



ZONING ORDINANCE

**MARSHALL COUNTY,
MISSISSIPPI**

DRAFT AS OF November 13, 2025

BOARD OF SUPERVISORS:

District 1, Goston “Redd” Glover
District 2, Johnny Walker
District 3, Terry Rodgers
District 4, George Zinn, III
District 5, Neil Bennett

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CONTENTS

ARTICLE I TITLE AND PURPOSE	1
SECTION 1 – Title	1
ARTICLE II INTERPRETATION AND DEFINITIONS	2
SECTION 1 – Interpretation	2
SECTION 2 – Definition of Words and Phrases	2
ARTICLE III ZONING DISTRICT REGULATIONS AND ZONING MAP	14
SECTION 1 – Zoning Districts	14
SECTION 2 – Zoning Map	14
SECTION 3 – Rules for Interpretation of District Boundaries	14
SECTION 4 – A-Agricultural District	15
SECTION 5 - A-R- Agricultural-Residential District:	17
SECTION 6 – R-E -Residential Estate District.....	19
SECTION 7 – R-1 – Residential (Low Density) District	20
SECTION 8 – R-2 – Residential (Medium Density District)	21
SECTION 9 – R-3 – Residential (High Density) District	23
SECTION 10 – C-1 – Neighborhood Commercial District	24
SECTION 11 – C-2 – Highway Commercial District.....	26
SECTION 12 – I-1 – Light Industrial District	29
SECTION 13 – I-2 Heavy Industrial District	31
SECTION 14– FP – Floodplain Overlay District:	33
SECTION 15 CHART OF REGULATIONS	34
ARTICLE IV GENERAL PROVISIONS	35
SECTION 1 – Land to be Used Only for the Purpose Zoned	35
SECTION 2 – Compliance with Ordinance.....	35
SECTION 3 – Non-Conforming Uses and Structures	35
SECTION 4 – Nonconforming Lots of Record.....	35
SECTION 5 – Structures to Have Road Access.....	36
SECTION 6 – Limitations to the Number of Principal Buildings Used for Residential Purposes	36

SECTION 7 - Reduction in Lot Area	38
SECTION 8 - Future Street Lines.....	38
SECTION 9 – Structures to Have Wastewater Facilities	38
SECTION 10 – Right to Farm Provisions.....	39
SECTION 11 – Accessory Uses and Structures	40
SECTION 12 – Off-Street Automobile Storage.....	40
SECTION 13 – Off-Street Loading and Unloading.....	42
SECTION 14 – Corner Visibility.....	42
SECTION 15 – Fumes, Dust, Fire, and Explosion Hazard or Nuisance	42
SECTION 16- Open Space and Buffer Areas	43
SECTION 17 – Exception to Height Limitations	43
SECTION 18 – Disabled Vehicles.....	43
SECTION 19 – Connection to Approved Sewage System	43
SECTION 20 – Sale of Existing Septic Systems	44
SECTION 21 – Fences Along County Roads.....	44
SECTION 22 – Driveways and Culverts.....	44
SECTION 23 – Utility Connections to be Reported to Tax Assessors	44
SECTION 24 – Mailbox Placement	44
ARTICLE V SUPPLEMENTAL LAND USE REGULATIONS.....	45
SECTION 1 - Adult Entertainment Uses.....	45
SECTION 2 - Automobile and Truck Fueling and Services	45
SECTION 3 - Cannabis Facilities	47
SECTION 4 - Food Trucks.....	48
SECTION 5 – Manufactured Homes.....	49
SECTION 6 – Manufactured Home Parks.....	49
SECTION 7 – Shipping Containers	50
SECTION 8 - Solar Facilities.....	51
SECTION 9 – Temporary Fireworks Stand Requirements and Set-up Procedures.....	52
SECTION 10 – Travel Trailers and Recreational Vehicles	54

ARTICLE VI SIGN REGULATIONS.....	55
SECTION 1. Purpose & Intent	55
SECTION 2. General Provisions.....	55
SECTION 3. Definitions	56
SECTION 4: Permit Required for Signs	56
SECTION 5: Signs Excluded from Regulation.....	57
SECTION 6: Prohibited Signs	58
SECTION 7: Determining the Number of Signs	59
SECTION 8: Computation of Sign Area.....	59
SECTION 9: Residential And Agricultural Sign Regulations	60
SECTION 10: Business and Industrial Sign Regulations.....	61
SECTION 11: Sign Illumination and Signs Containing Lights	62
SECTION 12: Maintenance of Signs	62
SECTION 13: Nonconforming Signs.....	63
SECTION 14: Amortization of Nonconforming Signs	63
ARTICLE VII ADMINISTRATION, ENFORCEMENT, AND MISCELLANEOUS PROVISIONS.....	64
SECTION 1 – Enforcement Officer	64
SECTION 2 – Building Permits	64
SECTION 3 – Approval of Plans	64
SECTION 4 – Amendments	66
SECTION 5 – Board of Adjustment.....	69
SECTION 6 – Appeals	69
SECTION 7 – Powers of Board of Adjustment.....	69
SECTION 9 – Appeals to the Board of Supervisors	71
SECTION 10 – Fees to be Established	72
SECTION 11 – Penalties.....	72
SECTION 12 – General Repealing Clause	72
SECTION 13 – Severability Clause	72
SECTION 14 – Effective Date and Board Order.....	73

ARTICLE I TITLE AND PURPOSE

SECTION 1 – Title

This Ordinance shall be known as the “Marshall County Zoning Ordinance, 2025” and may be so cited.

SECTION 2 – Purpose

The purpose of this Ordinance is to preserve and promote the public health, safety, morals, and general welfare of the citizens of Marshall County and the public generally through the regulation of: the location, height, number of stories, size of buildings and other structures; the density and distribution of population, size of yards and other open spaces; and the use of buildings, structures, and land for commercial, industrial, residential and other purposes.

ARTICLE II INTERPRETATION AND DEFINITIONS

SECTION 1 – Interpretation

In interpreting and applying the provisions of this Ordinance, its provisions shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare. Where this Ordinance imposes greater restrictions than are required by other Ordinances or statutes, the provisions of this Ordinance shall govern. Where other Ordinances or statutes impose greater restrictions than this Ordinance, they shall govern.

SECTION 2 – Definition of Words and Phrases

A. Rules for words and Phrases. For this Ordinance, certain words or terms used herein shall be interpreted as follows:

1. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word “shall” is mandatory; the word “may” is permissive.
4. The words “used” or “occupied” include the words “intended,” “designed,” or “arranged to be used or occupied.”
5. The word “structure” includes the word “building” as well as other things constructed or erected on the ground, attached to something having a location on the ground, or requiring construction or erection on the ground.
6. The word “land” includes “marsh” or “swamp.”

B. Definitions

1. Accessory use or Structure – A use or structure of a nature customarily incidental and subordinate to the principal use or structure, and unless otherwise provided, on the same premises or an adjoining lot in the same ownership.
2. Administrative Official – The person or persons appointed or designated by the Board of Supervisors to administer this Ordinance, whether their title be Building Official, Building Inspector, Zoning Administrator, Planning Director, or other designation.
3. Adult Entertainment Use (or Activity or Establishment): An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, or similar establishment which regularly features or depicts behavior which is characterized

by the exposure of "specified anatomical areas" (as defined by this Ordinance), or where any employee, operator or owner exposes his/her "specified anatomical area" for viewing of patrons. Such adult entertainment uses may further be defined as follows:

- a. Adult Arcade: An establishment where, for any form of consideration, one or more motion picture projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" (as defined by this Ordinance) or "specified anatomical areas."
- b. Adult Bookstore: An establishment which has as a substantial portion of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:
 - i. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slide or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas," or
 - ii. instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."
- c. Adult Cabaret: A nightclub, bar, restaurant, theater, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities."
- d. Adult Motel: A motel or similar establishment which includes the word "adult" in any name it uses or otherwise advertises the presentation of adult material, offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities."
- e. Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or other

photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified anatomical areas" or by "specified sexual activities."

4. Agricultural Use– any facility or production site for the production and processing of crops, or products thereof, livestock, or products thereof, farm-raised fish and fish products, livestock products, honeybees, honey and other products of the beehive, wood, timber or forest products, fowl or plants for breeding or sales and poultry or poultry products for commercial or industrial purposes.
 - a. Agricultural use includes the use of farm machinery, equipment, devices, chemicals, products for agricultural use, materials, and structures designed for agricultural use and used in accordance with best agricultural management practices and are in compliance with any applicable state and federal permits.
 - b. Agricultural use also includes those accepted customs and standards established and followed by similar agricultural operations under similar circumstances.
5. Agricultural Structure – a structure, building, facility, or improvement designed and used solely in connection with agricultural uses. This includes barns, silos, stables, greenhouses, equipment sheds, and similar structures used for storage, sheltering of animals or equipment, or processing of agricultural products, provided such structures are used in accordance with best agricultural management practices and comply with applicable state and federal permits.
6. Altered or Alteration – Any change in the size, shape, occupancy, character, location, or use of a building or structure.
7. Automobile Fueling Station - A facility primarily engaged in the retail sale of motor vehicle fuels, including gasoline, diesel, or alternative fuels, to passenger vehicles, motorcycles, and light-duty trucks. Limited accessory sales of automotive products and convenience goods may be provided. Facilities for heavy truck fueling, heavy truck parking or staging, and overnight parking of any vehicle are prohibited.
8. Bed and Breakfast – A residential structure containing a limited number of rooms, or a series of rooms, intended to be occupied for a short-term duration by persons not residing within such building and where the owner customarily furnishes breakfast. The term bed and breakfast shall not include any hotel, motel, or boarding house.
9. Board of Supervisors – The Marshall County Board of Supervisors.

10. Board of Adjustment – The Marshall County Planning Commission shall act in this capacity and shall have all the powers and duties enumerated in ARTICLE VI, Administration and Enforcement.
11. Buffer Area – An area set aside to remain open and vacant and to be planted and landscaped to reduce the blighting effect of commercial or industrial uses adjacent to residential districts.
12. Building – Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property. The foundation shall also be considered an integral part of the building or structure.
13. Building Code – Any or all of the building or construction codes, as amended, which the Board of Supervisors has adopted.
14. Building Height – The vertical distance measured from the average ground elevation to the highest point of the roof.
15. Building Permit – A permit issued by the Administrative Official for the construction or alteration of any building or structure.
16. Building Setback Line – The setback line from the street or road right-of-way and other side and rear property lines beyond which a building shall not extend.
17. Cannabis - All parts of the plant of the genus cannabis, the flower, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin, including whole plant extracts. Such term shall not mean cannabis-derived drug products approved by the federal Food and Drug Administration under Section 505 of the Federal Food, Drug, and Cosmetic Act.
18. Cannabis cultivation - A business entity licensed and registered by the Mississippi Department of Health that acquires, grows, cultivates and harvests medical cannabis in an indoor, enclosed, locked and secure area.
19. Cannabis disposal entity - A business licensed and registered by the Mississippi Department of Health that is involved in the commercial disposal or destruction of medical cannabis.
20. Cannabis processing facility - A business entity that is licensed and registered by the Mississippi Department of Health that:
 - a. Acquires or intends to acquire cannabis from a cannabis cultivation facility;
 - b. Possesses cannabis with the intent to manufacture a cannabis product;

- c. Manufactures or intends to manufacture a cannabis product from unprocessed cannabis or a cannabis extract; and
 - d. Sells or intends to sell a cannabis product to a medical cannabis dispensary, cannabis testing facility or cannabis research facility.
- 21. Cannabis products - Cannabis flower, concentrated cannabis, cannabis extracts and products that are infused with cannabis or an extract thereof and are intended for use or consumption by humans. The term includes, without limitation, edible cannabis products, beverages, topical products, ointments, oils, tinctures and suppositories that contain tetrahydrocannabinol (THC) and/or cannabidiol (CBD) except those products excluded from control under Sections 41-29-113 and 41-29-136 of the Code of Mississippi.
- 22. Cannabis research facility - A research facility at any university or college in this state or an independent entity licensed and registered by the Mississippi Department of Health pursuant to this chapter that acquires cannabis from cannabis cultivation facilities and cannabis processing facilities in order to research cannabis, develop best practices for specific medical conditions, develop medicines and provide commercial access for medical use.
- 23. Cannabis testing facility - An independent entity licensed and registered by the Mississippi Department of Health that analyzes the safety and potency of cannabis.
- 24. Cannabis transportation entity - An independent entity licensed and registered by the Mississippi Department of Health that is involved in the commercial transportation of medical cannabis.
- 25. Commission – The Marshall County Planning Commission, as appointed by the Board of Supervisors.
- 26. Coverage – The percentage of lot area that is occupied by any building, structure, or part thereof.
- 27. Conforming Use, Structure, or Lot – Any use, structure, or lot that complies with the provisions of this Ordinance.
- 28. Detached Dwelling – a single-family dwelling.
- 29. District, Zoning – The various zoning districts within which specific regulations apply pursuant to the provisions of this Ordinance.
- 30. Dwelling – A building or portion thereof, designed and used for residential occupancy and containing a minimum of eight hundred (800) square feet of heated area, constructed, assembled, or installed as a permanent residence in

accordance with building codes, but not including a tent, seasonal quarters, manufactured home, modular home, a room in a hotel, motel, boarding house, or bed and breakfast.

