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Article I
Zoning Code Enactment and Applicability

Chapter 17.04 Purpose and Effect of Zoning Code

17.04.010	Title
17.04.020	Purposes of Zoning Code
17.04.030	Agreements
17.04.040	Authority, Relationship to General Plan
17.04.050	Applicability of the Zoning Code
17.04.060	Responsibility for Administration
17.04.070	Partial Invalidation of Zoning Code

17.04.010 Title

This Title is and may be cited as the Town of Mammoth Lakes Zoning Code, Title 17 of the Town of Mammoth Lakes Municipal Code, hereafter referred to as "this Zoning Code."

17.04.020 Purposes of Zoning Code

This Zoning Code carries out the policies of the Mammoth Lakes General Plan by classifying and regulating the uses of land and structures within the Town of Mammoth Lakes. This title is a “permissive title” whereby any use not listed as a permitted use within the various zone classifications is deemed to be prohibited. This Zoning Code is adopted to protect and to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, and businesses in the Town. Additional purposes of this Zoning Code are to:

- A. Implement the General Plan by encouraging the uses of land as designated by the General Plan;
- B. Provide standards for the orderly growth and development of the Town;
- C. Require high quality planning and design for development, that enhances the visual character of the Town, avoids conflicts between land uses, enhances functionality and safety, and preserves the scenic qualities of the Town by maintaining adequate open space;
- D. Conserve and protect the natural resources of the Town, its natural beauty and significant environmental amenities;
- E. Encourage a range of transportation options with a strong pedestrian emphasis and emphasize connectivity, convenience, and alternatives to use of personal vehicles.
- F. Assist in reducing dependence on the automobile by fostering development that is compact in form, and pedestrian-oriented; and
- G. Create a comprehensive and stable pattern of land uses upon which to plan transportation, water supply, sewerage and other public facilities and utilities.

17.04.030 Agreements

The provisions of this Zoning Code are not intended to abrogate any easements, covenants, or other existing agreements which are more restrictive than the provisions of this Zoning Code.

17.04.040 Authority, Relationship to General Plan

- A. This Zoning Code is enacted based on the authority vested in the Town of Mammoth Lakes by the State of California, including but not limited to the State Constitution; Sections 65800 and subsequent sections of the California Government Code; the California Environmental Quality Act; Subdivision Map Act; and the Health and Safety Code.
- B. This Zoning Code is the primary tool used by the Town of Mammoth Lakes to carry out the goals, objectives, and policies of the Mammoth Lakes General Plan. The Mammoth Lakes Town Council intends that this Zoning Code be consistent with the Mammoth Lakes General Plan, and that any land use, or development approved in compliance with this Zoning Code will also be consistent with the Mammoth Lakes General Plan.

17.04.050 Applicability of the Zoning Code

This Zoning Code applies to all land uses, buildings and structures, the size of yards abutting buildings and structures, the height and bulk of buildings, the density of population, the number of dwelling units per acre, standards of performance and other provisions are declared to be in effect upon all land included within the boundaries of each and every zone established by this Code, as follows.

- A. **New land uses or structures, changes to land uses or structures.** It shall be unlawful, and a violation of this Zoning Code, for any person to establish, construct, reconstruct, alter, or replace any use of land or structure, except in compliance with the requirements of Section 17.08.020 (Requirements for Development and New Land Uses), and Chapter 17.100 (Nonconforming Uses, Structures, and Parcels).
- B. **Issuance of construction permits.** No building, grading, or other construction permit, temporary or final certificate of occupancy, or final building inspection may be issued or granted by the Department unless:
 - 1. The proposed land use and/or structure satisfy the requirements of Subsection A. above;
 - 2. The Director determines that the parcel was legally created in compliance with the Subdivision Map Act and the Town's Subdivision Ordinance, as applicable at the time the parcel was created; and
 - 3. All conditions and requirements of any applicable land use permit have been met or guaranteed by security approved by the Town.
- C. **Occupancy of a site, structure, or vehicle for dwelling purposes.** No land, structure, or vehicle shall be used for living or dwelling purposes for more than two weeks in any calendar year unless the land, structure, or vehicle is approved for occupancy for dwelling purposes in compliance with this Zoning Code.
- D. **Continuation of an existing land use.** An existing land use is lawful and not in violation of the Mammoth Lakes Municipal Code only when operated and maintained in compliance with all applicable provisions of this Zoning Code or, where applicable, Chapter 17.100 (Nonconforming Uses, Structures, and Parcels). However, the requirements of this Zoning Code do not invalidate a land use that was legally established before the effective date of this Zoning Code or any applicable amendment.

- E. **Other requirements may still apply.** Nothing in this Zoning Code eliminates the need for obtaining any other permits required by the Town, or any permit, approval or entitlement required by other provisions of the Municipal Code or the regulations of any Town department, or any County, regional, State, or Federal agency.
- F. **Conflicting permits and licenses to be void.** All permits or licenses shall be issued by the Town in compliance with the provisions of this Zoning Code. Any permit or license issued in conflict with this Zoning Code shall be void.

17.04.060 Responsibility for Administration.

This Zoning Code shall be administered by the Mammoth Lakes Town Council, Planning and Economic Development Commission, Community and Economic Development Director, and the Mammoth Lakes Community and Economic Development Department, in compliance with Chapter 17.96 (Administrative Responsibility).

17.04.070 Partial Invalidation of Zoning Code.

If any portion of this Zoning Code is for any reason held to be invalid, unconstitutional or unenforceable by a court of competent jurisdiction, these decisions shall not affect the validity of the remaining portions of this Zoning Code. The Mammoth Lakes Town Council hereby declares that this Zoning Code and each article, chapter, section, subsection, paragraph, subparagraph, sentence, clause, phrase and portion thereof would have been adopted irrespective of the fact that one or more portions of this Zoning Code may be declared invalid, unconstitutional or unenforceable.

Chapter 17.08 Development and Land Use Approval Requirements

17.08.010	Purpose of Chapter
17.08.020	Requirements for Development and New Land Uses
17.08.030	Exemptions from Land Use Permit Requirements
17.08.040	Temporary Uses
17.08.050	Additional Permits or Approvals May Be Required

17.08.010 Purpose of Chapter

This Chapter describes the general requirements of this Zoning Code for the approval of proposed development and new land uses by the Town. Land use permit requirements for specific land uses are established by Articles II (Zoning Districts and Allowable Land Uses) and III (Site Planning and General Development Standards).

17.08.020 Requirements for Development and New Land Uses

No use of land or structures shall be established, constructed, reconstructed, altered, allowed or replaced unless the use of land or structures complies with the following requirements.

- A. **Allowable use.** The land use shall be identified by Article II (Zoning Districts and Allowable Land Uses) as being allowable in the zoning district applied to the site.
- B. **Permit requirements.** Any land use permit required by this Zoning Code shall be obtained before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section 17.08.030 (Exemptions from Land Use Permit Requirements). The land use permit requirements of this Zoning Code are established by Article II (Zoning Districts and Allowable Land Uses) and Article III (Site Planning and General Development Standards).
- C. **Development standards.** The use and/or structures shall comply with all other applicable requirements of this Zoning Code, including the development standards of Article II (Zoning Districts and Allowable Land Uses), and the provisions of Article III (Site Planning and General Development Standards).
- D. **Legal parcel.** The use and/or structures shall only be established on a parcel of land which has been legally created in compliance with the Subdivision Map Act, and the Town's Subdivision Ordinance, as applicable at the time the parcel was created.
- E. **Previous approvals and agreements.** The use and/or structures shall comply with applicable provisions and requirements of any of the following permits, entitlements or agreements:
 1. **Conditions of approval.** Any conditions of approval imposed by any land use permit previously granted by the County or Town and still in effect;
 2. **Development Agreements.** Any Development Agreement approved by the Town in compliance with Chapter 17.108 (Development Agreements) and still in effect;

3. **Master Plans.** Any conditions of approval or other provisions imposed by a Master Plan previously approved by the County or Town and still in effect; and
4. **Subdivisions.** Any conditions of approval, restrictions, or other provisions imposed by a subdivision map previously approved by the County or Town and recorded in the Mono County Recorder's Office.

17.08.030 Exemptions from Land Use Permit Requirements

The land use permit requirements of this Zoning Code do not apply to the activities, uses of land and/or structures identified by this section, which are allowed in all zoning districts subject to compliance with this section.

- A. **General requirements for exemption.** The activities, uses of land and/or structures identified by following Subsection B. are exempt from the land use permit requirements of this Zoning Code only when:
 1. The activity or use is established and operated in compliance with all applicable development standards of Articles II (Zoning Districts and Allowable Land Uses) and III (Site Planning and General Development Standards); and
 2. Any permit or approval required by regulations other than this Zoning Code is obtained in compliance with Section 17.08.050 (Additional Permits or Approvals May Be Required).
- B. **Exempt activities and uses.** The following activities, uses of land and/or structures are exempt from the land use permit requirements of this Zoning Code when in compliance with Subsection A. above.
 1. **Governmental activities.** Activities of the State or an agency of the State, or the Federal Government on land owned or leased by a governmental agency.
 2. **Interior remodeling.** Interior alterations that do not increase the number of rooms or the gross floor area (i.e. habitable space) within the structure, change the permitted use of the structure, or otherwise intensify the use.
 3. **Non-residential repairs and maintenance.** Ordinary repairs and maintenance for uses and structures other than residential uses and structures, if:
 - a. The work does not result in any change in the approved land use of the site or structure, or the addition to, enlargement or expansion of the structure;
 - b. Any exterior repairs employ the same or similar materials and design as the original;
 - c. Any exterior repairs comply with any previous design approval; and
 - d. All repairs and maintenance comply with applicable provisions of Chapter 17.100 (Nonconforming Uses, Structures, and Parcels).

4. ***Residential activities, uses and structures.***

- a. *Decks, paths and driveways.* Residential decks, platforms, on-site paths, and driveways that are not required to have a Building Permit or Grading Permit by Title 15 (Building and Construction) of the Municipal Code, provided that they are not over 18 inches above natural grade and not over any basement or story below. Driveways are required to obtain appropriate permits from the Public Works Department (Driveway Modification Permit and/or Encroachment Permit).
- b. *Fences and walls.* Residential fences and walls are exempt from land use permit requirements as provided by Section 17.36.040 (Fences and Walls).
- c. *Multi-family residential repairs and maintenance.* Ordinary repairs and maintenance for residential uses and structures other than single-family uses and structures, if:
 - i. The work does not result in any change in the approved land use of the site or structure, or the addition to, enlargement or expansion of the structure;
 - ii. Any exterior repairs employ the same or similar materials and design as the original;
 - iii. Any exterior repairs comply with any previous design approval; and
 - iv. All repairs and maintenance comply with applicable provisions of Chapter 17.100 (Nonconforming Uses, Structures, and Parcels).
- d. *Single-family residential repairs and maintenance.* Ordinary repairs and maintenance for single family residential uses and structures, if:
 - i. The work does not result in any change in the approved land use of the site or structure;
 - ii. The work does not result in an addition, enlargement or expansion of the structure; and
 - iii. All repairs and maintenance comply with applicable provisions of Chapter 17.100 (Nonconforming Uses, Structures, and Parcels).
- e. *Small residential accessory structures.* Portable storage sheds and other small structures in residential zoning districts that are:
 - i. Exempt from building and grading permit requirements in compliance with Title 15 (Building and Construction) of the Municipal Code;
 - ii. Less than 120 square feet; and
 - iii. In compliance with the setback requirements of Article II (Zoning Districts and Allowable Land Uses), and with any applicable setback

requirements in Section 17.52.040 (Accessory Uses and Structures – Residential).

- f. *Spas, hot tubs, and fish ponds.* Portable spas, hot tubs, and fish ponds, etc., that do not exceed: 120 square feet in total area, including related equipment; contain more than 2,000 gallons of water; and exceed three feet in depth. These facilities shall comply with the side and rear setback requirements established by Article II (Zoning Districts and Allowable Land Uses) for the applicable zoning district, or Section 17.52.040 (Accessory Uses and Structures – Residential), where applicable.
5. *Utility infrastructure.* The erection, construction, alteration, or maintenance by a public utility or public agency of underground or overhead utilities (i.e., water, gas, electric, telecommunication, supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc.), but not including structures, electrical substations which receive electricity at 100,000 volts or greater, and electrical distribution lines of 100,000 volts or greater, shall be permitted in any zoning district. Satellite, cellular telephone, wireless communications, and other antennas are subject to Section 17.52.280 (Telecommunications Facilities).
6. *Water facilities.* The location or construction of facilities for the production, generation, storage, or transmission of water, in compliance with Government Code Section 53091.

17.08.040 Temporary Uses

Requirements for establishing a temporary use (e.g., construction yards, seasonal sales lots, special events, temporary office trailers, etc.) are in Chapter 17.56 (Temporary Uses and Events) and Chapter 17.52 (Standards for Specific Land Uses and Activities).

17.08.050 Additional Permits or Approvals May be Required

An allowed land use that is exempt from a land use permit, or has been granted a land use permit, may still be required to obtain other issued permits before the use is constructed, or otherwise established and put into operation. Nothing in this chapter shall eliminate the need to obtain any permits or approvals required by: Other provisions of the Municipal Code, including: Building Permits, Grading Permits, or other construction permits if they are required by Title 15; any Encroachment Permit required by Title 12; or subdivision approval if required by the Town's Subdivision Ordinance; Mono County, any special district, or any regional, State or Federal agency. The applicant shall obtain all necessary permits before starting work or establishing new uses.

Chapter 17.12 Interpretation of Code Provisions

- 17.12.010 Purpose of Chapter
- 17.12.020 Rules of Interpretation
- 17.12.030 Procedures for Interpretations

17.12.010 Purpose of Chapter

This Chapter provides rules for resolving questions about the meaning or applicability of any part of this Zoning Code. The provisions of this chapter are intended to ensure the consistent interpretation and application of the provisions of this Zoning Code and the General Plan.

17.12.020 Rules of Interpretation

- A. **Authority.** The Community and Economic Development Director is assigned the responsibility and authority to interpret the requirements of this Zoning Code.
- B. **Language.**
 - 1. **Abbreviated titles and phrases.** For the purpose of brevity, the following phrases, personnel and document titles are shortened hereafter in this Zoning Code. The Town of Mammoth Lakes is referred to hereafter as the "Town." The Town of Mammoth Lakes Zoning Code is referred to hereafter as "this Zoning Code." The Community and Economic Development Director is referred to hereafter as "Director," the Town Council is referred to as the "Council," the Planning and Economic Development Commission is referred to as the "Commission." "Buildings and structures" are referred to hereafter as "Structures."
 - 2. **Terminology.** When used in this Zoning Code, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to...." When used to describe the applicability of two or more requirements of this Zoning Code, the word "or" shall mean that compliance with any of the series is sufficient, and the words "and," and "and/or" shall mean that compliance with all of the series is required.
 - 3. **Number of days.** Whenever a number of days is specified in this Zoning Code, or in any permit, condition of approval, or notice issued or given as provided in this Zoning Code, the number of days shall be construed as calendar days. Time limits will extend to the following working day where the last of the specified number of days falls on a weekend or holiday.
 - 4. **State law requirements.** Where this Zoning Code references applicable provisions of State law (for example, the California Government Code, Subdivision Map Act, Public Resources Code, etc.), the reference shall be construed to be to the applicable State law provisions as they may be amended from time to time.

- C. **Zoning Map boundaries.** If there is uncertainty about the location of any zoning district boundary shown on the official Zoning Map, the following rules are to be used in resolving the uncertainty. (See also 17.16.040, Zoning District Regulations).
1. Where district boundaries approximately follow lot or street lines, the lot lines and street centerline shall be construed as the district boundaries.
 2. If a district boundary divides a parcel and the boundary line location is not specified by distances printed on the zoning map, the location of the boundary will be determined by using the scale appearing on the zoning map.
 3. Where a public street is officially vacated or abandoned, the property that was formerly in the street will be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street.
- D. **Allowable uses of land.** If a proposed use of land is not specifically listed in Article II, the use shall not be allowed, except as follows.
1. ***Allowed by other section.*** The proposed use of land is specifically allowed by another section of this Zoning Code, e.g. home occupations allowed as an accessory use in all residential zoning districts by Chapter 17.52 (Standards for Specific Land Uses and Activities).
 2. ***Similar uses allowed.***
 - a. ***Similar use determination.*** The Director may determine that a proposed use not listed in Article II is allowable for the purpose of accepting a land use permit application for processing, and the review authority may approve an application for an unlisted use, if all of the following findings are made:
 - i. The characteristics of, and activities associated with, the proposed use are similar to those of one or more of the uses listed in the zoning district as allowable, and will not involve a higher level of activity or population density than the uses listed in the district;
 - ii. The proposed use will meet the purpose/intent of the zoning district that is applied to the site; and
 - iii. The proposed use will be consistent with the goals, objectives and policies of the General Plan and any Specific Plan.
 - b. ***Applicable standards and permit requirements.*** When the review authority determines that a proposed, but unlisted, use is similar to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what other standards and requirements of this Zoning Code apply.
 - c. ***Commission determination.*** The Director may forward questions about similar uses directly to the Commission for a determination at a public meeting.

- E. **Minimum requirements.** When the regulations of this Zoning Code are being interpreted and applied, all provisions shall be considered to be minimum requirements, unless stated otherwise (e.g., height limits and site coverage requirements for structures, and the numbers and size of signs allowed are maximums, not minimums).
- F. **Conflicting requirements:**
1. ***Zoning Code and Municipal Code provisions.*** If conflicts occur between requirements of this Zoning Code, or between this Zoning Code and other regulations of the Town, the most restrictive shall control, unless otherwise specified.
 2. ***Development Agreements, Specific Plans, Planned Developments.*** If conflicts occur between the requirements of this Zoning Code and standards adopted as part of any Development Agreement, Specific Plan, or Master Plan, the requirements of the Development Agreement, Specific Plan, or Master Plan shall control.
 3. ***Zoning Code and Subdivisions.*** If conflicts occur between the requirements of this Zoning Code and any conditions of approval, restrictions, or other provisions imposed by a subdivision map, the conditions of approval, restrictions, and provisions of the subdivision map shall control unless the Director finds (a) the conditions of approval, restrictions, or other provisions of the subdivision map would be detrimental to the public health, safety, or welfare of the Town or injurious to property or improvements in the vicinity; or (b) the characteristics and circumstances of the property and surrounding area and/or the project have substantially changed and clearly demonstrate that the conditions of approval, restrictions, or other provisions of the subdivision map are no longer necessary. In these cases, the requirements of the Zoning Code shall prevail.
 4. ***Private agreements.*** This Zoning Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction. The Town shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

17.12.030 Procedures for Interpretations

If the Director determines that the meaning or applicability of any of the requirements of this Zoning Code are subject to interpretation generally or as applied to a specific case, the Director may issue an official interpretation. Interpretations may also be requested in compliance with this section.

- A. **Request for interpretation.** A request shall be written, specifically state the provision(s) in question, and provide any information to assist in their review.
- B. **Record of interpretations.** Official interpretations shall be in writing, and shall quote the provisions of this Zoning Code being interpreted, and explain their meaning or applicability in the particular or general circumstances that caused the need for interpretation.

Any provisions of this Zoning Code that are determined by the Director to need refinement or revision should be corrected by amending this Zoning Code as soon as is practical. Until amendments can occur, the Director will maintain a complete record of all official interpretations,

available for public review, and indexed by the number of the Section that is the subject of the interpretation.

- C. **Appeals and referral.** Any interpretations of this Zoning Code by the Director may be appealed to the Commission as provided by Chapter 17.104 (Appeals). The Director may also refer any interpretation to the Commission for a determination.

Article II
Zoning Districts and Allowable Land Uses

Chapter 17.16 Establishment of Zoning Districts, Adoption of Zoning Map

17.16.010	Purpose of Chapter
17.16.020	Zoning Districts Established
17.16.030	Zoning Maps Adopted
17.16.040	Zoning District Regulations

17.16.010 Purpose of Chapter

This Chapter establishes the zoning districts applied to property within the Town, determines how the zoning districts are applied on the Zoning Map, and provides general permit requirements for development and new land uses.

17.16.020 Zoning Districts Established

The Town of Mammoth Lakes shall be divided into zoning districts which implement the General Plan. The zoning districts shown in Table 17.16.030 are hereby established, and shall be shown on the official Zoning Map (Section 17.16.030).

17.16.030 Zoning Map Adopted

The Council hereby adopts the Town of Mammoth Lakes Zoning Map (hereafter referred to as the "Zoning Map"), which is on file with the Department.

- A. **Inclusion by reference.** The Zoning Map, together with all legends, symbols, notations, references, zoning district boundaries, and other information on the maps, has been adopted by the Council in compliance with Government Code Sections 65800 et seq., and is hereby incorporated into this Zoning Code by reference as though it were fully included here.
- B. **Zoning district boundaries.** The boundaries of the zoning districts established by Section 17.16.020 (Zoning Districts Established) shall be shown upon the Zoning Map.
- C. **Relationship to General Plan.** The Zoning Map shall implement the General Plan, specifically including the Land Use Diagram.
- D. **Map amendments.** Amendments to the Zoning Map shall follow the process established in Chapter 17.112 (General Plan, Zoning Map, and Zoning Code Amendments).

TABLE 17.16.030: ZONING DISTRICTS		
<i>Zoning Map Symbol</i>	<i>Zoning District Name</i>	<i>General Plan Land Use Classification Implemented by Zoning District</i>
A	Airport	Airport (A)
CSP	Clearwater Specific Plan	Clearwater Specific Plan (CSP)
D	Downtown	Commercial 2 (C-2)
I	Industrial	Industrial (I)
MHP	Mobile Home Park	High Density Residential 1 (HDR-1)/High Density Residential 2 (HDR-2)
MLR	Mixed Lodging/Residential	Commercial 1 (C-1)
NVSP	North Village Specific Plan	North Village Specific Plan (NVSP)
OMR	Old Mammoth Road	Commercial 2 (C-2)
OS	Open Space	Open Space (OS)
OSSC	Open Space/Stream Corridor Protection (Zoning Overlay)	Multiple Land Use Designations
PRD	Planned Residential Development	N/A
P-QP	Public and Quasi Public	Institutional Public (IP)
R	Resort	Resort (R)
RMF-1	Residential Multi Family 1	High Density Residential 1 (HDR-1)
RMF-1 (AH)	Residential Multi Family 1 - Affordable Housing Overlay	High Density Residential 1 (HDR-1)
RMF-2	Residential Multi Family 2	High Density Residential 2 (HDR-2)
RR	Rural Residential	Low Density Residential 1 (LDR-1)
RR-E	Rural Residential - Equestrian Overlay	Low Density Residential 1 (LDR-1)
RSF	Residential Single Family	Low Density Residential 2 (LDR-2)
SDD	Snow Deposition Design (Zoning Overlay)	N/A

17.16.040 Zoning District Regulations

- A. **Purpose.** Chapter 17.20 (Residential Zoning Districts) through Chapter 17.32 (Special Purpose Zoning Districts) determine which land uses are allowed in each zoning district, what steps are required to establish each use, and the basic development standards that apply.
- B. **Determination of Allowable Land Uses and Permit Requirements.**
 - 1. The land uses allowed by this Code in each zoning district are identified in use regulation tables as being:
 - a. Permitted subject to compliance with all applicable provisions of this Code, subject to obtaining a building permit or other permit required by the Zoning Code. These are shown as "P" uses in the tables;
 - b. Allowed subject to the approval of an Administrative Permit (Chapter 17.84), and shown as "A" uses in the tables; and

- c. Allowed subject to the approval of a Use Permit (Chapter 17.68), and shown as "U" uses in the tables.
 - d. Uses not allowed and shown as "-" uses in the tables.
- 2. The designations listed above apply strictly to the permissibility of land uses. Applications for site development may require Design Review pursuant to Chapter 17.88 (Design Review).
- 3. Pursuant to Chapter 17.12 (Interpretation of Code Provisions) the Director is assigned the responsibility and authority to interpret the requirements of this Code. Land uses that are not listed in the tables or are not shown in a particular zoning district are not allowed, except where otherwise provided by Section 17.08.030 (Exemptions from Land Use Permit Requirements).
- C. **Indoor Uses Only.** All commercial and industrial activities, other than off-street parking, shall be conducted entirely within an enclosed structure(s), except as may otherwise be allowed in compliance with this Code.
- D. **Site Divided by Zoning District Boundary.** Where a site is divided by one or more district boundaries, each portion of the site in a separate district shall be developed and used in compliance with the requirements of the applicable district.

Chapter 17.20 Residential Zoning Districts

17.20.010	Purpose
17.20.020	Residential Zone Land Uses and Permit Requirements
17.20.030	Residential Zone Development Standards

17.20.010 Purpose.

In addition to the objectives outline in Section 17.04.020, the specific purposes of the Residential Zoning Districts are to:

- A. To reserve appropriately located areas for residential use at various ranges of dwelling unit densities and types consistent with the general plan and with sound standards of public health, safety and welfare;
- B. To ensure adequate light, air, privacy and open space for each dwelling;
- C. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive bulk or number in relation to the land area around them and the ability of the local infrastructure to support them;
- D. To protect residential properties from incompatible noise, illumination, unsightliness, odors, smoke and other objectionable influences; and
- E. To facilitate the provision of utility services and other public facilities commensurate with anticipated population, dwelling unit densities and service requirements.

Additional purposes of the individual Residential Zoning Districts are as follows.

RR (Rural Residential) District. This zoning district is intended as an area for single-family rural residential development with larger lots and lower density than the residential single-family zone. Uses permitted are those that are complementary to, and can exist in harmony with, a rural residential neighborhood.

RSF (Residential Single-Family) District. This zone is intended as an area for single-family residential development. Only those uses are permitted that are complementary to, and can exist in harmony with, a residential neighborhood.

RMF-1 (Residential Multiple-Family) District. This zone is intended as an area for the development of mixed residential uses (single-family dwellings, apartments, and other multiple-family developments). Only those uses are permitted that are complementary to, and can exist in harmony with, such residential developments.

RMF-2 (Residential Multiple-Family) District. This zone is intended as an area for the development of primarily multiple-family developments. Transient occupancy shall be permissible in this zone subject to the issuance of a use permit. Only those uses are permitted that are complementary to, and can exist in harmony with, such residential developments.

17.20.020 Residential Zone Land Uses and Permit Requirements

- A. **General permit requirements.** Table 17.20.020 identifies the uses of land allowed by this Zoning Code in the Residential Zoning Districts, and the permit required to establish each use, in compliance with Section 17.08.020 (Requirements for Development and New Land Uses).
- B. **Requirements for certain specific land uses.** Where the last column in Table 17.20.020 ("Specific Use Regulations") includes a section number, the referenced section may establish other requirements and standards applicable to the use.

TABLE 17.20.020: ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS					
<i>P: Permitted Use; U: Use Permit Required; A: Administrative Permit Required; - : Use Not Allowed; (#) Limitation Applies, See Footnote</i>					
<i>Land Use</i>	<i>RR</i>	<i>RSF</i>	<i>RMF-1</i>	<i>RMF-2</i>	<i>See Specific Use Regulations:</i>
Residential Use Classifications					
Single Family Dwelling	See subclassifications below				
<i>Detached</i>	P	P	P	P	
<i>Attached</i>	-	-	P	P	
Multi-Family Residential	-	-	P	P	See 17.52.210 (Multi-Family Residential Projects)
Assisted Living Facility	-	-	U	U	See 17.52.260 (Residential Care and Assisted Living Facilities)
Family Day Care Home	See subclassifications below				
<i>Large</i>	P	P	P	P	See 17.52.100 (Child Day Care Facilities)
<i>Small</i>	P	P	P	P	
Group Living Quarters	-	-	U	U	
Residential Care Facility	See subclassifications below				
<i>General</i>	-	-	U	U	See 17.52.210 (Residential Care and Assisted Living Facilities)
<i>Limited</i>	P	P	P	P	
Second Dwelling Unit	P	P	P	P	See 17.52.270 (Second Dwelling Units)
Supportive Housing	See 17.52.290 (Transitional and Supportive Housing)				
Transitional Housing	See 17.52.290 (Transitional and Supportive Housing)				
Recreation, Education, & Public Assembly Use Classifications					
Community Assembly	-	-	U	U	
Parks and Playgrounds, Public	A	A	A	A	
Private Residential Recreational Facility	A	A	A	A	
Public Recreational and Cultural Facility	U	U	A	A	

TABLE 17.20.020: ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS					
<i>P: Permitted Use; U: Use Permit Required; A: Administrative Permit Required; -: Use Not Allowed; (#) Limitation Applies, See Footnote</i>					
<i>Land Use</i>	<i>RR</i>	<i>RSF</i>	<i>RMF-1</i>	<i>RMF-2</i>	<i>See Specific Use Regulations:</i>
Service Use Classifications					
Animal Care and Boarding	See subclassifications below				
<i>Animal Raising and Keeping</i>	P	P	P	P	See 17.52.070 (Animal Care and Boarding)
<i>Kennel</i>	U	-	-	-	
<i>Pet Day Care</i>	U	-	-	-	
Day Care Centers	-	-	A	A	See 17.52.100 (Child Day Care Facilities)
Lodging	See subclassifications below				
<i>Hotels and Motels</i>	-	-	-	U	See 17.52.120 (Fractional/Timeshare Developments)
<i>Bed and Breakfast</i>	U	-	P	P	See 17.52.080 (Bed and Breakfast Inns)
Transportation, Communications, Infrastructure Use Classifications					
Transportation Passenger Facilities	U	U	U	U	
Other Applicable Types					
Accessory Use	P	P	P	P	See 17.52.030 (Accessory Uses)
Condominium Conversions	See 17.52.110 (Condominium Conversions)				
Fractional or Timeshare Development	See 17.52.120 (Fractional/Timeshare Development)				
Home Occupations	P	P	P	P	See 17.52.140 (Home Occupations)
Model Homes and Subdivision Sales Offices	A	A	A	A	
Mobile Businesses	A	A	A	A	See 17.52.180 (Mobile Businesses)
Temporary Uses and Events	See Chapter 17.56 (Temporary Uses and Events)				
Telecommunication Facilities	See 17.52.280 (Telecommunication Facilities)				
Wind Energy Conversion Systems (WECS)	See 17.52.300 (Wind Energy Conversion Systems (WECS))				

17.20.030 Residential Zoning Districts Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and established in compliance with the requirements in Table 17.20.030, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in Article III (Site Planning and General Development Standards). Additional regulations are denoted in the right hand column. Section numbers refer to other sections of the Code while individual letters refer to subsections that directly follow the table.

TABLE 17.20.030: RESIDENTIAL ZONING DISTRICTS DEVELOPMENT STANDARDS					
<i>Development Feature</i>	<i>Requirement by Zone</i>				<i>Additional Regulations</i>
	<i>RR</i>	<i>RSF</i>	<i>RMF-1</i>	<i>RMF-2</i>	
Lot Size					
<i>Lot area</i>	15,000 sf	7,500 sf	10,000 sf	40,000 sf	
<i>Lot area, corner lots</i>	15,000 sf	8,500 sf	11,000 sf	40,000 sf	
<i>Lot width</i>	80 feet	75 feet	80 feet	150 feet	
<i>Lot width corner lots</i>	80 feet		85 feet	150 feet	
<i>Lot depth</i>	120 feet	90 feet		150 feet	
<i>Minimum width for access</i>	50 feet				
<i>Minimum buildable site area</i>	2,000 sf		5,000 sf	24,000 sf	
<i>Minimum width/depth for a building site</i>	40 feet				
<i>Maximum slope for a building site</i>	30%				
Density					
<i>Residential density</i>	2 units/acre (A)	4 units/acre (A)	12 units/acre (A)		
<i>Hotel, motel, fractional use density</i>	N/A	N/A	N/A	36 rooms/ acre (A)	
<i>Group living quarters</i>	N/A	N/A	N/A	27 rooms/ acre (A)	
Setbacks					
<i>Front yard</i>	25 feet (B)	20 feet (B)		25 feet (B)	See 17.36.100 (Setbacks Requirements and Exceptions)
<i>Side yard</i>	10 feet				
<i>Side yard, street side</i>	20 feet				
<i>Rear yard</i>	20 feet	10 feet		20 feet	
<i>Bluffs Slope Setback</i>	30 feet (C)	N/A	N/A	N/A	
<i>Maximum Lot Coverage</i>	30%	40%	50%	60%	
<i>Maximum height</i>	35 feet				See 17.36.060 (Height Measurement and Height Limit Exceptions)
<i>Grading and Clearing</i>	See 17.36.050 (Grading and clearing)				
<i>Required snow storage area</i>	75% of the area all parking and driveways; see 17.36.110 (Snow storage)				
<i>Propane Tanks</i>	See 17.36.080 (Propane Tanks)				
<i>Dumpsters</i>	See 17.36.130 (Solid Waste/Recyclable Materials Storage)				
<i>Fences and Walls</i>	See 17.36.040 (Fences and walls)				
<i>Exterior Lighting</i>	See 17.36.030 (Exterior lighting)				
<i>Design Review</i>	See Chapter 17.88 (Design review)				
<i>Outdoor Storage and Work Areas</i>	See 17.52.240 (Outdoor storage and work areas)				

TABLE 17.20.030: RESIDENTIAL ZONING DISTRICTS DEVELOPMENT STANDARDS					
Development Feature	Requirement by Zone				Additional Regulations
	RR	RSF	RMF-1	RMF-2	
Signs	See Chapter 17.48 (Signs)				
Parking	See Chapter 17.44 (Parking and Loading Standards)				
Landscaping	See Chapter 17.40 (Water-Efficient Landscape Regulations)				

A. Density Requirements

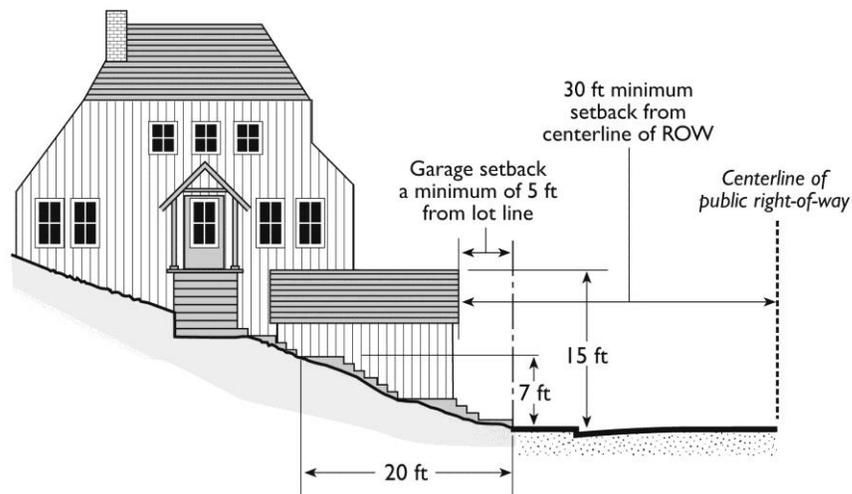
1. **RMF-1 and RMF-2 Zones.** When the density calculation results in a fraction or decimal (acreage multiplied by allowed density does not equal a whole number) in the RMF-1 and RMF-2 zones and the fraction or decimal exceeds 66 percent of a unit, it shall be rounded up to the next higher whole number. When the fraction or decimal is 66 percent or less it shall be rounded down to the next lower whole number.
2. **RR Zone.** Any new subdivision within the RR zone is required to meet all of the development standards (i.e. lot size, area, and density). When the density calculation results in a fraction or decimal (acreage multiplied by density does not equal a whole number) in the RR zone, it shall be rounded down to the next lower whole number. (e.g. 1.75 acre parcel multiplied by 2 units per acre = 3.5 which is rounded down to 3 units).
3. **RSF Zoning District.** When the density calculation results in a fraction or decimal (acreage multiplied by density does not equal a whole number) within the RSF zoning district, it may be rounded to the next higher whole number only when all of the following criteria are met:
 - a. The proposed subdivision does not exceed a density of five lots per acre;
 - b. The proposed subdivision qualifies for a 40-foot private street right-of-way;
 - c. The proposed subdivision is 10 lots or fewer;
 - d. The proposed subdivision meets all development standards for the RSF zone including lot area, lot width and depth, frontage, access and minimum buildable area; and
 - e. The proposed subdivision is within a previously subdivided neighborhood where existing lot sizes are comparable to those proposed.
4. **Managers Unit.** One manager's unit for hotels, motels, fractional-use projects and multiple-family developments of 20 or more units or defined portions, whichever is greater, or where required by state law, may be excluded from the density calculations. These units may not be sold separately and, in a condominium development, must remain a part of the common area.

B. Residential Front Yard Setbacks on Steep Upsloping Lots. A minimum five-foot front or street-side setback shall be allowed for the construction of an attached or unattached private

garage and associated entries (not including rooms), provided that the following conditions are met:

1. The elevation of the lot, at all points measured 20 feet from the property line adjacent to the street from which access will be taken, shall be at least 7 feet above the elevation at the centerline of the street.
2. No portion of the garage shall exceed 15 feet in overall height as measured from all points along the centerline of the street perpendicular to the garage;
3. Main entry shall not exceed 15 feet above natural grade;
4. All required snow storage shall be provided. Snow storage areas shall meet the requirements of 17.36.010.
5. No portion of the garage shall be located closer than 30 feet to the centerline of the street; and
6. All required parking must be provided. The required exterior space may be parallel to the street within a driveway leading to a garage provided that parking space meets the minimum dimensions and is located entirely outside of the public right-of-way. Alternatively, the required exterior parking space may be located within the front setback area adjacent to the garage, provided that the space is covered. The location of unenclosed parking areas and the garage and entry encroachments must conform to requirements of the adopted residential driveway standards and California Building Standards Code provisions for snow shed from roofs. (Section 15.24.040).

FIGURE 17.20.030(B): FRONT YARD SETBACK ON UPSLOPING LOTS



- C. **Bluffs Slope Setback.** The distance between any construction above 8,250 feet and a 30 percent or greater slope which occupies more than one-quarter of the parcel shall be 30 feet except as provided below.
1. Reduction of the 30-foot setback may be permitted when a design is provided that better meets the intent of this regulation to mitigate visual impact from off-site pursuant to the Bluffs EIR. All other mitigation measures must be satisfied, including avalanche hazard impacts, when such a reduction is approved by the Commission through approval of a use permit. Factors to be considered by the Commission in granting a setback reduction include, but are not limited to, location of existing vegetation, lowered building profile, and fit of structure into natural terrain.

Chapter 17.24 Commercial Zoning Districts

Sections:

- 17.24.010 Purpose
- 17.24.020 Commercial District Land Uses and Permit Requirements
- 17.24.030 Commercial District Development Standards
- 17.24.040 Commercial District Supplemental Standards

17.24.010 Purpose

In addition to the objectives outlined in Section 17.24 of this Title, the commercial zones are included in the zoning regulations to achieve the purposes outlined in the Neighborhood and District Character Element of the 2007 General Plan, specific to the Main Street and Old Mammoth Road districts. Additional purposes of the individual commercial zoning districts and the manner in which they are applied are as follows.

Downtown District (D). Downtown (D) District is intended to provide a thriving mix of residential, non-residential, and lodging uses and a distinctive gateway entry into town, with a focus on ground-level commercial uses and active frontages. The development standards are intended to concentrate development along Main Street with a focus on shopfront buildings that frame the street and provide an animated, pedestrian-friendly environment with high visual quality. The maximum FAR is 2.5. Lodging development has a maximum density of 80 rooms/acre. Residential development has a maximum density of 12 units/acre. The D zoning district is consistent with the Commercial 2 (C-2) land use designation of the General Plan.

Old Mammoth Road (OMR) District. The Old Mammoth Road (OMR) District is intended as an arts and culture district oriented toward medium scale commercial development along Old Mammoth Road, emphasizing community serving retail, artist galleries, office and service uses. It is intended to encourage a mix and intensity of uses in a pedestrian-scaled environment at a scale and form that is appropriate to its neighborhood context and adjacent residential uses and forms. The maximum FAR is 2.5. Lodging development has a maximum density of 80 rooms/acre. Residential development has a maximum density of 12 units/acre. The OMR zoning district is consistent with the Commercial 2 (C-2) land use designation of the General Plan.

Mixed Lodging/Residential (MLR) District. The Mixed Lodging/Residential (MLR) District is intended to allow one or more of a variety of lodging, residential, and non-residential uses to encourage a mix of uses and emphasize transient occupancy. The maximum FAR is 2.5. Lodging development has a maximum density of 80 rooms/acre. Residential development has a maximum density of 12 units/acre. The MLR zoning district is consistent with the Commercial 1 (C-1) land use designation of the General Plan.

17.24.020 Commercial District Land Uses and Permit Requirements

- A. **General permit requirements.** Table 17.24.020 identifies the uses of land allowed by this Zoning Code in each commercial zone and on Designated Active Frontages (Figure 17.24.020), and the planning permit required to establish each use, in compliance with Section 17.08 (Development and Land Use Approval Requirements).
1. Other uses may be allowed as determined by the Director to be similar to and not more detrimental to uses listed in Table 17.24.020.
 2. In multitenant centers, wherever there is a change in building occupancy and the new use is similar to or no more intrusive than the previous use and meets all development standards applicable to the previous use, a use permit or administrative permit, if specified for the use, shall not be required.
 3. Design Review is required for proposed projects based on specified criteria as identified in Chapter 17.88, Design Review.
- B. **Requirements for certain specific land uses.** Where the last column in Table 17.24.020 (“See Specific Use Regulations”) includes a section number, the referenced section may establish other requirements and standards applicable to the use.

FIGURE 17.24.020: DESIGNATED ACTIVE FRONTAGES

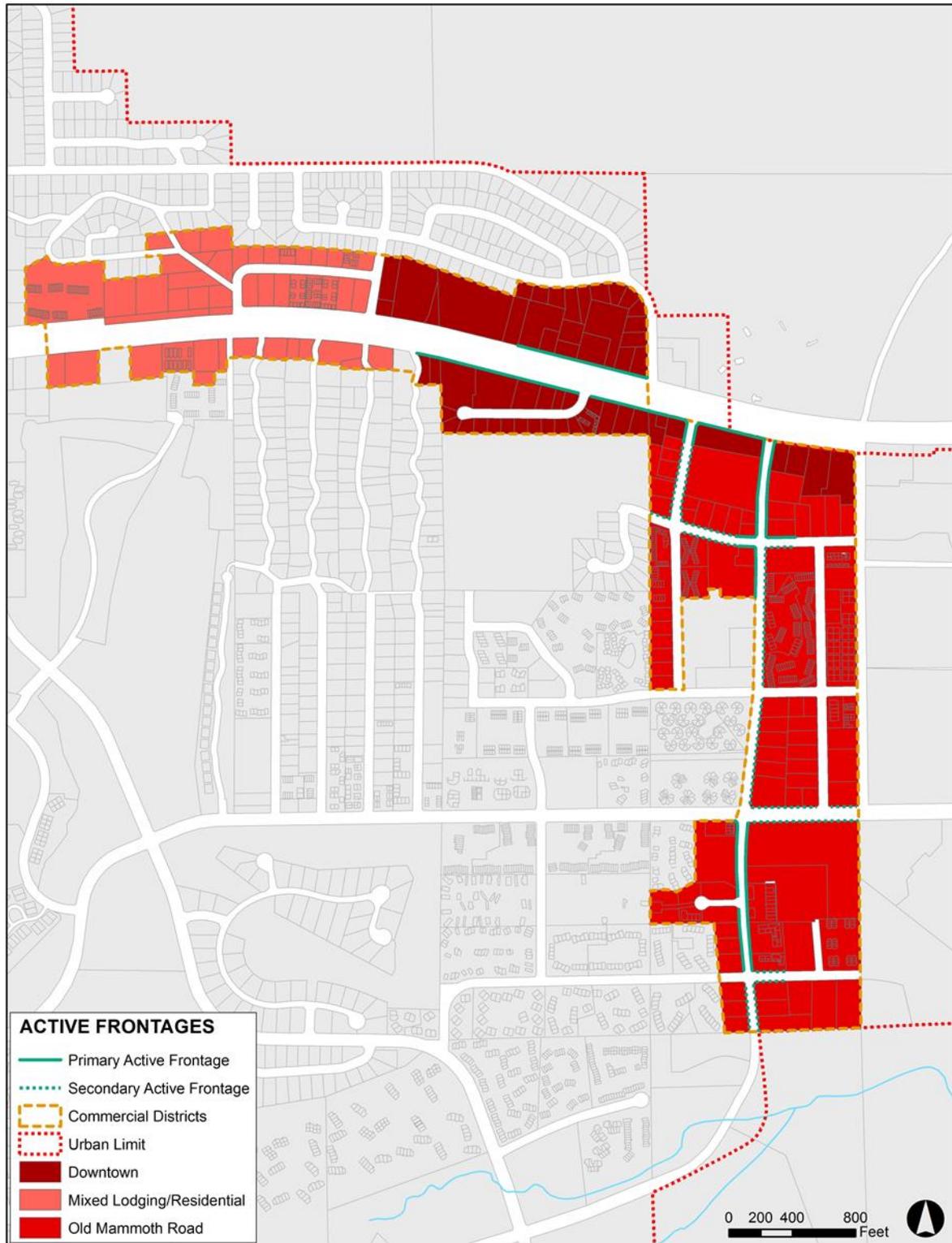


TABLE 17.24.020: ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL ZONING DISTRICTS				
<i>P: Permitted Use; U: Use Permit Required; A: Administrative Permit Required; -: Use Not Allowed; (#) Limitation Applies, See Footnote</i>				
<i>Land Use</i>	<i>D</i>	<i>OMR</i>	<i>MLR</i>	<i>See Specific Use Regulations:</i>
Residential Use Classifications				
Multi-family Residential	P(1)	P(1)	P	See 17.52.210 (Multi-Family Residential Projects) See 17.52.110 (Condominium Conversions)
Assisted Living Facility	-	P(1)	P	See 17.52.260 (Residential Care and Assisted Living Facilities)
Convalescent Home	-	U(1)	-	
Emergency Housing/Shelter	-	P(1)	-	
Family Day Care Home, Small	P(1)	P(1)	P	
Live/Work Unit	P(1)	P(1)	P(1)	See 17.52.110 (Condominium Conversions) See 17.52.150 (Live Work Units)
Residential Care Facility	<i>See subclassifications below</i>			
<i>General</i>	-	A(1)	A	See 17.52.260 (Residential Care and Assisted Living Facilities)
<i>Limited</i>	P(1)	P(1)	P	
Single Room Occupancy	-	U(1)	U	
Supportive Housing	See 17.52.290 (Transitional and Supportive Housing)			
Transitional Housing	See 17.52.290 (Transitional and Supportive Housing)			
Recreation, Education, & Public Assembly Use Classifications				
Commercial Recreation Facility	P(2)	P(2)	P(2)	
Community Assembly	P(1)	P(1)	P	
Conference/Convention Facility	P(6)	P(6)	P(6)	
Fitness/Health Facility	P(6)	P(6)	P(6)	
Instructional Services	P(3)	P	P	
Parks and Playgrounds, Public	P	P	P	
Private Residential Recreational Facility	P(1)	P(1)	P(1)	
Public Recreational and Cultural Facility	P(2)	P(2)	P(2)	
Schools, Public or Private	U(1)	U(1)	-	
Theater, Cinema or Performing Arts	P	P	P	
Retail Use Classifications				
Artisan Shop	P	P	P	
Auto and Vehicle Sales and Rental	U(9)	U(9)	-	
Bars/Taverns/Nightclubs	A	A	U	
General Retail	P	P	P	

TABLE 17.24.020: ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL ZONING DISTRICTS				
<i>P: Permitted Use; U: Use Permit Required; A: Administrative Permit Required; - : Use Not Allowed; (#) Limitation Applies, See Footnote</i>				
<i>Land Use</i>	<i>D</i>	<i>OMR</i>	<i>MLR</i>	<i>See Specific Use Regulations:</i>
Nurseries and Garden Centers	P(9)	P(9)	P(9)	
Restaurant, Café, Coffee Shop	P	P	P	See 17.52.220 (Outdoor Dining)
Tasting Room	P	P	P	
Service Use Classification				
Animal Care and Boarding	<i>See subclassifications below</i>			See 17.52.070 (Animal Care and Boarding)
<i>Pet Day Care</i>	P(10)	P/A(10)	P/A(10)	
<i>Pet Grooming</i>	P(3)	P	P	
<i>Veterinary Services</i>	P(1)	P(1)	P	
Banks and Financial Services	P/A(2)	P	P	
Day Care Centers	P	P	A	See 17.52.100 (Child Daycare Facilities)
Food Preparation	P(1)	P(1)	-	
Government Offices	P(1)	P	-	
Lodging	<i>See subclassification below</i>			
<i>Hotels and Motels</i>	P	P	P	See 17.52.120 (Hotels and Motels)
Medical Marijuana Cooperatives	U(1)	U(1)	-	See 17.52.160 (Medical Marijuana Cooperatives)
Medical Services	<i>See subclassifications below</i>			
<i>Hospital</i>	-	U(1)	-	
<i>Clinics and Laboratories</i>	A(1)	P(1)	A(9)	
Offices	P(7)	P(7)	P(7)	
Personal Services	P	P	P	
Public Safety Facilities	A(1)	A(1)	A	
Vehicle Services	<i>See subclassifications below</i>			
<i>Fueling Stations</i>	(4)	U(1)	(4)	
<i>Repair, Major</i>	-	U(1,5)	-	
<i>Services and Repair, Minor</i>	A(1,5)	A(1,5)	-	
<i>Washing</i>	-	A(1)	-	
Warehousing, Storage, and Distribution	<i>See subclassification below</i>			
<i>Personal Storage</i>	A(1)	A(1)	-	
Industry, Manufacturing, & Processing Use Classifications				
Handicraft/Custom Manufacturing	-	A(1)	-	
Transportation, Communications, Infrastructure Use Classifications				
Parking, Public or Private	P(8)	P(8)	P(8)	
Transportation Passenger Facilities	U	U	U	

TABLE 17.24.020: ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL ZONING DISTRICTS				
<i>P: Permitted Use; U: Use Permit Required; A: Administrative Permit Required; - : Use Not Allowed; (#) Limitation Applies, See Footnote</i>				
<i>Land Use</i>	<i>D</i>	<i>OMR</i>	<i>MLR</i>	<i>See Specific Use Regulations:</i>
Other Applicable Types				
Accessory Use	P	P	P	See 17.52.030 (Accessory Uses)
Automated Teller Machine (ATM)	P	P	P	
Fractional or Timeshare Development	P	P	P	See 17.52.120 (Fractional/Timeshare Development)
Home Occupations	P	P	P	See 17.52.140 (Home Occupations)
Outdoor Display and Sales	A	A	A	See 17.52.230 (Outdoor Display and Sales)
Temporary Uses and Events	See Chapter 17.56, Temporary Uses and Events			
Mobile Businesses	A	A	A	See 17.52.180 (Mobile Businesses)
Telecommunication Facilities	See 17.52.280 (Telecommunication Facilities)			
Wind Energy Conversion Systems (WECS)	See 17.52.300 (Wind Energy Conversion Systems (WECS))			
Specific Limitations: 1. Not allowed on the ground floor along Primary and Secondary Active Frontages. 2. Limited to establishments with a gross floor area of 5,000 square feet or less when located on the ground floor along Designated Active Frontages. Administrative Permit required if greater than 5,000 square feet. 3. Limited to establishments with a gross floor area of 1,200 square feet or less when located on the ground floor along Designated Active Frontages. 4. Permitted if existing, no new fueling stations allowed. 5. Use shall be completely enclosed in a building of soundproof construction. 6. At least 50 percent of the ground floor Designated Active Frontages shall be occupied by retail or food service uses. 7. Limited to walk-in clientele when located on the ground floor along Designated Active Frontages. 8. Shall be located behind buildings or in structures where other uses are located in the portion of the structure along Designated Active Frontages. 9. Limited to establishments with a gross floor area of 5,000 square feet or less. 10. Allowed only as accessory to a hotel or motel or other lodging use. Administrative Permit required if primary use in OMR and MLR districts.				

17.24.030 Commercial District Development Standards

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 17.24.030-1 through 17.24.030-5 in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article III (Site Planning and General Development Standards). Additional regulations are denoted in a right hand column. Section numbers in this column refer to other sections of the Code, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below refer to corresponding regulations in the “#” column in the associated table.

TABLE 17.24.030-1: COMMERCIAL DISTRICTS – LOT DENSITY AND INTENSITY STANDARDS					
Development Feature	Requirement by Zone			Additional Regulations	#
	D	OMR	MLR		
Lot Size					
Lot area	10,000 square feet				
Lot area, corner lot	11,000 square feet				
Lot width	75 feet				
Lot width, corner lot	90 feet				
Lot depth	100 feet				
Width for access	50 feet				
Minimum buildable site area	5,000 square feet				
Minimum width/depth for a building site	50 feet				
Maximum slope for a building site	20%				
Density and Intensity					
FAR	Maximum 2.5, applicable to entire development			(A)	
Residential	Maximum 12 units/acre			(A)	
SRO	Maximum 48 rooms/acre			(A)	
Lodging, fractional, and timeshare development	Maximum 80 rooms/acre			(A)	

A. **Determining Density.**

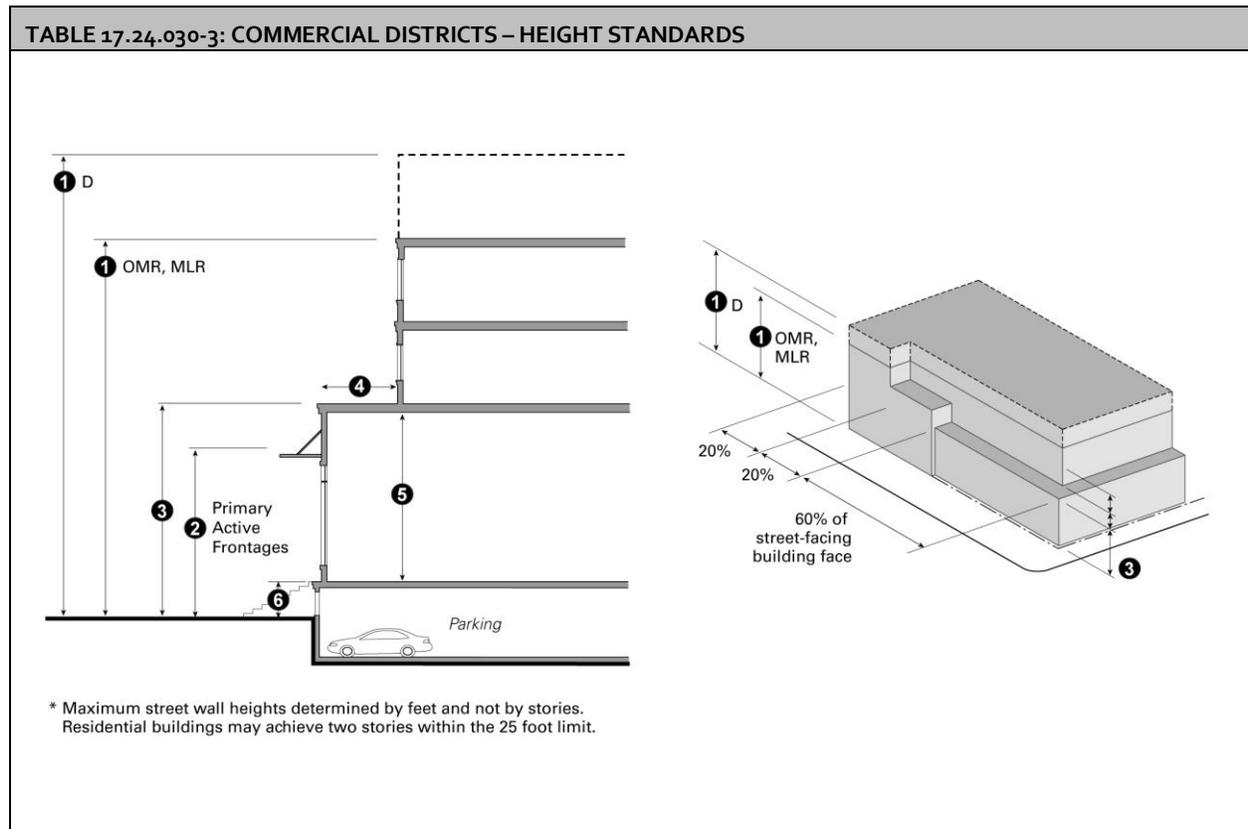
1. **Rounding of Density.** When the density calculation results in a fraction or decimal (acreage multiplied by allowed density does not equal a whole number) and the fraction or decimal exceeds 66 percent of a unit, it shall be rounded up to the next higher whole number. When the fraction or decimal is 66 percent or less it shall be rounded down to the next lower whole number.
2. **Half Unit of Density.** For the purposes of calculating residential density, a one bedroom unit or studio unit up to a maximum of 850 square feet of living area, shall be considered to equal one-half of a dwelling. Living area is all space within the unit other than the garage and does not include common area hallways or similar spaces in a multiple-family structure.
3. **Floor Area Ratio (FAR).** The FAR limit applies to the entire development, in addition to density limits applicable to individual uses.

TABLE 17.24.030-2: COMMERCIAL DISTRICTS – BUILDING PLACEMENT STANDARDS					
Development Feature	Requirement by Zone			Additional Regulations	#
	D	OMR	MLR		
Minimum Setbacks (measured from property line unless otherwise stated)					
Main Street and Frontage Road	0 feet (B)			17.36.090 (Screening and Buffer); 17.36.100 (Setback Requirements and Exceptions); 17.52.170 (Mixed-Use Development)	1
Other Designated Active Frontage Areas	Property line or 15 feet from back of curb, whichever is greater. (B)	n/a			2
All Other Streets	10 feet; (B)				3
Interior Side and Rear	0 feet, 15 feet adjacent to a residential district				4
Projections into Setbacks	Awnings, overhangs and other elements of a covered walkway, public plaza, or outdoor eating area may project up to 8 feet into the required setback.				5
Build-to Requirement					
Primary Active Frontage	Min: 60% of linear street frontage (C)				6
Secondary Active Frontage	Min: 40% of linear street frontage (C)				6
Corner Build Area	30 feet (C)				7

B. Frontage Improvements. New development shall provide street frontage improvements in accordance with adopted Town Plans (i.e. Pedestrian Master Plan, Bikeway Master Plan, etc.) as determined by the Director and Public Works Director including but not limited to sidewalks, bike lanes, paths, bus stops, and other typical frontage improvements.

1. Except where occupied by a building or used for building access, the property frontage, for a depth of 10 feet from the property line, shall be improved so that it functions as a wider public sidewalk; utilized for active outdoor uses such as outdoor dining, or improved with landscaping, public art, and/or pedestrian amenities such as outdoor seating.

- C. **Required Building Areas, Active Frontage Areas.** The following building placement requirements apply in Designated Active Frontage Areas (See Figure 17.24.020, Designated Active Frontages):
1. ***Build-to Requirement.*** Building facades shall be located within five feet of the required setback line along Designated Active Frontages for the percent of linear street frontage identified in Table 17.24.030-2 (Commercial Districts-Building Placement Standards).
 2. ***Corner Build Area.*** Buildings on corner lots along Designated Active Frontages shall be located at or within five feet of the required setbacks on each street frontage within 30 feet of the corner.
 3. ***Exception.*** The requirements above may be modified or waived by the Director upon finding that:
 - a. Plazas, courtyards or outdoor eating areas that function as publicly accessible open space with amenities such as seating, landscaping, lighting, and trash/recycle bins are located between the build-to line and building, provided that the buildings are built to the edge of the plaza;
 - b. The building incorporates an alternative entrance design that creates a welcoming entry feature facing the street; or
 - c. A larger setback is required to preserve existing mature trees or landscape.



Development Feature	Requirement by Zone			Additional Regulations	#
	D	OMR	MLR		
Maximum Overall Building Height	55 feet	45 feet	45 feet for lots with slopes of less than 10%; 55 feet for lots with slopes of 10% of greater	See 17.36.060 (Height Measurement and Exceptions)	1
Minimum Building Face Height	20 feet, applicable only to Primary Active Frontages				2
Maximum Building Face Height Along All Streets and Adjacent to Residential Districts	25 feet for 60% of the building face; 35 for 20% of the building face; 45 for 20% of the building face (D)				3
Stepback	Min. 10 feet from the building face below (D)				4
Ground Floor, Nonresidential Uses	Min. 14 feet clear from floor to ceiling				5
Ground Floor, Residential Uses	Min. 8 feet clear from floor to ceiling				
Upper Floors	Min. 8 feet clear from floor to ceiling				6
Parking Podium	The maximum height of a parking podium visible from the street is 4 feet from finished grade.				7

D. **Building Face Height.** Along street frontages and adjacent to residential districts, the building face shall have a maximum wall height as identified in Table 17.24.030-3 (Commercial Districts-

Height Standards) with a minimum setback of ten feet from that building face to the next higher story, except as provided below.

