the City of Winona. The board is appointed by the City Board. The primary duty of the board is to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning administrator in the enforcement of this ordinance.

Zoning Lot: A parcel of land that is designated by its owner or authorized agent as a tract, all of which is to be used, developed, or built upon as a unit under a single ownership. When determining the front, rear and side yard setbacks for a zoning lot, the required distance shall be measured from the exterior boundaries of said zoning lot.

ARTICLE III. DISTRICTS

Sec. 3.1. Zoning districts.

For the purpose of this ordinance, the City of Winona is hereby divided into the types of zoning districts that are designated as follows:

- A-R Agricultural-Residential District
- R-1 Single Family Residential District
- R-2 Single Family Residential District
- R-3 Two Family Residential Restricted District
- R-4 Multi-Family Residential District
- R-5 Manufactured Home District
- C-1 Neighborhood Commercial District
- C-2 Central Business District
- C-3 Highway Commercial District
- C-3R Highway Commercial Restricted District
- I-1 Light Industrial District
- I-2 Heavy Industrial District

The boundaries of the above districts are hereby established as shown on the zoning map of Winona, Mississippi as adopted on the 17th day of April 2007. Unless otherwise shown on said zoning map, the boundaries of districts are lot lines, the center lines of streets or alleys or such lines extended, railroad right-of-way lines or the corporate limit lines as they existed at the time of enactment of this ordinance. Questions concerning the exact location of district boundary lines shall be decided by the zoning board of adjustment.

Sec. 3.2. General provisions

1 Uses.

A *New uses:* In each district, no use other than the types specified as “permitted on appeal” shall be allowed. (See Article IV, Specific District Regulations.) Uses specified as “permitted” shall be permitted upon application to the zoning administrator. Uses specified as “permitted on appeal” are special exceptions, and no permit shall be issued for such uses except with the written approval of the board of adjustment and subject to such conditions as said board may require to preserve and protect the character of the district.

B *Use regulations applying to all districts:*

1 Uses permitted:

- a Public utility lines (but not including power substations and pumping stations).
- b Public buildings of a governmental nature, including public schools and libraries.
- c Recreational facilities, including parks, playgrounds, stadiums, tot lots, mini parks, etc.
- d Accessory structures.

2 Uses permitted on appeal:

- a Public utilities not otherwise specified, including power substations, pumping stations and telephone exchanges.
- b Public buildings not otherwise specified.
- c General hospitals for humans.
- d Semi-public buildings and uses, including private schools and churches.
- e Microwave, radio, telecommunications, television, and other electronic transmission or receiving towers in excess of height limits may be allowed in any zone upon a finding by the City that the proposed tower or towers will not be unduly detrimental to surrounding property. Heights in excess of one hundred (100) feet shall be subject to the approval of the City Board. Exceptions to standard height restrictions shall not be granted in cases where they would violate height restrictions of an aircraft approach and turning zone.
- f Churches

ARTICLE IV. SPECIFIC DISTRICT REGULATIONS

No land shall be used or occupied and no structure shall be designed, erected, altered, used or occupied except for the following primary permitted uses for each of the following zoning districts, together with lawfully permitted home occupations and temporary uses and permitted accessory uses.

4.1 A-R Agricultural-Residential

- a. Purpose. The “A-R” District is intended to encourage very low density residential uses in an agricultural setting in the outlying parts of the City’s zoning jurisdiction, the low density residential development is intended to occur generally on un-subdivided tracts of land whereon public water supply and sanitary sewer services is impractical.
- b. Permitted uses. In the A-R Single Family Residential District a building or premises shall be used only for the following purposes:
 - i. Agricultural activities but excluding feedlots and sales, auction yards and

auction barns.

- ii. Single family dwellings
- iii. Churches
- iv. Country Clubs
- v. Home occupations subject to the provisions in Zone R-3.
- vi. Model home, including sales offices, located within developing subdivisions to be used for the promotion of original sales of lots and houses within that subdivision only
- vii. Radio and television towers, antennas, earth stations, or wireless communication facilities which are co-located on existing facilities, or do not exceed 35 feet in height
- viii. Public and Private schools
- ix. Public service facilities
- x. Accessory buildings and uses.

c. Conditional uses:

The following uses may be permitted if approved by the Planning Commission and/or Mayor and Board of Aldermen, provided such conditional uses shall comply with the height and area regulations and with the parking regulations for similar uses set out elsewhere in this ordinance.

- i. Day care centers
- ii. Hospitals, nursing homes, and educational philanthropic, or religious institutions on sites of not less than five acres, provided not more than 20 per cent of the site area may be occupied by the buildings.
- iii. New cemeteries and enlargement of existing cemeteries
- iv. Private clubs and lodges
- v. Privately operated lakes, swimming pools, and tennis courts intended for public use, provided that they are located on sites containing not less than five acres.
- vi. Radio and television towers, antennas, earth stations, or wireless communication facilities, exceeding 35 feet in height
- vii. Wells, gas, and oil including drilling and extraction
- viii. Golf courses
- ix. Nurseries and Greenhouses
- x. Public Service Facilities

c. Site Development Regulations. Each site in the "A-R" District shall be subject to the following site development regulations.

- | | |
|-------------------------------------|--|
| i. Minimum Lot Area: | 1.0 Acres |
| ii. Lot Width: | 90 Feet (minimum) |
| iii. Site Area/Unit: | 1.0 Acres |
| iv. Floor Area Ration: | No Restriction |
| v. Building Height: | 35 Feet (maximum) |
| vi. Maximum Overall Density (Site): | 1 Units/Gross Acre |
| vii. Minimum Building Setbacks: | Front Yard 50 Feet
Side Yard 30 Feet
Rear Yard 40 Feet |

4.2 R-1 Single Family Residential District

- (a) Uses Permitted – Single-family dwellings and accessory structures.
- (b) Building Height – No structure shall exceed 35 feet or 2 ½ stories in height.
- (c) Required Lot Area and Lot Width – Every dwelling shall be located on a minimum lot of not less than 12,000 square feet in area, and with a width determined at the building setback line of not less than 100 feet.
- (d) Yards Required:
 - 1. Front Yards – The front yard building setback line shall be a minimum of 40 feet from any existing or proposed right-of-way line of any street or road, and including those streets or roads shown on the Major Thoroughfares Plan.

2. Side Yards – There shall be a minimum side yard of 10 feet on each side of any structure as measured from the side lot line to the nearest building, or structure.
3. Rear Yards - There shall be a minimum rear yard building setback of not less than 25 feet, being the minimum horizontal distance between the rear lot line and the rear of the main building or structure.
4. Yards for Public or Semi-Public Buildings – All public and semi-public buildings, including accessory buildings, shall provide the same front yard setback as required for all other buildings in this zoning district. There shall be a minimum side yard and rear yard clearance for such buildings of 30 feet from any lot line.

(e) Conformance to Subdivision Regulations - No single family dwelling unit shall be constructed on any lot which does not conform to the provisions of the ordinance regulating subdivisions, unless such lot was heretofore platted.

(f) Accessory Buildings –When detached from the residence, accessory buildings shall be setback a minimum of 60 feet from the street line on which the lot and main building fronts and a minimum distance of 10 feet from side yard lot line and/or rear yard lot line. No accessory structure shall cover more than 25 percent of a required rear yard, shall be no more than one story in height, shall not deviate in material construction from the residential unit, and shall not have a metal exterior surface. Accessory Buildings shall conform generally to the appearance and architecture of the main building being composed of materials used in residential structures and shall not contain or feature a metal façade. Accessory buildings in R-1 Zone shall be no more than one story in height.

(g) Off-Street Parking – See SECTION 6.1 pertaining to off-street parking.

4.3 R-2 Single Family Residential District

- (a) Uses permitted – Single family dwellings and accessory structures.
- (b) Building Height – No structure shall exceed 35 feet or 2 ½ stories in height.
- (c) Required Lot Area and Lot Width – Every dwelling shall be located on a single lot of not less than 6,500 square feet in area, and with a width determined at the building setback line of not less than 65 feet.
- (d) Yards Required:
 1. Front Yards – The front yard building setback line shall be a minimum of 30 feet away from any existing or proposed right-of-way line of any street or road and including those streets or roads shown on the Major Thoroughfares Plan.
 2. Side Yards – There shall be a minimum side yard of 8 feet on each side of any structure as measured from the side lot line to the nearest building or structure.
 3. Rear Yards – There shall be a minimum rear yard building setback of not less than 25 feet, being the minimum horizontal distance between the rear lot line and the rear of the main building or structure.
 4. Yards for Public and Semi-Public Buildings – All public and semi-public buildings, including accessory buildings shall provide the same front yard setback as required for all other buildings in this zoning district. There shall be a minimum side yard and rear yard clearance for such buildings of 30 feet from any lot line.
- (e) Conformance to Subdivision Regulations – No single family dwelling unit shall be constructed on any lot that does not conform to the provisions of the ordinance regulating subdivisions, unless such lot was heretofore platted.
- (f) Accessory Buildings – When detached from the main building, accessory buildings shall be setback a minimum of 25 from the street line on which the lot and main building are located, and a minimum distance of 5 feet from side yard lot line or rear yard lot line. Accessory buildings shall cover no more than 25 percent of the required rear yard.
- (g) Off-Street Parking – See SECTION 6.1 pertaining to off-street parking.

