

5. The recommendation of the Historic Landmark Commission shall be considered by the Planning and Zoning Commission in the same manner as provided for in an Application for Rezoning: Action by the Planning Commission shall be as provided in Section 8600 with respect to rezoning.
6. Action by the Council shall be as provided in Section 8600 with respect to rezoning.
7. Reapplication for "H" status shall be limited as outlined in Section 8600 paragraph E.

F. Procedure to Authorize Erection, Construction, Reconstruction, Alterations of Structures In A Historic Landmark Overlay District Or Site:

1. No person shall carry out or cause to be carried out on a landmark or in a Historic Landmark Overlay District, any alteration, demolition, construction, reconstruction, restoration, or remodeling, nor shall any person make any material change in the appearance on any existing landmark or in a Historic Landmark Overlay District without a permit issued by the City Building Official. All applications to the City Building Official for a permit involving landmarks or Historic Landmark Overlay Districts shall be forwarded immediately by the City Building Official to the Historic Landmark Commission. Notwithstanding any other provision, or law, the City Building Official shall not permit any alteration, demolition, construction, reconstruction, restoration, remodeling, or any material change in appearance to be carried out on a landmark or in a Historic Landmark Overlay District except pursuant to a Certificate of Approval issued by the Historic Landmark Commission.
2. The Historic Landmark Commission shall hold a public hearing on all applications for Certificate of Approval referred to it after notice given in the same manner as prescribed in paragraph E, subsection 3. A report of the action taken or determination made shall be forwarded to the City Building Official not later than forty five (45) days after receipt of the application by the Historic Landmark Commission. If no action is taken by the Historic Landmark Commission within the forty five (45) day period, the permit shall be issued and the applicant notified by the City Building Official.
3. The Historic Landmark Commission in considering the appropriateness of any alteration, demolition, new construction, reconstruction, restoration, remodeling or other modification of any building shall consider, among other things, the purposes of this Ordinance; the historical and architectural value and significance of the landmark or Historic Landmark Overlay District; the design guidelines as approved in this Ordinance under paragraph K, subsection 1. Landmark Guidelines; the texture, material and color of the building or structure in question or its appurtenant fixtures, including signs; and the relationship of such features to similar features of other buildings within a Historic Landmark Overlay District; and the position of such building or structure in relation to the street or public way and to other buildings and structures.
4. If after considering the foregoing, the Historic Landmark Commission determines that the proposed changes are consistent with the criteria for historic preservation established by this Ordinance, the Historic Landmark Commission shall issue the Certificate of Approval. In the event of a determination to deny a Certificate of Approval, The Historic Landmark Commission shall request consultation with the owner for a period not to exceed 90 days for the purpose of considering means to preservation in keeping with the criteria and design guidelines. If at the end of that time an acceptable solution has not been achieved, the

Certificate of Approval shall finally be denied and the applicant so notified by letter; provided **the applicant may appeal to the City Council within 20 days** of the date of the letter finally denying the application, and the City Council may, after a public hearing, reverse or modify the decision of the Historic Landmark Commission but only if it finds that: (a) every reasonable effort has been made by the applicant to agree to the requirements of the Commission and (b) owing to special conditions pertaining to the specific piece of property, denial of the Certificate of Approval will cause undue and unnecessary hardship. The Secretary of the Interior's STANDARDS FOR REHABILITATION and Guidelines for Rehabilitating Historic Buildings are the minimum guidelines that the Historic Landmark Commission shall use to evaluate each landmark or Historic Landmark Overlay District.

G. Approval For Demolition Or Removal: If an application is received by the Planning Department for demolition or removal of any designated historic landmark, it shall be forwarded to the Historic Landmark Commission upon receipt of the application.

1. Should the Historic Landmark Commission determine that the application involves improvements to existing buildings not historically and culturally significant and not contributing to the integrity of the district, it may approve the application for demolition or removal provided the owner comply with the established guidelines for the landmark or Historic Landmark Overlay District and the General Purpose of this district in Paragraph A of this Section.
2. Should the Historic Landmark Commission determine that the demolition or removal activity will adversely affect any historical, architectural, archaeological, or cultural feature of the historic landmark, and whether such work is appropriate and consistent with the spirit and intent of this Section. It shall recommend restrictions or conditions to the demolition or removal application.
3. **The Historic Landmark Commission may recommend the disapproval of the application** by determining that in the interest of preserving historical values, the structure, building or site should not be demolished, and in that event, **the application shall be suspended for a period not exceeding ninety (90) days from the date of application.** Within the suspension period, the Historic Landmark Commission may request an extension of the suspension period by the City Council. If the City Council, after notice to applicant and public hearing, determines that there is reasonable ground for preservation, **the Council may extend the suspension period for an additional period not exceeding one hundred twenty (120) days,** to a total of not more than two hundred forty (240) days from the date of application for demolition. During the period of suspension of the application, no permit shall be issued for such demolition or removal nor shall any person demolish or remove the building, structure or site. If no action is taken by the City Council within (240) days from the date of application, the demolition or removal permit shall be issued and the City Building Official shall so advise the applicant.
4. **This procedure is to allow the City, the owner and the private sector to explore alternatives to demolition or removal which may provide viable uses** for the subject of the application. In addition, alternate strategies of ownership and use may be explored with the owner, including use of other remedies available to the City.