

TUNICA COUNTY
SIGN REGULATIONS

Comprehensively Amended and Revised
Fifth Draft
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ARTICLE I GENERAL

1.1 Short Title

The short title of this article shall be the "Tunica County Sign Regulations."

1.2 Purpose

The general sign requirements of this Ordinance shall apply to all signs in Tunica County, Mississippi in any zoning district for any purpose subject only to the time compliance requirements hereinafter specified. All signs which are not expressly permitted by this Ordinance are hereby declared to be illegal or nonconforming signs.

The purpose and intent of the sign regulations is to promote and protect the public health, safety, and welfare; provide uniform standards; and to recognize the right of businesses to utilize signage as a

communication method for their businesses. As such, their location, number, size, height, and design have a significant influence and effect upon the visual environment of the area.

Sign regulations should, therefore, protect property values; protect the public from damage or injury caused by or partially attributable to distractions or obstructions which may be caused by improperly situated signs; provide a reasonable balance between allowances for signage and sign regulations; create pleasant and attractive surrounds; discourage visual discord and clutter resulting from the proliferation, over-concentration, and placement of signs; promote and provide signs which do not contribute to unpleasant impressions and potential confusion; enhance the aesthetic qualities of the area; assure that signs are well designed, attractive, and compatible with adjoining properties as well as the uses which they are designed to advertise; and encourage signs which prevent the overload of visual stimuli and are legible in the circumstances in which they are seen.

If the designated person or agency issuing permits questions the compliance of a sign with any of the regulations, the application for a permit shall be forwarded to the Tunica County Planning Commission for action.

1.3 Scope

A. This article is enacted pursuant to authority granted to the County by Section 17-1-3 of the Mississippi Code of 1972 and other pertinent statutes. It shall apply to all signs erected after the effective date of the ordinance from which this article is derived and to existing signs as specified in Article VI of this ordinance.

B This article applies to signs which are intended to be viewed from a public right-of-way, such as, highways, roads, streets and alleys, and to signs which are intended to be viewed from outdoor areas of public and private property used for public pedestrian purposes or vehicular access to such property.

C. This article prescribes definitions, regulations and standards, administration and procedures, permits and payment of fees, and provides for penalties for violation. It regulates height, area, illumination and other similar aspects of signs and sign structures.

D. This article does not regulate the use of materials such as noncommercial holiday signs and decorations; signs on products, product containers or dispensers; public information and safety signs; any signs required by local, state, or federal law; or building design exclusive of any commercial message.

1.4 Relationship to Zoning Ordinance and Other Regulations

A. The regulations contained in this article are supplemental to any other applicable federal or state regulations which may be construed as pertaining to the erection and maintenance of signs and sign structures. This specifically includes the zoning ordinance and all building and other construction codes adopted by Tunica County.

B. Words and phrases contained in this article not specifically defined are to be construed in the context of other such regulations. In the event of any conflict between these regulations and other such regulations, the more stringent rule shall apply.

C. All references in this article to zones, with regard to permitted uses or any other regulations in this article, refer to the zoning districts established by the zoning ordinance and shown on the official zoning map, as amended and on file at the Chancery Clerk's office. Should any zoning classifications be added or changed, the regulations of the most similar existing classification, as determined by the Board of Supervisors upon consideration of the recommendations of the Planning Commission, shall apply until such time as this ordinance may be amended.

D. The regulations in this ordinance shall not apply to planned developments provided that planned development documentation contains a master sign plan element in both graphic and narrative form setting forth comprehensively all signage requirements within the planned development. Should a planned development fail to fully address signage through a master sign plan element, the terms and conditions of this ordinance shall control signage within a planned development.

1.5 Jurisdiction

This Ordinance shall apply to all areas of Tunica County, with the exception of the area within the municipal boundaries of the Town of Tunica and any other areas that may be incorporated.

1.6 Definitions

The following definitions, terms, and phrases, when used in this ordinance shall have the meanings respectively ascribed to them.

Abandoned Signs means a sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed.

Administrator means the Tunica County Director of Planning.

Agricultural Crop Demonstration Sign means a field marker used to indicate and identify a seed or chemical company along with the product name or number.

Awning Sign (See Marquis Sign)

Background Area means the entire surface of a sign on which copy is or could be placed, provided, however, only the rectangular block of the actual letters shall be considered if placed upon the permanent surface of a building unless by color or surface a distinction or accent is made in which case the entire accented or distinguishing surface shall be included.

Banner means any sign printed or displayed upon cloth, foil, or any other flexible material, with or without frames.

Beacon Lights means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also any light with one or more beams that rotate or move

Billboard means an off-premises sign owned by a person, corporation, or other entity that engages in the business of selling advertising space on that sign and is over one hundred (100) square feet in surface area and not constructed on any roof.

Board of Supervisors means the governing authority in the County.

Building Official means the chief enforcement officer of the Building Code or any of his authorized assistants or inspectors who shall be designated as administrator of this Ordinance.

Canopy Sign (See Marquis)

Changeable Sign (manual) means a sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.

Changing Sign (automatic) means a sign such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board. where different copy changes are shown on the same lamp bank.

Construction Sign means a temporary sign erected upon a construction site while physical construction is underway under a valid building permit issued by Tunica County.

Copy means the wording or graphics on a sign surface.

Corner means the point formed by the intersection of two or more lines.

Direction Sign means a sign purveying only informational traffic control insignia such as "in", "out", "no parking", "fire lanes", "handicap parking", etc. on private property or public property.

Directory Sign means any sign on which the names and locations of occupants or the use of the building is given. This shall include office buildings such as is used to display tenants of office buildings, shopping centers or malls.