4.4 R-3 Two Family Residential District

4.4 (a) Uses Permitted – Single or two family dwellings and accessory structures, and including by exception granted by the Zoning Board of Control new manufactured homes; and customary home occupations subject to the restrictions and limitations established in Article 2.2 of this Ordinance. These occupations include:

1. Custom dressmaking, millinery, tailoring, sewing or fabrics for custom apparel.
2. Foster family care.
3. Professional offices in which merchandise is not commercially created, stored, or sold.
4. Tutoring.
5. Fine arts studios, in which are created only individual works of art.
6. Other similar uses.

(b) Building Height – No structure shall exceed 35 feet or 2 ½ stories in height.

(c) Required Lot Area and Lot Width

1. Every single family dwelling shall be located on a single lot of not less than 6,000 square feet in area, with a width determined at the building setback line of not less than 50 feet.
2. Every two family dwelling shall be located on a single lot of not less than 8,000 square feet in area, with a width determined at the building setback line of not less than 70 feet.

(d) Yards Required

1. Front yards – the front yard building setback line shall be minimum of 25 feet from any existing or proposed right-of-way line of any street or road, and including those streets or roads shown on the major Thoroughfares Plan.
 2. Side Yards
 - a. For single family dwellings there shall be a minimum yard of 8 feet on each side of any structures as measured from the side lot line to the nearest building or structure.
 - b. For two family dwellings there shall be a minimum yard of 8 feet on each side of any structure as measured from the side lot line to the nearest building or structure.
 3. Rear Yards – There shall be a minimum rear yard building setback of not less than 25 feet, being the minimum horizontal distance between the rear lot line and the rear of the main building or structure.
 4. Yards for Public and Semi-Public Buildings – All public and semi-public buildings, including accessory buildings, shall provide the same front yard setback as required for all other buildings in this zoning district. There shall be a minimum side yard and rear yard clearance for such buildings of 30 feet from any lot line.
- (e) Conformance to Subdivision Regulations – No single family dwelling unit shall be constructed on any lot which does not conform to the provisions of the ordinance regulating subdivisions, unless such lot was heretofore platted.
- (f) Accessory buildings – When detached from the main building, accessory buildings shall be setback a minimum of 40 feet from the street on which the lot and main building fronts, and a minimum distance of 5 feet from side yard lot line and/or rear yard lot line. Accessory buildings shall not exceed 25 percent of any required rear yard.
- (g) Off-Street Parking Requirements – See ARTICLE VI, SECTION 6.1 pertaining to off-street parking.
- (h) Conditional Uses – New Manufactured homes provided approval is first obtained from the Zoning Board of Control or Mayor and Board of Aldermen with notice provided by the proponent of placing a

manufactured home provided to all adjacent property owners notifying them of the hearing concerning the matter.

4.5 R-4 Multi-Family Residential District

- 4.5(a) Uses Permitted – Single family dwellings, two family dwellings, multi-family dwellings, customary home occupations and other uses subject to the restrictions and limitations established in this Ordinance. These uses include all uses permitted in the R-3 Zoning District, and the following uses herein listed as permissible in an R-4 Zoning District.
1. Institution for children or the aged not including penal or correctional types.
 2. Hospitals (not including animal hospitals).
 3. Community houses, lodges and fraternities.
 4. Rooming or boarding houses.
 5. Monastery, convent, or similar institutions of religious training.
 6. Library or reading room.
 7. Tourist Homes.
 8. Personal service shops for barbering, beauty culture, and physical culture.
 9. Universities – Colleges
 10. Other similar uses.
- (b) Building Height – No structure shall exceed 35 feet or 3 stories in height.
- (c) Required Lot Area and Lot Width
1. Every single family dwelling shall be located on a single lot of not less than 6,000 square feet in area and with a width determined at the building setback line of not less than 50 feet.
 2. Every two family dwelling shall be located on a single lot of not less than 8,000 square feet in area and with a width determined at the building setback line of not less than 70 feet.
 3. Every multi-family residential shall be located on a lot of not less than 10,000 square feet in area, provided that not more than 4 dwelling units shall be permitted on the lot. A minimum of 2,000 square feet shall be provided for the first additional unit over the basic 4 dwelling unit, and 750 square feet for each additional unit thereafter. The minimum lot width shall be 100 feet as determined at the building setback line.
- (d) Yards Required
1. Front Yards – The front yard building setback line shall be a minimum of 25 feet from any existing or proposed right-of-way line of any street or road, and including shoes streets or roads shown on the Major Thoroughfares Plan.
 2. Side Yards
 - b. For single family dwellings there shall be a minimum side yard of 5 feet on each side of any structure as measured from the side lot line to the nearest building or structure.
 - c. For two family dwellings there shall be a minimum side yard of 8 feet on each side of any structure as measured from the side lot line to the nearest building or structure
 - d. For multi-family dwellings there shall be a minimum side yard of 10 feet on each side of any structure as measured from the side lot line to the nearest building or structure.
 3. Rear Yards – There shall be a minimum rear yard building setback of not less than 25 feet, being the minimum horizontal distance between the rear lot line and the rear of the main building or structure.
 4. Yards for Public and Semi-Public Buildings – All public and semi-public buildings, including accessory buildings shall provide the same front yard

setback as required for all other buildings in this zoning district. There shall be a minimum side yard and rear yard clearance for such buildings of 30 feet from any lot.

- (e) Conformance to Subdivision Regulations – No family dwelling unit shall be constructed on any lot which does not conform to the provisions of the ordinance regulating subdivisions, unless such lot was heretofore platted.
- (f) Accessory Buildings – When detached from the main building, accessory buildings shall be setback a minimum of 40 feet from the street on which the lot and main building fronts, and a minimum distance of 5 feet from side yard lot line and/or rear yard lot line. Accessory buildings shall not exceed 25 percent of any required rear yard.
- (g) Off-Street Parking Requirements – See SECTION VI pertaining to off-street parking.

4.6 R-5 Manufactured Home District

- (a) Uses Permitted – Single family mobile home dwellings and accessory structures which have been manufactured within five years from the date of placement in the R-5 Zone. The Manufactured Home District is intended to provide an area of planned and improved tracts suitable for the location of manufactured homes for non transient use.
- (b) Area – The minimum area to be covered by a Manufactured Home Residential Park shall be five (5) acres.
- (c) Building Height – No structure or building shall exceed 35 feet or 2 ½ stories in height.
- (d) Required Lot Area and Lot Width – Every mobile home dwelling shall be located on a minimum lot of not less than 3,500 square feet in area, and with a width determined at the building setback line of not less than 30 feet.
- (e) Required Setbacks, Buffer Strips and Screening
 1. All mobile homes shall be located at least 25 feet from any park property boundary line.
 2. There shall be a minimum distance of 15 feet between an individual mobile home and adjoining pavement of a park street, or common parking area or other common areas or other mobile homes.
 3. All mobile home parks shall be provided with screening such as fenced or natural growth along all property boundary lines.

4.7 C-1 Neighborhood Commercial District

(a) Uses Permitted – R-4 and Establishments offering products for sale or retail and principally supplying everyday household needs. Because residential uses are permitted in this district and because it is anticipated that the majority of the space for this district will be used for residential purposes, great care should be taken that only the least obnoxious commercial uses shall be permitted. Permitted uses are:

1. Apparel shops.
2. Appliance sales and services.
3. Clinic, medical or dental, privately owned.
4. Laboratory, dental, medical and/or optical.
5. Studios of music, art and photography.
6. Ice cream parlors.
7. Shoe repair shops.
8. Automatic Laundromats and dry cleaners.
9. Cleaning and laundry pick-up stations.
10. Hardware store.
11. Drug stores.
12. Grocery stores.
13. Other similar uses.

- (b) Accessory Uses Permitted
 1. Customary related uses incidental to a permitted use, except that outdoor storage shall be prohibited.
 2. Non-flashing signs pertaining to the permitted uses located on the same lot.
 3. Spot lighting of building on the lot, provided such lights are shaded and so located that beams are directed away from any residential district and any public highway or street.
- (c) Building Height – No building or structure shall exceed 35 feet or 2 ½ stories in height.
- (d) Required Lot Area and Lot Width – A minimum lot size of 12,000 square feet shall be required for any neighborhood commercial use. No commercial lot shall be less than 100 feet in width as determined at the building setback line. Regulation of residential uses allowed in the district will conform to requirements as established for each residential district.
- (e) Percentage of Lot Coverage – The sum total of all buildings and accessory structures shall not cover more than 60 percent of the area of any lot.
- (f) Yards Required for Commercial Uses
 1. Front Yards – The front yard building setback line shall be a minimum of 60 feet from any existing or proposed right-of-way line of any street or road. For lots fronting on an existing or proposed major street as shown on the Major Thoroughfares Plan; the front yard shall be 100 feet from the right-of-way line or any subsequent revisions thereof.
 2. Side Yards – Where a side yard abuts any residential district, a side yard of at least 25 feet shall be provided. Such space shall not be occupied by any buildings or accessory structure and shall be maintained as a landscaped buffer area.
 3. No rear yard is required except where the rear yard abuts a residential district, a rear yard of at least 25 feet shall be provided. Such strip shall be planted and maintained as a landscaped buffer area.
- (g) Signs and Outdoor Advertising – See SECTION VII, ARTICLE VII. 7.3. Sign Ordinance pertaining to nonconforming signs and outdoor advertising.
- (h) Use Limitations – No uses permitted in this zoning district shall be dangerous or offensive or detrimental to the present or intended character of this zoning district or vicinity by reason of the emission of dust, gas, smoke, noise, fumes, glare, odor, vibration, fire hazard or otherwise. Therefore, no storage of equipment, junk, building materials or vehicles or service stations, or auto or heavy equipment repair of any kind is permitted in this zoning district.

