

SECOND AMENDMENT

ORDINANCE NO. 1648

AN ORDINANCE TO AMEND TITLE XI, CHAPTER 1, SECTION 24, SUBSECTION (A), PARAGRAPH 14, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, AND SECTION 25, SUBSECTION (B), PARAGRAPH 9, OF SAID TITLE AND CHAPTER TO PROVIDE FOR A MAJORITY VOTE OF THE CITY COMMISSION TO APPROVE VARIANCES OR RECLASSIFICATIONS WHERE SUCH VARIANCE OR RECLASSIFICATION IS CONTRARY TO THE MASTER PLAN; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE BOARD OF COMMISSIONERS OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Title XI, Chapter 1, Section 24, Subsection (A), Paragraph 14, of the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, is hereby amended to read as follows:

11-1-24 (A)            14. Decision: The action by the Mayor and Board of Commissioners on such matters, following a public hearing, shall be by majority vote of the entire Board and shall be final and conclusive. In case, however, the granting of said variance should be contrary to the master plan as it exists at the time of the decision on the variance, then such variance shall not be approved except by a majority vote of the Commission.

Once the Mayor and the Board of Commissioners have rendered a decision on an application and thereafter a subsequent application for variance involving the same property for the same or similar or more intensive use is filed, then the same procedure set forth herein shall apply, except that if the application is approved by the Board of Zoning Adjustment, then there shall be an automatic appeal to the Mayor and Board of Commissioners, whether or not an aggrieved person files, and the Secretary of the Board of Zoning Adjustment shall file with the Clerk a proper notice of the appeal within ten days of the decision of the Board of Zoning Adjustment and all notices and procedures shall be the same as provided for other appeals. Furthermore, if an application is approved by the Board of Zoning Adjustment concerning any matter which the City Commission has indicated a specific

position, it shall be transmitted to the Mayor and Board of Commissioners for final decision. Any request to deviate from the provisions of the C-D, Design Commercial Zone, approved by the Board of Zoning Adjustment shall be transmitted to the Mayor and Board of City Commissioners for final decision.

SECTION 2. Title XI, Chapter 1, Section 25, Subsection (B), Paragraph 9, of said Municipal Code is hereby amended to read as follows:

11-1-25 (B) 9. The Board of Commissioners shall consider the application for the reclassification of property and the report and recommendation of the Planning Commission thereof, at its next regular meeting following the receipt of said recommendation. If, from the facts presented and the findings in the report and recommendation of the Planning Commission, the Board of Commissioners determines that the public health, safety, welfare, and convenience will best be served by this reclassification or any portion thereof, the Board of Commissioners may indicate its general approval in principle of the reclassification by the adoption of a "Resolution of Intent to Reclassify" said property.

In case, however, the granting of said reclassification should be contrary to the master plan as it exists at the time of decision on the Resolution of Intent to Reclassify, then said Resolution of Intent shall not be approved except by a majority vote of the Commission.

Said resolution shall include any conditions, stipulations, requirements or limitations which the Board of Commissioners may feel necessary to require in the public interest as a requisite to final action. The fulfillment of all conditions, stipulations, requirements and limitations contained in said resolution on the part of the applicant shall make such resolution a binding commitment on the Board of Commissioners.

Upon compliance by the applicant, the Board of Commissioners shall by ordinance effect such reclassification. The failure of the applicant to meet any or all conditions, stipulations, or limitations contained in said resolution, including the time limit placed in the resolution, shall render said Resolution of Intent to Reclassify null and void, unless an extension of time is granted by the Board of Commissioners upon recommendation of the Planning Commission, and further providing that where substantial progress can be shown to the satisfaction of the City Commission within a six (6) months' period next succeeding the expiration date, the Resolution of Intent may be reinstated.

After the Resolution has been effected by ordinance, all conditions, stipulations, requirements or limitations, applicable to the resolution shall remain in effect and no changes, additions, or eliminations may be made without approval of the Planning Commission or if appealed, by the Board of Commissioners.

In the event a proposed change, addition, or elimination involves a condition, stipulation, requirement or limitation originally imposed as the result of a public hearing, the Planning Commission shall require a new public hearing to be held and a new filing fee to be paid. The requirement of a public hearing shall not apply to minor changes, additions, or eliminations and the requirement of a public hearing shall be within the discretion of the Planning Commission.

In the event a reclassification is approved by the Board of Commissioners, but not on the basis of a "Resolution of Intent to Reclassify", the Board of Commissioners shall by ordinance effect such reclassification.

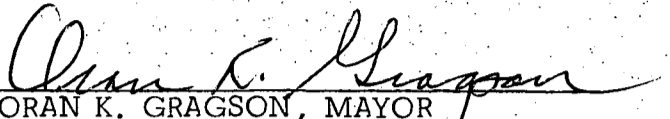
SECTION 3. All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1960 Edition, in conflict herewith are hereby repealed.

SECTION 4. If any section, paragraph, sentence, phrase, term, word, connotation or application of this ordinance, or a portion thereof is for any reason held invalid, inapplicable, or unconstitutional by any court of competent jurisdiction,

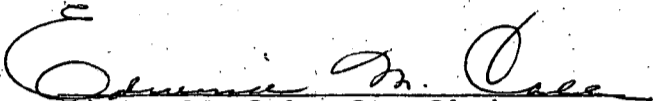
such holding shall not invalidate the remaining portions of this ordinance.