District means Agricultural District, Residential 1 District, Residential 2 District, Residential 3 District, Mobile Home District, Commercial 1 District, Commercial 2 District, Industrial Heavy District, Industrial Light District, Planned Development District, and Preservation Recreation District as defined under the zoning ordinance and the official zoning map of Tunica County..

Electric Sign means a sign with electric wiring and lighting therein or thereon or used in conjunction with the sign, including use of neon tubing.

Face of Sign means the entire area of sign on which copy could be placed.

Facia Sign (See Marquis Sign)

Federal Aid Primary System means that portion of main connected highways, as officially designated, or as may be hereafter designated by the State Highway Commission, and approved by the Secretary of Transportation pursuant to the provisions of Section 103(b); Title 23 United States Code.

Flashing Sign means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an external light source.

Freestanding Sign means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Ground Level means the immediate surrounding grade.

Ground Sign means any on-premises sign, other than a pole sign, placed upon or supported by the ground independently of any other structure.

Height of Sign means the vertical distance measured from ground level to the uppermost part of a sign or sign supporting device.

Illegal or Unlawful Sign means a sign which contravenes this Ordinance, and which does not qualify as a variance sign or nonconforming sign under this Ordinance.

Incidental Sign means any sign used to label subordinate rooms or functions of a building or site such as "entrance", "restroom", and other similar directives. No sign with a commercial message legible from a position off the parcel on which the sign is located shall be considered incidental.

Inflated Device means a sign or visual attraction consisting of a membrane filled with gas that is lighter than air.

Interior Sign means signs completely within an enclosed building provided such signs are not attached to or painted on windows or exterior doors of the structure.

Internally Illuminated Sign means a sign where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source.

Marquee Sign means a sign attached to, or painted on, or inscribed on, and partly or fully supported by or made an integral part of a marquee or canopy over the entrance to a building and supported from the building. This type of sign is often referred to as a projecting, fascia, awning, or canopy sign.

Non-Conforming Sign means a sign which does not meet the terms and conditions of this ordinance after its adoption but was legally permitted prior to adoption.

Off-Premises Sign means a sign which relates to a product, service, place, activity, person, institution or solicitation conducted or located on premises other than those on which the sign is located.

On-Premises Sign means a sign which relates to a product, service, place, activity, person, institution or solicitation conducted or located on the same premises on which the sign is located.

Owner means a person recorded as such on official records and including duly authorized agent or notary, a purchaser, devisee, judiciary, or any person having a vested or contingent interest in the property in question.

Pennants means a triangular flag affixed to a building and integral to the graphic design of the building, but not containing lettering.

Permanent Identification Sign means a ground sign containing the name of a legal subdivision, multi-family project, business or industrial establishment, or public or non-public organizational facility.

Permanent Sign means an on-premises sign which indicates an intended use as a permanent fixture.

Planning Commission means the Tunica County Planning Commission which will hear appeals for variances and exceptions and make recommendations to the Board of Supervisors.

Political Sign means a sign erected to publish information about a candidate or ballot matter of a primary, general, or special election

Portable Sign means a sign, usually of a temporary nature, but not permanently affixed to the ground or to a building or other permanent structure, or any other commercial sign designed to be transported.

Premises means an area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Private Sale Sign means a sign which is erected for a limited period to advertise the sale of individual property not in the ordinary course of business.

Projecting Sign (See Marquis Sign)

Real Estate Sign means a temporary sign employed to announce or display the sale or lease of real property, said sign being erected on the property for sale or lease.

Roof Line means the highest edge of the main roof. For the purpose of this Ordinance, a mansard with an angle up to forty-five degrees from vertical, with or without roofing materials, is not considered a roof. Signs may be mounted on mansards but shall not extend above the top of the mansard.

Setback means the minimum horizontal distance between the property line and the leading edge of the sign structure as specified in a particular section of this Ordinance.

Sign means any identification, description, illustration or device, illuminated or non- illuminated, which exposed to the view of potential clients or customers/or the general public, is located on public or private property, inside or outside of buildings, and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant or placard designed to advertise, identify or convey information, except the following:

- A. Merchandise temporarily displayed in show windows that is available for sale on the premises and that does not include flashing, neon, or colored lights;
- B. National or state flags; and
- C. Decorative devices or emblems as may be displayed on a residential mailbox.

Sign Structure means any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

Street means a public thoroughfare which affords the principal means of access to abutting property. Street Banner means a temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame.

Temporary Sign means a sign which is not permanent and is allowed for a specific time period.

Traffic Directional Sign means any sign which aids the flow of traffic.

Use means the purpose for which a building, lot, sign, or other structure is arranged, intended, designed, occupied, or maintained.

Wall Sign means a sign attached to or erected against the wall of a building with the face parallel to the plane of the building wall or attached to the structure.

ARTICLE II SIGNS ALLOWED WITH AND WITHOUT PERMITS

2.1 Signs Allowed With Permits

Certain signs shall be allowed according to the terms and conditions of this ordinance provided that a permit is first obtained from the Director of Planning. Signs requiring permits are indicated in Article III, 3.2, Table 1 of this ordinance.

2.2 Signs Allowed Without Permits

Certain signs shall be allowed according to the terms and conditions of this ordinance but no permit shall be required prior to the erection of such signs. Signs not requiring permits are indicated in Article III, 3.2, Table 1 of this ordinance.