4.8 C-2 Central Business District

- (a) Uses Permitted – Establishments engaged in retail, financial, professional and related services, including some forms of wholesale enterprises which because of the particular nature of their business require a centralized location to best serve the city and community and their individual objectives.

The C-2 or Central Business District is established to provide space for major commercial activities of the city as to:

1. Protect present business and commercial uses from the blighting effects of incompatible land uses.
2. Encourage the development of the downtown area as the shopping and commercial core of the city and surrounding region.
3. Encourage the eventual elimination of uses detrimental or inappropriate to proper functioning of such a district.

- (b) Permitted uses are:
1. Any commercial use permitted in the C-1 Zoning District.
 2. Banks and other financial institutions.
 3. Office buildings and offices.
 4. Theaters (indoors) and other places of amusement.
 5. Restaurants and eating establishments.
 6. Hotels and motels.
 7. Printing and publishing establishments.
 8. Department stores
 9. Residential uses may be permitted in Apartments constructed either above existing businesses or in businesses with a separate entrance for a contained apartment provided that all such residential uses shall be occupied by the owner or lessee of the business.
 10. Other residential uses may be permitted by exception of the Zoning Board of Control after notice and hearing to permit owner-occupied condominiums.
 11. Other similar uses.
- (c) Building Height – No buildings or structure shall exceed 35 feet or 2 ½ stories in height, unless by exception of the Zoning Board of Control to conform to a particular usage as contemplated herein.
- (d) Required Lot Area and Lot Width – No lot shall be less than 25 feet in width or contain less than 2500 square feet unless part of the original plat.
- (e) Percentage of Lot Coverage – The sum total of all buildings and accessory structures shall not cover more than 80 percent of the area of any lot except by exception of the Zoning Board of Control.
- (f) Yards Required
1. Front Yards – The front yard building setback line shall be 10 feet from any existing or proposed right-of-way line of any street or road and including those streets or roads shown on the Major Thoroughfares Plan.
 2. Side Yards – Non-required except where provided shall be a least 5 feet. Where said use abuts any residential zoning district there shall be a side yard clearance on the side abutting the residential district of 25 feet. Such space shall remain open and unoccupied by any building, structure, or use, and shall be suitably landscaped.
 3. Rear Yards – Rear Yards shall be required only where such yard abuts a residential district. In such cases, rear yards shall be a minimum of 25 feet, open and unoccupied by any building or structure, and planted and maintained as a landscaped buffer area.
- (g) Office Street Parking and Loading Requirements – See SECTION VI pertaining to off-street parking and loading.

4.9 C-3 Highway Commercial District

- (a) Uses Permitted – Any use permitted in C-1 Commercial District and establishments providing services to the motoring public, a large portion of which is through traffic.
1. Motels, tourist cabins, tourist courts, and house trailer courts (transient). No trailer court shall contain less than five acres and shall be enclosed by a solid fence of not less than 7 feet in height.
 2. Restaurants, drive-in restaurants, ice cream sales, grocery and fresh vegetable sales, and other related uses.
 3. Service stations.
 4. Taverns.
 5. Garages for the repair of motor vehicles within closed buildings.
 6. Automobile (new and used) and truck sales and service.
 7. House trailer or mobile homes sales and service.
 8. Boat and trailer sales and services.

9. Agricultural equipment, machinery sales and service.
10. Recreational uses and places of amusement.
11. Other similar uses.

- (b) Building Height – No building or structure shall exceed 35 feet or 2 ½ stories in height.
- (c) Required Lot Area – The minimum area for any highway commercial zoning district shall be 5 acres, this area to include sufficient space for the development of adequate parking facilities and buffer areas where required. No lot shall be less than 100 feet in width and shall contain at least 12,000 square feet.
- (d) Percentage of Lot Coverage – the sum total of all buildings and accessory structures shall not cover more than 60 percent of the area of any lot.
- (e) Yards Required
 1. Front Yards – The front yard building setback line shall be a minimum of 60 feet from any existing or proposed right-of-way line of any street or road, as shown on the Major Thoroughfares Plan. In the case of service stations, all gas pump islands, grease pits, or racks and other similar facilities shall be located no closer than 30 feet from a street or highway right-of-way line, and shall not be located within a buffer strip.
 2. Side Yards – No interior side yards are required where a side yard abuts any residential zoning district a side yard of at least 25 feet shall be provided. Such Space shall not be occupied by any building or accessory structure or use and shall be maintained as a landscaped buffer area, providing an adequate screen.
 3. Rear Yards – A rear yard of at least 25 feet shall be maintained. Such space shall remain open and unoccupied by any structure or building. Where the rear yard abuts a residential district, a rear yard of at least 50 feet shall be provided and a 25 foot wide strip adjoining the rear lot line shall be planted and maintained as a landscaped buffer area.
- (f) Off-Street Parking and Loading Requirements – See SECTION VI pertaining to off-street parking and loading.
- (h) Use Limitations – No uses permitted in this zoning district shall be dangerous or offensive or detrimental to the present or intended character of this zoning district or vicinity by reason of the emission of dust, gas, smoke, noise, fumes, glare, odor, vibration, fire hazard or otherwise.

4.10 C-3R Highway Commercial Restricted District

The C-3R or Highway Commercial Restricted District is established to provide space for development of major commercial activities which require area along a highway corridor and which do not enhance blighting influences or unsightly, unkempt premises. Outdoor storage of materials or equipment are not to be allowed. The uses should not detract from a major entranceway into or through the city. Developments shall provide for adequate parking facilities and buffer areas where required.

- (a) Uses permitted – Any use permitted in a C-1 and C-2 Commercial Districts and C-3 Highway Commercial District except for certain excluded uses set forth herein.
- (b) Uses Excluded – Uses which are incompatible with the corridor plan of the city, uses which tend to encourage outdoor accumulation or storage of materials or junk items or other blighting influences which would be detrimental to the intended character of the district. Also, no uses will be permitted in this district which shall be dangerous, offensive, or detrimental to the present or intended character of the zoning district or vicinity by reason of the emission of dust, gas, smoke, noise, fumes glare, odor, vibration, fire

hazard or otherwise.

(c) SPECIFICALLY EXCLUDED:

Junkyards used or wrecked vehicles, equipment, etc.
Vehicular or machinery repair garages not a part of a vehicle or
machinery dealership

1. Paint shops
2. Welding shops
3. Rummage stores
4. Pawn shops
5. Used Car dealers
6. Palm reading shops
7. Portable and/or Metal Building dealers
8. Residential uses including mobile homes, trailers
9. Light or heavy industrial uses
10. Transient vendors

- (d) Required Lot Area – No lot shall be less than 100 feet in width and shall contain at least 12,000 square feet.
- (e) Percentage of Lot Coverage – The sum total of all buildings and accessory structures shall not cover more than 60 percent of the area of any lot.
- (f) Yards Required – Requirements shall be the same as for C-3 Highway Commercial District.
- (g) Off-Street Parking and Loading Requirements – Requirements shall be the same as for C-3 Highway Commercial District.
- (h) Signs and Outdoor Advertising - Requirements shall be the same as for C-3 Highway Commercial District except that flashing signs and portable signs will be prohibited as well as outdoor advertising of a permanent nature (billboards) not related to the businesses located on the property shall be prohibited. See SECTION VII, ARTICLE VII. 7.3. Sign Ordinance pertaining to nonconforming signs and outdoor advertising.

4.11 I-1 Light Industrial District

- (a) Uses Permitted – The light industrial district is created for use in those areas of the community where it is deemed desirable to locate industry which has a minimum of noxious effects on the surrounding area. Uses permitted are:
1. Any use permitted in a C-3 Commercial District with the exception of residential.
 2. Lumber yards.
 3. Upholstery manufacturers.
 4. Assembly plants.
 5. Bakeries, wholesale.
 6. Bookbindingeries.
 7. Canneries.
 8. Cellophane products manufacturing.
 9. Ceramic products.
 10. Carpet cleaning services.
 11. Cosmetic manufacturing.
 12. Confectionery manufacturing.
 13. Dairy products, processing and manufacture.
 14. Electrical parts and appliances, assembly and manufacture.
 15. Engraving plants.
 16. Electroplating plants.
 17. Feed processing plants.
 18. Fiber products manufacturing.

19. Food products manufacturing.
20. Foundry casting light-weight nonferrous metal.
21. Furniture manufacturing.
22. Glass products manufacturing.
23. Grain elevators.
24. Iron works, light and wrought.
25. Jewelry manufacturing.
26. Laboratories.
27. Laundries.
28. Leather products manufacturing.
29. Millwork and cabinet making.
30. Paint mixing and treatment.
31. Parcel delivery service.
32. Pharmaceuticals manufacturing.
33. Plastic products manufacturing.
34. Refrigerating plants.
35. Sheet metal products (light) manufacturing.
36. Sign painting and manufacturing.
37. Television and radio broadcasting transmitters.
38. Textile products manufacturing.
39. Tire recapping and rebuilding.
40. Tools and light machinery manufacturing.
41. Toy Manufacturing.
42. Truck terminals, truck and trailer service.
43. Warehouse or storage buildings.
44. Water distillation.
45. Well drilling services.
46. Wholesale businesses.
47. Wood products manufacturing.
48. Open storage of building materials such as lumber, pipe, brick, concrete block, and other substances such as coal, sand, and gravel when enclosed by a solid fence at least 6 feet in height. Such fence must be properly maintained.
49. Other similar uses.