31. Dwelling, Single-Family – A detached building, which is not a manufactured or mobile home, that is designed, arranged, used for, or occupied exclusively as a dwelling unit by one (1) family and containing a single dwelling unit.
32. Dwelling, Two Family – A detached building designed, arranged, used, or occupied exclusively to provide dwelling units for two (2) families living independently of each other and containing two dwelling units.
33. Dwelling, Multi-Family – A building or portion thereof used or designated to provide dwelling units for three (3) or more families living independently in separate dwelling units.
34. Dwelling Unit – One or more rooms constituting all or part of a dwelling, which are occupied or intended to be occupied as a residence by one family living independently and providing separate and complete facilities for sleeping, cooking, and sanitation. No dwelling unit shall contain less than three hundred (300) square feet of habitable living space.
35. Easement – A grant of a right permitting the crossing of private property with facilities such as sewer, water, gas, power, or telephone lines, or gaining access to property or utilities.
36. "Edible cannabis products" means products that:
 - a. Contain or are infused with cannabis or an extract thereof;
 - b. Are intended for human consumption by oral ingestion; and
 - c. Are presented in the form of foodstuffs, beverages, extracts, oils, tinctures, lozenges and other similar products.
37. Family – One or more persons living together and maintaining a common household in a dwelling unit.
38. Forestry Use – any activity associated with the reforestation, growing, managing, protecting, and harvesting of timber, wood, and forest products, including for nongame species.
39. Forestry Structure - a building, facility, or improvement designed and used solely in connection with forestry uses. This includes timber storage buildings, equipment shelters, and facilities used in forestry operations.

40. Home Occupation – An occupation conducted entirely in a dwelling unit, provided that:

- a. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes and shall under no circumstances change the residential character thereof.
- b. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, mounted flat against the wall of the principal building.
- c. No home occupation shall be conducted in any accessory building.
- d. No home occupation shall occupy more than fifty (50) percent of the first floor area of the residence.
- e. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- f. No equipment or process shall be used in such a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used that creates a visual or audible interference in any radio or television receivers off the premises.

41. Junk Yard, Salvage Yard or Open Storage – A lot, parcel of land, or structure or part thereof, used primarily for the collection, storage and/or sale of wastepaper, rags, furs, hides, scrap metal, or discarded material, or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

42. Loading Space, Off Street – Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as an off-street parking space in the computation of the required off-street parking space.

43. Lot – A piece, parcel or tract of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open space as required by this Ordinance and having frontage on a public street or road.

44. Lot Area – The computed area contained within the lot lines.
45. Lot Depth – The mean horizontal distance between the front and rear lot lines.
46. Lot Frontage – the portion of the lot nearest to and adjoining the right-of-way of the street or road. For the purposes of determining yard requirements on corner lots and through lots, all portions of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated in the district regulations.
47. Lot Lines – The property lines bounding the lot.
48. Lot Line, Front – The property line(s) separating the lot from the street or road right-of-way. Each such line shall be considered a front lot line on corner and through lots.
49. Lot Line, Rear – The lot line(s) opposite and most distant from the front lot line. Rear lot lines on corner lots shall be treated as side lot lines for the purposes of yard and setback requirements.
50. Lot Line, Side – Any lot line other than a front or rear lot line. A lot line separating a lot from a street or road is considered a front lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line. Rear lot lines on corner lots shall be treated as side lot lines for the purposes of yard and setback requirements.
51. Lot of Record – A lot or parcel of land which is part of a subdivision or described by metes and bounds, the plat or deed of which has been recorded in the Office of the Chancery Clerk of Marshall County prior to the adoption of this Ordinance.
52. Manufactured Home - A factory built residential structure, transportable in one or more sections on or by a separate vehicle, built on a permanent chassis without a permanent hitch, that is defined by, and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.), and manufactured after June 14, 1976, designed to be used as a residence for a single family.
53. Manufactured Home Park - Any lot, parcel, or premises, under one ownership, designed, maintained, intended, or used to supply a location or accommodation for two (2) or more manufactured homes to be used as a residence when connected to electrical lines, water, and/or sewer pipes. For the purpose of this Ordinance, any lot or premises used for the wholesale or retail sale of mobile homes shall not be included within this definition.
54. Medical cannabis -Cannabis, cannabis products and edible cannabis that are intended to be used by registered qualifying patients as provided in this chapter.

55. Medical cannabis dispensary - An entity licensed and registered with the MDOR that acquires, possesses, stores, transfers, sells, supplies or dispenses medical cannabis, equipment used for medical cannabis, or related supplies and educational materials to cardholders.
56. Medical cannabis establishment - A cannabis cultivation facility, cannabis processing facility, cannabis testing facility, cannabis dispensary, cannabis transportation entity, cannabis disposal entity or cannabis research facility licensed and registered by the appropriate agency.
57. Modular Home - A factory-built residential structure designed and constructed with components manufactured and transported to a site to be constructed, assembled, or installed as a permanent residence in accordance with building codes. The minimum size of such dwellings shall not be less than eight hundred (800) square feet in heated area.
58. Nonconforming Use, Structure or Lot- a lot, building, structure, or use of a building or structure or premises, legally existing or used at the time of adoption or amendment of this Ordinance, which does not conform to the regulations prescribed by the Ordinance.
59. Nursery - Any portion of a building or lot used for the cultivation, growing of shrubs, plants, and/or trees for the purpose of sale.
60. Nursery School - A building used exclusively or in part for the daytime care and education of pre-school children and including all accessory buildings and play areas.
61. Parking Space, Off-Street- For the purpose of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.
62. Planning Commission -The duly appointed Commission appointed by the Marshall County Board of Supervisors. The Planning Commission shall also act as the Board of Adjustment.
63. Premises - A lot together with structure or structures thereon.
64. Public Building- A building owned or used exclusively by the city, county, state, or federal government.
65. Public Utility - Any person, firm, corporation, municipal department, or board duly authorized to furnish such public services as electricity, gas, water, sewer, telephone, telegraphy, transportation, or other services to its subscribers or customers.

66. Recreational Vehicle (RV) -A self-propelled motor home, travel trailer, truck camper, or camping trailer used as temporary living accommodations for recreational, camping, and or/travel use.
67. Recreational Vehicle Park- A parcel of land designed and used for the temporary parking of recreational vehicles.
68. Semi-Public Building - Any building whose principal purpose is for religious, educational, or charitable usage.
69. Sign – See Article VI Sign Regulations for relevant definitions
70. Solar Power Generation Facilities – a device, array of devices, or structural design feature, the purpose of which is to convert solar energy directly into electricity, the primary components of which are solar panels, mounting devices, inverters, and wiring that are mounted on a rack, pole, or other structure attached to the ground.
71. Special Exception - A special exception, as used in this Ordinance, may be granted by the Planning Commission and is limited to those special exceptions specifically set forth in this Ordinance. A special exception is a use that would not be appropriate or generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare.
72. Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or less than 50% of the female breast below a point immediately above the areolae; or human male genitals in a discernibly turgid state even if completely and opaquely covered.
73. Specified Sexual Activity: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually oriented torture, beating or the infliction of physical pain; erotic touching, fondling or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this section.
74. Structure - Anything constructed or erected that requires location on the ground or attached to something having location on the ground.
75. Townhouse (or Row House) - a dwelling constructed in a series or group of attached dwelling units with common walls between units.

76. Truck Fueling Station – A facility primarily designed and intended for the fueling of heavy trucks, tractor-trailers, or other commercial freight vehicles. Such facilities may include multiple high-capacity fuel pumps for diesel or alternative fuels and may also include automobile fueling pumps and limited accessory sales of automotive products and convenience goods. Overnight parking, shower facilities, or other extended/overnight-stay amenities shall not be permitted unless approved as part of a Truck Stop (Travel Center).
77. Truck Stop (Travel Center) - A facility providing fueling and services primarily for heavy trucks and tractor-trailers, and secondarily for passenger vehicles. In addition to truck fueling, such establishments may include extended/overnight truck parking or staging areas, truck-related maintenance and service, shower and restroom facilities, sit-down or fast-food restaurants, convenience goods, and other traveler amenities.
78. Variance - A variance is a relaxation of the terms of the Zoning Ordinance by the Board of Zoning Adjustment, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, areas and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformity in the zoning district or uses in an adjoining district.
79. Vegetable or Fruit Stand - A temporary structure with a floor area of not more than 400 square feet, unenclosed or partially enclosed, and so designed and constructed to be easily portable, whose exclusive use is for the temporary sale of fresh vegetables and/or fruits.
80. Yard- A required open space at grade between any building and the adjoining lot lines, which is unoccupied and unobstructed by any portion of a building from the ground upward and extends across a lot between lot lines.
81. Yard, Front - A yard located in between a building and a street line, unoccupied and unobstructed by any portion of a building or structure, except fences and walls, from the ground upward, and extending across a lot between the side lot lines. On corner lots, front yards shall be provided for each frontage.
82. Yard, Rear - A yard extending across the rear of a lot measured between inner side yard lines, unoccupied and unobstructed by any portion of a building from the ground upward.

83. Yard, Side - A yard between the building and the side lines of the lot unoccupied and unobstructed by any portion of a building from the ground upward and extending from the front building line to the rear lot line.
84. Zero Lot Line Development – the placement of a two-family or multi-family dwelling on a lot such that one or more of the building's side or interior walls are located on a lot line.

ARTICLE III ZONING DISTRICT REGULATIONS AND ZONING MAP

SECTION 1 – Zoning Districts

Marshall County is hereby divided into the following “Zoning Districts”

- A Agricultural District
- A-R Agricultural-Residential District
- R-E Residential Estate District
- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 High Density Residential District
- C-1 Neighborhood Commercial District
- C-2 Highway Commercial District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- FP Floodplain Overlay District

SECTION 2 – Zoning Map

The zoning districts set forth in ARTICLE III are delineated on a map entitled “Official Zoning Map of Marshall County, Mississippi, 2025.” The zoning map is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be signed by the President of the Board of Supervisors and attested to by the Chancery Clerk. The Official Zoning Map shall be kept up-to-date as amendments are made and shall be kept in the office of the Administrative Official.

SECTION 3 – Rules for Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Maps, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of roads, streets, highways, alleys, or railroad tracks shall be construed to follow such center lines of roads, streets, highways, or alleys, or the center lines of main railroad tracks or rights-of-way.
- B. Boundaries indicated as approximately following property lines shall be construed as following such property lines.

- C. Boundaries indicated as approximately following section lines shall be construed as following such section lines.
- D. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- E. Boundaries indicated as parallel to, or extensions of features indicated in subsections one (1) through (4) above shall be so construed. Distances not specifically indicated on the Official Zoning Maps shall be determined by the scale of the maps.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Maps or in other circumstances not covered by the subsections above, the Board of Adjustment shall interpret the district boundaries.

SECTION 4 – A-Agricultural District

A. Permitted Uses:

1. Agriculture and forestry.
2. Bed and breakfast facilities provided that the owner or manager of such facilities resides upon the premises; meals are provided only to registered guests; sufficient off-street parking is provided to accommodate both occupants and guests; parties, meetings, receptions, clubs or other unrelated activities shall be prohibited; the building housing such bed and breakfast facility shall have some historical, cultural or architectural feature(s) which make the structure suitable as a bed and breakfast.
3. Churches and church facilities.
4. Country clubs and/or golf courses.
5. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.
6. Home occupations.
7. Manufactured homes
8. Modular homes
9. Nurseries and greenhouses
10. Parks and playgrounds
11. Public or private schools

12. Signs, except off-site advertising signs
13. Single-family dwellings.
14. Temporary vegetable and fruit stands.
15. Veterinary clinic and/or boarding kennels, provided the structure or pens are at least 250 feet from any adjacent property line
16. Cannabis Facilities when no dwelling is present
 - a. Cannabis Micro Cultivation Facility Tiers 1-2
 - b. Cannabis Cultivation Facility Tiers 1-6
 - c. Cannabis Micro Processing Facility Tiers 1-2
 - d. Cannabis Processing Facility Tiers 1-6
 - e. Cannabis Research Facility
 - f. Cannabis Testing Facility

B. Uses permitted by Special Exception

1. Airports or landing strips.
2. Cannabis Facilities when dwelling is present
 - a. Cannabis Micro Cultivation Facility Tiers 1-2
 - b. Cannabis Cultivation Facility Tiers 1-6
 - c. Cannabis Micro Processing Facility Tiers 1-2
 - d. Cannabis Processing Facility Tiers 1-6
3. Cannabis Transportation Facility
4. Cannabis Disposal Facility
5. Cemeteries.
6. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping, fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.
7. Extraction of soil, sand, gravel, oil, or gas provided a reclamation plan is submitted and approved by the Planning Commission and the Board of

Supervisors, and a bond is provided to cover the costs of reclamation of the site if not done by the property owner.

8. Manufactured home parks
 9. Mortuaries or funeral homes.
 10. Signs, off-site advertising signs
 11. Public or semi-public building
 12. Repair shops with a lot size of 10 acres or more. The repair shop must be located at the rear of the property
 13. Rodeos, horse shows, and carnivals
 14. Sanitary landfills and refuse sites, but not including the burning of trash or refuse, provided, however, that such landfill or refuse site shall be set back a minimum of 200 feet from any property line.
 15. Solar power generation facilities
 16. Wireless communication towers.
- C. Lot area, lot width, building setback, lot coverage, and building height requirements shall be as set forth in ARTICLE III, Section 15.

SECTION 5 - A-R- Agricultural-Residential District:

A. Permitted Uses:

1. Agriculture and forestry.
2. Bed and breakfast facilities provided that the owner or manager of such facilities resides upon the premises; meals are provided only to registered guests; sufficient off-street parking is provided to accommodate both occupants and guests; parties, meetings, receptions, clubs or other unrelated activities shall be prohibited; the building housing such bed and breakfast facility shall have some historical, cultural or architectural feature(s) which make the structure suitable as a bed and breakfast.
3. Cannabis Facilities when no dwelling is present
4. Cannabis Micro Cultivation Facility Tiers 1-2
5. Cannabis Cultivation Facility Tiers 1-6
6. Churches and church facilities.