2.3 Signs Exempt From Regulation

The following types of permanent signs are exempted from all fees and other provisions of the Ordinance except as specified in item D below:

- A. Public or government signs: signs erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, danger signs, traffic signs, and parking signs.
- B. Historical markers: historical markers as recognized by local, state, or federal authorities.
- C. Highway identification and direction signs installed by local, state, or federal government.
- D. Public facility identification signs. For the purpose of this subsection, signs located on Public Facility structures may advertise for entities other than the Public Facility. Planning Commission review and approval shall be necessary prior to the erection of such signs. The Planning Commission shall approve, approve with certain conditions, or disapprove all applications. Signs advertising for entities other than the Public Facility entity shall be subject to the following restrictions:

1) Signs shall be painted directly on the portion of the structure serving as the holding capacity of the elevated tank

2) Signs may be lit externally from the top or bottom and in accordance with Section Article V, Section 5.1.

E. Interior Signs

2.4 Certain Signs Prohibited

The following types of signs are prohibited under this chapter:

A. Signs which contain or are an imitation of an official direction sign or traffic directional sign or signal, such as "stop", "go", "slow", "caution", "danger", "warning", or similar words.

B. Signs which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device, traffic directions sign, or which hide from view any traffic or street sign or traffic signal.

C. Signs or advertising devices which contain or consist of pennants, ribbons, balloons, inflated signs, strings of light bulbs, spinners or other similar materials and devices illuminated or non-illuminated, that are used to attract the attention of clients, potential customers, and/or the general public.

D. Changing signs (automatic or flashing); including all changing exterior signs and any changing interior signs that are visible from outside the building within which the signs are located. Changing and flashing signs will be permitted on casino sites only.

E. Permanent or portable signs which have any moving parts; any noisy mechanical devices; or axles, wheels, or tires.

F. Signs which contain mirrors, highly polished surfaces, or other materials being substantially reflective in nature are prohibited except on casino sites.

G. Signs attached to, suspended from, or painted on any vehicle which is parked on or visible from any street or public place which is left stationary for more than one-half of the daylight hours on a regular business day are prohibited; provided however, this prohibition shall not apply to those signs which are required to be affixed to service vehicles by the requirements of any state, federal, or local regulation. The Director of Planning may direct that violating vehicles be removed at the owner's expense by towing.

H. Signs which are structurally unsound or which are rendered structurally sound by guy wires or unapproved bracing.

I. Signs which contain words or pictures of an obscene, indecent or immoral character which would offend public morals or decency.

J. All signs which no longer correctly identify, direct, or exhort any persons, or advertise a bona fide business in progress, lessor, owner, project of activity conducted or product available shall be removed within ninety (90) days from the cessation of said activity. See section 5.4

K. Signs which are not expressly permitted by this Ordinance.

L. All portable electric signs are prohibited.

M. Beacon Lights.

N. Laser lights, notwithstanding any other provision of this ordinance.

ARTICLE III PERMITTED SIGNS BY TYPE AND ZONING DISTRICT

3.1 Classification of Signs

All signs are classified into the sign types indicated in the table below. Every sign within the unincorporated parts of Tunica County may be classified according to the sign types contained in the table.

3.2 Table Of Permitted Signs By Zoning District

The following table illustrates permitted signs by type and zoning district. The letter “p” means the sign is permitted and sign permit is required. The letters “pn” mean the sign is permitted but no permit is required. Where neither “p” or “pn” is indicated, the sign is not permitted.

Table 1. Permitted Signs by Type and Zoning District

Sign Type	Zone									
	A-1	R-1	R-2	R-3	M-H	C-1	C-2	I-H	I-L	P-R
FREESTANDING										
On Premises	p	p	p	p	p	p	p	p	p	p
Off Premises	p					p	p	p	p	
Billboards	Any State Highway, Federal Highway, or County Road three lanes in width or greater									
BUILDING										
Awning/Canopy						p	p	p	p	
Incidental	pn	pn	pn	pn	pn	pn	pn	pn	pn	
Identification	pn	pn	pn	pn	pn	pn	pn	pn	pn	
Hanging						p	p	p	p	
Home Occupation	As Regulated By the Tunica County Zoning Ordinance									
Marquee						p	p	p	p	
Projecting						p	p	p	p	

Roof						p	p	p	p	
Wall						p	p	p	p	
Window	pn	pn	pn	pn	pn	pn	pn	pn	pn	pn
MISC.										
Directory						p	p	p	p	
Menu						p	p	p	p	
TEMPORARY										
Agricultural Crop Demo	pn	pn	pn	pn	pn	pn	pn	pn	pn	pn
Banner	p					p	p	p	p	p
Carport Sales	pn	pn	pn	pn	pn					pn
Construction	pn	pn	pn	pn	pn	pn	pn	pn	pn	pn
Real Estate	pn	pn	pn	pn	pn	pn	pn	pn	pn	pn
Special Event	p					p	p	p	p	p
ENTERTAINMENT										
On Premises Casino Signs	The premises of a casino shall be limited to an area of Tunica County on the unprotected side of the Yazoo-Mississippi Delta Levee and shall be determined in accordance with Article VIII of this Ordinance									
Multi Tenant Casino Directional Signs	These signs are allowed at the intersections of U.S. Highway 61 and Casino Center Road; U.S. Highway 61 and Highway 304; and Mississippi Highway 304 and Kirby Road.									

ARTICLE IV MAXIMUM SIGN AREA AND SIGN LOCATION

4.1 Computation of Area of Individual Signs Except Wall Signs

The surface area of any sign face shall be computed from the smallest rectangles, circles and/or triangles which will enclose all words, letters, figures, symbols, designs and pictures, together with all framing, background material, colored or illuminated areas, and attention-attracting devices forming an integral part of the overall display, but excluding all support structures, except that:

A. Superficial ornamentation and/or symbol-type appendages of a non-message-bearing character which do not exceed five percent of the surface area shall be exempted from computation;

B. Wall signs painted on or affixed directly to a building wall, facade or roof, and having no discernible boundary, shall have the areas between letters, words intended to be read together, and any device intended to draw attention to the sign message included in any computation of surface area;

C. Signs placed in such a manner, or bearing a text, as to require dependence upon each other in order to convey meaning shall be considered one sign and the intervening areas between signs included in any computation of surface area; and

D. Spherical, cylindrical or other three-dimensional signs not having conventional sign faces shall be considered to have two faces and the area of each sign face shall be computed from the smallest three-dimensional geometrical shape or shapes which will best approximate the actual surface area of said faces.

