



Legislation Text

File #: O-122-21, **Version:** 1

Zoning & Planning Committee

Amending Toledo Municipal Code (TMC), Part Eleven, Subsection 1108.0404 (B), Walls Fences and Berms; and declaring an emergency.

SUMMARY & BACKGROUND:

This request is for the review of Toledo Municipal Code Section 1105.0304 which pertains to the type of building materials with which to construct fencing within a residential zoning district. Currently, materials used to construct fencing must be durable and constructed of wood, decorative rigid vinyl (polyvinyl chloride), metal, or wrought iron. Fence posts must be structurally stable. The finished side of the fence must face the adjacent property, street, or place.

There have been recent incidents of fence installations involving materials that technically meet this definition, but were not manufactured as a fence material (for example, metal slats). Alternative materials are acceptable in commercial and industrial zoning districts, but they lead to unsightly conditions in residential neighborhoods.

In order to encourage neighborhoods to preserve safe environments for families and pets and discourage blight, staff recommends an amendment to TMC 1108.0404 (B) requiring fencing materials to not be constructed of used or discarded materials in a state of disrepair, including but not limited to: pallets, doors, tires, corrugated metal, tree trunks, or other similar items. Staff recommends the approval of the amendment to TMC 1108.0404 (B) as the text amendment clarifies the stated fencing materials of the Zoning Code.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code, Part Eleven, Subsection 1108.0404, which reads as follows:

1108.0404 Walls, Fences or Berms.

A wall, fence, or berm, whether or not intended to satisfy the landscape and screening requirements of this chapter, must comply with the following standards.

- A. Walls.** Any wall must be constructed to be durable, in brick, stone, or other masonry materials as approved by the Planning Director.
- B. Fences.** Any fence must be durable and constructed of wood, decorative rigid vinyl (polyvinyl chloride), metal, or wrought iron. Fence posts must be structurally stable. The finished side of the fence must face the adjacent property, street, or place. Chain link fencing must not be used to meet buffers and screening requirements. Wood fence posts must be treated lumber.
- B. Berms.** Berms must be physical barriers made of earth which block or screen the view similar to a hedge, fence, or wall. In no event must a mound have a slope of greater than 3:1. Topsoil must

be placed over all berms at a depth of 4 inches to facilitate vegetation growth on the mound. All mounds must be stabilized to prevent erosion immediately after its construction and must be landscaped within the next planting season in accordance with the landscaping requirements in this chapter.

Is hereby repealed.

SECTION 2. That Toledo Municipal Code, Part Eleven, Subsection 1108.0404 Walls, Fences or Berms be amended to read as follows:

1108.0404 Walls, Fences or Berms.

A wall, fence, or berm, whether or not intended to satisfy the landscape and screening requirements of this chapter, must comply with the following standards.

A. Walls. Any wall must be constructed to be durable, in brick, stone, or other masonry materials as approved by the Planning Director.

B. Fences. No fence shall be constructed of used or discarded materials in a state of disrepair, including but not limited to: pallets, doors, tires, corrugated metal, tree trunks, or other similar items. Materials not specifically manufactured for fencing shall not be used for, or in the construction of, a fence within residential zoning district. Fence posts must be structurally stable. The finished side of the fence must face the adjacent property, street, or place. Chain link fencing must not be used to meet buffers and screening requirements. Wood fence posts must be treated lumber.

C. Berms. Berms must be physical barriers made of earth which block or screen the view similar to a hedge, fence, or wall. In no event must a mound have a slope of greater than 3:1. Topsoil must be placed over all berms at a depth of 4 inches to facilitate vegetation growth on the mound. All mounds must be stabilized to prevent erosion immediately after its construction and must be landscaped within the next planting season in accordance with the landscaping requirements in this chapter.

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