7. Country clubs and/or golf courses
8. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.
9. Home occupations
10. Manufactured homes
11. Modular homes
12. Nurseries and greenhouses
13. Parks and playgrounds
14. Public or private schools
15. Signs, except off-site advertising signs
16. Single-family dwellings

B. Uses Permitted by Special Exception:

1. Airports or landing strips
2. Any public or semi-public building
3. Cemeteries
4. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping, fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.
5. Extraction of soil, sand, gravel, oil, or gas provided a reclamation plan is submitted and approved by the Planning Commission and the Board of Supervisors, and a bond is provided to cover the costs of reclamation of the site if not done by the property owner.
6. Mortuaries or funeral homes
7. Solar power generation facilities
8. Temporary vegetable and fruit stands.
9. Veterinary clinic and/or boarding kennels, provided the structure or pens are at least 250 feet from any adjacent property line

10. Wireless communication towers

C. Lot area lot width, building setbacks, lot coverage and building height requirements shall be set forth in ARTICLE III, Section 15.

D. Parking off-street loading areas shall be provided as set forth in ARTICLE IV.

E. Permitted signs- All those business signs allowed for permitted uses or uses permitted by Special Exception in the A-R District. Outdoor advertising signs are prohibited in the A-R District.

SECTION 6 – R-E -Residential Estate District

A. Permitted Uses:

1. Agriculture and forestry, excluding feed lots, commercial sale, or processing of livestock and agricultural products. A minimum of one (1) acre per animal shall be required for keeping horses, cows, and other large farm animals, and no animal is allowed within 100 feet of any adjoining residence.
2. Bed and breakfast facilities provided that the owner or manager of such facilities resides upon the premises; meals are provided only to registered guests; sufficient off-street parking is provided to accommodate both occupants and guests; parties, meetings, receptions, clubs or other unrelated activities shall be prohibited; the building housing such bed and breakfast facility shall have some historical, cultural or architectural feature(s) which make the structure suitable as a bed and breakfast.
3. Churches and church facilities.
4. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.
5. Parks and playgrounds
6. Public or private schools
7. Signs, except off-site advertising signs
8. Single-family dwellings containing not less than 1,200 square feet of heated area.

B. Uses Permitted by Special Exception:

1. Any public or semi-public building
2. Cemeteries.

3. Country clubs and/or golf courses (10-acre minimum lot)
 4. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping, fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.
 5. Extraction of soil, sand, gravel, oil, or gas provided a reclamation plan is submitted and approved by the Planning Commission and the Board of Supervisors, and a bond is provided to cover the costs of reclamation of the site if not done by the property owner.
 6. Home occupations
 7. Stables and riding academies (5 acres minimum lot)
 8. Temporary vegetable and fruit stands.
 9. Wireless communication tower
- C. Lot area, lot width, building setback, lot coverage, and building height requirements shall be as set forth in ARTICLE III, Section 15.
- D. Parking and off-street loading area shall be as provided in ARTICLE IV.

SECTION 7 – R-1 – Residential (Low Density) District

A. Permitted Uses:

1. Agriculture and forestry, excluding feed lots, commercial sale, or processing of livestock and agricultural products. A minimum of one (1) acre per animal shall be required for keeping horses, cows, and other large farm animals, and no animal is allowed within 100 feet of any adjoining residence.
2. Churches and church facilities.
3. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.
4. Manufactured homes.
5. Modular Homes
6. Parks and playgrounds
7. Public or private schools

8. Single-family dwellings.
9. Signs, except off-site advertising signs

B. Uses Permitted by Special Exception:

1. Country clubs and/or golf courses
2. Cemeteries.
3. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping, fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.
4. Home occupations
5. Professional offices of an engineer, architect, attorney, doctor, dentist, or similar profession or occupation
6. Repair shops with a lot size of 10 acres or more. The repair shop must be located at the rear of the property
7. Similar uses upon approval of the Board of Adjustment.
8. Temporary vegetable and fruit stands.

C. Lot area, lot width, building setback, lot coverage, and building height requirements shall be as set forth in ARTICLE III, Section 15.

D. Parking and off-street loading areas shall be provided as set forth in ARTICLE IV.

SECTION 8 – R-2 – Residential (Medium Density District)

A. Permitted Uses:

1. Agriculture and forestry, excluding feed lots, commercial sale, or processing of livestock and agricultural products. A minimum of one (1) acre per animal shall be required for keeping horses, cows, and other large farm animals, and no animal is allowed within 100 feet of any adjoining residence.
2. Churches and church facilities.
3. Country clubs and/or golf courses
4. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.

5. Manufactured homes
6. Modular homes
7. Parks and playgrounds
8. Public or private schools
9. Signs, except off-site advertising signs
10. Single-family dwellings
11. Two-family dwellings

B. Uses Permitted by Special Exception:

1. Bed and breakfast facilities provided that the owner or manager of such facilities resides upon the premises; meals are provided only to registered guests; sufficient off-street parking is provided to accommodate both occupants and guests; parties, meetings, receptions, clubs or other unrelated activities shall be prohibited; the building housing such bed and breakfast facility shall have some historical, cultural or architectural feature(s) which make the structure suitable as a bed and breakfast.
2. Cemeteries
3. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping, fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.
4. Home occupations
5. Professional offices of an engineer, architect, attorney, doctor, dentist or similar profession or occupation
6. Repair shops with a lot size of 10 acres or more. The repair shop must be located at the rear of the property
7. Temporary vegetable and fruit stands.

C. Lot area, lot width, building setback, lot coverage, and building height requirements shall be as set forth in ARTICLE III, Section 15.

D. Parking and off-street loading areas shall be provided as set forth in ARTICLE IV.

SECTION 9 – R-3 – Residential (High Density) District

A. Permitted Uses:

1. Agriculture and forestry, excluding feed lots, commercial sale, or processing of livestock and agricultural products. A minimum of one (1) acre per animal shall be required for keeping horses, cows, and other large farm animals, and no animal is allowed within 100 feet of any adjoining residence.
2. Churches and church facilities.
3. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.
4. Parks and playgrounds
5. Public or private schools
6. Signs, except off-site advertising signs
7. Single-family dwellings.
8. Two-family dwellings.

B. Uses permitted by Special Exception:

1. Cemeteries.
2. Bed and breakfast facilities provided that the owner or manager of such facilities resides upon the premises; meals are provided only to registered guests; sufficient off-street parking is provided to accommodate both occupants and guests; parties, meetings, receptions, clubs or other unrelated activities shall be prohibited; the building housing such bed and breakfast facility shall have some historical, cultural or architectural feature(s) which make the structure suitable as a bed and breakfast.
3. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping, fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.
4. Home occupations
5. Manufactured Home Parks
6. Multi-family dwelling, including townhouses (or row houses) and apartments

7. Preschool, including nursery schools and kindergartens, and childcare facilities as licensed by the State of Mississippi
 8. Professional offices of an engineer, architect, attorney, doctor, dentist, or similar profession that generate a minimum amount of traffic and at which no products, except those normally associated with the above offices, are sold retail, wholesale, or otherwise.
 9. Recreational Vehicle Parks – site plan approval required.
 10. Temporary vegetable and fruit stands.
- C. Lot area, lot width, building setback, lot coverage and building height requirements shall be as set forth in ARTICLE III, Section 15.
1. Each building of a multi-family development shall be set back the minimum required by Article III, Section 15 from the front, side, and rear lot lines, as applicable, to create sufficient yards.
 2. Minimum lot size for multi-family developments shall be computed for the entire area of the development, including the gross area of all buildings and structures. It shall be the minimum specified in Article III, Section 15.
 3. Townhomes, row houses, apartments, and other multi-family developments are permitted as zero lot line developments, provided that Article III, Section 15 governs the density of development, including required setbacks for each building and the minimum lot area required for the number of dwelling units proposed. Setbacks and lot area requirements shall be met for the overall development area, regardless of eventual ownership of individual dwelling units.
- D. Parking and off-street loading area shall be as provided in ARTICLE IV.

SECTION 10 – C-1 – Neighborhood Commercial District

To provide services to surrounding residential areas located throughout the County. Building shall be limited to an area up to 10,000 square feet, and the premises shall be used only for the following purposes.

- A. Permitted uses:
1. Agriculture and forestry, excluding feed lots, commercial sale, or processing of livestock or agricultural products. A minimum of one (1) acre per animal shall be required for keeping horses, cows, and other large farm animals.
 2. Auto dealers, auto repairs, and similar uses (no outside storage)
 3. Cannabis Dispensary

4. Car wash
 5. Churches and church facilities
 6. Country club and lodge
 7. Preschool, including nursery schools and kindergartens, and childcare facilities as licensed by the State of Mississippi
 8. Financial services, including banks, savings and loan associations, and mortgage companies.
 9. Food Trucks
 10. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.
 11. Nursery and greenhouse
 12. Offices such as those of a doctor, dentist, attorney, and other professional businesses.
 13. Post office or postal facility
 14. Radio, television towers, and antennas not exceeding 35 feet in height.
 15. Repair and service shops for small engines, bicycles, and appliances (no outside storage)
 16. Restaurants and carry-out
 17. Retail establishments such as grocery stores, apparel stores, hardware stores, drug stores, and similar uses
 18. Service establishments such as beauty shops, self-service laundry, dry cleaning facilities, and similar uses
 19. Signs, except off-site advertising signs (See ARTICLE V)
 20. Veterinary clinic where there are no open kennels or holding areas.
- A. Uses permitted by special exception:
1. Automobile Fueling Stations
 2. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping,

fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.

3. Hospital, nursing homes, and extended care facilities
4. Other similar uses as permitted by the Board of Adjustment
5. Outdoor flea market
6. Parks and playgrounds
7. Public or private schools
8. Residential and accessory buildings according to R-3 district regulations
9. Temporary Fireworks Stand
10. Temporary vegetable and fruit stands.
11. Truck Fueling Station
12. Wireless communication towers

C. Lot area, lot width, building setback, lot coverage, and building height requirements shall be as set forth in ARTICLE III, Section 15.

D. Parking and off-street loading areas shall be provided as set forth in ARTICLE IV.

SECTION 11 – C-2 – Highway Commercial District

To provide retail and services outlets serving not only nearby residential areas, but distant areas as well, and especially the needs of through highway traffic. The districts are located along heavily traveled four-lane highways. A building or premises shall be used only for the following purposes:

A. Permitted uses:

1. Agriculture and forestry, excluding feed lots, commercial sale, or processing of livestock or agricultural products. A minimum of one (1) acre per animal shall be required for keeping horses, cows, and other large farm animals.
2. Aluminum can collection centers with no machinery processing or outside storage.
3. Amusements such as putt-putt golf, skating rink, and video arcade.
4. Auto dealers, auto repairs, and similar uses (no outside storage)
5. Bus terminal.

6. Cannabis Dispensary
7. Cannabis Research Facility
8. Cannabis Testing Facility
9. Cannabis Transportation Facility
10. Car wash
11. Cemeteries.
12. Churches, and church facilities
13. Country club and lodge
14. Civic Center
15. Preschool, including nursery schools and kindergartens, and childcare facilities as licensed by the State of Mississippi
16. Department or discount stores.
17. Farm and feed stores, including accessory storage of liquid and solid fertilizers.
18. Farm implement and heavy equipment sales and service establishments.
19. Financial services such as banks, savings and loans, and mortgage companies.
20. Food Trucks
21. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.
22. Hospital, nursing home, or extended care facility.
23. Mini warehouse
24. Mobile (or Modular) homes sales, service, repair, and storage facilities for RVs, camping trailers, and touring vans, but not including a manufactured home park or trailer park, and not allowing storage of damaged mobile homes.
25. Mortuaries and funeral homes.
26. Motels and hotels, including associated restaurants.
27. Nursery and greenhouse
28. Offices such as those of a doctor, dentist, attorney, and other professional businesses.

29. Post office or postal facility
30. Radio, television towers, and antennas not exceeding 35 feet in height.
31. Repair and service shops for small engines, bicycles, and appliances (no outside storage)
32. Restaurants and carry-out
33. Retail establishments such as grocery stores, apparel stores, hardware stores, drug stores, and similar uses
34. Service establishments such as beauty shops, self-service laundry, dry cleaning facilities, and similar uses
35. Signs, except off-site advertising signs
36. Veterinary clinic where there are no open kennels or holding areas.
37. Wholesale merchandising and storage warehouses not exceeding 10,000 square feet in floor area.

B. Uses Permitted by Special Exception:

1. Automobile Fueling Stations
2. Campground and recreational vehicle park
3. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping, fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.
4. Manufactured home used as office space
5. Outdoor flea market
6. Parks and playgrounds
7. Public or private schools
8. Residential and accessory buildings according to R-3 district regulations
9. Salvage and junk establishments (fencing as determined by the Planning Commission).
10. Similar uses upon approval of the Board of Adjustment.
11. Temporary Fireworks Stand

12. Temporary vegetable and fruit stands.

13. Truck Fueling Station

14. Truck Stop (Travel Center)

15. Wireless communication towers.

C. Lot area, lot width, building setback, lot coverage, and building height requirements shall be as set forth in ARTICLE III, Section 15.

D. Parking and off-street loading area shall be provided as set forth in ARTICLE IV.

SECTION 12 – I-1 – Light Industrial District

The I-1 Industrial District is established as a district in which uses permitted shall not be dangerous, offensive, detrimental to the present or intended character of the I-1 Industrial District or vicinity, or constitute a nuisance due to the emission of dust, gas, smoke, noise, fumes, glare, odor, vibration, fire hazard or otherwise.

A. Permitted Uses:

1. Agriculture and forestry, excluding feed lots, commercial sale, or processing of livestock or agricultural products. A minimum of one (1) acre per animal shall be required for keeping horses, cows, and other large farm animals.

