

13 Mississippi Administrative Code Part 2 Rule 1.4

**Gaming Site Approval.** With respect to gaming site approval, approval constitutes only the Commission's finding that the location complies with applicable gaming laws and regulations. Gaming site approval does not entitle the recipient to approval to proceed with development, nor does it constitute a license to engage in gaming or a right to a gaming license. Gaming site approval is a revocable privilege, and no holder acquires any vested right therein. The Mississippi Gaming Commission reserves the right to revoke any site approval should the circumstances change that would make the site illegal or unsuitable. When presenting for approval the applicant's application for gaming site approval, the following information, together with evidence satisfactory to the Commission in support thereof, must be included:

- (a) A survey indicating the specific location of the property.
- (b) The current use of any adjacent property as well as the location of the nearest residential area, church and school.
- (c) Evidence that all applicable zoning ordinances allow gaming at the proposed site.
- (d) A survey establishing the mean high water line must be provided at the time gaming site approval is given which is performed by a qualified surveyor for performance of tidal surveys. This provision is only applicable for proposed gaming sites located in the three (3) most southern counties in the State of Mississippi.

(e) If the proposed gaming site is a permanent structure located in the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, there must be a demonstration that are permitted to be permanent inland structures. No point in the gaming area may can be more than eight hundred (800) feet from the nineteen (19)-year-mean high water line. Harrison County establishments south of Highway 90 may exceed the eight hundred (800) foot measurement up to the southern boundary of Highway 90. Easements and rights-of-way for public streets and highways shall not be construed to interrupt the contiguous nature of the parcel, nor shall the footage contained within the easements and rights-of-way be counted in the calculation of distance. All public easements and rights-of-way for public streets and highways shall be excluded from the eight hundred (800) foot measurement. Any point of reference used to determine the 800 foot distance from the mean high water line must be located on the applicant or licensee's premises. The applicant or licensee must own and /or lease the land that is contiguous both to the parcel used to conduct gaming and the point of reference used to determine the mean high water line, and this land must be shown to be an integral part of the project. The Commission has final authority in reviewing and approving each site as it pertains to meeting the requirements of this regulation