



## Legislation Text

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File #: O-403-21, Version: 1

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Zoning & Planning Committee

### **Amending Toledo Municipal Code (TMC), Part Eleven, Subsection 1103.0207(B) and 1103.1519 regarding Downtown Parking Lot Fence Materials; and declaring an emergency.**

#### SUMMARY & BACKGROUND:

This request is a text amendment to clarify the materials used for decorative fence columns within the Downtown Overlay and within the Warehouse District Urban Neighborhood Overlay. The current text, which was reviewed via M-8-19 and approved via Ord. 355-19, is appropriate except that it offers the name of one manufacturer and product as an acceptable material. Plan Commission staff and the Law Department have concerns about a section of the Toledo Municipal Code that endorses a product by name. Also, Plan Commission has updated its Building Materials and Color standards since the passage of this text amendment to clarify the standards for building materials including brick. Staff recommends removing the reference to one product and simplifying the language to say that brick fencing in the Warehouse District and Downtown Overlay shall meet the requirements for brick outlined in our updated “Building Materials and Color” standards.

#### History and Context

The 2012 Warehouse District Plan proposed requirements for trees, shrubs, fences, and walls surrounding parking lots within the district. The plan outlined *Standards for fences and walls*: “All walls and fences used as part of visual screen shall be of uniform appearance and shall be set in a concrete base. Required ornamental metal fences shall be of actual or simulated wrought iron construction. Walls shall be of reinforced masonry construction, including decorative concrete masonry units.” The 2017 Warehouse District Plan followed suit. In spring, 2019, the Department of Economic and Business Development representatives engaged in public and private meetings with stakeholders in the Downtown Overlay District and the Warehouse District, as well as city council, and provided updated design standards for parking lots in these neighborhoods. These design standards required surface parking lots in these districts to be bordered by black wrought iron or black heavy gauge aluminum tube fencing with brick columns, and provided a timeline of three to five years to parking lots to become compliant.

However, the existing language reads “Brick columns, or columns durably constructed with thin brick veneer are acceptable. Minimum acceptable product is a lightweight, high-density polyurethane material that is all weather and has the appearance of real brick that are equal to or better than the Carlton Brick Columns of Faux Panels.com/Barron Designs Incorporated.” Later, the fencing specifications read “Similar quality and look as Ultra Fencing & Railing’s UAF-200 Flat Top or Picket Top Commercial Series or Commercial Series Premium.”

Plan Commission Staff has had multiple conversations with members of the City of Toledo Law Department regarding this code section. The Law Department has issued the opinion that the Toledo Municipal Code shall not endorse a product or service. Such could be considered “the use of public office for private

gain,” which would be an ethics violation. Lastly, Plan Commission recently updated the building material requirements, including brick, as written in TMC§1109.0500, and staff desires to maintain uniform expectations for brick structures throughout the Planning and Zoning Code. NOW, THEREFORE,

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

SECTION 1. That Toledo Municipal Code, Part Eleven, Subsection 1103.0200, which reads as follows:

**TMC§1103.0200 | -DO, Downtown Overlay District**

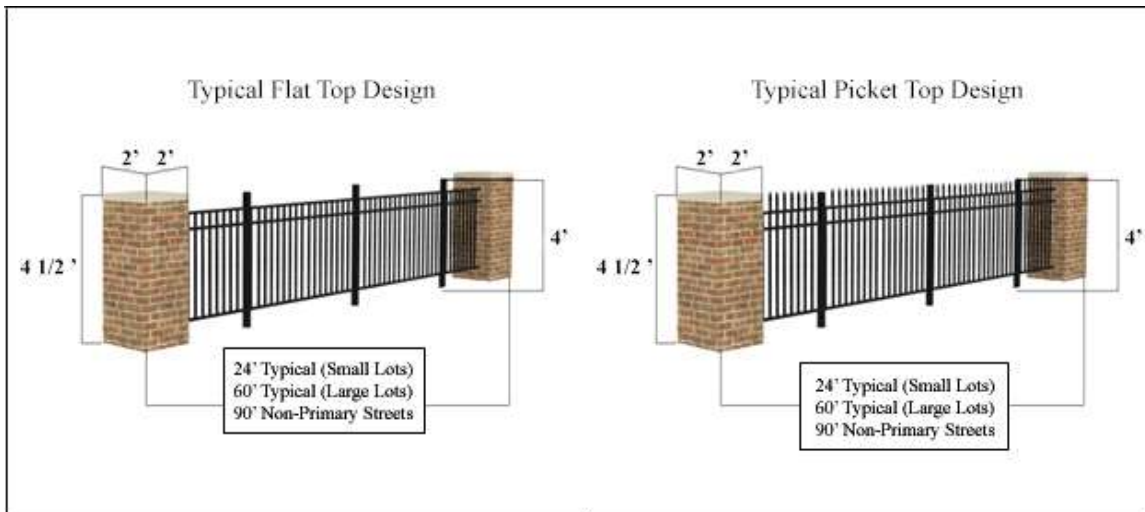
**1103.0207 Special Design Standards - Surface Parking Lots**