4.2 Computation of Area of Multifaced Signs

A double faced sign shall be allowed the total area of a single faced sign on each face.

4.3 Computation of Height

The height of a sign shall be determined by measuring the vertical distance from the ground level of the sign to the uppermost part of the sign or support structure, whichever is higher.

4.4 Special Considerations of Wall Signs

A. This section shall govern all wall signs as defined in this Ordinance.

1. Sign Area Permitted - Each ground-floor business establishment fronting on and/or oriented toward one or more public street, highway or parkway shall be permitted a maximum of one square foot of wall sign area for each one linear foot of building frontage, except that when individually cut letters are provided, the ratio may be increased to 1.5 square feet of wall sign area for each one linear foot of building frontage. This applies to

all faces of a building with street frontage and each street frontage shall be computed separately.

2. Where a ground-floor business establishment fronts only on a parking lot, alley, open mall, landscaped open space or other public way, the exterior building wall facing such parking lot, alley, open mall, landscaped open space or other public way shall be considered a building frontage for purposes of computing permitted wall sign area.

3. A ground-floor business establishment having entrances intended for and regularly utilized by the public on the side of a building which is not considered building frontage as deemed by this Ordinance, shall be permitted one wall sign on each such side, provided said sign does not exceed one-half said sign area permitted on the building frontage of said business. Where a business has more than one building frontage recognized by this section, an average of the total of the width of all frontages permitted sign areas shall be used to compute the total sign area.

4. Any building containing business establishments, which front only on an interior mall having a limited number of entrances, shall be considered a single establishment for the purpose of computing the wall sign area permitted on the exterior walls of such building.

5. In the event a side wall sign is permitted pursuant to section A.3 above, the total sign area for such building (including signs on frontage walls and side walls), shall not exceed a maximum sign area permitted by sections A.1 and A.3 above.

6. Each ground-floor business establishment, not covered by paragraph A.1 above, and except as limited by paragraph A.4 above, shall be permitted a minimum sign area of 10 square feet for each building frontage.

7. Each business establishment located on a second floor and facing the street or highway shall be permitted a maximum of 10 square feet of sign area as a wall business sign.

8. In all listed zones, each business establishment located on the ground, or second floor having no building frontage, shall be permitted a maximum of one square foot of sign area facing the street or highway.

B. Steep Sloping Roofs. That portion of any actual or false roof varying 45 degrees or less from a vertical plane may be considered an extension of the building wall for the purpose of wall business-sign placement.

C. Height Permitted. Wall business signs shall not extend above the highest point, exclusive of any roof structures, of the roof or parapet.

D. Lighting. Wall business signs may be internally or externally lighted.

E. Dimensions. The maximum vertical dimensions of a wall sign box and/or the sign copy shall not exceed two feet, except that the Director may approve taller vertical dimensions for signs located on buildings occupied by large single tenant occupancies and/or for initial capital letters or logos. If a site plan is first submitted and approved by the Director, as provided in this Ordinance, signs greater than a two-foot vertical dimension may be permitted subject to the Director's review and approval of the sign.

4.5 Table of Maximum Total Sign Area Allowed

Table 2. Maximum Sign Area Allowed

Sign Type	Zone									
	A-1	R-1	R-2	R-3	M-H	C-1	C-2	I-H	I-L	P-R
FREESTANDING										
On Premises	100	36				100				
Off Premises	100					100				
Billboards	400 Feet (See Table 1 for Permitted Location)									
BUILDING										
Awning/ Canopy						(1)	(1)	(1)	(1)	
Incidental	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Identification	2									
Hanging						50				
Home Occupation	As Regulated By the Tunica County Zoning Ordinance									
Marquee						(1)	(1)	(1)	(1)	
Projecting						50				
Roof						(1)	(1)	(1)	(1)	
Wall						See Section 4.4, Special Considerations for Wall Signs				
Window	30% of Window Area									
MISC.										
Directional Directory Instructional						8				
Menu						8				
TEMPORARY										
Agricultural Crop Demo	2	2	2	2	2	2	2	2	2	2
Banner	24					24	24	24	24	24
Carport Sales	8	8	8	8	8					8
Construction	32	32	32	32	32	32	32	32	32	32
Real Estate	36	6	6	6	6	36	36	36	36	36
Special Event	24					24	24	24	24	24
ENTERTAINMENT										
On Premises Casino Signs	Approved on individual basis by the planning commission and based on a master sign plan									
Multi Tenant Casino										

Directional Signs	450 ⁽²⁾	
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- (1) the total area allowable for all building signs, for each building shall be:
1. One (1) square foot for each foot of building frontage;
 2. An additional one (1) square foot for each two (2) feet for which a building is set back beyond those setbacks required by the zoning ordinance;
 3. Notwithstanding these provisions, a maximum of two (2) square feet for each foot of building frontage;
 4. This applies to all faces of a building with street frontage and each street frontage shall be computed separately.
- (2) This excludes square footage for the individual casino tenant signs. Each casino shall only be allowed forty square feet of sign area up to a maximum of 400 square feet. In no case shall the sign be greater than 850 total square feet.