(b) Accessory Uses Permitted

1. Repair, rental and servicing of any commodity, the manufacture, fabrication, processing, warehousing, or sale of which is permitted in this zoning district.
 2. Retail sale of any commodity manufactured, processed, fabricated or warehoused only on the premises, and equipment, supplies, and materials designed especially for use in agriculture, mining, transportation, building and other construction.
- (c) Building Height – No building or structure shall exceed 35 feet or 3 stories in height.
- (d) Required Lot Area and Lot Width – A minimum lot size of 43,560 square feet shall be required for any light industrial use. No lot shall be less than 100 feet in width as determined at the building setback line.
- (e) Percentage of Lot Coverage – The sum total of all buildings and accessory structures shall not cover more than 50 percent of the area of any lot.
- (f) Yards Required
1. Front Yards – The front yard building setback line shall a minimum of 60 feet from any existing or proposed right-of-way line of any street or road, and including those streets or roads shown on the Major Thoroughfares Plan.
 2. Side Yards – There shall be a minimum side yard on each side of any building or structure of 25 feet as measured from the side lot line to the nearest building or structure. Where said use abuts any residential district there shall be a side yard clearance on the sides abutting the residential

districts of 75 feet. Such space shall remain open and unoccupied by any building or accessory building or use and shall be maintained as a landscaped buffer area.

3. Rear Yards – There shall be a minimum rear yard as measured from the rear property line to the nearest building of 50 feet. Such space shall not be occupied by any structure or accessory use. Where said use abuts any residential zone, there shall be rear property line to the nearest building. Such space shall remain open and unoccupied by any building or accessory use, and shall be maintained as a landscaped buffer area.
- (g) Off-Street Parking and Loading Requirements – See SECTION VI pertaining to off-street parking and loading.
- (h) Use Limitations – No uses permitted in this zoning district shall be dangerous or offensive or detrimental to the present or intended character of this zoning district or vicinity or constitute a nuisance due to the emission of dust, gas, smoke, noise, fumes, glare, odor, vibration, fire hazard, or otherwise.

4.12 I-2 Heavy Industrial District

- (a) Uses Permitted – The heavy industrial district is created for use by those industries which normally require larger land areas, generate greater traffic volumes, and create other conditions which are incompatible with other types of land uses. Uses permitted are:
 1. Any use permitted in the I-1 Zoning District.
 2. Manufacturing, fabrication, and/or processing of any commodity except as restricted.
 3. Adult entertainment usages as that term is generally defined to include entertainment of a sexual or licentious nature designed to titillate the observer of same and goods or materials not suitable for use by children the intended use of which is for a sexual or licentious nature. Any such usage shall have no signage proclaiming said usage except for a two feet by one foot sign posted on the door of such an establishment. No display of sexual or offensive material shall be permitted. All such usages shall be restricted exclusively to I-2 Zone.
 4. Retail sale of any commodity manufactured, fabricated, or processed on the premises or of any commodity designed especially for use in agriculture, mining, industry, business, transportation, or construction except as restricted by SECTION IV herein.
 5. Wholesale or storage of any article or commodity except as restricted by SECTION IV herein.
- (b) Special Exceptions – No building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the City of Winona Zoning Board of Control.
 1. Abattoirs or slaughter houses.
 2. Acid manufacture such as hydrochloric, nitric, and sulfuric acids.
 3. Cement, lime, gypsum or plaster of Paris manufacture.
 4. Distillation of bones.
 5. Explosive manufacture or storage.
 6. Fat rendering.
 7. Fertilizer manufacture or storage.
 8. Garbage, offal and dead animals dumping or reduction, except for municipal incinerators.
 9. Gas manufacture.
 10. Glue manufacture.
 11. Petroleum refining and storage.
 12. Smelting of tin, copper, zinc or iron ores.
 13. Stock yards and stock auction barns.

14. Storage or baling of rags, paper, iron, or junk yards.
 15. Paper and pulp mills.
 16. Used car junk yards.
 17. Other similar uses.
- (c) Building Height – No restrictions.
- (d) Required Lot Area and Lot Width – A minimum lot area of 2 acres shall be required for any heavy industrial use. No lot shall be less than 200 feet in width as determined at the building setback line.
- (e) Percentage of Lot Coverage – Buildings including accessory structures, shall not cover more than 50 percent of the area of any lot.
- (f) Yards Required
1. Front Yards – The front yard building setback line shall be a minimum of 100 feet from any existing or proposed right-of-way line of any street or road including those streets and roads shown on the Major Thoroughfares Plan.
 2. Side Yards – There shall be a minimum side yard on each side of any building or structure of 25 feet measured from the side lot line to the nearest building. Where said use abuts any residential zoning district, there shall be a side yard clearance on the side abutting the residential use of 150 feet. Such space shall remain open and unoccupied by any building or accessory use and shall be maintained as a landscaped buffer area.
 3. Rear Yards – A rear yard of a least 50 feet shall be maintained. Such space shall remain open and unoccupied by any structure or building. Where the rear yard abuts a residential zoning district, a rear yard of at least 200 feet shall be provided. Such space shall remain open and unoccupied by any building or structure and shall be planted and maintained as a landscaped buffer area.

ARTICLE V. ADDITIONAL DISTRICT PROVISIONS

The purpose and intent of the additional district provisions, in companion with the specific district regulations, is to permit The City Board the flexibility to establish and/or superimpose over existing district regulations special conditions to provide additional restrictions when necessary to carry out the protective intent of this ordinance. The same conditions may apply whereby restrictions can be modified to be more flexible when specific conditions are met to provide the intended protection to citizens and property. Nothing in this section should be interpreted or construed that would weaken or void the full intent and purpose of this ordinance.

The additional districts shall be:

F-1 Flood Plain District;

PUD Planned Unit Development District;

Site plan review;

and each is more fully described in Sections 5.1 through 5.3 of this article.

Sec. 5.1. F-1 Flood Plain District.

There are certain areas of Winona, Mississippi, that are subject to periodic flooding by the Yalobusha River, Bogue Bayou and their tributaries with attendant damage to residential and other properties. In meeting requirements of the National Flood Insurance Program, the City Board has declared it to be the intent of the City to comply with land use and management criteria set forth by the National Flood Insurance Act of 1968, as amended. In the interests of public safety, health and general welfare, the City has caused to be prepared an ordinance establishing a “General Flood Plain District” for the City of Winona and regulating the use of land and structures therein. Upon approval and formal adoption by the City, provisions of the flood plain regulations shall be applied to all districts of this zoning ordinance located within the limits of the superimposed F-1 Flood Plain District.

There shall be no construction of any type permitted in the designated floodway, except underground construction such as utilities as approved by the City. Before any building permit or certificate of occupancy is granted, the applicant shall submit a site plan to the site plan review committee for review and approval.

(a) Permitted uses.

- 1) When the use meets all flood-proofing and flood protection requirements imposed by the City, as well as the requirements of the specific district regulations in which it is located, the use may be permitted. An engineering report shall be required that clearly indicates that the proposed construction will have no detrimental effect on the level of water surface (less than 0.5 foot) upstream from the proposed construction. Any floor elevation shall be a minimum of one (1.0) foot above the latest official National Flood Insurance Map for Winona and/or Winona County.
- 2) The following types of uses are recommended in the F-1 Flood Plain District so long as they do not cause a nuisance to adjacent properties in a less restricted district.
 - a) The growing or agricultural crops and nursery stock, and gardening.
 - b) The keeping of agricultural livestock (no feed lots).
 - c) Public recreation.
 - d) Golf course.
 - e) Fish camp.
 - f) Parking areas.

Sec. 5.2. PUD Planned Unit Development District.

- (a) General description. The purpose of this district is to provide a means for developing open space areas in larger developments, to take advantage of natural features of the landscape in this design, to improve the quality of the urban environment and to reduce the costs of developing and providing public resources and utilities. The owners of any tract of land containing at least three (3) acres may submit a plan for the use and development of the entire tract for residential, compatible commercial, and related uses as a single and unified project. The basic control development intensity shall be one or more of the residential districts. The Planned Unit Development District shall be a superimposed designation providing a broader latitude of design to achieve the above stated goals.
- (b) Site plan required. A detailed site plan of the proposed Planned Unit Development District shall be submitted to the site plan committee for study and approval, which shall be considered as a recommendation to the City Planning and Zoning Commission. Final approval shall be made by the City Board based on the recommendation of the Planning and Zoning Commission.
- (c) Uses permitted. Uses permitted by right in the Planned Unit Development District are those normally necessary to make up a total neighborhood community, specifically including the following:
 - 1) *Residential uses:* Any use permitted by right in the R-4 Multifamily Residential District.
 - 2) *Commercial uses:* Permitted commercial uses shall be those of retail type and personal service type commercial associated with community shopping centers and high quality office park type development.
 - 3) *Public and semi-public facilities:* Community centers, schools, parks and other recreational facilities, churches, clubs, public utilities, libraries and other public buildings and structures required to provide essential public services and any other use that primarily serves the residents of such a development.

(d) Regulations.

