

**ORDINANCE NO. 01132025 D**

**AN ORDINANCE AMENDING TOWN ORDINANCE NUMBER 07132020C  
(ATTACHED HERETO) TO REMOVE AND REPLACE SECTIONS 822.1, 822.2, 822.3,  
822.4 & 822.5 OF THE TOWN ZONING ORDINANCE RELATING TO TEMPORARY  
STRUCTURES**

**WHEREAS**, the Town Council has determined that it is in the interest of the Town to amend Town Ordinance Number 07132020C to remove and replace Sections 822.1, 822.2, 822.3, 822.4, and 822.5 of the Zoning Ordinance pertaining to Temporary Structures located within Town Limits,

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF THE TOWN OF LYMAN IN COUNCIL ASSEMBLED**, that the following aforementioned Sections of the Zoning Ordinance be removed and replaced with the following:

**822.1 Purpose and Applicability**

**A. Purpose.**

- a. This section allows specified temporary structures of a limited duration to be used, provided that such structures do not negatively affect adjacent properties and are discontinued upon the expiration of a prescribed time period. This ordinance will also ensure the preservation and protection of visual quality and character of neighborhoods as well as promote safety and health among the residents of the Town of Lyman.

**B. Applicability.**

- a. The standards in this section are intended to allow for short-term placement of structures, many of which would not be allowed on a permanent basis. The activities listed in this section require the issuance of a temporary structure permit by the Town of Lyman.

**822.2 Definitions**

**A. Storage Structures**

- a. A standardized reusable steel box used for the safe, efficient, and secure storage and movement of materials and products within a global containerized intermodal freight transport system. Example: Storage container, shipping container or intermodal container shall be deemed for temporary use.

**B. Portable Moving Container**

- a. A portable on-site storage unit is any container designed for the storage of personal property and for transport by commercial vehicle that is typically rented to owners or occupants of property for their temporary use. A portable on-site storage unit is not a

building or structure and shall not be used as an accessory structure on a permanent basis in a residential district.

- C. Temporary Storage Unit
  - a. A temporary, self-contained storage unit, which is intended to be picked up and moved to various locations on demand.
- D. Temporary Construction Trailer
  - a. A modular or portable office trailer, construction trailer, or storage trailer used to accommodate temporary offices or storage of building materials during construction projects.

### **822.3 General Standards**

All temporary uses and structures must meet the following general standards unless otherwise specified in this ordinance:

- A. **Unlisted Temporary Structures:**
  - A. The Zoning Administrator will evaluate potential temporary uses and structures that are not identified in this Ordinance on a case-by-case basis.
- B. **Temporary Structures Permit**
  - A. All temporary structures used for more than 30 days must obtain written Town of Lyman approval. All Temporary Structure permits will require a sketch plan showing all structures and their associated locations on the site.
- C. **Timeframe**
  - A. All temporary structures must be removed from the site following the completion of their allotted timeline.
- D. **Location:**
  - A. No temporary structure may be placed in a Public Street or Public Right of Way without the written approval from the public entity that owns the street or Right of Way.
  - B. If the property is developed, the temporary structure must be located so as to not interfere with the normal operations of any permanent use located on the property or to create a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, sensitive or protected resources, or parking space availability.
  - C. No temporary structure shall block fire lanes or pedestrian and vehicular access.
- E. **Temporary Signs:**
  - A. Signs associated with the temporary structure must be removed from the location after the temporary structure is removed.
- F. **Property Owner Approval**
  - A. Written permission of the property owner shall be required for any temporary structure to be granted approval.
- G. **Permanent Alterations Prohibited:**
  - A. Temporary structures do not involve the construction or alteration of any permanent building or structure to accommodate the use of a temporary structure.
- H. **Prior Conditions/Approvals on the Site**
  - A. Temporary structures shall not violate any applicable conditions of approval that apply to a site or use on the site.
- I. **No Adverse Impacts:**
  - A. The temporary structure event must not be detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare.
- J. **Compliance with Other Laws and Ordinances:**

- A. All temporary structures are subject to the requirements in the Lyman Code of Ordinances as well as state and federal laws and regulations.
- B. All inspections and permits required by applicable building codes must be approved by the appropriate person(s) and/or agencies prior to the use of the structure.

#### **822.4 Specific Standards- Temporary Structures**

##### **A. Construction Offices and Other Construction-Related Structures:**

- a. Construction Offices and Other Construction-Related Structures can consist of the following:
  - i. Temporary construction offices; construction storage buildings, trailers, and similar; outdoor storage areas; construction material recycling facilities; and employee parking areas.
- b. May occur on the same site as the construction activity without obtaining a temporary use permit. Such structures/uses shall be removed within 30 days after issuance of a final certificate of occupancy.
- c. Because of site constraints, construction-related activities may need to occur on a site that is adjacent to or nearby the construction site. In such cases, a temporary use permit is required. Such structures/uses shall be removed, and the site restored to its previous condition within 30 days after issuance of a final certificate.