4.6 Table Of Locational Requirements

The following table sets forth the allowed number, dimensions, and locations of sign where applicable. No limit must be observed where no regulation is specified,

Table 3. Number, Dimensions, and Location of Individual Signs

Sign Type	Number	Separation ⁽²⁾	Setbacks	Height	Other
FREESTANDING					
On Premises	1 ⁽¹⁾	100ft.	5	25 ⁽³⁾	
Off Premises	1	1320 ⁽⁵⁾	15, 550 max ⁽⁷⁾	25	
Billboards	na	1320 ⁽⁵⁾	15, 550 max	8 minimum 25 maximum	(6)
BUILDING					
Awning/ Canopy	1/business	na	na	na	May not extend above roof line
Incidental	na	na	na	na	Primary limiting factor is area (see Table 2)
Identification	na	na	na	na	Primary limiting factor is area (see Table 2)
Hanging	1/business	na	na	8 (to bottom)	
Home Occupation	As Regulated By The Tunica County Zoning Ordinance				
Marquee	1/business	na	na	na	May not extend above roof line
Projecting	1/business	na	na	8 (to bottom)	
Roof	1/business	na	na	na	May not extend above roof line
Wall	1/business	na	na	na	
Window	na	na	na	na	

Sign Type	Number	Separation ⁽²⁾	Setbacks	Height	Other
MISC.					
Directional Directory Instructional	na	na	5	6	
Menu	na	na	(4)	30	
TEMPORARY					
Agricultural Crop Demo	1 per 30 ft.	na	na	na	
Banner	1 ⁽¹⁾	na	na	na	
Carport Sales	na	na	na	na	
Construction	1	na	na	na	
Real Estate	1	na	na	na	
Special Event	na	na	na	na	
ENTERTAINMENT					
On Premises Casino Signs	Approved on individual basis by the planning commission and based on a master sign plan				
Multi Tennant Casino Directional Signs	na	na	15	50	

(1) If a building occupies a corner lot, two (2) ground signs shall be allowed. However, if signs are co-located on a lot corner, allowed sign size shall be increased by a factor of 1.5. In commercial zones, the number of signs shall be allocated per business.

(2) This separation requirement may be waived by the administrator upon a written finding that a proposed sign cannot physically meet this requirement solely due to the location of existing signs on separate but adjoining lots, provided that all other requirements of this Ordinance are met and the proposed sign is located as remotely from adjacent signs as possible. This waiver shall not apply when the existing sign is on the same lot as the proposed sign. In that case, a directory sign is recommended. Ground signs shall be set back a sufficient distance from side lot lines so as to allow placement of ground signs on adjoining lots that would meet the separation requirements

(3) Height shall not exceed 8 feet in R-1, R-2, R-3, or M-H zones

(4) Menu signs shall be located in rear or side yards only

(5) An off-premises sign located at least five hundred (500) feet from the intersection of two or more roads but not more than five hundred and fifty (550) feet may be separated by a distance of six hundred (600) feet from all other off-premises sign located between five hundred (500) and five hundred and fifty (550) feet from the same intersection. Further, all off-premises signs shall be at least four hundred (400) feet from all casino/tenant directional signs.

(6) All billboards shall have at least three (3" by six (6") inch plate made of non-corrosive material permanently mounted five feet (5') above grade. The plate shall have the name, address, and telephone number of the sign owner stamped thereon. The minimum height of billboards shall be 14 feet.

(7) No off premises sign shall be erected within 900 feet of the point of tangency of any curve

ARTICLE V SIGN CHARACTERISTICS

5.1 Illumination.

Illuminated signs shall adhere to the following provisions and restrictions in addition to those stated in the sign requirements by zone:

- A. 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 as determined by the Building Official.
- B. No sign shall have blinking, flashing, or fluttering lights or other illuminating device which has a changing light intensity, brightness or color. Beacon lights are not permitted.
- C. No colored lights shall be used at any location in any manner so as to be confused with or construed as traffic control devices.
- D. Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
- E. All externally illuminated signs must be lighted from the bottom.

5.2 Structural Requirements.

- A. All signs shall comply with the pertinent requirements of the most recently adopted building codes.
- B. No sign shall be erected, constructed or maintained so as to obstruct any fire escape, fire hydrant, required exit, window, door or wall opening intended as a means of ingress or egress, or so as to interfere with any opening required for ventilation.
- C. All signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, gas, electricity or communications equipment or lines and shall not be placed so as to interfere with natural or artificial drainage or surface or underground water.
- D. No sign shall be erected, constructed, or maintained so as to interfere with any existing warning or instructional sign.
- E. All signs one hundred (100) square feet or larger in face area shall be constructed of noncombustible materials.
- F. The sign surfaces of V-type structures shall not exceed 10 feet apart at their maximum distance and are permitted solely for billboards.
- G. All off premises signs under Article IV shall be constructed of a single pole construction of non-corrosive materials.

H. Conversion of Portable Signs shall require such sign to be permanently mounted to the ground or supported by poles. All devices formerly essential to the portability of such a sign, including but not limited to axles, wheels, trailer supports, and other related devices shall be removed.

I. All signs shall be maintained in good repair, including display surfaces, which shall be kept neatly painted or posted. Copy on all signs shall be kept clean and orderly, and free from flagging, chipping or peeling.

5.3 Electrical Signs.

A. Electrical signs shall comply with the most recently adopted electrical code. In particular, extension cords shall not be used. Clearance from all electrical power lines shall be in accordance with the requirements of the electric company and/or the National Electric Code.