- 1) *Residential lot size:* No minimum lot sizes are established, per se, so that housing can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of its natural features.
- 2) *Open space reservation:* In any planned unit development, the amount of land not used by residential buildings, accessory structures and yards, but required by the residential zoning of the site, shall be reserved collectively in contiguous units accessible to all the building sites in the development as maintained open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and conserving visually pleasing elements of the environment. Prior to the sale of any lot, site, home or other structure, a bond of sufficient surety shall be posted with the City Board for completion of said open space improvements prior to such sale. The open space developed will constitute no less than an equivalent proportional amount to the area being developed in the case of partial development.
- 3) *Development density:* Commercial uses in any Planned Unit Development District shall not constitute over twenty-five (25) per cent of the land area of such development, and land area occupied by residential, commercial, public and other buildings and accessory structures shall not exceed forty-five (45) per cent of the total land area of such development. Parking areas for commercial development may not be started until the residential development is at least one-fourth (1/4) complete.
- 4) *Home association:* As part of the plan proposed for any planned unit development, the developer shall submit a set of covenants running with the land providing for an automatic membership homes association, to be an incorporated nonprofit organization, operating under recorded land agreements, through which each property owner in the planned unit development is automatically subject to a charge for an appropriate proportionate share of the expenses for maintaining the common property, open space and/or other activities of the association. Once established, the covenants shall continue and remain in force during the entire existence of the planned unit development.
- 5) *Responsibility for open space:* Nothing in this section of this ordinance shall be construed as a responsibility of the City, either for maintenance or liability of the following, which shall include but not be limited to: any private open areas, parks, recreational facilities, and a hold harmless clause shall be incorporated in the covenants running with the land to this effect. It shall be provided further, however, that when an owner of a planned unit development desires to dedicate certain land areas to the City for public parks and recreational facilities, and the City approves the nature and location of such lands and accepts the dedicated areas, the City shall be responsible for the operation and maintenance of these lands and properties.
- 6) *Appearance of public utility facilities:* Public utility facilities and structures shall be architecturally compatible or shall be properly screened and landscaped in keeping with the character and appearance of the neighborhood, all as approved by the City Planning and Zoning Commission.
- 7) *City Board approval:* Planned Unit Development Districts and establishment of zoning therefore must be approved by the City Board. However, development shall be in accordance with the approved site plan. Any contemplated deviation from the approved plan shall be reviewed by the site plan review committee and recommendations submitted to the City Board for approval. The City Planning and Zoning Commission has the authority to require reasonable plan changes for the planned unit development as a prerequisite to approval.

Sec. 5.3. Site plan review.

- (a) *Purpose of the site plan review.* Site plan review shall be required, as stated by the provisions of this ordinance, to ensure compliance with city zoning and other ordinances on large scale and other projects, to expedite procedures necessary for the obtaining of

building permits, to provide the developer with one central review of his development proposal, to conserve the time and efforts of city employees in the various departments, and to provide for a speedy processing of applications for building permits on large scale and other projects. A site plan review fee shall be charged in accordance with the adopted fee schedule.

- (b) *Creation of site plan review committee.* The mayor and city Board shall appoint a site plan review committee to be chaired by the building official, that shall consist of one principal representative, and one alternate representative who may represent the principal representative, from each of the following city departments:

Building and permit department;

Fire department;

Park and recreation department;

Planning and community development;

Police department/traffic division;

Street and sanitation;

Water department.

- 1) *Other representation:* In addition, the mayor and city Board shall appoint one principal representative, one alternate representative, from the school district, county health department and from the telephone, gas and electric utility companies.
- 2) *Planning and Zoning Commission approval required:* The study and recommendations by the site plan review committee shall be presented to the City Planning and Zoning Commission for final approval prior to issuance of a building permit. Should the building official not receive comments from any of the concerned departments, he/she shall act in their behalf based on the knowledge of the needs and requirements of that particular department. The developer will be advised of any discrepancies or comments made by any of the concerned departments and may appear at the Planning and Zoning Commission's public session, as part of a previously prepared agenda.

- (c) Site plan review required. A site plan review shall be required for the following:

- 1) Any residential development of ten (10) or more dwelling units, except single-family lots that have already been approved by the Planning and Zoning Commission.
- 2) Any residential, commercial or industrial development having structures in excess of three (3) stories.
- 3) Any commercial or industrial development adjacent to property zoned R-1, R-2, R-3, and R-4.
- 4) Any residential, commercial or industrial development encompassing three (3) acres or more, except single-family lots that have already been approved by the Planning and Zoning Commission.
- 5) Any hazardous development and/or use within the I-2 Heavy Industrial District.
- 6) Planned Unit Development District.
- 7) Any residential, commercial or industrial development located within the F-1 Flood Plain District.

- 8) Any manufactured home park or subdivision development, or any alteration or enlargement of an existing mobile home park or subdivision with the exception of the placement or replacement of mobile or manufactured homes in developments
 - 1) previously approved by the Planning and Zoning Commission and 2) in accordance with the provisions of this ordinance.
- (d) Contents. The site development plan required to be submitted and the requirements of these zoning regulations shall include the following elements:
- 1) Statements of ownership and control of the proposed development.
 - 2) Statement describing in detail the character and intended use of the development.
 - 3) A dimensioned site plan based on exact survey of the property drawn to scale of sufficient size to show (a) exact location of all buildings and structures, (b) all means of ingress and egress, (c) all screens and buffers, (d) off-street parking and loading areas, (e) refuse collection areas, (f) access to utilities and points of utilities hookup, and (g) natural features such as streams, lakes or other topographic features.
 - 4) Storm drainage and sanitary sewer plans.
 - a) Drainage calculations analyzing runoff before and after development and for the design of on-site drainage improvements must accompany maps. Drainage calculations must be prepared by a registered professional engineer. Calculations must be based on a storm event having a ten-year frequency.
 - b) A brief analysis of problems posed by increased storm-water runoff on downstream properties must be submitted. If off-site drainage facilities downstream of the development are not adequate to accommodate post development runoff, retention or detention facilities must be considered.
 - 5) Architectural definitions for buildings in the development; location, sizes and types.
 - 6) Plans for recreation facilities, if any, including buildings for such use.
 - 7) Such additional data, maps, plans or statements as may be required for the particular use or activity involved.
 - 8) Such additional data as the applicant may believe is pertinent to the site development plan.
 - 9) Design professional certification stating that the site development plan is in compliance with all applicable city ordinances, except as noted, and standard acceptable practice.

Items (3), (4), (5) and (9) above shall be prepared by a registered surveyor, engineer or architect or practicing land planner as may be appropriate to the particular item.

- (d) Conditions and general considerations on issuance of site plan approval. The site plan submitted for such development as defined in this section shall provide that the proposed lot sizes, lot coverage, density, setback provisions and other factors are in conformity with the requirements of this ordinance and other applicable ordinances and laws. In addition to such general considerations, said plan shall be approved only after a consideration of the following factors:
- 1) Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety, traffic flow and control, provision of services and servicing for utilities, and access in case of fire or catastrophe.
 - 2) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent properties and the consequence of such drainage on overall city capacities.

- 3) Conditions on ownership control and use generally and conditions on ownership, control, use and maintenance of open space or common lands to insure preservation of such lands for their intended purposes.
 - 4) All utility connections shall be indicated and shall be in conformity with the standards and requirements for connection to utility companies proposed to serve the property, whether said utility companies are public or private.
 - 5) Off-street parking and loading areas, with attention to automotive and pedestrian safety, traffic flow and control, access in case of fire and catastrophe, and screening and landscaping.
 - 6) Recreation and open spaces, with attention to the location, size and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties, and relationship to community-wide open spaces and recreation facilities.
 - 7) Density and/or purpose of the development, with attention to its relationship to adjacent and nearby properties.
 - 8) General site arrangement, amenities and convenience, with particular reference to insuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be so at variance with other development in the area as to cause a substantial depreciation of such property values.
 - 9) All setbacks, parking areas and accessory structures shall be so landscaped, located and constructed as not to interfere with the use of the surrounding property.
- (e). *Procedure.* A preliminary site plan, as provided in sections 5.3.3 and 5.3.4 above, shall be filed with the zoning administrator whose duty it shall be to submit the plan to the site plan review committee. If rezoning in whole or in part is required, the site plan review committee shall review the site plan prior to further processing of the zoning application. Applicants shall have the right to appear before the site plan review committee. The Site Plan Review Committee members shall consist of the following: Mayor, Chairman of the Planning and Zoning Commission, City Engineer, City Manager, representatives from police, fire, street and water & sewer departments. If rezoning in whole or in part is required, the site plan review committee shall review the site plan prior to further processing of the zoning application. Applicants shall have the right to appear before the site plan review committee.
- 1) *Compliance:* The site plan review committee shall certify to the zoning administrator that said site plan does or does not comply with all ordinances of the City of Winona, Mississippi. If the site plan does comply and there is no rezoning or special consideration pending, the zoning administrator shall forward the approved site plan to the Planning and Zoning Commission for approval and routing to the building and permit department (or to the engineering department, as applicable) along with a written statement that such action is pending, and so notify the applicant in writing. If the site plan does not comply, the site plan review committee shall so specify in what respects it does not comply in writing to the applicant and to the zoning administrator, who shall then require correction and compliance before further processing.
 - 2) *Time period for review:* In all cases, the site plan review committee shall have up to or a maximum of fifteen (15) days from the date of filing to review and recommend either approval or disapproval of any site plan.
 - 3) *Action of the committee binding:* Subject to approval by the Planning and Zoning Commission and the City Board, actions of the site plan review committee shall be binding on the building and permit department or any other city department as far as site plan approval for obtaining building permits is concerned. Upon expiration of the fifteen-day period and failure of the committee to act, the building official shall immediately forward the application to the Planning and Zoning Commission for

resolution within a maximum of thirty-five (35) days after date of submission by the site plan review committee.