1. A maximum of 20 percent of the length of the building face may exceed the maximum building face height by up to 10 feet without a setback; and
2. An additional 20 percent of the length of the building face may exceed the maximum building face height by up to 20 feet without a setback.

TABLE 17.24.030-4: COMMERCIAL DISTRICTS – PARKING AND LOADING STANDARDS					
Development Feature	Requirement by Zone			Additional Standards	#
	D	OMR	MLR		
Setback from Street Property Line	20 (E)	20 (E)	20 (E)	See Chapter 17.44 (Parking and Loading Standards)	1
Setback from Buildings and Public Plazas	8 feet; 5 feet walkway plus 3 feet landscaping; Applicable only to above ground parking.				2
Access Location	Side street, alley, or rear of property wherever possible. (F)				3
Shared Access	See additional regulations (G)				4
Curb Cuts	Minimized and in areas least likely to impede pedestrian circulation				
Loading/Service Areas	Side or rear of lot; must be screened from public ROW				5

E. **Limitations on Location of Parking.** Buildings shall be placed as close to the street as possible, with parking underground, behind a building, or on the interior side or rear of the site. Parking may be located within the required setback, subject to the following requirements.

1. **Underground and Partially Submerged Parking.** Parking completely or partially underground, may match the setbacks of the main structure.
 2. **Surface Parking.** Above ground surface parking may be located within 20 feet of a street facing property line when the Director makes the following findings:
 - a. Buildings are built close to the public sidewalk to the maximum extent feasible;
 - b. The parking area is screened along the public right-of-way with a wall, hedge, trellis, and/or landscaping; and
 - c. The site is small and constrained such that underground, partially submerged, or surface parking located more than 20 feet from the street frontage is not feasible.
- F. **Access for Main Street Properties.** Properties fronting onto Main Street that redevelop to claim an existing frontage road shall incorporate a re-routed access road to the rear of the property. The re-routed access road shall be designed to be continuous with those of adjacent properties, and to provide adequate circulation and emergency access.
- G. **Shared Access.** To encourage shared parking and shared access points on public streets, new parking facilities shall be designed to accommodate cross-access to/from adjacent properties to allow parking areas to become joint use facilities even if initially serving only one development. When cross-access for vehicles is deemed impractical by the Director, the requirement for cross-access may be waived if bicycle and pedestrian connections are provided between adjacent properties.

TABLE 17.24.030-5: COMMERCIAL DISTRICTS – ADDITIONAL STANDARDS			
Development Feature	Requirement by Zone		
	D	OMR	MLR
Required snow storage area	An area equal to 60% of all parking and driveways on the site; See 17.36.110 (Snow Storage)		
Propane Tanks & Dumpsters	See 17.36.080 (Propane Tanks) & 17.36.130 (Solid Waste/Recyclable Materials Storage)		
Fences and Walls	See 17.36.040 (Fences and walls)		
Exterior Lighting	See 17.36.030 (Exterior lighting)		
Design Review	See Chapter 17.88 (Design review)		
Outdoor Storage and Work Areas	See 17.52.240 (Outdoor storage and work areas)		
Signs	See Chapter 17.48 (Signs)		
Landscaping	See Chapter 17.40 (Water-Efficient Landscape Regulations)		

17.24.040 Commercial District Supplemental Standards

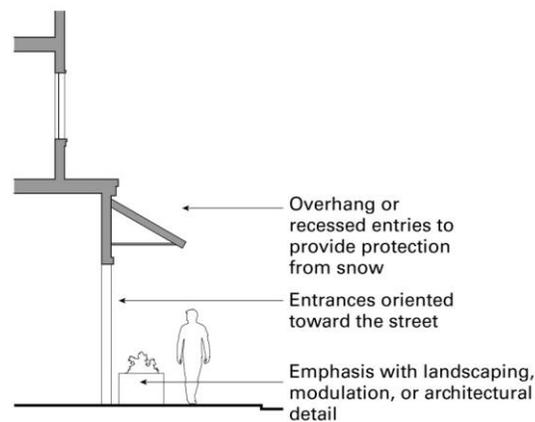
- A. **Maximum Block Length.** Block length is limited to 350 feet measured from curb edge to curb edge. A block length up to 600 feet shall only be allowed when a mid-block pedestrian connection is provided or the Director finds that:

1. It is not feasible or practical to provide a mid-block pedestrian connection due to the location and configuration of the lot; and
2. Safe and convenient pedestrian connections are provided throughout the site and provisions are made to accommodate cross-access to/from pedestrian areas that may be developed on adjacent properties.

B. Building Orientation and Entrances.

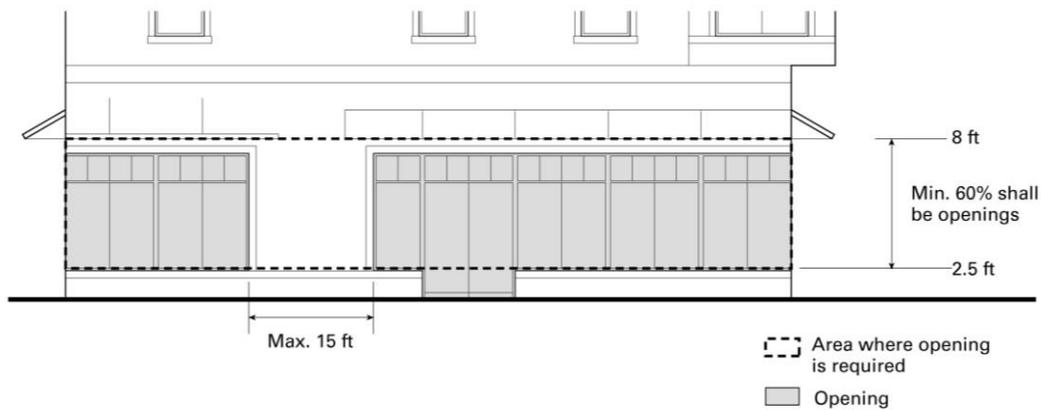
1. All buildings located on a public street shall be oriented toward, and have their primary entrances facing the public street.
2. Building entrances shall be emphasized with special architectural, modulation of roof lines or landscape treatments.
3. Building entrances shall be designed so that snow does not shed freely into entrances and the buildup of ice and snow within pedestrian areas is minimized.

FIGURE 17.24.040(B): BUILDING ORIENTATION AND ENTRANCES



- C. Building Transparency and Openings for Non-Residential Uses.** Exterior walls facing and within 20 feet of a street, park, plaza, pedestrian walkway, or other public outdoor space shall include windows, doors, or other openings for at least 60 percent of the building wall area located between 2.5 and 8 feet above the level of the sidewalk. No wall may run in a continuous horizontal plane for more than 15 feet without an opening.

FIGURE 17.24.040(C): BUILDING TRANSPARENCY



1. ***Design of Required Openings.***

- a. Openings fulfilling this requirement shall have transparent glazing and provide views 10 feet in depth into work areas, display areas, sales areas, lobbies, or similar active spaces or into window displays that are at least three feet deep.
- b. Windows on the ground level building facade facing a street shall not be opaque. Shades or blinds, which block the view of a pedestrian into a building for more than five hours a day during daylight hours in the summer, or more than four hours a day during daylight hours when it is not summer, are defined as opaque for purposes of this Chapter.

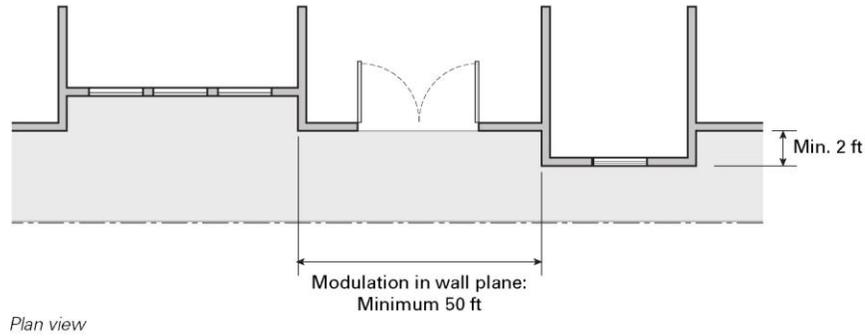
2. ***Exceptions for Parking Garages.*** A parking garage that does not incorporate ground-floor non-residential or residential use or is not otherwise screened or concealed at street frontages on the ground level, must provide a landscaped area at least ten feet wide between the parking garage and public street.

3. ***Alternatives.*** Alternatives to the building transparency requirement may be approved if the Director finds that the street-facing building walls exhibit architectural relief and detail, and are enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

D. **Building Design.** Buildings shall be well designed to create a pedestrian-friendly environment and support a vital and active public realm. Buildings shall appear integrated with the natural features and existing buildings in the districts; complement the Eastern Sierra Nevada Mountain setting; and contribute to the Town of Mammoth Lakes’ “village in the trees” identity.

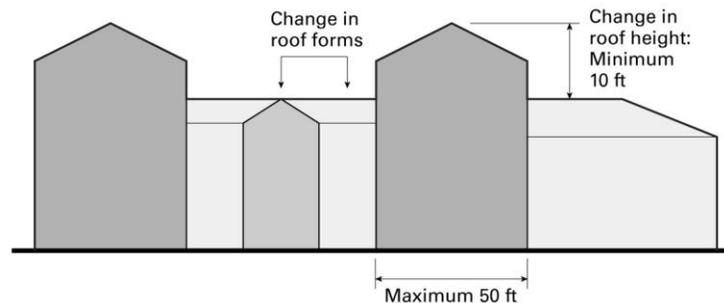
1. ***Wall Plane Modulation.*** Buildings should exhibit substantial reveals or offsets in the wall plane. Any building face over 50 feet wide shall be broken down to read as a series of buildings or storefronts no wider than 50 feet each to avoid a monotonous flat wall plane. Offsets shall be a minimum of two feet.

FIGURE 17.24.040(D)(1): WALL PLANE MODULATION



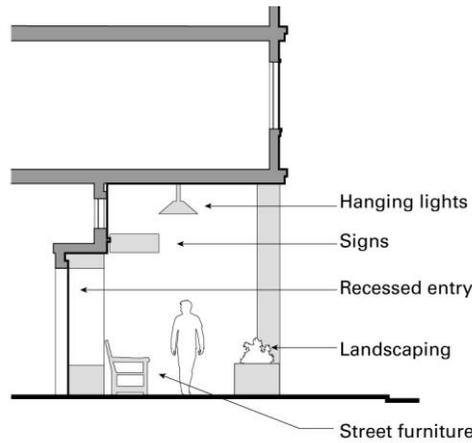
2. **Roof Modulation.** The roof line of all facades visible from a public right-of-way shall not exceed 50 feet wide without modulation.
 - a. Roof modulation shall consist of or be a combination of:
 - i. A change in height by a minimum of 10 feet; or
 - ii. A change in form through changes in pitch, plane, and orientation. A pitched roof line segment shall have a minimum slope of 3:12. Acceptable pitched roof types include gable, hip, and gambrel roofs.
 - b. Roof modulation shall be incorporated to reflect the interior uses of multi-tenant buildings and emphasize key building entrances.
 - c. Roof designs and modulation should take into account snow and ice storage and shedding and should ensure that pedestrian areas are protected from shedding ice and snow.
 - d. *Alternatives.* Alternatives to the roof modulation requirement may be approved if the Director finds that the roof design is composed of a variety of roof forms that are appropriately scaled and proportioned.

FIGURE 17.24.040(D)(2): ROOF MODULATION



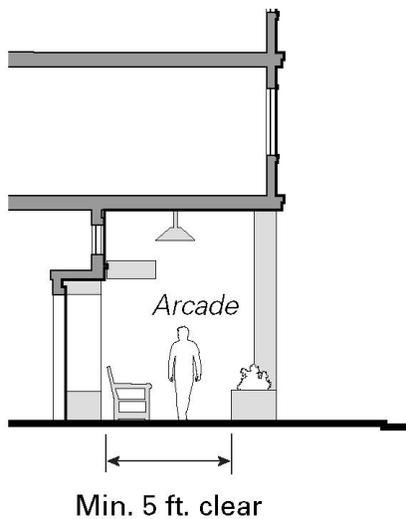
3. **Vertical Relationship.** Buildings shall be designed to have a distinctive base (ground floor level), middle (intermediate upper floor levels), and top (either top floor or roof level). Architectural features such as cornices, eaves, parapets, towers, and balconies shall be used, as appropriate, to delineate the base, middle, and top, accentuate setbacks between stories, and terminate rooflines.
4. **Architectural Articulation.** Buildings shall include sufficient architectural design features to create visual interest. Different ways that this requirement may be met include but are not limited to those listed below; compliance with this requirement shall be evaluated by the Director in the review process.
 - a. **Facade Incorporates Architectural Details.** The building façades incorporate details such as window trim, window recesses, cornices, belt courses, columns, changes in material, or other design elements in an integrated composition. The use of materials, textures, and colors enhance architectural interest and emphasize details and changes in plane. Buildings shall be designed with four-sided architecture where each exterior wall is designed equivalent to the primary facade in the extent of building articulation and quality of exterior materials, and consistent with the color scheme of the primary facade.
 - b. **Pedestrian-Friendly Design Features.** Building frontages along designated active frontages shall be designed to enhance the storefront character of retail areas. Storefronts consist of detailed and composed facades with individual windows set in well-detailed frames. Frontages incorporate features that contribute to pedestrian comfort and interest, such as awnings, recessed entries, arcades, hanging lights, and bracket hung signs. Architectural and ornamental features shall not impede pedestrian routes.

FIGURE 17.24.040(D)(4)(B): PEDESTRIAN-FRIENDLY DESIGN FEATURES



- i. Arcades. The minimum depth of an arcade shall be five feet clear, measured from the back face of the columns to the ground floor facade.

FIGURE 17.24.040(D)(4)(B)(I): ARCADES



- c. *Projections and Recesses.* All building faces shall exhibit modulation through projections with a significant depth, or a repeated pattern of offsets, recesses, or projections of smaller depth. Balconies, bay windows, or similar repeated elements are encouraged across the length of the façade. This method for achieving architectural articulation is most typically found in the building middle and on buildings that include residential or lodging uses.

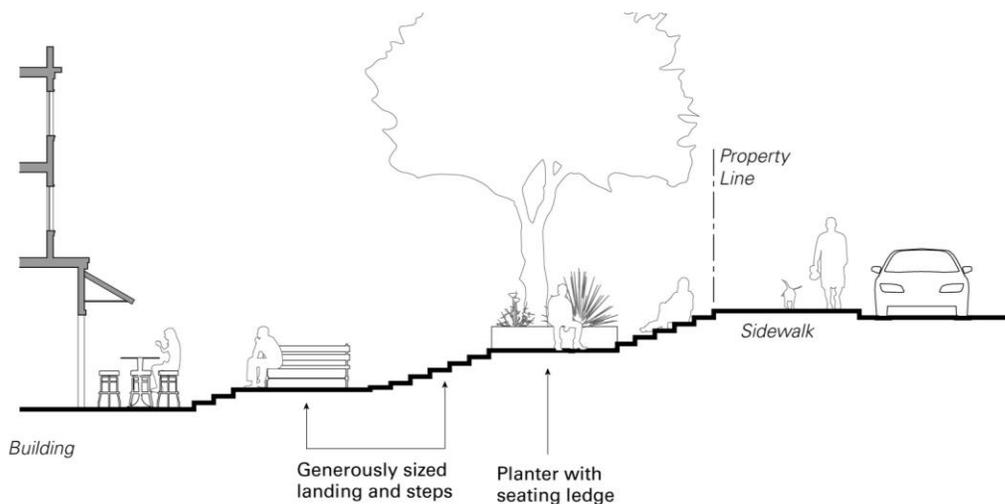
E. Building Materials and Construction.

1. **Building Materials.** The building base shall be clad in durable high-grade materials from at least the floor slab of the second floor down to one inch of the finished sidewalk grade, and these materials shall wrap corners of exposed interior property line walls a minimum of five feet.
2. **Construction Execution.** All construction details and materials shall be of the highest standard and executed to minimize weathering, eliminate staining of the wall surface, and avoid deterioration of materials on adjacent properties or the public-right-of-way.

F. Pedestrian Access. On-site pedestrian circulation and access must be provided according to the following standards:

1. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
2. **To Street Network.** Regular connections between on-site walkways and the public sidewalk shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage. On sloping sites, the walkway between the building and the sidewalk or other public outdoor area shall be designed as usable open space with generously sized steps and landings, with features such as low risers and wide treads, and any planter boxes that include seating ledges.

FIGURE 17.24.040(F)(2): ACCESS TO STREET NETWORK, SLOPING SITES



3. **To Neighbors.** Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.
4. **To Transit.** Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.

5. ***Pedestrian Walkway Design.***

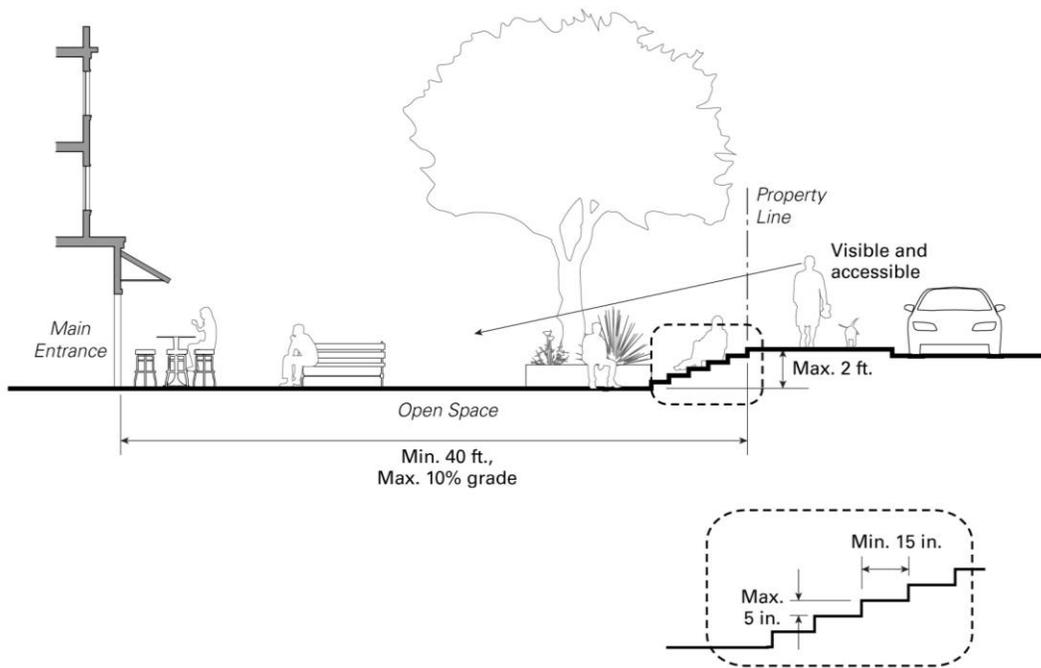
- a. Walkways shall be a minimum of six feet wide, shall be hard-surfaced, and paved with permeable materials.
- b. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
- c. Where a required walkway is parallel and adjacent to an auto travel lane, it shall be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier

G. **Public Open Space.** Development with 50,000 square feet or more of non-residential floor area on sites two acres or more in size shall provide public open space in accordance with the following:

1. ***Amount.*** 40 square feet of public open space for every 1,000 square feet of nonresidential floor area for the first 100,000 square feet of nonresidential floor area plus 20 square feet of public open space for every 1,000 square feet of nonresidential floor area over 100,000 square feet
2. ***Location and Accessibility.*** Such public space shall be visible and accessible from a public street, or from on-site areas normally frequented by customers, and shall be accessible during business hours. Areas within required setbacks may count toward the public space requirement.
3. ***Elevation.*** Such public space located adjacent to the street shall not be elevated or sunken more than two feet from the level of the adjacent sidewalk. Steps providing access to such public space shall have a maximum height of five inches and a minimum tread depth of 15 inches. The elevation requirement may be modified or waived by the Director for sites with steep slopes upon finding that an alternative design is visible and accessible from the street.
4. ***Minimum Dimensions.*** Such public space shall have a minimum dimension of 40 feet.
5. ***Obstructions.*** Obstructions that impair visibility within the space shall not be permitted unless it is a plaza design feature such as a water feature, public art, or landscaping.
6. ***Seating.*** A variety of well-designed and comfortable seating types shall be included in the public space. Seating types may include fixed seating, moveable seating, planter ledges, seat walls, and seating steps. A portion of the seating shall be located near the entrance of the public space.
7. ***Amenities.*** Amenities shall be included that enhance the comfort, aesthetics, or usability of the space, including but not limited to trees and other landscaping, shade structures, lighting, drinking fountains, water features, public art, signage or performance areas.

8. **Usability.** A surface shall be provided that allows convenient use for outdoor activity, recreation, and public gathering. Such surface may be any practical combination of high quality plant and hardscape materials such as bricks, stone, concrete, permeable paving, or tile. Surfaces shall be sloped for positive drainage and constructed to withstand snow removal and de-icing maintenance. The maximum slope shall not exceed 10 percent. Seating areas and plazas should be located in areas with good solar exposure.

FIGURE 17.24.040(G): OUTDOOR PLAZAS



Chapter 17.28 Industrial Zoning District

- 17.28.010 Purpose
- 17.28.020 Industrial District Land Use and Permit Requirements
- 17.28.030 Industrial Zone Development Standards

17.28.010 Purpose.

In addition to the objectives outlined in Section 17.04.020, the specific purposes of the Industrial Zoning District are to:

- A. To reserve appropriately located areas for viable industrial uses and protect these areas from intrusion by family dwellings or other incompatible uses.
- B. To protect residential and commercial uses from noise, odor, dust, smoke, truck traffic and other objectionable influences incidental to certain industrial uses.
- C. To protect industrial uses and structures from hazard and to minimize the impact of industrial uses on the environment.
- D. To minimize traffic congestion and to avoid the overloading of utilities by restricting the construction of buildings of excessive size in relation to the amount of land around them.
- E. Provide an area for light industrial and limited service type uses located so as to minimize impacts on adjacent land use patterns and the environment and with development standards to facilitate relocation of existing nonconforming industrial/service uses in commercial zones to designated industrial areas.

17.28.020 Industrial Zoning District Land Use and Permit Requirements

- A. **General permit requirements.** Table 17.28.020 identifies the uses of land allowed by this Zoning Code in the Industrial Zoning District, and the permit required to establish each use, in compliance with Section 17.08.020 (Requirements for Development and New Land Uses).
- B. **Requirements for certain specific land uses.** Where the last column in Table 17.28.020 ("Specific Use Regulations") includes a section number, the referenced section may establish other requirements and standards applicable to the use.

TABLE 17.28.020: ALLOWED USES AND PERMIT REQUIREMENTS FOR THE INDUSTRIAL ZONING DISTRICT		
<i>P: Permitted Use; U: Use Permit Required; A: Administrative Permit Required</i>		
<i>Land Use</i>	<i>Permit Requirements</i>	<i>See Specific Use Regulations:</i>
Residential Use Classifications		
Caretaker Housing	A	See 17.52.090 (Caretaker Housing)
Supportive Housing	See 17.52.290 (Transitional and Supportive Housing)	
Transitional Housing	See 17.52.290 (Transitional and Supportive Housing)	
Recreation, Education, & Public Assembly Use Classifications		
Parks and Playgrounds, Public	A	
Retail Use Classifications		
Artisan Shop	P	
Auto and Vehicle Sales and Rental	P	
Building Materials and Services	A	
Nurseries and Garden Centers	P	
Service Use Classifications		
Animal Care and Boarding	See subclassifications below	
<i>Kennel</i>	U	See 17.52.070 (Animal Care and Boarding)
<i>Pet Day Care</i>	U	
<i>Pet Grooming</i>	A	
Food Preparation	P	
Maintenance and Repair Services	P	
Medical Marijuana Cooperatives	U	See 17.52.160 (Medical Marijuana Cooperatives)
Personal Services	P	
Research and Development	P	
Vehicle Services	See subclassifications below	
<i>Large Vehicle and Equipment Sales, Service and Rental</i>	P	
<i>Repair, Major</i>	A	
<i>Services and Repair, Minor</i>	P	
<i>Washing</i>	P	
<i>Vehicle Storage</i>	A	
Warehousing, Storage, and Distribution	See subclassifications below	
<i>Construction and Material Yards</i>	A	
<i>Indoor Warehousing and Storage</i>	P	
<i>Outdoor Storage</i>	P	
<i>Personal Storage</i>	P	
<i>Wholesaling and Distribution</i>	A	
Industry, Manufacturing, & Processing Use Classifications		
Handicraft/Custom Manufacturing	P	
Industry, General	A	

TABLE 17.28.020: ALLOWED USES AND PERMIT REQUIREMENTS FOR THE INDUSTRIAL ZONING DISTRICT		
<i>P: Permitted Use; U: Use Permit Required; A: Administrative Permit Required</i>		
<i>Land Use</i>	<i>Permit Requirements</i>	<i>See Specific Use Regulations:</i>
Industry, Heavy	U	
Recycling Facility	See subclassifications below	
<i>Reverse Vending Machine</i>	P	See 17.52.250 (Recycling Facilities)
<i>Small Collection Facility</i>	P	
<i>Large Collection Facility</i>	U	
Transportation, Communications, Infrastructure Use Classifications		
Parking, Public or Private	A	
Transportation Passenger Facilities	U	
Utilities, Major	U	
Other Applicable Types		
Accessory Use	P	See 17.52.030 (Accessory Uses)
Adult Businesses	U	See 17.52.050 (Adult Businesses)
Condominium Conversions	See 17.52.030 (Condominium Conversions)	
Fractional or Timeshare Development	See 17.52.120 (Fractional/Timeshare Development)	
Outdoor Display and Sales	A	See 17.52.230 (Outdoor Display and Sales)
Temporary Uses and Events	See Chapter 17.56 (Temporary Uses and Events)	
Mobile Businesses	A	See Chapter 17.52 (Standards for Specific Land Uses and Activities)
Telecommunication Facilities	See 17.52.280 (Telecommunication Facilities)	
Wind Energy Conversion Systems (WECS)	See 17.52.300 (Wind Energy Conversion Systems (WECS))	

17.28.030 Industrial Zoning District Development Standards.

Subdivisions, new land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 17.28.030, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article III (Site Planning and General Development Standards). Additional regulations are denoted in the right hand column. Section numbers refer to other sections of the Code.

TABLE 17.28.030: PLANNING AND BUILDING STANDARDS DEVELOPMENT FEATURE PLANNING	
<i>Development Feature</i>	<i>Requirement for Industrial Zone (I)</i>
Lot Size	
<i>Lot area</i>	8,000 square feet
<i>Lot area, corner lots</i>	9,000 square feet
<i>Lot width</i>	75 feet
<i>Lot depth</i>	100 feet
<i>Minimum width for access</i>	50 feet

TABLE 17.28.030: PLANNING AND BUILDING STANDARDS DEVELOPMENT FEATURE PLANNING	
<i>Development Feature</i>	<i>Requirement for Industrial Zone (I)</i>
<i>Minimum buildable site area</i>	5,000 square feet
<i>Minimum width/depth for a building site</i>	50 feet
<i>Maximum slope for a building site</i>	30%
Setbacks	
<i>Front yard, to structures</i>	20 feet
<i>Front yard, to parking and fencing on Commerce Circle</i>	0 feet
<i>Front yard, to parking and fencing on Commerce Drive</i>	10 feet
<i>Side yard</i>	0 feet, or as required by building code
<i>Side yard, street side</i>	10 feet
<i>Rear yard</i>	0 feet, or as required by building code
Maximum Lot Coverage	100% (exclusive of snow storage easements)
Maximum height	35 feet
Required snow storage area	40% of all parking and driveways; 17.36.110 (Snow storage)
Propane Tanks	See 17.36.080 (Propane Tanks)
Dumpsters	See 17.36.130 (Solid Waste/Recyclable Materials Storage)
Fences and Walls	See 17.36.040 (Fences and walls)
Exterior Lighting	See 17.36.030 (Exterior lighting)
Design Review	See Chapter 17.88 (Design review)
Outdoor Storage and Work Areas	See 17.52.240 (Outdoor storage and work areas)
Signs	See Chapter 17.48 (Signs)
Parking	See Chapter 17.44 (Parking and Loading Standards)
Landscaping	See Chapter 17.40 (Water-Efficient Landscape Regulations)

Chapter 17.32 Special Purpose Zoning Districts

17.32.010	General Provisions
17.32.020	Affordable Housing Overlay Zone (AH)
17.32.030	Equestrian Overlay Zone (E)
17.32.040	Open Space/Stream Corridor Overlay Zone (OSSC)
17.32.050	Snow Deposition Design Overlay Zone (SDD)
17.32.060	Airport Zone (A)
17.32.070	Mobile Home Park Zone (MHP)
17.32.080	Open Space Zone (OS)
17.32.090	Planned Residential Development Zone (PRD)
17.32.100	Public and Quasi Public Zone (P-QP)
17.32.110	Resort Zone (R)

17.32.010 General Provisions

In addition to the purposes outlined in Section 17.04.020, the following special purpose zones are established because of the special or unique land use character characteristics with which they are associated and because of the need to implement specific sections of the General Plan.

A. **Overlay Zones.** The special purpose overlay zones are as follows:

1. Affordable Housing Overlay Zone (AH)
2. Equestrian Overlay Zone (E)
3. Open Space/Stream Corridor Protection Overlay Zone (OSSC)
4. Snow Deposition Design Overlay Zone (SDD)

B. **Special Purpose Zones.** The special purpose zones are as follows:

1. Airport Zone (A)
2. Mobile Home Park Zone (MHP)
3. Open Space Zone (OS)
4. Planned Residential Development Zone (PRD)
5. Public and Quasi-Public Zone (P-QP)
6. Resort Zone (R)

17.32.020 Affordable Housing Overlay Zone

A. **Purpose.** In addition to the purposes outlined in Section 17.04.020, the Affordable Housing Overlay Zone is intended to promote the development and provision of affordable housing within the community and thereby implement the policies of the Housing Element of the General Plan.

Standards of development and performance shall be designed to make the provisions of affordable housing more attractive to private developers while retaining good design and compatibility with adjacent land uses.

B. Uses permitted.

1. Single-family and multi-family residential development developed and intended to be purchased or rented based on criteria and formulas established by the state Department of Housing and Community Development for very low, other low and moderate income household categories;
2. Accessory uses and structures incidental to permitted uses;
3. Temporary uses as prescribed in Chapter 17.56; and
4. Model homes or units and subdivision sales offices subject to the granting of a use permit.

C. Permits required. A development for property with an Affordable Housing overlay requires filing of a Master Plan in order to establish the zone and development standards.

D. Property development standards. The following development standards shall apply to an affordable housing project:

1. The maximum number of dwelling units permitted in an affordable housing project shall be that designated for the zone in which the project is located and as modified by the density adjustment provisions of Section 17.24.030;
2. Requirements calling for the provision of covered off-street parking spaces for residential units shall not be applied to affordable housing projects;
3. Infrastructure facilities normally required for residential development may be modified by the Commission for affordable housing projects if deemed necessary to ensure affordability of dwelling units. Examples of the modified facility requirements could include the use of private streets at reduced construction standards, and waiver of any required off-site improvements;
4. There shall be no minimum area requirement for individual lots or individual dwelling units in an affordable housing project; and
5. If deemed appropriate by the Council, any or all fees normally imposed by the Town on development projects may be waived or reduced. Included in this fee category are such fees as zoning or subdivision fees, plan check and building permit fees, major thoroughfare fees and master plan fees. Waiver of such fees shall be based upon the project proponent supplying the Council with evidence and assurances that savings realized from such waivers will be passed on to the future residents by way of reduced rent or purchase price for units.

- E. **Performance standards.** For affordable housing projects, performance standards shall be as specified in the Master Plan and shall be incorporated into the conditions of approval of the project.
- F. **Pre-application procedure.** Prior to submitting an application for an affordable housing project, the applicant or prospective developer should hold preliminary consultations with the Director to obtain information and guidance before entering into binding commitments incurring substantial expense in the preparation of plans, surveys and other data. Such preliminary consultations should be relative to a Master Plan which outlines the concept and characteristics of the project.
- G. **Application.** In addition to the information and materials required by Chapter 17.120 (Master Plans), the following shall also be required:
1. The boundaries of the subject property indicating the land area and sufficient contour information to clearly indicate the topography of the property and any significant features;
 2. The approximate location of each existing and each proposed structure in the development area, the use or uses of the structures, the number of stories, the gross building and floor areas, and approximate location of all entrances;
 3. All streets, driving lanes, parking areas, loading areas, public transportation points, and illumination facilities for the same;
 4. All pedestrian walks, malls, fences and open areas for the use of the public;
 5. Types of surfacing, such as paving, turfing, or gravel to be used at the various locations;
 6. A preliminary grading plan of the area;
 7. A preliminary landscaping plan of the project area;
 8. Plans and elevations of buildings, structures and signs indicating the architectural style, colors, construction standards and lighting;
 9. The proposed means for assuring continuing existence, maintenance and operation of the various common elements and facilities. If a community association or similar governing structure is to be established, a copy of the covenants, conditions and restrictions (CC&Rs) shall be made a part of the record;
 10. A preliminary or draft contract to be executed between the Town and the applicant/developer, or such other document approved as to form by the Town Attorney, which contractor or document outlines the sales and rental prices for the various types of units to be established, provisions for the sale, resale, renting and restrictions that will be applicable to the project and which ensure the continued availability of units for purchase or occupancy by households of very low, other low and moderate incomes;

11. A preliminary report and overall plan describing proposed provisions for storm drainage, sewage disposal, water supply and such other public improvements and utilities as the town engineer may require; and
 12. Such other information as may be required by the Director to permit a complete analysis and appraisal of the project.
- H. **Adoption of Master Plan.** The Master Plan and accompanying maps, contracts and other documentation submitted with the application for an affordable housing project shall be approved and adopted in accordance with the provisions of Chapter 17.120 (Master Plans) and shall be subject to such conditions, requirements and stipulations as are deemed appropriate and necessary to ensure compliance with the purposes of the Housing Ordinance and the Housing Element of the General Plan.

17.32.030 Equestrian Overlay Zone (E)

- A. **Purpose.** In addition to the purposes outlined in Section 17.04.020, the Equestrian Overlay Zone is intended to provide areas where the keeping of horses or pack stock is permitted subject to various standards of operation and maintenance which are designed to minimize the impacts of animals on adjacent properties and uses.
- B. **Permitted uses.** The Equestrian Overlay Zone shall permit the keeping of horses or pack stock only as a use accessory or subordinate to an existing permitted use on the site; provided, however, that such horses or pack stock are maintained only for the personal use of the members of the family or household residing on the premises. No commercial operations shall be permitted on property that does not belong to members of the family or household residing thereon.
- C. **Property maintenance standards.** The keeping of horses in the Equestrian Overlay Zone shall be subject to the following standards:
1. The minimum lot size shall be 20,000 square feet;
 2. A maximum of two horses may be kept on a lot having 20,000 square feet; one additional horse may be kept for each additional 10,000 square feet of lot area;
 3. No horse may be kept, pastured or penned closer than 50 feet to a dwelling on an adjoining lot, but in no event closer than 25 feet to any property line;
 4. All requirements of the Mono County Environmental Health Department and Town of Mammoth Lakes Police Department (Animal Control) shall be satisfied;
 5. Barns, stables, or similar structures shall be subject to the setback requirements of the main building but in no case may be located closer than 10 feet to any side or rear lot line and shall not exceed 15 feet in height;
 6. Animal confinement areas, including, but not limited to, pens and corrals, shall be maintained in a clean and orderly manner at all times. Accumulation of waste or other odor or insect producing material is not permitted; and

7. Animal confinement areas shall be located at least 50 feet away from any permanent lake or stream. Waste shall be controlled so that it does not wash directly or indirectly into any permanent lake or stream or neighboring properties.

D. Initiation of Equestrian Overlay Zone.

1. The minimum size for an equestrian overlay zone shall be five acres. Additions to existing (E) zones shall meet the minimum area requirements as stated in Section 17.32.030C.1.
2. All procedures for initiating an Equestrian Overlay Zone shall be as set forth in Chapter 17.112 (General Plan, Zoning Map, and Zoning Code Amendments).

17.32.040 Open Space/Stream Corridor Protection Overlay Zone (OSSC)

- A. **Purpose.** In addition to the purposes outlined in Section 17.04.020, the Open Space Stream Corridor Protection Zone is intended to protect sensitive stream and drainage courses from development, to recognize and preserve these environmentally sensitive areas as a community resource, and, to protect water quality and preserve wetland habitat.
- B. **Permitted uses.** Permitted uses shall be identified by the underlying zone classification; however, in the Open Space Stream Corridor Protection Zone, a use permit shall be required for all uses except for a single-family dwelling on a single lot. Any development rights associated with private property contained within this zone classification may be transferred to other private land holdings subject to the granting of a use permit.

17.32.050 Snow Deposition Design Overlay Zone (SDD)

- A. **Purpose.** In addition to the purposes outlined in Section 17.04.020, the Snow Deposition Design Zone is intended to:
 1. To identify those areas in town where avalanche potential has been found to exist after specific investigation and study;
 2. To minimize health and safety hazards related to avalanche potential; and
 3. To promote the general public health, safety and welfare.
- B. **Applicability.** The SDD Zone applies to all areas with potential avalanche hazard due to being located immediately above, adjacent or otherwise within 150 feet of the 30 degree point of an avalanche starting zone, known herein as “areas adjacent to avalanche starting zones” as shown on the Town of Mammoth Lakes Zoning Map.
- C. **Use Permit Required.** No development (including building permits, subdivision of land, but not the construction of roads, driveways, and utilities) shall be permitted, without first obtaining a use permit.
 1. In addition to the requirements of Chapter 17.68 (Use Permits), the use permit application shall contain certification by a recognized expert in the field of avalanche occurrence,

force and behavior that there will be no greater snow deposition in the related avalanche starting zones and no overall increase in the avalanche hazard in the balance.

2. Town staff has the right to hire an expert to provide a second opinion, at the expense of the applicant, to review any of the calculations, studies, reports or certifications required under this section.

D. Warning and disclaimer of safety and liability. Avalanches occur naturally, suddenly and unpredictably based on many factors including slope, exposure, snow pack composition, snowfall rate, wind and temperature. The SDD Zone is considered reasonable for regulatory purposes and is based upon and limited by the engineering and scientific methods of study. The Town does not represent, guarantee or warrant the ultimate safety of any construction, use or occupancy of structures situated in any avalanche area, whether designated or undesignated by this ordinance. Avalanches may occur with forces greater than those set forth in avalanche studies. This article does not represent or imply that areas outside the SDD Zone are free from avalanches or avalanche danger. The granting of any permit or approval for any structure or use, or the declaration or failure to declare the existence of an avalanche hazard shall not constitute a representation, guarantee or warranty of any kind or nature by the Town, or any official or employee, of the practicality or safety of any construction, use or occupancy thereof, and shall create no liability upon or cause of action against such public body, or its officials or employees for any injury, loss or damage that may result thereby. Persons who develop or occupy real property within an SDD Zone or other undesignated avalanche area do so at their own risk.

17.32.060 Airport Zone (A)

- A. **Purpose.** In addition to the purposes outlined in Section 17.04.020 , the Airport Zone is intended to implement the Airport Layout Plan, and the goals and policies in the General Plan related to airport facilities.
- B. **Permitted and conditional uses.** The following uses shall be permitted where the symbol “P” appears and shall be permitted subject to a use permit where the symbol “U” appears opposite the use. All uses are subject to the Airport Layout Plan and Federal Aviation Administration approval.

TABLE 17.32.060: ALLOWED USES AND PERMIT REQUIREMENTS FOR AIRPORT ZONING DISTRICT	
<i>Land Use</i>	<i>Permit Requirements</i>
Airports, terminals, hangars and other airport facilities and uses subject to all applicable regulations of the Federal Aviation Administration and the Mammoth Yosemite Airport	P
Aircraft subject to rules and regulations of the Mammoth Yosemite Airport	P
Fixed base operator (FBO) providing support services under contract with the Town of Mammoth Lakes, including flight training	P
Accessory uses within the terminal buildings	P
Other uses determined by the Town Council to be necessary for the efficient operation and welfare of the Mammoth Yosemite Airport	P
Ancillary visitor facilities as shown on the Airport Layout Plan and as approved by the Federal Aviation Administration, including: <ul style="list-style-type: none"> • Lodging for transient uses 	U

TABLE 17.32.060: ALLOWED USES AND PERMIT REQUIREMENTS FOR AIRPORT ZONING DISTRICT	
Land Use	Permit Requirements
<ul style="list-style-type: none"> • Retail and food operations not within the terminal building, including convenience markets • Bars and restaurants • Vehicle services not part of the FBO such as gas stations, rental operations and vehicle storage • Recreational vehicle storage • Meeting facilities • Accessory storage 	

C. **Development standards.** Development standards shall conform to those set forth in the Airport Layout Plan or as otherwise required by the Federal Aviation Administration.

1. **Design.** All facilities shall incorporate architectural, landscaping, signage and site design standards which support the goals and policies of the General Plan. The design shall enhance the airport facility to ensure that a first class entry statement for the Mammoth Lakes resort community is maintained. All facilities shall be subject to Design Review under Chapter 17.88 (Design Review).
2. **Operations.** All facilities and operations shall be maintained in a safe and clean manner.
3. **Yards, separation.** All development shall have yards and separation between buildings and structures to provide adequate space for landscaping, vehicular/pedestrian circulation and emergency access as determined through the Design Review process. Hangars shall not require separation between structures.
4. **Parking.** Off-street parking, loading and delivery access shall be provided in conformance with parking requirements for similar uses. If similar uses are not listed in other sections of this Code, adequate parking and access shall be determined through the Design Review process. The Town may require parking and circulation studies and other documentation to determine adequate parking and access.
5. **Building height.** Required aviation safety structures (e.g., light standards, antennae) maximum 45 feet, all others 35 feet.
6. **Floor area.** Floor area calculations do not include uncovered decks, uncovered parking spaces, or garages.
7. **Development standards.** Except as provided in this section, development standards shall be as specified in the Use Permit but shall not be less than those specified for similar uses in other zones.
8. **Lighting.** All lighting shall meet the requirements of Section 17.36.030 (Exterior Lighting).

17.32.070 Mobile Home Park Zone (MHP)

- A. **Purpose.** The MHP, Mobile Home Park Zone, is intended for the exclusive development of mobile home parks. All mobile home parks hereafter established shall be developed in accordance with the provisions and standards of this section. Mobile homes parks also are intended to offer an alternative mode of housing to the residents of the community.
- B. **Permits required.** A zoning map amendment is required to rezone property to MHP. In addition, Design Review is also required.
- C. **Park development standards.** The following requirements shall apply to the site of a mobile home park. Additional regulations may be specified by the Commission as conditions of the Design Review approval:
1. Minimum park area: 10 acres;
 2. Minimum park street frontage: 200 feet;
 3. Minimum site area per unit (density): 5,000 square feet;
 4. Maximum density: 12 units per acre;
 5. Minimum yards or setbacks: 20 feet adjoining a street, 10 feet adjoining any other lot line;
 6. Maximum building height: 35 feet; and
 7. Recreation area: minimum of 50 square feet of recreation area for each mobile home space.
- D. **Landscaping and screening.** All yards and setback areas required for mobile home parks shall be landscaped in accordance with a site plan approved as a part of the zoning amendment and design review. The landscaping shall be permanently maintained and shall consist predominantly of native or climate adaptive trees and vegetation. Screening shall be provided around the entire park in accordance with the requirements established under design review.
- E. **Interior site development standards.** The following requirements shall apply to development of mobile home spaces and to facilities within a mobile home park. Additional requirements may be specified as conditions of design review or as conditions of approval for the establishment of an MHP zone:
1. **Mobile home space.** Each space shall contain a minimum of 4,000 square feet for exclusive use by the occupants of the space. Each space shall have at least 40 feet of width adjoining an access drive and shall have dimensions capable of accommodating a rectangle with minimum dimensions of 45 feet by 65 feet.
 2. **Mobile home placement.** Each mobile home shall be located not less than 10 feet from the boundary of a mobile home space, except that carports, patio covers, storage

buildings, and similar structures accessory to mobile home may be located not less than three feet from the boundary of a mobile home space.

3. **Access drives.** All mobile home access drives within a mobile home park shall be privately owned, and shall have at least 28 feet of pavement width, exclusive of adjoining parking areas, and shall be constructed to Town standards.
 4. **Landscaping.** At least one tree of a native species shall be planted on each mobile home space.
 5. **Minimum size mobile home.** The minimum size for a mobile home established within a mobile home park shall be 12 feet by 50 feet.
 6. **Accessory buildings and uses.** Accessory buildings and uses serving the entire mobile home park, including recreation facilities, laundry areas, mobile home offices, and maintenance or storage buildings, shall be located at least 50 feet from the boundary of the mobile home park site. All exterior maintenance or storage areas shall be screened by a six-foot masonry wall, fence, landscaping or a combination thereof.
 7. **Parking.** One on-site parking space shall be provided for each mobile home space.
 8. **Guest parking.** Guest parking or recreational vehicle storage areas shall be provided as required by the Commission.
 9. **Skirting.** Skirting shall be required and maintained for each mobile home, which skirting shall be complementary to the design and coloration of the mobile home.
 10. **Mounting and tie-down.** The mounting and tie-down of a mobile home shall be in conformance with all regulations of the State Department of Housing and Community Development.
 11. **Cabanas.** A cabana may be established in conjunction with a mobile home provided the cabana shall be complementary to the design and coloration of the mobile home.
- F. **Application requirements.** An application for the establishment of a mobile home park must be accompanied by a general development plan showing the following:
1. The location, design and configuration of each mobile home space;
 2. The location and design of all accessory or community buildings, facilities and uses;
 3. The location and design of all access drives, parking areas and storage yards;
 4. The location and design of all walls, fences, on-site lighting facilities and a landscape palette;
 5. The location and design of refuse collection facilities; and
 6. The location and design of all utilities and storm drain facilities.

- G. **Pre-existing mobile home parks.** A pre-existing mobile home park shall not be deemed nonconforming by reason of failure to meet the minimum requirements prescribed by this chapter, provided that the regulations of this chapter shall apply to the remodeling, enlargement or expansion of an existing mobile home park, and further provided that a pre-existing mobile home park on a site less than 10 acres shall not be further reduced in area.
- H. **Mobile home park subdivisions.** The subdivision of land for the establishment of a mobile home subdivision shall comply with all of the requirements of this chapter and all provisions of the state Subdivision Map Act and the Town’s subdivision ordinance.

17.32.080 Open Space Zone (OS)

- A. **Purpose.** In addition to the purposes prescribed in Section 17.04.020, the Open Space Zone District is intended primarily to be applied to those areas of the town where it is desirable and necessary to provide permanent open space in conformance with the open space designation of the General Plan and to provide for the location and preservation of scenic areas and recreation areas. This zone classification is intended to be applied primarily to lands held under public ownership.
- B. **General permit requirements.** Table 17.32.080 identifies the uses of land allowed by this Zoning Code in the Open Space Zone District, and the permit required to establish each use, in compliance with Section 17.08.020 (Requirements for Development and New Land Uses).

TABLE 17.32.080: ALLOWED USES AND PERMIT REQUIREMENTS FOR OPEN SPACE ZONING DISTRICTS		
<i>P: Permitted Use; U: Use Permit Required; A: Administrative Permit Required</i>		
<i>Land Use</i>	<i>Permit Requirements</i>	<i>See Specific Use Regulations</i>
Recreation, Education, & Public Assembly Use Classifications		
Parks and Playgrounds, Public	P	
Public Recreational and Cultural Facility	U	
Ski Facilities	U	
Transportation, Communications, Infrastructure Use Classifications		
Utilities, Major	U	
Agriculture and Natural Resource Use Classifications		
Animal Raising and Crop Cultivation	U	
Environmental Research facilities	U	
Flood Control Facilities	U	
Forestry Products	U	
Geothermal Exploration/Production	U	
Riding Academies and Commercial Stables	U	
Other Applicable Types		
Accessory Use	P	See 17.52.030 (Accessory Uses)
Temporary Uses and Events	See Chapter 17.56 (Temporary Uses and Events)	
Mobile Businesses	A	See 17.52.180, Mobile Businesses
Telecommunication Facilities	See 17.52.280 (Telecommunication Facilities)	

TABLE 17.32.080: ALLOWED USES AND PERMIT REQUIREMENTS FOR OPEN SPACE ZONING DISTRICTS		
<i>P: Permitted Use; U: Use Permit Required; A: Administrative Permit Required</i>		
Land Use	Permit Requirements	See Specific Use Regulations
Wind Energy Conversion Systems (WECS)	See 17.52.300 (Wind Energy Conversion Systems (WECS))	

C. **Development and performance standards.** In the Open Space Zone, standards of development and performance including parking requirements for those uses requiring a Use Permit shall be set forth in the conditions of approval.

17.32.090 Planned Residential Development Zone (PRD)

A. **Purpose.** In addition to the purposes outlined in Section 17.04.020, the Planned Residential Development Zone is intended to:

1. Facilitate development of areas designated for residential use on the General Plan and currently zoned for residential use by permitting greater flexibility and, consequently, more creative and imaginative designs for the development of such residential areas than generally is possible under conventional zoning or subdivision regulations.
2. Promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, and preservation of natural and scenic qualities of open spaces.

B. **Uses permitted.**

1. Single-family and multi-family residential development;
2. Private residential recreational facilities;
3. Utilities;
4. Accessory uses and structures incidental to permitted uses;
5. Temporary uses as prescribed in Chapter 17.56; and
6. Model homes and subdivision sales offices subject to the granting of a Use Permit.

C. **Development standards.** The following development standards shall apply to all planned residential developments.

1. The maximum number of dwelling units permitted in a planned residential development shall be determined by applying the slope and density restrictions and bonuses of the underlying Residential Zoning District.
2. There shall be no minimum area requirement for individual lots or individual dwelling sites in a planned residential development.
3. The planned residential development shall be designed and developed in a manner compatible with and complementary to existing and potential residential development in

the immediate vicinity of the project site. Site planning on the perimeter shall provide for the protection of the property from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development.

4. The following specific site development requirements shall apply to a planned residential development in any residential zone; these requirements are minimums unless otherwise noted:
 - a. *Site area*: two and one half acres;
 - b. *Site frontage on public street*: 200 feet;
 - c. *Front yard*: 20 feet;
 - d. *Side yard*: 10 feet;
 - e. *Side yard, street side*: 20 feet;
 - f. *Rear yard*: 10 feet;
 - g. *Building height, maximum*: same as underlying zone; and
 - h. *Site coverage, maximum*: same as underlying zone.
5. Required open space and recreation areas shall comprise at least 40 percent of the total land area of the planned development. Land occupied by recreational buildings and structures may be counted as required open space.
6. Open space may be improved or may be left in its natural state particularly if natural features worthy of preservation exist on the site. Open space left in its natural state shall be kept free of litter and shall at no time constitute a health, safety, fire or flood hazard. Areas devoted to natural or improved flood control channels and those areas encumbered by flowage, floodway or drainage easements may be applied toward satisfying the open space requirement.
7. If development is to be accomplished in stages, the Use Permit approval shall phase improvements and provision of the open space, the construction of buildings, structures and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate share of the total open space and environmental quality of the total planned development.
8. No building, except as provided in this article, shall be located closer than five feet to any interior vehicular lot or any other surfaced area reserved for public use or for use in common by residents of the planned development. Such setback generally shall be measured from the nearest edge of a surfaced area; provided, however, that where no sidewalk exists in conjunction with a public or private street, such setback shall be measured from the nearest edge of the street right-of-way or private road easement.

9. No garage or carport having straight-in access from a public or private street shall be located closer than 20 feet from the nearest edge of the sidewalk of such street, or, where no sidewalk exists, from the nearest edge of the street right-of-way or road easement.
 10. Spacing between buildings shall be a minimum of 10 feet. Where a roof sheds snow toward another building, the spacing between buildings shall be increased or alternate design requirements shall be imposed by the Commission.
 11. All public streets within or abutting the proposed planned development shall be dedicated and improved to Town specifications for the particular classification of street. When the developer desires to retain any streets within the development as private streets, such streets shall be permanently reserved and maintained for their intended purposes by means acceptable to the Commission upon recommendation of the Public Works Director. Other forms of access, such as pedestrian ways, courts, plazas, driveways or open parking lots shall not be offered for dedication.
 12. Planned residential development shall relate harmoniously to the topography of the site, shall make suitable provision for the preservation of watercourses, drainage areas, wooded areas, rough terrain, and similar natural features and areas, and, shall be otherwise so designed as to use and retain such natural features and amenities to the best advantage.
 13. All utilities within a planned residential development shall be placed underground. Appurtenances and associated equipment such as propane tanks, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed above ground.
 14. The type, number and location of fire hydrants and other fire protective devices shall be subject to the specifications of the Mammoth Lakes Fire Protection District.
- D. **Performance and environmental standards.** In the Planned Residential Development Zone, performance and environmental standards for individual projects shall be as specified in the development plan but shall not be less than those specified for similar uses in the residential zones.
- E. **Pre-application procedures.** Prior to submitting an application for a planned residential development, the applicant or prospective developer shall hold preliminary consultations with the Director to obtain information and guidance before entering into binding commitments incurring substantial expense in the preparation of plans, surveys and other data.
- F. **Permits Required.** A planned residential development requires filing of a zoning map amendment, zoning text amendment, and use permit in order to establish the zone and development standards.
- G. **Application – Development plans and maps.** An application for a planned residential development, or modification of an existing planned residential development, shall be prepared, filed, and processed in compliance with Chapter 17.60 (Applications Processing, and Fees) and shall include all information specified by the Department.

- H. **Adoption of development plans and maps.** The development plans and maps submitted with the application for a planned residential development shall be approved and adopted in accordance with the provisions of Chapter 17.112 (General Plan, Zoning Map, and Zoning Code Amendments).
- I. **Amendments to development plans and maps.** All development within the planned residential development zone shall comply with the development plans and maps as approved and adopted by the Council. Any amendments to the development plans and maps shall be accomplished in the same manner as an amendment to the zoning regulations as prescribed in Chapter 17.112 (General Plan, Zoning Map, and Zoning Code Amendments) .
- J. **Findings.** As a condition necessary for the granting of a planned residential development zone request, the following findings shall be made:
1. That the development at the location proposed is consistent with and conforms to the goals and policies of the General Plan or any applicable specific plan for the area;
 2. That the development and proposed location is consistent with the objectives and standards of the Planned Residential Development Zone and the subdivision ordinance;
 3. That the development at the location proposed and the development standards to be followed or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;
 4. That the development will promote or preserve environmental qualities and conserve energy usage and energy resources including the protection of adequate sunlight for use of solar energy systems; and
 5. That the development will promote design standards established by the Commission and the Council.
- K. **Accessory uses and structures.** Accessory uses and structures shall be located and established as specified on the development plans and maps as approved and adopted by the Council; however, accessory structures shall meet all of the setback requirements for site development as specified in Section 17.32.090C.

17.32.100 Public and Quasi-Public Zone (P-QP)

- A. **Purposes.** In addition to the purposes prescribed in Section 17.04.020, the Public and Quasi-Public Zone is intended to permit adequate identification of areas reserved and developed for public uses other than street rights-of-way, to provide for educational and cultural activities and facilities, to provide for expansion of their operations or change in use, and, to identify and preserve areas of historic and community significance for the enjoyment of future generations.
- B. **General Permit Requirements.** Table 17.32.100 identifies the uses of land allowed by this Zoning Code in the Public and Quasi-Public Zone District, and the permit required to establish each use, in compliance with Section 17.08.020 (Requirements for Development and New Land Uses).

TABLE 17.32.100: ALLOWED USES AND PERMIT REQUIREMENTS FOR PUBLIC & QUASI-PUBLIC ZONING DISTRICTS		
<i>P: Permitted Use; U: Use Permit Required; A: Administrative Permit Required; - : Use Not Allowed</i>		
<i>Land Use</i>	<i>Permit Requirements</i>	<i>See Specific Use Regulations</i>
Residential Use Classifications Accessory to Cerro Coso College		
Assisted Living Facility	P	See 17.52.260 (Residential Care and Assisted Living Facilities)
Convalescent Home	P	
Emergency Housing/Shelter	P	
Residential Care Facility	See subclassifications below	
<i>General</i>	P	See 17.52.260 (Residential Care and Assisted Living Facilities)
Student and Faculty Housing	U	
Supportive Housing	See 17.52.290 (Transitional and Supportive Housing)	
Transitional Housing	See 17.52.290 (Transitional and Supportive Housing)	
Recreation, Education, & Public Assembly Use Classifications		
Community Assembly	A	
Parks and Playgrounds, Public	P	
Schools, Public or Private	P	
Ski Facilities	U	
Theater, Cinema or Performing Arts	P	
Animal Care and Boarding	See subclassifications below	
<i>Kenel</i>	U	See 17.52.070 (Animal Care and Boarding)
Cemeteries and Interment Services	U	
Government Offices	P	
Medical Services	See subclassifications below	
<i>Hospital</i>	A	
<i>Clinics and Laboratories</i>	P	
Public Safety Facilities	P	
Transportation, Communications, Infrastructure Use Classifications		
Airports and Heliports	U	
Parking, Public or Private	P	
Transportation Passenger Facilities	U	
Utilities, Major	U	
Agriculture and Natural Resource Use Classifications		
Flood Control Facilities	U	
Geothermal Exploration/Production	U	

TABLE 17.32.100: ALLOWED USES AND PERMIT REQUIREMENTS FOR PUBLIC & QUASI-PUBLIC ZONING DISTRICTS		
<i>P: Permitted Use; U: Use Permit Required; A: Administrative Permit Required; - : Use Not Allowed</i>		
<i>Land Use</i>	<i>Permit Requirements</i>	<i>See Specific Use Regulations</i>
Other Applicable Types		
Accessory use	P	See 17.52.030 (Accessory Uses)
Temporary Uses and Events	See Chapter 17.56 (Temporary Uses and Events)	
Telecommunication Facilities	See 17.52.280 (Telecommunication Facilities)	
Wind Energy Conversion Systems (WECS)	See 17.52.300 (Wind Energy Conversion Systems (WECS))	

C. **Property development standards.** The following development standards shall apply to all development in the Public and Quasi-Public Zone District.

1. **Site Standards.**

- a. Site area: 20,000 square feet;
- b. Site width: 100 feet;
- c. Site depth: 100 feet;
- d. Front yard: 20 feet;
- e. Side yard: 20 feet; and
- f. Rear yard: 20 feet.

2. **Accessory Unit Standards.** The maximum density for accessory housing is four units per gross acre and subject to RMF-1 development standards.

3. **Screening and landscaping.** Standards for screening of facilities and uses and landscaping of the site shall be as specified in the Use Permit or Design Review approval.

4. **Off-street parking.** Off-street parking facilities shall be provided for each use as prescribed for similar uses in this Code.

D. **Performance and environmental standards.** Performance standards shall be as specified in the Use Permit but shall not be less than those specified for similar uses in other zones.

17.32.110 Resort Zone (R)

A. **Purposes.** In addition to the purposes outlined in Section 17.04.020, the Resort Zone is intended to:

- 1. Provide for the classification and development of parcels of land as coordinated, comprehensive projects so as to take advantage of the superior environment which can result from large scale community planning;

2. Allow diversification of land uses as they relate to each other in a physical and environmental arrangement, while ensuring substantial compliance with the provisions; and
3. Provide for a zone classification encompassing various types of land uses such as: single-family residential developments, multiple housing projects, professional and administrative office uses, hotels including attendant support commercial activities, recreational facilities, public or quasi-public uses, or combinations of such uses through the adoption of a master plan and text materials which set forth land use relationships and development standards.

B. Uses permitted.

1. Those uses designated on the Master Plan for the particular property as approved by the Council;
2. The continuation of all land uses which existed in the zone at the time of adoption of the Master Plan. Existing land uses shall either be incorporated as part of the Master Plan or shall terminate in accordance with a specific abatement schedule submitted and approved as part of the master plan;
3. Transient occupancy or rental not otherwise explicitly prohibited by the approved Master Plan for the particular property;
4. Utilities;
5. Accessory uses and structures incidental to permitted uses;
6. Temporary uses as described in Chapter 17.56; and
7. Fractional-use projects subject to Section 17.52.120 (Fractional/Timeshare Developments).

