

Report to the Manitowoc Plan Commission

Text in red is an update from the July meeting.

Meeting Date: July 28, 2021, August 25, 2021

Report: The Building Inspection, City Attorney and Community Development departments have initiated the creation of a new ordinance section addressing the increase in the use of Portable Storage Units on properties. The current code does not address these units at all. The proposed ordinance has been modeled after other Wisconsin cities.

The new ordinance prohibits long term use of the portable storage units in zoning districts which allow mainly residential uses, short term use of a storage unit is allowed, for example if someone is moving or remodeling their home and need to temporarily store items in dry, secure location the portable storage unit can be used.

Permanent use will be allowed in the commercial and business districts but limited to 6 units at a time and permanent use is allowed in industrial districts with limit on the number of units.

Amendments to the Chapter 15 Zoning Code require a public hearing at the Common Council meeting, the public hearing will be scheduled for August 16th.

Based on input from the plan commission and further staff review a couple of edits were made to the ordinance. Dumpsters were clarified removing them from the definition of portable storage units; the permit process for dumpsters will remain unchanged. The site screening between residential districts and portable storage units was increased to 6 feet which is the typical height of a fence in a residential district.

Fred Radandt, from Manitowoc Disposal and Recycling was contacted and he didn't have any issues or concerns with the proposed ordinance.

Recommendation: Approve Section 15.370(32) of Municipal Code creating a section of the Zoning Code Regulating Portable Storage Units.

ORDINANCE

An Ordinance to create Section 15.370(32) of the Manitowoc Municipal Code regulating Portable Storage Units.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 15.370(32) is created to read as follows:

“15.370 Supplementary Regulations – Use

...

(32) Portable Storage Units.

- OR DUMPSTER*
- (a) **Definitions.** As used herein, the term “**portable storage unit**” shall mean any container, storage unit, shed-like container or other portable structure, other than an accessory building, ~~or shed~~ complying with all building codes and land use requirements, that can or is used for the ~~disposal or~~ storage of personal property of any kind and which is located for such purposes outside an enclosed building. “**Portable storage unit**” shall include, without limitation, shipping containers, cargo containers, portable on demand storage (PODS), store and move (SAM) containers, busses, heavy duty trucks and their bodies, semi-trailers, freight containers, mobile homes, and similar items, which are no longer in use for their designed purpose and/or are unlicensed and considered un-roadworthy.
- (b) **Permit Required.** Except upon Industrially- zoned properties, no person shall place or cause to be placed, any portable storage unit on any property except upon permit issued by the Building Inspection Department or on any right-of-way except upon a permit issued by the Department of Infrastructure. Permits issued for the temporary placement of a Portable Storage Unit on a residentially zoned property shall expire after sixty days. One sixty-day extension may be authorized within a 12-month period.
- (c) **Zone-Based Use Restrictions for Portable Storage Units.**
- a. **P-1, R-1, R-2, R-3, R-4, R-5, R-6, R-7, B-1 and B-2 Districts.** No more than one portable storage unit may be on any property at any given time. Such unit shall not exceed 10’ x 10’ x 20’ in size and shall be placed in compliance with the vision clearance setback requirements set forth in Section 15.390(7).
Properties shall not be encumbered by a Portable Storage Unit for more than 120 days in a 12-month period unless such storage unit is associated with construction at a site where a building permit has been issued. In such cases, the Portable Storage Unit shall be removed from the site within 14 days of the end of construction.
 - b. **B-3, B-4, C-1 Districts.** All restrictions set forth in Section 15.370(32)(c)a shall apply except that properties zoned “Business” or “Commercial” are limited to six portable storage units at any time. Portable Storage Units shall be set back from property lines by a distance of at least ten feet.
 - c. **I-1, I-2 Districts.** Portable Storage Units may be placed on Industrially zoned properties subject to the following restrictions:
 - i. Shall be set back from property lines by a distance of at least ten feet and shall comply with the vision clearance setback requirements set forth in Section 15.390(7);
 - ii. If placed longer than 60 days or if placed as part of a Portable Storage Unit Rental operation:
 1. All units shall be placed on and all access drives shall be constructed of a hard, smooth surface made of asphalt, concrete or other pavement material.

2. All units shall comply with all building and fire codes applicable to accessory structures;
3. All units shall be maintained in good condition. Exterior surfaces shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.
4. If the side or rear property line adjoins a residentially-used property, such property line shall be effectively sight screened by a wall, tight fence, or evergreen hedge with a minimum height of ~~four and one half~~ ^{SIX} feet.”

Section 2. The forfeitures for violations of MMC § 15.370 shall be as follows:

1 st offense:	\$250 + costs
2 nd offense:	\$400 + costs
3 rd and subsequent offense:	\$600 + costs

Section 3. This ordinance shall take effect the day after publication.

INTRODUCED _____ ADOPTED _____

APPROVED _____

Justin M. Nickels, Mayor

Fiscal Impact:	Minimal. Enforcement contemplated within current job responsibilities of which position costs are factored into existing 2021 budget.
Funding Source:	Respective 2021 budgeted salaries
Finance Director Approval:	SMA
Approved as to form:	EMM

This resolution was drafted by Elizabeth Majerus, Assistant City Attorney.