- 4) *Validity:* Should the site development plan be approved, this approval shall be valid for three (3) years from the time of approval, providing there have been no changes in the City’s requirements during those three (3) years. If changes have been made to the City’s requirements during the three-year period, then a new application shall be necessary. If a zoning change was required, zoning shall revert.

Article VI. Special Regulations

Sec. 6.1 – Off-Street Automobile and Vehicle Parking and Loading Requirements

- (a) Off-Street Parking – In all zones, off-street parking facilities for the storage or parking of motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided and maintained as herein prescribed.
- (b) General Requirements
 - 1. In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of spaces required shall be construed to be the next highest whole number.
 - 2. Whenever a use is increased in floor area or units of service or whatever base used, additional parking spaces shall be provided in amounts hereafter specified for the use, if the existing parking space is inadequate to serve the increased activity.
 - 3. Off-Street parking facilities for one and two family dwellings shall be located on the same lot or plot of ground as the building served.
 - 4. Off-Street parking facilities for multi-family dwellings containing up to and including 8 dwelling units shall be provided on the same lot or plot of ground as the building served.
 - 5. Off-Street parking facilities for multi-family dwellings containing more than 8 dwelling units may be located within 300 feet of the building intended to be served.
 - 6. Off-Street parking facilities for an industry or commercial establishment which employs 500 or more employees may be located within 300 feet of the building or buildings to be served, and at a distance greater than 300 feet upon recommendation of the Planning Commission and approval of the Board of Aldermen.
 - 7. Collective off-street parking facilities may be provided;; however, such facilities shall be not less than the sum of such facilities as would otherwise be individually required.
 - 8. Off-Street parking requirements for uses not specifically mentioned herein shall be the same as those required for a similar or related nature.
 - 9. Parking lots or areas adjacent to public streets shall have driveways or curb cuts not to exceed 5 feet in width at the curb line. All such lots or areas shall have a protective wall or bumper block at least 5 feet from any sidewalk line and said lots shall be so designed that all vehicles leaving the facility will be traveling forward when entering a street, alley or public thoroughfare.
 - 10. Driveway entrances and exists of a parking area shall not be computed as a part of the required parking lot space or area.
 - 11. Detailed plans shall be submitted for approval of all curb cuts or driveways in commercial or industrial districts to the City Engineer and accepted before any building permit may be obtained therefore.
- (c) Minimum Of-Street Parking Space Requirements – The amount of off-street parking facilities, space or area shall be determined according to the following requirements, and the space of area so determined shall be stated in the application for a building permit and shall be reserved for such us.

Use	Required Parking Space
One and two family dwellings.	1 parking space for each dwelling unit.
Multiple dwellings.	2 parking spaces for each dwelling unit.

Tourist homes, cabins, or motels.	1 parking space for each sleeping room or Suite, including that of the owner or Manager if resident on the site or premises.
Hospitals, sanatoriums, convalescent Home and homes for the aged or Similar uses.	1 parking space for each 3 beds, plus 1 space for each 2 employees and 1 space for each staff member.
Orphanages or similar uses.	1 parking space for each 10 beds, plus 1 space for each 2 employees, and 1 space for each staff member.
Hotels.	1 parking space for each 3 guest sleeping rooms, plus 1 space for each 2 employees and 1 space for each staff member.
Private clubs fraternities, Boarding and lodging houses.	1 parking space for each 2 guest sleeping Rooms or in the case of no sleeping rooms, 1 parking space for each staff member.
Theaters, and auditoriums (other than facilities incidental to schools).	1 parking space for each 4 seats plus 1 additional space for each 2 employees.
Churches and schools	1 parking space for each 4 seats in the principal auditorium or 1 space for each 17 classroom seats, whichever is greater, plus 1 space for each staff member and/or teacher. 1 space for each school bus.
Dance halls, recreation halls, and Exhibition halls without fixed seats.	2 parking spaces for each 100 sq. ft. of floor area used for dancing or assembly, 1 space for each member of the permanent staff.
Stadiums and sports arenas.	1 parking space for each 3 seats, plus 1 space for each 2 employees, plus 1 space for each staff member.
Bowling establishments.	5 parking spaces for each line, plus 1 space for each 3 spectator seats; and 1 space for each 2 employees, plus 1 space for each member of the staff.
Mortuaries or funeral homes.	1 parking space for each 50 sq. ft. of floor slumber rooms, parlors, and individual service room, plus 1 space for each 2 employees, and 1 space for each staff member.
Establishments for the sale and consumption on the premises of food, beverages or refreshments.	1 parking space for each 50 sq. ft. of customer service floor area, and 1 space for each 2 employees, plus 1 space for each member of the management.
Professional offices and office buildings.	2 parking spaces for each 100 sq. ft. of floor area.
Beauty parlors and barber shops.	2 parking spaces per barber and/or beauty shop operator, plus 1 space for each 2 employees.
All retail stores, except as Otherwise specified herein.	Neighborhood commercial centers, Central Business District shopping centers, highway

commercial and general commercial uses shall provide 3 sq. ft. of parking area for every sq. ft. of floor area, plus 1 parking space for every 2 employees and 1 space for manager and each member of the staff.

Industrial establishments, including manufacturing, research and testing laboratories.

1 parking space for each 2 employees on the maximum shift plus 1 space for each member of the staff.

Warehouse and storage buildings.

Sufficient parking space to accommodate employees and the loading and unloading of materials.

(d) Special Regulations in Commercial, Industrial and Multi-Family Zoning Districts

1. Any vehicle parking space shall be used for parking only. Any other use of such space, including repair work or servicing of any kind (other than in an emergency) or the requirement of any payment for the use of such space, shall be deemed to constitute a separate commercial use, and to be in violation of this Ordinance.
2. No building or accessory structure shall be erected in any off-street parking area, except a parking garage containing parking spaces equal to the requirements set forth in this Ordinance.
3. The parking area on any lot, as set forth and designated in this Ordinance, shall be considered as required open space on the lot, and shall not be reduced or encroached in any matter.
4. All parking spaces, drives, and islands shall be surfaced with a bituminous, concrete, or other material approved by the City Engineer.
5. In all zoning districts, a minimum area of 300 sq. ft. per automobile shall be used in the computing of the total area to be devoted to parking.

- (e) Loading Space Requirements – On the same premises with every building, structure, or part thereof of erected and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, grocery or other uses similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot or premises adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of streets or alley. Such space, unless otherwise adequately provided for, shall include a 10 foot by 25 foot loading space with a minimum height clearance of 14 feet for every 10,000 sq. ft. or fraction thereof in excess of 3,000 sq. ft. of building floor space or land use for the above purposes.

ARTICLE VII - NONCONFORMING USES AND STRUCTURES

Sec. 7.1. NONCONFORMING USES.

- (a) Continuance – Except as herein specified, the lawful use of any public or private building, structure, sign, fence, or land existing at the time of the adoption of this Ordinance may be continued although such use does not conform to the provisions of this Ordinance. It shall be necessary in order to continue a nonconforming use that said nonconforming use was permitted under any prior zoning ordinances or any other ordinances of the City of Winona. Should any nonconforming use have not complied fully with all such ordinances of the City of Winona at the time of the construction, erection, placement or building of same, then said nonconforming use shall be terminated and constitute a violation of this Ordinance.
- (b) Enlargement – The land area or the floor area in a structure, or structures occupied by any nonconforming use may be increased to the extent that the increase is used solely to provide off-street parking or loading space, otherwise such land area or floor area shall not be increased.
- (c) Termination – Any one of the following acts or conditions shall result in the immediate termination of the right to operate and maintain any nonconforming structure or building:

- (1) Abandonment by owner.
- (2) Non-operation or nonuse for a period of 12 or more consecutive calendar months.
- (3) Damage or destruction of the structure or structures in which the use is operated by any cause whatsoever when the cost of repairing such damage or destruction exceeds 50 percent of the replacement costs of such structure or structures in which the use is operated as of the date of such damage or destruction.
- (4) Obsolescence of the building or structure in which the use is operated under any applicable ordinance of the city when the cost of replacing such building or structure in lawful compliance with the applicable resolution shall exceed 50 percent of the replacement cost of such buildings or structure on the date of the official order under the applicable ordinance.
- (d) Zoning District Change – The foregoing provisions shall apply to the nonconforming uses in zoning districts hereafter changed.

Sec. 7.2 – NONCONFORMING STRUCTURES

- (a) Continuance - Except as herein specified, any lawful public or private nonconforming structure or building may be occupied, operated and maintained in a state of good repair, but no nonconforming structure or building shall be enlarged or extended unless the enlargement or extension is made in compliance with all of the provisions established for structures or buildings in the zoning district in which the nonconforming building or structure is located.
- (b) Termination – The right to operate and maintain any nonconforming building or structure shall terminate whenever the nonconforming structure is accidentally damaged in any manner whatsoever and the cost of repair of such damage exceeds 50 percent of the replacement cost of such structure as of the date of such damage. The right to operate and maintain any nonconforming building shall terminate whenever the nonconforming structure shall become obsolete, or substandard under any applicable ordinance of the City and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds 50 percent of the replacement cost of such building as of the date of the official order under the applicable ordinance.
- (c) Zoning District Change – The foregoing provisions shall apply to nonconforming uses in zoning districts hereafter changed.

Sec. 7.3– LANDSCAPING

Five percent of all commercial and industrial properties shall be landscaped. Such landscaped areas shall be located on the front or side of such properties where they may be readily observed. Where side or rear yards are required as buffer strips, they may serve to meet the five percent requirement provided such area is in conjunction with or separately consist of five percent of the land area of the property. Such landscaped areas shall be planted and kept in lawn or shrubbery that is maintained so as to present a healthy, neat and orderly appearance. The required yard shall be kept free from refuse and debris.