C. General requirements. The following requirements shall apply to all Resort Zone properties:

1. An application for a zone change to permit the establishment of a Resort Zone shall include and be accompanied by a Master Plan for the entire property;
2. An application for development of property within a Resort Zone shall be subject to the approval of a Master Plan by the Commission and Council;
3. The area contained within a proposed Resort Zone shall be not less than 20 acres;
4. A Use Permit may be required for any land use designation on the Master Plan;
5. If ambiguity exists as to the specific dimensions or extent of any designated area on the master plan, the specific boundaries shall be set by the filing of a record of survey of the parcel in question in conjunction with the filing of a use permit, tentative subdivision, or parcel map, or construction permits;

6. The maximum permissible residential density is eight units per acre;
 7. The maximum permissible hotel/motel density is 16 hotel rooms per acre. For the purposes of calculating residential density, a hotel room, one bedroom unit or studio unit up to a maximum of 850 square feet of living area, shall be considered to equal one-half of a dwelling. Living area is all space within the unit other than the garage and does not include common area hallways or similar spaces in a multiple-family structure;
 8. The maximum site coverage in a Master Plan area shall be 50 percent; and
 9. Existing properties located within a resort zone shall not be subdivided unless the subdivision map is in conformance with an approved Master Plan.
- D. **Performance and environmental standards.** In the Resort Zone, performance and environmental standards shall be as specified in the Master Plan or accompanying text consistent with Chapter 17.120 (Master Plans). Also, the Master Plan shall indicate the design theme for the entire project; generally the theme shall conform to Chapter 17.88 (Design Review).
- E. **Pre-application procedures.** Prior to submitting an application for a resort development, the applicant should hold preliminary consultations with the Director to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparations of plans, surveys and other data. Such preliminary consultations should be relative to a preliminary master plan and other material which expresses the relationship between the various land uses and the development concepts to be employed.

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Article III

Site Planning and General Development Standards

Chapter 17.36 Standards for All Development and Land Use

17.36.010	Purpose and Applicability
17.36.020	Creating or Modification of Lots
17.36.030	Exterior Lighting
17.36.040	Fences and Walls
17.36.050	Grading and Clearing
17.36.060	Height Measurement and Height Limit Exceptions
17.36.070	Performance Standards
17.36.080	Propane Tanks
17.36.090	Screening and Buffer
17.36.100	Setback Requirements and Exceptions
17.36.110	Snow Storage
17.36.120	Solar Access and Solar Equipment Guidelines
17.36.130	Solid Waste/Recyclable Materials Storage
17.36.140	Tree Removal and Protection

17.36.010 Purpose and Applicability

- A. **Purpose.** The provisions of this chapter expand the standards of Article II (Zoning Districts and Allowable Land Uses) by addressing the details of site planning and project design that apply, except where specifically stated, to development in all zoning districts and to ensure that development, and new or modified land uses are of appropriate character and quality, considerate of the community's natural resources, compatible with existing and future land uses, and consistent with the General Plan.
- B. **Applicability - General standards.** The provisions of this chapter apply to all proposed development and new land uses regardless of the applicable zoning district.
1. These standards shall be considered in combination with the standards for each zoning district in Article II (Zoning Districts and Allowable Land Uses). If there is a conflict, the standards specific to the zoning district shall override these general standards.
 2. All new or modified structures and uses shall comply with all applicable provisions of this chapter before construction and operation, unless specifically exempted by an applicable provision of this Zoning Code.

17.36.020 Creation or Modification of Lots

In reviewing the creation or modification of lots, the Town shall consider the suitability of the land for the proposed lot density and the suitability of individual lot sites for the proposed use. The specific items to be considered in determining suitability shall include, but not be limited to: access and parking; building sites on the lot; topography; grading; parking; snow storage; utilities; revegetation of cuts; fills and trenches that may be required; drainage and erosion control, both on-site and off-site; and any items addressed in any relevant environmental document.

17.36.030 Exterior Lighting

- A. **Purpose.** The purpose of this section is to provide rules and regulations for outdoor lighting within the Town of Mammoth Lakes in order to accomplish the following:
1. To promote a safe, glare-free, and pleasant nighttime environment for residents and visitors;
 2. To protect and improve safe travel for all modes of transportation;
 3. To prevent nuisances caused by unnecessary light intensity, glare, and light trespass;
 4. To protect the ability to view the night sky by restricting unnecessary upward projection of light;
 5. To phase out existing non-conforming fixtures that violate this section, including those owned by the town and other public agencies; and
 6. To promote lighting practices and systems that conserve energy.
- B. **Title.** This section shall be known and may be cited as the Town of Mammoth Lakes Outdoor Lighting Ordinance.
- C. **Figures.** The figures incorporated in this section or shown on informational sheets produced by the Town of Mammoth Lakes are provided as guidelines for the public and staff to use in meeting the intent of this section. The figures serve only as examples. The Town of Mammoth Lakes does not endorse or discriminate against any manufacturer or company that may be shown, portrayed, or mentioned as examples.
- D. **Applicability**
1. ***New Outdoor Lighting.*** All outdoor lighting fixtures installed after the effective date of this section shall conform to the requirements established by this section.
 2. ***Existing Outdoor Lighting.*** All existing outdoor lighting fixtures installed prior to the effective date of this section shall be addressed as follows:
 - a. To immediately address nuisances caused by improperly installed, unshielded, or misdirected fixtures, all existing outdoor lighting fixtures shall be adjusted or modified to the extent practical to reduce or eliminate glare, light trespass, and light pollution.
 - b. All existing outdoor lighting fixtures located on a property that is part of an application for design review approval; a conditional use permit; subdivision approval; or, a building permit for a new structure or addition(s) of twenty-five percent or more in terms of gross floor area, seating capacity, or parking spaces (either with a single addition or cumulative additions), shall meet the requirements of this section for the entire property. Such applications are required to include an outdoor lighting plan pursuant to Section 17.36.030G.

Conformity shall occur prior to final inspection, final map recordation, or business license issuance, when applicable.

- c. All existing outdoor lighting fixtures on property used for commercial and industrial purposes not in conformance with this section shall be brought into conformance as of the effective date of this section.
- d. All existing outdoor lighting fixtures on property used for residential, institutional, public, and semi-public uses not in conformance with this section shall be brought into conformance as of the effective date of this section.

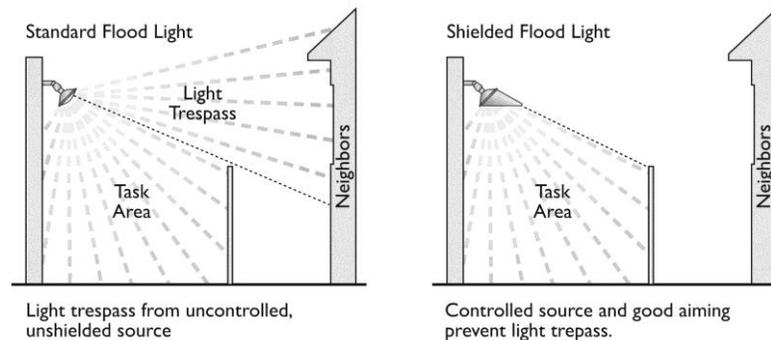
E. **Exemptions**

1. The following are exempt from the provisions of this section:
 - a. Seasonal displays using multiple low wattage bulbs (approximately fifteen lumens or less), provided that they do not constitute a fire hazard, create a nuisance, and are maintained in a safe and attractive condition.
 - b. Vehicular lights and all temporary emergency lighting needed by the police department and fire protection district, or other emergency services.
 - c. All temporary lighting used for the construction or repair of roadways, utilities, and other public infrastructure.
 - d. All lighting required by state or federal regulatory agencies.
2. The Director may authorize additional property specific exemptions when proposed outdoor lighting does not conflict with the purposes of this section. An application for such an exemption must be made in writing and include an outdoor lighting plan pursuant to Section 17.36.030G. Temporary lighting for special events shall be reviewed in this manner.

F. **General Requirements.** The following general standards apply to all non-exempt outdoor lighting fixtures:

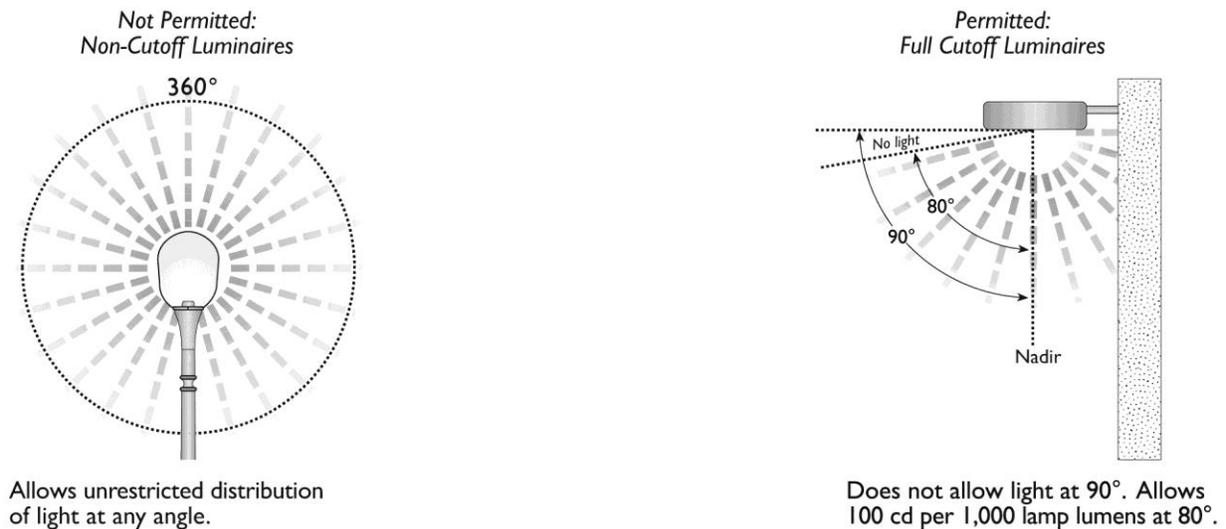
1. ***Nuisance Prevention.*** All outdoor lighting fixtures shall be designed, located, installed, aimed downward or toward structures, retrofitted if necessary, and maintained in order to prevent glare, light trespass, and light pollution.

FIGURE 17.36.030(F)(1): LIGHT TRESPASS



2. **Maintenance.** Fixtures and lighting systems shall be in good working order and maintained in a manner that serves the original design intent of the system.
3. **Lighting Levels.** Outdoor lighting installations shall be designed to avoid harsh contrasts in lighting levels between the project site and the adjacent properties. The Commission may, by resolution, adopt standards for maximum or minimum lighting levels for various zoning districts and for public streets, sidewalks, or trails, as developed by the Community and Economic Development and Public Works departments.
4. **Lamp Types.** Metal halide or high pressure sodium lamps are preferred for all new commercial and industrial area lighting (parking lot and yard lights) and street lighting installed after the effective date of this section due to good color rendering and good energy efficiency. Low pressure sodium lamps may be used for area lighting, but are not preferred due to poor color rendering. Low wattage incandescent or compact fluorescent lamps are preferred for residential lighting.
5. **Fixture Types.** All new outdoor lighting shall use full cut-off luminaries with the light source downcast and fully shielded with no light emitted above the horizontal plane, with the following exceptions:

FIGURE 17.36.030(F)(5): FIXTURE TYPES



- a. Fixtures that have a maximum output of four hundred lumens or less, regardless of the number of bulbs, may be left unshielded provided that it has an opaque top to prevent the light from shining directly up. However, partial (e.g. obscured glass) or full shielding is preferred to control light output in all situations.
 - b. Fixtures that have a maximum output of one thousand lumens or less may be partially shielded using a semi-translucent barrier, provided that the lamp is not visible from off-site, no direct glare is produced, and the fixture has an opaque top to keep light from shining directly up. For example, a low-output style wall pack.
 - c. Floodlights that do not meet the definition of "full cut-off" may be used if permanently directed downward, if no light is projected above the horizontal plane, and if fitted with external shielding to prevent glare and off-site light trespass. Unshielded floodlights and "barnyard"-type fixtures are prohibited.
6. **Accent Lighting.** Architectural features may be illuminated by uplighting, provided that the light is effectively contained by the structure, the lamps are low intensity to produce a subtle lighting effect, and no glare or light trespass is produced. For national flags, statues, public art, or other objects of interest that cannot be illuminated with down-lighting, upward lighting may only be used in the form of one narrow-cone spotlight that confines the illumination to the object of interest.
 7. The provisions of this section are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed herein, provided that the Director has approved any such alternative. A proposed alternative may be approved if it

provides at least approximate equivalence to the applicable specific requirements of this section, or if it is otherwise satisfactory and complies with the intent of this section.

8. The Town of Mammoth Lakes reserves the right to further restrict outdoor lighting including, but not limited to, pole height and level of illumination, when it is deemed in the public interest consistent with the purpose of this section.

G. Outdoor lighting plans.

1. An outdoor lighting plan shall be submitted in conjunction with an application for design review approval; a use permit; subdivision approval; or, a building permit for a new structure or addition(s) of 25 percent or more in terms of gross floor area, seating capacity, or parking spaces (either with a single addition or cumulative additions). An outdoor lighting plan is required for all new outdoor lighting installations on commercial (includes multi-family residential project of four or more units), industrial, public and institutional properties. The Director may request outdoor lighting plans from applicants for other types of projects due to project location, size, or proposed use, as necessary. An outdoor lighting plan shall include at least the following:
 - a. Manufacturer specification sheets, cut-sheets, or other manufacturer provided information for all proposed outdoor lighting fixtures to show fixture diagrams and light output levels;
 - b. The proposed location, mounting height, and aiming point of all outdoor lighting fixtures (a site plan is preferred); and,
 - c. If building elevations are proposed for illumination, drawings for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the luminance level of the elevations, and the aiming point for any remote light fixture.
2. If needed to review the proposed outdoor lighting fixture installation, the Director may require additional information following the initial outdoor lighting plan submittal, including but not limited to a written narrative to demonstrate the objectives of the lighting, photometric data, Color Rendering Index (CRI) of all lamps and other descriptive information on the fixtures, computer generated photometric grid showing foot-candle readings every ten feet within the property or site and ten feet beyond the property lines (An iso-foot-candle contour line style plan may be acceptable), and/or landscaping information to describe potential screening.
3. The Director may approve, deny, or require modifications to any outdoor lighting plan in order to meet the purpose of this section.

H. Prohibitions.

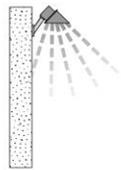
1. The installation of any new fixture not in conformance with this section is prohibited after the effective date of this section.

2. Suppliers of outdoor lighting fixtures within the Town of Mammoth Lakes are required to have an inventory that includes outdoor lighting fixtures that conform to the requirements of this section.
 3. No outdoor lighting fixtures shall be installed, aimed, or directed to produce light that spills over into neighboring properties or the public right-of-way. Light trespass is prohibited.
 4. No outdoor lighting fixture may be installed or maintained in such a manner to cause glare visible from off-site.
 5. No outdoor lighting fixture may be operated in such a manner as to constitute a hazard or danger to persons, or to safe vehicular travel.
 6. Blinking, flashing, moving, revolving, scintillating, flickering, changing intensity, and changing color lights and internally illuminated signs are prohibited, except as allowed by Chapter 17.48 (Signs).
 7. The installation of new mercury vapor lamps is prohibited.
 8. Search lights, laser source lights, or any similar high-intensity light is prohibited except by police and fire personnel or at their direction, or for approved temporary lighting under a special event permit issued by the Director.
- I. **Signs.** All outdoor lighting for signs shall conform to Chapter 17.48 (Signs). Where 17.36.030 conflicts with the Chapter 17.48 (Signs), Chapter 17.48 (Signs) will take precedence.
- J. **Outdoor performance, sport, and recreation facilities.**
1. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that their beams fall within the primary playing area and immediate surroundings, and so that no significant off-site light trespass is produced.
 2. Lighting for playing fields and other special activity areas shall be turned off as soon as possible following the end of an event. Where feasible, a low level lighting system shall be used to facilitate patrons leaving the facility, cleanup, nighttime maintenance, and other closing activities.
- K. **Winter lighting for snow removal.** Property owners are encouraged to illuminate buildings located within twenty feet of the public right-of-way during public snow removal activities. The purpose is to make buildings fronting public roads visible in order to assist road maintenance crews and minimize the chance of property damage during snow removal activities. It is only necessary to illuminate a portion of the building facade. This section is not intended as a requirement to illuminate the right-of-way, driveways, or any portion of the front or side yard (Section 12.16.080). All such lighting must conform to the requirements of this section for down-direction, shielding, glare and light trespass prevention.

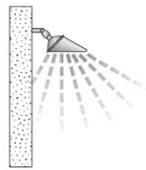
- L. **Energy conservation measures.** Incorrect installations, poor choice of fixtures, and over-lighting can result in unnecessarily high energy costs. The following recommendations are intended to encourage the efficient use of energy for lighting purposes.
1. All non-essential outdoor commercial and residential lighting should be turned off after business hours and/or when not in use.
 2. Where practical, outdoor lighting installations should include timers, dimmers, sensors, or photocell controllers that turn the lights off during daylight hours to reduce overall energy consumption and eliminate unnecessary lighting. Sensor activated fixtures should not be triggered by activity off the subject property.
 3. When selecting new outdoor lighting, the full cost of operation over the life of the fixture(s) should be considered. Substantial annual energy savings will be realized by using quality efficient fixtures.
 4. Indiscriminate and excessive lighting should be avoided. Light should be directed only to where it is needed with appropriate intensity.
- M. **Violations and penalties.** It shall be unlawful to install or operate any outdoor lighting fixture in violation of this section. Any person violating any provisions of this section may be subject to the provisions of Municipal Code Chapter 8.32 (Civil Penalties). In addition, any outdoor lighting fixture erected or maintained contrary to the provisions of this section may be declared to be a public nuisance subject to the procedures set forth in Municipal Code Chapter 8.20 (Nuisances). Such remedies are in addition to and may be sought or imposed concurrently with, any other remedy provided by law, regulation, or ordinance.
- N. **Figures and diagrams.** The following figures illustrate examples of acceptable and unacceptable types of outdoor lighting fixtures. Note that even those types of fixtures shown as "acceptable" must be installed and aimed properly to comply with this section.

FIGURE 17.16.030(N): ACCEPTABLE AND UNACCEPTABLE FIXTURES

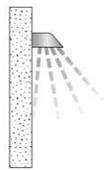
Acceptable



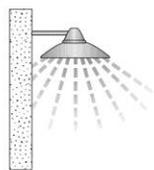
Hooded Floodlights



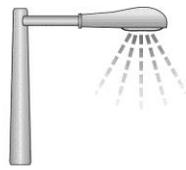
Area Flood Light with Hood



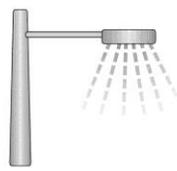
Hooded Wall Pack



Opaque Reflector (lamp inside)

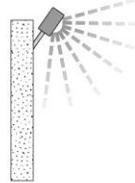


Street Lighting

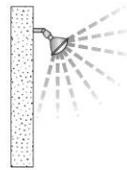


Parking Lot Lighting

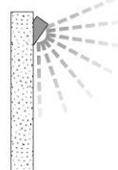
Not Acceptable



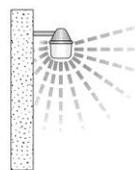
Area Floodlights



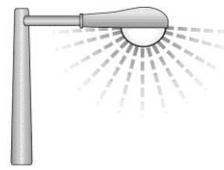
Spotlight



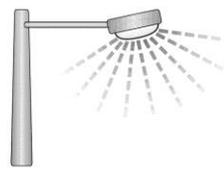
Wall Packs



Typical "Yard Light"



Street Lighting



Parking Lot Lighting

17.36.040 Fences and Walls

The following standards shall apply to the installation of fences and walls, regardless of whether a permit or Town approval is required by this section, except where an applicable Specific or Master Plan establishes different standards. The provisions of this section shall not apply to a fence or wall required by law or regulation of the Town, State, or an agency thereof. For the purposes of brevity, the term "fence" as used in this section shall mean "fence and wall."

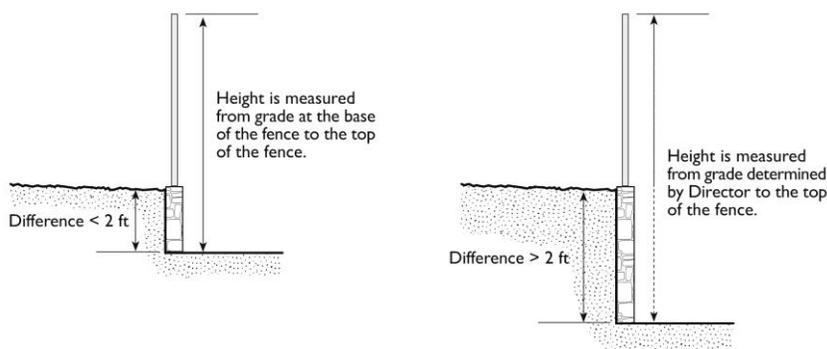
- A. **Fence height limitations.** Fences are subject to the height limitations shown in Table 17.36.040A. An increase in height may be granted by the Director for required retaining walls.

TABLE 17.36.040(A): HEIGHT LIMITS FOR FENCES			
<i>Zoning District</i>	<i>Within Front or Street Side Setback</i>	<i>Within Side or Rear Setback</i>	<i>Remainder of Lot</i>
Industrial	8 ft., Must be setback 10 ft. from the property line along Commerce Dr. or other access way off Commerce Dr. No fences are permitted within 10 feet of the property line along Commerce Drive.		
All Other Zones	3 ft.	6 ft.	6 ft.

B. Fence Height Measurement

1. Fence height shall be measured as the vertical distance between the grade at the base of the fence and the top edge of the fence material.
2. Where there is a difference in the ground level between two adjoining parcels of less than two feet, the height of a fence constructed along the common property line shall be determined by using the natural grade of the lowest contiguous parcel.
3. When there is a difference in the ground level between two adjoining parcels of two feet or more, the Director shall determine the grade from which the fence shall be measured.

FIGURE 17.36.040(B): MEASURING HEIGHT OF FENCES AND WALLS



- C. **Retaining Walls.** All retaining walls visible from off-site shall be made of split face block, faced with rock, or similarly treated to be attractive.

- D. **Prohibited materials.** The use of barbed wire, chain link, rope, electrified fence, glass, razor wire fence, or similar materials in conjunction with a fence or wall, or by itself within any zoning district, is prohibited except for the following cases: chain link is allowed for tennis courts or similar recreational facilities, pet enclosures of 200 square feet or less, industrial uses, utility companies, or in areas where there is a safety hazard. If chain link is used it shall be painted or coated in a dark green, brown, or black color.

17.36.050 Grading and Clearing

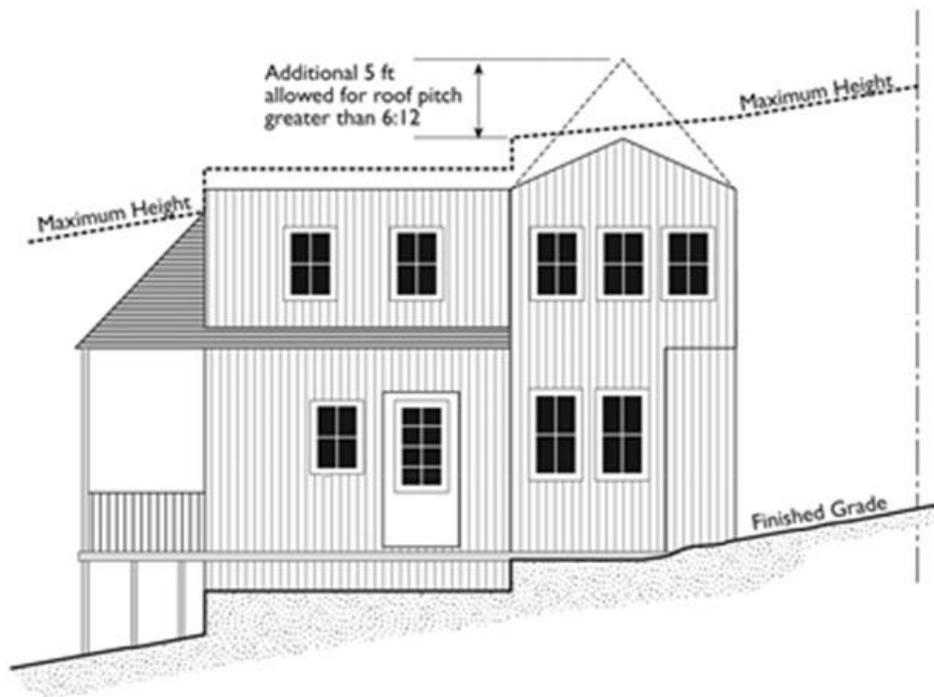
- A. No lot may be graded or vegetation cleared unless such action is shown on and consistent with an approved development plan or building permit. Grading shall be limited to that area required for construction of the structure, utilities, driveways and access to one primary entrance of the structure which is provided for resident and guest access. Grading across multiple lots or multiple building sites is not permitted except as may be approved in conjunction with a master planned development when the proposed land use cannot be reasonably accommodated on separate lots. Front, side and rear yards may not be graded or cleared except to provide for:
1. The above construction and access requirements;
 2. Limited additional access to the front (streetside) of the structure;
 3. Snow or materials storage;
 4. Landscaping which is exempt from grading and clearing regulations identified in Title 12 of the Municipal Code; or
 5. As approved under a Design Review approval.
- B. Generally, existing trees and vegetation shall be preserved. Except as permitted by the Director, no live trees over 12 inches Diameter at Breast Height (DBH) in diameter shall be removed. The Director shall base his approval upon the health of the tree(s), the necessity to remove the tree(s) because of building or driveway construction or snow removal/storage, potential hazard, fuels reduction activities as approved by the Mammoth Lakes Fire Protection District, or solar access. Creation of views, lawns, or similar amenities shall not be sufficient cause to remove native trees. As mitigation for tree removal, the Director may require replacement plantings. Required replacement shall be limited to plantings in areas suitable for tree replacement with species identified in the Mammoth Lakes Design Guidelines. Substantial replacement will be required, minimum replacement tree size shall be three gallons. The property owner is required to maintain replacement plantings to that approved by the Director.
- C. All construction and uses, including paving, driving and parking areas, shall comply with the discharge requirements of the Lahontan Regional Water Quality Control Board.
- D. All provisions of Chapter 12.08 (Land Clearing, Earthwork, and Drainage Facilities) shall apply.

17.36.060 Height Measurement and Height Limit Exceptions

The intent of this section is to describe how building height is measured and describe exceptions to height limits. All structures shall comply with the following standards relating to height, except for fences and walls, which are instead subject to the provisions of Section 17.36.040 (Fences and Walls).

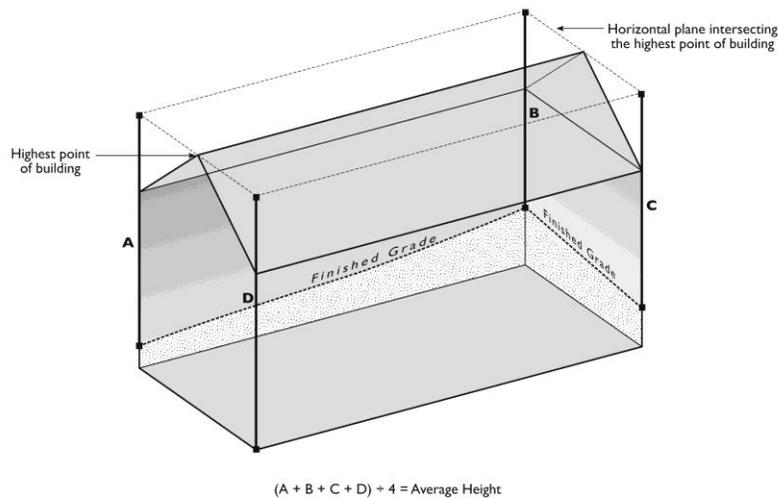
- A. **Maximum Height of Structures.** The height of structures shall not exceed the standard established by the applicable zoning district in Article II (Zoning Districts and Allowable Land Uses).
- B. **Height Measurement.**
1. ***Building Height Calculation.*** Building height is measured from the finished grade at all points on the lot to the top of the structure directly above, i.e., maximum height is defined by a warped plane that is parallel to the finished grade on the lot.
 - a. Maximum height shall be measured from finished grade adjacent to the building exterior to the highest point of coping of a flat roof, the top of a mansard roof, or the highest point of the highest pitched roof.
 - b. “Finished Grade” is defined as the final ground surface elevation after the completion of grading or other site preparation related to a proposed development that conforms to an approved grading permit and/or building permit. In cases where substantial fill is proposed, “finished grade” shall be established by the Director, consistent with parcels in the immediate vicinity, and shall not be, nor have been artificially raised to gain additional building height.
 - c. Where a building sits atop a parking podium (underground parking) the building height shall be measured from the top of the parking podium provided that the building height does not increase by more than seven feet six inches.
 - d. Roofs of primary buildings with a pitch greater than 6:12 shall be allowed an additional five feet above the maximum building height in the zone; provided that snow shall not shed into any pedestrian areas. Accessory buildings and structures regardless of roof pitch shall not be allowed any additional building height.

FIGURE 17.36.06o(B): PITCHED ROOF BUILDING HEIGHT MEASUREMENTS



2. ***Alternative Building Height Calculation on Lots Having an Average Slope of 10 percent or greater.*** These provisions allow a different way of calculating height on lots with an average slope calculated over the entire lot of 10 percent or more due to the constraints associated with these sites.
 - a. The building height is calculated by measuring the height at the four outermost corners of the structure from finished grade to a horizontal plane which intersects the topmost point of the building and dividing that total by four ($A+B+C+D = X/4 = \text{height}$).
 - b. No portion of any building shall exceed 10 feet above the maximum permitted height allowed in Article II as measured from finished grade at any point beneath the structure to the roof of the building above that point.
 - c. An uncovered deck that projects no more than 10 feet from the building shall not be considered one of the four corners from which the average height calculation is derived.

FIGURE 17.36.060(B)(2): ALTERNATIVE BUILDING HEIGHT CALCULATION



The average height is calculated by measuring the height at four outermost corners of the structure from finished grade to a horizontal plane which intersects the topmost point of the building and dividing that total by four.

3. ***Exceptions to Height Limits.*** The overall building height shall not exceed the maximum permitted height, described in Article II, except as follows or as otherwise permitted by Chapter 17.76 (Adjustments):
 - a. The following elements attached to a building shall be excluded from the height measurement with the limitation that the total area covered by such elements shall not exceed 20 percent of the roof area of the building and the height shall not exceed 14 feet above the maximum permitted height. Any roof mounted structure shall be set back from the edge of the structure a minimum of one foot for every foot in height above the roof on which they are situated. Refer to Section 17.36.090 for screening requirements.
 - i. Antennas (Antennas shall comply with Section 17.52.280, Telecommunications Facilities);
 - ii. Chimneys;
 - iii. Stair and elevator towers;
 - iv. Mechanical equipment;
 - v. Steeples, towers and other unoccupied architectural features; and,
 - vi. Other similar features as approved by the Director.
 - b. Solar roof paneling shall be excluded from the height measurement with the limitation that the height shall not exceed 14 feet above the maximum permitted height. There shall be no limitation on the roof area covered by solar roof paneling.

- c. Public safety communication facilities, such as radio towers and antennas used for emergency service dispatch, shall be excluded from the height measurement, but shall be no taller than necessary to be effective as determined by the review authority.

17.36.070 Performance Standards

- A. **Heat/Cold, Glare.** No use, except a temporary construction operation, shall be permitted which creates changes in temperature or direct glare (for example welding), detectable by the human senses without the aid of instruments, beyond the boundaries of the site.
- B. **Electrical Disturbances.** No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site.
- C. **Fuel and Explosive Hazards.** All storage of, and activities involving, flammable or explosive materials shall be subject to the approval and conditions specified by the Mammoth Lakes Fire Protection District and other state or local agencies as well as the California Building Standards Code.
- D. **Odor.** No use shall be permitted which creates noxious or annoying odor in such quantities as to be readily detectable beyond the boundaries of the parcel or unit where the use is located.
- E. **Radioactivity.** The use of radioactive materials shall be limited to medical uses and measuring, gauging, or calibration devices.
- F. **Vibration.** No use, except temporary construction operations, shall be permitted which generates inherent and recurrent ground vibration perceptible without instruments beyond the boundary of the lot on which the use is located.
- G. **Solid Waste Disposal.** All solid waste generated by a use which is not disposed of on-site in compliance with all applicable laws shall be transported to an approved landfill site, transfer station, or recycling center for proper disposal at least one time per week, or sooner, if deemed necessary by the Mono County Environmental Health. Litter shall be removed from a site promptly and not be allowed to accumulate.
- H. **Hazardous Materials.** The use, storage and disposal of hazardous materials shall be subject to the approval and conditions of the Mammoth Lakes Fire Protection District and the Mono County Environmental Health. All containers storing hazardous materials shall be labeled and sealed at all times and shall be stored on impervious surfaces approved by the Public Works Director.
- I. **Particulate or Gaseous Emissions.** Any use which emits smoke, dust, or other airborne particulates or gases shall be subject to the approval and conditions of the Great Basin Unified Air Pollution Control District. Continuous efforts for dust control during dust-generating activities are required. Dust generation during windy conditions shall be prohibited if abatement measures do not contain dust on-site.
- J. **Noise.** Interior and exterior noise shall meet the requirements of Chapter 8.16 of the Town of Mammoth Lakes Municipal Code.

- K. **Conformance.** Whenever there is a question of conformance with the standards outlined in this subsection, the Director shall require the property owner or operator to engage the services of an independent certified testing firm approved by the Director. The results of all such tests shall be furnished to the Director.

17.36.080 Propane Tanks

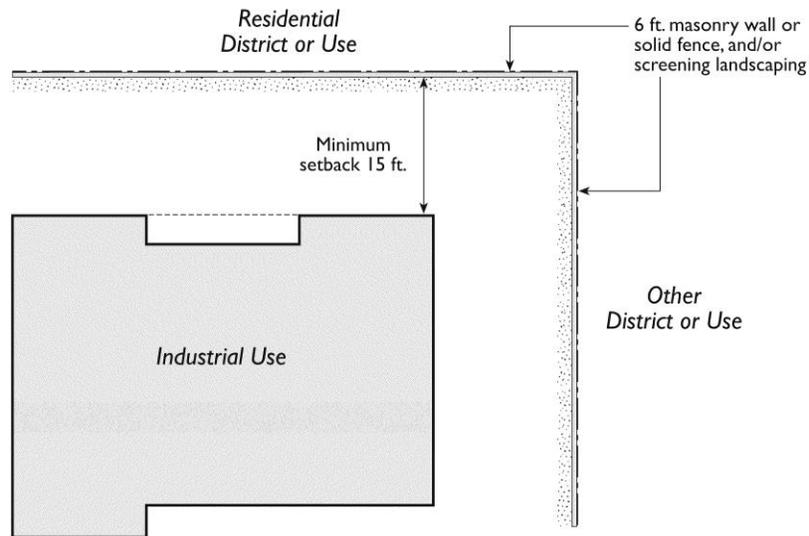
- A. **Setbacks.** Propane tanks shall not be located in the front or street side yard setback areas unless authorized by the Director and Public Works Director based upon safety concerns or accessibility of the tank location. Propane tank location shall meet the requirements of the Mammoth Lakes Fire Protection District.
- B. **Screening.** Propane tanks shall be painted tan or light green. Propane tanks located within the front or street side setback area are subject to additional screening and protection from snow removal operations as approved by the Director.
- C. **Shared Propane Tanks.** When a propane tank is proposed to be shared between properties, a development or plot plan must be approved by the Department showing propane tank locations and gas lines. An agreement shall be recorded against the property to share an off-site tank or gas line among adjacent property owners.

17.36.090 Screening and Buffer

This section establishes standards for the screening and separation of adjoining residential and non-residential districts, equipment and outdoor storage areas, and surface parking areas.

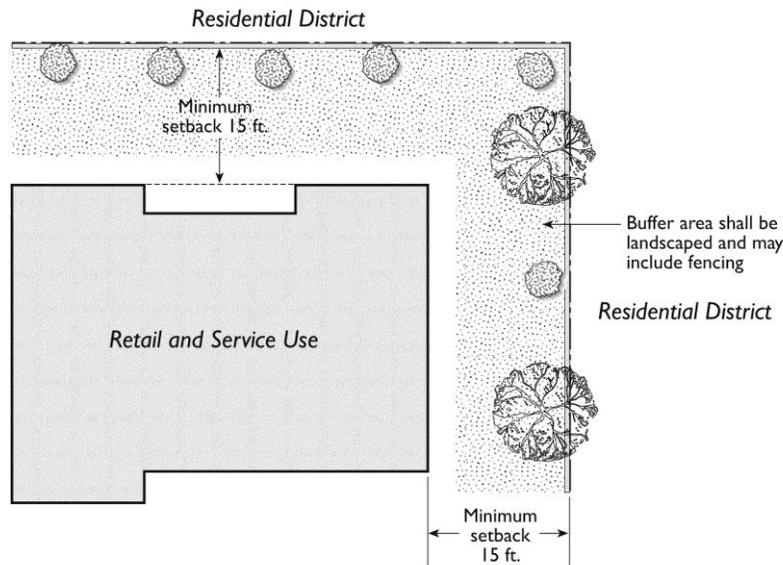
- A. **Screening Between Industrial and Other Land Uses.** Where a lot with an industrial use abuts a property in any other zone district or use, the following setback and screening requirements shall be provided as part of the development or land use.
1. **Setbacks.** Industrial structures and activities shall maintain a minimum of 15 feet from any residential zoning district or use.
 2. **Screening.** A six-foot masonry or solid fence and/or screening landscaping shall be provided and maintained on the interior lot lines of any lot that contains an industrial use and any other district or use, subject to the approval of the Director.

FIGURE 17.36.090(A): SCREENING BETWEEN INDUSTRIAL AND OTHER LAND USES



- B. Screening Between Retail and Service Uses and Residential Land Uses.** Where a lot with a retail or service use abuts a residential zoning district, the following setback, screening, and landscaping requirements shall be provided as part of the development or land use.
1. **Setbacks.** Retail and service uses shall maintain a minimum 15-foot setback as a buffer area from the residential zoning district.
 2. **Screening.** The buffer area between retail and service uses and residential districts shall be landscaped and may include fencing to provide a reasonable buffer between the two uses. No structures, paving, or snow storage are permitted in this area.

FIGURE 17.36.090(B): SCREENING BETWEEN RETAIL AND SERVICE USES AND RESIDENTIAL LAND USES



C. Mechanical Equipment, Loading Docks, and Refuse Areas.

1. Ground level mechanical equipment, loading docks, refuse and recyclable materials storage areas, and utility services shall be screened from public view from adjoining public streets and rights-of-way as determined by the Director.
2. Rooftop mechanical equipment (e.g., air conditioning, heating, vents, flues, exhaust pipes, and ventilation ducts, etc.) shall be combined and/or collected together on slopes of roofs and screened from public view from adjoining public streets and rights-of-way as determined by the Director.
3. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, and architectural style as determined by the Director.
4. All mechanical equipment screening shall be subject to review and approval by the Director and the Mammoth Lakes Fire Protection District.

17.36.100 Setback Requirements and Exceptions

This section provides standards for the use and minimum size of required setbacks. These standards are intended to provide open areas around structures for visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; snow shedding; separation of incompatible land uses; and space for privacy, landscaping, and recreation.

A. Setback requirements.

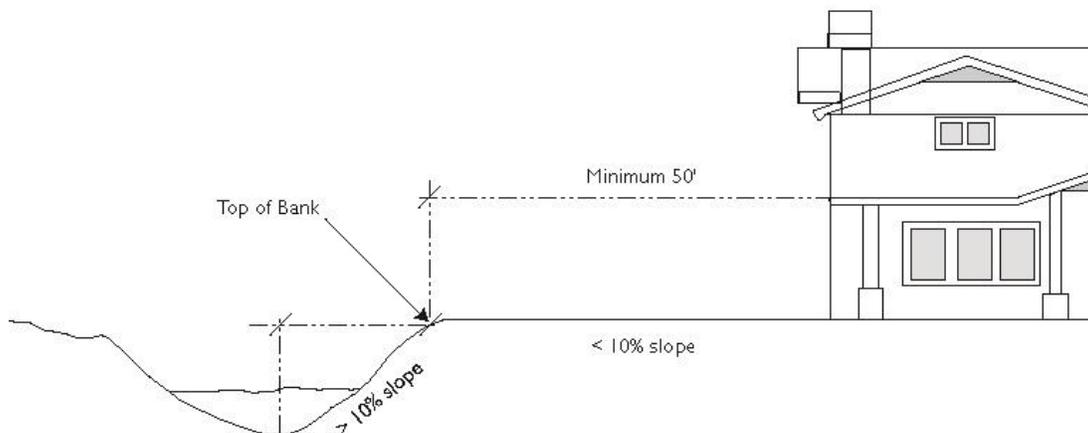
1. All structures shall comply with the setback requirements of the applicable zoning district established by Article II (Zoning Districts and Allowable Land Uses), and with any

special setbacks established for specific uses by this Code, except as otherwise provided by this section. No portion of a structure, including eaves or roof overhangs, shall extend beyond a property line; or into an access easement or street right-of-way.

2. All setbacks shall be open and unobstructed from the ground upward, except for trees and plant materials and as provided in this section.
 3. For properties fronting on a substandard street, the front and street side setback lines shall be measured from the ultimate right-of-way line, based upon the adopted road standards of the Town.
- B. **Special Active Fault Trace.** A minimum setback of 50 feet shall be provided between buildings intended for human occupancy and an active fault trace as identified on special studies zones maps prepared by the State Geologist.
- C. **Permanent Lake or Stream Setbacks**
1. **Purpose.** This section provides standards for development adjacent to permanent streams, creeks and lakes throughout the Town, which are valuable as open space areas, provide habitat for plants and animals, and are of recreational and scenic interest. Therefore, it is important for the Town to provide appropriate buffers between these designated water bodies and adjacent development to protect this important community resource.
 2. **Applicability.** The provisions of this section apply to any permanent lake or stream, defined as any stream, lake, river, pond or other body of water or waterway which, most years, under natural conditions, will contain water all year.
 3. **Streambed Information Required.** At the time of permit application, applicants with parcels adjoining any of the above-specified waterways or water bodies shall submit a site specific streambed information prepared by a hydrologist, civil engineer, or other qualified professional approved by the Town to identify the precise top of bank of the waterway as defined below. The Director may waive the requirement for a streambed analysis if it is determined that the project, because of its size, location, or design will have no impact on the water body, or that sufficient information exists and further analysis is not necessary. The mapping shall be provided at a scale of at least 1:100. The information provided shall include any information determined necessary by the Director to properly analyze the potential impacts of the proposed project on the water body and necessary mitigations.
 4. **Top of Bank Determination.** Top of bank shall be determined as the point beyond which the slope of the upper elevation of land, which confines the channel waters flowing in a watercourse in their normal course of high seasonal flow, does not exceed 10 percent.
 5. A setback, easement or dedication including any land within the channel and a maximum of 50 feet from the top of bank shall be required for all zoning districts. The review authority may require a larger setback, easement, or dedication if found to be necessary to protect sensitive environmental resources.

6. **Structures.** No structure, fence, parking access, parking space, paved area or swimming pool shall be constructed within a creek or creekside setbacks. Public roads, and sidewalks, paths or trails and other public facilities may be constructed within the setback.
7. **Modifications to Lake and Stream/Creek Corridor Development Standards.** The Commission may modify the development standards outlined in subsection 5, in compliance with Chapter 17.72 (Variances) and Chapter 17.76 (Adjustments). In addition to the findings described therein, the following findings shall be made in order to approve a Variance or Adjustment to the lake and stream corridor development standards:
 - a. The entirety of the project is outside of the 100-year flood plain.
 - a. The creek bank in the vicinity of the modification has been demonstrated as historically stable.
 - b. Riparian resources will not be significantly diminished as a result of the modification.

FIGURE 17.36.100(C)(4): TOP OF BANK



D. Development Standards

1. Setbacks shall be required for all ministerial projects. Either a setback, easement, or dedication shall be required for all discretionary land use entitlements. Tentative maps shall be conditioned in compliance with Title 16 (Subdivisions).
2. **Grading and Landscaping.** Grading or filling, planting of exotic/non-native or non-riparian plant species, or the removal of native vegetation shall not be permitted within a setback area. Exceptions to this include grading, landscaping, and vegetation management activities determined necessary by an applicable permitting or regulating agency for fire safety, to maintain safe public access on an established road, path or trail,

or to maintain the health and ecological function of the water body, and for which necessary approvals from a permitting agency have been obtained.

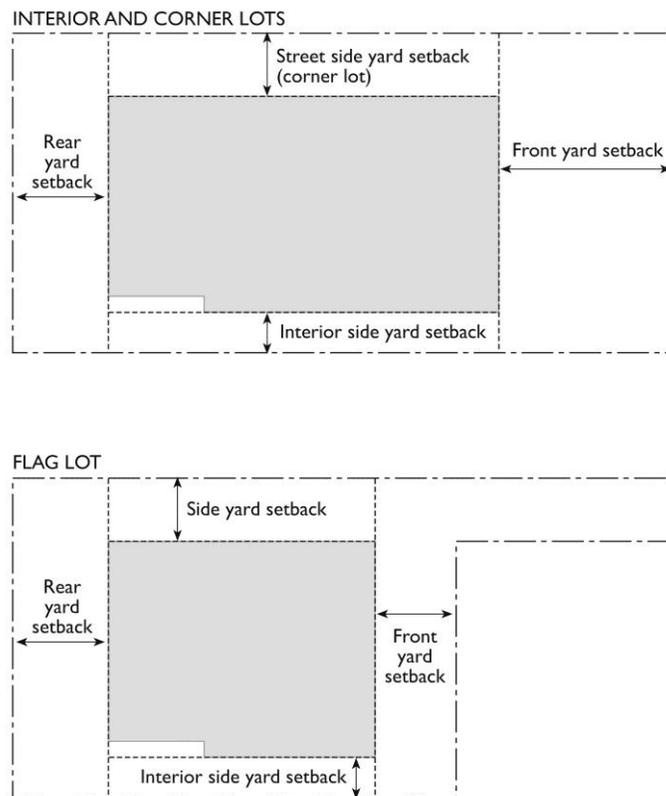
3. ***Drainage structures.*** Where constructed drainage devices and improvements are required, they shall be placed in the least visible locations and naturalized through the use of native rock, textured earth-tone concrete, and native landscaping.
4. ***Bridges.*** Bridges and crossings may be allowed within the required setback if approved by the Town Engineer and approvals have been obtained from all agencies with permitting authorities. Bridges and crossing structures shall be designed to be no wider than necessary to accommodate their intended use.
5. ***Limitations on the use of setbacks.***
 - a. ***Vehicle parking and driveways.*** Required setback areas shall not be used for parking or driveways except for:
 - i. Driveways crossing street or street-side yard setbacks that provide direct access to a garage from the street abutting the affected setback.
 - ii. Single-family or townhome parking in driveways leading to a garage.
 - iii. Shared driveways on the common property line of the sharing parcels and associated parking, provided that such parking does not impede access to a parcel other than the parcel where the parking is located.
 - iv. Driveways on flag lots or lots with similarly restricted access where the width for access is less than thirty feet.
 - v. Parking of boats, trailers and vehicle accessories may be kept in required side yard or rear yards subject to the provisions of Chapter 17.52 (Standards for Specific Land Uses and Activities).
 - vi. In the event practical difficulties and hardships result from the strict enforcement of vehicle parking in setback areas, the Director may grant an adjustment to allow parking within the setback area provided that the parking area is protected from snow shed, does not impede emergency access, does not interfere with Town snow storage easements, and conforms to the California Building Standards Code requirements.
 - b. ***Vehicle Parking on Commerce Circle.*** Parking is permitted within the front yard setback areas on Commerce Circle subject to the following conditions:
 - i. The lot must be substandard in either width or area,
 - ii. The maximum parking requirement for all uses on the site cannot exceed three spaces,
 - iii. Parking must be oriented at a 90 degree angle to the street,
 - iv. All parking spaces must be adjacent to one another, and

- v. The parking spaces shall not exceed 30 feet in overall width at the property line (or 34 feet if accessible parking is required).

E. **Measurement of setbacks.** Setbacks shall be measured as follows.

1. **Front yard setbacks.** The front yard setback shall be measured from the nearest point on the front property line of the parcel to the nearest line of the structure, except as follows. Whenever a future right-of-way width line is officially established for a street; required setbacks shall be measured from the established lines
 - a. **Corner parcels.** The measurement shall be taken from the nearest line of the structure to the nearest point of the property line adjoining the street which has the narrowest parcel frontage. Whenever a future right-of-way width line is officially established for a street, required setbacks shall be measured from the established line(s); and
 - b. **Flag lots.** The measurement shall be taken from the nearest line of the structure to the point where the access strip meets the bulk of the parcel; establishing a building line parallel to the lot line nearest to the public street or right-of-way.
2. **Side yard setbacks.** The side yard setback shall be measured from the nearest point on the side property line of the parcel to the nearest line of the structure; establishing a setback line parallel to the side property line, which extends between the front and rear yards.
3. **Street side yard setbacks.** The side yard on the street side of a corner parcel shall be measured from the nearest point of the side property line adjoining the street to the nearest line of the structure. Whenever a future right-of-way width line is officially established for a street, required yards shall be measured from the established line.
4. **Rear yard setbacks.** The rear yard shall be measured from the nearest point on the rear property line of the parcel to the nearest line of the structure, establishing a setback line parallel to the rear property line, which extends between the side yards.

FIGURE 17.36.100(E): MEASUREMENT OF SETBACKS



F. **Allowed projections into setbacks.** Attached architectural features may extend beyond the wall of the structure and into the front, side, and rear setbacks, in compliance with Table 17.36.100, below, subject to all applicable requirements of the California Building Standards Code.

TABLE 17.36.100: ALLOWED PROJECTIONS INTO SETBACKS			
Projecting Feature	Allowed Projection into Specified Setback		
	Front/Street Side Setback	Side Setback	Rear Setback
All projections	Adequate snow shedding area shall be maintained		
Bay windows that are less than 12 feet in width, occupy less than 50% of the length of the building wall on which they are located, and do not contain floor area.	May encroach 3 feet into the setback area provided any foundations, piers, supports or other structural connections to the ground comply with the required setback.		
Chimneys and roof eaves			
Awnings, canopies, covered entries, uncovered balconies, uncovered decks, landings, stairways, and wing walls			
Stairways and walkways not more than 18-inches above original grade providing access to the main entrance of a residence. (Handrails may exceed 18-inches)	Permitted anywhere within the front or street side yard setback area.		
Stairs, walkways, and uncovered decks less than 18-inches above grade, not providing access to the main entrance	May encroach into required side or rear yard, but not closer than 3 feet to the property line		

TABLE 17.36.100: ALLOWED PROJECTIONS INTO SETBACKS			
Projecting Feature	Allowed Projection into Specified Setback		
	Front/Street Side Setback	Side Setback	Rear Setback
Uncovered bridges providing access to required residential parking areas and the main entry of a residence.	Permitted anywhere within the front or street side yard setback area		

G. Setback requirements for specific structures and equipment.

1. **Pools and Spas.** Swimming pools and spas at grade, including all accessory structures and equipment shall maintain the setback requirements set forth for the main structure.
2. **Satellite Dish/Antenna.** Satellite dishes and antennas shall maintain the setback requirements set forth for the main structure.
3. **Detached Storage Sheds.** Detached storage sheds not more than 120 square feet and eight feet in height shall meet the following requirements.
 - a. Detached storage sheds shall be located on the rear 50 percent of the building site. The distance between the front and rear property lines shall be the basis for determining the rear 50 percent of the property.
 - b. Detached storage sheds may encroach into required side or rear yard, but not closer than 3 feet to the property line.
 - c. Storage sheds shall be located at least 20 feet from any property line bordering a street.

H. Structures in setback areas. Any damage sustained to any fence, garage, wall, barrier, or other building or structure located within the front or street side yard setbacks as the result of snow removal operations other than direct contact by snow removal equipment, shall be the sole responsibility of the property owner and the Town shall have no liability whatsoever therefor.

17.36.110 Snow Storage

All development and proposed land uses that are planned with off-street parking and circulation areas shall be designed and constructed to provide snow storage areas in compliance with the minimum standards of this section.

- A. **Application content requirements.** All land use permit applications subject to this section shall include identification of required snow storage areas on the required site plan.
- B. **Minimum storage area required.** Each unenclosed parking area, including circulation.
 1. **Residential zones.** An area equal to a minimum of 75 percent of all uncovered required parking and driveway areas shall be provided for the storage of snow.
 2. **Industrial zones.** An area equal to a minimum of 40 percent of all uncovered required parking and driveway areas shall be provided for the storage of snow.

3. **Commercial zones.** An area equal to a minimum of 60 percent of all uncovered required parking and driveway areas shall be provided for the storage of snow.
- a. *Reduction of Snow Storage Area in Commercial Zones.* The review authority may reduce or waive the required snow storage area(s) if the following conditions are met:
- i. The affected property participates in a snow removal maintenance district;
 - ii. The property owner commits to permanently haul on-site snow from the property to an approved off-site snow storage area. The commitment to haul on-site snow shall be in the form of a recorded document mutually agreed to between the property owner and the Town; and
 - iii. A snow storage management plan is submitted and approved by the Town that includes the following:
 - (1) The site shall designate temporary or interim snow storage areas that do not interfere with more than one-third of the project required minimum parking.
 - (2) Interim snow storage shall be removed within five calendar days following a storm cycle or when chain controls are lifted.
 - (3) Interim snow storage shall not be in a location that will damage trees, landscape, or other facilities.
 - (4) Interim snow storage shall not block any required access, sidewalk, trail, or public path.
 - (5) Snow shall be hauled to an approved and permitted location.
 - (6) Snow hauling shall generally be completed during non-business hours.
 - (7) The snow management plan shall designate the removal methods.
 - (8) Drainage facilities shall not be blocked.
 - (9) Snow storage shall be located so that snow moving equipment is not required to enter the public streets to move snow to the storage area unless an encroachment permit is obtained.
 - (10) Snow storage shall be located in areas that are substantially free and clear of obstructions (e.g. propane tanks, trees, large boulders, trash enclosures, utility pedestals).

C. **Location.** Snow storage areas:

1. Shall be located near the sides or rear of parking areas and driveways, away from the primary street frontage;
2. Shall be located to maximize solar exposure to the greatest extent feasible;

3. Shall be located so that snow moving equipment is not required to enter the public streets to move snow to the storage area;
 4. Shall be located in a manner to preserve sight lines for vehicles entering or exiting driveways;
 5. Shall be located in areas that are readily accessible and substantially free and clear of obstructions (e.g. propane tanks, trees, large boulders, trash enclosures, utility pedestals);
 6. Shall not block any required access, sidewalk, trail, or public path;
 7. May be located within parking areas but such areas may not be counted towards meeting parking requirements for the use; and
 8. May be located within required landscaping areas but the areas shall be planted with landscaping tolerant of snow storage or be native vegetation.
- D. **Minimum dimensions.** The minimum dimension of a snow storage area shall be 10 feet in any direction.
- E. **Drainage.** Snow storage areas shall be designed to provide adequate drainage to prevent ponding and the formation of ice, especially within pedestrian areas and driveways. Drainage from snow storage areas shall be directed towards on-site drainage retention/treatment facilities. Snow storage areas for commercial projects are required to install oil/water separators.

17.36.120 Solar Access and Solar Equipment Guidelines

Passive and active heating and cooling opportunities should be incorporated into single-family residential subdivisions and multi-family residential projects as provided by this section.

- A. **Shading.** Developments have the potential to shade and decrease the solar access of adjacent properties. Developments shall be designed to preserve the solar access of adjacent properties to the extent practicable. The Director may require a shade analysis for developments that could significantly affect the solar access of neighboring properties or public right-of-ways.
- B. **Solar Design.** The high number of sunny days in Mammoth Lakes provides the opportunity to significantly increase the energy efficiency of structures through the use of effective active or passive solar design. Developments are encouraged to maximize the use of solar design. In addition, properly oriented roof areas allow for the installation of efficient solar energy systems. The Town encourages roof areas to be designed to allow for the installation of efficient solar energy systems.
- C. **Solar Collector installation.** Solar collectors, if provided, shall be located and installed in the following manner:
1. Roof-mounted solar collectors shall be placed in the least conspicuous location without reducing the operating efficiency of the collectors;
 2. Wall-mounted and ground-mounted collectors shall be screened from public view, to the maximum extent feasible;

3. Roof-mounted collectors shall be installed at the same angle or as close as possible to the pitch of the roof. Solar panels may be placed on a flat roof in an angled position if they are appropriately screened from view by elements that are compatible with the architectural style, color, and use of materials on the main portions of the building;
4. Appurtenant equipment, particularly plumbing and related fixtures, shall be installed in the attic whenever possible or screened from public view, to the maximum extent feasible;
5. Exterior surfaces of the collectors and related equipment shall have a matte, non-reflective finish and shall be color-coordinated to harmonize with roof materials and other dominant colors of the structure; and
6. All solar collectors shall comply with the requirements of the Mammoth Lakes Fire Protection District.

17.36.130 Solid Waste/Recyclable Materials Separation and Storage.

This section provides standards which recognize the Town's support for and compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Sections 42900 through 42912).

- A. **Applicability.** These requirements apply to new multi-family residential development of three or more units and non-residential development.
- B. **Extent of storage area required.** Solid waste and recyclables separation and storage areas shall be provided in the number, dimensions, and types required by the Department or review authority. Additional storage areas may be required, as deemed necessary by the Director.
- C. **Requirements.** A paved area for dumpsters and recycling containers shall be provided within all multi-family projects of three or more units, commercial, and industrial development. The paved area shall be readily accessible to refuse collection and recycling vehicles and shall not be located in the front or side setback area. The Director may approve an alternate location, subject to screening with fencing or landscaping.
- D. **Animal Resistant.** Trash enclosures, receptacles, and food storage areas shall be animal resistant.

17.36.140 Tree Removal and Protection

- A. **Purpose.** This section includes provisions to protect and to regulate the removal of certain trees, based on the important environmental, aesthetic and health benefits that trees provide to Mammoth Lakes residents and visitors, and the contribution of such benefits to public health, safety and welfare. These benefits include, but are not limited to, enhancement of the character and beauty of the community as a "Village in the Trees," protection of property values, provision of wildlife habitat, reduction of soil erosion, noise buffering, wind protection, and visual screening for development.
- B. **Applicability.** The terms and provisions of this section shall apply to all private and public properties within the Town of Mammoth Lakes.

C. **Exemptions.** The following shall be exempt from the provisions of this section:

1. Removal of a tree that presents an immediate safety hazard to life or property, as determined by the Town Manager, Director, Building Official, Public Works Director, Police Chief, Fire Marshall, Public Utility Company, or their designees.
2. Routine tree maintenance, such as the trimming or thinning of branches.
3. Tree removal performed by the Town, public utilities, or other public agencies in public utility easements or public rights-of-way;
4. Tree removal for fuels reduction purposes on publicly owned land, performed in conjunction with an approved fuel reduction program or activity;
5. Removal of trees felled by natural weather conditions or an act of God;
6. Removal of visibly dead trees; and
7. Coniferous and deciduous trees with a “Diameter at Breast Height” (DBH) of less than 12 inches.

D. **Tree removal permit required.** No person shall remove or cause to be removed any tree from any property, which is subject to this section and not otherwise exempted pursuant to Section 17.36.140.C, 17.36.140.F. or 17.36.140.G, without first obtaining a valid tree removal permit pursuant to the requirements of Chapter 17.60 (Applications, Processing, and Fees).