5.4 Abandoned Signs

A. Any sign that is located on property that becomes vacant and is unoccupied for a period of three (3) months or more, or any sign that pertains to a time, event, or purpose which no longer applies shall be deemed to have been abandoned. (See Section 2.4(j))

B. Signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. (See Section 2.4(j))

C. Notwithstanding the provisions of subsections A. and B. of this section, any sign that fails to meet the construction and maintenance requirements of this article shall be deemed to be abandoned and subject to removal if any such deficiencies are not corrected within thirty (30) days after a written notice from the administrator to the owner or tenant concerning the deficiencies. The administrator shall have the discretion to grant an additional thirty (30) days for the required improvements to be made, provided substantial progress is being made to correct the deficiencies and a written request for such an extension is received at least five (5) working days before the end of the original notice period.

D. (Tunica County Attorney to reword) Signs which are found to be in violation of this section shall be removed by the owner of the sign or owner or tenant of the premises immediately upon written notice by the administrator that the sign does not comply with the terms of this section. Any such signs not removed with thirty (30) days from this written notice may be removed by the County and all costs charged to the owner, agent, or person having the beneficial interest in the building or premises upon which such signs are located or in the sign itself.

5.5 Building Sign Characteristics

All building signs shall be securely mounted to or against the wall, mansard, roof, fence or other structure to which they are attached and shall meet all other requirements of this article.

5.6 Visibility

No sign shall obstruct the line of sight of a vehicle operator within a distance of that meets the American Association of Safety and Highway Officials (AASHO) regulations at or near a curve or bend in a highway or paved public road.

5.7 Casino Tenant Directional Sign Characteristics

A. Casino tenant/directional signage shall be detached from all other structures. It shall not be erected on a roof or any other part of a building

B. Casino tenant/directional signage shall be allowed to be constructed on double or single poles

C. V-type signs or typical billboards shall not be allowed or be considered as a casino tenant/directional sign.

D. All casino tenant/directional signs shall at all times have a three (3") by six inch (6") plate made of non-corrosive material permanently mounted five feet (5') above grade. The plate shall have the name, address, and telephone number of the sign owner stamped thereon.

ARTICLE VI NONCONFORMING SIGNS

The adoption of this Ordinance shall create certain conditions in which certain signs existing in certain zoning districts in the County that are not in conformance with the provisions of this Ordinance. No

nonconforming sign shall be enlarged or altered in any way which increases its nonconformity to any provisions of this article.

ARTICLE VII ADMINISTRATION AND ENFORCEMENT

7.1 Permits and Fees.

A. No sign shall be erected, replaced, or altered so as to change its overall dimensions or design, or relocated within the County without a permit first being obtained and the required fee paid, unless specifically exempted herein. Permits shall also be required for the modification, alteration or maintenance of signs when:

1. The nature or name of the business which the sign advertises is changed and the sign is to be changed or modified in either shape or size. Repainting or changing the message of a sign shall not in and of itself, be considered a substantial alteration.

2. The sign is damaged by any means to the extent of more than fifty (50) percent of its replacement cost at the time of the damage.

B. Applications for permits, where required, shall be on forms provided by the Director of Planning. The administrator, in addition to the application form, may require the submission of drawings, photographs, specifications or any other information required to determine the compliance of proposed signs with this Ordinance.

C. Fees for permits, as well as other activities of the administrator in enforcing this article, shall be set by the Board of Supervisors. A schedule of fees shall be available in the office of the Director of Planning.

D. Permits issued pursuant to this article shall expire or lapse after six (6) months from the date of issuance, unless the activities authorized by the permit are initiated within that time.

E. A sign permit shall exclusively warrant and permit the erection of the sign of type, construction, color, lighting, layout, and design as specifically approved, and if the final erection varies in any respect from the approved design or location, the same shall be considered an illegal application. The permit is rendered null and void requiring a renewed application and review by the Planning Commission to consider the permit in view of changed circumstances.

7.2 Enforcement.

If the Director of Planning (or administrator) becomes aware of any sign which does not comply with the terms, provisions, and conditions of this sign ordinance or any other law, ordinance or regulation, he shall give written notice to the owner of the sign or if he is unable to readily identify the owner of the sign to the owner of the real property on which the sign is located. The written notice shall identify the location of the sign as well as all deficiencies of the sign as they relate to the terms, provisions, and conditions of this ordinance. Written notice shall be either personally delivered or mailed postage prepaid certified mail, return receipt requested. The notice shall state that all the deficiencies shall be corrected within three days of receipt of the notice or the sign shall be removed. At the discretion of the Director of Planning, a time extension may be granted upon proof that the corrections will be made.

Each day the sign remains up without having the deficiencies corrected shall constitute and be a separate offense and shall be a misdemeanor. The penalty for the misdemeanor shall be five hundred dollars per day and/or ten days in jail.

7.3 Variances

This section shall be known as the variance procedure. This procedure is intended to provide relief from the terms of the Sign Regulations when because of special circumstances applicable to the property, the strict application of the Sign Regulations deprives such property of privileges enjoyed by other property in the vicinity under identical regulation, and to assure that any adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the district in which such property is situated.