Sec. 7.4– EXCEPTIONS AND MODIFICATIONS

- (a) Lot of Record - Except as herein provided, in any residential district where the owner of the lot at the time of the adoption of this Ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the minimum lot area and for frontage requirements of this Ordinance such lot may be used as a building site for a single-family residence, provided that minimum yard setback requirements for the district in which said lot is located are maintained.
- (b) Exception to Height Limits
 - 1. The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, nor shall they apply to monuments, smoke stacks,

conveyers, flag poles, masts, aerials, standpipes, lofts, parapet walls, outdoor theater screens, and other similar structures and appurtenances, provided their construction conforms with existing or hereafter adopted ordinances of the City.

2. One-family dwellings in the 35 foot height districts may be increased in height by not more than 10 feet when 2 sides yards of not less than 15 feet are provided.

(c) Area Exceptions

1. For the purposes of side yard regulations; the following dwellings with common party walls shall be considered as one building occupying one lot: Semi-detached two-family and multi-family dwellings.

2. The front and side yard requirements for dwellings shall be waived where such dwellings are erected above the principal buildings.

3. In the case of court apartments or multi-dwellings, side yards may be used as rear yards when controlled as herein provided.

4. The required side yard shall be increased by 1 foot for each entrance or exit opening into such yard.

5. The width of the court shall not be less than 2 ½ times the width of the side yard required.

6. Where a roadway is provided in the place or court, the width allowed for such roadway shall be in addition to the space required by the above provisions of this section.

7. All other requirements, including front, and rear yards shall be complied with in accordance with the zoning district in which such court apartments, or multi-dwellings are located.

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

Sec. 8.1 – ADMINISTRATION AND ENFORCEMENT

The Building Inspector as designated by the Board of Aldermen of the City of Winona shall administer and enforce this Ordinance. He maybe provided with the assistance of such other persons as the Board may direct.

If the Building Inspector finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person or persons responsible for such violation indicating the nature of such violation and order the action necessary to correct it. He shall order discontinuance of illegal building, structures, signs, additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

Sec. 8.2 - ZONING BOARD OF ADJUSTMENT.

Sec. 8.3 - BUILDING AND OCCUPANCE PERMITS .

Building permits shall be issued in accordance with the following provisions:

(a) Building Permits Required – No building or other structure shall be erected altered, moved added to, or structurally altered, moved, added to, or structurally altered without a permit therefore, issued by the Building Inspector.

(b) Compliance with Codes – No land shall be occupied or used and no building hereafter erected or structurally altered shall be occupied or used in w hole or in part for any purpose whatsoever, until a certificate is issued by the Building Inspector stating that the building and use comply with the provisions of the Ordinance, and the Building Codes, Subdivisions Regulations, and/or other ordinances of the City of Winona.

(c) Change of Use – No change of use shall be made in any building or part thereof now or

hereafter erected or structurally altered with a permit being issued therefore by the Building Inspector. No permit shall be issued to made a change unless the changes are in conformity with the provisions of this Ordinance.

(d) Discontinuance – Nothing in this Ordinance shall prevent the continuance of a nonconforming use as hereinbefore authorized unless a discontinuance is necessary for the safety of life and property.

(e) Occupancy Certificates – Certificates for occupancy shall be applied for coincidentally with the application for a building permit, and shall be used within 10 days after the lawful erection or alteration of the building or structure is completed. A record of all certificates shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

(f) Commencement of Work – No permit of excavation or for the erection or alteration of any building shall be used before the application has been made for certificates of occupancy and compliance, nor shall work commence. No building or premises can be occupied without certificates of occupancy and compliance and issued permit.

(g) Application for Building Permit – All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be build upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Building Inspector, including existing or proposed construction or alteration; existing or proposed uses of building and land; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance. One copy of the plans shall be returned to the applicant by the Building Inspector, after he shall have marked such copy either as approved or disapproved and attested to the same by his signature on such copy. The second copy of the plans, similarly marked shall be retained by the Building Inspector.

(h) Expiration of Building Permit – If the work described in any building permit has not commenced within 90 days from the date of issuance thereof, said permit shall expire and shall be cancelled by the Building Inspector. Written notice thereof shall be given the person or persons affected, together with notice that any work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

(i) Penalty for Violation – Building permits or certificates of compliance and occupancy issued on the bases of plans and applications approved by the Building Inspector authorize only the use, arrangement, and construction specified in such approved plans and applications, and any other use, arrangement, or construction at variance with that authorized shall be deemed violation of this Ordinance, and punishable as provided under Article X hereof.

Sec. 8.4 – BOARD OF CONTROL

(a) A Board of Control is hereby established which shall consist of 5 members, at least one of which shall be a member of the City Planning Commission and it shall be permissible for all five members of the Board of Control to be members of the Planning Commission. Members shall be appointed by the Board of Aldermen for a period of 3 years. Terms of the present members shall be and shall expire as they are now established. Vacancies shall be filled by resolution of the Board of Aldermen for the unexpired term of the member affected.

(b) Proceedings of the Board of Control – The Board of Control shall adopt rules necessary to the conduct of its affairs and in accordance with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the chairman or 2 members thereof and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, of if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be necessary to reverse any order, requirement, decision, or determination of any administration official, or to decide in favor of the applicant on any matter upon which it is required to pass under the provisions of this Ordinance, or to effect any variation of the

Ordinance.

(c) Appeals to the Board of Control – Appeals to the Board of Control may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Winona, affected by any decision of the Building Inspector.

(d) Appeals to the Board of Control shall be taken within 15 days after the date of the decision complained of, by filing with any officer from whom the appeal is taken, a notice of appeal, specifying the grounds thereof. The officer shall forthwith transmit to the Secretary of the Board of Control all papers constituting the record upon which the action appealed from was taken.

(e) Stays – An appeal stays all proceedings in furtherance of the action appealed from, unless the officer, from whom the appeal is taken, certifies to the Board of Control after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay, in his opinion, would cause eminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Control or by a Court of Record, on application or notice to the officer from whom the appeal is taken and on cause shown.

(f) Hearings – When an appeal has been filed with the Secretary of the Board of Control, said Secretary shall immediately notify the Chairman of the Board of Control, who shall fix a time for holding of the meeting to hear such appeal, shall issue a call therefore and give public notice of such hearing.

(g) Powers and Duties of the Board of Control – The Board of Control shall have the following powers and duties:

(h) Administrative Review - To hear and decide appeals where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance, and to hear and decide all petitions. Upon the hearing of an appeal, the Board of Control is hereby empowered to permit the following exceptions:

1. To permit the extension of a zoning use district where the boundary line of a district divides a lot or parcel of land in single ownership as shown on record.

2. To permit the reconstruction of a nonconforming building which has been destroyed or partially destroyed by fire or act of God where the Board shall find compelling public necessity requiring a continuance of the nonconforming use, but in no case shall such a permit be used if its primary function is to continue a monopoly.

3. To permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the Board deems reasonably necessary for the public convenience or welfare.

4. To interpret the provisions of this Ordinance, where street lay-out actually on the ground varies from the street lay-out as shown by the Official Zoning Map.

(i). Uses which may be permitted by exception in any zoning district are:

1. Agriculture, including the sale of produce, plants, trees and shrubs.

2. Cemetery.

3. Churches and permanent church facilities.

4. Community Center.

5. Electrical substation.

6. Fire station.

7. Gas regular station.
8. Pubic library and branch libraries.
9. Police Station.
10. Public Museum.
11. Prep-school.
12. Elementary and secondary schools.
13. Mortuaries and funeral homes.
14. Telephone exchange.
15. Utility pumping station.
16. Water reservoir.
17. Other similar uses.

(j) The Board of Control shall make a finding, and may grant the special exception provided the special exception will not adversely affect the public interest.

(k) In granting of any special exception, the Board of Control may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance and shall be punishable under ARTICLE X of this Ordinance.

(l) The Board of Control shall prescribe a time limit within which action on the special exception will be commenced, or completed, or both. Failure to commence or complete such action within the time limit set shall void the special exception.

(m) Variations – Where the strict application of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of such property, the Board is hereby empowered to authorize upon an appeal relating to such property, a variation from such strict application so as to relieve such difficulties or hardships, as for example, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulation, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, or by reason of the location of trees. Natural drainage courses, lakes, or other desirable or attractive features, which condition is not generally prevalent in the neighborhood.

(n) Nonconforming Uses – The Board of Control is further granted the power and authority to permit extensions and enlargement to existing buildings being utilized for nonconforming uses, provided the total of such extensions or enlargements shall not exceed 25 percent of the total area of the existing principal structure and shall not infringe on the side, front and rear yard requirements for the particular district in which the nonconforming use is located, and provided further that the Board of Control shall first find that such extension or enlargement does not result in a diminution of conforming uses, will not be detrimental to and will not tend to alter the character of the neighborhood.

(o) Exercise of Power and Duties – In the exercising of the powers granted such Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(p) In consideration of all appeals, the Board shall, before making any finding in a specific

case, first determine that the proposed change will not constitute change in the District Map and will not impair an adequate supply of light and air to adjacent property or impair established property values within the surrounding area, or in any other respect impair the health, safety, comfort, morals and welfare of the City of Winona.