2. Cannabis Micro Cultivation Facility Tiers 1-2

3. Cannabis Cultivation Facility Tiers 1-6

4. Cannabis Micro Processing Facility Tiers 1-2

5. Cannabis Processing Facility Tiers 1-6

6. Cannabis Transportation Facility

7. Cannabis Disposal Facility

8. Laboratories

9. Manufacturing, fabrication, production, and/or processing of any non-flammable, explosive, or hazardous materials or commodities.

10. Moving Services

11. Newspaper Publishing, Printing, and Distribution

12. Truck Terminal

13. Warehousing and Distribution

14. Woodworking and Cabinet Shops

15. Tool and Die

16. Assembly Plant

17. Beverage Bottling and Distribution

18. Food Packaging

19. Food Trucks

20. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.

21. Signs, except off-site advertising signs

B. Uses Permitted by Special Exception

1. Outside Storage

2. Cannabis Research Facility

3. Cannabis Testing Facility

4. Civic Center

5. Animal Shelters

6. Tire Recapping

7. Machine Shop

8. Similar uses upon approval of the Board of Adjustment

9. Solar power generation facilities

10. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping, fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.

11. Temporary Fireworks Stand

12. Truck Fueling Station

13. Truck Stop (Travel Center)

- C. Lot area, lot width, building setback, lot coverage and building height requirements shall be as set forth in ARTICLE III, Section 15.
- D. Parking and off-street loading areas shall be provided as set forth in ARTICLE IV.
- E. NOTE: Request to set up in Chickasaw Industrial Park requires prior approval of the Marshall County Industrial Development Authority before submitting application to the Zoning Office/Administrative Official.

SECTION 13 – I-2 Heavy Industrial District

The I-2 Industrial District is established as a district for those uses customarily characterized as heavy industry, which, by their nature, may create some nuisance due to the emission of dust, gas, smoke, noise, fumes, glare, odor, vibration, fire hazard or otherwise.

A. Permitted Uses:

1. Agriculture and forestry, excluding feed lots, commercial sale, or processing of livestock or agricultural products. A minimum of one (1) acre per animal shall be required for keeping horses, cows, and other large farm animals.
2. Assembly Plant
3. Beverage Bottling and Distribution
4. Cannabis Micro Cultivation Facility Tiers 1-2
5. Cannabis Cultivation Facility Tiers 1-6
6. Cannabis Micro Processing Facility Tiers 1-2
7. Cannabis Processing Facility Tiers 1-6
8. Cannabis Transportation Facility
9. Cannabis Disposal Facility
10. Food Packaging
11. Food Trucks
12. Governmental uses or facilities necessary for the operation of any governmental entity or public utility, except those uses specifically enumerated as permitted by special exception.
13. Laboratories
14. Machine Shop

15. Manufacturing, fabrication, production, and/or processing of any non-flammable, explosive, or hazardous materials or commodities.

16. Moving Services

17. Newspaper Publishing, Printing, and Distribution

18. Outside Storage

19. Retail or wholesale sale of any commodity manufactured, fabricated, or processed on the premises.

20. Signs, except off-site advertising signs

21. Tire Recapping

22. Tool and Die

23. Truck Terminal

24. Warehousing and Distribution

25. Woodworking and Cabinet Shops

B. Uses Permitted by Special Exception:

1. Adult Entertainment Uses

2. Animal Shelters

3. Cannabis Research Facility

4. Cannabis Testing Facility

5. Commercial businesses

6. Electrical substations, gas regulator stations, sewage treatment facilities, and similar uses that may be detrimental or hazardous to any neighborhood or area of the County. Adequate provisions shall be made for setbacks, landscaping, fencing, and other measures to mitigate any adverse effect upon the adjoining properties or the general area in which such a facility is to be situated.

7. Junkyards and salvage yards.

8. Manufacture or processing of flammable, explosive, or hazardous materials.

9. Solar power generation facilities

10. Similar uses upon approval of the Board of Adjustment

11. Temporary Fireworks Stand

12. Truck Fueling Station

13. Truck Stop (Travel Center)

- C. Lot area, lot width, building setback, lot coverage, and building height requirements shall be as set forth in ARTICLE III, Section 15.
- D. Parking and off-street loading areas shall be provided as set forth in ARTICLE IV.
- E. NOTE: Request to set up in Chickasaw Industrial Park requires prior approval of the Marshall County Industrial Development Authority before submitting application to the Zoning Office/Administrative Official.

SECTION 14– FP – Floodplain Overlay District:

Property situated within the FP District may be used for any use permitted within the zoning district in which such property is located (A, A-R, R-1, C-1, I-1, etc.), subject to all requirements of the base zoning designation. Provided, however, any structure to be constructed within the FP District shall comply with all requirements of the Marshall County Floodplain Ordinance and the Marshall County Flood Insurance Rate Maps (FIRM).

SECTION 15 CHART OF REGULATIONS

<u>Zoning District</u>	<u>Min. Lot Area</u> <u>Required</u>	<u>Min. Width</u> <u>at</u> <u>Bldg.</u> <u>Setback</u>	<u>Front Yard</u> <u>Setback</u> ¹	<u>Min. Side</u> <u>Yard</u>	<u>Min. Rear</u> <u>Yard</u>	<u>Max. Lot</u> <u>Coverage</u>	<u>Max.</u> <u>Height</u> <u>Limit</u> <u>Stories</u> ²
A Agricultural	1.5 Ac.	150 ft.	35 ft.	15 ft.	30 ft.	25%	2
A-R Agricultural/ Residential	1.5 Ac.	150 ft.	35 ft.	15 ft.	30 ft.	25%	2
R-E Residential Estate ³	1.5 Ac	150 ft.	50 ft.	30 ft.	50 ft.	25%	2
R-1 Residential ⁴ (Single-family, Manufactured Home)	1.5 Ac. (12,000 sq. ft. with sewer)	150 ft. (75 ft. with sewer)	35 ft.	15 ft.	25 ft.	25%	2
R-2 Residential ⁵ (Single-Family, Manufactured Home, Two-Family)	1.5 Ac. (12,000 sq. ft. with sewer plus 3,000 sq. ft. per additional unit)	150 ft. (75 ft. with sewer)	35 ft.	10 ft.	25 ft.	35%	2
R-3 Residential ⁶ (Single-Family)	12,000 sq ft	75 ft.	35 ft.	10 ft.	25 ft.	50%	2
R-3 Residential ⁷ (Two- Family & Multi-Family)	8,000 sq ft plus 3,000 sq. ft. per additional unit	75 ft.	35 ft.	10 ft.	25 ft.	50%	2
C-1 Commercial	N/A	N/A	50 ft.	20 ft.	25 ft.	50%	3
C-2 Commercial	N/A	N/A	50 ft.	20 ft.	25 ft.	50%	3
I-1 Industrial	2Ac.	200 ft.	100 ft.	50 ft.	50 ft.	50%	N/A
I-2 Industrial	2Ac.	200 ft.	100 ft.	50 ft.	50 ft.	50%	N/A

¹ Where no dedicated road right-of-way exists, the front building setback shall be measured beginning at a point twenty-five (25) feet from the centerline of the road.

² The height limitations do not apply to spires, belfries, cupolas, antennas, water tank ventilators, chimneys, silos, grain elevators, or other appurtenances that are usually required to be placed above the roof level and are not intended for human occupancy.

³ RE property with community water and sewer systems may have a lot area of one (1) acre if approved by the Board of Supervisors.

⁴ R-1 property with community water and sewer are available, lots of 12,000 square feet, with a minimum width of 75 feet at the building line, will be allowed.

⁵ R-2 property with public water and sewer are available, lots of 12,000 square feet will be allowed for single-family dwellings and lots of 15,000 square feet will be allowed for two-family dwellings. Where public water and sewer are not available, an additional 1 acre is required for two-family dwellings.

⁶ R-3 property must have public water and sewer available to be zoned R-3; plus an additional 3,000 square feet of lot area for each additional dwelling unit.

⁷ R-3 property must have public water and sewer available to be zoned R-3; plus an additional 3,000 square feet of lot area for each additional dwelling unit.

ARTICLE IV GENERAL PROVISIONS

SECTION 1 – Land to be Used Only for the Purpose Zoned

No land shall be used except for a purpose authorized as a use permitted or permitted by Special Exception in the District in which it is located.

SECTION 2 – Compliance with Ordinance

No structure shall be erected, converted, enlarged, moved, or structurally altered, nor shall any structure be used, except for a use permitted, or permitted by Special Exception, in the district in which it is located.

SECTION 3 – Non-Conforming Uses and Structures

Any use or structure existing at the time of enactment of or subsequent amendment to this Ordinance, but not in conformity with its provisions, may be continued with the following limitations.

- A. Any use that does not conform to the provisions of this Ordinance shall not be:
 - 1. Changed to another non-conforming use.
 - 2. Re-established after discontinuance for a period of one hundred and twenty (120) days.
- B. Any structure that does not conform to the provisions of this Ordinance shall not be:
 - 1. Altered except in conformity with this Ordinance.
 - 2. Rebuilt, altered, or repaired after damage exceeding sixty percent (60%) of its fair market value immediately prior to damage.

SECTION 4 – Nonconforming Lots of Record

This Ordinance intends that lawful nonconforming lots of record remain usable for building purposes. Accordingly, such a lot may be developed with one principal structure permitted in the district where it is located, provided all other applicable requirements are met.

Where a lot does not meet the required public street frontage, legal access may be provided to that lot by a recorded easement. Such easements shall be of sufficient width and construction to accommodate safe and convenient access for residents, fire protection, and utility service. Where access to a lot of record is provided by easement, the owner of property crossed by such easement shall assume sole responsibility for recording

the easement and for improving it as necessary to ensure safe and convenient access for residents, emergency vehicles, and utility service. Where nonconforming lots of record lack access to a public street frontage, such easements shall serve only one lot, principal structure, and principal use of property, except as minimally necessary to allow usable property consistent with the intent of this Section.

Where the owner of a lot of official record at the time of adoption of this Ordinance does not own sufficient land to conform to the yard and other requirements of this Ordinance, a variance shall be permitted. Such variance shall allow one building and its accessory structures to be built and used for a use permitted in the Zoning District in which the lot is located. The yard space and other requirements shall conform as closely as possible, in the opinion of the Board of Zoning Adjustments, to the requirements of ARTICLE III, Section 15, and any other requirements of this Ordinance.

SECTION 5 – Structures to Have Road Access

Except for nonconforming lots of record, every building hereafter erected, placed, or moved shall be located on a lot with a lot frontage on a public street of not less than 75 feet. All structures shall be situated on such lots in a manner providing safe and convenient access for fire protection, utility servicing, and required off-street parking.

SECTION 6 – Limitations to the Number of Principal Buildings Used for Residential Purposes

Every building hereafter erected or structurally altered shall be located on an approved lot with access to a public street, and in no case shall there be more than three principal buildings on any lot used for a single-family dwelling or a manufactured home outside of an approved manufactured-home park. Additional units are permitted within approved manufactured home parks and multi-family developments, provided all other provisions of this Ordinance are met.

A. Group Housing and Clustered Development Intended for Single-family Occupancy.

1. Up to three residential structures designed for occupancy by a single family may be permitted on an undivided lot when authorized as a permitted use or by special exception as a use permitted on appeal in the applicable zoning district.
2. Each structure must independently satisfy all applicable minimum lot area, setback, and wastewater disposal standards, as if located on a separate lot.

3. Where a lot is located within a platted residential subdivision and contains less than five (5.0) acres, additional homes shall be permitted upon approval of a Special Exception by the Board of Adjustment, which may impose such conditions as necessary to preserve the intent of the subdivision and ensure compatibility with adjacent development.
4. Where access to residential structures is provided by easement, the owner of property crossed by such easement shall assume sole responsibility for improving and/or recording such easements to ensure safe and convenient access for residents, emergency vehicles, and utility services.
5. Any approval shall be recorded as a permit applicable to the entire undivided parcel, specifying the approved number and type of dwellings.
6. Approval of additional dwellings under this provision shall not exempt the property owner from compliance with any other applicable ordinance, regulation, or requirement, including but not limited to the Marshall County Subdivision Regulations, should any future division of the lot be required for sale or building development.
7. Applications for additional dwellings under this provision shall be accompanied by a signed statement acknowledging the following:
 - a. All conditions of approval, including but not limited to density limitations, minimum lot size, access, wastewater, and compliance with all other applicable ordinances and regulations.
 - b. Approval shall not exempt the owner from compliance with the Marshall County Subdivision Regulations should any future division of the lot occur, nor from any other requirement of state or local law.
 - c. Where a private easement is used, access by a private easement carries risks related to accessibility for public safety vehicles (e.g., Sheriff, fire trucks, ambulances), utilities, residents, and other vehicles. The owner of property crossed by such easement assumes sole responsibility for recording, improving, and maintaining such easements to ensure safe and convenient access for residents, emergency vehicles, and utility services.

B. Group Housing and Clustering of Two-Family and Multi-Family Dwellings.

1. Two-family and multi-family dwellings may be arranged in groups or clusters on a single undivided lot when authorized as a permitted use or by special exception as a use permitted on appeal in the applicable zoning district.
2. The total number of dwelling units permitted shall not exceed the maximum density allowed by the district regulations.
3. All buildings shall comply with the minimum yard, building-spacing, and open-space requirements established for the district or for planned developments, whichever is greater.
4. Internal drives and parking areas shall provide safe and convenient access to each dwelling and shall be designed to accommodate emergency and service vehicles.
5. Where individual units or buildings within a cluster are intended for separate ownership, a condominium, common-interest community, or similar legal instrument shall be recorded to provide for shared ownership and maintenance of access drives, parking, utilities, and open-space areas.
6. The proposed arrangement of buildings, circulation, and open space shall promote a coherent development pattern, protect adjacent residential uses, and maintain compatibility with the surrounding neighborhood.

SECTION 7 - Reduction in Lot Area

Unless otherwise provided, no lot shall be reduced in area so that yards or lot area are less than the minimum required under this ordinance.