A. Application for a variance shall be filed with the Director of Planning. The application shall include the following:

1. Name address and the owner or applicant.
 2. Address and legal description of the property on which the proposed sign would be located.
 3. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner of the property on which the proposed sign would be located.
 4. A statement describing the variance request and the reasons why it complies with the criteria for variance set out in Section 7.3, Paragraph H.
 5. The property address and the name and mailing of the owner of each parcel within 1500 feet of the subject property and a map with parcels keyed to the ownership and address data.
 6. Site plans, preliminary sign elevations, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to the variance application:
 - A. Existing and proposed location and arrangement of signs on the site and abutting site within 50 feet
 - B. Existing and proposed site improvements, buildings, and other structures on the site, and any off site improvements related to or necessitated by the proposed use. Sign elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character
 - C. Existing and proposed topography, grading, and landscaping and screening
- B. The Director of Planning may request additional information necessary to enable a complete analysis and evaluation of the variance request, and a determination as to whether the circumstances prescribed for the granting of a variance exist
- C. The application shall be accompanied by a fee established by the Board of Supervisors. A single application may include requests for variances from more than one regulation applicable to the same site, or for similar variances on two or more parcels with similar characteristics.
- D. The Director of Planning shall review and prepare a report on the application. The report shall be filed with the Planning Commission and available to the applicant at least 10 days prior to the public hearings.
- E. The Planning Commission shall hold a public hearing within 30 days on each application for a variance. Notice shall be given as prescribed in by state law. The Planning Commission shall adopt rules for the presentation of evidence.
- F. The Planning Commission shall act on the application not more than 10 days following the closing of the public hearing on a variance. The Planning Commission that a variance be granted as the as the variance was applied for or in a modified form or subject to conditions or the application may be denied. A variance may be revocable.

G. The decision of the Planning Commission shall be final unless appealed to the Board of Supervisors. In such case, a request for an appeal hearing shall be filed in the Office of the Tunica County Planning Commission not less than 10 days following the decision of the Planning Commission. Said appeal shall be scheduled for hearing by the Board of Supervisors. Decisions shall be effective immediately.

H. The Planning Commission may recommend that a variance be granted if it makes affirmative findings of fact on each of the following criteria:

1. The Sign Regulations applicable to the property do not allow for reasonable use.
2. The hardship for which the variance is requested is unique to the proposed sign and not general to the area in which the sign is located.
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purposes or regulations to the area in which the property is located.

I. Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse and become void one year following the date on which the variance became effective, unless prior to expiration of one year a sign permit is issued and construction commenced and diligently pursued toward completion on the site which was subject of the variance application, or a certificate of occupancy is issued for the use.

J. A variance may be renewed by the Planning Commission for an additional period of one year , provided that prior to the expiration date, a written request for renewal is filed with the Planning Commission.

1. Upon violation of any applicable provision of these regulations, or, if granted subject to conditions, upon failure to comply with conditions, a variance shall be suspended upon notification of the owner of a use or property subject to a variance.
2. The Planning Commission shall hold a public hearing within 30 days of such notification, and if not satisfied that the regulation, general provision, or condition is being complied with, may recommend that the variance be revoked or action taken as may be necessary to ensure compliance with the regulation, general provision, or condition. Their recommendation shall be considered by the Board of Supervisors at its next regularly scheduled meeting.
3. The decision of the Board of Supervisors to revoke a variance shall be effective immediately.

L. Following the denial or revocation of a variance application, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one year from the date of denial or revocation.

M. A sign variance shall run with the land and shall continue to be valid upon the change of ownership of the site or structure to which it applies.

7.4 Administrative Appeals Procedure.

A. Appeals.

Appeals may be taken by any person aggrieved by any administrative decision of the Director of Planning, Planning Commission, or Board of Adjustment. Such appeals shall be filed as described in Part B. For the purposes of appeal and the Administrative Appeals Procedure "person aggrieved" shall mean the original applicant or party at issue, or any person who has any interest (fee title, leasehold, etc.), in real property within 1500 feet of the property of issue, or other person who may be adversely effected by the administrative decision, as determined by the Board to whom the appeal is being made.

B. Filing of Appeal.

1. Appeals from decision of Director of Planning. All appeals from decisions of the Director of Planning shall be taken by filing a written notice of appeal with the Director of Planning and Chairman of the Tunica County Board of Adjustment within five (5) business days following the decision, and shall be heard by the Tunica County Board of Adjustment within thirty (30) days of the appeal being filed.

2. Appeals from Decision of Tunica County Planning Commission. All appeals from decisions of the Tunica County Planning Commission shall be taken by filing a notice of appeal with the Director of Planning, Chairman of the Tunica County Planning Commission and President of the Board of Supervisors within five (5) business days following the decision and shall be heard by the Tunica County Board of Supervisors within thirty (30) days of the appeal being filed.

3. Appeals from Decision of Tunica County Board of Adjustment. All appeals from decisions of the Tunica County Board of Adjustment shall be taken by filing a notice of appeal with the Director of Planning, Chairman of the Tunica County Board of Adjustment and President of the Board of Supervisors within five (5) business days following the decision and shall be heard by the Tunica County Board of Supervisors within thirty (30) days of the appeal being filed.

4. Contents of Notice of Appeal. All appeals shall be made by filing a written notice of appeal which shall contain the following information:

A. The name, address and telephone number of the person aggrieved who is filing the appeal.

B. The interest that the person aggrieved who is filing the appeal has in the matter (i.e. original applicant, landowner within 1500 feet, etc.).

C. The specific grounds for the appeal, including a summary of the adverse decision and an itemization of each fact or other contention the person aggrieved contends supports their decision that the administrative decision was made in error,

D. The name and address of all landowners within 1500 feet of the property at issue.

Failure to properly perfect an appeal as specified in this subsection may, at the discretion of the Board to whom the Appeal is taken, result in the appeal being denied.

C. Stay of Proceedings. Any appeal from an administrative decision shall stay all proceedings and furtherance of such action, until the matter has been finally resolved, unless the Director of Planning certifies to the Board to whom the appeal is taken, that by reason of the facts, stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In the event

the Director of Planning shall make and file such certificate, his action shall not be stayed, except by a restraining order granted by the Board of Supervisors, or by a Court of competent jurisdiction, and after notice to the Director of Planning upon due cause shown.