E. **Tree removal permit application and review**

1. ***Tree removal permit application.*** The following information shall be provided in the tree removal permit application:
 - a. A site plan or drawing showing the location, type and size of all tree(s) proposed to be removed;
 - b. A statement of the reasons for removal; and
 - c. Written consent of the owner of record of the land on which the tree(s) are proposed to be removed, or their authorized agent or contractor.
2. ***Tree removal permit review.*** The following shall be considered when reviewing tree removal permits:
 - a. The Director shall inspect the property and evaluate each application. The applicant shall clearly mark or flag all trees proposed for removal.
 - b. The Director shall issue a permit if any of the conditions 1. through 10. below are determined to apply. The Director may request the applicant to provide a professional assessment by a Registered Professional Forester (RPF) or arborist to support the reasons for the proposed tree removal.

- i. The tree(s) is infected with an epidemic insect or disease where the recommended control is not applicable and an arborist has recommended removal to prevent transmission;
 - ii. The tree is visibly dying;
 - iii. The tree(s) presents a hazard to health, safety or property that cannot be corrected by pruning, transplanting or other treatments;
 - iv. The tree(s) severely interfere with the growth and development of a more desirable tree;
 - v. The removal of the tree would be necessary to provide for the required amount of snow storage on a residential or commercial property;
 - vi. The removal of the tree would substantially increase mid-day solar access to a solar collector;
 - vii. The tree(s) interferes or is causing extensive damage to utility services or facilities, roadways, sidewalks, curbs, gutters, pavement, water or sewer line, foundations or existing structures;
 - viii. The removal of the trees(s) would be necessary to maintain defensible space around a structure, or for fuels reduction purposes approved by Mammoth Lakes Fires Protection District;
 - ix. The removal of the tree(s) would allow for improved enjoyment or quality of a publicly-accessible recreation or event site (e.g. improved event circulation or seating, enhanced golf course playability, etc.) consistent with the Town’s destination resort objectives.
 - x. Other reason, which, in the determination of the Director, would be necessary to maintain public health, safety or welfare, or to avoid damage to buildings or property.
 - c. Creation of views, lawns, or similar amenities shall not be sufficient cause to remove trees.
 3. Expiration of tree removal permits. Tree removal permits shall remain valid for a period of five years from date of issue.
- F. **Multi-family residential project tree management plan.** An Administrative Permit for a tree management plan may be approved by the Director for an existing multi-family residential or lodging property of twenty-five units or more consistent with the standards of this section. Separate tree removal permits would not be required with an approved tree management plan.
1. ***Tree Management Plan.*** A tree management plan shall include the following information:
 - a. Name of multi-family residential or lodging property.
 - b. Narrative describing purpose and objectives of the tree management plan.

- c. Location, species, diameter at DBH, reason, and anticipated year of removal for each tree expected to be removed under the management plan.
 - d. Signature of certified RFP or arborist certifying the validity of the tree management plan.
 2. ***Expiration of tree maintenance plan.*** Tree management plans shall remain valid for a period of five years from date of issue. Substantial revisions or amendments to an approved tree management plan shall be approved by the Director.
- G. **Construction-related tree removal and protection.** If a site has received development approval through a land use, building, or grading permit that includes a tree removal and protection plan consistent with the standards of this section, then a separate tree removal permit is not required, and removal of trees is considered approved through the land use, building, or grading permit.
 1. ***Tree removal and protection plan.*** A tree removal and protection plan is required prior to conducting development activities which require a land use permit, building permit or grading permit, including, but not limited to, clearing, grading, excavation or demolition work on any property or development site containing one or more trees.
 - a. The tree removal and protection plan shall clearly depict all trees to be preserved and/or removed on the site. The plan must be drawn to scale and include the following:
 - i. Location, species and diameter of each tree at DBH.
 - ii. Clear identification of all trees proposed to be removed.
 - iii. Location of drip line of each tree.
 - iv. Location of existing and proposed roads, water, sanitary and storm drain, irrigation and other utility lines/facilities and easements.
 - v. Location of existing and proposed structures.
 - vi. Grade change or cut and fill during or after construction.
 - vii. Existing and proposed impervious surfaces.
 - viii. Location and type of tree protection measures to be installed per Section G.1.b., below.
 - b. ***Tree protection measures.*** Except as otherwise allowed by the review authority or Director, all required tree preservation measures set forth in this section shall be instituted prior to any construction or development activities, including but not limited to, clearing, grading, excavation or demolition work, and shall be removed only after completion of all construction activity, including landscaping and irrigation installation.
 - i. Fencing, a minimum of three feet tall with posts placed no more than ten feet apart shall be installed at the edge of the tree drip line. Fencing shall be flush with the initial (undisturbed) grade.

- ii. No construction activity shall occur within the tree drip lines, including, but not limited to dumping or storage of materials such as building supplies, soil, waste items, equipment or parked vehicles.
- iii. Tree drip lines shall be maintained free of chemically injurious materials and substances such as paints, thinners, cleaning solutions, oil and gasoline, concrete or drywall excess, construction debris or run-off.
- iv. No excavation, trenching, grading, root pruning or other activity shall occur within the drip line unless approved by the review authority or the Director.
- v. The applicant shall not proceed with any development or construction activities, except installation of erosion control measures, until the Town has inspected and approved the installation of the required tree protection measures and a grading and/or building permit has been issued by the Town.

- c. *Waiver of requirement to provide tree removal and protection plan.* The Director may waive the requirement to provide a tree removal and protection plan where it can be demonstrated, to the Director's satisfaction, that no trees would be removed or otherwise directly or indirectly affected by the proposed activity.

H. **Penalty for removal of a tree without a permit.** The following penalties may be imposed for removal of a tree(s) without an approved tree removal permit where one is required, consistent with Municipal Code Section 8.32 (Administrative Citations).

1. Coniferous trees over 12 inches: a fine of no less than \$2,500 per tree and/or as valued by an RPF or arborist; in no circumstances shall the fine be less than \$2,500 and no more than \$50,000, per tree;
2. Deciduous trees over 12 inches: a fine of \$1,000 per tree and/or as valued by an RPF or arborist; in no circumstances shall the fine be less than \$1,000 and no more than \$5,000;
3. Replacement plantings may be required as determined by the Director consistent with Section 17.36.140. I, which may include valuation by an RPF or arborist.

I. **Mitigation for tree removal.** As mitigation for tree removal, either in conjunction with a tree removal permit, construction-related tree removal, or as penalty for tree removal performed without a permit, the Director may require replacement plantings. If required, replacement shall be limited to plantings in areas suitable for tree replacement with species identified in the Town of Mammoth Lakes' Recommended Plant List. The replacement ratio shall be determined by the Director. If required, the minimum replacement tree size shall be seven gallons. Replacement requirements may also be determined based on the valuation of the tree as determined by an RPF or arborist. The property owner shall maintain plantings to a level approved by the Director.

Chapter 17.40 Water Efficient Landscape Regulations

17.40.010	Purpose
17.40.020	Applicability
17.40.030	Landscape and Irrigation Plans
17.40.040	General Requirements
17.40.050	Water Efficient Design and Compliance Options
17.40.060	Installation and Completion
17.40.070	Maintenance

17.40.010 Purpose

The specific purposes of the water efficient landscape regulations are to:

- A. Implement the Water Conservation in Landscaping Act;
- B. Reduce water waste in landscaping by promoting the use of alpine region-appropriate plants that require minimal supplemental irrigation, and by establishing standards for irrigation efficiency;
- C. Establish a structure for designing, installing and maintaining water efficient landscapes; and
- D. Promote the effective and efficient irrigation of landscapes.

17.40.020 Applicability

The standards of this section apply to all new and re-designed landscaping except as provided below:

- A. Landscape projects that consist of new construction and re-designed landscapes for public agency and private development projects with a total landscape area less than 2,500 square feet.
- B. Registered historic sites.
- C. Temporary irrigation systems utilized for three full growing seasons or less for purposes of ecological restoration, erosion/sedimentation control, and mine reclamation projects.
- D. Community gardens or plant collections, as part of botanical gardens and arboretums open to the public.
- E. Commercial cultivation of agricultural products, including but not limited to products of farms, orchards, production nurseries and forests.

17.40.030 Landscape and Irrigation Plans

A Landscape Documentation Package that complies with the landscape options described in Section 17.40.040 shall be submitted with the permit application for all applicable projects. The contents of Landscape Documentation Package shall be drawn to scale and shall demonstrate landscape water efficiency pursuant to Section 17.40.050, Water Efficient Design and Compliance Options.

17.40.040 General Requirements**A. Plant Materials**

1. Plants shall be selected appropriately based upon their adaptability to the climatic, geologic and topographical conditions of Mammoth Lakes. Native species and natural areas are to be protected and preserved to the extent possible. Generally, turf is discouraged. The planting of trees is encouraged wherever it is consistent with the other provisions of this chapter. Recommendations for plant materials that could meet the requirements of this section are included in the Mammoth Lakes Recommended Plant List found in the Making the Most of Every Drop users guide.
2. Plants having similar water use should be grouped together by hydrozone (i.e. high, medium, low). Though not encouraged, plants of low and moderate water use may be planted in the same hydrozone, and plants of moderate and high water use may be planted in the same hydrozone. Plants of low and high water use may not be planted in the same hydrozone. The Estimated Total Water Usage (Section 17.40.040. G) for these mixed areas shall assume a plant factor based on the proportions of the represented plant species or apply the plant factor of the least water efficient plant species. Refer to Making the Most of Every Drop user guide.
3. Plant materials and mulches will be in compliance with local Fire Codes. Fire prevention measures shall be addressed in areas that are fire prone as identified by The Mammoth Fire Severity Zone Map.
4. Turf shall not be planted on slopes greater than 25 percent.
5. No portions of turf areas shall be less than eight feet wide to prevent overspray.
6. Noxious weeds as identified by the USDA and invasive plant species as identified in by the California Invasive Plant Inventory are prohibited.
7. The landscape area shall be the sum of all the landscaped areas on the site per the definition in Section 17.148.020 .
8. The landscape area shall use efficient water conservation practices and shall generally separate areas of similar slope, sun exposure, soil, and other site conditions appropriate for the selected plants. Refer to the Making the Most of Every Drop user guide.

B. Mulching. A minimum two-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas, except in areas where application is inappropriate, e.g. direct seeding applications which are subject to erosion.

C. Irrigation Specifications

1. The irrigation system and its related components shall be planned and designed to allow for proper installation, operation, management, and maintenance. An irrigation system is expected to meet or exceed 71.0% efficiency, and be installed in compliance with the manufacturers' recommendations.

2. All irrigation systems shall be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures.
3. Automatic irrigation controllers and sensors are required. Controllers may either be weather-based or soil moisture-based controllers that automatically adjust irrigation in response to changes in plants' needs as weather conditions change. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, shall function to suspend or alter irrigation operation during unfavorable weather conditions.
4. Proper irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match application rates to soil infiltration rates to minimize runoff.
5. Low-volume irrigation shall be required in mulched areas, in areas with slope greater than 25 percent, and in any narrow or irregularly shaped areas that are less than eight feet in width in any direction.
6. Pressure regulation is a key component in efficient irrigation system operation. Static pressure throughout the Town of Mammoth varies greatly due to many factors (e.g. topography, time of year, time of day, location of project in relationship to water source, etc.). Pressure regulation shall be required on all projects and set to 60 pounds per square inch unless the landscape plan demonstrates a need for higher pressure. The system shall be designed to ensure that the dynamic pressure at irrigation feature is within the manufacturer's recommended pressure range for optimal performance.
7. Overhead irrigation is prohibited within 24 inches of any non-permeable surface.
8. Recirculating water shall be used for decorative water features.
9. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system.

D. Mammoth Community Water District (MCWD) Served Connections

1. Separate landscape water meters should be installed for all projects as required by MCWD Code.
2. When a landscape has a separate water meter the irrigation system and decorative water features shall be designed to allow for the current and future use of recycled water and shall use recycled water. Compliance or exemption shall be documented via a written letter from the MCWD, that details compliance or states that recycled water meeting all public health codes and standards is not available and will not be available for the foreseeable future.
3. Program settings for irrigation controllers shall comply with MCWD watering regulations.
4. All irrigation shall be subject to regulations and restrictions put forth by the MCWD.

- E. **Maintenance.** A regular maintenance schedule shall be submitted as part of the Landscape Documentation Package. Landscapes shall be maintained to ensure water efficiency. A regular maintenance schedule shall include, but not be limited to: testing, adjusting and repairing backflow prevention devices, pressure regulating devices and irrigation equipment; resetting the automatic controller; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning and weeding in all landscaped areas. Refer to Section 17.40.070.
- F. **Maximum Applied Water Allowance (MAWA).** Landscapes serve to provide an important aesthetic to the built environment. As demand for water resources increases, it becomes vital that the design, installation, and maintenance of landscapes incorporate high standards for water efficiency. To encourage landscape water efficiency and reduce water waste, the State has established that the landscape Estimated Total Water Use (ETWA) does not exceed the landscape area Maximum Applied Water Allowance.

Maximum Applied Water Allowance shall be calculated using the equation below:

$$MAWA = (14.322 \times LA) + (20.46 \times SLA)]$$

Where:

- MAWA = Maximum Applied Water Allowance (gallons per year)
- 14.322 = conversion factor combining the reference evapotranspiration (ET_o, 33.0 inches) for Mammoth Lakes, the base Evapotranspiration Adjustment Factor (ETA_F, 0.7) and the coefficient (0.62) that converts acre-inches per acre per year to gallons per square foot per year.
- 20.46 = conversion factor combining the reference evapotranspiration (ET_o, 33.0 inches) for Mammoth Lakes and the coefficient (0.62) that converts acre-inches per acre per year to gallons per square foot per year.
- LA = Landscape Area (square feet), do not include any Special Landscape Area (SLA).
- SLA = Special Landscape Area (square feet) is the area that is either dedicated solely to edible plants, irrigated by recycled water, includes water features using recirculated water, and areas dedicated to active play (parks, schools, golf courses).

1. **Example F.1:** Landscape has no Special Landscape Area

$$MAWA = (14.322 \times 5,000) + (20.46 \times 0)$$

In this example, the landscaped area is 5,000 square feet and there is no Special Landscape Area. Therefore,

$$MAWA = 71,610 \text{ gallons per year}$$

2. **Example F.2:** Landscape has Special Landscape Area

The following example uses the same landscaped area as the previous example; however, the landscape area has a Special Landscape Area of 500 square feet. Therefore, the

maximum applied water allowance is greater to accommodate the Special Landscape Area.

$$MAWA = (14.322 \times 4,500) + (20.46 \times 500)]$$

$$MAWA = 74,679 \text{ gallons of per year}$$

- G. **The Estimated Total Water Usage (ETWU).** The landscape Estimated Total Water Usage must be equal to or less than the Maximum Applied Water Allowance. Determination of the Estimated Total Water Usage requires applying a plant factor to landscape plant species based on water use. Plant factors are assigned for low, medium, and high-water use plants as follows: low = 0.2; medium = 0.5; high = 1.0; turf or grass = 1.0. The Mammoth Lakes Recommended Plant List found in the Making the Most of Every Drop users guide contains information about the water use level for recommended plants and trees.

ETWU shall be calculated according to the equation:

$$ETWU = (20.46) \left(\left(\frac{PF \times HA}{IE} + SLA \right) \right)$$

Where:

- ETWU = Estimated Total Water Usage (gallons per year)
 - 20.46 = conversion factor combining the reference evapotranspiration (ET_o, 33.0 inches) for Mammoth Lakes and the coefficient, 0.62, that converts acre-inches per acre per year to gallons per square foot per year
 - PF = Plant Factor
 - HA = Hydrozone Area (square feet)
 - SLA = Special Landscape Area (square feet)
 - IE = Irrigation Efficiency (71% minimum)
1. **Example G.1:** In this example, the irrigation efficiency is 0.71. The Landscape Area is broken into five hydrozones. Hydrozone 1 is 2,500 sq. ft. area and will have low water use plants (Plant factor = 0.2). Hydrozone 2 is 250 sq. ft. and will have turf (PF = 1.0). Hydrozones 3 and 4 total 2,000 sq. ft. are composed of moderate water use plants (PF = 0.5). Hydrozone 5 consists of low water use plants (PF = 0.2).

TABLE 17.40.040.G: LANDSCAPE AREA HYDROZONES				
<i>Hydrozone (HA)</i>	<i>Plant Water Use Type</i>	<i>Plant Factor</i>	<i>Hydrozone (sq ft)</i>	<i>PF x HA (sq ft)</i>
1	Low	0.2	2,500	500
2	High	1.0	250	250
3	Moderate	0.5	1,000	500
4	Moderate	0.5	1,000	500
5	Low	0.2	250	50
Total			5,000	1,800

$$ETWU = (20.46) \left(\left(\frac{1,800}{0.71} + 0 \right) \right)$$

ETWU = 51,870.4 gallons per year.

This landscape’s Estimates Total Water Usage is less than its Maximum Applied Water Allowance of 71,610 (from Example F.1); therefore, this example landscape design complies with this ordinance.

H. **Other Information.** Other information determined necessary by the Director

17.40.050 Water Efficient Design and Compliance Options

One of three options for landscape design compliance documentation shall be chosen to demonstrate that the landscape project meets water efficiency requirements. The options coordinate with the level of water conservation in the design of the landscape. Refer to the Making the Most of Every Drop user guide for additional information and examples of Landscape Documentation Package contents for Options A and B.

A. **Option A: Low Water Use/No Lawn**

1. **Water Efficiency.** Plans must demonstrate all of the following as a means of achieving water efficiency.
 - a. No turf or Special Landscape Areas are allowed.
 - b. At least 51% of the landscape area consists of low water-use plants (plant factor of 0.2 or less).
 - c. The remaining percentage of the landscape area shall consist of plantings that have an average plant factor of 0.5 or less.
2. **Landscape Documentation Package Required Contents**
 - a. **Landscape Area Plan.** Locates, delineates, and identifies square footage of all landscape area hydrozones. Each hydrozone will note the associated plant factor

or water usage (i.e. low, medium or high) for the types of plants to be installed within the hydrozone.

- b. *Project Plant Schedule*. Lists landscape plants including common name, Latin name, water usage (low, medium or high), and fire hazard (low, medium or high).
 - i. The plant list should not include any plant types that increase wildfire susceptibility.
 - ii. Identify species contained in seed mix, if applicable
- c. *Basic Irrigation Plan*. Identifies station control valve(s) location, backflow prevention device, pressure regulation valve(s), point of connection to property's service lateral, extent of area serviced by irrigation, and specifies the type of irrigation emission devices, e.g., drip, spray, soaker hose or other for each hydrozone. Low-volume irrigation is required in all areas.
- d. *Maintenance Schedule*. Refer to Section 17.40.040.E
- e. *Certification of Substantial Completion*. Refer to Section 17.40.060.A.1
- f. *Irrigation Survey and Report*. Refer to Section 17.40.060.A.2

B. Option B: Medium Water Use/Limited Lawn.

1. *Water Efficiency*. Plans must demonstrate all of the following as a means of achieving water efficiency.
 - a. The ETWU for the landscape must be less than or equal to 85 percent of MAWA.
 - b. Turf shall not exceed 20 percent of the total landscape area, or 1,250 square feet, whichever is less.
2. *Landscape Documentation Package Required Contents*
 - a. *Landscape Area Plan*. Locates, delineates, and identifies square footage of all landscape area hydrozones. Each hydrozone will note the associated plant factor or water usage (i.e. low, medium or high) for the types of plants to be installed within the hydrozone.
 - b. *Project Plant Schedule*. Lists landscape plants including common name, Latin name, water usage (low, medium or high).
 - i. The plant list should not include any plant types that increase wildfire susceptibility.
 - ii. Identify species contained in seed mix, if applicable.

- c. *Slope Plan.* If turf is included in the landscape a separate plan shall identify the extent of turf areas and the percent grade of the property to demonstrate that turf will not be planted on a slope of 25% or more.
- d. *Basic Irrigation Plan.* Identifies station control valve locations, backflow prevention device, pressure regulation valve(s), point of connection to property's service lateral, extent of area serviced by irrigation, and specifies the type of irrigation emission device, e.g. drip, spray, soaker hose or other for each hydrozone. Irrigation devices installed for turf shall have matched precipitation rates and sprinkler layout shall be designed for high distribution uniformity.
- e. *Water Budget Worksheet.* Show Maximum Applied Water Allowance and Estimated Total Water Usage calculations. (17.40.040 F and G)
- f. *Maintenance Schedule.* Refer to Section 17.40.040.E and Section 17.40.070.
- g. *Certification of Substantial Completion.* Refer to Section 17.40.060.A.1
- h. *Irrigation Survey and Report.* Refer to Section 17.40.060.A.2

C. Option C: Maximum Applied Water Allowance Compliance Option.

- 1. Plans shall be prepared by, and bear the signature of, a licensed landscape architect, licensed landscape contractor, or any other person authorized by the State of California to design the required elements.
- 2. Plans shall demonstrate that the total landscape area Maximum Applied Water Allowance shall not be exceeded by the landscape's Estimated Total Water Usage.
- 3. ***Landscape Documentation Package Required Contents***
 - a. *Detailed Planting Plan.* Shall include the following:
 - i. General notes, planting notes, plant layout based on size at maturity, species, and symbol legend;
 - ii. Spacing of proposed plantings;
 - iii. Locations of and trunk diameter of all existing trees whose trunk circumference is greater than 12 inches, measured at diameter at breast height.
 - iv. Existing features to remain, such as trees, fencing, hardscape, etc.;
 - v. Existing features to be removed;
 - vi. Identification of pertinent site factors such as sun exposure, microclimate, property lines, buildings, underground/above-ground utilities, existing drainage features, etc.;

- vii. Locate, delineate, and identify square footage of each hydrozone. Each hydrozone will identify the associated plant factor for the types of plants to be installed within the hydrozone;
 - viii. Identify and provide square footage of any special landscape areas;
 - ix. Demonstrate plants have been arranged to provide defensible space for wildfire protection;
 - x. Identify type of mulch and application depth; and
 - xi. Identify hardscapes (pervious and non-pervious).
- b. *Project Plant Schedule.* Lists all plants including common name, Latin name, quantity, plant factor and water usage, to be installed as part of the project.
- i. The plant list should not include any plant types that increase wildfires susceptibility.
 - ii. Identify species contained in seed mix, if applicable
- c. *Soil Management Report.* The purpose of this report is to reduce run-off and encourage healthy plant growth. The report shall include the following at a minimum:
- i. Soil texture;
 - ii. Infiltration rate determined by laboratory test or soil texture infiltration rate table;
 - iii. pH;
 - iv. Total soluble salts;
 - v. Sodium;
 - vi. Percent organic matter; and
 - vii. Recommendations.
- d. *Detailed Irrigation Plan shall contain all of the following:*
- i. Location, type and size of all components of the irrigation system, e.g. controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
 - ii. Water flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
 - iii. Irrigation schedule; an annual irrigation program with monthly irrigation schedules shall be required for the plant establishment period, for the established landscape, and for any temporary irrigated areas. The irrigation schedule shall:

- (1) Include run time (in minutes per cycle), suggested number of cycles per day, and frequency of irrigation for each station; and
 - (2) Provide the amount of applied water recommended on a monthly and annual basis.
 - iv. Location and size of separate water meters for landscape if applicable.
- e. *Grading and Drainage Plan* shall be designed to minimize soil erosion, runoff, and water waste. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement. The grading and drainage plan shall bear the signature of licensed professional and indicate finished configurations and elevations of the landscape area including:
 - i. Height of graded slopes;
 - ii. Drainage patterns;
 - iii. Pad elevations
 - iv. Finish grade; and
 - v. Stormwater retention improvements, if applicable.
- f. *Water Budget Worksheet* (17.40.040 F and G) showing Maximum Applied Water Allowance and Estimated Total Water Usage must be completed by a landscape architect, certified irrigation designer, certified landscape irrigation auditor, landscape contractor, licensed professional engineer or other person who is authorized by the State of California to complete a water budget worksheet.
- g. *Statement of Compliance.* The following statement should be included on the plans “I (We) have complied with the criteria of the Town of Mammoth Lakes Water Efficient Landscape Regulations.”
- h. *Certification of Substantial Completion.* Refer to Section 17.40.060.A.1.
- i. *Comprehensive Survey and Report.* Refer to Section 17.40.060.A.3.

17.40.060 Installation and Completion

A. Documents for Project Completion

1. ***Certification of Substantial Completion.*** For Options A, B and C, upon completion of the installation of the landscaping and irrigation system a Certificate of Substantial Completion shall be submitted to the Town as noted below. The certificate shall include the following statement: “The landscape and irrigation system has been installed as specified in the landscape and irrigation plan and complies with the criteria of the Town of Mammoth Lakes Water Efficient Landscape Regulations and the permit(s) issued by the Town for the project.”
2. ***Irrigation Survey and Report.*** For projects demonstrating compliance under Options A or B (17.40.050 A or B) a report shall be provided that includes, but is not limited to:

inspection of pressure at the emission devices, ability to eliminate overspray, and installation of appropriate controller. A report shall be provided and shall document any problems encountered, and shall identify and explain any discrepancies between the plan and installation. The irrigation survey shall be performed by an irrigation auditor.

3. ***Comprehensive Survey and Report.*** For projects demonstrating compliance under Option C (17.40.050.C): A report or reports shall verify all contents of the Landscape Documentation Package were installed as specified. The report(s) shall document any problems encountered, and shall identify and explain any discrepancies between the Landscape Documentation Package and installation. A certified irrigation auditor shall conduct an audit report for any spray or overhead irrigation system. A distribution uniformity(catch can) analysis must achieve a DU of 75% or better for spray sprinklers and 80% for rotary sprinklers.
- B. **Project Completion.** Approval of the Documents of Project Completion is required prior to the issuance of a Certificate of Occupancy for the project. For projects served by MCWD, approval of the Documents of Project Completion by the Town shall be marked as preliminary until MCWD confirms in writing that the preliminary approved documents have been received regardless of meter requirements.

17.40.070 Maintenance

- A. The landscape and irrigation system shall be maintained to ensure successful establishment following installation, and to ensure water use efficiency remains equal to or below Maximum Applied Water Allowance, consistent with submitted plans and requirements of this chapter. Irrigation systems shall be tested, adjusted and repaired following the manufacturers' specification and the recommendations of the landscape professional.
- B. Whenever possible, repair of irrigation equipment shall be done with the originally specified materials or their equivalents.
- C. Failed plants shall be replaced with the same or functionally equivalent species that may be size-adjusted as appropriate for the stage of growth of the overall installation.

Chapter 17.44 Parking and Loading Standards

17.44.010	Purpose
17.44.020	Applicability
17.44.030	Number of Parking Spaces Required
17.44.040	Alternative Parking Provisions
17.44.050	Transportation Demand Management
17.44.060	Motorcycle Parking
17.44.070	Tour Bus Parking and Loading
17.44.080	Oversize Vehicle Parking
17.44.090	Bicycle Parking
17.44.100	Parking Design and Development Standards
17.44.110	Driveways and Site Access
17.44.120	Delivery Loading Space Requirements

17.44.010 Purpose

The requirements of this chapter are intended to:

- A. Reduce environmental, economic, and social impacts associated with parking,
- B. Reduce the amount of land devoted to parking,
- C. Reduce inefficient, dispersed, and single-use reserved parking,
- D. Provide on-street parking opportunities as appropriate,
- E. Encourage the use of feet-first alternative transportation modes and reduce vehicle use,
- F. Improve community livability, walkability, and character, and
- G. Provide flexibility in accommodating changes in demand and use.

17.44.020 Applicability

Each building and land use, including a change or expansion of a building or land use, shall provide parking in compliance with this chapter. No building shall be occupied and no land use shall be commenced until improvements required by this chapter are completed and approved by the review authority. All roadways shall comply with Public Works Street Standards and MLFPD standards.

17.44.030 Number of Parking Spaces Required

Each land use shall provide the required number of parking spaces established in this chapter, unless a reduction is approved by the review authority.

- A. **Residential parking requirements.** Parking requirements for residential land uses shall be provided in compliance with Table 17.44.030A except where the requirement is modified in compliance with Section 17.44.040 (Alternative Parking Provisions), and except where parking

standards have been established through a Master Plan or Specific Plan. Residential uses are described in Chapter 17.20 and are listed in Table 17.20.020 of 17.20.030.

TABLE 17.44.030(A): REQUIRED PARKING SPACES (RESIDENTIAL USE CLASSIFICATIONS)			
Land Use	Metric	Type	Required Parking Spaces
Single Family	Square feet exclusive of garages and decks	0 – 2,999	3
		3,000 – 4,999	4
		5,000 – 6,999	5
		7,000 or greater	6
Multi-Family	Bedrooms/Unit	1	1
		2	2
		3	2
		4 or more	3
		Guest Parking	2 spaces for each 4 units up to 12 units 1 space for each 4 units for the 13 th to the 48 th units 1 space for each additional 6 units above the 48 th unit Spaces shall be accessible to guests and shall not be reserved for individual units.
Affordable Housing, Senior Housing	N/A	N/A	Parking requirements for affordable housing and senior housing projects shall be provided consistent with the residential requirements of this section or with State Density Bonus Law (Government Code Section 65915) if requested by the Applicant.
All Other Residential Uses	Shall be established by special review and approved by the review authority.		

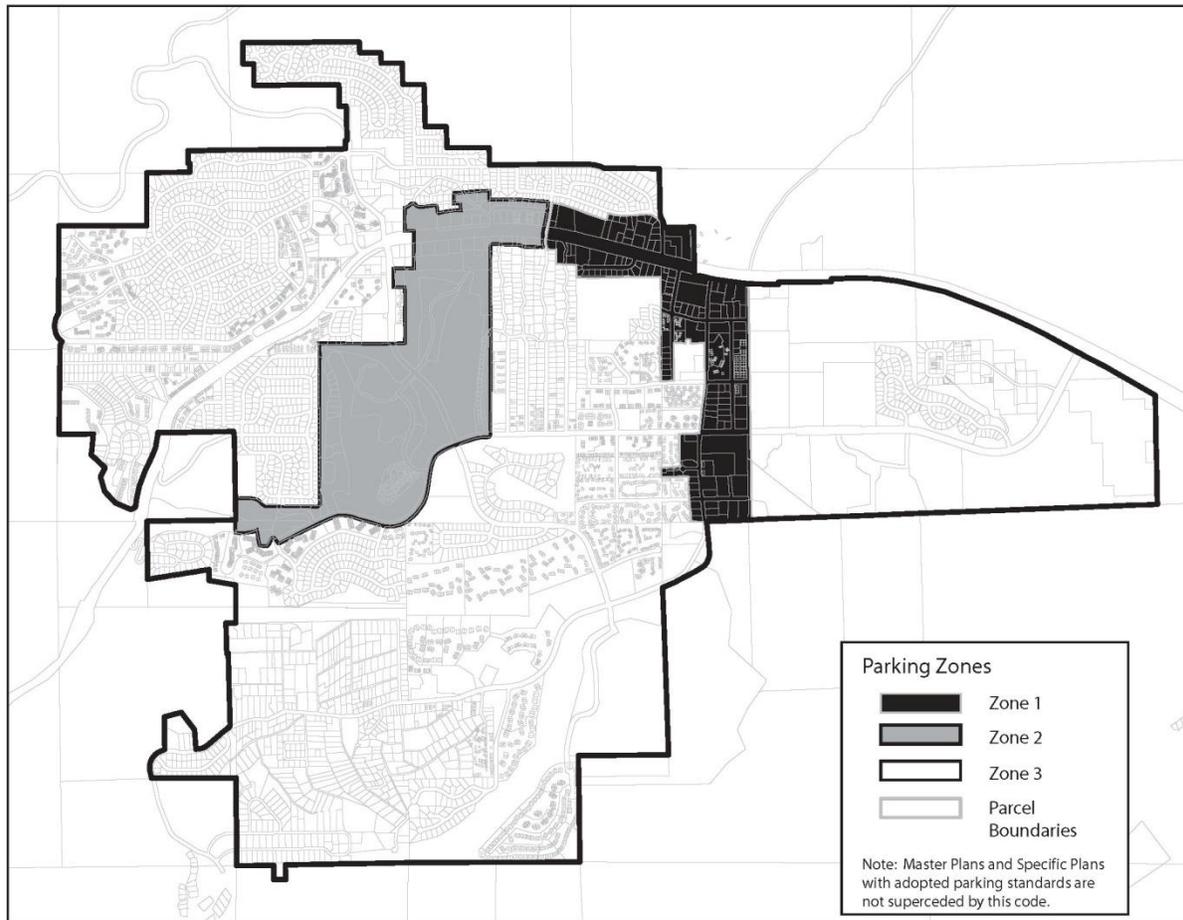
B. **Non-residential parking requirements.** Parking requirements for non-residential land uses shall be provided in compliance with Table 17.44.030B, except where the requirement is modified in compliance with Section 17.44.040 (Alternative Parking Provisions), and except where parking standards have been established through a Master Plan or Specific Plan. Non-residential land uses are described in Table 17.24.020(Allowed Uses and Permit Requirements for the Commercial Zoning Districts) in Chapter 17.24 and Table 17.28.020(Allowed Uses and Permit Requirements for the Industrial Zoning District) in Chapter 17.28. Parking requirements for non-residential uses are determined based on the following:

1. **Parking zones.** Where Table 17.44.030 expresses parking zones for non-residential uses, the parking zones shall be defined as follows and as shown in Figure 17.44.030 (B)(1):
 - a. **Parking zone 1.** Includes the Downtown and Old Mammoth Road Commercial Zoning Districts, which represent the areas of Town with the highest concentration of mixed-use development and multi-modal accessibility, thereby reducing parking demand. Therefore, parking requirements in this zone are the lowest.

- b. *Parking zone 2.* Includes the Mixed Lodging Residential Zoning District and the Lodestar Master Plan are, which represent areas of Town with some mixed-use and/or multi-family development that is served by transit, thereby reducing parking demand moderately. Therefore, parking requirements in this zone are the second lowest.
 - c. *Parking zone 3.* Represents all other areas within Town, except where parking standards have been established through a Master Plan or Specific Plan.
2. **Minimum and maximum parking requirements.** Where Table 17.44.030B expresses a minimum and maximum parking ratio for non-residential uses, the ratios represent the minimum or maximum number of parking spaces allowed for each land use metric.
- a. *Minimum Parking Ratios.* Represents the minimum number of parking spaces required.
 - b. *Maximum Parking Ratios.* Represents the maximum number of parking spaces allowed.

TABLE 17.44.030(B): REQUIRED PARKING SPACES (NON-RESIDENTIAL USE CLASSIFICATIONS)						
Land Use	Zone 1		Zone 2		Zone 3	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Industrial, Manufacturing, & Processing Use Classifications (spaces/1,000 sf Gross Leasable Area)	N/A	N/A	N/A	N/A	1.6	4.0
Retail Use Classifications (except restaurant) (spaces/1,000 sf Gross Leasable Area)	3.0	7.0	3.5	7.5	4.0	8.0
Restaurant (spaces/1,000 sf Gross Leasable Area)	6.6	9.0	11.2	13.5	12.5	15.0
Service Use Classifications (except lodging) (spaces/1,000 sf Gross Leasable Area)	3.0	6.0	3.5	6.5	4.0	7.0
Lodging (spaces/ room)	1.0	1.5	1.0	1.5	1.0	1.5
All Other Non-residential Uses	Shall be established by special review and approved by the review authority.					

FIGURE 17.44.030(B)(1): LOCATION OF PARKING ZONES



- C. **Disabled (ADA) parking.** Parking for the disabled shall be provided on site in compliance with the California Building Standards Code. Parking spaces required for the disabled shall count toward compliance with the number of parking spaces required by this chapter.
- D. **Use with accessory components.** A primary use with accessory components shall provide parking for each component. For example, a hotel with a restaurant shall provide the parking spaces required by Table 17.44.030B for a hotel (e.g., the guest rooms), and for a restaurant, except where the requirement is reduced or otherwise changed in compliance with Section 17.44.040 (Alternative Parking Provisions).
- E. **Nonconforming parking.** No existing use of land or existing structure, where parking for said use or structure was conforming at the time of establishment or modification, shall be deemed to be nonconforming solely because of the lack of parking facilities prescribed in this chapter, but rather shall retain conforming status for as long as the use or structure remains unmodified. Implications for modification are addressed through 17.44.030F. (Expansion of structure) and 17.44.030G (Change in use).

- F. **Expansion of structure.** For additions or enlargements of existing structures or buildings that would increase the number of parking spaces required, the additional parking shall be required only for such addition or enlargement, and not for the preexisting structure or building. However, the review authority may grant a waiver if it is determined that sufficient parking is not available on or near the site to fulfill the minimum requirement.
- G. **Change in use.** For any change of use or manner of operation that would increase the number of parking spaces required, no additional parking shall be required unless the review authority determines that the change in use without added parking would create a negative impact for neighboring properties.
- H. **Floor area.** Where Table 17.44.030B expresses a parking requirement based on gross leasable area (GLA) (for example: 1 space for each 1,000 GLA), the term “gross leasable area” shall mean gross leasable square footage of floor area measured in square feet, including balconies, basements, mezzanines, or upper floors, but excluding common areas such as elevators, stair wells, bathrooms, shared hallways, and lobbies. This shall apply to single and multiple occupant/tenant structures.
- I. **Rounding of calculations.** If a fractional number is obtained in calculations performed in compliance with this chapter, one additional parking space shall be required for a fractional unit of 0.50 or above, and no additional space shall be required for a fractional unit of less than 0.50.

17.44.040 Alternative Parking Provisions

The number of parking spaces required by Table 17.44.030B may be modified through the following measures or combination of measures as approved by the review authority. Documentation to support the requested modification must be provided in a form acceptable to the review authority.

- A. **Shared parking.** Two or more non-residential uses shall be allowed to meet the parking requirements of this chapter by sharing the same off-street parking facilities, subject to the approval of the review authority.
1. ***Trip capture and staggered peak demand.*** Shared parking may occur between two or more on-site or off-site uses and shall be demonstrated through a parking demand study in a form acceptable to the review authority. The parking demand study may provide data based upon the following:
 - a. ***Internal capture.*** Where two or more uses are present on-site and trips between those on-site uses are captured on-site. For example, a hotel with a restaurant on-site captures vehicle trips that may otherwise leave the site to visit a restaurant, thereby reducing on-site parking demand.
 - b. ***External capture.*** Where trips between nearby off-site uses are captured. For example, a restaurant across the street from a hotel may capture external trips from the hotel that would otherwise be made by vehicle, thereby reducing parking demand.
 - c. ***Staggered peak demand.*** Where two or more uses utilizing the same parking have distinct and different hours of peak parking demand (e.g., a theater and a bank),

the required minimum number of parking spaces may be satisfied by providing the number of required spaces for the most intensive use alone.

2. ***Off-site shared parking.*** The use of off-site parking to satisfy the requirements of Section 17.44.030. (Number of Parking Spaces Required) shall be provided in compliance with the following standards:
 - a. ***Guarantee of continued availability.*** Required parking spaces that are off-site shall be committed by a recorded deed, parking easement, or other agreement acceptable to the Town Attorney. The parties to the deed, easement, or agreement shall include the owners, and if applicable, the lessees of the off-site parking spaces and the owners, and if applicable, the lessees of the subject site, and the Town for notification purposes, with covenants reflecting the conditions of approval and the approved off-site parking plan.
 - b. ***Location of parking.*** Approved off-site parking, except valet-serviced spaces, shall be located within 800 feet of non-residential uses, as measured from the primary entrance to the site, or other distance determined by the review authority to be appropriate. Where approved by the review authority, off-site parking may be located at a more remote site.
 - c. ***Evaluation of proposal.*** In considering a request for off-site parking at a distance of greater than those listed in Section 17.44.040A.2.b., the review authority shall consider whether adequate provisions, such as shuttle service and street crossings, have been provided to bring drivers from the parking to the site.
 - d. ***Identification of a facility.*** The review authority shall require the parking lot to be clearly marked and conspicuously identified as the exclusive or shared parking for the sites it serves, unless the parking can only be used by a valet.
 - e. ***Loss of off-site spaces.***
 - i. **Notification to the Town.** The owner or operator of a business that uses approved off-site spaces to satisfy the parking requirements of this section shall immediately notify the Director of any change of ownership or use of the property for which the spaces are required, and of any termination or default of the agreement between the parties.
 - ii. **Effect of termination of agreement.** Upon notification that a lease for required offsite parking has terminated, the Director shall determine a reasonable time in which one of the following shall occur:
 - (1) Substitute parking is provided that is acceptable to the Director;
 - (2) The size or capacity of the use is reduced in proportion to the parking spaces lost; or
 - (3) A parking in-lieu fee shall be paid for each space eliminated.
- B. **Reduction of parking.** The review authority may reduce the minimum number of parking spaces required based on quantitative information provided by the applicant that documents the need for

fewer spaces and where reasonable parking efficiencies can be created. Reductions may be made based on the following:

1. Parking standards required for the proposed land use by other cities.
 2. Use of a valet parking program that reduces the physical space needed for parking.
 3. Demonstration of reduction for a land use that has a peak parking demand that does not coincide with the general peak parking demand (generally considered the evening peak period).
 4. Implementation of transportation demand management measures (see Section 17.44.050).
- C. **Parking in-lieu fee.** Upon the adoption of a parking district(s) and in-lieu fee program by the Council, the review authority may reduce or eliminate the minimum number of required on-site parking spaces for projects where the applicant executes an agreement with the Town to pay a parking in-lieu fee. The parking in-lieu fee agreement shall be recorded on the property as approved by the review authority through the use permit process. The in-lieu fee shall be determined through the adopted in-lieu fee program and shall consider current construction costs for parking (surface, understructure, underground). The funds shall be paid prior to the issuance of the first certificate of occupancy for the project. The funds shall be deposited with the Town in a special fund and shall be used and expended for the purpose of acquiring and developing off-street parking facilities located within the general vicinity of the structures for which in-lieu payments were made, as well as for meeting parking needs through strategies to reduce parking demand, or to improve access to parking.
- D. **Spaces in excess of maximum allowed.** The provision of parking spaces in excess of the maximum allowed as provided in Section 17.44.030 (Number of Parking Spaces Required) may be permitted subject to approval by the review authority and if the following conditions are met:
1. The excess parking spaces are available for use by the public or any on- or off-site tenant, business, or use (i.e. not reserved exclusively for that tenant, business, or use).
 2. The provision of excess parking spaces does not cause adverse impacts as determined by the review authority.
 3. A Town-approved covenant is recorded that includes a description of the excess parking arrangement and a requirement that all current and future tenants are notified of and shall adhere to the operational conditions of approval.

17.44.050 Transportation Demand Management

Development that seeks to reduce parking requirements per Section 17.44.040B.4 through the implementation of travel demand management measures shall do so in accordance with this section. A trip reduction plan shall be submitted and approved by the review authority.

- A. **Renting or selling parking separately.** All off-street parking spaces for new multi-family projects, may be leased or sold separately from the rental or purchase fees for the life of the units if approved by the review authority, such that potential renters or buyers have the option of

renting or buying at a price lower than would be the case if there were a single price for both the built space and the parking space.

- B. **Provision of multimodal transportation improvements.** Local transportation infrastructure to improve multimodal transportation and encourage “feet-first” travel (e.g. pedestrian, bicycle, transit, etc.) may be provided on- or off-site.
- C. **Commute trip reduction.** The following requirements shall be applied to all new commercial or mixed-use projects in which a parking reduction under Section 17.44.040 (Alternative Parking Provisions) is requested:
1. ***Requirements for employers of 10 to 24 employees:*** Employers of 10 to 24 employees shall make, at a minimum, the following information available to each employee upon their date of hire:
 - a. Carpooling/vanpooling information if available,
 - b. Transit schedules and route information,
 - c. Information on air pollution and alternatives to driving to work alone,
 - d. Bicycle route and facility information, including local bicycle maps, locations of nearest bicycle racks or locker storage facilities, and bicycle safety information, and
 - e. Information on walking to work, pedestrian safety, and walking shoe information.
 2. ***Requirements for employers of 25 or more employees.***
 - a. The owner or representative of all new developments or businesses generating 25 or more employees shall prepare and submit to the review authority a trip reduction plan to reduce work-related vehicle trips by twenty percent from the number of trips related to the project as indicated in the most current edition of the Trip Generation Handbook published by the Institute of Traffic Engineers (ITE).
 - b. Any combination of the following methods may be incorporated into trip reduction plans to achieve the required vehicle reduction targets:
 - i. Alternative work schedules/flex-time;
 - ii. Preferential parking for carpool or vanpool vehicles;
 - iii. Bicycle parking and shower facilities;
 - iv. Information center for transportation alternatives;
 - v. Information on walking to work, pedestrian safety, and walking shoe information.

- vi. Bus stop improvements;
- vii. On-site child care facilities;
- viii. Facilities and equipment to encourage telecommuting,
- ix. Contributions to funds for regional facilities such as park-and-ride lots, multimodal transportation centers, satellite work centers, etc.;
- x. On-site amenities such as cafeterias, restaurants, automated teller machines, and other services that would eliminate the need for additional trips;
- xi. Transit incentives for employees such as additional pay for carpoolers, flexible work times, etc.;
- xii. Elimination of free parking for employees;
- xiii. Parking cash-out incentives for employees;
- xiv. Video-conferencing facilities and equipment (additional credit will be given if policies are included to make facilities available to other businesses);
- xv. Plans for delivery of goods at off-peak times for applicable businesses; and/or
- xvi. Plans and facilities for centralized deliveries of goods for multi-tenant facilities.

17.44.060 Motorcycle Parking

A parking lot with 50 or more vehicle parking spaces shall provide motorcycle parking spaces conveniently located near the main entrance to the primary structure and accessed by the same access aisles that serve the vehicle parking spaces in the parking lot.

- A. **Number of spaces required.** A minimum of one motorcycle parking space shall be provided for each 50 vehicle spaces or fraction thereof.
- B. **Space dimensions.** Motorcycle spaces shall have minimum dimensions of four feet by seven feet.

17.44.070 Tour Bus Parking and Loading

As determined by the review authority, off-street tour bus parking and loading facility(s) shall be provided for new hotel, motel, and multi-family residential projects intended predominantly for nightly rental use. An electricity hook-up shall be provided for each tour bus parking space. No tour bus engine idling shall be allowed on-site.

17.44.080 Oversize Vehicle Parking

As determined by the review authority, oversize vehicle parking shall be provided for new hotel, motel, and multi-family residential projects intended predominantly for nightly rental use as necessary.

17.44.090 Bicycle Parking

Each multi-family project of four or more units and any non-residential use shall provide bicycle parking in compliance with this section. A bicycle parking and/or storage plan shall be submitted to the review authority for review and approval. Non-residential uses shall provide temporary long-term and short-term bicycle parking on a seasonal basis as approved by the review authority.

A. **Bicycle facility standards.** Bicycle parking shall be designed for both short-term and long-term needs. The bicycle parking requirement may be met on-site or may be exempted as provided in 17.44.090C. Bicycle parking facilities shall be designed and installed in accordance with the Public Works Standards.

1. **Short-term parking** is intended for bicycle trips where bicycles will be left for a short time period (generally less than 8 hours). Short-term parking shall be available to the public and should be located to provide convenient access to destinations. Short-term parking shall not be provided in designated snow-storage areas. Generally, the purpose of short-term parking is to provide for the convenience of commercial customers, employees, and residential visitors. Short-term bicycle parking shall be designed and located to address the needs of these users.

2. **Long-term parking** is intended for bicycle trips where bicycles will be left for a long-period of time (generally all day, overnight, or seasonally). Long-term bicycle parking shall be provided within a building, covered garage, or in bicycle lockers, and shall be secure and protected from weather. Long-term parking should be conveniently located and be accessible 24 hours a day, 7 days a week. Long-term bicycle parking spaces may be provided as part of a communal storage area or individually as approved by the review authority. Generally, the purpose of long-term parking is to provide for the keeping of bicycles by residents and overnight visitors in residential and lodging facilities or employees of all businesses. Long-term bicycle parking facilities shall be designed to address these purposes.

B. **Number of bicycle spaces required.** Bicycle spaces shall be provided in the proportions outlined in Table 17.44.090B for short and long-term needs.

TABLE 17.44.090(B): BICYCLE PARKING REQUIREMENTS BY LAND USE			
Land Use	Spaces Required	Required Short-Term Spaces	Required Long-Term Spaces
Residential Use Classifications			
Multi-Family Residential, Live/Work, Single Room Occupancy, and Group Living Quarters	0.67 per unit	15%	85%
Non-residential Use Classifications			
Lodging	0.2 per unit	15%	85%
Recreation, Education & Public Assembly	2, plus 0.4 per 1,000 GLA	85%	15%
Service Use Classifications (except	2, plus 0.4 per 1,000 GLA	15%	85%

Animal Care and Boarding, Cemeteries and Interment Services, and Warehousing, Storage, and Distribution)			
Parking Structures	1.0 per 50 parking spaces	0%	100%
Retail Use Classifications	2, plus 0.4 per 1,000 GLA	85%	15%

- C. **Exemptions.** Where it can be demonstrated that providing bicycle parking spaces required under this subsection is not physically practical or that the nature of the building use is such that bicycle parking spaces would not be used, the review authority may grant an appropriate exemption or reduced level of compliance in return for alternative, multi-modal investments as deemed appropriate by the review authority. Multi-family residential units with unshared individual garages shall be exempt.

17.44.100 Parking Design and Development Standards

- A. **Enclosed and unenclosed parking.** New development is required to provide the following minimum amounts of enclosed parking. Enclosed parking is encouraged.
 - 1. **Single-family residential.** At least 50 percent of required parking shall be enclosed and at least one space shall be unenclosed, unless otherwise approved by the review authority.
 - 2. **Multi-family residential.** At least 50 percent of required parking shall be enclosed.
 - 3. **Hotel or motel.** At least 50 percent of required parking shall be enclosed.
 - 4. **Other uses.** Enclosed parking is encouraged, but not required.
- B. **On-street parking.** On-street parking shall be open to the public and shall not be reserved. On-street parking shall not be counted toward fulfilling parking requirements. On-street parking in commercial and resort zones along street frontage lines may be approved by the review authority and Council. Road widths shall comply with Public Works Standards.
- C. **Tandem parking.** Vehicles may be parked in tandem where the parking area is serving a single dwelling (including dwellings in multiple-family developments when both tandem spaces are assigned to the same unit) and where the tandem parking is not more than two cars in depth. The review authority may grant approval of tandem parking for non-residential developments if the applicant demonstrates that it will not interfere with orderly parking and movement of vehicles.
 - 1. The Director may also consider interior mechanical parking lifts when an attendant (valet) parking agreement is provided as permitted below. Proposals for mechanical parking lifts shall be reviewed by the Director and the fire marshal on a case-by-case basis to assess their functionality and safety.
 - 2. Tandem parking arrangements for non-residential projects and where mechanical lifts are proposed, shall be approved through the use permit process and an attendant (valet) parking agreement shall be executed between the property owner and the Town to assure that valet parking is provided during all days and hours of the use of the tandem parking

spaces. The attendant parking agreement shall be binding upon and inure to the benefit of each party and their respective successors and assigns.

D. Access to parking.

1. Parking, including parking garages, shall be accessed from an alley or secondary frontage when possible. The curb opening of a parking lot or garage on a frontage shall not exceed two lanes in width, except commercial uses demonstrating high exiting vehicle volumes that may have two outbound lanes or as otherwise provided in the Public Works Standards.
2. No curb cuts into public rights of way for purposes of providing street access to on-site parking spaces on non-primary commercial and residential streets shall be permitted except where a project site meets at least one of the following conditions:
 - a. The site has no side or rear street access having a minimum right of way width for the lanes required for access;
 - b. The topography or configuration of the site or placement of buildings on the site precludes reasonable alley or secondary access to a sufficient number of parking spaces;
 - c. Snow storage or other natural hazards necessitate such access, as approved by Public Works;
 - d. The review authority determines that a curb cut is appropriate due to traffic, circulation or safety concerns.
 - i. If curb cuts are required, curb cut widths shall be kept to the minimum width and distance from adjacent intersections required, consistent with the Public Works Standards.
 - ii. On lots with adequate access, projects with new buildings or substantial remodels shall be required to replace any existing curb cuts or driveway aprons with a new full height curb.
 - iii. Properties with existing nonconforming access driveways shall be constructed in accordance with the current Public Works Standards when the property reconstructs or repaves the project parking area.

E. Access to adjacent sites. Applicants are encouraged to provide off-street vehicle access to parking areas on adjacent properties to provide for convenience, safety, and efficient circulation. Pedestrian access between adjacent properties is also strongly encouraged. Where access circulation includes circulation for emergency service or other required access, cross easements shall be recorded for each property.

F. Parking space and lot dimensions. Parking lots and stalls shall be designed consistent with the Public Works Standards.

- G. **Maintenance.** All off-street parking spaces and driveway areas shall be paved and maintained for the duration of the use requiring such areas in accordance with the requirements of the Lahontan Regional Water Quality Control Board. Snow and ice shall be removed promptly from all required off-street parking and driveway areas.
- H. **Landscaping.** Parking areas shall be landscaped in compliance with Chapter 17.40 (Water Efficient Landscape Regulations) and with the following requirements.
1. **Amount of landscaping.** Each use shall provide landscaping within and/or around the parking area at a minimum ratio of 10 percent of the gross area of the parking lot. A minimum of one tree, the species of which shall be consistent with the Town of Mammoth Lakes Recommended Plant List, shall be provided for each five parking spaces. Tree plantings shall have a minimum size of three gallons as described in Section 17.36.050B.
 2. **Location of landscaping.** The location of landscaping, including the placement of trees, shall be provided as part of a landscape plan to be reviewed and approved by the review authority prior to issuance of a grading permit.
 3. **Irrigation.** Irrigation shall be provided for landscaped areas.
- I. **Snow storage.** On-site snow storage shall be provided consistent with Section 17.36.110 (Snow Storage).
- J. **Lighting.** Lighting of all parking areas shall be consistent with Section 17.36.030 (Exterior Lighting).
- K. **Striping and identification.**
1. **Vehicle spaces.** All required pavement striping shall be maintained in good condition. Parking spaces shall provide understandable markings to indicate where drivers should park. Subtle markings, such as contrasting colors in paving stones, are encouraged.
 2. **Restriping.** The restriping of any parking space or lot that substantially changes the existing parking layout or results in a lesser number of parking spaces, shall require the approval of a restriping plan by the review authority.
- L. **Surfacing.**
1. All parking surfaces shall be paved with an approved material and designed to treat and retain the first flush storm as defined by the Owens River Basin Plan and Lahontan Regional Water Quality Control Board using Best Management Practices substantially in conformance with Phase 2 requirements.
 2. All grading plans relating to the parking facilities shall be reviewed and approved by the review authority before any work can commence.

17.44.110 Driveways and Site Access.

Each driveway providing site access from a street or other public right-of-way shall be designed, constructed, and properly maintained in compliance with the Public Works Standards, unless otherwise modified and approved by the Public Works Director.

17.44.120 Delivery Loading Space Requirements.

Off-street loading spaces shall be provided as required by this section. The Public Works Director may modify these requirements, where it is first determined that the operating, shipping, and delivery characteristics of the use do not require the number or type of loading spaces required by this section.

- A. **Number of loading spaces required.** All uses shall provide off-street loading spaces as described in Table 17.44.120. Requirements for uses not listed shall be determined by the review authority based upon the requirements for comparable uses.
- B. **Standards for off-street loading areas.** Off-street loading areas shall be provided in compliance with the following:
1. **Dimensions.** Loading spaces shall be a minimum of 12 feet in width, 40 feet in length, with at least 14 feet of vertical clearance and shall accommodate required access and turning radii.
 2. **Lighting.** Loading areas shall have lighting capable of providing adequate illumination for security and safety; lighting shall also comply with the requirements of Section 17.36.030 (Exterior Lighting).
 3. **Location.** Loading spaces shall be:
 - a. As near as possible to the main structure and limited to the rear two-thirds of the parcel, if feasible;
 - b. Situated to ensure that the loading facility is screened from adjacent streets;
 - c. Situated to ensure that loading and unloading takes place on-site and is not located within a required front setback, adjacent public right-of-way, or other on-site traffic circulation areas;
 - d. Situated to ensure that all vehicular maneuvers occur on-site. The loading areas shall allow vehicles to enter from and exit to a public street in a forward motion only; and
 - e. Situated to avoid adverse impacts upon neighboring residential properties and located no closer than 100 feet from a residential zoning district unless adequately screened, and authorized by the review authority.
 4. **Loading ramps.** Plans for loading ramps or truck wells shall be accompanied by a profile drawing showing the ramp, ramp transitions, overhead clearances, and required drainage.

5. **Screening.** Loading areas shall be screened from abutting parcels and streets with a combination of dense landscaping and faced solid masonry walls with a minimum height of six feet.

6. **Striping.**
 - a. Loading spaces shall be striped, and identified for loading only.
 - b. The striping and "loading only" notations shall be continuously maintained in a clear and visible manner in compliance with the approved plans.

7. **Surfacing.**
 - a. All loading areas shall be surfaced with asphalt, concrete pavement, or comparable material as determined by the review authority and shall be graded to dispose of all surface water to the satisfaction of the review authority.
 - b. All grading plans relating to the loading facilities shall be reviewed and approved by the review authority before any work can commence.

TABLE 17.44.120: LOADING SPACE REQUIREMENTS		
Type of Land Use	Total Gross Floor Area	Loading Spaces Required
General Retail and Lodging	10,000 to 25,000 square feet	1.0
	25,001+ square feet	1 for each additional 25,000 square feet plus additional as required by review authority.
Service Use Classifications (except Animal Care and Boarding, Cemeteries and Interment Services, and Warehousing, Storage, and Distribution)	10,000 to 35,000 square feet	1.0
	35,001+ square feet	1 for each additional 25,000 square feet plus additional as required by review authority.
Multi-Family Residential, Live/Work, Single Room Occupancy, and Group Living Quarters	50,000 to 150,000 square feet	1.0
	150,001 + square feet	1 for each additional 150,000 square feet plus additional as required by review authority.

Chapter 17.48 Signs

17.48.010	Purpose of Chapter
17.48.020	Applicability
17.48.030	Sign Permit Requirements
17.48.040	Signs Not Requiring a Permit
17.48.050	Master Sign Program
17.48.060	Prohibited Signs
17.48.070	Measurement of Sign Area and Height
17.48.080	General Requirements for All Signs
17.48.090	Standards for Specific Types of Signs
17.48.100	Sign Standards by Zoning District
17.48.110	Sign Variances and Adjustments
17.48.120	Nonconforming Signs
17.48.130	Abandoned Signs
17.48.140	Public Nuisance, Violation, and Abatement

17.48.010 Purpose of Chapter

- A. The purpose of this chapter is to establish regulations that control signage allowed within the Town, including the number, placement, height, size, type, and lighting of signs, to:
1. Advance the community design standards and safety standards identified in the General Plan;
 2. Support the local economy and help nurture businesses;
 3. Strengthen the identity of the community as a premier, year-round destination resort;
 4. Encourage creative design that adds character to streets and districts, contributing to an attractive and hospitable streetscape;
 5. Discourage visual clutter and negative impacts to the public realm;
 6. Eliminate glare and minimize light pollution to improve public safety and preserve views of the stars and night sky;
 7. Provide for signs as an effective channel of communication, while ensuring that signs are aesthetically compatible with the structures they identify;
 8. Safeguard and protect the public health, safety and general welfare;
 9. Avoid traffic safety hazards to pedestrians, bicyclists, and motorists caused by visual distractions and obstructions;
 10. Maximize public convenience by providing easily visible traffic, directional, informational, and wayfinding signage; and

11. Minimize the cost of sign permits through clear and user friendly regulations.
- B. The regulations of this chapter are not intended to permit any violations of the provisions of any other lawful ordinance or to prohibit the use of any sign required by state or federal law.

17.48.020 Applicability

- A. **Signs regulated.** The regulations provided in this chapter shall apply to all signs in all zoning districts. Only signs authorized by this chapter shall be allowed.
- B. **Applicability to sign content.** The provisions of this chapter do not regulate the message content of signs (sign copy), regardless of whether the message content is commercial or non-commercial. Any non-commercial message may be substituted for the copy on any commercial sign allowed by this chapter.
- C. **Applicability to federally registered marks.** The provisions of this chapter shall not require alteration of the display of any registered mark, or any trademark, service mark, trade name, or corporate name that may be associated with or incorporated into a registered mark, where such alteration would require the registered mark to be displayed in a manner differing from the mark as exhibited in the certificate of registration issued by the United States Patent and Trademark Office. It is the responsibility of the applicant to establish that a proposed sign includes a registered mark.
- D. **Regulatory interpretations.** Where a particular type of sign is proposed in a permit application, and the type is not expressly allowed, restricted, or prohibited by this chapter, then the Director or the Commission shall approve, conditionally approve, or deny the application based on the most similar sign type that is expressly regulated by this chapter.