SECTION 8 - Future Street Lines

On any lot that may be reduced in area by widening a public street to a future street line as indicated on a duly adopted "Transportation Plan," the minimum required yards, the minimum required lot area, the minimum required lot width, and the minimum building area shall be measured by considering the future street lines.

SECTION 9 – Structures to Have Wastewater Facilities

Every building hereafter erected or moved shall be on a lot with adequate wastewater treatment facilities provided by an approved on-site wastewater treatment facility, such as a septic tank, or by access to a centralized sanitary sewer provided by an entity certified to provide sewer service by the Mississippi Public Service Commission. A minimum lot size of

one and one-half (1.5) acres shall be required for each structure that requires wastewater treatment, where centralized sanitary sewer service is unavailable.

SECTION 10 – Right to Farm Provisions

Marshall County intends to comply fully with protections afforded agricultural and forestry activities, including but not limited to Mississippi Code §§17-1-1, 17-1-3, 17-1-21, and 95-3-29. These statutes recognize and protect the right to engage in agricultural operations, forestry activities, and traditional farm practices, and provide that such uses and associated structures shall not be subject to local regulation that would inhibit or restrict such operations.

- A. Agricultural and Forestry Land Classification and Use Restrictions. For the purposes of this Ordinance and these protections, land located within zoning districts specifically designated as agricultural within the district title, such as the Agricultural (A) District and Agricultural-Residential (AR) District, together with nonconforming agricultural and forestry uses, as defined by this Ordinance, shall be considered "agricultural land." No land or territory within the jurisdiction of Marshall County shall be deemed "unclassified." Marshall County shall not prohibit or restrict the use of land or property for agricultural and forestry uses where such land is classified as "agricultural land," according to this Section.

However, in keeping with the authority of a county governing authority to reclassify areas from one zoning classification to another, land not classified as "agricultural land" shall be subject to reasonable land use restrictions for the purpose of promoting health, safety, morals, or the general welfare of the community and with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings, and encouraging the most appropriate use of land throughout the county.

- B. Agricultural and Forestry Permitting Requirements. Where agricultural uses or forestry uses are permitted under this Ordinance, no zoning permit shall be required for such uses nor for the erection, maintenance, repair, or extension of structures used directly in connection with such uses, provided such exemption shall be limited to bona fide agricultural or forestry uses and structures, as defined in this Ordinance.

Any nonagricultural uses or structures, including residential uses, dwelling units, commercial or industrial uses not directly involved in agricultural or forestry production, and any other structure or activity that would otherwise require review

or approval under the provisions of this Ordinance, shall not be exempted by this Section. Nonagricultural uses and structures co-located within agricultural uses shall be regulated as nonagricultural uses.

SECTION 11 – Accessory Uses and Structures

With the exception of fences and walls, no accessory structure shall be located within the front yard of any lot or five feet (5') of any side or rear lot line.

SECTION 12 – Off-Street Automobile Storage

- A. General—Off-street automobile parking or storage space shall be provided on every lot on which any of the uses stated in this section are established hereafter. Where space is not available on the lot, space shall be provided within 500 feet of such uses, and such space shall have vehicular access to a street or alley. No off-street parking required for a building or structure shall, during its life, be occupied by or counted as off-street parking for another building or structure but may be counted as yard space.
- B. Parking Design---The minimum size for any parking space shall be nine (9) feet wide by eighteen (18) feet long. No parking space shall be so designed as to require the vehicle parked therein to back onto a public street, except for single and two-family residences. All required public parking areas in commercial and industrial districts shall be paved with concrete or asphalt. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked.
- C. Residential Uses: Parking provided for residential uses shall be equal to at least the minimum requirements for the specific use or uses as set forth herein.
 - 1. Single-family dwellings, two-family dwellings, manufactured homes, and modular homes: Two (2) spaces for each dwelling unit.
 - 2. Multi-family dwellings: One and one-half (1 ½) spaces for each dwelling unit.
- D. Non-Residential Uses:
 - 1. All non-residential uses must provide off-street parking at least equal to the minimum number of spaces required for the proposed use(s). The minimum parking requirement consists of:
 - a. A base parking requirement determined by floor area, employment, or office count, and

- b. A supplemental parking requirement for other activities such as lodging, healthcare, dining, and assembly.
- 2. **Parking Plan Required:** A parking plan must be submitted that demonstrates the total number of off-street parking spaces provided is at least equal to the combined minimums for all uses and activities on the site, which shall include a base parking requirement and supplemental parking, as appropriate for concurrent activities.
- 3. **Base Parking Requirement:** For all nonresidential uses, parking shall be provided at least equal to one of the following standards (as appropriate for the proposed use):
 - a. One (1) space per 200 square feet of gross floor area, or
 - b. One (1) space per employee on the maximum shift, or
 - c. One (1) space per professional office
- 4. **Supplemental Parking Requirement:** Supplemental parking shall be provided for the following activities, in addition to the base parking requirement:
 - a. **Lodging Uses (Hotels, Motels, Tourist Courts, etc.):** One (1) space per lodging room or unit available for rent or lease
 - b. **Hospitals, Nursing Homes, and Extended Care Facilities:** One (1) space per ten (10) beds
 - c. **Restaurants and Public Assembly Areas (including auditoriums, gymnasiums, waiting areas):**
 - i. One (1) space per four (4) fixed seats, or
 - ii. One (1) space per 40 square feet of floor area without fixed seating
- 5. **Multiple Activities and Overlapping Classifications**
 - a. If a single activity qualifies under more than one supplemental category, the classification that results in the largest number of required parking spaces shall apply.
 - b. For developments with multiple activities that may occur simultaneously, the total parking provided must equal the sum of the base parking requirement and all applicable supplemental requirements.
 - c. For developments with multiple activities that demonstrate different operating times and do not generate concurrent parking demand, the parking minimum shall be based on the calculations for non-overlapping activities that produce the greatest number of parking spaces.

E. Existing Parking

1. Existing uses that meet or exceed current parking standards shall maintain compliance.
2. Uses that do not meet current standards shall not reduce their existing parking supply.

SECTION 13 – Off-Street Loading and Unloading

A. Every building or structure used for business, trade, or industry shall provide space as indicated herein for the loading or unloading of vehicles as follows:

1. Retail business: Minimum of (1) space of five hundred (500) square feet per location, plus one (1) additional space of five hundred (500) square feet for each five thousand (5,000) square feet of floor area.
2. Wholesaling and industry: Minimum of (1) space of five hundred (500) square feet per location or one (1) space of five hundred (500) square feet for each fifteen thousand (15,000) square feet of floor area, whichever is the greater.
3. Bus and truck terminals: Sufficient space to accommodate the maximum number of buses or trucks to be stored, loaded, or unloaded at any one time.

B. All off-street loading and unloading areas and driveways shall be paved with concrete or asphalt.

SECTION 14 – Corner Visibility

No fence, wall, shrubbery, sign, marquee or other obstruction to vision between the heights of two and one-half (2 ½) feet to ten (10) feet above street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two (2) streets or railroads or of a street and a railroad right-of-way line.

SECTION 15 – Fumes, Dust, Fire, and Explosion Hazard or Nuisance

The Board of Adjustment may require the conduct of any use, conforming or nonconforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, or explosion hazard or nuisance to surrounding property, to be modified or changed to abate such hazard to health, comfort, and convenience. The Board of Adjustment may direct the Administrative Official to issue an abatement order. Such an order may be directed only after a public hearing by the said Board, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is

conducted, in addition to due notice of advertisement in a newspaper of general circulation.

A hearing to consider issuance of an abatement order shall be held by the Board of Adjustment either upon petition signed by any person affected by the hazard or nuisance or upon the initiative of the Board. An abatement order shall be directed by the Board of Adjustment only upon reasonable evidence of hazard or nuisance, and such an order shall specify the date by which the hazard or nuisance shall be abated.

SECTION 16- Open Space and Buffer Areas

No open space or lot area required for a building or structure shall, during its life, be occupied by or counted as open space for any other building or structure. No dwelling unit shall be erected on a lot that does not have access to at least one public road or street. Where the road right-of-way cannot be determined, the depth of the front yard shall be measured starting at a point twenty-five (25) feet from the centerline of the road.

Whenever a commercial or industrial lot or parcel abuts, either on the side or the rear, any property zoned “A”, “A-R”, “R-E”, “R-1”, “R-2”, or “R-3” a landscaped buffer area, thirty (30) feet in width, shall be maintained along the side and rear property lines of such commercial or industrial lot or parcel. Such buffer areas shall be installed beginning at the front building setback line and continuing to the rear property line; rear buffer areas shall be installed adjoining the entire rear property line.

SECTION 17 – Exception to Height Limitations

The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tank ventilators, chimneys, silos, grain elevators, or other appurtenances that are usually required to be placed above the roof level and are not intended for human occupancy.

SECTION 18 – Disabled Vehicles

Automotive vehicles without current license plates shall not be parked or stored in any platted residential subdivision in an A, A-R, R-E, R-1, R-2, or R-3 district other than within a completely enclosed building.

SECTION 19 – Connection to Approved Sewage System

No utility shall make any permanent connections to any structure unless the person requesting the connection has a building permit or manufactured home permit issued by Marshall County and a document from the Mississippi State Department of Health stating

that the facility being served with said utilities has an approved septic tank or an approved sewage disposal system.

SECTION 20 – Sale of Existing Septic Systems

It shall be the responsibility of the seller to furnish the purchaser, at the time of closing, a Certificate of Approval of the septic system from the Mississippi Department of Public Health.

SECTION 21 – Fences Along County Roads

No fence may be constructed along any county road unless said fence is set back at least twenty-five (25) feet from the center line of said road or off the road right-of-way, whichever is greater.

SECTION 22 – Driveways and Culverts

No driveway may be constructed without the approval of the County Road Manager. All driveways shall have a proper culvert approved by the County Road Manager.

SECTION 23 – Utility Connections to be Reported to Tax Assessors

All utility companies shall notify the Tax Assessor and the Administrative Official of each and every utility connection made in Marshall County.

SECTION 24 – Mailbox Placement

No mailbox shall be placed between two (2) driveways that are within six (6) feet of each other. Mailboxes can be placed on the outside of either driveway or as designated by the U.S. Postal Service.

ARTICLE V SUPPLEMENTAL LAND USE REGULATIONS

SECTION 1 - Adult Entertainment Uses

- A. Purpose: The purpose of this Section is to regulate the operation and location of adult entertainment establishments, as defined by this Ordinance, for the purposes of: (1) stemming a potential increase in criminal activities and disturbances of the peace and good order of Marshall County; (2) maintaining property values; (3) preventing injuries to residential neighborhoods and other commercial districts; (4) protecting and preserving the quality of life through effective land use planning. The Board of Supervisors have found that there is substantial evidence, including numerous studies, reports and findings on the potential harmful effect of adult entertainment uses made by cities, experts, urban planners, etc., which document that such uses adversely affect property values, cause an increase in crime, encourage businesses to move elsewhere, and contribute to neighborhood blight. Therefore, this Section is intended to regulate adult entertainment uses to ensure that these adverse effects will not contribute to blighting or downgrading of surrounding neighborhoods.
- B. Scope: This Section shall apply to all Adult Entertainment Uses, including adult arcades, adult bookstores, adult cabarets, adult motels, adult motion picture theaters, and other adult entertainment activities as defined by this Ordinance or as determined by the Board of Supervisors to be of the same character and nature as those defined herein.
- C. Location: No Adult Entertainment Uses subject to this Section shall be located within one thousand (1,000) feet of the property line of any other such use. Furthermore, no such establishment shall be located within one thousand (1,000) feet of the property lines of any existing residential use or any church, school, hospital, convalescent or nursing home, cemetery, civic organization building or facility, charitable organization building or facility, public or private park or playground, or of any residentially or commercially zoned property. Measurements shall be made along a straight line between nearest property lines of said uses.

SECTION 2 - Automobile and Truck Fueling and Services

This Ordinance intends to distinguish facilities providing retail fuel based on the characteristics of the vehicle served. One level of stations serves primarily the automobiles used by the general public, a second level serves primarily the heavy trucks used by the trucking industry, and a third provides overnight accommodations and truck parking.

- A. General provisions: All automobile fueling stations, truck fueling stations, and truck stops shall meet the following conditions:
1. For the purposes of this Section, “Automobile Fueling Station,” “Truck Fueling Station,” and “Truck Stop (Travel Center)” shall have the meanings assigned in Article II (Definitions) and be subject to the additional requirements and intent of this Section.
 2. Shall be located with direct access to a state or federal highway classified as an arterial or major collector.
 3. Shall minimize or eliminate access from local roads.
 4. Shall be a minimum of 300 feet from schools, churches, and residential structures.
 5. Shall provide a landscaped buffer of not less than fifty (50) feet when abutting residential districts.
 6. Outdoor lighting shall be shielded and directed downward so as not to directly illuminate adjacent properties.
 7. All proposed automobile fueling stations, truck fueling stations, and truck stops shall submit a traffic impact study, prepared by a licensed professional engineer, at the time of special exception review. The study shall evaluate projected daily and peak-hour traffic volumes, turning movements, queuing, and circulation for passenger vehicles and heavy trucks; assess the adequacy of adjacent intersections and road segments, including acceleration and deceleration lanes, sight distances, and signalization; and recommend roadway, access, or intersection improvements needed to mitigate adverse traffic impacts. Approval may be conditioned upon the implementation of such improvements.
 8. Distances required in this Section shall be measured in a straight line from the nearest property lines of stated land uses.
- B. An automobile fueling station is designed to serve passenger vehicles and light trucks with fewer than 3 axles. They are not designed to serve heavy, semi-tractor, or similar trucks with 3 or more axles because of the larger turning movements and higher canopy heights; therefore, heavy, semi-tractor, or similar trucks are prohibited in conjunction with an automobile fueling station. Where permitted as a special exception, automobile fueling stations shall be located at least 1,000 feet from any existing automobile fueling station, and 2,000 feet from any existing truck fueling station or truck stop.