Parking should be limited to structured facilities and on street parking. Parking structures located on pedestrian routes should accommodate streetscape related improvements such as entertainment, storefronts/retail, and/or landscaped treatments to soften the structure. Existing Surface Parking Lots, public or private, permitted by this Code shall be subject to the following standards:

Surface Parking Lots that are permitted by this Code or are created after the effective date of this Section shall comply with the standards set forth herein prior to storage or parking occurring on the Surface Parking Lot.

Surface Parking Lots in the Downtown Overlay district shall be bordered along public rights of way by black wrought iron or black heavy gauge aluminum tube fencing that is at least four feet high with brick or thin brick columns that are at least 4’6" high and at least 18’’ wide or greater. Brick columns, or columns durably constructed with thin brick veneer are acceptable. Minimum acceptable product is a lightweight, high-density polyurethane material that is all weather and has the appearance of real brick that are equal to or better than the Carlton Brick Columns of Faux Panels.com/Barron Designs Incorporated. Columns shall be constructed using earth tone colors. On primary streets, spacing of columns shall be at least every 24’ for small lots (120’ x 120’ and under) and at least every 60’ for large lots (with frontage of more than 120’). On non-primary streets, spacing of columns may be spaced no more than 90’ apart. The Plan Director may approve greater distance spacing of columns where recommended by Toledo Downtown Parking Lot Review and Improvement Advisory Committee. Measurement as to placement of columns, new entrances, and exits will take into consideration turning radius needed for motor vehicles as well as two-way traffic. Fencing may connect to adjacent buildings rather than installing a pillar in instances where such connections are practical and do not detract from the purposes of this Chapter. The fences shall be clear of signage or other obstructions. The specifications for the fencing are as follows:

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Similar quality and look as Ultra Fencing & Railing's UAF-200 Flat Top or Picket Top Commercial Series or Commercial Series Premium:

Sections: Standard sections are 6' wide.

Pickets: Commercial 3/4" square x .055

Spacing between Pickets: Commercial standard 3-5/8" and optional 1-1/2"

Fasteners: Stainless steel

Horizontal Rails: Commercial 1-1/4" x 1-3/8" with .088" side walls and .065" top walls

Posts: Commercial 2" square x .080, or .125; 2-1/2" square x .100; and 3" square x.125

Alloy: High-strength Ultrum™ 6005-T5 alloy, min. strength 35,000 PSI Finish: Powercoat.

When applied, Powercoat is twice the thickness and hardness of a typical acrylic, baked enamel or "wet paint" finish, making it more durable, fade-resistant and scratch-resistant than other coatings.

Color: Black

Parking spaces in Surface Parking Lots in the Downtown Overlay District that abut fencing required by this Section shall have wheel stops of 4" high or a continuous 4 inch concrete inside the fence placed as to prevent cars from hitting or damaging the fence or columns.

Guard rails, bollards, chains, wires, ropes or similar type barriers are not permitted on any Surface Parking Lot in the Downtown Overlay District - even inside the black metal fences unless they are to protect electrical boxes/ conduit, drains, honor boxes, machines, or large investments within the lot.

Lighting fixtures located on the brick columns are encouraged, but not required.