17.48.030 Sign Permit Requirements

- A. **Applicability.** A permit is required in compliance with this section to erect, move, alter, replace, suspend, display, or attach a sign, whether temporary or permanent, unless the sign is allowed without a sign permit in accordance with Section 17.48.040. Each business requires a separate sign permit. A permit is required for a change in business name on a sign.
 1. Minor alterations (e.g. repainting with same colors, routine maintenance, etc.) may be approved without a new permit.
 2. Permits for temporary signs may be approved on an annual basis provided the applicant submits a plan for the display of all temporary signs for a period of 12 consecutive months, and the plan is approved by the Department.
- B. **Application requirements.** An application for a sign permit shall be made to the Department on a form provided for that purpose pursuant to Chapter 17.60 (Applications, Processing, and Fees). All required information identified on the form shall be provided by the applicant, together with the required fees. It is the responsibility of the applicant to establish evidence in support of the findings required by Subsection 17.48.030F.

- C. **Other permits required.** In addition to the requirements of this Code, all signs shall be in conformance with applicable requirements of the California Building Standards Code. Where required, the applicant shall also obtain a building permit and/or electrical permit from the Building Division. State review and approval, including the issuance of an encroachment permit, is required for signs located within the State right-of-way. Signs located within 660 feet of either State Route 203 or U.S. Highway 395 may require a permit from the Outdoor Advertising Division of Caltrans.
- D. **Review authority.** Table 17.48.030D identifies the responsible review authority for each type of sign approval.

TABLE 17.48.030(D): SIGN REVIEW AUTHORITY				
<i>Type of Permit or Decision</i>	<i>Procedure is in Section</i>	<i>Director²</i>	<i>Planning and Economic Development Commission</i>	<i>Town Council</i>
Master Sign Program	17.48.030	-	Decision	Appeal
Sign Permit	17.48.050	Decision	Appeal	Appeal
Notes: (1) "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals of an earlier decision, in compliance with Chapter 17.104 (Appeals). (2) The Director may refer any matter subject to his/her decision to the Commission, so that the Commission may instead make the decision.				

- E. **Time line for decision; waiver of time.** At each level of review, all sign related decisions, including any hearing when procedurally required, shall be made within 60 calendar days from when the Town determines the project is exempt from the California Environmental Quality Act or adopts a negative declaration for the project. The failure of the review authority to render any decision within the time frames established in this Subsection shall be deemed to constitute a denial and the applicant shall have the immediate right to appeal.
- F. **Findings and decision.** After a sign permit application is deemed complete, the review authority shall approve, conditionally approve, or deny the application. The review authority may approve a sign permit application, with or without conditions, only after the following findings are made:
 1. The sign complies with the standards of this chapter, any applicable specific plan or master plan, and any applicable Master Sign Program; and
 2. The sign is in substantial compliance with the Town’s Design Guidelines.
- G. **Post approval procedures.** The procedures and requirements in Chapter 17.104 (Appeals) shall apply following a decision on a sign permit.

H. Expiration and extension of sign permit approval.

1. A sign permit shall expire 12 months from the date of approval unless the sign has been installed or a different expiration date is stipulated in the approval; temporary signs shall comply with time limits identified for temporary signs in this chapter.
2. A sign permit shall expire when the activity, product, business, service, or other use which is being advertised or identified has ceased for a period of not less than 90 days or has moved from the location where the sign was permitted.
3. A sign permit shall expire when a sign is removed from the approved location for more than 90 days or a new permit is approved for a replacement sign.
4. Upon written request by the applicant, the original review authority may extend the sign permit up to an additional 12 months from the original date of expiration based on site specific conditions justifying the original approval and whether or not those conditions have changed, consistent with Subsection 17.64.060B.4 (Action on extension request). The Director may make the extension subject to new conditions of approval should site-specific conditions warrant revised or new conditions.
5. The expiration date of a sign permit shall be automatically extended to coincide with the expiration date of the companion building permit or other applicable permits for the project.

17.48.040 Signs Not Requiring a Permit

The following signs and sign maintenance and modification activities are allowed without sign permit approval subject to the limitations specified herein; however, any required building permit shall be obtained prior to installation of the sign. These signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a property or business. However, any deviation from the limitations specified herein shall require a sign permit and may be counted toward the total allowable number of signs or total allowable sign area at the discretion of the Director.

A. Nonstructural modifications and maintenance.

1. ***Modifications to changeable copy.*** Modification or changes to the face or copy of conforming changeable copy signs. A permit shall be required for a change in business name on a sign.
2. ***Maintenance.*** The normal maintenance of conforming signs, including painting, repairing, or cleaning of a sign. A permit shall be required for a change of color, materials, or design of an existing sign.

B. Permanent signs.

1. ***Addresses.*** Addresses consistent with Chapter 16.32 (Street Name and Address Regulations).

2. ***Informational and directional signs.*** Informational and directional signage of no greater than an aggregate of four square feet per business and no more than two signs per business, provided that such signage does not contain any advertising, brand, or product information. Additional sign area or number of signs shall be allowed if required by the Town or other public agency for the purpose of public health, safety, and general welfare.
3. ***“Open” signs.*** One “open” sign of no more than two and one-half square feet is allowed per business. “Open” signs may utilize neon; however, blinking or flashing signs are prohibited.
4. ***Vacancy/no vacancy signs.*** Each transient rental business is allowed one vacancy/no vacancy sign of no more than two and one-half square feet. Vacancy/no vacancy signs may be internally illuminated and/or utilize neon.

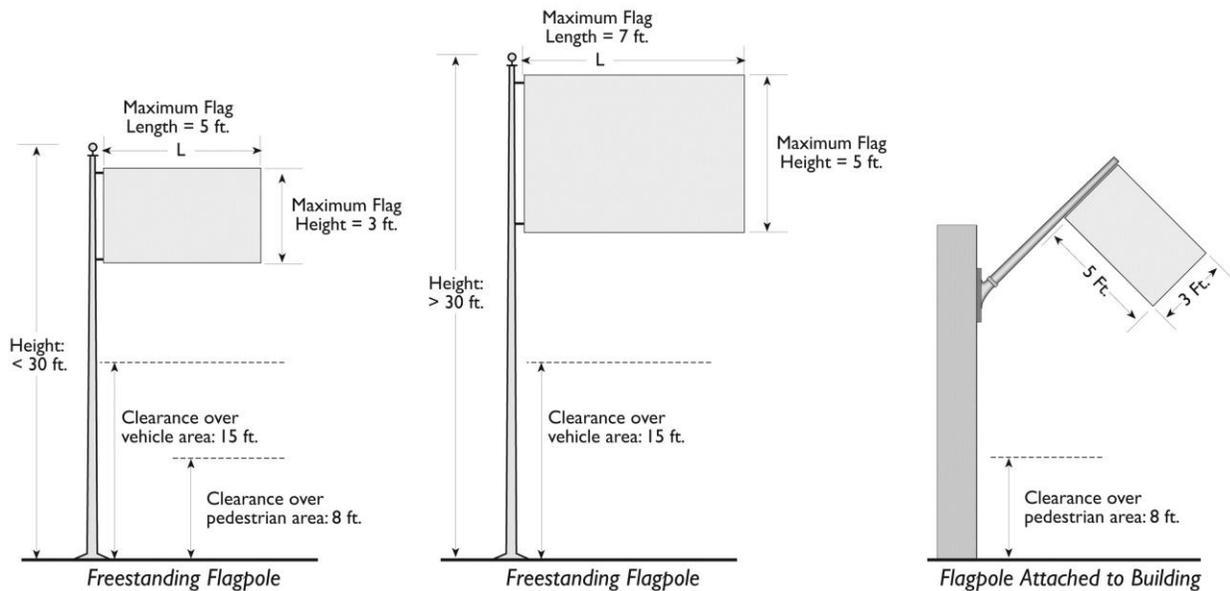
C. **Temporary signs.**

1. ***Community event information.*** Posters, flyers, and announcements promoting community events, not containing advertisements for products or services not associated with the community event, and removed within two days of the close of the event.
2. ***Directional signs (temporary).*** Temporary directional signs, in addition to those allowed by Subsection 17.48.040B.2, not to exceed six square feet in total area.
3. ***Garage sale signs.*** One sign for a garage, yard, rummage, or estate sale of no greater than four square feet and no taller than four feet is allowed to be displayed during the hours of the sale. Garage sale signs shall only be displayed on the private property where the sale is located, and shall not be placed within any State or Town right-of-way.
4. ***Political signs.***
 - a. Political signs shall not exceed six square feet and shall not be located within any State or Town right-of-way or on public property.
 - b. A campaign sign may be displayed on a wooden post or wire frame, shall be no taller than four feet, and shall be removed within five days following the election.
 - c. Political signs within 660 feet of a State highway shall comply with the Outdoor Advertising Act.
5. ***Real estate signs.*** Real estate signs in compliance with California Civil Code Section 713 and subject to the following limitations:
 - a. ***Residential zones.*** Properties within residential zones are allowed one real estate sign of no more than four square feet per property.
 - b. ***Non-residential zones.*** Properties within non-residential zones are allowed one real estate sign of no more than 12 square feet per property.

- c. *Multi-tenant properties.* In addition to the real estate signs listed in Subsection 17.48.040C.5.a. and b., above, multi-tenant properties in all zones are allowed one real estate sign of no more than four square feet, located within each available tenant space, including tenant spaces above the second story.
 - d. *Freestanding real estate signs.* Freestanding real estate signs shall not exceed four feet in height and may be a portable sign or displayed on a wooden post. Sign structure shall be reasonably durable and clearly incidental to the sign, or otherwise shall be counted towards sign area.
 - e. *Open house signs.* Open house signs are allowed consistent with regulations for temporary portable signs, Subsection 17.48.090N.3.
- D. **Governmental signs.** Signs installed by the Town, County, or a Federal or State governmental agency, because of their responsibilities for the protection of public health, safety, and general welfare. These signs may be internally illuminated if necessary for the protection of public health, safety, and general welfare.
1. Emergency and warning signs necessary for public safety or civil defense.
 2. Traffic signs and devices erected and maintained by an authorized public agency.
 3. Legal notices, licenses, permits, and other signs required to be displayed by law.
 4. Signs showing the location of public facilities, destinations, or attractions (e.g., directional, information, and wayfinding signs).
 5. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibilities.
- E. **Signs damaged or destroyed by snow.** The replacement of signs substantially damaged or destroyed by snow, snow plows, or other snow management efforts by the Town or public agencies, with the same or substantially similar sign in the same location shall be allowed regardless of structural changes required, provided that any required building permit is obtained and that Section 17.48.120 (Non Conforming Signs) is complied with.
- F. **Miscellaneous signs.**
1. *Flags.* United States flags are exempt from these regulations. Official flags of national, State, or local governments, or nationally recognized fraternal, public service, or religious organization; provided that the flag is not used for commercial advertising (i.e., contains no commercial copy) and subject to the following limitations:
 - a. There shall be no more than three such flags per property.
 - b. Maximum flag size shall be three feet by five feet when hung from a building, and five feet by seven feet when hung from a flag pole over 30 feet in height.

- c. Flags shall have a minimum clearance of eight feet over pedestrian areas and 15 feet over vehicular areas.

FIGURE 17.48.040(F)(1): FLAGS



2. **Historical items.** Historical plaques erected and maintained by the Town or historical agencies, memorials, building cornerstones, and date-constructed stones; provided that none of these exceed four square feet in area.
3. **Menu display boxes.** Menu display boxes of up to three square feet. Menu display boxes may include an area used to communicate daily, weekly, or other “specials.”
4. **Merchandise.** Merchandise incorporated as an integral part of an indoor window display, including photographic window display of real estate available for sale, lease, or rent from a licensed real estate broker.
5. **Residential nameplates.** Residential nameplates of not more than two square feet, one per property, that have no commercial message or identification.
6. **Seasonal displays.** Temporary, non-commercial decorations or displays associated with any national, local, or religious celebration.
7. **Signs on vehicles (including Mobile Businesses).** Signs neatly and permanently affixed on a vehicle, one sign per vehicle side, and only identifying the name of a business, generic services, contact information, and location; provided, however, such vehicles shall not be used as parked or stationary outdoor display signs (i.e., Subsection 17.48.060B.11). Such signage shall not be a banner, board, paper, or any temporary sign and shall not substantially project or deviate from the vehicle profile.

8. **Theater poster cases.** Theaters may use glass-enclosed cases to display posters that advertise current or forthcoming programs. One poster case, not exceeding 16 square feet, is allowed for each movie screen or stage.
9. **Vehicle station fuel price signs.** Vehicle station fuel price signs required by State law, one sign per station not to exceed 12 square feet or other size as required by State law. No information other than as required or allowed by local, State, or Federal law shall be displayed. These signs may utilize changeable copy. Vehicle station fuel price signs shall not be internally illuminated.

17.48.050 Master Sign Program

- A. **Applicability.** A Master Sign Program approved by the Commission shall be required for any site with four or more businesses or tenant spaces, regardless of whether the tenant spaces are occupied. A Master Sign Program may be requested by an applicant for a site with less than four businesses or tenant spaces, but is not required. No sign permit shall be approved for a site with four or more businesses or tenant spaces unless and until the Commission has approved a Master Sign Program for the subject site.
- B. **Application requirements.** An application for a Master Sign Program shall be made to the Department on a form provided for that purpose pursuant to Chapter 17.60 (Applications, Processing, and Fees). All required information identified on the form shall be provided by the applicant, together with the required fees. If the application includes a request for an exception to this chapter, consistent with Subsection 17.48.050D, information shall be provided explaining why the exception is warranted and how the exception is consistent with the purpose and intent of this chapter. It is the responsibility of the applicant to establish evidence in support of the findings required by Subsection 17.48.050E.
- C. **Time line for decision; waiver of time.** See Subsection 17.48.030E.
- D. **Exceptions to this chapter.** As part of a Master Sign Program approval, the Commission may grant exceptions to the standards of this chapter for the maximum number and size of signs, based on site-specific conditions and design features including architectural style, building mass, and site visibility to ensure that signs for a uniquely planned or designed development area are most appropriate for that particular development or area. A Master Sign Program may also be more restrictive than this chapter.
- E. **Findings and decision.** After a Master Sign Program application is deemed complete, the Commission shall approve, conditionally approve, or deny a Master Sign Program application. The Commission may approve a Master Sign Program application, with or without conditions, only after the following findings are made:
 1. The Master Sign Program complies with the standards of this chapter and any applicable specific plan or master plan; or
 2. If the Master Sign Program does not comply with the standards of this chapter, the Master Sign Program complies with the purpose and intent of this chapter;

3. The Master Sign Program is in substantial compliance with the Town’s Design Guidelines; and
 4. The signs within the Master Sign Program are visually related to each other and to the structure and/or developments they identify.
- F. **Post approval procedures.** The procedures and requirements in Chapter 17.104 (Appeals) shall apply following a decision on a Master Sign Program.
- G. **No expiration for Master Sign Programs.** A Master Sign Program shall have no expiration date, but may be revised consistent with Subsection 17.48.050.I.
- H. **Individual sign permits required.** Individual sign permits are required for signs located within a site subject to an approved Master Sign Program. All signs erected or maintained within a site subject to a Master Sign Program shall conform at all times to the approved Master Sign Program.
- I. **Revisions to Master Sign Programs.** Minor revisions to a Master Sign Program may be approved by the Director if it is determined that the intent of the original approval, and any conditions attached thereto, are not affected. Major revisions to a Master Sign Program shall be approved by the Commission.

17.48.060 Prohibited Signs

- A. **Types of prohibited signs.** All signs not expressly allowed by this chapter shall be prohibited.
- B. **Examples of prohibited signs.** Examples of prohibited signs include the following:
1. Abandoned signs;
 2. Illegal signs;
 3. Inflatable or tethered signs or devices;
 4. Internally illuminated signs, except as allowed by this chapter;
 5. Moving signs, including blinking, chasing, or flashing signs, except as allowed by this chapter, signs that emit a varying intensity of light or color, or signs that contain moving parts;
 6. Home occupation signs;
 7. Off-premise signs, except as allowed by this chapter;
 8. Pole signs, including signs attached to utility poles or snow stakes;
 9. Pricing signs, except vehicle station fuel price signs, menu display boxes, and drive-up menu boards as allowed by this chapter;

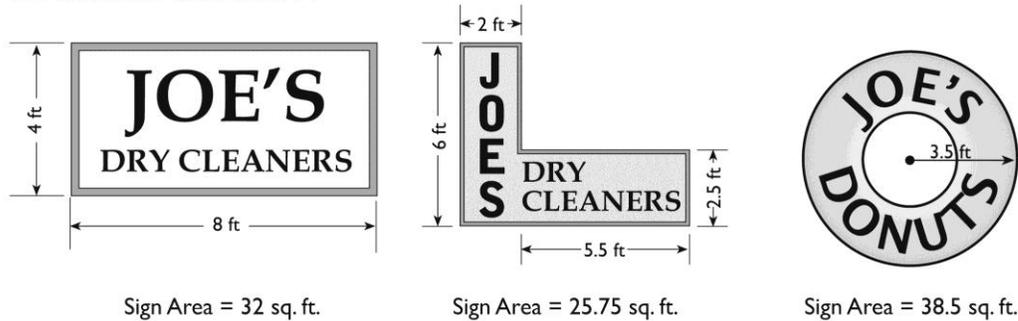
10. Roof signs;
11. Signs attached to or suspended from any vehicle, boat, mobile home, snowmobile, or other movable object parked within or next to a Town or State right-of-way or in a location on private property that is visible from a Town or State right-of-way, except a sign painted directly upon, magnetically affixed to, or permanently affixed to the body or other integral part of the vehicle (i.e., Subsection 17.48.040F.7, Signs on vehicles);
12. Signs burned or cut into a tree, otherwise marked on a tree or otherwise affixed to a tree;
13. Signs that simulate in color, size, or design any traffic control sign or signal, or signs that make use of characters, symbols, or words in a manner that interferes with, misleads, or confuses pedestrian or vehicular traffic;
14. Signs with reflective surfaces, except for street and traffic signs or other signs for public safety;
15. Signs within a Town right-of-way, except as allowed by Subsection 17.48.080B.4;
16. Statuary signs;
17. Temporary signs, except as allowed by this chapter; and
18. Walking signs, including costumed characters or signs held or supported by human beings, except for non-commercial signs.

17.48.070 Measurement of Sign Area and Height

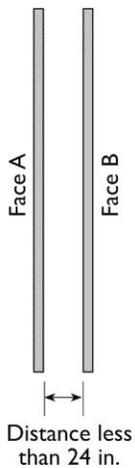
- A. **Measurement of sign area.** The measurement of sign area for the purpose of determining compliance with this chapter is defined below.
 1. ***Surface area.*** The surface area of a sign shall be calculated by enclosing the extreme limits of all writing, logo, representation, emblem, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight perimeter lines, or within a single circle. See Figure 17.48.070A.
 2. ***Sign structure.*** Supporting structure, bracing, and/or framework that are determined by the Director to be clearly incidental to the sign display itself shall not be included in the calculation of total sign area.
 3. ***Double-faced signs.*** The area of a double-faced sign shall be calculated for one face only if the two faces are back-to-back, parallel, and separated by no more than 24 inches, and the copy is identical on both faces.
 4. ***Three-dimensional signs.*** The area of a sign consisting of one or more three-dimensional objects (e.g., balls, cubes, clusters of objects, or sculpture), shall be measured as their maximum projection upon a vertical plane. See Figure 17.48.070A.4.

FIGURE 17.48.070(A): SIGN AREA MEASUREMENT

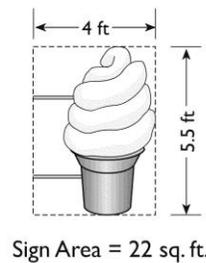
MEASURING SIGN AREA



MEASURING DOUBLE-FACED SIGNS



MEASURING THREE DIMENSIONAL SIGNS



B. Measurement of sign height.

1. **Sign height.** Sign height shall be measured as the vertical distance from the lowest point of finished grade adjacent to the sign to the top of the highest attached component of the sign. See Figure 17.48.070B.
2. **Signs in planters.** The height of a sign located in a planter may be measured from the top of the planter, provided that the planter is no greater than 12 inches above finished grade as defined in 17.48.070B.
3. **Sign frame and lighting.** Subject to the Director's approval, sign frame and lighting may exceed the height limit, provided such is a necessary structural design feature.

FIGURE 17.48.070(B): MEASUREMENT OF SIGN HEIGHT

**17.48.080 General Requirements for All Signs**

All signs shall be subject to the following requirements, whether or not the sign requires a permit.

A. Sign maintenance. The following maintenance standards shall be continually met for all signs.

1. Each sign, including the supporting structure and hardware, shall be structurally sound, maintained in good repair, and functioning properly at all times. All signs shall be neatly placed and securely affixed. No sign shall constitute a hazard to safety, health, or public welfare.
2. All signs shall be maintained as originally approved in a clean, neat, and undamaged condition.
3. Maintenance of a sign shall include periodic cleaning, mending or replacement of any faded, peeled, cracked, rusted, or otherwise damaged or broken parts thereof, replacement of flickering, burned out, or broken light bulbs, and other actions as necessary to comply with the purpose of this chapter.
4. When an existing sign is removed or replaced, all brackets, poles, and other supports that are no longer required shall be removed, and any newly exposed portions of a building or structure on which the sign is displayed shall be repaired and repainted as necessary to restore a uniform appearance to the building surface or structure.
5. Signs which are not properly maintained and are dilapidated shall be deemed to be a public nuisance and may be abated in compliance with the Municipal Code.

B. Sign location.

1. Each sign shall be located on the same site as the subject of the sign, except as otherwise allowed by this chapter.
2. Signs shall be located on the business frontage, except as otherwise allowed by this chapter.
3. Signs shall be allowed on sides of buildings or businesses not considered as businesses frontage (i.e., where no customer access is available) when the building wall fronts on a

public street or faces a plaza, courtyard, pedestrian corridor or walkway, parking lot, or alley.

4. No sign shall be placed on or project over public property or into a Town right-of-way, except for the following:
 - a. Governmental signs including bus stop signs, emergency warning signs, signs to direct or regulate pedestrian, bicycle or vehicular traffic, public notices, information signs, and wayfinding signs;
 - b. Community event signs and community information signs, including across the street banners as approved by the Town and/or the State as required for the sign, and allowed by this chapter;
 - c. A sign constructed by a public agency on its property, which is allowed by this chapter;
 - d. A monument sign consistent with Subsection 17.48.090H.5; and
 - e. A portable sign consistent with Subsection 17.48.090N.3.b.
5. No sign shall be located in a manner that will impede or obstruct pedestrian, bicycle, or vehicular safety.
6. No sign shall be placed so as to interfere with the operation of a door, fire escape, window, or other required exit.
7. Signs located within 660 feet of either State Route 203 or U.S. Highway 395 shall comply with the Outdoor Advertising Act and Regulations administered by Caltrans.

C. Sign area.

1. The aggregate area of all signs displayed on a site shall not exceed total allowable sign area established by this Subsection, unless such sign is specifically exempt from being counted towards total allowable sign area.
2. The total square footage of allowable sign area for any business shall not exceed two square feet for each three lineal feet of business frontage (i.e., linear feet of business frontage \times $2/3$ = maximum allowable sign area in square feet).
3. Where a business has two separate frontages, additional signage for the second frontage shall be allowed up to the amount otherwise allowed for the primary frontage alone. The second frontage may or may not include a customer access point to the building. Such additional signage may be allowed for corner units and businesses in a single building.
4. Signs are subject to the size restrictions identified in Section 17.48.090. No sign shall exceed 30 square feet, except as specifically provided in this chapter.

5. Any business not having the necessary frontage to permit at least 12 square feet of aggregate sign area shall, in any event, be permitted 12 square feet of aggregate sign area.
6. The total allowable aggregate sign area may be increased by 20 percent if a sign and business frontage identified by the sign are located 140 feet or more from the centerline of the street on which they face; provided however, that the increase shall only be applied to the sign located 140 feet or more from the centerline of the street on which they face. The increased aggregate sign area shall not increase the maximum sign sizes as allowed by this chapter or by a Master Sign Program approved after the adoption of this chapter.
7. The following signs shall not be counted towards the total allowable aggregate sign area or the total allowable number of signs; however, any sign that deviates from the limitations specified herein shall be counted toward the total allowable aggregate sign area:
 - a. Signs Not Requiring a Permit (Section 17.48.040);
 - b. Across the street banners;
 - c. Community event signs including banners, directional, and informational signs for the event;
 - d. Community information signs;
 - e. Copy on an awning that does not exceed six inches in height and consistent with Subsection 17.48.090A;
 - f. Drive-up menu boards;
 - g. Identification signs for multi-tenant centers that do not advertise any particular business or product;
 - h. One pedestrian-oriented business identification sign per business (i.e., a hanging or projecting sign) of no greater than six square feet;
 - i. Temporary banners as approved by the Town in compliance with this chapter; and
 - j. Tenant directory signs of no more than 12 square feet with up to two inch high lettering displayed on the first floor.

D. Signs on structures.

1. No sign shall be displayed above the second story of any building, except for multi-tenant property real estate signs consistent with Subsection 17.48.040C.5.c.
2. No sign shall extend above the top of the wall to which the sign is attached.

E. **Sign lighting.** Sign lighting shall be designed to minimize light and glare on surrounding Town and State rights-of-way and properties in compliance with Section 17.36.030 (Exterior Lighting) and the following standards.

1. External light sources shall be directed and shielded to prevent glare and light trespass onto adjacent properties and Town or State rights-of-way.
2. Signs with internal light sources (e.g., halo lit, neon, and other signs as allowed by this chapter) shall be designed to prevent glare and light trespass onto adjacent properties and Town or State rights-of-way.
3. The light source (e.g., bulb) shall not be visible off-site, including Town or State rights-of-way, except for sign with neon tubing and electronic message signs as allowed by this chapter.
4. Sign lighting shall not exceed that necessary for sign legibility and shall not be of an intensity or brightness that will create a visual nuisance.
5. Sign illumination shall not blink, flash, flutter, or change light brightness, color, or intensity.
6. Signs shall not use colored lights or other design elements that may be confused with or mistaken for traffic control devices.
7. Neither the direct nor reflected light from primary light sources shall create hazards for pedestrians, bicyclists, or operators of motor vehicles.
8. Light sources shall utilize energy-efficient fixtures to the greatest extent feasible.
9. All light fixtures, conduit, and shielding shall be painted in flat dark colors, or painted to match either the building or supporting structure that serves as the background of the sign.
10. Where Section 17.36.030 (Exterior Lighting) conflicts with this Chapter 17.48 (Signs), Chapter 17.48 (Signs) will take precedence.

F. **Sign materials and design.**

1. **Materials.** Sign materials shall be durable and capable of withstanding snow, wind, and weathering over the life of the sign with reasonable maintenance. The use of natural materials and materials made to resemble natural materials are encouraged.
2. **Compatibility.** All signs shall be compatible with the theme, visual quality, and overall character of the surrounding area, and appropriately related in size, shape, materials, and character to the function and architectural character of the building or premise on which they will be displayed. In assessing compatibility, sign style, color, material, lighting, support elements, and the buildings, structures, and premises on which they are displayed, shall be considered.

3. ***Design.***
 - a. Signs should express individuality, be thoughtfully designed, unique, and creative, especially in non-residential and non-industrial zones.
 - b. Permanent signs should include three-dimensional elements or some sort of relief. “Flat” signs without any relief should not be allowed for permanent signs in non-residential and non-industrial zones. This requirement shall not apply to temporary signs.
4. ***Sites with less than four businesses or tenant spaces.*** Master Sign Programs are not required for sites with less than four businesses or tenant spaces; however, signs on these sites shall not compete against each other for attention in a manner taking advantage of extreme, disharmonious, or clashing colors, shapes, locations, or materials.

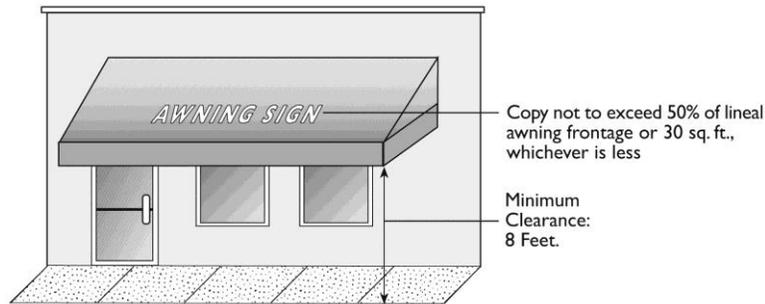
17.48.090 Standards for Specific Types of Signs

Proposed signs shall comply with the following standards applicable to the specific sign type. Each sign shall also comply with Section 17.48.080 (General Requirements for All Signs), Section 17.48.100 (Sign Standards by Zoning District), and all other applicable provisions of this chapter. Each sign shall be included in the calculation of the total allowable aggregate sign area and the total allowable number of signs except for those signs identified in Subsection 17.48.080C.7 Sign permits are required for all signs except for those identified in Section 17.48.040 (Signs Not Requiring a Permit). Any non-commercial message may be substituted for the copy on any commercial sign allowed by this chapter.

A. Awnings.

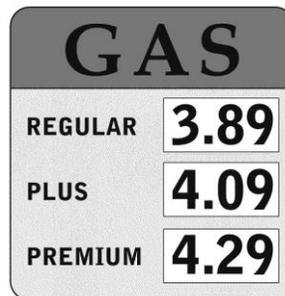
1. Signs on awnings are limited to ground level businesses only. The minimum clearance between the lowest point of an awning and the grade immediately below shall be eight feet.
2. Copy on an awning shall not exceed 50 percent of lineal awning frontage or 30 square feet, whichever is less.
3. Translucent awning materials are prohibited.
4. No duplication of wording shall be permitted on an awning.

FIGURE 17.48.090(A) : AWNING SIGN



- B. **Changeable copy signs.** A changeable copy sign shall be allowed for businesses and uses that communicate changing messages such as theaters and vehicle station fuel price signs. Such a sign shall be subject to the limits for the physical type of sign it is (e.g., wall sign); however, it shall not be internally illuminated.

FIGURE 17.48.090(B): CHANGEABLE COPY SIGN



- C. **Decorative banners and flags.** Decorative banners and flags shall only be allowed if approved by a Master Sign Program under Section 17.48.050. Decorative banners and flags shall not contain or display any commercial or advertising copy.
- D. **Drive-up menu boards.** Menu boards of drive-through businesses may either be internally or externally illuminated. Lighting and electrical components shall be such that menu boards are not readily readable or audible from adjacent properties or from Town or State rights-of-way.
- E. **Electronic message signs.**
1. Electronic message signs shall be located only in the Public and Quasi-Public Zone.
 2. Electronic message signs shall not flash, blink, flutter, include chasing lights, or display video messages (i.e., any illumination or message that is in motion or appears to be in motion). Electronic messages signs may display changing messages; however, each message shall be displayed for no less than four seconds.
 3. One electronic message sign may be allowed per property.

4. Electronic message signs shall be limited to a brightness level of 0.3 foot candles above ambient light and shall incorporate automatic dimming technology to consistently maintain the required light levels.
 5. Electronic message signs shall include well-designed opaque roof features to keep light from shining up. Signs and roof features shall be consistent with Subsection 17.48.090F (Sign materials and design).
 6. A design review permit and Commission approval shall be required for approval of an electronic message sign.
- F. **Halo lit signs.** Only one halo lit sign shall be allowed per business or property, not in any residential zone. Halo lit signs shall not be larger than 20 square feet.

FIGURE 17.48.090(F): HALO LIT SIGN



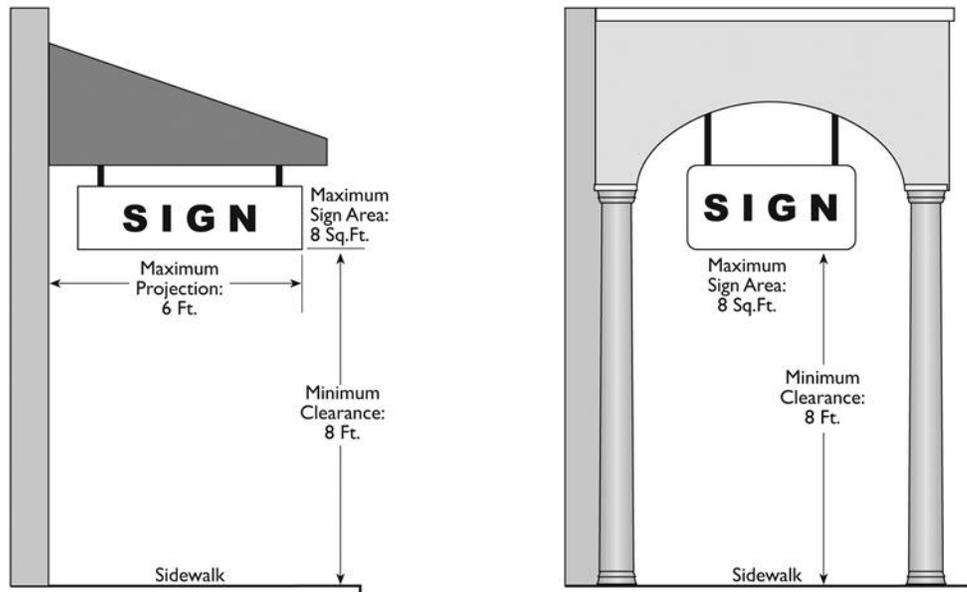
Maximum Size: 20 sq. ft.

G. **Hanging signs.**

Hanging signs are limited to ground level businesses only, located on business frontages with customer access. The minimum clearance between the lowest point of a sign and the grade immediately below shall be eight feet.

1. No hanging sign shall extend more than six feet from a building wall.
2. Hanging signs shall not be larger than eight square feet.
3. Sign supports shall be well-designed and compatible with the design of the sign.

FIGURE 17.48.090(G): HANGING SIGN

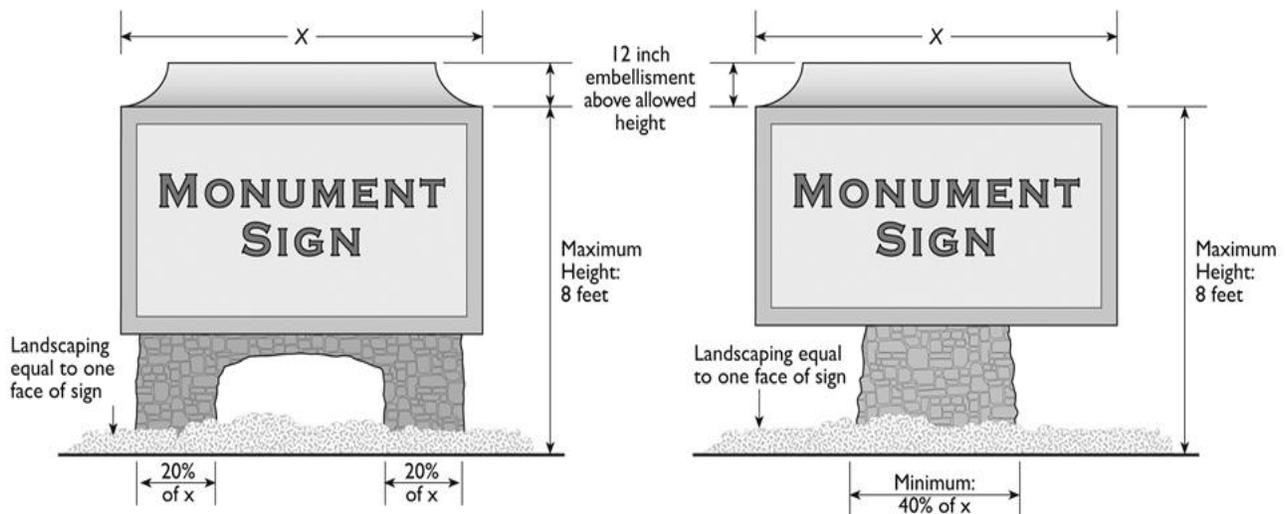


H. Monument signs.

1. **Number.** Generally, one monument sign is allowed per business, property, or multi-tenant center. However, more than one monument sign may be permitted if reasonable identification cannot otherwise be achieved, such as properties where access points are separated by long distances or corner properties with access points on two separate streets.
2. **Separation.** Multiple monument signs shall be separated by a minimum of 75 feet to ensure adequate visibility for all signs. The Director may modify this requirement where the locations of existing signs on adjacent properties would make the 75 foot separation impractical.
3. **Height.** A monument sign shall not exceed eight feet in height except as follows:
 - a. Signs along Main Street and Lake Mary Road shall not exceed 12 feet in height.
 - b. Sign structures may extend 12 inches above the allowable height for the purposes of sign structure enhancement or embellishment. See Figure 17.48.090(H).
 - c. In locations where snow removal equipment cannot access the sign area, sign height may be increased subject to the Director's approval; however, no sign shall exceed 16 feet in height.
 - d. In locations where the base of a sign is five feet or more below the centerline of the street on which the sign faces, sign height may be increased subject to the Director's approval; however, no sign shall exceed 16 feet in height.

4. **Setback.** Generally, there shall be a minimum five foot setback from a Town or State right-of-way to any monument sign. A smaller setback may be approved by the Town to meet the intent of this chapter (Section 17.48.010).
5. **Encroachment.** Monument signs may encroach into a 200 foot or greater two lane right-of-way when the sign will not be closer than 20 feet from the pavement in such right-of-way, the primary access for the subject use is off such right-of-way, and an encroachment permit is obtained from the Public Works Director and/or the State, as required for the sign.
6. **Durable materials.** Monument signs adjacent to Town or State rights-of-way shall be constructed of highly durable materials and designed to withstand the impacts of snow removal operations; materials such as high density polyurethane shall not be allowed unless the sign design is approved by the Public Works Director.
7. **Sign base.** A rock base or similar architectural design is required for the frame and base of all monument signs. The base shall have an aggregate width of at least 40 percent of the width of the sign face. See Figure 17.48.090H.7. The Director may approve a reduction in the width of the sign base if the sign is otherwise consistent with this Chapter.

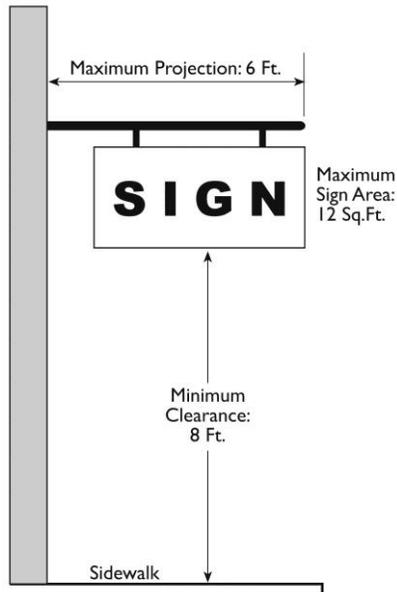
FIGURE 17.48.090H: MONUMENT SIGNS



8. **Landscaped area.** Landscaping shall be provided at the base of the supporting structure equal to the area of one face of the sign; for example, a 30 square foot sign shall require 30 square feet of landscaped area. The Director may modify this requirement if necessary to avoid creating or increasing a parking nonconformity or safety hazard.

9. ***Signs for more than one business.*** Monument signs identifying more than one business shall be designed as one sign.
- I. **Neon signs.** Neon “open” and “vacancy/no vacancy” signs are allowed in compliance with Subsection 17.48.040B.3 and 4 and are not subject to the requirements of this Subsection. The use of neon on other types of signs shall be subject to the following requirements.
1. Neon shall only be used for sign details that are intended to provide accessory graphics and artistic elements to a sign (e.g., a sign’s copy, background, or border shall not be composed entirely of neon tubing).
 2. No more than one sign with neon details shall be allowed per business, and shall not be located in any residential zone.
 3. Neon elements shall not be permitted on any monument sign or any sign larger than 20 square feet.
 4. Signs with neon details shall incorporate dimming capabilities to the extent feasible (e.g., technologies such as flexible light-emitting diode (LED) neon are capable of being dimmed).
- J. **Projecting signs.**
1. Projecting signs are limited to ground level businesses only, located on business frontages with customer access. The minimum clearance between the lowest point of a sign and the grade immediately below shall be eight feet.
 2. No projecting sign shall extend more than six feet from a building wall.
 3. Projecting signs shall not be larger than 12 square feet and shall be double-sided.
 4. Sign supports shall be well-designed and compatible with the design of the sign.

FIGURE 17.48.090(J): PROJECTING SIGN

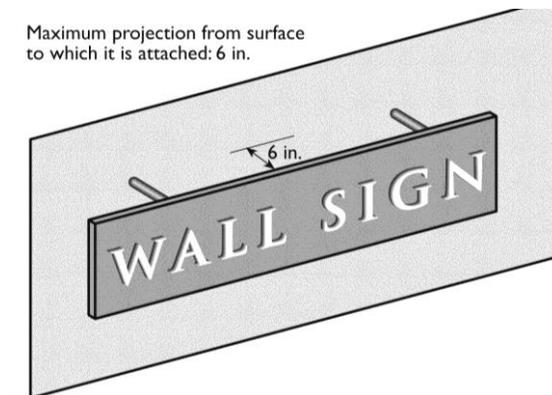


K. **Theater signs.** Subject to the review and approval of the Director, a theater sign may exceed 30 square feet as necessary to adequately display current or coming programs to the public. Theater signs may utilize changeable copy. Any theater sign greater than 30 square feet shall not utilize an electronic message sign or be internally illuminated.

L. **Wall signs.**

1. A wall sign shall not project more than six inches from the surface to which it is attached.
2. Wall signs on multi-tenant buildings shall have a minimum four foot horizontal separation. The Director may approve deviation from this requirement where unusual building design or configuration conditions prevent a reasonably visible sign opportunity.

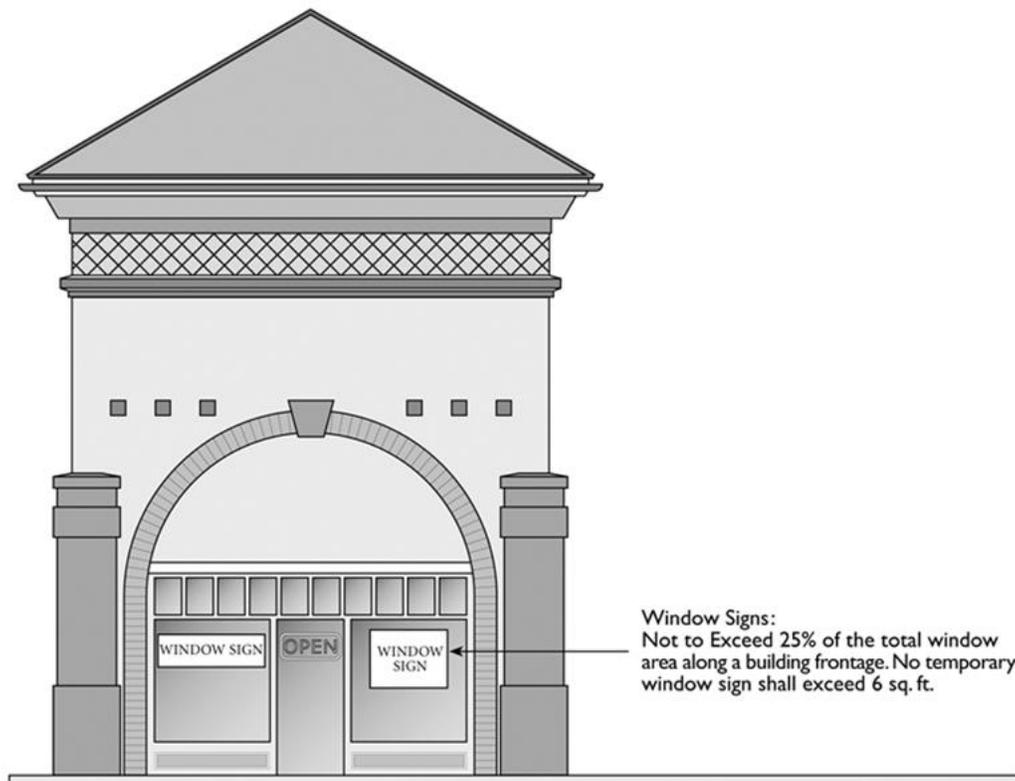
FIGURE 17.48.090(L): WALL SIGNS



M. Window signs (permanent and temporary).

1. **Placement.** Permanent and temporary window signs shall be allowed only on windows located on the ground level and second story of a business frontage.
2. **Size.** Permanent and temporary window signs shall not occupy more than 25 percent of the total window area. No temporary window sign shall exceed six square feet.
3. **Number.** There shall be no more than four window signs per business, including permanent and temporary window signs. Only two window signs may be temporary.
4. **Application.** Permanent window signs shall be permanently painted, mounted, or applied directly to the inside of the glass (i.e., windows and/or doors). Permanent and temporary window signs shall be no more than one inch thick.
5. **Duration of display for temporary signs.** Temporary window signs displayed for up to 15 days not more than once per calendar quarter do not require a permit; temporary window signs displayed for a longer or more frequent period or periods, up to a maximum of 30 consecutive days, require a sign permit.
6. **Modifications.** The Director may authorize modifications to these provisions to allow for additional window signage, number of window signs, or other similar modifications through an administrative permit.

FIGURE 17.48.090(M): WINDOW SIGNS



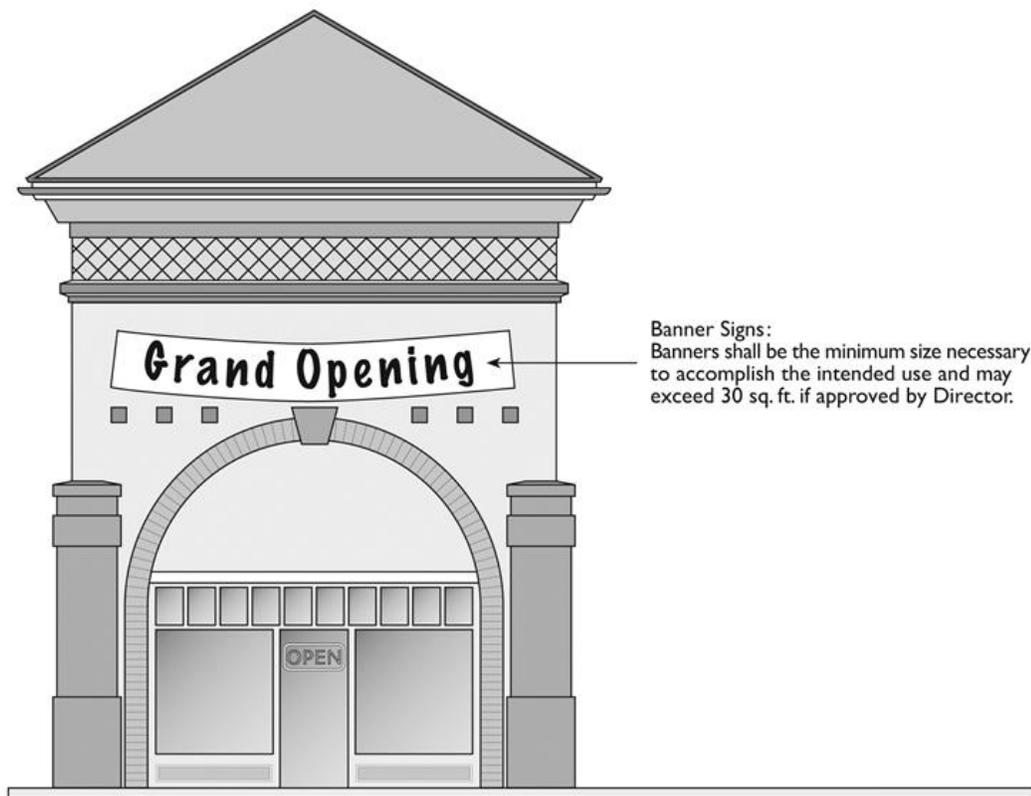
N. **Temporary signs.** *Except as allowed by this chapter, temporary signs are prohibited.* Temporary signs shall not be illuminated unless approved by the Town for public safety. The application for temporary sign permits shall include the dates proposed by the applicant for use or display of the sign. See Table 17.48.090N for a summary of standards and permit requirements for temporary signs.

1. **Banners.**

- a. **Size.** Banners shall not exceed 20 square feet except as otherwise provided in this Subsection.
- b. **Design.** A banner shall not be overly bright, distracting, or disharmonious with the building to or property on which it is displayed.
- c. **Deposit.** A deposit may be required by the Director for a temporary sign permit for a banner. The deposit may be revoked if the temporary banner is not removed within two days following the end of the approved duration of display.
- d. **Grand Opening Banners.** Grand opening banners for newly established businesses may be allowed for a period of no longer than 30 consecutive days.
- e. **Across the street banners.**

- i. Banners shall be associated with a civic, community, educational, or cultural event and shall contain no commercial or advertising copy.
- ii. Banners shall be approved by the State and/or Town through an encroachment permit and/or other necessary permit(s).
- iii. Across the street banners shall be limited to Main Street/State Route 203, Old Mammoth Road commercial district, and the following street segments in the North Village Specific Plan: Minaret Road north of Main Street and south of Forest Trail, Canyon Boulevard, and Lake Mary Road.
- iv. Banners shall be displayed for a period of no less than seven days and no more than 21 days.
- v. Banners shall be installed in an approved location by the State and/or Town.
- vi. Banners shall be the minimum size necessary to accomplish the intended use and may exceed 30 square feet if approved by the Director.
- vii. The Town may charge a reasonable fee to cover the cost of installing and removing the banner, as determined by resolution of the Council.

FIGURE 17.48.09oN(1): BANNER SIGNS



2. ***Community event signs.***
 - a. Community event signs shall not be subject to sign permit fees.
 - b. Signs may be permitted off-site subject to the approval of the Director and the owner of the property on which the sign would be located. Signs may be permitted within the Town or State right-of-way consistent with Subsection 17.48.080B.4.b.
 - c. Signs may be larger than 30 square feet, subject to the Director’s approval.
 - d. Signs may include temporary portable informational and directional signs, banners, or other types of signs as approved by the Director.
3. ***Portable signs.*** The use of small portable signs is allowed within all zoning districts with the exception of the OMR and D Districts, subject to the following requirements.
 - a. One portable sign may be allowed on-site in addition to all other permanent signs allowed for the business or activity.
 - b. Five additional off-site portable signs for a given business or activity may be located within the Town right-of-way subject to approval of an encroachment permit by the Director and Town Engineer, provided they do not interfere with vehicular or pedestrian movement or wheelchair access to, through, and around the site on which the sign is located. A minimum access width of six feet shall be maintained along all sidewalks and building entrances accessible to the public. The Town Engineer may require additional minimum access width for high-use pedestrian areas.
 - c. Portable signs shall not be located within the State’s right-of-way, except where permitted under State law. Signs within 660 feet of a State highway shall comply with the Outdoor Advertising Act.
 - d. Portable signs shall not encroach into required parking areas, shall not obstruct pedestrian traffic, and shall not create traffic hazards.
 - e. There shall be at least 50 feet between portable signs.
 - f. Portable signs are limited to six square feet per side, and shall be no taller than four feet.
 - g. Portable signs are only allowed on Thursdays, Fridays, Saturdays, Sundays, and Federal or State holidays, between 8 a.m. and dusk, for no more than 10 hours per day. However, in no case shall a portable sign be displayed during non-business hours.
 - h. Portable signs located on-site shall be counted towards the maximum cumulative display periods and total sign area allowed for temporary signs.

- i. All businesses with portable signs shall indemnify and hold harmless the Town from any action or expense that may occur as a result of a portable sign being located on any sidewalk or Town right-of-way, satisfactory to the Town Attorney. Portable signs for any business that fails to indemnify the Town shall be deemed illegal, nonconforming, and shall be removed.
 - j. Portable signs shall be constructed of durable, weather-resistant materials, and shall be professional in appearance at all times.
 - k. A sign permit is not required for a portable sign that is consistent with the requirements of this Subsection, unless the sign would be located within the Town’s right-of-way as allowed by Subsection b, above.
 - l. Signs shall be maintained in compliance with Subsection 17.48.080A.
4. ***Real estate development signs.***
- a. One real estate development sign shall be allowed for each development site.
 - b. A real estate development sign shall be removed at or before expiration of the entitlement permits for the site (e.g., use permit, tentative map, etc.). However, if a building permit is issued for the site, the real estate development sign may remain and shall be treated as a site construction sign.
5. ***Site construction signs.***
- a. One site construction sign shall be allowed for each development site.
 - b. A site construction sign may be displayed after the issuance of a building permit for the site and shall be removed at or before final building inspection or the issuance of a certificate of occupancy. If the building permit expires, the sign shall be immediately removed.

TABLE 17.48.090(N): STANDARDS FOR TEMPORARY SIGNS						
Allowed Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Time Limit	Permit Required?	Additional Requirements ¹
Banner - Across the street	Not limited by number	May exceed 30 s.f. if approved by Director	Limited by supporting structure	7-21 days	Yes	See Subsection 17.48.090N.1.e
Banner - Grand opening ²	1 per business	20 s.f.	Not above the second story	30 days	Yes	For newly established businesses
Community event sign	Not limited by number	May exceed 30 s.f. if approved by Director	Limited by sign type	At the discretion of the Director	Yes	See Subsection 17.48.090N.2

TABLE 17.48.090(N): STANDARDS FOR TEMPORARY SIGNS						
<i>Allowed Sign Type</i>	<i>Maximum Number</i>	<i>Maximum Sign Area</i>	<i>Maximum Sign Height</i>	<i>Time Limit</i>	<i>Permit Required?</i>	<i>Additional Requirements¹</i>
Community event information	Not limited by number	Limited by sign type	Limited by sign type	Removed 2 days after event	No	See Subsection 17.48.040C.1
Directional sign	Not limited by number	6 s.f.	Limited by sign type	As deemed necessary by the Director	No	See Subsection 17.48.040C.2
Garage sale sign	1 per garage sale	4 s.f.	4 feet	Only during hours of sale	No	See Subsection 17.48.040C.3
Political sign	Not limited by number	6 s.f.	4 feet	Removed within 5 days after election	No	See Subsection 17.48.040C.4
Portable signs	1 on-site per property and up to 5 off-site in the Town right-of-way	6 s.f. per side	4 feet	Thursdays, Fridays, Saturdays, Sundays, and Federal or State holidays. between 8 a.m. and dusk for no longer than 10 hours	No (on-site signs); Yes (off-site signs)	See Subsection 17.48.090N.3
Real estate signs	1 per property ³ ; 1 sign for each tenant space on multi-tenant properties	Residential zone: 4 s.f. Non-residential zone: 12 s.f. Tenant spaces: 4 s.f.	Freestanding sign: 4 feet; Other: limited by sign type; signs in tenant spaces above the second story are allowed	When property is available for sale, lease, rent, or other disposition	No	See Subsection 17.48.040C.5
Real estate development sign	1 per development site	30 s.f.	Limited by sign type	After land use permit is approved and until it expires	Yes	See Subsection 17.48.090N.4
Site construction sign	1 per development site	30 s.f.	Limited by sign type	After building permit issued, and until final inspection or certificate of occupancy	Yes	See Subsection 17.48.090N.5

TABLE 17.48.090(N): STANDARDS FOR TEMPORARY SIGNS						
Allowed Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Time Limit	Permit Required?	Additional Requirements ¹
Window sign (temporary)	No more than 2 per business	25% of window ⁴ or 6 s.f per sign, whichever is less	Not above the second story	30 days	No (less than 15 days quarterly); Yes (more than 15 days quarterly)	See Subsection 17.48.090M.5
Notes:						
(1) See Standards for Specific Types of Signs, Temporary Signs (17.48.090N) and Signs Not Requiring a Permit (17.48.040).						
(2) No business shall have more than one banner sign displayed at any one time (17.48.090N. 1).						
(3) Additional signage may be allowed for the second frontage consistent with Subsection 17.48.080C.3.						
(4) Permanent and temporary window signs shall not exceed 25% of window area without the approval of an Administrative Permit (17.48.090M.2).						

17.48.100 Sign Standards by Zoning District

In addition to the standards in this section, each sign shall also comply with Section 17.48.080 (General Requirements for All Signs), Section 17.48.090 (Standards for Specific Types of Signs), and all other applicable provisions of this chapter. Temporary signs are addressed in Table 17.48.090N (Standards for Temporary Signs), above.

A. **Residential zones.** Each sign in a residential zone shall comply with the following requirements contained in Table 17.48.100A.

TABLE 17.48.100(A): SIGN STANDARDS FOR RESIDENTIAL ZONES						
Allowed Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Lighting Allowed?	Permit Required?	Additional Requirements
Residential Uses						
Residential nameplate (17.48.040F.5)	1 per property	2 s.f.	Shall conform to the height limits for the type of sign erected	No	No	No commercial message or identification allowed
Additional Signs for Multi-Family Residential, Assisted Living Facilities, Residential Care Facilities, Subdivisions and Mobile Home Parks						
Monument or wall (17.48.090H, 17.48.090L)	1 monument or wall sign per property ^{1,2}	30 s.f.	Monument: 8 feet ³ ; Wall: not displayed above the second story of a building	Only indirect lighting (no internal illumination, halo, or neon allowed)	Yes	Only the name and address of the subdivision or multi-family development allowed
Non-Residential Uses						
Monument or wall (17.48.090H, 17.48.090L)	1 monument or wall sign per property ^{1,2}	30 s.f.	Monument: 8 feet ³ ; Wall: not displayed above the second story of a building	Only indirect lighting (no internal illumination, halo, or neon	Yes	See Subsections 17.48.090H and 17.48.090L

TABLE 17.48.100(A): SIGN STANDARDS FOR RESIDENTIAL ZONES						
Allowed Sign Type	Maximum Number	Maximum Sign Area	Maximum Sign Height	Lighting Allowed?	Permit Required?	Additional Requirements
				allowed)		
Notes: (1) Additional signage may be allowed for the second frontage consistent with Subsection 17.48.080C.3. (2) More than one monument sign may be allowed consistent with Subsection 17.48.090H.1. (3) Additional monument sign height may be allowed consistent with Subsection 17.48.090H.3.						

B. **Non-residential zones.** Each sign in non-residential zones shall comply with the following requirements contained in Table 17.48.100B

TABLE 17.48.100(B): SIGN STANDARDS FOR NON-RESIDENTIAL ZONES						
Allowed Sign Type	Maximum Sign Area	Maximum Sign Height	Lighting Allowed?	Maximum Number	Maximum Sign Area (Aggregate)	Additional Requirements ²
Awning (17.48.090A)	Not exceed 50% of lineal awning frontage or 30 s.f., whichever is less ²	Ground level businesses only	Only indirect lighting (no internal illumination, halo, or neon allowed)	2 of any combination of allowed sign types per business frontage; however, only 1 of each sign type is allowed per business frontage ^{3, 4, 5}	Total allowable sign area shall not exceed 2 square feet for each 3 lineal feet of business frontage ³ ; each business is allowed a minimum of 12 s.f. of signage regardless of frontage length	8 foot clearance; translucent material prohibited; See Subsection 17.48.090A
Changeable copy (17.48.090B)	Limited by sign type	Limited by sign type				See Subsection 17.48.090B
Hanging (17.48.090G)	8 s.f.	Ground level businesses only	Indirect lighting, halo lit, and neon details allowed			Cannot extend more than 6 feet from wall; 8 foot clearance; See Subsection 17.48.090G
Monument (17.48.100.H)	30 s.f.	8 feet; 12 feet on Main Street and Lake Mary Road ⁶	Indirect lighting and halo lit allowed			See Subsection 17.48.090.H
Projecting (17.48.100. J)	12 s.f.	Ground level businesses only	Indirect lighting, halo lit, and neon details allowed			Shall be double-sided; See Subsection 17.48.090.J

TABLE 17.48.100(B): SIGN STANDARDS FOR NON-RESIDENTIAL ZONES						
<i>Allowed Sign Type</i>	<i>Maximum Sign Area</i>	<i>Maximum Sign Height</i>	<i>Lighting Allowed?</i>	<i>Maximum Number</i>	<i>Maximum Sign Area (Aggregate)</i>	<i>Additional Requirements¹</i>
Theater (17.48.100.K)	May exceed 30 s.f. if approved by Director	Limited by sign type	Indirect lighting, internal illumination, halo, and neon allowed; Only indirect lighting allowed if greater than 30 s.f.			See Subsection 17.48.090.K
Wall (17.48.100.L)	30 s.f.	Not displayed above the second story	Indirect lighting, halo lit, and neon details allowed			Cannot project more than 6 inches from wall; See Subsection 17.48.090.L
Window (17.48.100.M)	25% of window or 30 s.f., whichever is less	Ground level and second story only	No	No more than 4 per business		Cannot be more than 1 inch thick; See Subsection 17.48.090.M
Electronic message (17.48.100.E)	Limited by sign type, and no greater than 30 s.f.	Limited by sign type	Internal illumination (electronic message)	One per property ⁷		Only allowed in the Public and Quasi-Public Zone; requires a design review permit; See Subsection 17.48.090.E
Halo lit (17.48.100.F)	20 s.f.	Limited by sign type	Internal illumination (halo)	One per business ⁷		Not in any residential zone; See Subsection 17.48.090.F
Neon details (17.48.100.I)	20 s.f.	Limited by sign type	Internal illumination (neon)	One per business ⁷		Not in any residential zone; See Subsection 17.48.090.I
Other signs: See Standards for Specific Types of Signs (17.48.090) and Signs Not Requiring a Permit (17.48.040)						

TABLE 17.48.100(B): SIGN STANDARDS FOR NON-RESIDENTIAL ZONES						
Allowed Sign Type	Maximum Sign Area	Maximum Sign Height	Lighting Allowed?	Maximum Number	Maximum Sign Area (Aggregate)	Additional Requirements ¹
Notes:						
(1) See Standards for Specific Types of Signs (17.48.090) and Signs Not Requiring a Permit (17.48.040).						
(2) Copy on an awning that does not exceed six inches in height and consistent with Subsection 17.48.090A is not counted towards total allowable sign area or number.						
(3) Additional signage may be allowed for the second frontage consistent with Subsection 17.48.080C.3.						
(4) More than one monument sign may be allowed consistent with Subsection 17.48.090H.1.						
(5) Signs shall be allowed on sides of buildings or businesses not considered as business frontage consistent with Subsection 17.48.080B.3.						
(6) Additional monument sign height may be allowed consistent with Subsection 17.48.090H.3.						
(7) Signs count towards the maximum number of signs allowed.						

