

**AN ORDINANCE TO ADD STANDARDS AND REQUIREMENTS FOR PORTABLE STORAGE UNITS TO
THE ZONING ORDINANCE OF THE TOWN OF SHERMAN CODE**

WHEREAS, portable storage units such as shipping containers, portable on demand storage (PODS), store and move containers (SAMS), and semi-trailers are being used more frequently as storage options by property owners; and

WHEREAS, such units have been known to be placed too close to property lines, affect the natural flow of stormwater, block sight lines for traffic, potentially become a nuisance due to appearance, among other issues; and

WHEREAS, to promote the health, safety, aesthetics, and general welfare of the Town, the Plan Commission has recommended certain additions to the Zoning Ordinance as detailed in Exhibit "B," attached to and made a part of this ordinance.

NOW, THEREFORE, the Town Board of the Town of Sherman does amend its existing Zoning Ordinance to make the additions referenced above.

Effective Date. The herein additions to the Ordinance shall take effect immediately upon adoption and posting as provided by law.

Adopted this 7th day of December, 2021.

The Town of Sherman Board of Supervisors

William Goehring, Chairperson

Patricia Horne, Supervisor

James Fahney, Supervisor

Kris Klein, Supervisor

Howard C. Mitchell, Supervisor

CERTIFICATE OF ADOPTION

This is to certify that the foregoing Ordinance was duly adopted by the Town Board of the Town of Sherman on the ____ day of December, 2021.

Rhonda Klatt, Clerk/Treasurer

EXHIBIT “B”

(Isolated additions to Ordinance highlighted in gray)

SECTION 2.03 – BUILDING AND OTHER PERMITS

- A. **Permit Required:** No use or structure or any part thereof shall be erected or ground broken for the same, nor shall any person, construct, alter, or enlarge any use or structure in the Town of Sherman without the owner or his/her authorized agent first obtaining any necessary permits required by this ordinance from the Building Inspector.

CHAPTER 3.0 ZONING DISTRICTS

Add “Portable storage units” to A-1, A-2, A-3, B-1, M-1, M-2, M-3, M-4, P-1, and P-2 as a Permitted Use

[Note: Portable storage units may be allowed in C-1 as a Conditional Use under “All structures related to the Permitted Uses in subsection B.” (This new wording was added to the Zoning Ordinance as part of the Solar Energy Systems amendment.)]

CHAPTER 15.0 DEFINITIONS

Hazardous Materials – Any materials, products, substances, etc. that are capable of posing a significant risk to health, safety, property, or the environment when transported, used, or stored.

Portable Storage Units – Land uses that include units such as shipping containers; semi-trailers and similar large transport vehicles not in road operable condition; portable on demand storage (PODS) and store and move (SAM) containers.

Shipping Container – A container originally designed or used to store materials or merchandise during shipping or hauling upon ships, rail, or other types of transportation and typically eight (8) feet wide by eight (8) feet, six (6) inches high by either twenty (20) feet or forty (40) feet in length.

CHAPTER 11.0 PORTABLE STORAGE UNITS

SECTION 11.01 – PURPOSE

There are hereby established standards for portable storage units that will provide property owners and residents with additional options for temporary and on-site storage of materials while considering public safety and valuing the aesthetic preferences of the Town.

SECTION 11.02 – PORTABLE STORAGE UNITS ALLOWED WITHOUT A ZONING PERMIT

A. Disaster Relief Efforts

Portable storage units are allowed without a Zoning Permit in any district when brought to a site for disaster relief efforts or similar emergency situations under the oversight of a government agency or non-profit relief organization, subject to the following:

1. Such units must meet all rear and side yard setback requirements for the district in which they are located. Any unit located in the street/front yard must be set back at least 15 feet from the nearest road pavement edge.
2. Any units shall be removed within 60 days of the conclusion of the relief effort or emergency situation.

B. Construction Projects

Portable storage units are allowed without a Zoning Permit in any district when brought to a site in support of a construction, excavation, or similarly permitted project, subject to the following:

1. Such units must meet all rear and side yard setback requirements for the district in which they are located. Any unit located in the street/front yard must be set back at least 15 feet from the nearest road pavement edge.
2. No portable storage unit shall be used for human habitation.
3. Any units shall be removed within 60 days of the conclusion of the project.

C. Relocation Projects

Portable storage units are allowed without a Zoning Permit in any district when brought to a site while all or part of a household or business is relocating, subject to the following:

1. Such units must meet all rear and side yard setback requirements for the district in which they are located. Any unit located in the street/front yard must be set back at least 15 feet from the nearest road pavement edge.
2. No portable storage unit shall be used for human habitation.
3. Such units are limited to 30 days total in a calendar year.

SECTION 11.03 – PORTABLE STORAGE UNITS REQUIRING A ZONING PERMIT

- A. Portable storage units are not allowed in the R-1, R-2, R-3, R-4, or A-1-PR districts, unless such a unit qualifies under Section 11.02.

- B. Subject to the requirements of this subsection, as well as any applicable district requirements, portable storage units are allowed in the A-1, A-2, A-3, B-1, C-1, M-1, M-2, M-3, M-4, P-1, P-2, and R-R districts with the issuance of a Town of Sherman Zoning Permit. No Zoning Permit is required if such a unit qualifies under Section 11.02.
1. Such units shall meet all building setback requirements for the district in which they are located.
 2. No part of such units shall be located in the street/front yard of a parcel, unless no principal building exists on the parcel.
 3. No portable storage unit shall be used for human habitation, unless the unit qualifies under subsection 11.02 A.
 4. No portable storage unit shall be used to store hazardous materials, unless such materials are integral to the principal use of the property, or unless the unit qualifies under Section 11.02.
 5. Such units shall not be stacked on each other or on any other structure or building.
 6. The condition of such units shall not become a nuisance or safety hazard.
 7. Any unit that appears to have been abandoned and receives written notice from the Town ordering its removal shall be permanently removed by the owner within 30 days of receiving said notice. An owner may challenge the determination of abandonment by appealing to the Town Board within 60 days of receiving said notice. If denied, the abandoned unit shall be removed within 30 days of the Town Board's decision. Any abandoned unit not removed within the applicable time period may be removed by the Town at the owner's expense.

SECTION 11.04 – CONDITIONAL USE PERMIT OPTION

Any person who wishes to exceed a limitation or forego a certain requirement listed in this Chapter may apply to the Town for a Conditional Use Permit. Said permit may be granted if the requirements of Chapter 5.0 are met and the applicant agrees to actions that are adequate to off-set any negative repercussions of exceeding a limitation or foregoing a requirement.

SECTION 11.05 – EXISTING PORTABLE STORAGE UNITS

A portable storage unit lawfully existing at the time of the adoption or amendment of this ordinance may be continued even if such a unit does not conform to the provisions of this chapter. However, it shall be deemed a nonconforming use or structure, and the provisions of Chapter 6.0 shall apply.