

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND
THE CITY OF SOUTHAVEN CODE OF ORDINANCES,
TITLE XIII, SECTIONS 13-1(b); 13-6(d); 13-6(k)(1); 13-6(k)(3)(a); 13-6(k)(4)(a)**

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the “City”), considered the matter of amending the Southaven Code of Ordinances, specifically, TITLE XIII, SECTIONS 13-1(b); 13-6(d); 13-6(k)(1); 13-6(k)(3)(a); 13-6(k)(4)(a) (“Ordinances”)

Thereupon Alderman Wheeler offered and moved the adoption of the following resolution:

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WHEREAS, Mississippi Code Section 21-17-5 provides that the City shall have the power to alter and modify ordinances with respect to such municipal affairs, property and finances which are not inconsistent with the Mississippi Constitution of 1890, the Mississippi Code of 1972; and

WHEREAS, pursuant to Miss. Code 17-1-3, the City is vested with authority of regulatory controls over zoning and land uses, and may do all things, consistent with the laws of the state, which they deem necessary to protect the health and welfare of the residents; and

WHEREAS, Mississippi Code Section 17-1-9 provides that the City shall have the power to make regulations with reasonable consideration, among other things, to the character of the district and with a view to conserving the value of buildings and encouraging the most appropriate use of land in the City; and

WHEREAS, Mississippi Code Section 17-1-7 provides that the City shall have the power to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of structures; and

WHEREAS, the City currently adheres and enforces regulations that allow for the review and recommendations of proposed land uses by the Planning and Development Department; and

WHEREAS, the Ordinances, as amended, provide specific guidelines for the governmental authorities, and serves the legitimate City interest; and

WHEREAS, the Board authorizes the Mayor, or his designee, to sign such documents or take actions that are necessary or required for the effectuation of the amended Ordinance; and

WHEREAS, the City desires to regulate signs in a content neutral manner; and

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, BY RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE XIII, SECTIONS 13-1(b); 13-6(d); 13-6(k)(1); 13-6(k)(3)(a); 13-6(k)(4)(a)AS FOLLOWS:

Sec. 13-1(b) – Definitions and Word Usage

Reader board/message boards means a sign which provides for a changeable message through the use of an electronically displayed message or other similar means and which forms an integral part of the sign allowed as secondary signage on an establishment's primary sign in compliance with the revisions per district set forth in chapter 6 of this title.

Sec. 13-6(d) - Illumination.

Illuminated signs shall adhere to the following provisions and restrictions in addition to those requirements stated in this chapter:

(1) The light for or from any illuminated sign shall be so shaded, shielded or directed that the light intensity will not be objectionable to surrounding areas.

(2) No colored lights shall be used on any sign at any location in any manner so as to be confused with or construed as traffic-control devices. All approved reader/message boards shall use white for the illuminating color. All approved reader/message board shall use white for the illuminating color.

(3) Neither direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

Sec. 13-6(k)(1). - Requirements for permanent signs by zone district.

The following sign regulations by districts are intended to include every district in the city. The districts are as defined by this section and the official zoning map. Only permanently located signs described herein will be permitted in each particular district, except for public signs and city, state and federal historic marks.

- (1) *A agricultural district.* This subsection shall apply to the district in the zoning ordinance known as the agricultural district.
 - a. *Allowable signs:* Signs advertising activities conducted on the property. Allowable signs shall also include Reader/message boards for public assembly uses, which are permitted in an AG District as set forth in the Residential Use Chart Title XIII, Section 13-12(m).
 - b. *Size:* Signs shall not exceed seventy-five (75) square feet per face.
 - c. *Location:*
 1. Signs shall not be erected within the sight triangle as defined in this chapter.
 2. Signs shall be located at least ten (10) feet off of the right-of-way.

Sec. 13-6(k)(3)(a)

- (3) *O office district, R-O residential office and C-1 neighborhood commercial district.* This subsection shall apply to the districts in the zoning ordinance known as the O and C-1.
 - a. *Allowable signs:*
 1. Wall signs (per section 13-6(e));
 2. Ground signs;
 3. Directory signs;
 4. Temporary signs;
 5. Message/reader board signs.

Sec. 13-6(k)(4)(a)

- (4) *C commercial districts and M industrial district.* This subsection shall apply to all districts designated by the zoning ordinance as C3, C4 and to all designated by the zoning ordinance as M-1 and M-2.

- a. *Allowable signs:*
 - 1. Awning signs;
 - 2. Bench signs;
 - 3. Directory signs;
 - 4. Ground-mounted signs;
 - 5. Projecting signs;
 - 6. Temporary signs;
 - 7. Wall signs (per section 13-6(e));
 - 8. Message/reader board signs.

NOW, THEREFORE BE IT ORDERED that the City Clerk, pursuant to Miss. Code 21-13-11, provide notice of the adoption of the Ordinance in the Desoto Times for one (1) time.

NOW, THEREFORE BE IT ORDERED that the Ordinances shall be effective one (1) month from passage.

The foregoing Resolution was seconded by Alderman Hoots and brought to a vote as follows:

Alderman Kristian Kelly	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John David Wheeler	voted: YES
Alderman Raymond Flores	voted: YES
Alderman William Brooks	voted: YES
Alderman Charlie Hoots	voted: YES

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 6th day of October, 2020.

CITY OF SOUTHAVEN, MISSISSIPPI

BY: _____

DARREN MUSSELWHITE, MAYOR

ATTEST:

CITY CLERK