C. **Airport Zone.** All signs in the Airport Zone shall conform to the Airport Layout Plan and Federal Aviation Administration requirements, as well as this chapter.

17.48.110 Sign Variances and Adjustments

- A. **Variance.** A variance shall be processed in compliance with Chapter 17.72 (Variances).
- B. **Adjustment.** An adjustment may allow for an increase of not more than 10 percent of the allowed height or area of a sign. Adjustments to the sign height or area provisions of this chapter shall be processed in compliance with Chapter 17.76 (Adjustments).
- C. **Master Sign Program exceptions.** A Master Sign Program exception in compliance with Subsection 17.48.050D shall not require a variance or an adjustment.
- D. **Additional Finding.** In addition to the findings required by Chapter 17.72 (Variances) or Chapter 17.76 (Adjustments), a finding shall also be made prior to approval of a sign variance or adjustment that the sign meets the purpose and intent of this chapter and any applicable Master Sign Program.

17.48.120 Nonconforming Signs

- A. **Applicability.** The provisions of this section apply to any permanent or temporary sign, including its physical structure and/or its supporting elements, which was lawfully erected and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation, but which does not now comply with the provisions of this chapter.
- B. **Allowed modifications to nonconforming signs.**
 - 1. Except as otherwise provided herein, a nonconforming sign may be continued and shall be maintained in good condition as required by this chapter.
 - 2. Sign copy and face changes, non-structural modifications, and non-structural maintenance (e.g., painting and rust removal) are allowed so long as there is no alteration

to the physical structure or support elements of the sign. Changes to sign copy and face require a sign permit.

3. A nonconforming sign may be restored if 50 percent or less of the sign is destroyed, provided that restoration is started within 90 days of the damage occurring and is diligently pursued to completion.

C. **Prohibited modifications to nonconforming signs.** A nonconforming sign shall not be:

1. Changed to another nonconforming sign;
2. Structurally altered to extend its useful life;
3. Altered unless required by law or unless the alteration results in the elimination of the nonconformity;
4. Enlarged;
5. Moved or replaced; or
6. Re-installed after façade improvements that required the removal of the sign during construction.

D. **Exception.** The Commission may grant an exception to the requirements of Subsection 17.48.120C only after the following findings are made:

1. The new proposed sign or alteration to the existing nonconforming sign is significantly more conforming to the provisions of this chapter than the existing nonconforming sign; and/or
2. The nonconforming sign has historic significance apart from its main purpose of advertising, in which case a use permit shall be required for continued use of the nonconforming sign in compliance with Chapter 17.68 (Use Permits).

E. **Abandoned nonconforming signs.** An interruption in the use of a nonconforming sign for a period of 90 days or more shall be deemed to be an abandonment of the sign consistent with and subject to Section 17.48.130 (Abandoned Signs).

F. **Amortization of nonconforming signs and inventory.** All nonconforming signs shall have a useful and legal life of 15 years, after which they may be removed in compliance with the requirements of the California Business and Professions Code. As often as may be desirable, but no less frequently than required by State law, the Director shall authorize an identification and inventory of all illegal and abandoned signs within the Town in accordance with the requirements of State law.

G. **Removal or modification of nonconforming signs to comply with this chapter.** A nonconforming sign shall be removed or modified to comply with this chapter if the following occurs:

1. More than 50 percent of the sign is destroyed, and the destruction is other than facial copy replacement. A nonconforming sign shall be deemed to be more than 50 percent destroyed if the estimated cost of reconstruction or repair exceeds 50 percent of the replacement cost as determined by the Director. Destruction may be voluntary or required by law;
 2. The sign is remodeled or altered in a manner not in compliance with this chapter;
 3. A structural change is made to the sign or sign structure and/or support elements;
 4. The sign is temporary;
 5. The sign is moved or relocated, except where the relocation occurs as a result of a Town public improvement project;
 6. The sign is or may become a danger to the public or is unsafe; or
 7. The sign constitutes a traffic hazard not created by the relocation of streets or by acts of the Town.
- H. **Special topographic circumstances.** The Town shall not require the removal of any nonconforming sign on the basis of its height or size by requiring conformance with this chapter if special topographic circumstances would result in a material impairment of visibility of the sign or the owner's or user's ability to adequately and effectively continue to communicate with the public through the use of the sign. Special topographic circumstances include but are not limited to terrain, contours, off-site structures, streets, and other off-site impediments as determined by the Director. Under these circumstances, the owner or user may maintain the sign, including change of copy, at the business premises and at a location necessary for continued public visibility at the height or size at which the sign was previously erected consistent with Business and Professions Code Section 5499.

17.48.130 Abandoned Signs

- A. Any sign, including the structural support, which was lawfully erected shall be removed by the owner or lessee of the premises upon which the sign is located, when for a period of 90 days or more, the activity, product, business, service, or other use which is being advertised or identified has ceased, the premises has been vacated, or the sign is no longer displayed on the sign structure.
- B. If the owner or lessee fails to remove the sign, including the structural support, pursuant to Subsection 17.48.130A, the Director shall give the owner 30 days written notice to comply. Upon failure to comply with the notice, the Director may have the sign removed at the owner's expense consistent with Business and Professions Code Section 5497.b.

17.48.140 Public Nuisance, Violation, and Abatement

A sign that fails to comply with the requirements of this chapter, other applicable State statutes, or Town ordinances, or for which a sign permit has not been obtained in compliance with this chapter, shall be declared a public nuisance and subject to abatement consistent with Chapter 17.132 (Enforcement).

17.48.150 Signs illegally erected on public property or right-of-way-Violation-Removal-Costs

- A. Except as otherwise provided in this chapter, no person shall paint, mark, or write on; post or otherwise affix or erect; or construct, maintain, paste, nail, tack or otherwise fasten or affix any sign, including temporary signs, in the public right-of-way or on any sidewalk, crosswalk, curb, street, lamp post, pole, bench, hydrant, tree, shrub, bridge, electric light pole, power pole, or telephone wire pole, or any wire appurtenance thereof, or upon any street sign or traffic sign, or upon any other object located within the public right-of-way which is not maintained for the purpose of communications by signs of the general public.
- B. Temporary signs posted or erected in the public right-of-way may be summarily removed. Removed signs shall be taken to the corporation yard. After removal of any sign pursuant to this subsection, the Town shall attempt to notify the owner of the sign or other responsible party, if such can be ascertained, if the employee believes in good faith that the sign has monetary value. In cases where a sign contains the name of a printing firm, the employee shall also attempt to notify such firm of the fact that the sign has been removed, the location of the sign, the procedure for retrieving the sign, and the procedure for challenging the removal of the sign. Any person desiring to retrieve a sign may do so upon the payment of all amounts due under this section. Any temporary sign removed by the Town may be considered abandoned if it is not retrieved within ten calendar days after the date of such removal, and may be disposed of by the city without liability to any person.
- C. The cost of the removal of any sign pursuant to this section shall be borne by the actual responsible party. The cost of removal shall be the actual cost or the standard sign-removal cost set by resolution of the Council. For purposes of this section, any information that appears on a sign that is removed may be used to establish that the person or venue listed on the sign is the actual responsible party including, but not limited to, information identifying the real estate broker, real estate brokerage firm, real estate agent, or other person associated with the firm; the owner or lessee of property used for a commercial activity or event; or the sponsor or promoter of a sporting event, concert, theatrical performance, or similar activity or event.
- D. Violations of this section may be prosecuted or addressed through any process or procedure established or allowed by this code or applicable law.

Chapter 17.52 Standards for Specific Land Uses and Activities

17.52.010	Purpose of Chapter
17.52.020	Applicability
17.52.030	Accessory Uses and Structures - General Standards
17.52.040	Accessory Uses and Structures - Residential
17.52.050	Accessory Uses and Structures – Accessory Retail Uses
17.52.050	Adult Businesses
17.52.070	Animal Care and Boarding
17.52.080	Bed and Breakfast Inns
17.52.090	Caretaker Housing - Non-Residential Zones
17.52.100	Child Day Care Facilities
17.52.110	Condominium Conversions
17.52.120	Fractional/Timeshare Developments
17.52.130	Gates on Private Streets
17.52.140	Home Occupations
17.52.150	Live/Work Units
17.52.160	Medical Marijuana Cooperatives
17.52.170	Mixed-Use Development
17.52.180	Mobile Businesses
17.52.190	Mobile Home or Recreational Vehicle - Temporary During Construction
17.52.200	Mobile Homes and Manufactured Homes
17.52.210	Multi-Family Residential Projects
17.52.220	Outdoor Dining
17.52.230	Outdoor Display and Sales Standards
17.52.240	Outdoor Storage and Work Areas
17.52.250	Recycling Facilities
17.52.260	Residential Care and Assisted Living Facilities
17.52.270	Second Dwelling Units
17.52.280	Telecommunications Facilities
17.52.290	Transitional and Supportive Housing
17.52.300	Wind Energy Conversion Systems (WECS)

17.52.010 Purpose of Chapter

This Chapter provides site planning, development, and/or operating standards for certain land uses that are allowed in several or all zones, and for activities that require special standards to ensure their compatibility with site features and existing uses and structures in the site vicinity.

17.52.020 Applicability

The land uses and activities covered by this chapter shall comply with the provisions applicable to the specific use, in addition to all other applicable provisions of this Zoning Code.

- A. **Where allowed.** The uses that are subject to the standards in this chapter shall be located only where allowed and in compliance with Article II (Zoning Districts and Allowable Land Uses).

- B. **Planning permits required.** The uses that are subject to the standards in this chapter are allowed only when authorized by the planning permit required by Article II (Zoning Districts and Allowable Land Uses), except where a planning permit requirement is established by this chapter for a specific use.
- C. **Development standards.** The standards for specific uses in this chapter supplement and are required in addition to those in Article II (Zoning Districts and Allowable Land Uses) and Article III (Site Planning and General Development Standards). In the event of any conflict between the requirements of this chapter and those of Articles II or III, the requirements of this chapter shall control.

17.52.030 Accessory Uses and Structures - General Standards

- A. **Applicability.** An accessory use or structure shall be allowed only in conjunction with a main use to which it relates. Accessory uses and structures shall be incidental to and not alter the character of the site from that created by the main use.
- B. **Development standards.** Accessory uses and structures shall be subject to the same regulations as the main use or structure in any zoning district, except as otherwise specified in this Title.
- C. **Timing of establishment of accessory use or structure.** An accessory use or structure shall only be established at the same time as a main use or structure, or after the main use has been established.
- D. **Compatibility.** An accessory structure shall be architecturally compatible with the main structure.

17.52.040 Accessory Uses and Structures - Residential

This Section provides standards for residential accessory uses and structures, where allowed by Article II (Zoning Districts and Allowable Land Uses). These standards are in addition to the standards of Section 17.52.030 (Accessory Uses and Structures – General Standards). These requirements do not apply to Secondary Residential Units, which are instead regulated by Section 17.52.270 (Second Dwelling Units).

- A. **Attached structures.** An accessory structure that is attached to a main structure shall be made structurally a part of the main structure (e.g., share a common wall with the main structure, rely partially on the main structure for structural support, etc.).
- B. **Standards for specific accessory uses and structures.** In addition to the above requirements, the following apply to the specific types of accessory structures listed.
 - 1. **Antennas.** Antennas shall comply with the requirements of Section 17.52.280 (Telecommunications Facilities).
 - 2. **Breezeways.** A breezeway may be allowed to provide shelter between a detached accessory structure and the main dwelling when designed and constructed as a covered passageway that does not exceed 10 feet in width and has at least one side open, except for necessary supporting columns or similar supporting structures as required by the California Building Standards Code.

3. ***Detached living areas.*** Detached living areas include bedrooms, recreation rooms, home offices, and similar habitable areas, in any area where single-family dwellings are allowed in compliance with Article II (Zoning Districts and Allowable Land Uses). Detached living areas are allowed in single family residential zones subject to the following standards.
 - a. ***Maximum number of structures.*** Only one detached structure with living area shall be allowed on a single lot.
 - b. ***Maximum floor area.*** The gross floor area (i.e. interior habitable area not including garages) shall not exceed 600 square feet.
 - c. ***Access.*** The detached living area may have direct access to the main dwelling, and shall be designed to provide practical pedestrian access to the main dwelling.
 - d. ***Facilities.*** A detached living area may only include sleeping area, living area, and a single bathroom, but shall not contain a kitchen or cooking facilities. Cooking facilities include any appliances for the preparation or preservation of food, including but not limited to gas and electric ranges, ovens or stovetops, hot plates, kitchen sink, and appurtenant plumbing.
 - e. ***Utilities.*** All utilities serving the detached living area shall be common to and dependent on the main dwelling. The detached living area shall not be provided with separate utility meters.
 - f. ***Rentals prohibited.*** The detached living area shall not be separately rented or leased from the main dwelling, whether compensation is direct or indirect, except as part of an approved bed and breakfast consistent with Section 17.52.080 (Bed and Breakfast Inns).
4. ***Garages.*** Garages shall comply with the following standards.
 - a. ***Attached garage floor area.*** The floor area of an accessory garage that is attached to a main structure is not limited, except as required by the California Building Standards Code or any other applicable Town Code.
 - b. ***Detached garage floor area.*** A detached accessory garage for a single-family residential parcel shall not occupy more than 1,000 square feet of floor area, including any workshop or storage space within the garage, unless a larger area is authorized by the Director through an administrative permit, or the size of the parcel is one acre or greater. The floor area of a secondary residential unit in a detached accessory garage shall not be counted as part of the garage floor area.
 - c. ***Garages for shared driveways.*** Garages may be located in side and rear setbacks of properties that share a driveway on the common property line consistent with Subsection 17.36.100E.1 (Setback Requirements and Exceptions – Vehicle parking and driveways), provided that adequate snow storage and snow shed is

provided and the requirements of the California Building Standards Code are met.

5. **Home occupations.** Home occupations shall comply with the requirements of Section 17.52.140 (Home Occupations).
6. **Small detached storage sheds and greenhouses.** Detached storage sheds or greenhouses not more than 120 square feet and eight feet in height shall comply with the requirements of Subsection 17.36.100G.3 (Setback Requirements and Exceptions – Detached Storage Sheds).
7. **Swimming pools, spas, or hot tubs.** Non-commercial swimming pools, spas, and hot tubs are an allowed accessory use subject to the following requirements:
 - a. **Limitation on use.** The facility is to be used solely by occupants of the dwelling(s) on the same site and their invited guests;
 - b. **Setbacks.** At grade facilities, including all accessory structures and equipment shall maintain the setback requirements set forth for the main structure pursuant to Section 17.36.100G.1 (Setback Requirements and Exceptions – Pools and Spas); and
 - c. **Security/safety.** The facility shall comply with the County’s Health Department regulations and the California Building Standards Code.
8. **Tennis and other recreation courts.** Non-commercial outdoor tennis courts and courts for other sports, including basketball and racquetball, accessory to a residential use shall comply with the following requirements:
 - a. **Setbacks.** No court shall be located within a required setback, or within 10 feet of a property line;
 - b. **Fencing.** Court fencing shall be no taller than 16 feet and may be chain link only if painted or coated in a dark green, brown, or black color; and
 - c. **Lighting.** Court lighting shall require use permit approval, and shall not exceed a maximum height of 20 feet, measured from the court surface. The lighting shall be directed downward, shall only illuminate the court, and shall not illuminate adjacent property, in compliance with Section 17.36.030 (Exterior Lighting).
9. **Workshops or studios.** An accessory structure intended as a workshop or as a studio for artwork, crafts, light hand manufacturing, or hobbies, is subject to the following standards:
 - a. **Limitation on use.** The use of an accessory structure as a studio shall be limited to solely non-commercial activities:
 - i. Hobbies or amusements;

- ii. Artistic endeavors, such as painting, photography, sculpture, etc.;
 - iii. Maintenance of the main structure or yards;
 - iv. Maintenance or mechanical work on vehicles owned or operated by occupants of the main structure; or
 - v. Other purposes deemed similar by the Director.
 - vi. Except that an accessory workshop or studio may be employed for a commercial use if such use meets the standards for home occupations, Section 17.52.140 (Home Occupations).
- b. *Floor area.* The gross floor area shall not exceed 600 square feet; except where a workshop is combined with a garage. See Subsection 17.52.040B.4 (Garages), above.

17.52.050 Accessory Uses and Structures - Accessory Retail Uses

Accessory retail sales and service establishments in conjunction with and accessory to a main commercial or industrial use are allowed where authorized by Article II (Zoning Districts and Allowable Land Uses), subject to the following requirements. These requirements are in addition to the standards of Section 17.52.030 (Accessory Uses and Structures – General Standards).

- A. **Limited exterior modifications.** There will be only minor external evidence of any commercial activity other than the main use of the site (e.g., no signs, window displays, etc. for the accessory use).
- B. **Access.** Access to any space used for the accessory retail use shall be from within the main structure.
- C. **Industrial Zone.** Accessory retail in the Industrial Zone shall not exceed 15 percent of the main use's floor area or lot area, whichever is less.

17.52.060 Adult Businesses

- A. **Purpose.** Where allowed by Article II (Zoning Districts and Allowable Land Uses) and Subsection 17.52.050B (Locational Limitations), an adult business shall comply with the provisions of this section. Adult businesses provide products and services of a mature nature capable of violating the standards of safety and well-being set forth by the Town's Municipal Code. The intent of these zoning provisions is to provide special design standards and regulatory guidelines which will direct the time, place, and manner of the operation of adult businesses in order to minimize the associated negative secondary effects.
- B. **Locational Limitations.** Subject to the limitations of this subsection, Adult Businesses may be located in the Industrial Zoning District of the Town. Within the Industrial Zone, it is unlawful to establish any such Adult Business if the location is within a 500 foot radius of a Residential Zone, School, Park or Religious Institution. The distance between an Adult Business and any of the protected parcels mentioned shall be measured from the nearest property line of the parcel containing the Adult Use to the nearest property line of any the protected parcels. Distance is to be measured along a straight line extended between the two closest points.

- C. **Development and Operating Standards.** In order to maintain the Town's standard for safe business conduct, Adult Businesses must remain in compliance with the following development and operating provisions:
1. **Hours of Operation.** It is unlawful for any Operator or Employee of an Adult Business to allow such Adult Business to remain open for business, or to permit any Employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service or solicit a service, between the hours of 12:00 a.m. and 8:00 a.m. of any day.
 2. **Lighting Requirements.** All exterior lighting associated with the Adult Business shall comply with the Town's Zoning Code Section 17.36.030 (Exterior Lighting).
 3. **Access.** The Operator shall not permit any doors on the premises to be locked during business hours.
 4. **Inspection.** The Operator shall be responsible to see that any room or area on the premises shall be readily accessible at all times and shall be open to view in its entirety for inspection by any Law Enforcement Officer.
 5. **Minors' Access.**
 - a. **X-Rated Movies.** X-rated movies or video tapes shall be restricted to persons over eighteen years of age. If an establishment that is not otherwise prohibited from providing access to persons under eighteen years of age sells, rents or displays videos that have been rated "X" or rated "NC-17" by the Motion Picture Rating Industry (MPAA), or which have not been submitted to the MPAA for a rating, and which consist of images which are distinguished or characterized by an emphasis on depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas," such videos shall be located in a specific section of the establishment where persons under the age of eighteen shall be prohibited and shall not be visible from outside the premises.
 - b. **Other Adult Materials.** Access to adult Materials shall be restricted to persons over eighteen years of age.
 6. **Regulation of Closed Booths.** No one shall maintain any Arcade Booth or individual viewing area unless the entire interior of such premises wherein the picture or entertainment that is viewed is visible upon entering into such premises; and further, that the entire body of any viewing person is also visible immediately upon entrance to the premises without the assistance of mirrors or other viewing aids. No partially or fully enclosed booths/individual viewing area or partially or fully concealed booths/individual viewing area shall be maintained. No Arcade Booth shall be occupied by more than one patron at a time. No holes shall be permitted between Arcade Booths or individual viewing areas.
 7. **Regulation of Viewing Areas.** All viewing areas within the Adult Business shall be visible from a continuous and accessible main aisle in a public portion of the establishment, and not obscured in any manner by any door, curtain, wall, two-way

mirror or other device which would prohibit a person from seeing into the viewing area from the main aisle. A manager shall be stationed in the main aisle or video monitoring shall be established at a location from which the inside of all of the viewing areas are visible at all times in order to enforce all rules and regulations. All viewing areas shall be designed or operated to permit occupancy of either one person only, or more than ten persons. "viewing area" means any area in which a person views performances, pictures, movies, videos or other presentations.

8. ***Business Tax Certificate.*** A person shall not own, operate, manage, conduct or maintain an Adult Business without first having obtained a Town Business Tax Certificate.
9. ***On-Site Manager.*** All Adult Businesses shall have a person who shall be at least eighteen years of age and shall be on the premises to act as manager at all times during which the business is open.
10. ***Security Measures.*** The Adult Business shall provide a security system that visually records and monitors all parking lot areas, or in the alternative, uniformed security guards to patrol and monitor the parking lot areas during all business hours. A sign indicating compliance with this provision shall be posted on the premises. The sign must be consistent with Chapter 17.48 (Signs).
11. ***Public Advertisements.*** Advertisements, displays or other promotional Materials depicting or describing "Specified Anatomical Areas" or "Specified Sexual Activities," or displaying instruments, devices, or paraphernalia which are designed for use in connection with "Specified Sexual Activities" shall not be shown or exhibited so as to be visible from other areas open to the general public.
12. ***Screening.*** All building openings, entries, and windows for an Adult Business shall be located, covered, or screened in such a manner as to prevent a view into the interior of an Adult Business from any area open to the general public. Additional screening may be required by the review authority.
13. ***Exterior Signage.*** All entrances to an Adult Business shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises. All exterior signs must be consistent with Chapter 17.48 (Signs).
14. ***Sound Level Restrictions.*** No loudspeakers or sound equipment shall be used by an Adult Business for the amplification of sound to a level discernible by the public beyond the walls of the building in which the Adult Business is conducted.
15. ***Employee Clothing.*** No licensee, manager or Employee mingling with business patrons or serving food or drinks shall be unclothed or in such attire, costume or clothing so as to expose any "Specified Anatomical Areas." It is a defense to prosecution for a violation of this section that an Employee exposed any "Specified Anatomical Area" only during the Employee's bona fide use of a restroom or during the Employee's bona fide use of a dressing room that is accessible only to Employees. Exception is granted to Employees performing on stage, in Arcade Booths or other private viewing areas.

16. ***Operating Requirements.*** No person, association, partnership or corporation shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on the operation of an Adult Business unless each and all of the following requirements are met:
- a. No Employee, Owner, Operator, responsible managing Employee, manager or permittee of an Adult Business shall allow any person below the age of eighteen years upon the premises or within the confines of any Adult Business if no liquor is served, or under the age of twenty-one if liquor is served.
 - b. All Employees of Adult Businesses, other than Performers while performing, shall, at a minimum while on or about the licensed premises, wear an opaque covering which covers their “Specified Anatomical Areas.”
 - c. No person shall perform live entertainment for patrons of an Adult Business except upon a permanently fixed stage which is at least eighteen inches above the level of the floor, separated by a distance of at least six feet from the nearest area occupied by patrons and surrounded with a three-foot-high barrier. No patron shall be permitted within six feet of the stage while the stage is occupied by a Performer. When patrons are present at the establishment, they shall not be allowed to directly touch, fondle or caress, as those terms are defined in *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir. 1986), the Performers while they are performing. This prohibition does not extend to incidental touching. Patrons shall be advised of the separation and no touching requirements by signs placed on the barrier and if necessary by Employees of the establishment.
 - d. If patrons wish to tip Performers, receptacles shall be at least six feet from the permanently fixed stage. Patrons shall not throw tips to Performers, hand tips directly to Performers or place tips in the Performers' clothing.

D. Adult Use Permit – Requirements.

1. No Adult Business may be established or operate within the Town by right—all persons wishing to establish an Adult Business within the Town must apply for and receive an adult use permit under this chapter. The establishment of any Adult Business shall include the opening of such a business as a new business, the relocation of the business, or the conversion of an existing business, or an increase of more than 50 percent of the square footage of an existing business, or of an existing Adult Business to a different type of Adult Business.
2. It is the burden of the applicant to supply evidence to justify the grant of an adult use permit.
3. Any Person desiring to establish or operate an Adult Business within the Town shall file with the Director an adult use permit application on a form supplied by the Town.

E. Adult Use Permit – Contents of Application.

1. The application must be signed by the Owner or lessee. If the application is signed by a lessee, a notarized statement signed by the Owner shall accompany the application. Proof of status is required.
 2. The Adult Use Permit Application shall include, but not be limited to, the following:
 - a. Include the property owner's and the applicant's mailing address, and name and phone number of the person who is responsible for providing access to the proposed use for inspection purposes.
 - b. The legal form of the applicant; e.g., individual, partnership, corporation. If the applicant is an individual, the application shall list his or her legal name, and any aliases. If the applicant is a corporation, the application shall list the full and complete corporate name, the legal names, and all aliases used by officers, directors and principal stockholders.
 - c. Whether or not the applicant has had a previous adult use permit for an Adult Business revoked in the Town of Mammoth Lakes or anywhere else and if so, the date and reason of the revocation.
 - d. A detailed description of all proposed uses using the definitions contained in Chapter 17.148 (Definitions) wherever applicable.
 - e. A signed statement and map that the locational regulations of 17.52.050B (Locational Limitations) have been satisfied using the described method of measurement.
 - f. Accurately scaled plot plans indicating the structure in which the Adult Business is to be conducted, identifying and locating all land uses and property lines within a radius of 100 feet of the structure, indicating all structures (existing and proposed), parking areas, landscaping, walls, driveways and curbcuts and signs. The application shall also include a floor plan and any other pertinent information regarding the interiors, including the location of viewing booths (if applicable), necessary to make a permit determination under this section.
 - g. Diagram of the interior uses.
- F. **Adult Use Permit – Application Fee.** The Town Council, by Resolution, shall set a reasonable nonrefundable application fee for persons applying for an Adult Use Permit. The fee shall not exceed the reasonable estimated costs of the Town expended in processing the permit application. Processing of the permit application cannot begin until all associated application fees are paid for.
- G. **Adult Use Permit – Decision to Grant or Deny.** Chapter 17.96 (Administrative Responsibility) provides Planning and Economic Development Commission (Commission) review authority to grant, conditionally grant or deny an application for an Adult Use Permit in accordance with Chapter 17.68 (Use Permits). Any conditions imposed upon the permit shall be in keeping with

the objective development standards of this section and the underlying Zoning District in which the property is located.

H. **Adult Use Permit Appeal.** Procedures for appealing determinations and actions of the Commission can be found in Chapter 17.104 (Appeals).

I. **Adult Use Permit – Approval Criteria**

1. In addition to the standard set of conditions for approval set out in Section 17.68.060, the Commission shall approve or conditionally approve an application for an Adult Use Permit where the information submitted by the applicant substantiates the following findings:

- a. That the proposed use complies with the objective development and design requirements of Industrial Zoning Districts set out in Chapter 17.28 (Industrial Zoning District);
- b. That the proposed location of the Adult Business complies with 17.52.050B. (Locational Limitations).
- c. That the proposed Adult Business complies with 17.52.050C (Development and Operating Standards).
- d. That neither the applicant, if an individual, or any of the officers or general partners, if a corporation or partnership, has been convicted of a sex-related misdemeanor or any felony.
- e. That the applicant passes a background check to be administered by the Mammoth Lakes Police Department including but not limited to a fingerprint check.
- f. That all other information and attachments required in the Adult Use Permit Application Form is found to be satisfactory.

J. **Adult Use Permit Suspension and Revocation**

1. Any Permit issued pursuant to the provisions of this chapter may be revoked by the Director on the basis of any of the following:

- a. That the business or use has been conducted in a manner which violates one or more of the conditions imposed upon the issuance of the permit or which fails to conform to the plans and procedures described in the application, or which violates the occupant load limits set by the Fire Marshal;
- b. That the permittee has failed to obtain or maintain all required Town, County and State Licenses and Permits;
- c. That the permit is being used to conduct a use different from that for which it was issued;

- d. That the permittee has misrepresented a material fact in the application for permit or has not answered each question therein truthfully;
 - e. That the building or structure in which the Adult Business is conducted is hazardous to the health or safety of the Employees or patrons of the business or of the general public under the standards set forth in the California Building Standards Code, California Plumbing, or California Fire Code;
 - f. That the permittee, if an individual, or any of the officers or general partners, if a corporation or partnership has been convicted of a sex-related misdemeanor or any felony; or
 - g. That the use for which the approval was granted has ceased to exist or has been suspended for six months or more.
2. Provisions for revocation for Use Permits can be found in Chapter 17.128 (Revocations & Modifications).
 3. In the event a permit is revoked pursuant to this chapter, another Adult Use Permit to operate an Adult Business shall not be granted to the permittee within twelve months after the date of such revocation.
- K. **Penalty.** Violations of the provisions of this Chapter shall be enforced pursuant to Chapter 17.132 (Enforcement).
- L. **Applicability to Other Regulations.** The provisions of this chapter are not intended to provide exclusive regulation of the regulated Adult Businesses. Such uses must comply with any and all applicable regulations imposed in other chapters of the Zoning Code, other Town Ordinances and State and Federal Law.
- M. **Conduct Constituting a Public Nuisance.** The conduct of any business within the Town in violation of any of the terms of this chapter is found and declared to be a Public Nuisance, and the Town Attorney or the District Attorney may, in addition or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoinder thereof, in the manner provided by Law; and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such Adult Business and restrain and enjoin any person from conducting, operating or maintaining an Adult Business contrary to the provisions of this chapter.

17.52.070 Animal Care and Boarding

Where allowed by Article II (Zoning Districts and Allowable Land Uses), Animal Raising and Keeping, Pet Day Care, Veterinary Clinics, and Animal Hospitals shall comply with the requirements of this section. All provisions of Title 6 (Animals) and Chapter 8.16 (Noise Regulation) shall also apply.

- A. **Animal raising and keeping.** The requirements of this Subsection shall apply to the raising and keeping of animals, except for household pets (e.g., cats, dogs, and other animals ordinarily kept as household pets).

1. ***Equestrian Overlay Zone.*** In addition to the standards in this Subsection, the keeping of horses in the E zone shall comply with the standards in Subsection 17.32.030 (Equestrian Overlay Zone). In the event of any conflict between the requirements of this section and those of the Equestrian Overlay Zone, the requirements of the Equestrian Overlay Zone shall control.
2. ***Chickens.*** The raising and keeping of chickens is permitted, subject to the following regulations:
 - a. The raising of chickens shall conform with Municipal Code Chapter 6.24 (Feeding of Wildlife Prohibited)
 - b. Chickens shall only be kept for egg-laying and composting purposes and shall not be used for commercial purposes, including slaughtering.
 - c. No roosters shall be allowed.
 - d. Maximum number of chickens permitted: 25 per unit in the Rural Residential, Residential Single Family, and Residential Multi-Family 1 Zones. No person shall keep more than 25 chickens on any property except with approval of an Administrative Permit.
 - e. Chickens shall be kept in a secure coop or pen at all times.
 1. Adequate fencing, walls or other barriers shall be installed or maintained on the premises so that chickens cannot gain access to adjacent properties.
 2. A chicken coop shall be thoroughly ventilated and designed and constructed in a manner that the chickens can be securely contained.
 3. All chickens shall be confined in a pen, coop, or cage, or other enclosure at all times.
 - f. Coops or pens shall comply with established building setback regulations.
 - g. Coops or pens must be kept in neat and sanitary condition at all times, and must be cleaned on a regular basis to prevent the attraction of pests and offensive odors.
 - h. Feed must be stored in a bear-proof container if located outdoors and shall comply with Municipal Code Chapter 6.24 (Feeding of Wildlife Prohibited).
 - i. It shall be unlawful to keep chickens for commercial purposes.
3. ***Site slope required.*** Animals shall not be allowed on slopes exceeding 30%.
4. ***Erosion and sediment control.*** In no case shall any person allow animal raising and keeping to cause significant soil erosion or to produce sediment or animal waste products

transport from the site into waterways, drainage channels, streets, or onto adjoining properties.

5. ***Location requirements.***

- a. The following shall not be located closer than 25 feet to any property line: animals, corrals for the containment of animals, barns, stables, or similar structures, unless otherwise specified.
- b. Animal containment areas (e.g., corrals, pens, etc.) shall be located at least 50 feet from any permanent lake or stream.

6. ***Site maintenance and animal care.*** The site and structures shall be maintained and all animals shall be cared for in a manner that does not create a public health problem, or interfere with the public welfare of surrounding properties. An adequate supply of fresh water shall be available to the animals at all times.

B. **Animal boarding, veterinary clinics, and animal hospitals.** Animal boarding, veterinary clinics, and animal hospitals shall comply with the following operational standards:

1. All operations must be conducted within a completely enclosed building, except that outdoor dog runs and training activities are permitted during daylight hours.
2. The areas within the building where animals are boarded shall be sufficiently soundproofed to prevent a disturbance or become a nuisance to surrounding properties, as determined by the Director;
3. Emergency contact phone numbers shall be posted on entry doors to the structure to allow individuals to report any emergency situation or excessive noise to the operators;
4. Public access areas shall be provided with a separate ventilation system from the animal boarding and treatment areas;
5. The areas used for animal boarding, isolation, and treatment shall be constructed of durable and easily cleaned materials; and
6. All areas where animals are present shall be cleaned a minimum of twice daily to provide appropriate odor control and sanitation.

C. **Pet day care.** A pet day care facility is for the supervision and basic care of household pets (e.g., dogs, cats, and other animals normally kept as household pets) that does not normally board animals overnight except for the animals that are household pets of the property owner. A pet day care facility shall comply with the following standards:

1. A pet day care facility located in any residential zone, as allowed by Article II (Zoning Districts and Allowable Land Uses), shall require a use permit and Commission approval.
2. The pet day care facility shall be the principal residence of the pet day care provider, and the pet care use shall be secondary to the use of the property as a residence.

17.52.080 Bed and Breakfast Inns

Where allowed by Article II (Zoning Districts and Allowable Land Uses), a bed and breakfast inn shall comply with the requirements of this section. Bed and breakfast inns provide overnight transient lodging for paying guests in a building designed as a single-family dwelling. The intent of these provisions is to ensure that compatibility between the bed and breakfast inn and any adjoining residential use is maintained and enhanced.

A. **Business Tax Certificate required.** A bed and breakfast inn shall require a Town Business Tax Certificate and Transient Occupancy Tax Certificate.

B. **General requirements.**

1. **Exterior appearance.** The exterior appearance of the structure housing the bed and breakfast inn in a residential zoning district shall not be altered from its original single-family residential character except for those structural modifications necessary to comply with the applicable requirements of the California Building Standards Code.
2. **Fire safety.** The bed and breakfast inn shall meet the requirements of the Mammoth Lakes Fire Protection District and California Building Standards Code.
3. **Guest rooms.** The number of rental guest rooms shall be limited to five rooms. Rental guest rooms shall not contain food preparation facilities.
4. **Internal access.** Main or primary access to guest rooms shall be from within the bed and breakfast inn or the guest room shall be located in an approved detached living area.
5. **On-site parking.** On-site parking shall be provided at a ratio of one space for each guest room plus two spaces for the on-site owner/manager of the bed and breakfast inn.
6. **On-site management.** The bed and breakfast inn shall be the primary residence of the bed and breakfast inn owner or manager.
7. **Provision of meals.** Bed and breakfast inns may serve breakfast to guests only where authorized by the Mono County Environmental Health Department. Meals shall be limited to registered overnight guests only.
8. **Signs.** Signage shall be allowed for bed and breakfast inns in compliance with Chapter 17.48 (Signs).
9. **Transient occupancy tax.** Bed and breakfast inns shall be subject to all applicable provisions of Chapter 3.12 (Transient Occupancy Tax), and shall maintain guest registers to ensure accurate occupancy records.

17.52.090 Caretaker Housing - Non-Residential Zones

Where allowed by Article II (Zoning Districts and Allowable Land Uses), caretaker housing shall comply with the standards in this section.

- A. **Eligibility.** Caretaker housing shall be allowed only where the principal use of the site involves operations, equipment, or other resources that require 24 hour oversight.
- B. **Occupant(s).** The only occupant of a caretaker housing unit shall be a full-time employee of the business, operation, or use that qualifies for caretakers housing pursuant to this section.
- C. **Location of housing unit.** A caretaker housing unit shall be located on the same lot as the principal use proposing the caretaker housing unit subject to the following requirements.
 - 1. **Attached unit.** If the caretaker housing unit is to be attached to the main building, the unit shall be located on the second floor or in the rear half of the building.
 - 2. **Detached unit.** A detached caretaker housing unit shall be located behind the main building or on the rear half of the lot.
- D. **Number of housing units.** No more than one caretaker housing unit shall be allowed for any principal use.
- E. **Removal of housing unit.** A caretaker housing unit shall be used no longer than the existence of the principal use of the site that justifies the housing unit. Upon termination of the principal use, the caretaker housing unit shall be removed or converted to another permitted or approved use. A demolition, remodel, or other building permit shall be required for the removal of the housing unit.

17.52.100 Child Day Care Facilities

Where allowed by Article II (Zoning Districts and Allowable Land Uses), child day care facilities shall comply with the standards in this section. This Section establishes standards for child day care facilities in compliance with State law (Health and Safety Code Sections 1596.70 et seq. and 1597.30 et seq.), in a manner that recognizes the needs of childcare operators and minimizes the effects on surrounding properties. These standards apply in addition to the other provisions of this Code and requirements imposed by the California State Department of Social Services. Child day care facilities shall meet all requirements of the California Building Standards Code and California Fire Code.

A. **General requirements.**

- 1. **State licensing.** Licensing by the California State Department of Social Services is required for all child day care facilities.
- 2. **Noise.** Child day care facilities shall comply with interior and exterior noise standards specified in Chapter 8.16 (Noise Regulation). Additionally, child day care facilities in residential zones shall operate only from 6 a.m. to 8 p.m. and may only conduct outdoor activities between the hours of 7 a.m. and 7 p.m.
- 3. **Signs.** Signs advertising a child day care facility in any residential zone shall be prohibited. Signs advertising a child day care facility in zones other than residential zones shall be consistent with Chapter 17.48 (Signs).

- B. Standards for large family day care.** A large family day care is a facility in a single dwelling where an occupant of the residence provides family day care for seven to 14 children, including children under the age of 10 years who reside in the home.
1. ***Primary use as a residence required.*** The large family day care home shall be the principal residence of the day care provider, and the child care use shall be secondary to the use of the property as a residence.
 2. ***On-site parking.*** In addition to the minimum on-site parking requirements for the residential use, one additional on-site parking space exclusively for the dropping off and picking up children, and one additional parking space for each employee not residing on the site shall be provided.
 3. ***Fire protection.*** The facility shall meet fire and life safety standards established by the State Fire Marshal for large family day care homes.
 4. ***Outdoor activity areas.***
 - a. ***Location.*** Outside activity areas shall not be located in the front or street side setback area.
 - b. ***Fencing.*** Outside activity areas shall be fenced and equipped with a self-closing and latching gate.
 - c. ***Snowshed.*** Outside activity areas used during winter conditions must be set back a minimum of 10 feet from snowshed impact areas of buildings on or off-site as defined in Title 15 of the Municipal Code. No permitted reduction of snowshed impact areas will be considered in establishing this setback.
- C. Standards for small family day care.** A small family day care is a facility in a single residence where an occupant of the residence provides family day care for eight or fewer children, including children under the age of 10 years who reside in the home. The following standards shall apply to small family day care facilities.
1. ***Primary use as a residence required.*** The small family day care home shall be the principal residence of the day care provider, and the child care use shall be secondary to the use of the property as a residence.
 2. ***Fire protection.*** The facility shall meet fire and life safety standards established by the State Fire Marshal for small family day care homes.
 3. ***No Town license, tax, or fee required.*** The Town shall not impose any business license, fee, or tax for the privilege of operating a State licensed small family day care home consistent with State law.
- D. Standards for child day care centers.** The following standards shall apply to child care centers.

1. **Large family day care standards apply.** The standards in Subsection 17.52.100.B. (Standards for large family day care), above, shall also apply to child day care centers.
2. **Separation.** No child care center shall be located within 300 feet of an existing child care center.
3. **On-site parking.** On-site parking provided shall be a minimum of one on-site parking space per each full-time employee equivalent, plus one on-site parking space for each five children authorized by the State license.

17.52.110 Condominium Conversions

- A. **Purpose.** The purpose of the standards and requirements contained in this section is to control and regulate the conversion of rental dwelling units to a condominium or common interest development as defined by California Civil Code Section 1351 for the following purposes:
1. Assure that the rental housing supply in Mammoth Lakes is not adversely affected by the conversion of apartments to condominiums or other common interest developments;
 2. Maintain a supply of affordable and workforce housing;
 3. Ensure that converted housing achieves a high degree of appearance, quality, and safety, and is consistent with the goals of the Town; and
 4. Provide a reasonable balance of ownership and rental housing and a variety of choices of tenure, type, price, and location of housing.
- B. **Existing rental unit.** For the purpose of this section, “existing rental unit” shall mean any rental apartment or similar rental unit constructed and used for or intended to be used for residential occupancy for periods of 30 or more consecutive days in any one calendar year. This shall include any dwelling on a multi-unit property that has been leased for residential purposes for a period or periods in excess of 30 consecutive days for more than five months per year within the last two years. This shall not apply to projects that are under construction but have not received a certificate of occupancy.
- C. **Existing supply report.**
1. The Director, or designee, shall conduct an occupancy survey of apartment developments in the town by January 31st of each year. If the vacancy rate in apartment developments, averaged over the last three years, is shown to be five percent or below, all applications for conversion to condominiums or other use making the apartment unavailable for long-term rental during that year shall be denied except as provided in Subsection 17.52.110C.2. For the purposes of this chapter, vacancy rate is defined as the number of apartments advertised for rent divided by the total number of apartments available for rent as determined through occupancy certificates.
 2. Where existing rental units are demolished, voluntary or involuntarily, and the property is reconstructed in accordance with current development requirements, a condominium

conversion may be considered subject to the mitigation of the loss of rental housing stock in addition to the requirements of Article VI (Affordable and Workforce Housing).

3. The Director, or designee, shall verify to the Commission, the average number per year of apartment units constructed during the previous two calendar years. Fifty percent of the certified annual average will then be the maximum number allowable for conversion for the next calendar year. If fewer units were converted than the maximum number allowable, the surplus will not be carried over to the next calendar year.
- D. **Permit requirements.** Use permit and subdivision approval (i.e., tentative map and final map) are required for the conversion of an existing apartment unit for sale, transfer, or conveyance as a condominium.
- E. **Application requirements.** An application for conversion of an apartment shall include a use permit and tentative map consisting of all materials normally required by the Town for a use permit and tentative map, in addition to the following:
1. **General conditions report.** A general conditions report shall be prepared by an independent registered structural engineer, licensed architect, or licensed general contractor and shall include:
 - a. The condition of all elements of the property including: foundations, framing, structural elements, walls, roofs, windows, utilities and utility connections, ventilation, heating and cooling systems, mechanical systems and equipment, electrical systems, plumbing systems, sewer systems, fire sprinkler systems, alarm systems, standpipe systems, trash disposal facilities, appliances that will be sold with the units, common facilities (e.g., recreational facilities, landscaped areas, storage areas, etc.), parking facilities, paved surfaces, and interior and exterior wall coverings and treatments (e.g., paint).
 - b. Identification of the date of construction, the condition, and the estimated useful life of each element listed in Subsection 117.52.110E.1. a.
 - c. A building code analysis that identifies all defective or unsafe elements or those that may impair the use and enjoyment of the property, and explain the proposed corrective measures to be used. The report shall include the cost and schedule for replacement of any elements that do not meet current Town standards or would have a useful life of less than five years.
 2. **Building history report.** A report detailing the uses of the development site since construction and the date and description of all structural repairs and/or renovations, operating system upgrades, major repairs requiring a building permit, and construction of structures, fences, walls, landscaping, etc. The report shall also include a statement of current ownership of all improvements and underlying property.
 3. **Pest report.** A report from a licensed pest-control operator describing the presence and effects of any wood-destroying organisms, and recommending work required to render the structure free of infestation, if applicable.

4. **Mobile home park conversion impact report.** If a mobile home park is being converted to another use, the application shall also include the report required by Government Code Section 66427.4.
 5. **Verification of vote.** If a stock cooperative or community apartment project is being converted to condominiums, the application shall also include verification of the vote required by Government Code Section 66452.10.
 6. **Existing tenant information.** Information on the existing tenants in the apartment units to be converted, including:
 - a. The names and the mailing and physical addresses of each tenant;
 - b. The size and rental rate of each unit; and
 - c. The number and description of any units occupied under any federal or state assistance program.
 7. **Tenant notification.** Copies of all written notices required by the Subdivision Map Act, a complete list of all tenants served with the notice, and the dates and methods by which the notice was served.
 8. **Public notice materials.** Stamped envelopes addressed to each tenant of the property being converted consistent with the Town's requirements for public notice packets.
 9. **Relocation plan.** A relocation plan for existing tenants as required by Government Code Section 66427.5.
 10. **Other information.** Any other information the Director determines to be necessary to assist in determining whether the proposed project will be consistent with the purposes of this chapter.
- F. **Inspections.** After the application has been deemed complete, the Building Official and Fire Marshal shall review general conditions and building history reports, and inspect the subject property to verify the accuracy of the reports and identify any health and safety hazards.
- G. **Physical standards for conversion.** Conversions shall conform to all applicable requirements of the Town's Municipal Code in effect at the time of the tentative map approval.
1. **Nonconforming structures.** All nonconformities shall be corrected prior to the approval of a final map.
 2. **Life and fire safety.** All life and fire safety issues, including but not limited to emergency egress, emergency vehicle access, fire walls between dwelling units, and fire suppression equipment (e.g., smoke detectors, alarm systems, fire extinguishers, etc.), shall comply with the California Building Standards Code regulations and Mammoth Lakes Fire Protection District Fire Code in effect at the time of conversion.
 3. **Sound transmission.**

- a. ***Shock mounting of mechanical equipment.*** All permanent mechanical equipment, including domestic appliances, shall be shock mounted in a manner approved by the Building Official.
 - b. ***Noise standards.*** The structure shall conform to all interior and exterior sound transmission standards as specified in the California Building Standards Code regulations in effect at the time of conversion.
4. ***Utility metering.*** Each dwelling unit shall be separately metered for gas, water, and electricity.
 5. ***Laundry facilities.*** Each dwelling unit shall be provided with its own laundry facilities, or alternate group facilities that are convenient to all dwelling units and approved by the Commission.
 6. ***Parking and driveway facilities.*** Parking and driveway facilities shall be upgraded and improved to meet current Town standards.
 7. ***Additional standards.*** Additional standards applicable to the site as determined through the use permit and tentative map process.
- H. **Affordable and workforce housing supply.** All requirements of Article VI (Affordable and Workforce Housing) shall apply to conversions.
- I. **Staff report.** A copy of the public hearing staff report shall be provided to the applicant and each tenant of the subject property consistent with Government Code Section 66452.3.
- J. **Public notice.** The following notice shall be provided in addition to the public noticing required by Chapter 17.124 (Public Hearings).
1. ***Tenant notice.*** The applicant shall give notice as required by the Subdivision Map Act. The applicant shall provide the Town with copies of all required notices, a complete list of all tenants served with the notice, and the dates and methods by which the notice was served.
 2. ***Public hearing notice.*** Notice of the public hearing(s) on the application for a condominium conversion shall be provided by the Town to all tenants of the subject property consistent with Government Code Section 66451.3.
- K. **Findings and decision.** The Commission shall approve, conditionally approve, or deny the use permit and tentative map applications for a condominium conversion. The Commission may approve the condominium conversion applications, with or without conditions, only after the following findings are made:
1. All the provisions and standards for the condominium conversion project as set forth in this section are met;

2. All findings required for a use permit and tentative map have been made, and the use permit and tentative map have been approved, or are concurrently being approved, for the condominium conversion project;
3. The findings set forth in Government Code Section 66427.1 are met;
4. The Building Official finds the building proposed for conversion complies with all applicable provisions of the California Building Standards Code;
5. The overall design and physical condition of the condominium conversion achieves a high standard of safety, quality, and appearance; and
6. The conversion will not remove a significant number of affordable or workforce rental units from the housing stock or will be adequately mitigated in accordance with Article VI (Affordable and Workforce Housing).

17.52.120 Fractional/Timeshare Developments

- A. **Purpose.** This Section provides the requirements for the fractional and/or timeshare developments where allowed by Article II (Zoning Districts and Allowable Land Uses). The intent of this section is to:
1. Protect the health, safety, peace, and welfare of the town by providing for financial analysis of fractional-use and timeshare development applications and establishing procedures and standards for local sales practices for these developments consistent with California Business and Professions Code Section 11210 and following;
 2. Protect and maintain the character of the town as a resort community;
 3. Promote increased tourism and vitality within the town;
 4. Preserve and enhance the existing lodging inventory by encouraging fractional and timeshare use; and
 5. Protect residential neighborhoods by ensuring that the impacts of fractional-use and timeshare developments do not adversely affect the character of these residential neighborhoods.
- B. **Permit requirements.** Use permit and subdivision approval (i.e., tentative map and final map) are required for fractional or timeshare developments.
- C. **Application requirements.** An application shall be made to the Department on a form provided for that purpose pursuant to Chapter 17.60 (Applications, Processing, and Fees) and Chapter 17.68 (Use Permits) for any fractional or timeshare development. All required information identified on the form shall be provided by the applicant, in addition to a local sales program plan as set forth below:
1. The applicant and any licensed marketing entity shall present a local sales program plan to the Department. The program shall include information on proposed local sales

practices including: sales packaging and technique, the location of any sales office which may be located on-site or off-site, proposed signage, the estimated number of individuals and vehicles expected during the sales effort, and a parking plan for sales personnel and prospective purchasers. No proposed fractional or timeshare development shall be approved unless the Town also approves a local sales program plan.

2. The following marketing and sales practices for fractional and timeshare developments are prohibited:
 - a. The solicitation of prospective purchasers on any public facility.
 - b. Use of anyone other than a licensed California real estate agent or broker for solicitation of prospective purchasers of fractional-use units.
 - c. Off-site sales offices other than within a fully enclosed building on a property zoned to allow commercial activity or other suitable structure approved by the Commission.
 - d. Unethical sales or marketing practices which result in Town verified complaints from prospective purchasers regarding such practices
- D. **General requirements.** Fractional and timeshare developments shall be subject to the development standards and procedures that apply to the permitted uses of each zone, which most closely resemble the fractional and/or timeshare development proposal, plus the additional development standards and procedures as set forth in this section.
1. **Mixed use projects.** A fractional or timeshare development may include other uses normally allowed by the applicable zoning if authorized by the use permit approval with a finding by the Commission that such uses will not detrimentally affect the occupants of the development.
 2. **Hotels and motels.** Hotels and Motels, including condo-hotels and hotels that are part of a Fractional/Timeshare Development, shall include the following:
 - a. Central front desk, lobby, and phone connections to all hotel rooms with staff available 24-hours a day;
 - b. Check-in spaces for arriving vehicles;
 - c. Amenities supportive of lodging uses (e.g., concierge/guest services on site; conference/meeting space, with food and beverage support, flexible room configuration, industry-standard audiovisual, telecom, and conferencing infrastructure; food and beverage operations in the form of a restaurant or room service; ski and luggage storage; and recreation facilities such as spas, swimming pools, and/or fitness room facility open to all hotel users);
 - d. Standardized furniture, fixtures, and equipment in all rooms;

- e. Centralized management and standards for guest reservations, daily housekeeping service, and maintenance services, for all units;
 - f. Space for a rental management operation;
 - g. Management by a qualified entity with at least five years' experience in the hotel management business, including a "flag" hotel or company with equivalent experience; and
 - h. Inclusion of hotel amenities in common areas through condominium Covenants, Conditions, and Restrictions (CC&Rs).
3. ***Taxing district.*** A fractional or timeshare development shall, as a condition of development approval, be required to be included within the boundaries of a Mello-Roos Community Facilities District and be subject to a special tax to pay for Town services related to the project. The applicant shall be required to pay all costs associated with the annexation of the project into such district, and the approval and imposition of the special tax. A project satisfies this requirement if it is subject to a tax that is at the same rate as (and apportioned in the same manner as) the tax approved by the Council in connection with town of Mammoth Lakes Community Facilities District No. 2004-01, by Ordinance No. 05-01. A project may also satisfy this requirement by being subject to a special tax that, in the sole judgment of the Council, will defray the cost of Town services and facilities necessitated by the project, as determined by the Council.
 4. ***Transient occupancy tax.*** A fractional or timeshare development shall be subject to all applicable provisions of Chapter 3.12 (Transient Occupancy Tax).
 5. ***Subdivision approval required.*** A fractional or timeshare development shall require subdivision approval.
- E. **Non-residential use.** The owners and users of the parcels constituting a fractional or timeshare development shall not maintain such parcels as their permanent residences, shall maintain primary residences elsewhere, and shall use the fractional or timeshare development only for temporary accommodations while visiting the town as a resort destination. For the purposes of the Mello-Roos Community Facilities Act (Section 53311 and following of the California Government Code) the Council finds that parcels of real property in use as fractional or timeshare developments do not constitute property in residential use.
- F. **Conversion of existing facilities to fractional use.** In addition to other requirements in this section, the following shall apply to the conversion of existing facilities into a fractional or timeshare development.
1. In the event an existing rental property is proposed to be converted in whole or in part to a fractional or timeshare development, that conversion is subject to Section 17.52.110 (Condominium Conversions).
 2. In the event an existing condominium property is proposed to be converted in whole or in part to a fractional or timeshare development, the applicant shall submit written proof that

the condominium declaration allows time-sharing, that the percentage of owners of the condominium units as required by the current covenants, conditions, and restrictions have approved the proposed fractional or timeshare development including any improvements to the common amenities that the applicant may propose, that all mortgage holders and lien holders of all the condominium units have approved the proposed fractional or timeshare development, and that all condominium units in the proposed fractional or timeshare development will be included in the same local sale program plan.

3. Only those applications for conversion which demonstrate substantial upgrade of the visual, aesthetic, and recreational qualities of the property shall be approved. The Commission shall impose reasonable standards and procedures for such conversions. At a minimum, standards and procedures shall include the following:
 - a. Landscaping, lot coverage, and density meeting current Town requirements;
 - b. Interior and exterior remodel costing not less than 50 percent of the appraised value of the existing building or unit, unless a lower amount is approved by the review authority;
 - c. Parking and traffic circulation meeting all current Town requirements;
 - d. Installation of bicycle trails, walkways, and other pedestrian amenities, if not already provided;
 - e. Sign meeting all current Town requirements; and
 - f. Mitigation measures related to transportation and transit.

17.52.130 Gates on Private Streets

A gate on a private street may be allowed subject to the following standards.

- A. **Permits required.** A gate on a private street shall require a use permit approved by the Commission, a building permit approved by the Building Official, and a permit approved by the Mammoth Lakes Fire Protection District.
- B. **Pedestrian access.** The gate improvements shall include pedestrian access and/or easement as determined by the Commission.
- C. **Operational requirements.** The gate shall adequately operate for emergency response vehicles, snow removal equipment operators, utility service providers, deliveries, and guests, including adequate turn-around space and vehicle queuing.
- D. **Design.** The gate design shall be consistent with the Town's Design Guidelines.
- E. **Findings.** The Commission may approve a gate on a private street, with or without conditions, only after all of the following findings are made:

1. The gate is consistent with the General Plan and any other applicable Town policy or plan, including the Trails System Master Plan;
2. There is a demonstrated need for public safety or security that will be satisfied by the gate;
3. The requirements of this section are met; and
4. All other findings required for use permit approval are met.

17.52.140 Home Occupations

The following standards for home occupations are intended to provide reasonable opportunities for employment within the home that are incidental to and compatible with surrounding residential uses, where allowed by Article II (Zoning Districts and Allowable Land Uses) and/or this chapter.

- A. **Business Tax Certificate required.** A home occupation shall require a Town Business Tax Certificate.
- B. **Limitations on use.** Home occupations shall be limited to activities carried on by the occupants of a dwelling as an accessory or incidental use to the principal use of the site as a dwelling.
 1. ***Uses allowed as home occupations.*** The following and other uses determined by the Director to be similar may be allowed as home occupations in compliance with this section:
 - a. Art and craft work (e.g., ceramics, painting, photography, etc.);
 - b. Barber shops, beauty salons, and massage establishments;
 - c. Cottage food operations as defined in Section 113758 of the Health and Safety Code provided it complies with all applicable provisions of this section.
 - d. Electronic commerce and computer programming;
 - e. Office-only uses, including an office for an architect, attorney, consultant, counselor, insurance agent, licensed therapist, planner, tutor, writer, etc.;
 - f. One-on-one art, music, and similar fine art related lessons; and
 - g. Tailors, sewing, etc.
 2. ***Uses prohibited as home occupations.*** The following are examples of business activities that are not incidental or compatible with residential activities, and are, therefore, prohibited as home occupations:
 - a. Adult business activities or businesses;

- b. Automotive and other vehicle repair and service (body or mechanical), painting, storage, or upholstery;
 - c. Dance club or night club;
 - d. Dismantling, junk, or scrap yards;
 - e. Medical clinics, laboratories, or doctor’s offices;
 - f. Mini self-storage;
 - g. Retail sales;
 - h. Welding and machine shop operations;
 - i. Wood cutting and processing businesses; or
 - j. Other similar incompatible uses as determined by the Director.
- C. **Operating standards.** Home occupations shall comply with all of the following operating standards.
- 1. **Accessory use.** The home occupation shall be clearly secondary to the full-time use of the property as a residence.
 - 2. **Location of home occupation activities.** The home occupation activities shall be contained entirely within the main residence.
 - 3. **Visibility.** The use shall not require any modification to the structure not customarily found in a dwelling, nor shall the home occupation activity or storage of materials be visible from a public right-of-way or from neighboring residential properties.
 - 4. **Signs prohibited.** Signs advertising a home occupation are prohibited consistent with Chapter 17.48 (Signs).
 - 5. **Safety.** The use shall not employ the storage of explosive, flammable, or hazardous materials beyond those normally associated with a residential use. The home occupation shall comply with all applicable provisions of the California Building Standards Code and MLFPD requirements.
 - 6. **Off-site effects.** No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, solid waste, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances, nor any other negative effect that may be felt, heard, or otherwise sensed on adjoining parcels, as determined by the Director.
 - 7. **Outdoor display or storage.** There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with a home occupation. No outdoor storage of motor or mechanical equipment shall be permitted other than equipment normally incidental to the use of the structure as a dwelling.