PASSED, ADOPTED AND APPROVED this 21st day of May, 1975.

APPROVED:

  
ORAN K. GRAGSON, MAYOR

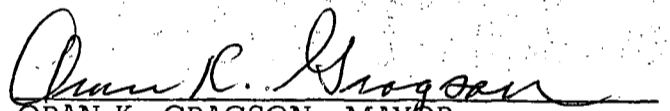
ATTEST:

  
Edwina M. Cole, City Clerk


The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 7th day of May, 1975 and referred to the following committee composed of Commissioners Morelli and Christensen for recommendation; thereafter the said Committee reported favorably on said ordinance on the 21st day of May, 1975, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners as amended and adopted by the following vote:

VOTING "AYE": Commissioners Christensen, Lurie, Franklin and Mayor Pro Tem  
Morelli  
VOTING "NAY": None ABSENT: Mayor Gragson (excused)

APPROVED:

  
ORAN K. GRAGSON, MAYOR

ATTEST:

  
Edwina M. Cole, City Clerk

AFFIDAVIT OF PUBLICATION

RECEIVED

MAY 14 1 19 PM '75

STATE OF NEVADA) SS  
COUNTY OF CLARK)

CITY CLERK

Mr. George J. Vasconi, being first duly sworn, deposes and says that he is Business Manager for the LAS VEGAS REVIEW-JOURNAL, a daily newspaper at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of one insertions from period of May 12, 1975 to May 12, 1975 inclusive, being the issue of said newspaper for the following dates, to wit:

May 12, 1975

That said newspaper was regularly issued and circulated on each of the dates above named.

SIGNED *George J. Vasconi*  
GEORGE J. VASCONI

Subscribed and sworn to before me this 12 day of May 19 75

NOTARY PUBLIC, IN AND FOR  
CLARK COUNTY, NEVADA

SECOND AMENDMENT  
ORDINANCE NO. 1640

AN ORDINANCE TO AMEND TITLE XI, CHAPTER 1, SECTION 24, SUBSECTION (A), PARAGRAPH 14 OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, AND SECTION 25, SUBSECTION (B), PARAGRAPH 9, OF SAID TITLE AND CHAPTER, TO PROVIDE FOR A MAJORITY VOTE OF THE CITY COMMISSION TO APPROVE VARIANCES OR RECLASSIFICATIONS WHERE SUCH VARIANCE OR RECLASSIFICATION IS CONTRARY TO THE MASTER PLAN; PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 7th day of May, 1975, and referred to the following committee composed of Commissioners Morrelli and Christensen for recommendation. COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.  
May 12, 1975

*Glenda Harris*  
OFFICIAL SEAL  
GLENDA HARRIS  
NOTARY PUBLIC - STATE OF NEVADA  
COUNTY OF CLARK  
My Comm. Expires Feb. 7, 1978

12185

RECEIVED

MAY 14 9 48 AM '75

FINANCE DEPT

RECEIVED

AFFIDAVIT OF PUBLICATION

MAY 30 11 28 AM '75

STATE OF NEVADA)
COUNTY OF CLARK) SS

CITY CLERK

Mr. George J. Vasconi, being first duly sworn, deposes and says that he is Business Manager for the LAS VEGAS REVIEW-JOURNAL, a daily newspaper at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of one insertions from period of May 24, 1975 to May 24, 1975 inclusive, being the issue of said newspaper for the following dates, to wit:

May 24, 1975

That said newspaper was regularly issued and circulated on each of the dates above named.

SIGNED [Signature]
GEORGE J. VASCONI

Subscribed and sworn to before me this 27 day of May 19 75

SECOND AMENDMENT
ORDINANCE NO. 1648
AN ORDINANCE TO AMEND TITLE XI, CHAPTER 1, SECTION 24, SUBSECTION (A), PARAGRAPH 14, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1960 EDITION, AND SECTION 25, SUBSECTION (B) PARAGRAPH 9, OF SAID TITLE AND CHAPTER TO PROVIDE FOR A MAJORITY VOTE OF THE CITY COMMISSION TO APPROVE VARIANCES OR RECLASSIFICATIONS WHERE SUCH VARIANCE OR RECLASSIFICATION IS CONTRARY TO THE MASTER PLAN; PROVIDING OTHER MATTERS PROPERLY RELATING HERETO; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.
The above and foregoing ordinance was first proposed and read by title to the Board of Commissioners on the 7th day of May, 1975, and referred to the following committee composed of Commissioners Morelli and Christensen for recommendation; thereafter the said Committee reported favorably on said ordinance on the 21st day of May, 1975, which was a regular meeting of said Board; that at said regular meeting the proposed ordinance was read by title to the Board of Commissioners as amended and adopted by the following vote:
VOTING "AYE": Commissioners Christensen, Lurie, Franklin and Mayor Pro Tem Morelli.
VOTING "NAY": None.
ABSENT: Mayor Gragson (excused).
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 E. STEWART AVENUE, LAS VEGAS, NEVADA.
May 24, 1975

NOTARY PUBLIC, IN AND FOR CLARK COUNTY, NEVADA

[Signature]
OFFICIAL SEAL
GLENDA HARRIS
NOTARY PUBLIC - STATE OF NEVADA
COUNTY OF CLARK
My Comm. Expires Feb. 7, 1978