- C. Truck fueling stations are designed to serve passenger vehicles, light trucks, and heavy, semi-tractor, or similar trucks with 3 or more axles. Where permitted as a special exception, truck fueling stations shall meet the following conditions:
1. Truck parking is limited to what is reasonably necessary for short-term parking for the convenient use of on-site facilities, not to exceed two (2) consecutive hours, and limited to 2 parking spaces per large truck fueling bay.
 2. Overnight parking and driver amenities such as showers, lounges, laundry facilities, and sleeping areas are prohibited.
 3. Shall be located on federal or state arterials and shall not be accessible from local county roads.
 4. Shall be located at least 1,000 feet from any existing automobile fueling station and 2,000 feet from any other truck fueling station or truck stop.
- D. Truck stops (travel centers) are designed to serve passenger vehicles, light trucks, and heavy, semi-tractor, or similar trucks with 3 or more axles, and provide driver amenities necessary for long-haul trucking and national commerce, including retail fuel, overnight parking, showers, lounges, laundry facilities, restaurants, and other amenities. Where permitted as a special exception, truck stops shall meet the following conditions:
1. Shall be located on federal or state arterials and shall not be accessible from local county roads.
 2. Shall be located at least 1,000 feet from any existing automobile fueling station, 2,000 feet from any other truck fueling station, and at least 5,000 feet from any other truck stop.
 3. Shall require a minimum lot size of 5 acres.

SECTION 3 - Cannabis Facilities

Medical Cannabis Establishments, as defined under Article II of this Ordinance, shall be subject to the following conditions:

- A. Applicable Laws: All requirements of federal, state, and local laws shall be met, and establishments shall maintain permits for operation from the Mississippi Department of Health and/or any other applicable entity. This shall include all building code regulations adopted by the Marshall County Board of Supervisors.
- B. Site Plan Review: All medical cannabis establishments must submit a site plan to the Administrative Official. This requirement is to ensure the establishment is

located in an area of the County that has adequate infrastructure to meet the needs of the establishment. Such infrastructure may include electricity, water for cultivation and/or processing, as well as fire suppression, wastewater treatment and removal, and roadway/bridge capacity.

- C. Required Privilege License in Accordance with State and Local Law: A privilege license and operation permit must be obtained from the Mississippi Department of Health and the local Administrative Official before the initiation of a medical cannabis establishment.
- D. The main point of entry of a medical cannabis establishment shall not be located within one thousand (1,000) feet of the nearest property boundary line of any school, church or child care facility unless provided a waiver by its respective licensing agency.
- E. No medical cannabis dispensary may be located within a one-thousand-five-hundred-feet radius from the main point of entry of the dispensary to the main point of entry of another medical cannabis dispensary.
- F. Medical cannabis facilities located within an Agricultural or Agricultural -Residential District shall be subject to the following conditions:
 - 1. Minimum lot size of ten (10) acres
 - 2. Minimum setback of three hundred (300) feet from side property lines and any public road.
 - 3. May not be located in a platted and recorded residential subdivision.
 - 4. Access road or driveway must be a hard surface, concrete or asphalt only.

SECTION 4 - Food Trucks

Where permitted by this Ordinance, food trucks must remain in operable condition and be capable of being moved or relocated at any time. When located on private property, written permission from the property owner or authorized agent is required and must be available for inspection upon request. When operating in public rights-of-way or public spaces, food trucks must be parked legally and in compliance with all applicable traffic, parking, and public safety laws and regulations.

SECTION 5 – Manufactured Homes

- A. In all districts where manufactured homes are permitted, the following requirements shall apply to homes sited in any location, including manufactured home parks:
 - 1. No manufactured home shall be located in Marshall County, Mississippi, that is more than eight (8) years of age as indicated by the date of manufacture provided by the manufacturer.
 - 2. All manufactured homes shall be installed and secured (“tied down”) according to the recommendations and specifications of the Manufactured Home Manufacturers Association.
 - 3. All manufactured homes, except for those held by a dealer as inventory in the normal course of business, shall be underpinned in an attractive and workmanlike manner.
- B. Manufactured homes may not be used for nonresidential or business uses in C-1 Neighborhood Commercial Districts. Manufactured homes shall be allowed as office buildings in C-2 General Commercial Districts and as an accessory to other uses in industrial districts.

SECTION 6 – Manufactured Home Parks

In districts where manufactured home parks are permitted, the following requirements shall apply:

- A. The minimum site for a manufactured home park shall be five (5) acres with a minimum frontage of one hundred (100) feet along a major road or collector street.
- B. Each manufactured home lot within the park shall have a minimum of five thousand (5,000) square feet and a minimum width of fifty (50) feet at the front lot setback line.
- C. Mobile homes shall not be located within a minimum setback of twenty-five (25) feet from any park property boundary line.
- D. A fifteen (15) foot planted buffer area shall be provided around the side and rear perimeter of the manufactured home park.
- E. All streets within the park shall be paved with concrete or asphalt, and the minimum surfaced width shall be twenty-two (22) feet.

- F. A plan or plans for the overall development of the manufactured home park shall be submitted to the Planning Commission for approval and shall contain the information required below:
1. The scale of the map shall not be less than one (1) inch to fifty (50) feet with contours at two (2) foot vertical intervals showing pertinent topographic features.
 2. The location, use, plan, and dimensions of each building or structure to be constructed and the size of each manufactured home space or lot.
 3. The location, dimension, and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking facilities, pedestrian ways, location, and width of roads, streets, and sidewalks.
 4. Location, dimensions, and arrangement of all areas devoted to planting, lawns, trees, or similar purposes, with a description including the height and density of all trees or plantings to be used for screening.
- G. Drainage, water supply, and sewage disposal plans shall be submitted to and approved by the Marshall County Engineer, Mississippi Department of Public Health, Mississippi Department of Environmental Quality, as appropriate and required by law.

SECTION 7 – Shipping Containers

Shipping containers may be used for storage as accessory structures in industrial districts, and are subject to the following conditions in other districts:

- A. Such uses shall be prohibited from use or storage in platted residential subdivisions in any district.
- B. In all other districts, such uses shall be confined to areas in the rear of the principal structure and set back from side and rear lot lines a distance of not less than 30 feet.
- C. Where such lot abuts, either on the side or the rear, any property zoned “R-E”, “R-1”, “R-2”, or “R-3”, a landscaped buffer area, thirty (30) feet in width, shall be maintained along the property lines of such lot or parcel. Such buffer areas shall be installed beginning at the front building setback line and continuing to the rear property line; rear buffer areas shall be installed adjoining the entire rear property line.

SECTION 8 - Solar Facilities

- A. This Section applies to the siting, construction, installation, and decommissioning of any new solar power generation facility, as defined in Article II of this Ordinance, to be constructed or installed after the effective date of this Ordinance within the jurisdiction of Marshall County.
- B. A solar power generation facility shall comply with all applicable federal, state, and local laws, including, but not limited to, the requirements of the Marshall County zoning code and applicable building, fire, electric, and plumbing codes.
- C. This Section shall not apply to roof-top solar installations located upon buildings in the unincorporated area of Marshall County where such installations are owned, leased, or lease-purchased by the property owner from a solar developer or solar business to provide electric service to the owner's property, as long as such installations are installed and operated in compliance with applicable law and regulations.
- D. Site Plan Required. A solar power generation facility shall submit a site plan with sufficient information with which to determine the scope of the proposed facility and the pre-development conditions of the property. The owner or operator of a proposed solar power generation facility shall submit pictures, including aerial photographs (including Google Maps' aerial photographs) of the proposed facility site as part of the application process for approval and permitting of a solar power generation facility.
- E. Decommissioning. Unless otherwise approved by the Marshall County Board of Supervisors, decommissioning shall begin no later than 12 months (365 calendar days) after a solar power generation facility has ceased to generate electricity or thermal energy and shall be finally completed no later than 12 months (365 calendar days) after commencement of such decommissioning. Such decommissioning shall be undertaken and completed by the owner or operator of the solar power generation facility at the time of such decommissioning. Such decommissioning shall be accomplished in accord with the following:
 - 1. A decommissioning plan shall be submitted with each application for the location and construction of an solar power generation and must be approved by the Marshall County Board of Supervisors as part of the solar power generation approval process. The solar power generation shall be decommissioned in

accordance with the most recent decommissioning plan approved by the Marshall County Board of Supervisors, and as further described below.

2. When decommissioned, solar power generation facilities shall be removed from the premises, and such removal shall include, but shall not be limited to, all materials installed or associated with the facilities, including above ground and below ground materials, and such removed materials shall be either deposited in an appropriate public licensed landfill site recycled or otherwise reused in another facility
3. The real property where the solar power generation facility was located shall be returned to its substantially original condition, which existed at the time of approval of the construction of the solar power generation facility by the Marshall County Board of Supervisors.
4. For solar power generation facility sites that were forested sites at the time of approval of the construction, the replanting of the solar site after decommissioning with the same number and species of trees shall be accomplished during the decommissioning process. Replanting with non-native trees or planting only one type does not capture the same habitat and value as the site produced initially, and is not authorized.

SECTION 9 – Temporary Fireworks Stand Requirements and Set-up Procedures

- A. Verification of liability and property damage insurance policy in the amount of \$1,000,000.00 (1 million dollars), with a rider attached designating the County as additionally insured thereunder.
- B. Firework stands shall be located at least twenty-five (25) feet from the road or highway right-of-way, twenty-five (25) feet from adjoining property owners, and twenty-five (25) feet from any structure.
- C. Stands shall be located at least 100 feet from any above-ground storage or use of flammable or combustible liquids.
- D. Off-street parking must be provided for employees and customers.
- E. Weeds and grass must be cut back (mowed close) within 30 feet of the stand. The premises shall be maintained in a clean, neat, and orderly condition at all times and be free from any condition that would create a “fire nuisance”.
- F. Signs must be neat in appearance and located on the property (not on any rights-of-way).
- G. Verification that tents are fire retardant.

- H. Vehicles used for sleeping (trailers, campers, etc.) shall be at least 15 feet from any stand. No sleeping in fireworks stand.
- I. All fireworks retail sales locations shall be under the direct supervision of a responsible person who is at least eighteen (18) years of age or older. There shall be at least one (1) adult at all times during which fireworks are available for sale. Additional employees shall be at least sixteen (16) years of age or older.
- J. Bathroom facilities shall be provided for employees.
- K. No shooting of fireworks shall be permitted within three hundred (300) feet of the fireworks stand.
- L. Sales of fireworks shall not be made to any person under the age of sixteen (16) years.
- M. There shall be no matches, lighters, or other open flame devices stored, nor offered for sale in any fireworks stand.
- N. Exits shall be at least 36 inches in width. Stands more than twenty (20) feet in length must have at least two (2) exits, and stands more than forty (40) feet must have at least three (3) exits. There shall be exits on the front and back of the structure. Exits shall be spaced approximately an equal distance apart, but in no case shall the distance between exits exceed twenty (20) feet. The aisles within the stand shall be maintained free and clear of all obstructions and shall be at least three (3) feet in width.
- O. "NO SMOKING" signs shall be prominently displayed in red lettering on the fireworks stand. No smoking shall be allowed within 100 feet of the stand.
- P. All applications for fireworks stand permits shall supply the following information:
 - 1. Applicant's address and telephone number.
 - 2. Statement from the property owner that the applicant can sell fireworks from the property in question. The owner must include his telephone number and address.
 - 3. List of salespeople and their ages.
 - 4. Telephone number for the fireworks stand.
 - 5. Drawing of the property indicating locations of the stand from the road right-of-way or highway right-of-way. Show parking area for customers with dimensions.

6. The applicant must contact the Marshall County Zoning Office and arrange a time for inspection before selling any fireworks.

SECTION 10 – Travel Trailers and Recreational Vehicles

Travel trailers and recreational vehicles shall be parked at the back of a residence and be appropriately tagged. Travel trailers and RVs are not for permanent residence. Temporary occupancy can be allowed with a special exception, but only for a period of six (6) months for building a home or a verified medical or financial hardship (example: house burning) exists, and with an approved septic system located on the property for hook-up.

ARTICLE VI SIGN REGULATIONS

SECTION 1. Purpose & Intent

Signs are crucial in identifying and promoting properties, businesses, services, residences, events, and other matters of public interest. This Ordinance intends to regulate all signs within Marshall County to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare by:

- A. Setting standards and providing uniform, scientifically based controls that permit reasonable use of signs and preserve the character of Marshall County.
- B. Prohibiting the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard for pedestrians and motorists.
- C. Avoiding excessive conflicts from large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion.
- D. Establishing a process for reviewing and approving sign permit applications.
- E. Regulating signs to the minimum necessary with respect to category, location, size, placement, and construction, and without regard to content or message, to safeguard the fundamental right of free speech guaranteed to all people by the U.S. Constitution.

SECTION 2. General Provisions

- A. Any person who displays a sign in compliance with this Ordinance may substitute the message on that sign without first securing any additional approval, permit, or notice, provided that any such substitution would not result in the sign becoming noncompliant.
- B. Nothing in this Ordinance is intended or shall be construed to prevent the strengthening or restoration to a safe condition of a nonconforming sign for purposes of public health and safety.
- C. Freestanding signs shall be set back a minimum of ten feet (10') from the right-of-way of any state highway or county road and shall not be placed at intersections, driveways, or other locations that obstruct the view of traffic.
- D. Freestanding signs located within twenty feet (20') of the edge of any road shall not obstruct visibility between four (4) feet and ten feet above finished grade.

SECTION 3. Definitions

Unless otherwise specified or required by the context, the words and phrases defined in this section shall have the meanings indicated when used in this article.