Landscaping is encouraged but not required. Landscaping shall not be a substitute or replacement for the Fencing & Columns required above.

The Downtown Overlay Map on the following page indicates the primary and non- primary streets and the compliance timetable (See Section 743.05 and 743.06). Primary streets are highlighted in the map. All other streets are considered non-primary for purposes of this Chapter.

These provisions apply to all properties within the Downtown Overlay District with the exception of the area bounded by Woodruff Avenue, Cherry Street, Spielbusch Avenue, Southard Street, 12th Street, Jackson Street and 13th Street.  
(Ord. 355-19. Passed 07-23-19.)

Be amended to read as follows:

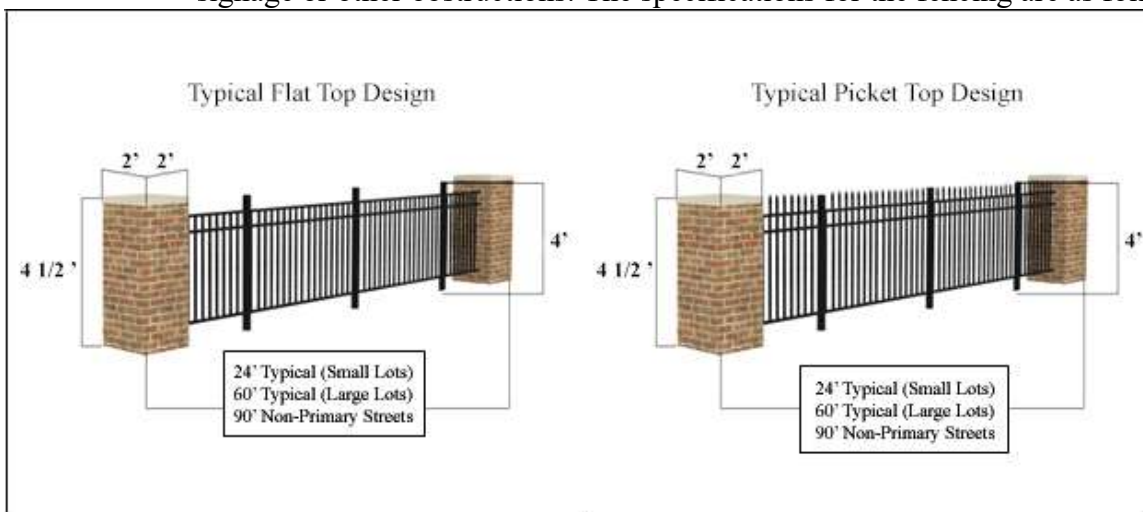
**TMC§1103.0200 | -DO, Downtown Overlay District**

**1103.0207 Special Design Standards - Surface Parking Lots**

Parking should be limited to structured facilities and on street parking. Parking structures located on pedestrian routes should accommodate streetscape related improvements such as entertainment, storefronts/retail, and/or landscaped treatments to soften the structure. Existing Surface Parking Lots, public or private, permitted by this Code shall be subject to the following standards:

**A.** Surface Parking Lots that are permitted by this Code or are created after the effective date of this Section shall comply with the standards set forth herein prior to storage or parking occurring on the Surface Parking Lot.

**B.** Surface Parking Lots in the Downtown Overlay district shall be bordered along public rights of way by black wrought iron or black heavy gauge aluminum tube fencing that is at least four feet high with brick or thin brick columns that are at least 4'6" high and at least 18" wide or greater. Brick columns shall meet the requirements for brick as defined in Sec. 1109.0502.A. Columns shall be constructed using earth tone colors. On primary streets, spacing of columns shall be at least every 24' for small lots (120' x 120' and under) and at least every 60' for large lots (with frontage of more than 120'). On non-primary streets, spacing of columns may be spaced no more than 90' apart. The Plan Director may approve greater distance spacing of columns where recommended by Toledo Downtown Parking Lot Review and Improvement Advisory Committee. Measurement as to placement of columns, new entrances, and exits will take into consideration turning radius needed for motor vehicles as well as two-way traffic. Fencing may connect to adjacent buildings rather than installing a pillar in instances where such connections are practical and do not detract from the purposes of this Chapter. The fences shall be clear of signage or other obstructions. The specifications for the fencing are as follows:



1. Sections: Standard sections are 6' wide.

2. Pickets: Commercial ¾” square x .055
  3. Spacing between Pickets: Commercial standard 3-5/8” and optional 1-1/2”
  4. Fasteners: Stainless steel
  5. Horizontal Rails: Commercial 1-1/4” x 1-3/8” with .088" side walls and .065" top walls
  6. Posts: Commercial 2" square x .080, or .125; 2-1/2” square x .100; and 3” square x.125
  7. Alloy: High-strength Ultrum™ 6005-T5 alloy, min. strength 35,000 PSI Finish: Powercoat. When applied, Powercoat is twice the thickness and hardness of a typical acrylic, baked enamel or “wet paint” finish, making it more durable, fade-resistant and scratch-resistant than other coatings.
  8. Color: Black
- C. Parking spaces in Surface Parking Lots in the Downtown Overlay District that abut fencing required by this Section shall have wheel stops of 4” high or a continuous 4 inch concrete inside the fence placed as to prevent cars from hitting or damaging the fence or columns.
- D. Guard rails, bollards, chains, wires, ropes or similar type barriers are not permitted on any Surface Parking Lot in the Downtown Overlay District - even inside the black metal fences unless they are to protect electrical boxes/ conduit, drains, honor boxes, machines, or large investments within the lot.
- E. Lighting fixtures located on the brick columns are encouraged, but not required.
- F. Landscaping is encouraged but not required. Landscaping shall not be a substitute or replacement for the Fencing & Columns required above.
- G. The Downtown Overlay Map on the following page indicates the primary and non- primary streets and the compliance timetable (See Section 743.05 and 743.06). Primary streets are highlighted in the map. All other streets are considered non-primary for purposes of this Chapter.
- H. These provisions apply to all properties within the Downtown Overlay District with the exception of the area bounded by Woodruff Avenue, Cherry Street, Spielbusch Avenue, Southard Street, 12th Street, Jackson Street and 13th Street.

SECTION 2. That Toledo Municipal Code, Part Eleven, Subsection 1103.1519 which reads as follows:

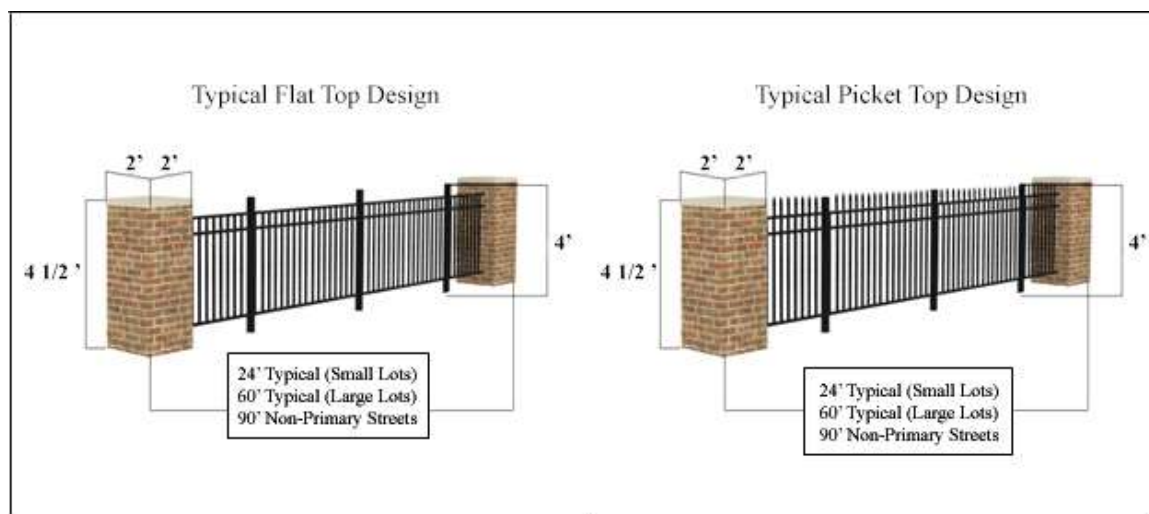
**TMC§1103.1500 | Warehouse UNO District**

