

**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, CHAPTER 12, SECTION 13-1(b) AND TITLE XIII, CHAPTER 12,
SECTION 13-12(m)**

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, CHAPTER 12, SECTION 13-1(b) AND TITLE XIII, CHAPTER 12, SECTION 13-12(m), ("Ordinances")

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

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OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND
THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE XIII, CHAPTER 12,
SECTION 13-1(b) AND TITLE XIII, CHAPTER 12, SECTION 13-12(m),**

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, further pursuant to Miss. Code 17-1-3, the City is empowered to promote the health, safety, morals, or the general welfare of the City by regulating the percentage of lot that may be occupied, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes; 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, pursuant to Miss. Code 17-1-17, the City provided fifteen (15) days' notice of the hearing regarding the proposed amendment in an official paper or a paper of general circulation in Southaven, Desoto County; and

WHEREAS, the City may adopt an ordinance which seeks to regulate certain types of businesses, but does not prohibit their existence; and

WHEREAS, the City has the power and responsibility for planning and zoning in the City and to that end desires to provide clear guidelines for businesses located in the City, which shall ensure compliance with the zoning regulations of the City; and

WHEREAS, the Ordinances, as amended, provide specific guidelines for the governmental authorities, and serves the legitimate City interest for planning and zoning in the City by providing clear locations of certain type of business; and

WHEREAS, the City Governing Authorities, to protect the health and welfare of the City residents and youth, desire to limit the locations that provide, sell, or promote the equipment, apparatus or furnishings that are used or necessary for the activity of smoking; and

WHEREAS, the City Governing Authorities find that by requiring certain distance requirements between those entities that provide, sell, or promote the equipment, apparatus or furnishings that are used or necessary for the activity of smoking, the opportunities for purchase may be decreased; and

WHEREAS, the distance requirements set forth in the revised ordinance, as noted below, are similar to those imposed by Mississippi law for medical cannabis dispensaries; and

WHEREAS, in addition to the above, the requiring of a certain distance for those entities that provide, sell, or promote the equipment, apparatus or furnishings that are used or necessary for the activity of smoking, will help to avoid undue concentration of population which will ensure adequate parking in commercial areas; 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

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, CHAPTER 12, FOOTNOTE 43 COMMERCIAL ZONE DISTRICTS AS FOLLOWS:

Sec. 13-1 (b) Definition and word usage

Headshop/Vape Store/Smoking Accessory Store shall be defined as any commercial or retail establishment that specializes in the sale of any equipment, apparatus or furnishing that is used or necessary for the activity of smoking which shall include pipes, water pipes, hookahs, rolling papers, vaporizers or e-liquids, e cigarettes.

Section 13-12 (m) Commercial Use Chart

Uses Permitted	O	RO	C1	C3	C4	PBP	M1	M2	PUD
COMMERCIAL USES									
Smoke shop/vape store/head shop				C49	C49				

Footnote #49 A smoke shop/vape store/head shop establishment may locate in the stated zones with the stated requirements so long as there is not an existing establishment of the same classification are not currently located within a half-mile radius of the newly proposed establishment. The distance shall be determined via driving measurements on city right of way or approved and installed private drive-in linear footage (½ mile = 2,640 linear feet).

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 FURTHER ORDERED that this Ordinance shall be in effect one month from its passage.

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

Alderman William Jerome	Voted: YES
Alderman Kristian Kelly	Voted: YES
Alderman Charlie Hoots	Voted: YES
Alderman George Payne	Voted: YES
Alderman Joel Gallagher	Voted: YES
Alderman John Wheeler	Voted: YES
Alderman Raymond Flores	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 18th day of April 2023.

CITY OF SOUTHAVEN, MISSISSIPPI

BY:



DARREN MUSSELWHITE, MAYOR

ATTEST:



CITY CLERK