- A. Flags: A sign made of cloth, vinyl, or a similar pliant material attached on one side to a flagpole or other attachment point and designed to fly in the wind.
- B. Freestanding Sign: A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. A sign without supporting elements, such as a monument sign, is also freestanding.
- C. Mural: A painted image or design on a building, which may or may not include words. The definition of “mural” does not encompass architectural elements incorporated into a building’s structure or facade.
- D. Nonconforming sign: Any sign that was lawfully erected in compliance with the applicable regulations of the zoning ordinance before the effective date of this Ordinance and that fails to conform to the current standards or restrictions.
- E. Sign: Any device, display, or structure that is visible from a public place and that has words, letters, figures, designs, symbols, logos, illumination, or projected images. This definition does not include architectural elements incorporated into the structure or facade of a building. For the purposes of this Ordinance, “signs” do not include those only visible from the inside of a building or athletic field/stadium; nor do “signs” include those held by or attached to a person.
- F. Sign (Off-site Advertising) -Any sign advertising an object, project, person, place, activity, institution, or business not conducted or situated upon the property upon which such sign is located.
- G. Temporary Sign: A sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, plastic, or other lightweight material that is neither permanently installed on the ground nor permanently affixed to a building or structure. The term “temporary sign” includes, but is not limited to, A-frame signs, lawn signs, banners, inflatable signs, and window signs. The term “temporary sign” does not include flags or signs intended to move regularly, such as motorized signs.

SECTION 4: Permit Required for Signs

- A. All signs not otherwise exempted from the permit requirement shall obtain a permit from the Administrative Official before display. Such permit shall provide the E-911 address and/or tax parcel number of the property upon which such sign is to be

situated; indicate the current zoning classification of the property; provide a scale drawing of the size, height, message, and location of such sign; and the name, address, and telephone number of the owner of such sign.

- B. No sign may be constructed, erected, moved, enlarged, illuminated, or substantially altered except in accordance with the provisions of this section.
- C. Plans submitted for a building permit shall include sufficient detail so that the Administrative Official can determine whether the proposed sign or signs comply with the provisions of this Ordinance.
- D. Issuing the requested permit shall constitute approval of the proposed sign or signs.
- E. In the case of a lot occupied or intended to be occupied by multiple tenants (e.g., a shopping center), sign permits shall be issued in the name of the lot's owner or agent rather than in the name of the individual business enterprise requesting a particular sign.

SECTION 5: Signs Excluded from Regulation

The signs in this section do not require a sign permit, shall not be counted against any maximum sign allotment for a particular property, and are not subject to other restrictions on signs in this Ordinance, except the Prohibited Signs, Section 6 of this Article. These exempted signs are:

- A. Official government signs, including traffic and regulatory signs, posted notices, traffic control devices, and signs required by law.
- B. Signs inside a building or not visible from a public right-of-way.
- C. Holiday and seasonal decorations.
- D. Up to 5 signs on any property that do not exceed two (2) square feet per sign, typically used to indicate name and address, to mark private drives, and/or to provide security, warning, and no trespassing/soliciting notifications.
- E. All temporary signs smaller than eight (8) square feet on private residential property.
- F. All temporary signs on private business, industrial, or agricultural property, provided such signs contain no more than thirty-two (32) square feet and meet all other sign requirements.
- G. All flags.
- H. All inflatable signs in business and industrial properties that are safely attached to the ground.

- I. All lightweight signs, decals, stickers, or paint placed on operable vehicles with the vehicle owner's permission.
- J. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain trademarks, moving parts, or lights.
- K. Murals affixed to buildings in business and industrial districts.
- L. Signs not visible from beyond the property line that direct and guide traffic on private property.

SECTION 6: Prohibited Signs

The following are prohibited:

- A. Any sign that is structurally unsafe, unsafely installed, or otherwise hazardous to physical safety.
- B. Any sign that is not maintained in good condition.
- C. Any sign, including temporary or exempt signs, that is not firmly affixed to a location to prevent movement due to normal wind, weather, or other turbulence in the air (e.g., passing vehicles).
- D. Any temporary or exempt sign shall have sufficient information to identify its owners in case of theft, dislocation, or a violation of this Ordinance, and signs lacking such identification shall be prohibited.
- E. Any sign obstructing free ingress to or egress from a fire escape, door, window, or other required access to or from a building or site.
- F. Any sign that blocks a driver's clear line of sight of traffic or pedestrians.
- G. Any sign that interferes with the view of, or is confused with, any traffic control sign or device, and any sign that misleads or confuses traffic flow. A sign's position, size, shape, color, and illumination, but not its content, shall be considered when making such a determination.
- H. Any sign containing strobe lights or a change rate or dwell rate of less than four (4) seconds.
- I. Signs containing mirror devices or highly reflective surfaces.
- J. Mechanically Moving Signs – An environmentally activated sign or other display with actual mechanical motion powered by natural, manual, mechanical, electrical, or other means, including but not limited to pennant strings, streamers, spinners, propellers, and search lights.

- K. Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by this Ordinance. Prohibited is any sign displayed on a parked trailer, truck, or other vehicle where the vehicle's primary purpose is to advertise a product, service, business, or other activity. This regulation shall permit business logos, identification, or advertising on vehicles that are primarily and actively used for business purposes and/or personal transportation.
- L. No sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof surfaces constructed at an angle of 75 degrees or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.
- M. No sign attached to a building may project more than 12 inches from the building wall.
- N. No sign or supporting structure may be located in or over the traveled portion of any public right-of-way unless the sign is attached to a building's structural element and an encroachment permit has been obtained from the County.
- O. Off-site advertising signs, except as specified in this Section.
- P. Any sign that otherwise violates this Ordinance or the Marshall County, Mississippi Code of Ordinances.

SECTION 7: Determining the Number of Signs

- A. To determine the number of signs, a sign shall be considered a single display surface or display device containing elements organized, related, and composed to form a unit. When matter is displayed randomly without the organized relationship of elements, each element shall be considered a single sign.
- B. A two-sided or multi-sided sign shall be regarded as one sign so long as:
 - 1. For a V-type sign, the two sides are at no point separated by a distance that exceeds five feet, and
 - 2. For double-faced (back-to-back) signs, the distance between the backs of each face of the sign does not exceed three feet.

SECTION 8: Computation of Sign Area

- A. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop

or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

- B. If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.
- C. For two-sided, multi-sided, or three-dimensional signs, the sign surface area shall be computed by including all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the foregoing:
 - 1. The sign surface area of a double-faced (back-to-back) sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three feet.
 - 2. The sign surface area of a double-faced (back-to-back) sign constructed in the form of a “V” shall be calculated by using the area of on y one side of such sign (the larger side if there is a size difference), so long as the angle of the “V” does not exceed 30 degrees and at no point does the distance between the backs of such sides exceed five feet.

SECTION 9: Residential And Agricultural Sign Regulations

- A. Unless otherwise provided in this section, the total surface area devoted to all signs on any lot used for residential or agricultural purposes or a vacant lot located in a district zoned for residential or agricultural purposes shall not exceed the limitations set forth in this section. All signs except temporary and exempt signs shall be included in this calculation.
- B. Unless otherwise provided, the maximum sign surface area permitted on any single-family or duplex lot in any residential district, including those used for home occupations or business purposes (e.g., bed and breakfast), is twelve (12) square feet per lot frontage. Corner lots and lots with frontage on more than one street shall be entitled to twelve (12) square feet per frontage.
- C. Subdivisions, apartment, multi-family dwellings and condominium complexes are permitted a freestanding sign not to exceed thirty-two (32) square feet, and further provided that one (1) such sign shall be allowed for each separate street and/or separate street frontage occupied by the subdivision, apartment, or condominium complex or one for each means of entrance to or exit from the subdivision, apartment, or condominium complex.
- D. Wall signs are not to exceed five (5) percent of the area of the façade in elevation view upon which they are placed.

- E. Other permitted non-residential uses in a Residential Zone are permitted a freestanding sign not to exceed forty-eight (48) square feet, and further provided that one (1) such sign shall be allowed for each separate street frontage occupied by the permitted use, and for each means of entrance to or exit from the permitted use.

SECTION 10: Business and Industrial Sign Regulations

- A. Unless otherwise provided in this section, the total surface area devoted to all signs on any lot used for business or industrial purposes or a vacant lot located in a district zoned for business or industrial purposes shall not exceed the limitations set forth in this section. All signs except temporary signs shall be included in this calculation.
- B. For signs typically used as a directory of tenants engaged in professional and/or business activity on the premises (but not limited to), the area shall not exceed thirty-two (32) square feet. Not more than two (2) such signs shall be permitted on premises held in single and separate ownership unless such premises front on more than one (1) street, in which case two (2) such signs shall be permitted on each separate street frontage.
- C. Freestanding signs:
 - 1. Freestanding signs shall be securely fastened to the ground or some other substantial supportive structure so that there is virtually no danger that the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.
 - 2. Freestanding signs shall be limited to one (1) per property held in single and separate ownership, except for a property that has frontage on more than one (1) street, in which case one (1) such sign shall be permitted for each separate street frontage. If a property has frontage that exceeds three hundred (300) lineal feet on any given roadway, one (1) additional such sign on such frontage shall be permitted; and for each multiple of three hundred (300) lineal feet of frontage thereafter, one (1) additional such sign shall be permitted for each separate street frontage.
 - 3. A single side of a freestanding sign may not exceed 50 square feet.
 - 4. For freestanding signs with no discernible sides, such as spheres or other shapes not composed of flat planes, no such freestanding sign may exceed the maximum total surface area allowed.
 - 5. Freestanding signs shall observe the building setback requirements.
 - 6. No part of a freestanding sign may exceed a height, measured from ground level, of 35 feet.

- D. Wall signs: The maximum size for any wall mounted sign shall be the greater of fifty (50) square feet or one (1) square foot of wall mounted sign, per each wall, for each (1) linear foot of wall length for buildings located within thirty (30) feet from the edge of the road or highway; and three (3) square feet of wall mounted sign, per each wall, for buildings located one hundred (100) feet or more from the edge of the road or highways.
- E. Off-site advertising signs shall be classified as a business use and permitted only in the C-1 and C-2 (commercial), I-1 and I-2 (industrial) zoning districts, and by Special Exception in the Agricultural district. Outdoor advertising signs shall not exceed five hundred (500) square feet in area nor a height over thirty-five (35) feet from finished grade. No outdoor advertising sign shall be erected within one thousand (1,000) feet of any other existing outdoor advertising sign on the same side of the road or highway as such a proposed sign.

SECTION 11: Sign Illumination and Signs Containing Lights

- A. Unless otherwise prohibited by this chapter, signs may be illuminated if such illumination follows this section.
- B. No sign within 150 feet of a residential zone may be illuminated between the hours of midnight and 6 a.m. unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.
- C. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign.

SECTION 12: Maintenance of Signs

- A. All signs and all components thereof, including, without limitation, supports, braces, and anchors, shall be kept in good repair. Free-standing signs and components (supporting structures, backs, etc.) that do not bear a message shall be constructed of materials that blend with the natural environment or painted a neutral color to blend with the natural environment.
- B. If the message portion of a sign is removed, leaving only the supporting “shell” of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of prohibiting the replacement of a nonconforming sign. Nor shall this subsection be construed to prevent the changing of the message of a sign.

- C. The area within 10 feet in all directions of any part of a freestanding sign shall be clear of all debris and undergrowth over five inches in height.

SECTION 13: Nonconforming Signs

- A. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
- B. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this chapter.
- C. If natural causes destroy a nonconforming sign, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this chapter, and the remnants of the former sign structure shall be cleared from the land.

SECTION 14: Amortization of Nonconforming Signs

- A. Upon change of business occupancy, a nonconforming sign that exceeds the height, size, or spacing limitations by more than 10 percent or is nonconforming in some other way shall comply with the foregoing.
- B. If the nonconformity consists of too many freestanding signs on a single lot or an excess of total sign area on a single lot, the person responsible for the violation may determine which sign or signs need to be altered or removed to bring the development into conformity with the provisions of this article.

ARTICLE VII ADMINISTRATION, ENFORCEMENT, AND MISCELLANEOUS PROVISIONS

SECTION 1 – Enforcement Officer

The provisions of this Ordinance shall be administered and enforced by an Administrative Official appointed by the Board of Supervisors. This official shall have the right to enter upon any premises at any reasonable time before the issuance of a building permit for the purpose of inspecting buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

SECTION 2 – Building Permits

It shall be unlawful to commence the excavation for, or the construction or moving of, any building, mobile home, modular home or other structure, including accessory structures, until the Administrative Official has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Ordinance. An application for a building permit must be submitted to the Administrative Official on forms provided for that purpose. Any building permit issued shall become invalid unless the work authorized by it has been commenced within six (6) months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one (1) year.

SECTION 3 – Approval of Plans

- A. A site plan shall be submitted for review and approval prior to the issuance of any building permit, development permit, zoning certificate, or approval of a conditional or special exception use for any of the following:
 - 1. Construction, alteration, or relocation of any principal or accessory structure, other than single-family dwellings and manufactured homes on individual lots.
 - 2. Development of multi-family dwellings, manufactured home parks, manufactured home developments, commercial uses, institutional uses, and industrial uses.
 - 3. Any use requiring a conditional use permit or site-specific review by the Planning Commission.
 - 4. Any proposed parking area serving multiple uses or concurrent activities.
 - 5. As otherwise required by this Ordinance.

B. Site Plan Contents: The site plan shall be drawn to scale, with a minimum scale of one (1) inch equals fifty (50) feet (1" = 50'), and shall include the following information, unless waived by the Administrative Official:

1. Property Information

- a. The actual shape, boundaries, and dimensions of the lot or parcel.
- b. Topographic contours at two (2) foot intervals, where grading, drainage, or manufactured home parks are proposed.
- c. The zoning district and proposed use of the property.