**1103.1519 Design Standards - Surface Parking Lots**

Parking should be limited to structured facilities and on street parking. Parking structures located on pedestrian routes should accommodate streetscape related improvements such as, entertainment, storefronts/retail and/or landscaped treatments to soften the structure. Existing Surface Parking Lots, public or private, permitted by the City of Toledo shall be subject to the following standards:

Surface Parking Lots shall be bordered along public rights of way by black wrought iron or black heavy gauge aluminum tube fencing that is at least four feet high with brick or thin brick columns that are at least 4’6" high and at least 18” wide or greater. Brick columns, or columns durably constructed with thin brick veneer are acceptable. Minimum acceptable product is a lightweight, high-density polyurethane material that is all weather and has the appearance of real

brick that are equal to or better than the Carlton Brick Columns of Faux Panels.com/Barron Designs Incorporated. Columns shall be constructed using earth tone colors. On primary streets, spacing of columns shall be at least every 24' for small lots (120' x 120' and under) and at least every 60' for large lots (with frontage of more than 120'). On non-primary streets, spacing of columns may be spaced no more than 90' apart. The Plan Director may approve greater distance spacing of columns where recommended by Toledo Downtown Parking Lot Review and Improvement Advisory Committee. Measurement as to placement of columns, new entrances, and exits will take into consideration turning radius needed for motor vehicles as well as two-way traffic. Fencing may connect to adjacent buildings rather than installing a pillar in instances where such connections are practical and do not detract from the site.



The fences shall be clear of signage or other obstructions. The specifications for the fencing are as follows:

Similar quality and look as Ultra Fencing & Railing's UAF-200 Flat Top or Picket Top Commercial Series or Commercial Series Premium:

1. Sections: Standard sections are 6' wide.
2. Pickets: Commercial 3/4" square x .055
3. Spacing between Pickets: Commercial standard 3-5/8" and optional 1-1/2"
4. Fasteners: Stainless steel
5. Horizontal Rails: Commercial 1-1/4" x 1-3/8" with .088" side walls and .065" top walls
6. Posts: Commercial 2" square x .080, or .125; 2-1/2" square x .100; and 3" square x .125
7. Alloy: High-strength Ultrum™ 6005-T5 alloy, min. strength 35,000 PSI Finish: Powercoat. When applied, Powercoat is twice the thickness and hardness of a typical acrylic, baked enamel or "wet paint" finish, making it more durable, fade-resistant and scratch-resistant than other coatings.
8. Color: Black

Parking spaces in Surface Parking Lots that abut fencing shall have wheel stops of 4" high or a continuous 4 inch concrete inside the fence placed as to prevent cars from hitting or damaging

the fence or columns.

Guard rails, bollards, chains, wires, ropes or similar type barriers are not permitted on any Surface Parking Lot in the Downtown Overlay District - even inside the black metal fences unless they are to protect electrical boxes/conduit, drains, honor boxes, machines, or large investments within the lot.

Lighting fixtures located on the brick columns are encouraged, but not required.

Landscaping is encouraged but not required. Landscaping shall not be a substitute or replacement for the Fencing & Columns required above.

(Ord. 84-20. Passed 2-25-20.)

