



Legislation Details (With Text)

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**File created:** 11/17/2022      **In control:** City Council

**On agenda:** 11/22/2022      **Final action:** 11/22/2022

**Title:** Amending Toledo Municipal Code (TMC), Part Eleven, Subsection 1103.0306 A.2; correcting reference to defunct TMC Section 1112.0109; and declaring an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Commission Report

Date	Ver.	Action By	Action	Result
11/22/2022	1	City Council		
11/22/2022	1	City Council		
11/22/2022	1	City Council		

Zoning & Planning Committee

**Amending Toledo Municipal Code (TMC), Part Eleven, Subsection 1103.0306 A.2; correcting reference to defunct TMC Section 1112.0109; and declaring an emergency.**

**SUMMARY & BACKGROUND:**

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.

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. NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code, Part Eleven, Subsection 1103.0306 which reads as follows:

**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. 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>.

be amended to read as follows:

**1103.0306 Certificates of Appropriateness**

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**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 this section. Compliance with these standards is required for all historic

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Plan

2. Information about the “Standards for Rehabilitation” may be viewed on the Internet at <http://www.nps.gov/history/hps/tps/standards/rehabilitation.pdf>.

SECTION 2. That this Ordinance hereby is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and that this Ordinance must be immediately effective in order to provide for the orderly development of the area and to protect the land values in the area.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Passed: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

\_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council