1. Building and Structure Information

- a. The location, dimensions, and use of all existing and proposed buildings and structures.
- b. Setbacks from all property lines and distances between buildings.
- c. The location of refuse containers, fences, walls, and accessory structures.
- d. Elevations or renderings may be required for multi-family or commercial projects.

2. Circulation and Access

- a. The location, dimensions, and arrangement of all access points, entrances, and exits.
- b. Internal drives, circulation lanes, and fire lanes.
- c. Sidewalks, pedestrian ways, and connections to public rights-of-way.
- d. Adjacent street names and access points.

3. Parking and Loading

- a. A parking plan showing the number and layout of all off-street parking spaces, including ADA-compliant spaces.
- b. Parking calculations demonstrating compliance with minimum requirements for all concurrent uses and activities.
- c. Off-street loading areas and turnarounds.

4. Landscaping and Open Space

- a. The location, dimensions, and arrangement of all open space, planting areas, buffers, lawns, and trees.

- b. The height and density of vegetation proposed for screening.
 - c. Required common areas, if applicable.
- 5. Utilities and Drainage
 - a. The location and size of all existing and proposed water, sewer, gas, and electric utilities.
 - b. Fire hydrant locations.
 - c. Drainage and stormwater management plans.
- 6. Name(s) of public utility provider(s) and evidence of service availability.
- 7. For developments requiring public health review approvals for septic and/or sewer, documentation of review and approval by the Mississippi Department of Public Health and/or Mississippi Department of Environmental Quality must be provided.

C. Submission and Review

The site plan shall be submitted to the Administrative Official for review and approval prior to issuance of any building permits. Where proposed activities do not require further action by the Planning Commission or Board of Supervisors, the Administrative Official shall review and approve, subject to modifications, or deny the proposed site plan within thirty (30) days of receiving a completed site plan application. The Administrative Official may require reasonable modifications to the site plan as necessary to ensure consistency with the Comprehensive Plan, this Ordinance, and the health, safety, and welfare of the County, subject to appeal by the applicant to the Board of Adjustment.

D. Waivers and Minor Revisions

The Administrative Official may waive the requirement for a site plan or specific submittal elements where conditions indicate that the site plan or specific elements are not necessary to ensure compliance with this Ordinance. The Administrative Official may approve minor revisions to approved site plans when such modifications do not materially alter the layout, intensity, or character of the development and do not violate ordinance standards.

SECTION 4 – Amendments

- A. The Board of Supervisors may, from time to time, on its own motion or upon petition by the owner or agent of a property owner or upon a proposal from the Planning

Commission, after public notice and hearing, amend, supplement, change, modify, or repeal the boundaries or regulations herein or subsequently established.

- B. The Board of Supervisors may make amendments to the substance of any provision(s) of the Zoning Ordinance upon its own motion, consistent with state law regarding notice and publication. All other proposed or required amendments, regardless of origin, shall be referred to the Marshall County Planning Commission for review and recommendation to the Board of Supervisors.
- C. Upon receipt of an application for a Zoning Ordinance amendment or receipt of notice of a need for an amendment from the Board of Supervisors or upon initiation of an amendment by the Planning Commission, the Administrative Official shall give at least fifteen (15) days' notice of the time and place of a public hearing before the Planning Commission on such amendment. Such notice shall be published in an official paper of general circulation in Marshall County and such notice shall include the date, time and location of the public hearing; case number; name of applicant; existing and proposed zoning classification of the property; and location of property by tax parcel number(s), E-911 address (if any) and a general description of the property location. A legal description of the property shall not be required to be published as part of such public notice of hearing.
- D. In the event such amendment involves an application by a property owner, or his agent, for rezoning of a parcel or parcels of land, the Administrative Official shall require that such owner or agent erect a sign, or signs, upon such parcel(s) at least fifteen (15) days prior to such hearing. Such sign(s) shall provide information, in letters legible from the nearest road, as to the current zoning classification of such parcel(s); the zoning classification being sought for such parcel(s); the date and time of such hearing before the Planning Commission; and the phone number of the Administrative Official. One sign shall be required for each five hundred (500) feet of road frontage of each parcel proposed to be rezoned and shall be a minimum of four (4) feet by four (4) feet. In the event rezoning of a parcel or parcels of land is initiated by either the Board of Supervisors or the Planning Commission, such sign(s) shall be erected by the Administrative Official.
- E. Written notice shall also be given by the Administrative Official to the owners of all properties abutting the parcel(s) proposed to be rezoned and to the owners of all properties abutting the parcel(s) to be rezoned. Roadways shall be excluded when determining which properties are abutting properties, and the Administrative Official may send notices to other property owners in the area when deemed appropriate. Such notice(s) shall be mailed at least fifteen (15) days before the date of the public hearing. The Planning Commission shall hold the public hearing at the time, date, and place specified in the public notice. Any person may appear before the Commission either in person or by agent or may file written comments regarding such an application with the Administrative Official before the hearing. The Planning

Commission shall make a recommendation to the Board of Supervisors regarding approval or denial of the application and shall state in its minutes the reasons therefor. The Planning Commission shall make a recommendation within thirty (30) days following the public hearing; otherwise, the application shall be forwarded to the Board of Supervisors without a recommendation.

- F. The Administrative Official shall, within ten (10) days following such a recommendation, transmit to the Chancery Clerk a copy of the rezoning application and the recommendations of the Planning Commission. The Chancery Clerk shall place the matter on the agenda for the next regular meeting of the Board of Supervisors.
- G. The Board of Supervisors may act upon the recommendation of the Planning Commission without further public hearing. Provided, however, that any party aggrieved by the recommendation of the Planning Commission shall be entitled to a public hearing before the Board of Supervisors with due notice thereof after publication for the time as provided in this Ordinance.
- H. In the event any party is aggrieved with the Planning Commission's recommendation and desires a hearing before the Board of Supervisors, such party shall give written notice of appeal to the Chancery Clerk within ten (10) days following the date of such recommendation and shall pay such fee as may be established by the Board of Supervisors for zoning appeals. In such event, the Chancery Clerk shall set the time and date of a public hearing before the Board of Supervisors for hearing of such appeal; publish a notice of public hearing at least fifteen (15) days prior to the date of such hearing; give notice to the Administrative Official of such hearing; and give written notice of such hearing to the appellant. The Administrative Official shall give written notice of such hearing to other parties having an interest in the matter as may be known to the Administrative Official. Appeal from the final decision of the Board of Supervisors shall be to Circuit Court as provided by law.
- I. The Board of Supervisors' order approving or denying any amendment shall include the case number, name of applicant, and tax parcel number(s) of the property. It shall state the reason(s) for such approval or denial.
- J. In case of a protest against a change to the boundary of a zoning map signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change, or of those directly opposite thereto, extending one hundred and sixty (160) feet therefrom or of those directly opposite thereto, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all the numbers of the Board of Supervisors.

- K. Applications for zoning map amendments shall be made on the forms provided by the Administrative Official and shall contain, as a minimum, the following information:
- L. The applicant's name, address, phone number, interest in the property, tax parcel number, E-911 address of the property (if any), legal description of the property or subdivision lot numbers.
- M. The current and proposed zoning classification of the property and a description of the proposed amendment, including the changed or changing conditions and circumstances which make the amendment necessary, or the error, if any, to be corrected in the Zoning Maps.
- N. A map or sketch showing the property in question and the zoning classification of all abutting properties, exclusive of road rights-of-way.
- O. Such application shall be filed with the Administrative Official thirty (30) days prior to the next regular meeting of the Planning Commission.

SECTION 5 – Board of Adjustment

The Planning Commission shall serve as the Board of Adjustment and the Board of Adjustment shall comply with the by-laws adopted by the Planning Commission.

SECTION 6 – Appeals

Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved by any decision of the Administrative Official. Such appeal shall be taken within ten (10) days following such decision by filing with the Administrative Official a written notice of appeal specifying the grounds thereof and payment of such fee as may be established by the Board of Supervisors for such appeals.

The Administrative Official shall place such an appeal on the agenda for the next regular meeting of the Board of Adjustment, provided that sufficient time is available for public notice thereof and due notice to the parties in interest as is required for amendments to this Ordinance. The Board of Adjustment shall decide such matter within thirty (30) days of the date of public hearing. At the hearing any party may appear in person or by agent or attorney. Further appeals to the Board of Supervisors shall be as required for appeals regarding variances or special exceptions.

SECTION 7 – Powers of Board of Adjustment

The Board of Adjustment shall have the following powers and duties:

- A. To hear and decide where it is alleged that there is an error in any order, requirement, decision, or determination made by the Administrative Official in the enforcement or administration of this Ordinance. In matters involving an appeal from a decision of the Administrative Official, the Board of Adjustment may, in conformance with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision 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 powers of the Administrative Official from whom the appeal is taken. The concurring vote of four (4) members of the Board of Adjustment shall be required to reverse any order, requirement, decision, or determination made by the Administrative Official.
- B. To hear and decide such special exceptions authorized by the terms of this Ordinance and to determine such terms and conditions as may be appropriate when granting such Special Exceptions. A Special Exception shall not be granted by the Board of Adjustment unless and until:
1. A written application shall have been filed with the Administrative Official on forms provided by the Administrative Official, indicating the section(s) of this Ordinance which shall provide sufficient details as to the location and nature of the Special Exception being sought; notice to abutting property owners shall be given as required for amendments to this Ordinance
 2. That notice of a public hearing shall have been published as required for amendments to this Ordinance, which shall provide sufficient details as to the location and nature of the Special Exception being sought; notice to abutting property owners shall be given as required for amendments to this Ordinance.
 3. Each Special Exception authorized hereunder shall run with the land so long as the conditions under which the Special Exception was granted continue. Provided, however, that the Board of Adjustment may, on a case basis, establish time limits or other conditions related to the duration of such Special Exception. No Special Exception shall be granted by the Board of Adjustment that allows a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the provisions of this Ordinance. The concurring vote of three (3) members of the Board of Adjustment shall be required to authorize any special exception.
- C. To hear and decide such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, so that the spirit of the Ordinance shall be observed and substantial justice done. A variance shall not be granted by the Board of Adjustment unless and until:

1. A written application shall have been filed with the Administrative Official on forms provided by the Administrative Official, indicating the section(s) of this Ordinance under which such variance is sought and stating the grounds upon which such is requested. Such application shall be filed with the Administrative Official thirty (30) days prior to the next regular meeting of the Board of Adjustment.
2. Special conditions and circumstances exist that are peculiar to the land, structure, or building involved and that do not apply to other lands, structures, or buildings within the same district.
3. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties within the same district.
4. That notice of public hearing shall have been published as required for amendments to this Ordinance, which shall provide sufficient details as to the location and nature of the variance being sought; notice to abutting property owners shall have been given as required for amendments to this Ordinance.
5. In granting any variance, the Board of Adjustment shall find that the reasons outlined in the application justify granting such variance and that the variance is the minimum variance which will make possible the reasonable use of the land, building, or structure. The Board of Adjustment shall further make a finding that granting the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious or detrimental to any adjacent property, the neighborhood, or otherwise adversely affect the public welfare. The Board of Adjustment may prescribe such appropriate conditions and safeguards as may be necessary. No variance shall be granted by the Board of Adjustment that allows a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the provisions of this Ordinance. The concurring vote of three (3) members of the Board of Adjustment shall be required to authorize any variance.

SECTION 9 – Appeals to the Board of Supervisors

In the event an party is aggrieved by any final action, decision, ruling, judgment or order of the Board of Adjustment and desires a hearing before the Board of Supervisors, such party shall give written notice of appeal to the Chancery Clerk within ten (10) days of such order and shall pay such fee as may be established by the Board of Supervisors for zoning appeals. In such an event, the Chancery Clerk shall set the time and date of a public hearing at least 15 days before the date of such hearing, and give notice to the appellant. The Administrative Official shall give written notice of such hearing to other parties having

an interest in the matter as may be known to the Administrative Official. Appeals from the final decision of the Board of Supervisors shall be to Circuit Court as provided by law.

SECTION 10 – Fees to be Established

The Board of Supervisors shall establish a schedule of fees for building permits, filing of applications, and any other expense of administering and enforcing this Ordinance.

SECTION 11 – Penalties

The Administrative Official is hereby empowered to issue corrective written notice to persons in violation of any of the provisions of this Ordinance and is hereby authorized to enter upon private property for the purpose of inspecting such property to determine compliance with the provisions of this Ordinance. Such a written notice may be delivered personally to such person or may be mailed by certified mail, return receipt requested, mailed to the violator's last known place of residence or business, and shall be deemed personal service upon the person for the purpose of this Ordinance.

Any person who has been served such notice in accordance with the provisions of this Ordinance and who shall neglect or shall refuse or shall fail to comply fully with the corrective notice so ordered and/or within the time frame so ordered therein, shall violate this Ordinance. In the event such a person fails to comply with the terms of such notice, the Administrative Official, or his designee, shall file a sworn affidavit in Justice Court to be taken against any party in violation of this Ordinance.

Any person, firm or corporation who shall knowingly and willfully violate the terms, conditions or provisions of this Ordinance, for violation of which no other administrative, civil or criminal penalty is prescribed by state or local law, shall be guilty of a misdemeanor and upon conviction therefor shall be sentenced to pay a fine of not to exceed One Hundred Dollars (\$100.00), and in case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be a separate offense.

SECTION 12 – General Repealing Clause

All ordinances or parts of ordinances that conflict with or are inconsistent with this Ordinance are herewith repealed.

SECTION 13 – Severability Clause

If, for any reason, any section or provision of this Ordinance should be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the

Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

SECTION 14 – Effective Date and Board Order

This Ordinance shall take effect and be in force thirty (30) days following the date of adoption by the Marshall County Board Supervisors.