8. **Employees.** A home occupation shall have no employees working on the site of the home occupation other than the full-time residents of the dwelling, except as allowed for cottage food operations as defined in Section 113758 of the Health and Safety Code.
 9. **Traffic.** The home occupation shall not generate pedestrian or vehicular traffic beyond that normal to the neighborhood in which it is located.
 10. **Parking.** The conduct of the home occupation shall not interfere with the maintenance of the required parking.
 11. **Motor vehicles.** There shall be no motor vehicle used or kept on the premises, except residents' passenger vehicles, and one commercially licensed automobile, pickup truck, or van.
 12. **Utility service modification.** The home occupation use shall not have utility service modifications, other than those required for normal residential use.
- D. **Other uses.** Other uses not consistent with this section may be approved as a home occupation, subject to approval of a use permit, and provided that the Commission may require conditions of approval limiting hours of operation, noise levels, and/or any other aspect of the operation, to ensure compatibility with on-site and adjacent residential uses.

17.52.150 Live/Work Units

- A. **Purpose.** This Section provides standards for the development of live/work units and for the reuse of existing commercial structures to accommodate live/work opportunities where allowed by Article II (Zoning Districts and Allowable Land Uses).
- B. **Application requirements.** In addition to the information and materials required for a use permit, the review authority may require an application for a live/work unit to include a Phase I Environmental Assessment for the site to determine whether lead based paint and asbestos hazards are present in an existing structure proposed for conversion to live/work. The purpose of this requirement is to assess whether there are any hazardous or toxic materials on the site that could pose a health risk to the residents. If the Phase I Environmental Assessment shows potential health risks, a Phase 2 Environmental Assessment shall be prepared and submitted to the Department to determine if remediation may be required.
- C. **Business Tax Certificate required.** A live/work unit shall require a Town Business Tax Certificate.
- D. **Limitations on use.** The non-residential component of a live/work unit shall only be a use allowed within the applicable zone. A live/work unit shall not be established or used in conjunction with any of the following activities:
 1. Adult businesses;
 2. Vehicle maintenance or repair (e.g., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.;

3. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
 4. Welding, machining, or any open flame work; and
 5. Any other activity or use, as determined by the Director to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.
- E. **Occupancy requirement.** The residential space within a live/work unit shall be occupied by at least one individual employed in the business conducted within the live/work unit.
- F. **Design standards.**
1. ***Floor area requirements.***
 - a. ***Minimum floor area.*** The minimum square footage of a live/work unit shall be 700 square feet.
 - b. ***Maximum residential area.*** No more than 33 percent of the floor area of a live/work unit shall be used or arranged for residential purposes (e.g., sleeping area, kitchen, closet, and bathroom).
 2. ***Floor plan.*** A live/work unit may include a single level floor plan or a multiple level floor plan. Only one residential area per unit shall be allowed.
 3. ***Separation and access.***
 - a. Each live/work unit shall be separated from other live/work units or other uses in the structure.
 - b. Access to each live/work unit shall be provided from a public street or common access area, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.
 - c. Living and work spaces which are independently accessible from one another are not considered live/work units, but rather a separate dwelling and a separate work space.
 4. ***Open space.*** Each live/work unit shall have a minimum of 50 square feet of common and/or private open space in addition to the minimum floor area requirement of 700 square feet.
 5. ***Limitations on outdoor uses.*** Only activities related to the residential component of a live/work unit are allowed outside of the confines of the building.

6. **Parking.** Live/work units shall comply with all the requirements contained in Chapter 17.44 (Parking and Loading Standards).
- G. **Operating requirements.**
1. **Sale or rental of portions of unit.** No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.
 2. **On-premise sales.** On-premise sales of goods are limited to those produced within the live/work unit; provided, the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows consistent with Chapter 17.56 (Temporary Uses and Events).
 3. **Nonresident employees.** No more than one person other than residents of the live/work unit shall be employed in the conduct of the work, except that additional employees may be allowed subject to Commission approval of a use permit.
 4. **Client and customer visits.** Client and customer visits are allowed subject to any applicable conditions of use permit approval to ensure compatibility with adjacent commercial or industrial uses, or adjacent residentially-zoned areas.
- H. **California Building Standards Code regulations.** California Building Standards Code regulations for light and ventilation, sound transmission, and fire suppression in effect at the time of conversion or construction shall be provided and as specified by the Building Official.
- I. **Covenant.** A Town-approved covenant shall be executed by the owner of each live/work unit, and shall include statements that the occupant(s) understand(s) and accept(s) he/she is living in a live/work unit and must operate a business from said unit in compliance with this section. Any lease between the owner and a tenant, or between a tenant and a subtenant, shall refer to the fact that the unit is subject to the covenant.
- J. **Changes in use.** After approval, a live/work unit shall not be converted to either entirely residential use or entirely business use unless authorized by the use permit approval. No live/work unit shall be changed to exclusively residential use in any structure where residential use is not allowed.

17.52.160 Medical Marijuana Cooperatives

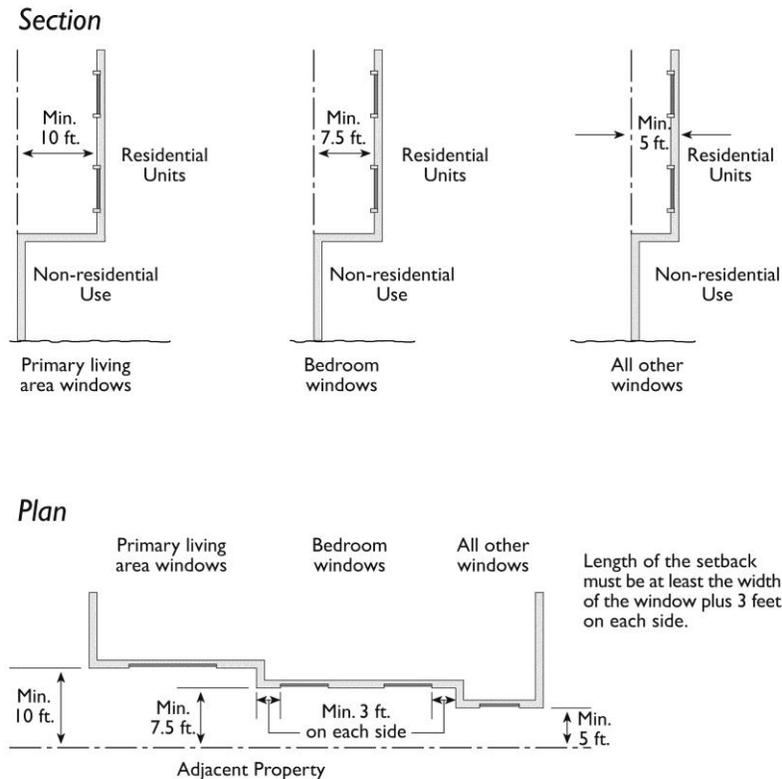
Notwithstanding any other provision of this Code, no more than two medical marijuana cooperatives shall be allowed within the corporate limits of the Town of Mammoth Lakes. Further, no medical marijuana cooperative shall be located within 500 feet of any other medical marijuana cooperative.

17.52.170 Mixed-Use Development

More than one type of use is allowed building or on a site provided each use is allowed pursuant to Article II (Zoning District and Allowable Land Uses).

- A. **Applicability.** The provisions in this section apply to the conversion of existing buildings to include mixed uses and/or new construction of mixed-use developments, where allowed by the applicable zone in addition to any applicable standard this Code requires in the district where the use is proposed and all other applicable provisions of this Code.
- B. **Permit Requirements.** Mixed-use development is subject to the highest permit level required for any individual use.
- C. **Feasibility study.** At the Director's discretion, an economic feasibility study evaluating the viability of the proposed commercial uses within the mixed-use development may be required.
- D. **Building entrances.**
1. Pedestrian entrances directly accessible from the public right-of-way and having direct access from the sidewalk grade shall be provided for all ground floor uses.
 2. Non-residential uses and residential uses shall have separate exterior entrances, elevators, and lobbies. The Director may waive this requirement based on site constraints.
- E. **Setbacks.** In order to provide light and area for residential units, the following minimum setbacks apply to any building wall containing windows and facing an interior side or rear yard.
1. For any wall containing windows, a setback of at least 5 feet shall be provided.
 2. For any wall containing bedroom windows, a setback of at least 7.5 feet shall be provided.
 3. For any wall containing living room or other primary room windows, a setback of at least 10 feet shall be provided.
 4. The required setbacks apply to that portion of the buildings wall containing and extending three feet on either side of the any window.

FIGURE 17.52.170(E): MINIMUM SIDE AND REAR YARDS FOR RESIDENTIAL USES



F. **Open space.** A minimum of 60 square feet of residential open space per unit shall be provided as common and/or private open space. Private areas typically consist of balconies, decks, patios, and other similar areas outside the residence. Common areas typically consist of roof gardens, courtyards, decks, patios, swimming pools, barbeque areas, playgrounds, gym/exercise rooms, or other such improvements as are appropriate to enhance the outdoor environment of the development and are acceptable to the review authority.

1. **Minimum dimensions.** Private open space area shall have a minimum dimension of six feet, and common open space area shall have a minimum dimension of 15 feet; except that the review authority may authorize different minimum dimensions where it can be shown that the required open space meets the intent and purpose of this section as determined by the Director.
2. **Usability.** A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of turf, ground cover, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. Slope shall not exceed 10 percent.
3. **Accessibility.**
 - a. **Private Open Space.** The space shall be accessible to only one residential unit by a doorway to a habitable room or hallway.

- b. *Common Open Space.* The space shall be accessible to the residential units on the lot. It shall be served by any stairway or other accessway qualifying as an egress facility from a habitable room.
- G. **Refuse and recycling areas.** Areas for the collection and storage of refuse and recyclable material shall be located on the site in locations that are convenient for both residential and commercial uses.
1. Refuse and recycling areas shall be consolidated to minimize the number of collection sites. Separate refuse and recycling areas may be provided and clearly marked for the residential and non-residential uses.
 2. Refuse and recycling areas shall be located so as to reasonably equalize the distance from the building spaces they serve. The refuse and recycling area serving a residential unit shall be located within 100 feet of the unit.
 3. Refuse and recycling areas for residential units shall be designed to allow walk-in access without having to open a main enclosure gate.
- H. **Loading areas.** Commercial loading areas shall be located away from residential units and shall be screened from view from the residential portion of the development to the maximum extent feasible in compliance with Chapter 17.36 (Standards for All Development and Land Use).
- I. **Performance standards.** No commercial use, activity, or process shall be operated in an objectionable manner due to fumes, noxious odor, dust, smoke, gas, noise, or vibrations that may be detrimental to any other uses and occupants on the same property.

17.52.180 Mobile Businesses

- A. **Purpose.** The purpose of this Section is to establish regulations governing the time, place, and manner of mobile vending operations on private property and within the public right-of-way, in order to preserve the peace, safety, and welfare of the Town and its residents and visitors by:
1. Preventing safety, traffic, and health hazards;
 2. Preventing the unregulated proliferation of too many vendors near one location, thus negatively impacting traffic and pedestrian safety; and
 3. Establishing standards to ensure that mobile vendors are compatible with their surroundings and aesthetics of the Town.
- B. **Mobile Vendor Permit Required**
1. The provisions of this Section identify and prescribe specific procedures and requirements for the filing, processing, and consideration of a mobile vendor permit. These provisions shall be used in conjunction with the general requirements and procedures outlined in Chapter 17.60 (Applications, Processing, and Fees).

2. No person shall operate a mobile vendor vehicle unless a mobile vendor permit issued pursuant to this Chapter is in effect for that mobile vendor vehicle, except that the following mobile vendors shall not be required to obtain a permit:
 - a. A mobile vending vehicle owned or operated by any public agency.
 - b. Persons delivering goods, wares, merchandise, fruits, vegetables, or foodstuffs upon order of, or by agreement with, a customer from a store or other fixed place of business or distribution.
 - c. Persons performing vehicle winter-chain installation on public roadways in accordance with applicable local and State regulations.
 - d. Vendors participating in farmers markets or other special events as permitted by the Town.
 - e. An event at a school facility or an assembly use facility, if the vendor is operating in partnership with the organization conducting the event and is located on the site of the event (i.e. not in the public right-of-way).
 - f. Mobile vendors that only sell, display, solicit, or offer for sale, barter or exchange any of the following: newspapers, leaflets, pamphlets, bumper stickers, buttons, or other items that are inherently communicative and have nominal utility apart from its communication. Although an item may have some expressive purpose, it will be deemed to have more than nominal utility apart from its communication if it has a common and dominant non-expressive purpose. Examples of items that have more than nominal utility apart from their communication and thus may not be vended under the provisions of this section, include, but are not limited to, the following: Housewares, appliances, articles of clothing, sunglasses, auto parts, oils, incense, perfume, lotions, candles, jewelry, toys, stuffed animals, foodstuffs and beverages.
3. Every permittee, upon receipt of a mobile vendor permit, shall maintain the permit with the vehicle for which it is issued at all times the mobile vendor vehicle is operated. The permit shall be displayed at all times.

C. Mobile Vendor Permit Application Requirements

1. An application for a mobile vendor vehicle permit shall be filed with the Director and shall contain the following:
 - a. The individual and business name, address, and telephone number of the permit applicant.
 - b. Written evidence that the applicant is an owner, lessee or holder of a similar interest in the mobile vendor vehicle.

- c. The name and address of all legal and registered owner(s) of the mobile vendor vehicle, and each person with a financial interest in the business that operates the mobile vendor vehicle.
- d. A copy of a valid Town Business Tax Certificate for the business that operates the mobile vendor vehicle. No such business shall commence operations until a Mobile Business Vendor Permit is approved.
- e. The state vehicle license plate number and the vehicle identification number of the mobile vendor vehicle, if applicable.
- f. If operating on private property, the mobile vendor shall provide evidence of the property owner's authorization in order to submit an application for a mobile vendor permit.
- g. The address where the mobile vendor vehicle is stored when not in use.
- h. For each person with a ten percent or greater financial interest in the business that operates the mobile vendor vehicle, a list, signed under penalty of perjury, of each conviction of such person and whether such conviction was by verdict, plea of guilty, or plea of no contest. The list shall, for each conviction, set forth the date of arrest, the offense charged, and the offense of which the person was convicted. A person who acquires a ten percent or greater financial interest in the business that operates the mobile vendor vehicle during the term of the permit issued pursuant to this Chapter shall immediately so notify the Director and comply with this subsection.
- i. The mobile vendor shall provide an operating plan to the Town demonstrating adherence to the regulations in 17.52.180.F.
- j. The mobile vendor shall furnish to the Town evidence of insurance, as deemed acceptable in the reasonable discretion of the Town, against liability for death or injury to any person as a result of ownership, operation, or use of its vending vehicles. The Town shall be included as an additional insured for all mobile vendors.
- k. Mobile food vendors must have a valid permit issued by the Mono County Environmental Health Department. All required County Health permits must be in the possession of the mobile food vendor at all times during which it operates within the Town.
- l. Mobile food vendors must provide evidence of compliance with Health & Safety Code Section 114315(a). Such evidence may include, but is not limited to, written permission from a private business owner for use of the business's toilet and hand washing facility, a printed or electronic map showing the location of a compliant public toilet and hand washing facility, or similar documented evidence of compliance.

- m. Mobile food vending vehicles shall provide fire protection equipment required by the Mammoth Lakes Fire Protection District. Mobile food vendors shall receive an inspection and approval from the Mammoth Lakes Fire Protection District prior to issuance of a business tax certificate and a mobile vendor permit.
 - n. It is the responsibility of the applicant to establish evidence in support of the findings required by Subsection 17.52.180.C.2.
2. After a mobile vending permit application is deemed complete, the Director shall approve, conditionally approve, or deny the application. The Director may approve a mobile vending application, with or without conditions, only after the following findings are made:
- a. The mobile vendor permit meets each of the requirements listed elsewhere in this Chapter;
 - b. The operation of the vending vehicle will not result in traffic or pedestrian circulation hazards; and
 - c. The operation of the vending vehicle will not disrupt the neighborhoods or zones in which it will be operated.

D. Mobile Vendor Permit Suspension and Revocation

1. In accordance with Chapter 17.128 (Revocations and Modifications), the Director may suspend, revoke, or modify any mobile vendor permit issued pursuant to this Chapter on any of the following grounds:
- a. The Director determines that any activity authorized by the permit is being carried out in such a manner as to constitute a nuisance, or to be injurious to the public health, safety or welfare.
 - b. The operation of the mobile vendor vehicle is in violation of any conditions imposed upon the permit or in violation of any provision of this code or applicable Town and state laws and regulations.
 - c. There exists any of the grounds that would have been grounds for denial of the permit application.

E. Sale or Transfer of Mobile Vending Vehicle

In the event the holder of a mobile vendor permit sells or otherwise transfers the mobile vendor vehicle, the purchaser of the vehicle shall be required to obtain a new mobile vendor vehicle license, in accordance with all of the provisions and requirements of this Chapter, including having applied for and obtained all other required certificates and permits.

F. Regulations

1. The following time, place, and manner regulations apply to all mobile vending operations:
 - a. Mobile vending operations shall be in full compliance with all applicable local and State regulations and requirements, including, but not limited to, applicable parking restrictions, the California Vehicle Code, the California Health and Safety Code, and the California Retail Food Code provisions.
 - b. The vending vehicle shall not obstruct pedestrian or vehicular traffic in any manner.
 - c. No mobile vendor may operate a vending vehicle:
 - i. On any State Highway, including any portion of State Highway 203.
 - ii. Within 50 feet of any fire hydrant.
 - iii. Within 25 feet of any street intersection controlled by a traffic light, crosswalk, or stop sign.
 - iv. Within 25 feet of a bus stop.
 - v. Within 10 feet from the outer edge of any entrance of any business during the hours that such business is open to the public. For purposes hereof, the term "entrance" includes doors and associated vestibules, driveways and walkways serving the business, outdoor dining area entries, and emergency exits on any side of the building that faces a public street.
 - vi. Within 300 feet of the nearest property line of any property in which a public or private school building is located, between the hours of 7:00a.m. and 5:00p.m. of any school day. This prohibition may be waived for special events for which the Town issues a permit, or by written permission of the Mammoth Unified School District or any other entity which operates the applicable school.
 - vii. In a Town park, unless consistent with Municipal Code Section 12.20.260, Sales for Profit and Solicitation.
 - d. Vending is prohibited on the exposed street and /or traffic side of the vending vehicle.
 - e. Mobile vending operations occurring on streets with sidewalks shall maintain a space on the sidewalk of at least six feet in width free of customer queuing and/or all portions of the vehicle for the clear movement of pedestrians. The Director may require additional minimum access width for high-use pedestrian areas.
 - f. The mobile vendor shall keep the vending area litter free. The mobile vendor shall carry a refuse receptacle on board at all times and must remove litter caused by its products from any public and private property within a 25 foot radius of the vending vehicle's location.

- g. The mobile vendor shall not discharge any liquid (e.g. water, grease, oil, etc.) onto or into Town streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the mobile vendor.
 - h. All merchandise shall be completely contained within the vending vehicle, (i.e. the exterior of the vehicle shall not be used to display merchandise; merchandise displays may not be set up adjacent to a parked vehicle.)
 - i. The mobile vendor shall be subject to the noise provisions set forth in Chapter 8.16 (Noise Regulation) of the Town Municipal Code.
 - j. The mobile vendor shall have adequate lighting to ensure customer safety either on the vehicle or at the location of the vehicle during business hours. Lighting shall comply with provisions set forth in Chapter 17.36.030 (Exterior Lighting).
 - k. The mobile vendor shall be subject to the sign provisions set forth in Chapter 17.48 (Signs).
 - l. Ice cream trucks shall also adhere to the regulations established by California Vehicle Code Section 22456.
 - m. Mobile vending vehicles operating on private property shall comply with the following requirements:
 - i. The mobile vendor shall not use or permit use of parking spaces on private property if doing so will adversely affect the on-site parking available for the primary use of the site as determined by the Director.
 - ii. The mobile vendor shall not impede the normal use of circulation aisles or driveways or be located in such a manner as to encourage customers to stop in the circulation aisle, driveway or street to obtain vendor service.
 - iii. The mobile vendor shall maintain a copy of the property owner's approval in the vehicle. The person operating the mobile vendor vehicle shall present this proof upon the demand of a peace officer or Town employee authorized to enforce this Section.
 - n. No tables, chairs or other site furniture shall be permitted to be placed within the public right of way, unless an encroachment permit for such use is approved by the Town. Such site furniture may be permitted on private property with permission of the property owner, and must comply with the restrictions set forth for operation of the mobile vendor vehicle in this section.
 - o. Mobile vending vehicles (if more than a two axle vehicle) shall not be stored/parked in a residential zone when not in operation.
- G. **Penalty.** Violations of the provisions of this Chapter shall be enforced pursuant to Chapter 17.132 (Enforcement).

17.52.190 Mobile Home or Recreational Vehicle - Temporary During Construction

- A. **Limitation on use.** A mobile home, trailer, or recreational vehicle may be used as a temporary residence of the property owner when the property owner is the builder and a valid building permit for a new single family dwelling is in force, or as a temporary residence for security purposes on the site of an active construction project consistent with Subsection 17.56.030H (Exempt Temporary Uses and Events – Construction Trailers).
- B. **Time limits.** A mobile home, trailer, or recreational vehicle that is temporary during construction shall be removed prior to issuance of a certificate of occupancy, expiration of the building permit, or after two years, whichever occurs first.
- C. **Building code and snow management.** A mobile home, trailer, or recreational vehicle that is temporary during construction shall either comply with the California Building Standards Code, including Town of Mammoth Lakes Building Code requirements, or the Building Official may consider reduced snow load design standards for such temporary structures provided an alternative means to mitigate snow loads has been provided.

17.52.200 Mobile Homes and Manufactured Homes

A mobile home or manufactured home shall be allowed as a dwelling outside of a mobile home park and where single family dwellings are permitted consistent with Government Code Section 65852.3, subject to the following standards.

- A. **Zoning district standards.** A mobile home or manufactured home shall be installed in compliance with the standards of the applicable zoning district.
- B. **Permanent foundation.** A mobile home or manufactured home shall be installed on and secured to an approved permanent foundation system.
- C. **California Building Standards Code.** A mobile home or manufactured home shall comply with the California Building Standards Code, including Town of Mammoth Lakes Building Code requirements.
- D. **Architectural standards.** Each roof shall have eave and overhangs of not less than one foot measured from the vertical side of the structure.

17.52.210 Multi-Family Residential Projects

This Section provides development and operational standards for multi-family residential projects in compliance with Article II (Zoning Districts and Allowable Land Uses).

- A. **Accessory structures.** Accessory structures and uses (e.g., bicycle storage, garages, laundry rooms, recreation facilities, etc.) shall be designed and constructed with an architectural style, exterior colors and materials similar to the structures in the project containing dwelling units.
- B. **Building facades adjacent to streets.** A multi-family project of three or more dwelling units shall be designed so that at least 75 percent of the façade of each building adjacent to a public street is occupied by habitable space with windows. Each façade adjacent to a street shall have at least one pedestrian entry into the structure.

- C. **Common recreation area.** Multi-family projects of more than 20 units shall provide 150 square feet of on-site common area/recreation area per unit. Said area may include recreation rooms, swimming/spa facilities, tennis courts, play areas, and other similar facilities.
- D. **Front yard paving.** No more than 40 percent of the total area of the front yard setback shall be paved for walkways, driveways, and/or other hardcover pavement.
- E. **Laundry facilities.** All multi-family residential developments with five or more dwelling units shall provide common laundry facilities, except where laundry facilities are provided within each unit.
1. **Keyed access.** Laundry facilities shall be provided with keyed access for “tenants only.”
 2. **Location.** Laundry facilities shall be evenly dispersed throughout the multi-family development and easily accessible to all tenants as approved by the Director.
- F. **Maintenance and control of common area.** Required common area space shall be controlled and permanently maintained by a homeowners’ association, or by the property owner of a rental project. Provisions for control and maintenance shall be included in property covenants of all common interest developments.
- G. **Outdoor lighting.** Outdoor lighting shall be installed and maintained along all vehicular access ways and major walkways, in compliance with Subsection 17.36.030 (Exterior Lighting).
- H. **Private outdoor open space.** All multi-family residential projects shall provide private outdoor open space for each dwelling unit.
1. Private outdoor open space shall be at the same level as, and immediately accessible from within the unit (e.g., balcony, deck, patio, etc.).
 2. Each private outdoor open space area shall have a minimum dimension of six feet and an area of at least 60 square feet; except that the review authority may authorize different minimum dimensions where it can be shown that the required private outdoor open space meets the intent and purpose of this section as determined by the Director.
 3. Provision of private outdoor open space shall not reduce common recreation area requirements.
 4. If it is shown to be infeasible to meet these private outdoor open space requirements, the review authority may require an increase in the common recreation area to off-set a reduction in required private outdoor open space.
- I. **Solid waste and recycling.** Multi-family residential projects of three or more units shall provide solid waste/recyclable materials storage consistent with Subsection 17.36.130 (Solid Waste/Recyclable Materials Storage).
- J. **Storage.** A minimum of 100 cubic feet of lockable storage area shall be provided for each dwelling outside of the unit, with no dimension less than 30 inches. Storage area may be located

in a garage associated with the dwelling unit provided that the area required for covered parking is in compliance with Chapter 17.44 (Parking and Loading Standards).

17.52.220 Outdoor Dining

This Section provides location, development, and operating standards for outdoor dining facilities in compliance with Article II (Zoning Districts and Allowable Land Uses).

- A. **Accessory use.** An outdoor dining area may be allowed accessory and incidental to a restaurant with indoor eating area on site, provided that the number of seats provided outdoors shall not exceed the number provided indoors.
- B. **Alcoholic beverage sales.** Outdoor dining areas serving alcoholic beverages shall meet and be in compliance with the requirements of the State Alcohol Beverage Control Board, and the following standards:
 - 1. The dining area shall be accessible from the inside of the restaurant only, unless the Director waives this requirement in circumstances where this is not feasible or practical;
 - 2. The dining area shall be clearly defined with a physical barrier. It shall clearly be a part of the restaurant it serves; and
 - 3. The dining area shall be supervised by a restaurant employee to ensure conformance to laws regarding on-site consumption of alcoholic beverages.
- C. **Design and use compatibility.** To ensure compatibility with surrounding uses and a high standard of design quality, the following standards shall be implemented:
 - 1. The outdoor dining area shall be located directly adjacent to the food service establishment which it serves; however, if this is impractical or infeasible, the Director may approve an alternate location;
 - 2. Outdoor dining areas and associated structural elements, awnings, covers, furniture, umbrellas, or other physical elements shall be compatible with the overall design of the main structure(s);
 - 3. The use of awnings, plants, umbrellas, and other human scale elements is encouraged to enhance the pedestrian experience;
 - 4. The relationship of outdoor dining areas to churches, hospitals, schools, and residential uses shall be considered by the review authority. Mitigation measures shall be utilized to reduce potential impacts related to glare, light, loitering, noise, and odor; and
 - 5. Outdoor dining areas shall not encroach into required parking areas, shall not obstruct pedestrian traffic, and shall not create traffic hazards.
- D. **Setbacks and snow removal.**

1. Outdoor dining areas may be located in setback areas but shall maintain a minimum five foot setback to property lines or parking lots; however, no outdoor dining area shall encroach into a setback abutting a residential zone.
 2. When an outdoor dining area is located in a required front and street side yard setbacks area and operated between November 1 and April 30, the subject property shall participate in a snow removal maintenance district and shall have a snow removal plan approved by the Public Works Director.
- E. **Clean-up and maintenance.** Outdoor dining areas shall be kept in a clean condition and free of litter and food items that constitute a nuisance to public health, safety, and welfare.
- F. **Parking.** The outdoor eating area shall comply with the parking requirements of Chapter 17.44 (Parking and Loading Standards) for restaurants.
- G. **Sidewalk seating in the Town's right-of-way.** An outdoor dining area may be allowed within the Town right-of-way subject to approval of an encroachment permit by the Director and Public Works Director, provided the following standards, in addition to those listed above, are met:
1. The outdoor dining area does not interfere with vehicular or pedestrian movement or wheelchair access to, through, and around the site on which the outdoor dining area is located;
 2. A minimum access width of six to eight feet shall be maintained along all sidewalks and building entrances accessible to the public. The Public Works Director may require additional minimum access width for high use pedestrian areas;
 3. Outdoor dining areas, including those that do not serve alcohol, shall be separated from the clear pedestrian passage area on the public sidewalk and/or pedestrian walkway by a temporary barrier that is removed when not in use;
 4. All tables, chairs, umbrellas, and other elements located in the Town right-of-way shall be removed when not in use and during snow events;
 5. All businesses with outdoor dining areas in the Town right-of-way shall, prior to the issuance of an encroachment permit, furnish proof of insurance and shall indemnify and hold harmless the Town from any action or expense that may occur as a result of an outdoor dining area being located on any sidewalk or Town right-of-way, satisfactory to the Town Attorney; and
 6. All businesses with outdoor dining areas in the Town right-of-way shall enter into a maintenance agreement with the Town for maintenance of all portions of the Town right-of-way used and approved by the Director and Public Works Director for outdoor dining.

17.52.230 Outdoor Display and Sales Standards

This Section provides location, development, and operating standards for outdoor retail displays and sales, where allowed by Article II (Zoning Districts and Allowable Land Uses). This Section does not apply to special events consistent with Chapter 17.56 (Temporary Uses and Events).

- A. **Temporary outdoor displays and sales.** Temporary outdoor commercial sales and displays conducted in conjunction with an established business shall be subject to the following standards.
1. An administrative permit shall be required for a temporary outdoor display or sale.
 2. Only one temporary outdoor sale or display shall be allowed per property at any one time.
 3. The sale or display shall be directly related to a business occupying a permanent structure on the subject property.
 4. A business shall be limited to three consecutive days of temporary outdoor displays/sales per calendar year. In addition, businesses are allowed one day for set up of the temporary display or sale and one day to remove the temporary display or sale.
 5. The temporary outdoor sale area and display shall not exceed 400 square feet.
 6. An outdoor sale or display shall not be located in a public right-of-way and shall not interfere with emergency vehicular access or pedestrian access.
 7. Temporary structures associated with the outdoor sale or display shall conform to the applicable building height and setback requirements.
 8. Hours of operation shall be limited to daylight hours with all outdoor sales and display items and facilities removed from the site at the close of daily business, unless otherwise approved by the Director.
 9. One sign, not to exceed 20 square feet, is permitted for a temporary outdoor display or sale. Signs shall be in compliance with 17.48.090.N.
- B. **Farmer’s markets, community outdoor markets, and similar larger-scale outdoor displays and sales.** Larger-scale outdoor displays and sales, such as farmer’s markets and similar outdoor sales activities, should be encouraged to animate the community and enliven commercial districts. Larger-scale outdoor displays and sales shall be subject to the following standards.
1. The review authority shall approve the hours of operation and overall duration of the outdoor display and sale.
 2. Outdoor sales and display items and facilities may remain on site at the close of business (i.e., overnight), only if approved by the review authority.
 3. Outdoor displays and sales shall not be located in any residential zone.
 4. The review authority may apply standards similar to those required for temporary and permanent outdoor display and sales and additional standards to minimize potential adverse effects on surrounding properties and infrastructure or on the public health, safety, and welfare.
- C. **Permanent outdoor displays and sales.** Permanent outdoor commercial sales and displays conducted in conjunction with an established business shall be subject to the following standards.

1. An administrative permit shall be required for a permanent outdoor display or sale.
2. The sale or display shall be directly related to a business occupying a permanent structure on the subject property, and shall only display goods of the subject business.
3. An outdoor display or sale area shall occupy a fixed, specifically approved, and defined location that does not disrupt the normal function of the site or its circulation, and does not encroach upon driveways, landscaped areas, required parking spaces, or pedestrian walkways.
4. An outdoor sale or display shall not be located in a public right-of-way, shall not encroach into setbacks, and shall not obstruct intersection visibility or otherwise create a hazard for pedestrian or vehicular traffic.
5. An outdoor display or sale area shall be oriented towards pedestrians.
6. The outdoor display of merchandise shall not exceed a height of seven feet above finished grade, unless a greater height is allowed through use permit approval in compliance with Chapter 17.68 (Use Permits).
7. The Director may require outdoor sales and display areas be screened from the view of adjoining public rights-of-way by decorative walls, fences, or landscaping.
8. Hours of operation shall be limited to business hours with all outdoor sales and display items brought indoors at the close of daily business, unless otherwise approved by the Director.
9. Additional signs, beyond those normally allowed consistent with Chapter 17.48 (Signs), shall not be allowed.

17.52.240 Outdoor Storage and Work Areas

This Section establishes standards for the location, screening, and operation of outdoor storage and work areas in compliance with Article II (Zoning Districts and Allowable Land Uses).

- A. **General requirements.** The outdoor storage of any materials or equipment not accessory to the primary use of the property, including lumber, inoperable vehicles, auto parts, appliances, pipe, drums, machinery, furniture, recycling, or trash which is readily visible from off-site is prohibited, unless otherwise allowed consistent with Chapter 17.28 (Industrial Zoning District). The storage of firewood to be used on the premises shall be allowed.
1. **Location.** The outdoor storage shall not be located within a front yard setback or any required parking or loading area consistent with Chapter 17.44 (Parking and Loading Standards).
 2. **Enclosure required.** The outdoor area used for storage shall be entirely enclosed and screened by a solid wall and solid gate with a minimum height of six feet. The Director may allow the substitution of a different six foot tall screening material, or a solid fence

or a wall with a height of less than six feet after determining that the substitution would adequately comply with the provisions of this section.

3. **Operations.** All raw materials, equipment, finished products, and other materials stored shall:
 - a. Not be placed outside the enclosed storage area;
 - b. Not be stored above the height of the enclosure, except for mechanical equipment; and
 - c. Be stored in a manner that they cannot be blown by wind from the enclosure.
 4. **Landscaping.** Landscaping shall be installed, wherever possible, to lessen the visual impact of an outdoor storage area in compliance with Chapter 17.40 (Water Efficient Landscape Regulations).
 5. **Temporary storage.** For temporary storage requirements see Chapter 17.56 (Temporary Uses and Events).
- B. **Cargo containers.** A cargo container is a metal or similar rectangular shipping container that is otherwise carried on rail cars, truck beds, and/or cargo ships, and is used as a temporary storage container consistent with Chapter 17.56 (Temporary Uses and Events). Unless otherwise allowed consistent with Chapter 17.28 (Industrial Zoning District), a cargo container shall:
1. Only be allowed if unusual circumstances exist that require the use of a temporary storage container, as determined by the Director. Unusual circumstances include, but are not limited to, construction, business relocation, and natural disasters;
 2. Shall be painted or otherwise treated to match or blend with the surrounding environment if authorized for more than 30 days per Subsection 5 below;
 3. Not be visible from a public street;
 4. Not be located in a required parking or landscape area;
 5. Not be located on site more than 30 days during any calendar year, unless otherwise authorized by the Director; and
 6. Not be allowed any signage other than operating company identification which shall include phone number.
 7. Storage containers authorized for more than six months shall have a stable foundation (i.e. compacted base or similar material) and be protected from wind or secured from wind movement.
- C. **Commercial vehicles.**

1. Commercial vehicles, consistent with California Vehicle Code Section 22507.5 (i.e., commercial vehicles having a manufacturer's gross vehicle weight rating of 10,000 pounds or more in a residential district), shall not be parked on any public or private property unless they are in the process of making an immediate pickup or delivery of goods, making service calls to the occupants of the premises, or are on the site of the business owning or operating the vehicle.
2. Except when making delivery or service calls, or except allowed consistent with Mobile Businesses Section 17.52.180, commercial vehicles or vehicles advertising a business pursuant to Chapter 17.48 (Signs), shall be parked on the site of the business and shall not be parked in areas adjacent and highly visible from a street property line. The Director may authorize an alternate location that meets the objectives of this section.

D. Residential zones.

1. ***Vehicles - Transportation.*** Only operable vehicles used primarily for noncommercial transportation may be kept on a driveway. One commercially licensed automobile, pickup truck, or van may be allowed for a home occupation consistent with Section 17.52.140 (Home Occupations) or when the vehicle is also used as the primary vehicle of the resident. There shall be no other vehicle storage between any structure and an adjacent street.
2. ***Vehicles - Recreational.*** Items such as boats, trailers, snowmobiles, and other like recreational vehicles shall be subject to the following standards.
 - a. Recreational type vehicles may be kept outdoors for any period of time, provided that the following standards are met:
 - (1) The required on-site parking is provided;
 - (2) The recreational vehicle parking area is paved; and
 - (3) All other applicable standards, including setbacks and lot coverage, are met.
 - b. Recreational type vehicles not meeting the above standards may be kept outdoors for a period not exceeding seven days in any calendar month. Such vehicles may be kept longer than seven calendar days provided they are not located in a front yard setback and subject to screening by fence, landscaping, or other similar methods as approved by the Director.
 - c. No recreational vehicle shall be used for dwelling purposes.

E. Snow removal equipment. See Chapter 17.56 (Temporary Events and Uses).

17.52.250 Recycling Facilities

This Section establishes standards and procedures for the siting and operation of various types and sizes of commercial recycling facilities, where allowed by Article II (Zoning Districts and Allowable Land Uses). Any recycling facility intending to operate in the town shall comply with the following provisions.

A. **General standards.** All recycling facilities shall comply with the following standards.

1. **Signs.** Facilities shall be provided with identification and information signs as follows, provided the signs are consistent with Chapter 17.48 (Signs).
 - a. Collection containers and reverse vending machines shall be clearly marked to identify the type of material which may be deposited, and display a notice stating that discarded material shall not be left outside of the recycling container or machine;
 - b. The facility shall be clearly marked to identify the name and telephone number of the operator and the hours of operation; and
 - c. Additional informational and/or directional signs may be approved by the Director if found necessary to facilitate traffic circulation, or if the facility is not visible from a public right-of-way.
2. **Refuse disposal.** Facilities shall maintain adequate on-site refuse containers for the disposal of non-recyclable and non-hazardous waste materials.
3. **Noise.** Exterior noise shall meet the requirements of Chapter 8.16 of the Town of Mammoth Lakes Municipal Code.

B. **Reverse vending machines.** A reverse vending machine is an automated mechanical device that accepts at least one or more types of empty beverage containers and issues a cash refund or redeemable credit slip with a value of not less than the container's redemption value, as determined by State law. Reverse vending machines shall comply with the following standards.

1. **Accessory use only.** Each machine shall be installed only as an accessory use to an allowed primary use, and shall not require additional parking.
2. **Location requirements.**
 - a. If located outside of a structure, the machine shall not occupy parking spaces required by the primary use, and shall be located within 30 feet of a building entrance, and shall be constructed of durable waterproof and rust proof materials.
 - b. If located inside of a structure, the machine shall be within 30 feet of the entrance and shall not obstruct pedestrian circulation.
3. **Maximum size.** When located outdoors, the area occupied by the machines shall not exceed a total of five machines with a maximum area of 50 square feet, including any protective enclosure, or eight feet in height.

4. **Signs.** Signs shall not exceed a maximum of four square feet on each machine, exclusive of operating instructions.
 5. **Hours of operation.** The machines shall have operating hours which are the same as the operating hours of the primary use.
 6. **Lighting.** Each machine shall be illuminated to ensure comfortable and safe operation if the operating hours are between dusk and dawn. The lighting shall be in compliance with Subsection 17.36.030 (Exterior Lighting).
- C. **Small collection facilities.** A small collection facility is a use subordinate to and different from the primary use of property, which subordinate use is established for the acceptance of recyclable materials from the public, occupies an area no larger than 500 square feet, and which involves no permanent habitable structures (e.g., facility may include a roof covering for weather protection). A small collection facility may include the following:
1. One or more bulk reverse vending machines (i.e., reverse vending machine(s) larger than 50 square feet, designed to accept more than one container at a time, and issues a cash refund based on a total weight instead of by container);
 2. A mobile recycling unit (i.e., an automobile, truck, trailer, or van used for the collection of recyclable materials, carrying bins, boxes, or other containers);
 3. Other deposit-type facilities that may or may not issue a cash refund; or
 4. A kiosk type unit.
 5. **Development and operating standards.** Small collection facilities shall comply with the following standards.
 - a. **Location requirements.** A small collection facility shall:
 - i. Not be located within 50 feet of any parcel zoned or occupied for residential use; and
 - ii. Be set back at least 10 feet from any public right-of-way, and not obstruct pedestrian or vehicular circulation.
 - b. **Maximum size.** A small collection facility shall not occupy more than 500 square feet or three parking spaces, not including space that would be periodically needed for the removal of materials or exchange of containers.
 - c. **Appearance of facility.** Collection containers and any site fencing shall be of a color and design that is compatible and harmonious with the surrounding uses and neighborhoods.
 - d. **Operating standards.** Small collection facilities shall:

- i. Not use power-driven processing equipment, except for reverse vending machines;
 - ii. Accept only glass, metal, or plastic containers, paper, and reusable items;
 - iii. Use containers that are constructed with durable waterproof and rust proof materials, secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule;
 - iv. Store all recyclable materials in containers;
 - v. Be screened where determined by the review authority to be necessary because of excessive visibility; and
 - vi. Be free of litter and any other undesirable materials. Mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day.
 - e. *Signs.* Identification signs are allowed with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container.
 - f. *Parking requirements.*
 - i. No additional parking space shall be required for customers of a small collection facility located in the established parking lot of the primary use. One additional space shall be provided for the attendant, if needed as determined by the Director.
 - ii. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
 - iii. Use of parking spaces by the patrons and the attendant shall not reduce available parking spaces below the minimum number required for the primary use unless a parking study, determined acceptable by the Director, shows that existing capacity is not fully utilized during the time the recycling facility would be on the site.
- D. **Large collection facilities.** A large collection facility is larger than 500 square feet and/or is the primary use of a property and may include permanent structures. A large collection facility shall comply with the following standards.
 1. **Location requirements.** The facility shall be located a minimum of 50 feet from a parcel zoned or occupied for residential use.
 2. **Container location.** Any containers provided for “after hours” donation of recyclable materials shall be permanently located at least 100 feet from any residential zone, constructed of sturdy, rust proof or painted material, have sufficient capacity to

accommodate materials collected, and be secured from unauthorized entry or removal of materials.

3. **Screening.** The facility shall be located within an enclosed structure or an area enclosed on all sides by a solid masonry wall. The structure or enclosure shall be landscaped or screened on all sides visible from a different zoning designation or from a public street.
4. **Outdoor storage.** Exterior storage of material shall be in sturdy containers, bales, or enclosures that are secured and maintained in good condition. Storage shall be secure and not be visible above the height of the enclosure, solid masonry walls, or other screening methods.
5. **Operating standards.**
 - a. The site shall be maintained to be clean, sanitary, and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.
 - b. Dust, fumes, odor, smoke, or vibration above ambient levels shall not be detectable on adjoining parcels.

E. **Processing facilities.** A processing facility is a building or enclosed space used for the collection and processing of recyclable materials for efficient shipment, or to an end user's specifications. Processing facilities shall comply with the following standards.

1. **Location requirements.** The facility shall be located a minimum of 50 feet from a parcel zoned or occupied for residential use or noise sensitive receptors (e.g., hospital and schools) and shall be located within an enclosed building except for incidental storage.
2. **Limitation on activities.** Allowed activities are limited to baling, briquetting, compacting, crushing, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials. Materials shall be shipped regularly. Transfer station facilities containing organic food waste shall be shipped daily.
3. **Container location.** See Subsection 17.52.250D.2.
4. **Screening.** See Subsection 17.52.250D.3.
5. **Outdoor storage.** See Subsection 17.52.250D.4.
6. **Operating standards.** Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.

17.52.260 Residential Care and Assisted Living Facilities

- A. **Purpose.** The purpose of this section is to ensure affordable care and housing for the elderly, disabled, and other persons in need of supervision or essential assistance for daily living in Mammoth Lakes that is compatible with surrounding land uses in compliance with Article II (Zoning Districts and Allowable Land Uses).

- B. **Density.** The density shall comply with Article II (Zoning Districts and Allowable Land Uses). A density bonus may be utilized if the project meets the applicable density bonus provisions of Article VI (Affordable and Workforce Housing).
- C. **General requirements.**
1. Indoor common areas and living units shall be provided with the necessary safety equipment (e.g., safety bars, etc.), as well as emergency signal/intercom and ADA accessibility, subject to the approval of the Director.
 2. Common entertainment, recreational, and social activity areas shall be provided in a number, size, and scale consistent with the number of living units provided.
- D. **Parking.** On-site parking shall comply with Chapter 17.44 (Parking and Loading Standards).
- E. **Transportation services and facilities.** The project site shall be designed to adequately accommodate transit services to the satisfaction of the Director.

17.52.270 Second Dwelling Units

- A. **Purpose and applicability.** This Section provides the requirements for the establishment of secondary residential dwelling units where allowed by Article II (Zoning Districts and Allowable Land Uses) and consistent with Government Code Section 65852.2.
- B. **General requirements.** All secondary units shall be subject to the following requirements:
1. **Primary dwelling.** A primary dwelling must be in existence on the lot for which the secondary unit is proposed, or a secondary unit may be approved and constructed simultaneously with the approval and construction of the primary dwelling.
 2. **Owner occupancy.** Either the primary or secondary dwelling unit on the site shall be occupied by an owner of the property as their permanent or seasonal residence.
 3. **Rental of unit.** A secondary unit may be rented, but in no case shall both the primary dwelling and secondary unit be rented.
 4. **Sale of unit prohibited.** No secondary unit shall be created for sale or financing through a condominium plan, community apartment plan, housing cooperative, or other subdivision.
 5. **Manufactured home.** A manufactured or modular unit placed on a permanent foundation may be used as a secondary unit in compliance with this section. A mobile home, recreational vehicle, or other movable habitable space that does not comply with the California Building Standards Code shall not be used as a secondary unit.
 6. **Deed restriction or covenant.** Prior to issuance of a certificate of occupancy for the secondary dwelling unit, the owner(s) shall record a deed restriction or covenant acknowledging the requirements contained herein.

- C. **Development standards.** Secondary residential units shall comply with the development standards in Article II (Zoning Districts and Allowable Land Uses) and Article III (Site Planning and General Development Standards), in addition to the following:
1. ***Number of units allowed.*** Only one secondary unit shall be permitted on a lot.
 2. ***Minimum lot size.*** A new secondary unit shall be allowed only on a lot with a minimum area of 7,500 square feet.
 3. ***Location on site.*** The secondary unit shall be either attached to the primary dwelling or detached from the primary dwelling and located on the same lot as the primary dwelling.
 4. ***Required facilities.*** A secondary unit shall contain kitchen and bathroom facilities separate from the primary dwelling.
 5. ***Floor area limitations.***
 - a. ***Maximum floor area – Attached secondary units.*** The floor area of an attached secondary unit shall not exceed 30 percent of the primary dwelling living area (i.e., the interior habitable area of a dwelling unit not including garages).
 - b. ***Maximum floor area – Detached secondary units.*** The floor area of a detached secondary unit shall not exceed 1,200 square feet.
 - c. ***Minimum floor area.*** Regardless of the size of the primary dwelling living area, a secondary unit shall have a minimum gross floor area of 300 square feet.
 6. ***Building separation.*** Building separation shall comply with the California Building Standards Code and Mammoth Lakes Fire Protection District Code.
 7. ***Parking.*** One on-site parking space shall be provided for a secondary unit, in addition to the parking required for the primary dwelling in compliance with Chapter 17.44 (Parking and Loading Standards).
 8. ***Pedestrian access.*** A secondary unit shall have pedestrian access from a public or private road, street, or alley. A driveway may serve as a portion of this walkway.
 9. ***Architectural review.*** Each secondary unit shall be constructed so as to be architecturally compatible with the primary dwelling unit or the immediate neighborhood. Compatibility includes the coordination of exterior colors, materials, roofing, other architectural features, and landscaping.
 10. ***California Building Standards Code requirements.*** Each secondary unit shall be constructed in compliance with all applicable California Building Standards Code requirements.
- D. **Illegal secondary units.** This Section shall not validate any existing illegal secondary units. To convert a non-allowed secondary unit to a legal, conforming unit, the standards and requirements for the conversion shall be the same as for a newly proposed secondary unit.

17.52.280 Telecommunications Facilities

- A. **Purpose.** This Section provides development standards consistent with Federal law to regulate the placement and design of telecommunications facilities so as to preserve the unique visual character of the town, promote the aesthetic appearance of the town, and to ensure public safety and welfare.
- B. **Applicability.** The requirements of this section shall apply to all communications facilities within the town, except the following, which are exempt from this section.
 - 1. Replacement or modification of previously permitted facilities or equipment determined by the Director to be minor in nature that does not increase the number or height of antennas or significantly change or enlarge the ancillary related equipment at the site.
 - 2. One satellite dish antenna per property or residential unit that is one meter or less in diameter or diagonal measurement (approximately 39 inches).
 - 3. Temporary installations for testing for telecommunications purposes only, not to exceed three days duration on any one lot or property for each such purpose.
- C. **Permit requirements.** Table 17.52.280C (Telecommunications Facilities Permit Requirements) outlines the permit requirements for telecommunications facilities based on location, type, size, and quantity, consistent with Article II (Zoning Districts and Allowable Land Uses).

TABLE 17.52.280(C) : TELECOMMUNICATIONS FACILITIES PERMIT REQUIREMENTS					
Location	Type ¹	Size	Quantity	Permit Required	Notes
Residential Zones	Satellite dish antenna (building or ground mounted)	1 meter (39 inches) or less	1 per lot or residential unit	None	No transmitting dish antenna shall be permitted in a residential zone. See 17.52.280E.1
	Satellite dish antenna (ground mounted)	40 inches to 8 feet in diameter	1 per lot or 1 per multi-family residential project	Design review permit	
Non-residential Zones	Satellite dish antenna (building or ground mounted)	40 inches to 6.5 feet in diameter	1 per lot	Design review permit	Receiving and/or transmitting permitted. Must be ancillary to a primary use. See 17.52.280E.2.
	Satellite dish antenna (building or ground mounted)	40 inches to 12 feet in diameter	1 to 3 per lot	Use permit	
	Satellite dish antenna facility	As determined by use permit, but generally no greater than 12 feet in diameter	As determined by use permit	Use permit	Receiving and/or transmitting permitted. May be a primary use. See 17.52.280E.2. and 17.52.280F.
	Cellular wireless communications facilities	As determined by use permit	As determined by use permit	Use permit	

TABLE 17.52.280(C) : TELECOMMUNICATIONS FACILITIES PERMIT REQUIREMENTS					
Location	Type ¹	Size	Quantity	Permit Required	Notes
1. Any facility, including supporting structures and appurtenances, installed to not be visually obtrusive as determined by the Director shall require a design review permit rather than a use permit. Facilities that are not visually obtrusive include, but are not limited to, facilities installed entirely within an existing structure so that no exterior modifications to the existing structure are readily visible.					

D. **General requirements.** All telecommunications facilities shall comply with the following standards.

1. **State, Federal, and Local laws.** All communication facilities, including those exempt from this section, shall comply with all applicable requirements of State, Federal, and local laws including MLFPD requirements.
2. **Design and development standards.** A telecommunications facility, including projections, shall meet the design and development standards for the zone in which it is located, including setbacks and height, unless otherwise specified in this section.
3. **Height measurement.** The height of a telecommunications facility with a moveable or adjustable component shall be measured when actuated to its most vertical position (i.e., measured to the top of its highest potential position).
4. **Colors and materials.** Telecommunications facilities shall have a non-reflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts.
5. **Advertising and graphics.** No advertising, display, or graphic is permitted on any telecommunications facility. A manufacturer’s identification label and/or any government required identification or safety labels or signs may be affixed to a facility or site in a discrete manner as feasible.
6. **Undergrounding required.** All power lines and electrical and antenna wiring shall be placed underground whenever possible.
7. **Effects of development on reception.** The Town shall not be liable if subsequent development impairs reception of any telecommunications facility.
8. **Inoperative facility removal required.** A telecommunications facility and all equipment associated with an approved telecommunications facility shall be removed within six months of the discontinuance of the use and the site shall be restored to its original pre-construction condition, subject to the approval of the Director.

E. **Satellite dish antennas.** A satellite dish antenna is a parabolic, dish-like antenna which transmits and/or receives electromagnetic waves by line of sight for television, data, and/or other telecommunication broadcasts from orbiting satellites.

1. ***Residential zoning district standards.*** In any residential zoning district, antennas shall be subject to the following standards.
 - a. ***Mounting location.*** Only ground-mounted antennas shall be allowed, except for non-ground mounted antennas of one meter (approximately 39 inches). Ground-mounted antennas shall be located in the rear portion of the property (i.e., between the dwelling and rear property line). This provision may be modified by the Director if strict compliance would result in no or poor satellite reception, as established by evidence provided by the applicant.
 - b. ***Size limitations.*** The diameter of a satellite dish antenna shall not exceed eight feet. This provision may be modified by the Director if strict compliance would result in no or poor satellite reception, as established by evidence provided by the applicant.
 - c. ***Height limit.*** The height of an antenna shall not exceed 10 feet. This provision may be modified by the Director to allow an antenna height of up to the maximum permitted height in the applicable zone if strict compliance would result in no or poor satellite reception, as established by evidence provided by the applicant.
 - d. ***Setbacks.*** Satellite dishes and antennas shall maintain the setback requirements set forth for the main structure pursuant to Section 17.36.100G.2 (Setback Requirements and Exceptions - Satellite Dish/Antenna).
 - e. ***Screening.*** The antenna shall be separated from adjoining properties by at least a six foot high solid fence or wall, or by trees and landscaping of equal minimum height approved by the Director. Approval of screening may include reasonable conditions deemed by the Director necessary to minimize the visual impacts of a satellite dish antenna.
 - f. ***Limitation on use.*** The antenna shall be used for private, non-commercial purposes only.
 - g. ***Number of antennas allowed.*** Only one antenna may be allowed on any lot, parcel, or property.
2. ***Non-residential zoning district standards.*** In any non-residential zoning district, antennas shall be subject to the following standards.
 - a. ***Mounting location.***
 - i. Antennas shall be located in the rear portion of the property or structure (i.e., not between the face of the main building and any public street).
 - ii. No dish antenna greater than one meter in diameter (approximately 39 inches) shall be permitted on or above that part of a pitched roof sloping towards and having visibility from a street facing property line.

- iii. These provisions may be modified by the Director if strict compliance would result in no or poor satellite reception, as established by evidence provided by the applicant.
 - b. *Size limitations.* The diameter of a satellite dish antenna shall not exceed 12 feet; however, the Commission may approve a larger diameter antenna for a satellite dish antenna facility subject to use permit approval.
 - c. *Screening.* Antennas shall be screened from public view and surrounding parcels. If building-mounted, the antennas shall be screened from ground view by a parapet or other type of screening that blends with the structure.
 - d. *Security.* Ground mounted dish antenna shall be secured from access to the general public by fencing or other deterring device or means as the Town may approve or require so the antenna is not an attractive nuisance.
- F. **Cellular wireless communications facilities.** A cellular wireless communications facility is a type of remote communication installation that includes a grouping or series of antennas that transmit, relay, and receive radio waves, together with equipment that is functionally integrated into a communication system. Cellular wireless communication facilities shall comply with the following requirements.
- 1. ***Application requirements.*** In addition to the information required for a use permit by Chapter 17.68 (Use Permits), the application for a cellular wireless communications facility shall include:
 - a. A map showing planned and/or anticipated future needs of wireless communication services and facilities within and throughout the town, including a discussion of existing local network facilities and service gaps;
 - b. An alternative site analysis detailing the specific steps undertaken to determine the applicant's selection of a particular site consistent with Subsection 17.52.280F.2; and
 - c. Microwave interference and radiation data and specifications, including a report to evaluate the potential for interference with Police Department and other emergency service providers' communications.
 - 2. ***Site selection.*** Sites for cellular wireless communications facilities shall be selected according to the following order of preference:
 - a. On or within existing structures (e.g., church steeple, roof top stairwell or equipment enclosures, etc.).
 - b. Co-location facilities (i.e., locating equipment from more than one provider on a single facility).

- c. In locations where existing topography, vegetation, or other structures provide the greatest amount of screening.
 - d. On parcels which will not require significant visual mitigation.
3. ***Design standards.*** Facilities shall be designed, installed, modified, and maintained in compliance with the following standards; except that any standard may be modified or waived by the Commission upon a determination that effective signal reception and transmission will not occur if the facility complies with these standards.
- a. ***Location.***
 - i. Facilities shall be located either within a structure, underground, in the rear portion of the property (not visible from the public right-of-way), or on a screened roof top area.
 - ii. Facilities shall not be located in a required parking, maneuvering, or vehicular or pedestrian circulation area.
 - a. ***Screening.***
 - i. If new building features or other site improvements are necessary for the support of the antennas, they shall be minimized in scale or be designed to architecturally match or compatibly blend with the structure and site to which they are attached.
 - ii. If a new freestanding tower or monopole is necessary for the support of the antennas, it shall be located near existing utility poles, trees, or other similar objects, and consist of colors and materials that best blend with the background.
 - iii. The facility shall comply with all additional measures deemed necessary to mitigate the visual impact of the facility as determined by the Commission.
 - b. ***Anti-graffiti.*** All ground mounted equipment shall be covered with a clear anti-graffiti type material of a type approved by the Director or shall be adequately secured to prevent graffiti.
 - c. ***Security.*** Facilities shall be secured from access to the general public by fencing or other deterring device or means as the Town may approve or require so the facility is not an attractive nuisance.
4. ***Operation and maintenance standards.***
- a. ***Contact and site information.*** The owner or operator of any facility shall submit and maintain current at all times basic contact and site information. The Department shall be notified by the owner or operator within 30 days of any change, including change of the name or legal status of the owner or operator.

- b. *Facility maintenance.* All communications facilities and related equipment, including lighting, fences, shields, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage from any cause shall be repaired as soon as reasonably possible.
5. *Financial security.* The Director may require the applicant to post a financial security acceptable to the Director to ensure that approved facilities are properly maintained, and guarantee that the facilities are dismantled and removed from the premises and the site reclaimed if it has been inoperative for a one year period, or upon expiration of the permit. Financial assurance shall be an amount determined by a California licensed engineer, and approved by the Public Works Director, and shall cover the costs associated with the demolition, removal, and reclamation of the facility site in the event the owner or operator abandons operations.

17.52.290 Transitional and Supportive Housing

Transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.

17.52.300 Wind Energy Conversion Systems (WECS).

This Section establishes standards for wind energy conversion systems (WECS) with the intent to take advantage of renewable energy while minimizing potential adverse effects on surrounding properties and infrastructure or on the public health, safety, and welfare.

- A. **Permits requirements.** Table 17.52.300(A) (Wind Energy Conversion Systems Permit Requirements) outlines the permit requirements for WECS based on location, type, height, and quantity, consistent with Article II (Zoning Districts and Allowable Land Uses). A building permit, issued by the Town, shall be obtained prior to the installation of a WECS.

TABLE 17.52.300(A): WIND ENERGY CONVERSION SYSTEMS PERMIT REQUIREMENT					
Location	Type	Height	Quantity	Permit Required	Notes
Residential Zones	Private, non-commercial ¹	Shall not exceed the maximum permitted height within the applicable zone ²	1 per lot	Use Permit	Must be an accessory use
Commercial Zones and All Other Zones Not Specifically Addressed	Private, non-commercial ¹	Shall not exceed the maximum permitted height within the applicable zone ²	1 or more per lot	Use permit	
Industrial Zone and Public and Quasi-Public Zone	Private, non-commercial ¹	Shall not exceed the maximum permitted height within the applicable zone ²	1 per lot	Design review permit	
	Windfarm ³		More than 1 per lot	Use permit	May be a primary use
1. A private, non-commercial WECS is installed on a developed property for the purposes of providing energy for on-site consumption. 2. The Commission may allow the height of a WECS to exceed the maximum permitted height within the applicable zone if strict compliance to the height limit would result in no or poor productivity, as established by evidence provided by the					

applicant. The Commission may require larger setbacks if additional height is allowed.

3. A windfarm is multiple WECS installed at a single property or area for the purpose of generating larger quantities of electrical or mechanical power for transmission to a public or private utility.