D. Public Notice. Notice of an appeal hearing for consideration of any appeal from a decision of the Planning Commission or Board of Adjustment shall be given as follows;

1. Notice shall be given by mail to the appellant and/or applicant not more than three (3) business days following the finding of an appeal.
2. Notice shall be given by mail to the owner of all parcels within fifteen hundred (1500) feet of the subject property using the address of the prior year tax roll, not more than three (3) business days following the filing of an appeal. Failure to notify all owners of record of each site within fifteen hundred (1500) feet of the subject property shall not render any action of any Board hearing an appeal null or void.

E. Action by Board to Whom Appeal Is Taken. The Board to whom the appeal is taken shall act on the appeal not more than ten (10) days following the closing of the appeal hearing. The Board to whom the appeal is taken may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination from which the appeal is taken, The Board hearing the appeal shall notify the appellant and other parties they deem appropriate, of its decision by mail.

F. Lapse. Any reversal by a Board to whom an appeal is taken of any order, comment, decision, or determination of the Director of Planning of any decision in favor of the person taking the appeal on any matter, shall lapse at the expiration of ninety (90) days where the action by the person taking the appeal is not taken pursuant thereto within such period. This provision shall not apply when the applicant has presented to the Planning Commission a development plan that requires a length of time greater than ninety (90) days, in which event the Planning Commission may grant a greater length of time. In no event, however, shall such time granted exceed one year.

7.6 Violation and Penalties.

- A. Violations of this article shall constitute a misdemeanor.
- B. Continuance of a specific violation for each separate day shall constitute a separate offense.
- C. A penalty equal to the fee normally imposed for a permit pursuant to this Ordinance shall be imposed on applicants for permits who file applications after work being applied for has been initiated. This penalty shall be assessed in addition to any other liabilities applicants may incur.
- D. Persons owning, leasing, renting, or otherwise in possession of property upon which a violation of this article occurs, as well as those physically causing the violation to occur, whether by placing, erecting, modifying or otherwise altering a sign, shall be held jointly and severally liable for the violation.

7.7 Citation Powers.

- A. The administrator shall have the power and authority to issue summons returnable to the court or to any other proper authority for violations of this article. Such summons shall have the same full force and effect as if issued by the Sheriff of Tunica County. Summons may be issued by personal service upon those in violation of this Ordinance or by mailing a copy by registered mail to those in violation of this Ordinance.

B. The administrator may develop and utilize such forms as may be required and necessary to implement the this Ordinance.

ARTICLE VIII PREMISES TEST

The following shall be used for determining whether a sign, display or device is located on the same premises as the activity or property advertised.

8.1 Determination

A. The premises on which the activity is conducted is determined by physical facts rather than property lines. Generally; it is defined as the land occupied by the buildings or other physical uses that are necessary or customarily incident to the activity, including such open spaces as are arranged and designed to be used in connection with such buildings or uses.

B. The following will not be considered to be a part of the premises on which the activity is conducted, and any sign located on such land will be considered off premises advertising:

(1) (Tunica County Attorney to reword) Any land which is not used as an integral part of the principal activity. This would include, but is not limited to, land which is separated from the activity by a roadway, highway, or other obstruction, and not used by the activity, and extensive highway frontage contiguous to the land actually used by the commercial faculty, even though it might be under the same ownership.

(2) Any land which is used for, or devoted to a separate purposes unrelated to the advertising activity. For example, land adjacent to or adjoining a service station but devoted to the raising of crops, residence or farmstead uses or other commercial or industrial uses having no relationship to the service station activity would not be part of the premises of the service station, even though under the same ownership.

(3) Any land which is (a) at some distance from the principal activity, and (b) in closer proximity to the highway than the principal activity, and (c) developed or used only in the area of the sign site, or between the sign site and the principal activity, and (d) occupied solely by structures or used which are only incidental to the principal activity, and which serve no reasonable or integrated purpose relative to the activity other than an attempt to qualify the land for signing purposes.

Generally, these will be inexpensive facilities such as picnic, playground or camping areas, dog kennels, golf driving ranges, skeet ranges, walking paths, fences and sign maintenance sheds.

8.2 Narrow Strips

Where the sign site is located at or near the end of a narrow strip contiguous to the advertised activity, the sign site shall not be considered part of the premises on which the activity being advertised is conducted. A narrow strip shall include any configuration of land which is such that it cannot be put to any reasonable use related to the activity other than signing purposes.

In no event shall a sign site be considered part of the premises on which the advertised activity is conducted if it is located upon a narrow strip of land:

- (1) which is non-building land, such as swampland, marshland, or other wet land, or
- (2) which is a common or private roadway, or
- (3) held by a easement or other lesser interest than the premises where the advertised activity is located.

8.3 Purpose Test

A. Any sign which consists solely of the name of the establishment is an on-premise sign.

B. A sign which identifies the establishment's principal or accessory products or services offered on the premises is an on-premises sign,

C. When a sign (1) brings rental income to the property owner, (2) consists principally of a brand name or trade name advertising, and (3) the product or service advertised is only incidental to the principal activity, it shall be considered an off premises sign and not an on-premises sign.

D. A sign which advertises activities conducted on the premises, but which also advertise, in a prominent manner, activities not conducted on the premise is not an on premises sign.

E. A sale or lease sign which also advertises any product or service not located upon and related to the business of selling or leasing the land which the sign is located is not an on-premise sign.

ARTICLE IX EFFECTIVE DATE

All notices, hearings and matters to be performed, having been completed, this ordinance shall take effect upon adoption.

ORDERED AND DONE, This the 3rd day of November 1997.

s/ Paul Battle, Jr., President
Board of Supervisors of Tunica County, Mississippi

s/ Susie White, Chancery Clerk for Tunica County, Mississippi