(q) The concurring vote of two-thirds of the members of the Board of Control shall be necessary to reverse any order, requirement, decision, or determination of an administrative official. Every change granted or denied by the Board shall be accompanied by a written finding of fact, based on the sworn testimony and evidence, specifying the reason for granting or denying. In absence of an appeal to the Governing Body of the Municipality, as hereinafter provided for, the findings and determination of the Board of Control shall be conclusive and shall be deemed the final action upon approval of the Governing Body of the Municipality on the matter thus determined.

(r) Complaints – Any person or persons, jointly or severally aggrieved by any decision of the Board of Control, or any taxpayer, or any officer, department, board or bureau of the City, may then appeal to the Governing Body of the Municipality, by filing with the secretary of the Board of Control notice of such appeal within 15 days of the order, finding or decision complained of.

ARTICLE IX. AMENDMENTS

Sec. 9.1 – AMENDMENT PROCEDURE

(a) Declaration of Public Policy – For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the municipality, this Ordinance, and Official Zoning Map, shall not be amended except to correct a manifest error in the Ordinance, or, because of changed or changing conditions in a particular area or in the municipality generally, to rezone an area or to extend the boundary of an existing zone, or to change the regulations and restrictions thereof, only as reasonably necessary for the promotion of the public health, safety or general welfare. Subject to the limitations of the foregoing Declaration of Public Policy, an amendment to this Ordinance may be initiated by the Governing Body of the City of Winona, on its own motion, or, in the matter and pursuant to the procedure hereinafter set forth, may be initiated by any person, firm, or corporation filing an application therefore with the City of Winona.

(b) Limitations on Proposed Amendments – All proposed amendments to this Ordinance, regardless of how or by whom initiated, shall be subject to the following limitations:

(c) Administrative Examination – No amendment to this Ordinance shall be adopted until the amendment has been examined by the Board of Control as hereinafter set forth and the recommendation of the of the City Planning Commission obtained if considered necessary, the applicant may be required to furnish additional information of a pertinent and reasonable nature.

(d) Uniformity of Zone Regulations and Restrictions – No amendment to this Ordinance shall be adopted whereby the regulations and restrictions established thereby are not uniform for each zone having the same classification and bearing the same symbol or designation on the Official Zoning Map.

(e) Maximum Size of New Zones – No amendment to this Ordinance shall be adopted whereby the zoning classification of an area is changed unless the area meets the following requirements as to minimum size. For the purpose of computing the size of an area for compliance herewith, there shall be added to such area:

1. The area of public rights of way interior to the area being changed.
2. One-half the area of public rights of way abutting.
3. The area of any land within the corporate limits of the City of Winona which is contiguous to the area being charged and which land already bears the zoning classification sought for the area being changed; and
4. The area of any land outside the corporate limits of the City of Winona which is

contiguous to the area being changed and which land under valid zoning classification sought for the area to be changed.

5. For the purpose of this Section, neither contiguity nor abutment shall be destroyed by the existence of a street or alley. Subject to the foregoing limitations, every zone shall be of at least 174,240 square feet, unless good cause shown for lesser area.

6. The Zoning Map shall not be amended, changed or modified in such a manner as to create a free standing zone of less than 174,240 square feet except where specific area restrictions are stipulated in the Ordinance. A single parcel of land may be of a single classification if it serves as a buffer between two districts. As for example, a lot may be zoned neighborhood commercial where it serves as a buffer between a highway commercial district and an R-1 residential district.

(f) Need for Uses to be Clear and Demonstrable – No Amendment to this Ordinance shall be adopted whereby a lower zoning classification is established for an area unless there is a clear and demonstrable necessity in the area for those uses which are permitted in the zone applied for and not the next higher one.

(g) Application for Amendments

(h) By Whom Made – Any person, firm, corporation or political subdivision may apply for an amendment to this Ordinance.

(i) Filing of Application – All applications for amendments to this Ordinance shall be filed with the Clerk of the City of Winona.

(j) Contents of Applications – Without in any way limiting the right to file additional material, no application for amendment to this Ordinance will be considered unless it contains:

1. At least the applicant's name, address and interest in the application, and the name, address and interest of every person, firm, corporation or political subdivision represented by the applicant in the application.

2. The description of the proposed amendment.

3. A plat showing the land area which would be affected by the proposed amendment, the present zoning classification of the area and of all abutting properties, all private and public rights of way and easements bounding and intersecting the designated area and abutting properties.

4. The error in the Ordinance that would be corrected by the proposed amendment or changing conditions in the applicable area or in the municipality generally that make the proposed amendment reasonably necessary to the promotion of the public health, safety or general welfare.

(k) Disposition of Applications

(l) Administrative Disposition – Following receipt of an application for an amendment from an Administrative Official, and after securing recommendations of the City Planning Commission, and after making its own independent findings of fact, the Board of Control shall forward a written summary of its recommendations concerning the application to the Governing Body of the Municipality, together with a copy of such application. Upon receipt of such application, and the findings and recommendations of the Board of Control the Governing Body of the Municipality shall give notice of a public hearing on such proposed amendment, and after such hearing by the Governing Body of the Municipality, any party aggrieved at the decision thereon may appeal to any court of competent Jurisdiction as by provided.

(m) Effect of Protest to Amendment – In case of a protest to a proposed amendment, exception, variance or change to this Official Zoning Ordinance signed by either the owners of 20 percent or more of the property, whose zoning classification is to be changed by the proposed amendment, exception, variance or change or of the owners of 20 percent or more of the

adjoining property located within the city limits within 160 feet (excluding streets and alleys) of all boundaries of the property in question, such amendment shall not become effective except by two-thirds vote of the Board of Control and/or Governing Body of the Municipality.

Sec. 9.2 PUBLIC NOTICE

(a) PUBLIC NOTICE

Public notice shall be given in accordance with the following provisions:

1. Public Notice Required – On any appeal to the Board of Control from the decision of an Administrative Officer, and on any appeal to the Governing Body of the Municipality from any decision of the Board of Control, and whenever herein a public hearing is specified, notice of such hearing shall be given by publishing a notice to all interested persons one time at least fifteen days prior to the date fixed for said hearing, such to be published in an official paper or newspaper of general circulation in the municipality, specifying the time and place for said hearing. Notice of such hearing shall also be posed on the property involved, at the City Hall and in one other public place for at least fifteen days prior to the hearing.
2. Property Signs – The notice to be posted on the property involved may consist of a sign at least three feet by four feet in size, supported by center posts with the bottom of the sign at least four feet above ground level, reading in letters legible from the nearest street, or of a size and description to be determined by the Board of Control, and shall contain the following information: The present zoning classification of the property, the zoning classification sought by the change, the date, time and place of the public hearing on the proposed change.
3. Where more than one parcel or tract of land is involved in the proposed change, the sign may be posted at a centrally located point. Such sign shall be as follows, to wit:

NOTICE

NOTICE IS HEREBY GIVEN THAT APPLICATION HAS BEEN MADE TO CHANGE THE ZONING OF THIE PROPERTY FROM * _____ TO * _____. A PUBLIC HEARING THEREON WILL BE HELD BFORE

(Board of Control of Governing Body of the Municipality)
AT _____ P.M. ON _____, 200____, AT THE CITY HALL,
WINONA, MISSISSIPPI, AT WHICH TIME AND PLACE ALL PERSONS WISHING TO BE
HEARD REGARDING THE CHANGE IN ZONING SHOULD APPEAR. DATED THIS
_____ DAY OF _____, 200__.

(Name of Applicant)

* Zoning classification to be indicated by the word agricultural, residential, commercial, or industrial, followed by the numerical and alphabetical definition.

Signs shall be posted by the Board of Control not less than fifteen (15) days prior to the date of the public hearing to be held by the Board of Control on the proposed amendment. Prior to posting of such signs by the Board of Control, the applicant for the proposed amendment must deposit with the City Clerk the estimated cost of such signs payable to the account of the City of Winona.

ARTICLE X. VIOLATIONS AND PENALTIES

Sec. 10.1. Violations and penalties.

(a) Penalties for violation.

1. Penalties – Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply herewith or with any of the requirements thereof, or who shall build

or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be deemed guilty of a misdemeanor and shall be liable to a fine of not more than One Hundred Dollars (\$100.00) or 30 days in jail or both, and each such violation that shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, individual person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be deemed guilty of a separate offense and upon conviction shall be fined as herein provided.

2. Enforcement – In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this ordinance, the Building Inspector, in addition to other remedies, may institute any appropriate action or proceedings in the name of the City of Winona, Mississippi, to prevent repair, conversion, maintenance or use, to restrain, correct or abate such violation to prevent the occupancy of said building, structure or land, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct or use in or about said premises.

ARTICLE XI. EFFECTIVE DATE

Sec. 11.1 This Zoning Ordinance having been submitted to the interested persons at public hearings in the Winona City Hall held on the 20th day of March 2007 and the 17th day of April 2007 and based upon the duly adopted Comprehensive Plan of the City of Winona adopted March 20, 2007. After notice of such hearing had been published for the time and manner provided by law, being more than 15 days prior to said time of meetings and the said plan having been approved by interested persons attending said meeting and all formalities of law having been observed it is moved by Alderman Shelton and duly seconded by Alderman Graves that this Ordinance shall take effect and be in force as provided by law.

Said Ordinance was read, considered and adopted, with the vote on the final passage thereof being as follows:

Alderman Graves voted	Aye
Alderman Dance voted	Aye
Alderman Shelton voted	Aye
Alderman Ware voted	Aye
Aldermen Seals voted	Aye.

WHEREUPON the Mayor declared the Ordinance passed, ordained and adopted on the 17th day of April 2007.

MAYOR

ATTEST:

City Clerk