

TOLEDO - LUCAS COUNTY PLAN COMMISSIONS

One Government Center, Suite 1620, Toledo, OH 43604 P: 419 245-1200 F: 419 936-3730

REF: M-12-22

DATE: October 14, 2022

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Amendment to TMC 1103.0306 A.2. Correcting Reference to Defunct TMC Section 1112.0109

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, October 13, 2022 at 2:00 P.M.

GENERAL INFORMATION

Subject

Request	-	Text amendment amending TMC 1103.0306 Certificates of Appropriateness, Letter A. Standards of Rehabilitation correcting reference to defunct TMC Section 1112.0109 for the US Secretary of the Interior's "Standards for Rehabilitation"
Applicant	-	Toledo City Plan Commission One Government Center, Suite 1620 Toledo, OH 43604

STAFF ANALYSIS

The request is a text amendment to modify Toledo Municipal Code (TMC) §1103.0306 *Certificates of Appropriateness, Letter A. Standards of Rehabilitation* correcting reference to defunct TMC Section 1112.0109 for the *U.S. Secretary of the Interior's "Standards for Rehabilitation."* Upon reviewing this section, the Toledo City Plan Commission staff would like to correct the defunct section.

STAFF ANALYSIS (cont'd)

The current TMC§1103.0306, Letter A states the U.S. Secretary of the Interior's "Standards for Rehabilitation" ("Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings;" W Brown Morton et al.; U.S. Department of the Interior, National Park Service, Cultural Resources Preservation Assistance Division; Washington D.C., reprinted 1997) have been adopted pursuant to TMC §1112.0109. Compliance with these standards is required for all historic landmarks and districts. TMC §1112.0109 identifies the U.S. Secretary of the Interior's "Standards for Rehabilitation" in a non-existing section of the TMC; therefore, is not effectively enforcing the Department of Interior "Standards for Rehabilitation" for the issuance of the Certificate of Appropriateness.

Currently, the U.S. Secretary of the Interior's "Standards for Rehabilitation" ("Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings;" W Brown Morton et al.; U.S. Department of the Interior, National Park Service, Cultural Resources Preservation Assistance Division; Washington D.C., reprinted 1997) is utilized prior to the issuance of a Certificate of Appropriateness for all three (3) Historic Overlays and Designated Landmark structures that are located outside of a designated Historic Overlay. However, referencing a defunct section could allow for misinterpretation of the U.S. Secretary of the Interior's "Standards for Rehabilitation" by a property owner or contractor when submitting a COA application to the City of Toledo Plan Commissions for review and approval prior to the issuance of a COA.

This text amendment will provide clarification and prevent any misinterpretation of the U.S. Secretary of the Interior's "Standards for Rehabilitation" when requesting review and consideration of an "Environmental Change" to a historic structure by either the City of Toledo Plan Commission or the assigned Historic Commission.

Staff presented this text amendment to the Old West End Historic District Commission on September 12, 2022 and to the Toledo City Historic District Commission on September 26, 2022. Both commissions voted to support this change in the Toledo Municipal Code, Chapter 1103.

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PLAN COMMISSION RECOMMENDATION

The Plan Commission recommends that the Toledo City Council recommend approval of the text amendment amending TMC 1103.0306 Certificates of Appropriateness, Letter A. Standards of Rehabilitation correcting reference to defunct TMC Section 1112.0109 for the US Secretary of the Interior's "Standards for Rehabilitation" for the following reason:

1. The proposed text amendment is consistent with the Comprehensive Plan and the stated purpose of this Zoning Code (TMC§1111.0506(B) Review and Decision-Making Criteria).

Respectfully submitted,



Thomas C. Gibbons
Secretary

Exhibit "A" follows – Toledo Municipal Code Part Eleven – Planning and Zoning Code

Cc: Law Department – Paul Syring
Lisa Cottrell, Administrator
Molly Maguire, Principal Planner

Exhibit “A”

(Additions in italic highlight. Deletions in strikethrough.)

Toledo Municipal Code Part Eleven – Planning and Zoning Code

1103.0306 Certificates of Appropriateness

No contractor, owner or other person may make any environmental changes to any landmark property or property within a designated historic district unless a valid written Certificate of Appropriateness has been issued by the respective Historic District Commission. See the Certificate of Appropriateness procedures of Section 1111.1100.

A. Standards for Rehabilitation

The U.S. Secretary of the Interior’s “Standards for Rehabilitation” (“Secretary of the Interior’s Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings;” W Brown Morton et al.; U.S. Department of the Interior, National Park Service, Cultural Resources Preservation Assistance Division; Washington D.C., reprinted 1997) have been adopted pursuant to ~~TMC-§1112.0109~~ **this section**. Compliance with these standards is required for all historic landmarks and districts.

1. The “Standards for Rehabilitation” are available from the office of the Plan Commission and the U.S. Government Printing Office.
2. Information about the “Standards for Rehabilitation” may be viewed on the Internet at <http://www.nps.gov/history/hps/tps/standards/rehabilitation.pdf>.