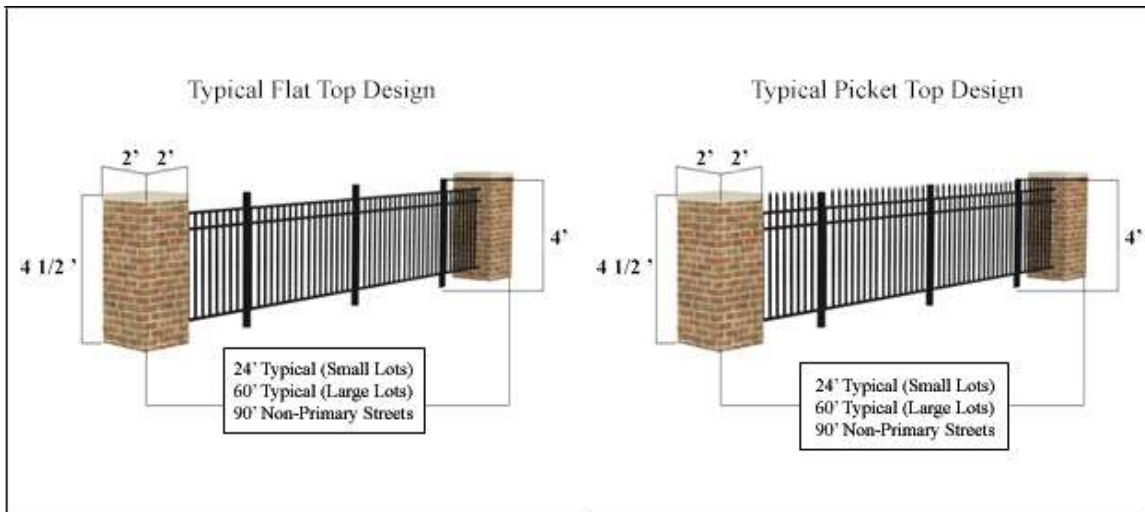
Be amended to read as follows:

### **TMC§1103.1500 | Warehouse UNO District**

#### **1103.1519 Design Standards - Surface Parking Lots**

Parking should be limited to structured facilities and on street parking. Parking structures located on pedestrian routes should accommodate streetscape related improvements such as, entertainment, storefronts/retail and/or landscaped treatments to soften the structure. Existing Surface Parking Lots, public or private, permitted by the City of Toledo shall be subject to the following standards:

Surface Parking Lots shall be bordered along public rights of way by black wrought iron or black heavy gauge aluminum tube fencing that is at least four feet high with brick or thin brick columns that are at least 4'6" high and at least 18" wide or greater. Brick columns shall meet the requirements for brick as defined in Sec. 1109.0502.A. Columns shall be constructed using earth tone colors. On primary streets, spacing of columns shall be at least every 24' for small lots (120' x 120' and under) and at least every 60' for large lots (with frontage of more than 120'). On non-primary streets, spacing of columns may be spaced no more than 90' apart. The Plan Director may approve greater distance spacing of columns where recommended by Toledo Downtown Parking Lot Review and Improvement Advisory Committee. Measurement as to placement of columns, new entrances, and exits will take into consideration turning radius needed for motor vehicles as well as two-way traffic. Fencing may connect to adjacent buildings rather than installing a pillar in instances where such connections are practical and do not detract from the site.



The fences shall be clear of signage or other obstructions. The specifications for the fencing are as follows:

9. Sections: Standard sections are 6' wide.
10. Pickets: Commercial 3/4" square x .055
11. Spacing between Pickets: Commercial standard 3-5/8" and optional 1-1/2"
12. Fasteners: Stainless steel
13. Horizontal Rails: Commercial 1-1/4" x 1-3/8" with .088" side walls and .065" top walls
14. Posts: Commercial 2" square x .080, or .125; 2-1/2" square x .100; and 3" square x .125
15. Alloy: High-strength Ultrum™ 6005-T5 alloy, min. strength 35,000 PSI Finish: Powercoat. When applied, Powercoat is twice the thickness and hardness of a typical acrylic, baked enamel or "wet paint" finish, making it more durable, fade-resistant and scratch-resistant than other coatings.
16. Color: Black

Parking spaces in Surface Parking Lots that abut fencing shall have wheel stops of 4" high or a continuous 4 inch concrete inside the fence placed as to prevent cars from hitting or damaging the fence or columns.

Guard rails, bollards, chains, wires, ropes or similar type barriers are not permitted on any Surface Parking Lot in the Downtown Overlay District - even inside the black metal fences unless they are to protect electrical boxes/conduit, drains, honor boxes, machines, or large investments within the lot.

Lighting fixtures located on the brick columns are encouraged, but not required.

Landscaping is encouraged but not required. Landscaping shall not be a substitute or replacement for the Fencing & Columns required above.

SECTION 3. 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