##### **B. Real Estate Sales Office/Model Home:**

- a. Real estate sales office/model homes are allowed incidental to new development, provided that the following standards are met:
  - i. General requirements for temporary Real Estate Sales Offices/Model Homes
    - 1. The temporary structure is either a modular building unit or a building constructed to the standards of the state applicable building, electrical, plumbing, and mechanical codes. These temporary structures can include trailers used as Sales offices.
    - 2. The use of the office shall be for the initial sale or lease of properties or buildings within the residential development being sold or leased.
    - 3. No sales office or model homes shall be used for any other retail purpose.
    - 4. All Real Estate Sales Office/Model Homes are required to have a temporary structure permit issued by the Zoning Administrator in order to ensure compliance with this ordinance.
  - ii. **Parking:**
    - 1. Handicap parking must be provided according to Building Code standards.
    - 2. Additional parking spaces must be provided. They can be gravel or may be located in designated street spaces or on an adjacent site.
  - iii. **Duration and termination:**
    - 1. Sales offices may be established for pre-sales or leasing prior to construction of the project.

2. The temporary residential development sales office of model homes shall be converted into a dwelling or removed within 30 days after all units are sold or leased.

**iv. Location:**

1. Structures related to Real Estate Sales Office/Model Homes may be located anywhere on site except within existing vegetated buffers or other areas designated on the site plan to remain free from land-disturbance.

**C. Temporary Storage Containers:**

- a. Temporary Storage Containers shall include structures such as a shipping containers used for storage collection or moving items, portable on-demand storage container (PODS), trailer sections of tractor-trailers, donation collection trailers, and similar temporary storage structures are allowed within the Town of Lyman provided that the following standards are met:
  - i. The unit cannot be connected to a utility or used as living quarters.
  - ii. Storage container locations must not block fire lanes or other circulation on the site.
  - iii. Donation collection trailers may not be placed on undeveloped parcels.
  - iv. Storage structures shall not store materials considered to be hazardous according to the most current edition of the International Fire Code (IFC).
- b. General requirements
  - i. Temporary Storage Containers are not to be used as accessory storage buildings.
  - ii. Temporary Storage Containers cannot be used for nonresidential purposes or storage, or in conjunction with a home occupation.
  - iii. The placement of temporary storage containers on residentially zoned properties or on properties where the primary uses are residential shall be allowed for the limited purposes of loading and unloading household contents, subject to these additional requirements:
    1. A temporary portable storage unit shall not be allowed for a period of time exceeding ninety (90) days in any consecutive twelve (12) month period.
    2. If the use of the container is pursuant to an active Building Permit, it shall be removed from the premises within thirty (30) working days after the issuance of a Certificate of Occupancy and completion of any permitted work on site.
- c. Residential districts
  - i. Temporary Storage Containers are not to be used as accessory storage buildings.
  - ii. Temporary Storage Containers cannot be used for nonresidential purposes or storage, or in conjunction with a home occupation.
  - iii. The placement of temporary storage containers on residentially zoned properties or on properties where the primary uses are residential shall be allowed for the limited purposes of loading and unloading household contents, subject to these additional requirements:
    1. A temporary portable storage unit shall not be allowed for a period of time exceeding ninety (90) days in any consecutive twelve (12) month period.
    2. If the use of the container is pursuant to an active Building Permit, it shall be removed from the premises within thirty (30) working days after the issuance of a Certificate of Occupancy and completion of any permitted work on site.
- d. Commercial Districts
  - i. Only temporary storage structures and construction trailers are permitted in the Commercial and Industrial Districts during the remodeling or construction on the premises.
  - ii. They shall be removed within thirty (30) working days after the issuance of a Certificate of Occupancy or Final Inspection.

**D. Temporary Dumpsters:**

- a. A temporary dumpster is for the sole purpose of collecting and removing refuse generated from the same property of the dumpster location.
- b. If the use of the container is pursuant to an active Building Permit, it shall be removed from the premises within thirty (30) working days after the issuance of a Certificate of Occupancy and completion of any permitted work on site.
  - i. If the use of the container is NOT pursuant to an active Building Permit, it shall be required to obtain a temporary structure permit, if it is located on the lot for more than 30 days.
- c. If the temporary dumpster is placed within the front setback on a corner lot, it may not block the sight triangle, and it must be located on an impervious surface.

**822.5 Penalties for Violation**

- A. The Town of Lyman can deny approval for temporary structures when the business or organization's owner, manager, or employees have been found to have violated temporary structure regulations in the past, or other Town of Lyman ordinances.

This Ordinance shall take effect upon second reading approval of the Town Council on the 10<sup>th</sup> day of February 2025.

  
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**Glenn Greer, II, Mayor**

ATTEST:

  
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**Candace Brock, Town Clerk**

First Reading: 1/13/2025

Second Reading: 2/10/2025

Recommendation for approval by the Planning Commission:

  
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Chairperson

Date: December 17<sup>th</sup>, 2024