B. **Application.** An application for a WECS shall be made to the Department on a form provided for that purpose pursuant to Chapter 17.60 (Applications, Processing, and Fees). All required information identified on the form shall be provided by the applicant, in addition to the following information:

1. Direction of prevailing winds across the project site;
2. Manufacturer and model designation, rated kilowatt capacity, overall machine height, total blade diameter, rated maximum rotor rotations per minute, and other manufacture's data sufficient to determine compliance with this section;
3. Location and type of security fencing and/or screening; and
4. Proof of liability insurance consistent with Subsection 17.52.300C.11.

C. **General requirements.** All WECS shall comply with the following standards.

1. **Design and development standards.** A WECS shall meet the design and development standards for the zone in which it is located unless otherwise specified in this section.
2. **Height measurement.** The height of a WECS shall be measured to the top of the WECS, including any blade when at its highest point.
3. **Height limit.** The height of WECS shall not exceed the maximum permitted height within the applicable zone. This provision may be modified by the Commission if strict compliance would result in no or poor productivity, as established by evidence provided by the applicant. The Commission may require larger setbacks if additional height is allowed.
4. **Setback measurement.** Setbacks shall be measured to the outer edge of a WECS, including any blade when at its maximum horizontal extension.
5. **Setbacks.** A WECS shall maintain the same minimum setbacks required for a primary structure within the applicable zone.
6. **Colors and materials.** A WECS shall have a non-reflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts.
7. **Advertising and graphics.** No advertising, display, or graphic is permitted on any WECS. A manufacturer's identification label and/or any government required identification or safety labels or signs may be affixed to a facility or site in a discrete manner as feasible.

8. ***Undergrounding required.*** All wiring or any associated and ancillary equipment, batteries, devices, structures, or support(s) for any WECS, shall be placed underground whenever possible.
 9. ***Noise.*** WECS shall comply with Chapter 8.16 (Noise Regulation).
 10. ***Security and safety.*** WECS shall be secured from access to the general public by fencing or other deterring device or means as the Town may approve or require so the WECS is not an attractive nuisance. WECS shall either have tower climbing apparatus located not closer than 12 feet to the ground or be un-climbable by design for the first 12 feet.
 11. ***Proof of liability insurance.*** The owner of any WECS shall provide, as part of the permit application submittal, proof of liability insurance that specifically addresses the installation, use, and maintenance of the WECS.
 12. ***Effects of development on productivity.*** The Town shall not be liable if subsequent development impairs the productivity of any WECS.
 13. ***Inoperative facility removal required.*** Any WECS that is not operated for a continuous period of six months shall be considered abandoned. A WECS and all equipment associated with an approved WECS shall be removed within six months of the discontinuance of the use and the site shall be restored to its original pre-construction condition, subject to the approval of the Director.
- D. **Private, non-commercial WECS.** A private, non-commercial WECS shall be subject to the following standards.
1. ***Location.*** A WECS, including associated and ancillary equipment, batteries, devices, structures, or supports, shall be located in the rear portion of the property (i.e., between the primary structure and rear property line). This provision may be modified by the Commission if strict compliance would result in no or poor productivity, as established by evidence provided by the applicant.
 2. ***Screening.*** The WECS shall be separated from adjoining properties by at least a six foot high solid fence or wall, or by trees and landscaping of equal minimum height approved by the Commission. Approval of screening may include reasonable conditions deemed by the Commission necessary to minimize the visual impacts of a WECS.
 3. ***Net-metering.*** A private, non-commercial WECS may be net-metered with written authorization provided by the utility company. Net-metering is a service to an electric consumer under which electric energy generated by that electric consumer from an eligible on-site generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electrical utility to the electric consumer during the applicable billing period. Net-metering does not allow the sale of power back to the electric company or into the wholesale electricity market.
- E. **Windfarm WECS.** Windfarm WECS shall be screened from public view and surrounding parcels to the satisfaction of the Commission.

Chapter 17.56 Temporary Uses and Events

17.56.010	Purpose of Chapter
17.56.020	Applicability
17.56.030	Exempt Temporary Uses and Events
17.56.040	Requirements for Specific Temporary Uses and Events
17.56.050	General Requirements for All Temporary Uses

17.56.010 Purpose of Chapter

This Chapter provides standards for short-term commercial uses and events that may not meet the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature.

17.56.020 Applicability

Temporary uses are short-term activities that might not meet the normal development or use standards of the applicable zoning district, but are acceptable because of their temporary nature.

17.56.030 Exempt Temporary Uses and Events

The following temporary uses and events are not subject to the requirements of this chapter, and are also not subject to the permit requirements established by Article II (Zoning Districts and Allowable Land Uses).

- A. **Approved Public Assembly Sites.** A temporary event conducted in an approved place of public assembly, such as a theater, convention center, meeting hall, public school events on school property, or sports facility.
- B. **Garage sales.** Garage sales where such are conducted for less than five days in any six month period. Garage or yard sales in excess of this limit shall be prohibited in all residential zones.
- C. **Temporary uses and events on public lands.** Temporary uses and events conducted on land or within a structure under the control and ownership of a public agency, provided that all requirements of the public agency and the Police and Fire Department are met.
- D. **Private Parties.** Private non-commercial events/parties held at a residence.
- E. **Emergency Facilities.** Emergency public health and safety needs/land use activities.
- F. **Emergency Shelters.** Temporary emergency shelters shall be permitted in any zoning district for a maximum of 30 days in any 90-day period, provided that the facilities are approved by the Building Department and Mammoth Lakes Fire Protection District prior to use.
- G. **Construction Yards and Offices.** On-site contractors' construction yards and offices, in conjunction with an approved construction project.

- H. **Construction Trailers.** Mobile homes or trailers used as residences for security purposes on the site of an active construction project.
- I. **Cargo/Storage Containers.** Cargo containers or semitrailers used for storage purposes not to exceed 15 days in any calendar year.
- J. **Similar Temporary Uses.** Similar temporary uses which, in the opinion of the Director, do not require an administrative permit and are compatible with the zoning district and surrounding land uses.

17.56.040 Requirements for Specific Temporary Uses and Events

The following temporary uses and events are subject to an administrative permit, and shall comply with the following standards.

- A. **Events.** Circuses, carnivals, and similar transient amusement enterprises in any commercial or industrial zone subject to no more than 30 days of site occupation and operation in any calendar year.
- B. **Festivals.** Music festivals, outdoor art and craft shows and exhibits, and similar outdoor entertainment activities in any zone except single family residential and rural residential, subject to a limitation on the number of days of operation as determined by the Director.
- C. **Seasonal Sales Lots.** Seasonal sales activities for Thanksgiving, Christmas, or other holidays, on non-residential properties, including temporary residence/security trailers.
- D. **One Day Events.** Special one-day events such as local service club breakfasts, bingo, or Monte Carlo nights in any zone except single family residential. This provision does not apply to events within an approved public assembly site or any other location described in 17.56.030.
- E. **Sports Events.** Special sports events such as running races or bicycle races in any zone.
- F. **Commercial filming.** Commercial filming may be authorized on properties within residential, commercial/industrial, and special purpose zoning districts.
- G. **Snow Chain Installers.** Snow chain installers on commercially zoned parcels.
- H. **Snow Removal Equipment (Residential Zone).** Storage of snow removal equipment in a residential zone, pursuant to the following restrictions:
 - 1. In any residential zone, one piece of snow removal equipment may be maintained at the home of the business operator from November 1st through April 30th.
 - 2. If the vehicle/equipment is maintained at the home of the business owner or primary operator and is stored within a standard garage at all times, this one vehicle/equipment may be stored year round; providing, such equipment is not used for any non-snow removal business from the residential zone.
- I. **Snow Removal Equipment (Commercial Zones).** Storage of snow removal equipment in a commercial zone, pursuant to the following restrictions:

1. Snow removal vehicles/equipment may be stored outdoors between November 1st and April 30th.
 2. Snow removal vehicles/equipment may be stored outdoors between May 1st and October 31st only in the Mixed Lodging/Residential District (MLR) zone and only to accommodate the needs of the lodging project with no off-site work being permitted at any time.
 3. This section applies to snow removal operations only and does not permit the outdoor storage and/or industrial use of other heavy equipment not intended for snow removal.
 4. Snow removal vehicles/equipment may be permitted within an enclosed building all year in any zone.
- J. **Off-Site Snow Storage.** Off-site snow storage is any snow storage that involves the use of public rights-of-way to access snow storage sites.
- K. **Temporary Freestanding Campaign Offices.** Campaign offices in any commercial or industrial zone subject to no more than seventy continuous days of site occupation and operation in any calendar year. Temporary campaign offices within an existing suite do not require an administrative permit.
- L. **Similar Temporary Uses.** Similar temporary uses which, in the opinion of the Director, require an administrative permit and are compatible with the zoning district and surrounding land uses.

17.56.050 General Requirements for All Temporary Uses

- A. **Cumulative time limits.** Temporary uses shall not be allowed on or within a parcel, shopping center, professional center, or business park for more than 90 days in any calendar year.
- B. **Building Permits.** Any new structure or any new electrical service connection shall require a Building Permit unless specifically exempted by the California Building Standards Code.
- C. **County Health Department approval.** All temporary uses are, where applicable, subject to the issuance of a Certificate of Operation from the Mono County Health Department for all temporary uses involving the handling of foods.
- D. **Parking.** Adequate temporary parking facilities, pedestrian and vehicular circulation, including vehicular ingress and egress and public transportation shall be provided in compliance with the requirements of the Director. The Director may require parking areas to be surfaced with crushed rock or other surface(s).
- E. **Site restoration.**
 1. The subject site shall be restored to its original condition within five days from the date of termination of the permit.
 2. The Director may require the submission of a performance bond or other surety measures, in compliance with Public Works Performance Guarantee requirements, to ensure that any temporary facilities or structures used will be removed from the site

within a reasonable time following the event, the property will be cleaned of debris, litter, or any other evidence of the temporary event upon completion or removal of the event, restored to the former condition, and shall continue to be used in compliance with this Zoning Code.

- F. **Operating hours.** The Director may regulate operating hours and days, including limitation of the duration of the temporary use.
- G. **Nuisance factors.** The Director may apply conditions to regulate nuisance factors including prevention of glare or direct illumination on adjoining parcels, dirt, dust, gases, heat, noise, odors, smoke, waste, and vibration.
- H. **Screening required.** The Director may require temporary outdoor sales areas to be screened from adjoining public rights-of-way by temporary decorative walls, fences, and/or landscaping.
- I. **Security.** Security and safety measures shall be provided in compliance with the requirements of the Police Chief.
- J. **Waste collection and disposal.** Provisions shall be made for solid waste collection, recycling and/or disposal, in compliance with the requirements of the Director.
- K. **Other conditions.** The Director may impose any other conditions which will ensure the operation of the proposed temporary use or event in an orderly and efficient manner and in full compliance with the purpose/intent of this chapter.

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Article IV
Land Use and Development Permit Procedures

Chapter 17.60 Applications, Processing, and Fees

- 17.60.010 Purpose of Chapter
- 17.60.020 Authority for Land Use and Zoning Decisions
- 17.60.030 Concurrent Permit Processing
- 17.60.040 Application Preparation and Filing
- 17.60.050 Application Fees
- 17.60.060 Initial Application Review/Environmental Assessment
- 17.60.070 Application Review and Decision
- 17.60.080 Appeals
- 17.60.090 Post Approval Procedures

17.60.010 Purpose of Chapter

This Chapter provides procedures and requirements for the preparation, filing and processing of applications for land use permits and other entitlements required by this Zoning Code.

17.60.020 Authority for Land Use and Zoning Decisions

Table 17.60.030 (Review Authority) identifies the Town official or body responsible for reviewing and making decisions on each type of application, land use permit, and other entitlements required by this Zoning Code.

17.60.030 Concurrent Permit Processing

When a single project incorporates different land uses or features so that this Zoning Code requires multiple land use permit applications, and/or the project involves a land use permit application and a Tentative Map, all the applications shall be reviewed, and approved or denied, concurrently by the highest level review authority assigned by Table 17.60.030 to any of the required applications. (For example, a project that requires a Zoning Map amendment and a Use Permit shall be reviewed, and approved or denied by the Council, where a Use Permit application by itself would normally be reviewed and acted upon by the Commission.)

TABLE 17.60.030: REVIEW AUTHORITY				
Type of Permit or Decision	Refer to Chapter	Role of Review Authority ¹		
		Director ²	Planning and Economic Development Commission	Town Council
Adjustment	Chapter 17.76	Decision	Appeal	Appeal
Administrative Permit	Chapter 17.84	Decision	Appeal	Appeal
Design Review - Minor	Chapter 17.88	Decision	Appeal	Appeal
Design Review - Major	Chapter 17.88		Decision	Appeal
Film Permit	N/A	Decision	Appeal	Appeal
General Plan Amendment	Chapter 17.112		Recommend	Decision
Lot Line Adjustment	Subdivision Ordinance	Decision	Appeal	Appeal

TABLE 17.60.030: REVIEW AUTHORITY				
<i>Type of Permit or Decision</i>	<i>Refer to Chapter</i>	<i>Role of Review Authority²</i>		
		<i>Director²</i>	<i>Planning and Economic Development Commission</i>	<i>Town Council</i>
Master Plan	Chapter 17.120		Recommend	Decision
Master Sign Program	Chapter 17.48		Decision	Appeal
Sign Permit	Chapter 17.48	Decision	Appeal	Appeal
Specific Plan	Chapter 17.116		Recommend	Decision
Tentative Parcel Map	Subdivision Ordinance		Decision	Appeal
Tentative Tract Map	Subdivision Ordinance		Decision	Appeal
Time Extension	Chapter 17.64	Original Review Authority		
Tree Removal Permit	Section 17.36.050B	Decision	Appeal	Appeal
Use Permit	Chapter 17.68		Decision	Appeal
Variance	Chapter 17.72		Decision	Appeal
Zoning Code Amendment	Chapter 17.112		Recommend	Decision
1. "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals of an earlier decision, in compliance with Chapter 17.104 (Appeals). 2. The Director may refer any matter subject to his/her decision to the Commission, so that the Commission may instead make the decision.				

17.60.040 Application Preparation and Filing

- A. **Application contents.** The preparation and filing of applications for land use permits, amendments (e.g., General Plan, Zoning Map, or Zoning Code), and any other matters pertaining to this Zoning Code shall comply with the following requirements:
 - 1. Applications shall include the forms provided by the Department, and all information and materials required by the Application Requirements list provided by the Department for the specific type of application;
 - 2. Applications shall be filed with the Department; and
 - 3. It is the applicant's responsibility to provide evidence in support of the findings required for the approval of the application by this chapter.
- B. **Eligibility for filing.** Applications may be made by the owner of the subject property, by a lessee, or any other person, with the written consent of the property owner.
- C. **Time for filing.** Any land use permit required by this Zoning Code shall be filed with the Director, processed and approved before the approval of any Building, Grading, or other

construction permit or other authorization required by the Municipal Code or this Zoning Code for the proposed use or structure.

- D. **Concept Review.** Prospective applicants and agents are encouraged to request a concept review prior to completion of project design and the formal submittal of a permit application. A request by an applicant for concept review, accompanied by preliminary project plans and designs, will be reviewed by the Planning Division, the Commission, and, in some cases, the Advisory Design Panel. The Planning Division will inform the applicant of Town requirements as they apply to the proposed development project, provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible alternatives or modifications to the project, based on identified development standards and other adopted policies and regulations, and identify technical studies that may be necessary for the environmental review process when a formal application is filed.

17.60.050 Application Fees

- A. **Fee schedule.** The Council shall, by resolution, establish a schedule of fees for permits, amendments, and other matters pertaining to this Zoning Code. The schedule of fees may be changed or modified only by resolution of the Council.
- B. **Timing of payment.** No application shall be deemed complete, and processing shall not commence on any application until all required fees or deposits have been paid. Failure to timely pay required fees and/or deposits shall be a basis for denial or revocation of any permit or other requested entitlement, notwithstanding any other provisions of this Zoning Code. Processing shall not commence on any application until all required fees have been paid.
- C. **Refunds and withdrawals.** Recognizing that filing fees cover the costs of public hearings, posting, transcripts, and staff time involved in processing applications, refunds due to a denial are not allowed, except in the case of an appeal hearing by the Council in compliance with Chapter 17.104 (Appeals). In the case of a withdrawal, the Director may authorize a partial refund based upon the Director's determination of pro-rated costs to-date and the status of the application at the time of withdrawal.
- D. **Cost accounted projects.** All direct costs of processing, reviewing, reporting, hearing, and acting upon applications shall be borne by the applicant. Costs shall be reimbursed to the Town whether the application is approved, approved in modified form, or denied by the hearing body. An initial deposit shall be required by the Town based upon an estimate of the municipal costs associated with processing, including pre-application meetings. The Town shall then charge its expenses against the deposit. If funds deposited are insufficient to cover the Town's costs, work on the application shall cease until adequate funds are deposited and/or Town expenditures are fully reimbursed. Adequate notice shall be given to the applicant when insufficient funds are remaining to process the application.
- E. **Development agreements.** The applicant shall pay the fees and charges established by the Town Council for the filing and processing of a development agreement. Additionally, appropriate fees may be established and collected for periodic reviews conducted by the Town in compliance with State law and Section 17.108.090 (Periodic Review).

17.60.060 Initial Application Review/Environmental Assessment

All applications filed with the Department in compliance with this Zoning Code shall be initially processed as follows:

- A. **Completeness review.** The Director shall review all applications for completeness and accuracy before they are accepted as being complete for processing.
1. **Notification of applicant.** The applicant shall be informed as required by the Government Code, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in writing, shall be provided before it can be accepted for processing.
 2. **Appeal of determination.** Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the determination in compliance with Chapter 17.104 (Appeals).
 3. **Environmental information.** The Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with Subsection C., below.
 4. **Expiration of application.** If the applicant does not provide sufficient information to complete an application within 90 days after notification that the application is incomplete, the application shall be deemed withdrawn, unless an extension is granted by the Director. A new application, including fees, plans, exhibits, and other materials that will be required to commence processing of any development project on the same property, may then be filed in compliance with this Article.
- B. **Referral of application.** At the discretion of the Director, or where otherwise required by this Zoning Code, State or Federal law, any application filed in compliance with this Zoning Code may be referred to any public agency that may be affected by or have an interest in the proposed land use activity.
- C. **Environmental assessment.**
1. All development applications shall be reviewed as required by the California Environmental Quality Act (CEQA), to determine whether the proposed project is exempt from the requirements of CEQA or is not a project as defined by CEQA, whether a Negative Declaration may be issued, or whether an Environmental Impact Report (EIR) shall be required.
 2. These determinations and, where required, the preparation of environmental documents shall comply with the CEQA Guidelines.

17.60.070 Application Review and Decision

- A. **Project review procedures.** Each application shall be analyzed by the Director to ensure that the proposed uses/activities and development are consistent with the content, purpose, and intent of this Zoning Code, any applicable design guidelines, the CEQA Guidelines, the General Plan, and

any applicable Specific Plan. Additionally, any application which may involve substantial grading shall require the submittal of preliminary grading plans for review and recommendation by the Town Engineer.

- B. **Notice and hearings.** A land use permit application will be scheduled for a public hearing only after the Director has determined the application complete, in compliance with Section 17.60.060A (Completeness Review). Noticing of the public hearing will be given in compliance with Chapter 17.124 (Public Hearings).

17.60.080 Appeals

The decision of the Director or Commission, as applicable, shall be considered final unless an appeal is filed in compliance with Chapter 17.104 (Appeals). The decision of the Director or Commission, or any condition of approval, is appealable to the Council.

17.60.090 Post Approval Procedures

The following procedures shall apply following the approval of the permit or entitlement.

- A. **Expiration and extensions.** Time limits for the expiration of approved land use permits, and procedures for obtaining extensions of time are established by Chapter 17.64 (Permit Implementation, Time Limits, and Extensions).
- B. **Phasing.** Requirements for the development of approved projects in multiple phases are established by Chapter 17.64 (Permit Implementation, Time Limits, and Extensions).
- C. **Building Permit.** Building permits may be issued after all applicable terms and conditions of the land use permit approval have been satisfied. Any land use permit issued in compliance with this Zoning Code shall conform to all applicable provisions of this Zoning Code.
- D. **Certificate of Occupancy.** The Certificate of Occupancy may be issued after all conditions have been fulfilled to the satisfaction of the Director.
- E. **Minor changes.** The Director may approve minor changes (e.g., colors, elevations, exterior materials, hours of operation, landscaping, walls/fences, etc.) to required conditions and operating standards of an approved land use permit. The minor changes shall be in compliance with Section 17.64.070 (Changes to an Approved Project).
- F. **Major changes.** The original review authority may approve major changes to required conditions and operating standards of an approved permit or entitlement, in compliance with Section 17.64.070 (Changes to an Approved Project). The requirements and procedures contained in this Zoning Code shall apply to any application for a major change, which shall constitute a project requiring environmental review under CEQA.
- G. **Revocation.** The original review authority may revoke or modify a land use permit approval in compliance with Chapter 17.128 (Revocations and Modifications).

Chapter 17.64 Permit Implementation, Time Limits, and Extensions

17.64.010	Purpose of Chapter
17.64.020	Effective Date of Permits
17.64.030	Applications Deemed Approved
17.64.040	Permits to Run with the Land
17.64.050	Performance Guarantees
17.64.060	Time Limits and Extensions
17.64.070	Changes to an Approved Project
17.64.080	Resubmittals
17.64.090	Covenants of Easement

17.64.010 Purpose of Chapter

This Chapter outlines requirements for the implementation or “exercising” of the permits or entitlements required by this Zoning Code, including time limits and procedures for extensions of time.

17.64.020 Effective Date of Permits

A. Effective after appeal period.

1. The approval of a planning permit shall become effective the day after the appeal period has ended and upon receipt by the Community and Economic Development Department of the approval signed by the applicant agreeing to the conditions of approval, provided that no appeal of the approval has been filed in compliance with Chapter 17.104 (Appeals).
2. For concurrent applications, the effective date of all permits shall be after the last appeal period associated with any one permit has ended and upon receipt by the Community and Economic Development Department of the approval signed by the applicant agreeing to the conditions of approval, provided that no appeal of the approvals has been filed in compliance with Chapter 17.104 (Appeals).

- B. **Effective date if appeal filed.** If the appeal of a decision approving a planning permit is filed in a timely manner, the permit or entitlement shall be placed on hold pending the final decision on the appeal pursuant to Chapter 17.104 (Appeals). If the final decision is to deny the appeal, the permit or entitlement shall become effective following the final decision on the appeal and upon receipt by the Community and Economic Development Department of the approval signed by the applicant agreeing to the conditions of approval. If the final decision is to approve the appeal, the permit or entitlement shall be deemed void.

17.64.030 Applications Deemed Approved

A planning permit application that is deemed approved by operation of law in compliance with Government Code Section 65956 shall be subject to all applicable provisions of this Zoning Code, which shall be satisfied by the applicant before any building permit is issued or a land use not requiring a building permit is established.

17.64.040 Permits to Run with the Land

Planning permit approvals granted in compliance with Chapter 17.60 (Applications, Processing, and Fees) shall run with the land through any change of ownership of the subject site, from the effective date of the permit, unless otherwise stated in the conditions of approval or in any case where a permit expires and becomes void in compliance with Section 17.64.060. All applicable conditions of approval shall continue to apply after a change in property ownership, unless otherwise stated in the conditions of approval.

17.64.050 Performance Guarantees

A permit applicant may be required by conditions of approval, action of the Director, or as otherwise provided in the Municipal Code to provide adequate security, in a form specified in the conditions of project approval, to guarantee the faithful performance of any or all conditions of approval imposed on the permit.

17.64.060 Time Limits and Extensions**A. Time limits.**

1. ***Lapse of permit.*** Unless conditions of approval or other provision of this Zoning Code establishes a different time limit, any permit or approval, including all phases of the permit or approval, not exercised within two years of the effective date shall expire and become void, except where an extension of time is granted in compliance with Subsection 17.64.060B.
2. ***Permit implementation – Commencement of use.*** A permit shall not be deemed “exercised” until the permittee has actually obtained a building permit and commenced construction, or where no building permit is required, has actually commenced the allowed use on the subject site in compliance with the conditions of approval; construction shall be diligently pursued toward completion. If a project is to be developed in approved phases, the permit or approval for the phased project shall not be deemed exercised until all project phases are exercised.
3. ***Concurrent applications.*** For concurrent applications, the longest time limit associated with any one permit shall apply to all of the other concurrent permits. All permits that are associated with the approval of a tentative map shall have the same expiration date as the tentative map; however, no permit approved in conjunction with a tentative map shall expire and become void sooner than one year after the approval of the final map.
4. ***Expiration by nonuse.*** Any permit shall expire and be deemed void when the use allowed by the permit is discontinued for a continuous period of two years. However, if a certificate of occupancy is issued for the structure associated with the use and all other conditions of approval of the permit are satisfactorily completed, the permit remains in effect even if the structure is vacant for more than two continuous years, provided that no use may be reestablished in the structure and/or on the site unless the use is determined by the Director to be substantially the same as the original permit approval, and there have been no substantial changes in the conditions or circumstances of the site or project.

- B. **Extensions of time.** Upon written request by the applicant, the original review authority (e.g., the Director, Commission, or Town Council) may extend the time for an approved planning permit to be exercised.
1. **Application for extension.** The applicant shall file a written request for an extension of time with the Director before the expiration of the permit, together with the filing fee required as established by the Town Council.
 2. **Suspension of expiration.** Upon the filing of an extension request in compliance with this chapter, the time limit for expiration of a permit shall be suspended until a decision on the extension request is made by the original review authority.
 3. **Review procedure.** The original review authority shall make determinations in compliance with Subsection 17.64.060B.4 prior to taking action on a time extension request. A public hearing is not required for a time extension request.
 4. **Action on extension request.** The original review authority shall approve, conditionally approve, or deny a time extension request. The original review authority may approve a time extension request only after all of the following findings are made:
 - a. The applicant has made a good faith effort to exercise the permit and comply with the conditions of approval in a timely manner. The burden of proof is on the applicant to establish, with substantial evidence, that circumstances beyond the control of the applicant have prevented exercising the permit;
 - b. The permit is still in compliance with the General Plan, this Zoning Code, and any applicable specific plan;
 - c. The original conditions of approval have been modified or new conditions have been imposed as deemed reasonable and necessary to ensure that the approval will remain in compliance with the findings required by this Zoning Code for the applicable permit; and
 - d. The original review authority shall make project specific findings to support the decision.
 5. **Length of extension allowed.** The original review authority may grant a permit extension for a period or periods not exceeding a total of six years beyond the expiration date of the original approval, not to exceed a total of eight years of life; provided the original review authority first finds the extension consistent with Subsection 17.64.060B.4. Time extensions for tentative maps and permits associated with tentative maps shall be consistent with Government Code Sections 66452.6.e, 66452.12, 66452.21, and any other statute extending the life of tentative maps.
- C. **Effect of expiration.** After the expiration of a planning permit in compliance with Subsection 17.64.060A, no further work shall be done on the site until a new planning permit and any required building permit or other Town permits are first obtained.

17.64.070 Changes to an Approved Project

An approved development or new land use authorized through a planning permit granted in compliance with this Zoning Code shall be established, maintained, or operated only as approved by the Town, and in compliance with any conditions of approval, except when changes to a project are approved in compliance with this section.

- A. **Application.** An applicant shall request a proposed change in writing, and shall also furnish appropriate supporting information and materials explaining the reasons for the request. The required filing fee shall also be provided. A change may be requested either before or after construction, or establishment and operation of the approved land use.
- B. **Extent of changes allowed.** Generally, minor changes to an approved project may be approved, modified, or denied by the Director, while major changes shall be approved, modified, or denied by the original review authority (e.g. the Director, Commission, or Town Council), unless expressly stated otherwise by the conditions of approval imposed on the project, as follows (also see Subsections 17.60.090E and 17.60.090F – Post Approval Procedures):
1. **Minor changes.** The Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved land use where the Director first finds that the changes:
 - a. Are consistent with all applicable provisions of this Zoning Code, and the approval will remain in compliance with the findings required by this Zoning Code for the applicable permit;
 - b. Do not involve a feature of the project that was a basis for or subject of findings in a negative declaration or environmental impact report for the project;
 - c. Do not involve a feature of the project that was specifically addressed or was a basis for conditions of approval for the project or that was a specific consideration by the review authority in the project approval; and
 - d. Do not result in an expansion in the scope or intensity of the use.
 2. **Major changes.** The original review authority may authorize major changes to an approved site plan, architecture, or the nature of the approved land use subject to the following:
 - a. A new planning permit application or modification of the existing permit has been processed in the same manner as the original permit in compliance with this Zoning Code.
 - b. If the permit for which a change is being requested originally required a noticed public hearing, the review authority shall hold a noticed public hearing on the proposed change(s) in compliance with Chapter 17.124 (Public Hearings).
 - c. If a new land use permit or modification of an existing land use permit is subsequently approved by the review authority, any previously approved land use

permit shall be deemed void and superseded by the new land use permit or modification.

17.64.080 Resubmittals

For a period of one year following the denial of a discretionary planning permit, entitlement, or amendment, no application for the same or substantially similar discretionary permit, entitlement, or amendment for the same parcel shall be filed, except as otherwise specified at the time of denial. The Director shall determine whether the new application is the same or substantially similar as a previously denied application.

17.64.090 Covenants of Easement

- A. **Covenant may be required.** When necessary to achieve the land use goals of the Town, the Town may require a property owner(s) holding property in common ownership to execute and record a covenant of easement in favor of the Town for parking, ingress, egress, emergency access, light and air access, landscaping, or open space purposes pursuant to Government Code Section 65871. The covenant may be imposed as a condition of approval by the Director, Commission, or Town Council.
- B. **Release of covenant.** A covenant may be released by the Town, at the request of any person, in the same manner as a street or highway vacation in accordance with the General Vacation Procedure in the Street and Highway Code (Sections 8320-8325). The Town may impose fees to recover the Town's reasonable cost of processing a request for a release from those persons requesting the release. The required fees shall be as established by the Town Council.

Chapter 17.68 Use Permits

17.68.010	Purpose of Chapter
17.68.020	Applicability
17.68.030	Application filing, initial processing
17.68.040	Hearings and notice
17.68.050	Findings and Decision
17.68.060	Conditions of Approval
17.68.070	Use Permit to Run with the Land
17.68.080	Changes to a use permit
17.68.090	New applications

17.68.010 Purpose of Chapter

- A. This Chapter establishes procedures for the review, and approval or denial of Use Permits, which are required by Article II (Zoning Districts and Allowable Land Uses) and/or any other section of this Code which requires a Use Permit for land use activities which may be desirable in the applicable zoning district and compatible with adjacent land uses, but whose effects on a site and surroundings cannot be determined before being proposed for a particular location.
- B. The process includes the review of the location, design, configuration, and potential impacts of the proposed use, to evaluate the compatibility of the proposed use with surrounding uses and the suitability of the use to the site.

17.68.020 Applicability

A use permit is required to authorize proposed land uses and activities identified by Article II (Zoning Districts and Allowable Land Uses) as being allowable in the applicable zoning district subject to the approval of a use permit and to authorize modifications to previously approved use permits.

17.68.030 Application filing, initial processing

An application for a use permit, or modification of an existing use permit, shall be prepared, filed, and processed in compliance with Chapter 17.60 (Applications Processing, and Fees) and shall include all information specified by the Department.

17.68.040 Hearings and notice

Upon a determination that the use permit application is in proper form and deemed complete, the Commission shall hold at least one public hearing, in compliance with Chapter 17.124 (Public Hearings).

17.68.050 Findings and Decision

Following a public hearing, the Commission may approve a use permit application, with or without conditions, only if all of the following findings can be made:

- A. That the proposed use is consistent with all applicable sections of the General Plan and Title 17 and is consistent with any applicable specific plan or master plan;

- B. That the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety nor materially injurious to properties or improvements in the vicinity; and
- C. The Commission shall make such other findings as deemed necessary to support approval or denial of the proposed use.

17.68.060 Conditions of Approval

- A. **Review authority may impose conditions.** In approving a use permit, the Commission may impose specific development conditions relating to the construction (both on- and off-site improvements), establishment, maintenance, location, and operation of the proposed activity, as it finds are reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 17.68.050 (Findings and Decision).
- B. **Examples of appropriate conditions.** Appropriate conditions may include but not be limited to buffers, hours of operation, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, periodic review of the permit with authority to modify or add new conditions based on the results of the review, property maintenance, signs, specified duration for the permit, surfacing, traffic circulation, etc.

17.68.070 Use Permit to Run with the Land

A use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application. The applicant shall sign an agreement indicating acceptance of the conditions of approval of the use permit, if any, and willingness to abide by all such conditions. A copy of this agreement shall be recorded in the office of the clerk/recorder of the county.

17.68.080 Changes to a use permit.

Changes to a use permit may be approved in compliance with Section 17.60.090 (Post Approval Procedures) or imposed pursuant to Chapter 17.128 (Revocations and Modifications).

17.68.090 New applications

Following the denial of a use permit application or the revocation of a use permit, no application for a new use permit for the same or substantially the same use or site shall be filed within one year from the date of denial or revocation of the use permit; provided, however, that the Commission may deny or revoke without prejudice, thereby allowing an earlier re-application.

Chapter 17.72 Variances

17.72.010	Purpose of Chapter
17.72.020	Applicability
17.72.030	Application Filing, Processing, and Review
17.72.040	Findings and Decision
17.72.050	Conditions of Approval
17.72.060	Post Approval Procedures

17.72.010 Purpose of Chapter

The purpose of this chapter is to allow for variances from the development standards of this Zoning Code only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning district.

17.72.020 Applicability

- A. **Variances allowed.** The Commission may grant a variance from the requirements of this Zoning Code. The power to grant variances does not extend to use regulations, density regulations, specific prohibitions, or procedural requirements.

17.72.030 Application Filing, Processing, and Review

- A. **Filing.** An application for a variance shall be made to the Community and Economic Development Department on a form provided for that purpose pursuant to Chapter 17.60 (Applications, Processing, and Fees). All required information identified on the form shall be provided by the applicant, and any additional information required by the Director in order to conduct a thorough review of the proposed project. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 17.72.040 (Findings and Decision).
- B. **Notice and public hearing.** After a variance application is deemed complete, the Director shall prepare a report to be submitted to the Commission and made available to the applicant. The Commission shall conduct a public hearing on an application for a variance. Public hearings shall be conducted in compliance with Chapter 17.124 (Public Hearings). Notice of public hearings shall be given in compliance with State law.

17.72.040 Findings and Decision

The Commission shall approve, conditionally approve, or deny a variance application. The Commission's decision shall be recorded in writing with the findings upon which the decision is based, in compliance with Government Code 65906. The Commission may approve a variance application, with or without conditions, only after all of the following findings are made:

- A. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Zoning Code deprives the property of privileges enjoyed by other property in the vicinity and under the identical zoning district;

- B. The approval of the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zone;
- C. Granting the variance would not authorize a use or activity which is not otherwise expressly authorized by the zone governing the property for which the application is made;
- D. Granting the variance would not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located;
- E. The variance is consistent with the General Plan and any applicable specific plan;
- F. The variance is the minimum departure from the requirements of this Zoning Code necessary to grant relief to the applicant, consistent with Subsections A and B, above; and
- G. The approval of the variance is in compliance with the requirements of the California Environmental Quality Act.

17.72.050 Conditions of Approval

In approving a variance, the Commission may impose conditions of approval to ensure that the project will comply with the findings required by 17.72.040.

17.72.060 Post Approval Procedures

The procedures and requirements in Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), Chapter 17.104 (Appeals), and Chapter 17.128 (Revocation and Modifications), shall apply following a decision on a variance.

Chapter 17.76 Adjustments

- 17.76.010 Purpose of Chapter
- 17.76.020 Applicability
- 17.76.030 Application
- 17.76.040 Findings and Decision
- 17.76.050 Post Approval Procedures

17.76.010 Purpose of Chapter

The purpose of this chapter is to allow for minor adjustments to certain development standards of this Zoning Code when such requests constitute a reasonable use of property but is not permissible under the strict application of this Zoning Code.

17.76.020 Applicability

The Director may grant an adjustment for only the development standards identified in Table 17.76.020 (Adjustments). The Director may choose to refer any adjustment application to the Commission for review and decision. An adjustment may be granted only once for a specific type of request per parcel. A request which exceeds the limitation identified in Table 17.76.020 (Adjustments) shall require the filing of an application for a variance (Chapter 17.72).

TABLE 17.76.020: ADJUSTMENTS	
<i>Types of Adjustments Allowed</i>	<i>Maximum Adjustment</i>
1. Lot area, width, or depth. A decrease of the required lot area, width or depth.	10%
2. Lot coverage. An increase of the maximum allowable lot coverage (e.g. 40% maximum allowable lot coverage increased to 42%).	5%
3. Setbacks. A decrease of the required front, side, or rear yard setback.	20%
4. Distance between structures. A decrease of the minimum required distance between structures located on the same parcel.	20%
5. Projections. An increase of the allowable projections into a required setback, but no closer than three feet to any property line.	10%
6. Structure height. An increase in the maximum permitted height.	10%
7. Fence or wall height. An increase in the maximum permitted height.	10%
8. Parking. A decrease in the number of required parking spaces.	See Chapter 17.44 (Parking and Loading Standards)
9. Signs. See Chapter 17.48 (Signs).	See Chapter 17.48 (Signs)

17.76.030 Application

An application for an adjustment shall be made to the Community and Economic Development Department on a form provided for that purpose pursuant to Chapter 17.60 (Applications, Processing, and Fees). All required information identified on the form shall be provided by the applicant, and any additional information required by the Director in order to conduct a thorough review of the proposed project. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 17.76.040 (Findings and Decision).

17.76.040 Findings and Decision

After an adjustment application is deemed complete, the Director shall approve, conditionally approve, or deny an adjustment application. The Director may approve an adjustment application, with or without conditions, only after the following findings are made:

- A. The findings necessary to grant a variance (Subsection 17.72.040); or
- B. A significant public benefit will result (e.g. protection of trees or other significant features, enhanced circulation, or improved landscaping or snow storage); or
- C. Increased safety of occupants or the public would result.
- D. For adjustments to setbacks or the distance between structures, a finding shall also be made that adequate snow storage and shedding areas are provided.

17.76.050 Post Approval Procedures

The procedures and requirements in Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), Chapter 17.104 (Appeals), and Chapter 17.128 (Revocation and Modifications), shall apply following a decision on an adjustment.

Chapter 17.80 Reasonable Accommodation

17.80.010	Purpose of Chapter
17.80.020	Applicability
17.80.030	Application Filing, Processing, and Review
17.80.040	Findings and Decision
17.80.050	Post Approval Procedures

17.80.010 Purpose of Chapter

The purpose of this chapter is to outline the process for reasonable accommodation requests consistent with federal and state fair housing laws.

17.80.020 Applicability

The Director may grant a deviation from the development standards of this Zoning Code to accomplish a reasonable accommodation of the needs of a disabled person.

17.80.030 Application Filing, Processing, and Review

- A. **Application filing.** An application for a reasonable accommodation shall be made on a form provided for that purpose pursuant to Chapter 17.60 (Applications, Processing, and Fees). The applicant shall also provide information identifying the individual's disability under the Fair Housing Act and why the accommodation is necessary to make the specific housing available to the individual. No fee shall be required for a reasonable accommodation request.
- B. **Processing and review.** After the application is deemed complete, the Director shall approve, conditionally approve, or deny the reasonable accommodation request based on the findings in Section 17.80.040.

17.80.040 Findings and Decision

The Director may approve a reasonable accommodation request only after the following findings are made:

- A. That the housing that is the subject of the request for reasonable accommodation is for a person or people with a disability;
- B. That the reasonable accommodation is necessary to make specific housing available in compliance with federal and state fair housing laws;
- C. That the request will not impose an undue financial or administrative burden on the Town;
- D. The request will not result in a fundamental alteration in this Zoning Code and/or procedures of the Town; and
- E. The reasonable accommodation is the minimum departure from the requirements of this Zoning Code necessary, consistent with Subsections A and B, above.

17.80.050 Post Approval Procedures

The procedures and requirements in Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), Chapter 17.104 (Appeals), and Chapter 17.128 (Revocation and Modifications), shall apply following a decision on a reasonable accommodation.

Chapter 17.84 Administrative Permits

17.84.010	Purpose of Chapter
17.84.020	Applicability
17.84.030	Application Filing, Initial Processing
17.84.040	Findings
17.84.050	Conditions of Approval

17.84.010 Purpose of Chapter

This Chapter establishes procedures for the review, and approval or denial of administrative permits, which are required by Article II (Zoning Districts and Allowable Land Uses) for land use activities that may be desirable in the applicable zoning district and compatible with adjacent land uses, but whose effects on a site and surroundings cannot be determined before being proposed for a particular location.

17.84.020 Applicability

An administrative permit is required to authorize proposed land uses and activities identified by Article II (Zoning Districts and Allowable Land Uses) and/or any other section of this Code which requires an administrative permit as being allowable in the applicable zoning district subject to the approval of an administrative permit and to authorize modifications to previously approved administrative permits.

17.84.030 Application Filing, Initial Processing

An application for an administrative permit shall be made to the Department on a form provided for that purpose pursuant to Chapter 17.60 (Applications, Processing, and Fees). All required information identified on the form shall be provided by the applicant, and any additional information required by the Director in order to conduct a thorough review of the proposed project. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 17.84.040 (Findings).

17.84.040 Findings

The Director may approve an administrative permit application, with or without conditions, only if all of the following findings can be made:

- A. The proposed use is consistent with all applicable sections of the General Plan and this Title and is consistent with any applicable specific plan or master plan;
- B. The proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health and safety nor be materially injurious to properties or improvements in the vicinity; and
- C. Any other findings as the Director deems necessary to support approval or denial of the proposed use.

17.84.050 Conditions of Approval

- A. **Review authority may impose conditions.** In approving an administrative permit, the Director may impose specific development conditions relating to the construction (both on- and off-site improvements), establishment, maintenance, location, and operation of the proposed activity, as

are found reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 17.84.040 (Findings).

- B. **Examples of appropriate conditions.** Appropriate conditions may include but not be limited to location of buildings and parking areas; the payment of drainage fees; requirement of special yards, open spaces, buffers, fences and walls; installation and maintenance of landscaping; requirement of street dedications and improvements; regulation of points of vehicular ingress and egress; regulation of circulation; regulation of signs; regulation of hours of operation and methods of operation; control of potential nuisances; prescription of development schedules and development standards; and other similar conditions.

Chapter 17.88 Design Review

17.88.010	Purpose of Chapter
17.88.020	Applicability
17.88.030	Application Filing, Processing, and Review
17.88.040	Scope of Design Review
17.88.050	Design Review Criteria
17.88.060	Findings, Conditions, and Decision

17.88.010 Purpose of Chapter

This Chapter is intended to implement the design review procedural requirements of the Town of Mammoth Lakes Design Guidelines. In addition to the objectives outlined in Chapter 17.04 (Purpose and Effect of Zoning Code) and the Town of Mammoth Lakes Design Guidelines, the design review requirements outlined in this chapter are included to achieve the following purposes:

- A. Implement the goals, policies and objectives of the General Plan related to community design and character;
- B. Promote excellence in site planning and design and the harmonious appearance of buildings and sites and ensure the man-made environment is designed to complement, not dominate, the natural environment;
- C. Regulate the design, coloration, materials, illumination, and landscaping of new construction, and renovations within the town in order to maintain and enhance the image, attractiveness, and environmental qualities of the town as a mountain resort community;
- D. Ensure that new landscaping provides a visually pleasing setting for structures on the site and within the public right-of way and to prevent indiscriminate destruction of trees and natural vegetation, excessive or unsightly grading, indiscriminate clearing of property, and destruction of natural significant landforms;
- E. Ensure that the architectural design of structures and their materials and colors are appropriate to the function of the project and the high-elevation climate of Mammoth Lakes and are visually harmonious with surrounding development and natural landforms, trees, and vegetation; and
- F. Supplement other Town regulations and standards in order to ensure control of aspects of design that are not otherwise addressed.

17.88.020 Applicability

Design review is required for new construction, reconstruction, rehabilitation, alteration, or other projects involving improvements to the exterior of a structure, site, or parking area.

- A. **Exempt Projects.** The following are exempt from design review.
 - 1. Construction, reconstruction, alterations, improvements, and landscaping for a project developed in compliance with a previous design review approval.

2. New one-and two-unit residential structures and second units, except those in the Rural Residential Zone above 8,250 feet in elevation, and except where one developer or builder is constructing residential structures on five or more adjoining lots;
 3. Additions to residential structures with four units or less and second units (except those in the Rural Residential Zone above 8,250 feet in elevation);
 4. Additions and alterations to existing buildings and structures (except those in the Rural Residential Zone above 8,250 in elevation) that will not increase the gross floor area of the building by more than 10 percent, will not involve exterior alterations along any street-facing façade, and will match the existing or historic design of the building;
 5. New construction of an emergency shelter or renovation of an existing building to create an emergency shelter;
 6. Additions of floor area within an existing building envelope;
 7. Routine maintenance not resulting in change in color or materials;
 8. Installation of landscaping under 2,500 square feet where no other project is planned;
 9. Signs are subject to the design review requirements of Chapter 17.48, Signs; and
 10. Alterations and improvements required in whole or part to meet federal or State requirements to accommodate persons with disabilities.
- B. Minor Design Review.** Minor design review by the Director or designee is required for the following projects:
1. New three and four-unit residential structures;
 2. New single-family residential units in the Rural Residential Zone above 8,250 feet in elevation that are not located within the Snow Deposition Design Zone.
 3. As required in applicable specific and master plans; and
 4. All other projects subject to design review that do not meet the criteria for major design review and which are not exempt.
- C. Major Design Review.** Major design review by the Commission is required for the following projects, unless subject to minor design review or exempt:
1. All projects that require a permit for new construction, reconstruction, rehabilitation, alteration, or other projects that require Commission approval, unless subject to minor design review or exempt.
 2. New single-family residential units in the Rural Residential Zone above 8,250 feet in elevation located within the Snow Deposition Design Zone.

3. New residential structures with five or more units, including those where one developer or builder is constructing residential structures on five or more adjoining lots,
4. All projects in the Commercial Zoning Districts which are not exempt or subject to minor design review, and
5. As required in applicable specific and master plans.

17.88.030 Application Filing, Processing, and Review

- A. **Applications.** An application for design review shall be made to the Department on a form provided for that purpose pursuant to Chapter 17.60 (Applications, Processing, and Fees). All required information identified on the form shall be provided by the applicant, and any additional information required by the Director in order to conduct a thorough review of the proposed project. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 17.88.060 (Findings, Conditions, and Decision).
- B. **Design Guidelines.** Design Guidelines adopted by the Town Council provide recommendations to be used in the design review process. They are intended to promote high-quality and thoughtful site and building design; visually interesting, appropriate, well-crafted and maintained buildings and landscaping; the use of durable high-quality, and natural materials that reflect Mammoth Lakes' character and mountain setting; and attention to the design and execution of building details and amenities in both public and private projects.
- C. **Assignment of Design Review Responsibilities.**
 1. **Major Design Review.** The Commission shall have design review authority for all projects requiring major design review.
 2. **Minor Design Review.**
 - a. The Director or designee shall have design review authority for all projects that require minor design review.
 - b. The Director or designee may refer items directly to the Commission when, in their opinion, the public interest would be better served by having the Commission conduct design review.

17.88.040 Scope of Design Review

Design review shall be based on consideration of the requirements of this chapter as they apply to the design of the site plan, structures, lighting, landscaping, and other physical features of a proposed project, including:

- A. Building proportions, massing, and architectural details;
- B. Site design, orientation, location, and architectural design of buildings relative to existing structures, outdoor areas, walkways, trails, and streets on or adjacent to the property; topography; trees and vegetation, and other physical features of the natural and built environment;

- C. Size, location, design, development, and arrangement of circulation, parking, pedestrian ways, and other paved areas;
- D. Exterior colors and materials as they relate to each other, to the overall appearance of the project, the mountain environment, and to surrounding development;
- E. Height, materials, colors, and variety of fences, walls, and screen plantings;
- F. Location and screening of mechanical equipment and refuse storage areas;
- G. Location, design, and compliance of exterior lighting features;
- H. Location and type of landscaping including selection, size, and water-efficiency of plant materials, design of hardscape, and irrigation; and
- I. Size, location, design, color, lighting, and materials of all signs.

17.88.050 Design Review Criteria

When conducting design review, the review authority shall evaluate applications to ensure that they satisfy the following criteria, conform to the policies of the General Plan and any applicable specific or master plan, the Town's Design Guidelines, and are consistent with any other policies or guidelines the Town Council may adopt for this purpose. To obtain design review approval, projects must satisfy these criteria to the extent they apply.

- A. The site design and building design elements including the architectural style, size, design quality, use of building materials, and similar elements, combine together in an attractive and visually cohesive manner that is compatible with and complements the desired architectural and/or aesthetic character of the area and a mountain resort community, encourages increased pedestrian activity, and promotes compatibility among neighboring land uses.
- B. The design of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the character of commercial districts and nearby residential neighborhoods.
- C. Parking areas are located, designed and developed to foster an implement the planned mobility system for the area; buffer surrounding land uses; minimize visibility; prevent conflicts between vehicles and pedestrians and cyclists; minimize stormwater run-off and the heat-island effect; and achieve a safe, efficient, and harmonious development.
- D. Down-directed and shielded lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, minimize light pollution and trespass, and avoid creating glare.
- E. Landscaping is designed to conserve water resources, promotes a natural aesthetic, and be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape.

17.88.060 Findings, Conditions, and Decision

- A. **Findings.** A Design Review application may only be approved if the review authority finds that the application is consistent with the purposes of this chapter and with the following:
1. The applicable standards and requirements of this Code.
 2. The General Plan and any applicable specific plan or master plan;
 3. The Town of Mammoth Lakes Design Guidelines and any applicable design guidelines adopted by the Town Council;
 4. The applicable design criteria in Section 17.88.050, Design Review Criteria; and
 5. Any approved tentative map, use permit, variance, or other planning or zoning approval that the project required.
- B. **Conditions of Approval.** In granting design review approval, the review authority may impose conditions that are reasonably related to the application and deemed necessary to achieve the purposes of this chapter and ensure compliance with the applicable criteria and standards established by this Code. The review authority may not impose conditions that require a reduction in the residential density or the Floor Area Ratio (FAR) otherwise allowed by this Code or a valid use permit or variance.
- C. **Decision.** Design review decisions are subject to the appeal provisions of Chapter 17.104 (Appeals).

Article V
Zoning Code Administration

Chapter 17.96 Administrative Responsibility

- 17.96.010 Purpose of Chapter
- 17.96.020 Planning Agency Defined
- 17.96.030 Planning and Economic Development Commission
- 17.96.040 Community and Economic Development Director

17.96.010 Purpose of Chapter

This Chapter describes the authority and responsibilities of Town staff and official bodies in the administration of this Zoning Code, in addition to the Council.

17.96.020 Planning Agency Defined

The functions of a Planning Agency shall be performed by the Mammoth Lakes Town Council, Planning and Economic Development Commission, Director, and Community and Economic Development Department in compliance with State law (Government Code Section 65100), and the Municipal Code.

17.96.030 Planning and Economic Development Commission

A. **Appointment and Meetings.** Appointments to the Commission and the scheduling and conduct of Commission meetings shall be in compliance with Chapter 2.32 of the Municipal Code.

B. **Duties and authority.** The Commission shall:

1. Conduct public hearings and approve or deny applications for Use Permits, Tentative Maps, and Variances; and make recommendations to the Council on Development Agreements, Zoning Code and Zoning Map Amendments, General Plan Amendments, Specific Plans, environmental documents, and other applicable policy or ordinance matters related to the Town's planning process; and
2. Perform any other responsibilities assigned by the Council.

17.96.040 Community and Economic Development Director (“Director”)

A. **Appointment.** The Director shall be appointed by the Town Manager.

B. **Duties and authority.** The Director shall:

1. Head and manage the functions of the Community and Economic Development Department;
2. Have the responsibility and authority to approve or deny applications for Zoning Code Interpretations, Lot Line Adjustments, Sign Permits, Design Review, Administrative Permits; and
3. Perform any other responsibilities assigned by the Town Manager and/or Council. The responsibilities of the Director may also be carried out by the Department staff under the supervision of the Director.

Chapter 17.100 Nonconforming Uses, Structures, and Parcels

17.100.010	Purpose
17.100.020	Exceptions
17.100.030	Continuation and Maintenance
17.100.040	Alterations and Additions to Nonconforming Uses and Structures
17.100.050	Restoration of a Damaged Nonconforming Structure
17.100.060	Loss of Nonconforming Status
17.100.070	Nonconforming Parcels
17.100.080	Nonconforming Due to Lack of Use Permit
17.100.090	Nonconforming Signs
17.100.100	Nuisance Abatement

17.100.010 Purpose of Chapter

This chapter establishes uniform provisions for the regulation of legal nonconforming structures, land uses, and parcels. Within the zoning districts established by this Zoning Code, there exist structures, land uses, and parcels that were lawful prior to the adoption or amendment of this Zoning Code, but which would be prohibited, regulated, or restricted differently under the terms of this Zoning Code or future amendments. It is the intent of this chapter to encourage the continuing improvement of the Town by limiting the extent to which nonconforming structures and uses may continue to be used, expanded, or replaced, while allowing for reasonable improvements for appearance, maintenance, and safety. Generally, this chapter is intended to be administered in a manner that encourages the eventual elimination of these nonconformities.

17.100.020 Exceptions

- A. A structure that is nonconforming due to the lack of compliance with off-street parking standards shall be permitted to undergo changes in use or other improvements in compliance with this Title, and as provided in Section 17.44.030 (Number of Parking Spaces Required).
- B. No existing use of land or structure shall be deemed nonconforming because of the lack of screening or landscaping required by various chapters of this Code.
- C. Nothing in this chapter pertaining to nonconforming uses or structures shall be construed or applied so as to require the termination or removal, or so as to prevent the modernization, replacement, repair, alteration or rebuilding of public services or public utility uses, structures, equipment and facilities provided that there is no change of use or increase in the area utilized by the nonconforming use or structure.

17.100.030 Continuation and Maintenance

- A. A use lawfully occupying a structure or a site that does not conform with the use regulations or the site area regulations for the zone in which the use is located shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided in this chapter.
- B. A structure lawfully occupying a site that does not conform with the standards for front yard, side yards, rear yard, height, coverage, distances between structures, or other development standards

for the zone in which the structure is located, shall be deemed to be a legal nonconforming structure and may be used and maintained, except as otherwise provided in this chapter.

- C. A parcel that was legally created but that does not conform with the property development standards for the zone in which the parcel is located shall be deemed to be a legal nonconforming parcel and may be used, developed, and maintained, except as otherwise provided in this chapter.
- D. A nonconforming use, structure, and/or parcel may be continued, transferred, or sold, provided that no such use or structure shall be enlarged or increased, except as otherwise provided in this chapter.
- E. Routine maintenance and repairs may be performed on a structure or site if either the use and/or the structure itself is nonconforming.
- F. Nonconforming residential and commercial driveways may continue to be maintained and repaired until such a time that the driveway is reconstructed, fully or partially realigned, modified dimensionally, connected to a new structure, or a change is made to any structure on the property that would require that the structure be brought into compliance with current codes and standards.

17.100.040 Additions and Alterations to Nonconforming Uses and Structures

- A. **Nonconforming use in a conforming structure.**
 - 1. No structure, the use of which is nonconforming shall be moved, altered or enlarged unless required by law, or unless the moving, alteration, or enlargement will result in the elimination of the nonconformity, except as permitted in this chapter.
 - 2. No nonconforming use shall be enlarged or extended in such a way as to occupy any more of the structure or site or occupy another structure or site which it did not occupy at the time it became a nonconforming use, or in such a way as to displace any conforming use occupying a structure or site.
- B. **Changes to a nonconforming structure.** Alterations and/or additions may be made to a nonconforming structure as follows:
 - 1. Additions may be made to nonconforming structures provided that the addition is no more than 25 percent of the existing building floor area, excluding garages. Additions may be made no more than once every three years. All improvements shall comply with California Building Standards Code requirements.
 - 2. No nonconforming structure shall be altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yard, side yards, rear yard, height of structures, distances between structures, or usable open space prescribed in the regulations for the zone in which the structure is located. No nonconforming structure shall be moved or enlarged unless the new location or enlargement shall conform to the standards for front yard, side yards, rear yard, height of structures, and distances between structures, or usable open space prescribed in the regulations for the zone in which the structure is located.

3. Alterations that do not impact the exterior of a building, such as an interior remodel, are permitted to occur in a nonconforming structure without limitation, except as otherwise prohibited by this chapter.

C. Structures crossing a property line.

1. If an owner wishes to relocate a structure that is deemed nonconforming because it crosses a property line so that it is within the property lines, that effort shall be subject to all building and zoning code requirements in place at the time of relocation.
2. Construction of a new structure on a site containing a building that crosses a property line, or additions to a nonconforming building that crosses a property line, shall not be permitted unless the nonconformity is eliminated.
3. Repairs to, or maintenance of, structures crossing a property line, including interior remodels, are permitted, provided that they comply with all building and zoning code requirements in place at the time of work.

- D. Seismic retrofitting and California Building Standards Code compliance.** A nonconforming structure may undergo alterations, reconstruction, or repair to improve seismic safety or to comply with California Building Standards Code requirements, provided that the work is exclusively to comply with applicable earthquake safety standards and the California Building Standards Code, and does not change the structure's footprint or height. The extent of these improvements shall not be limited in scope by the building's existing floor area or other requirements of this chapter.

17.100.050 Restoration of a Damaged Nonconforming Structure

- A. Whenever a nonconforming structure or a structure housing a nonconforming use is destroyed to the extent of 50 percent of the replacement value or less, the structure may be restored and the nonconforming use may be resumed, provided that restoration is started within one year and diligently pursued to completion. When the destruction exceeds 50 percent of the replacement value or the structure is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full conformity with the regulations of the zone in which it is located and the nonconforming use shall not be resumed.
- B. Existing legal residential uses in any zone may be reinstated when the structure in which they were located has been destroyed, provided that the new structure meets the property development standards for the zone in which it is located.
- C. Nonconforming multi-family structures that are destroyed to the extent of more than 50 percent of the floor area of the structure may be rebuilt subject to approval of a use permit and compliance with California Government Code Section 65852.25. Notwithstanding the foregoing, the Town may prohibit reconstruction pursuant to Government Code Section 65852.25.

17.100.060 Loss of Nonconforming Status

- A. **Termination by discontinuance.**

1. If a nonconforming use of land or structure is discontinued for a continuous period of one year or more all rights to legal nonconforming status shall terminate.
 2. The Director shall determine discontinuance based on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation. The one-year period shall not apply if the Director determines that legitimate and continual efforts to reuse the subject property have been made during the one-year period.
 3. The Director may grant an administrative permit to allow an extension of the one-year period for a period not to exceed an additional one year if the Director finds that circumstances of a significant or unusual nature prevent or have prevented the timely reestablishment of the use or structure. The applicant shall file an application for the administrative permit for the extension request prior to expiration of the original one-year period.
 4. Without further action by the Town, further use of the site or structure shall comply with all of the current regulations of the applicable zoning district and all other applicable provisions of this Code.
- B. **Termination by destruction.** Nonconforming status shall terminate if a nonconforming structure, or a structure occupied by a nonconforming use, is involuntarily damaged or destroyed, except as otherwise provided in this chapter.

17.100.070 Nonconforming Parcels

- A. **Legal building site.** A nonconforming parcel that does not comply with the applicable access, lot area, buildable area, width, or depth requirements for the regulations for the zoning district in which it is located shall be considered a legal building site if it meets at least one of the criteria specified by this section. It shall be the responsibility of the applicant to produce sufficient evidence to establish the applicability of one or more of the following:
1. ***Approved subdivision.*** The parcel was created by a recorded subdivision map or a certificate of compliance;
 2. ***Individual parcel legally created by deed.*** The parcel is under one ownership and of record, and was legally created by a recorded deed prior to the effective date of the amendment or adoption of the land use regulation that made the parcel nonconforming;
 3. ***Variance or lot line adjustment.*** The parcel was approved through the variance procedure in compliance with Chapter 17.72 (Variances) or resulted from a lot line adjustment as provided by the Town's Subdivision Ordinance; or
 4. ***Partial government acquisition.*** The parcel was created in compliance with the provisions of this Zoning Code, but was made nonconforming when a portion of the parcel was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the yard facing any public right-of-way was decreased not more than 50 percent.

- B. **Subdivision or adjustment of a nonconforming parcel.** No subdivision or lot line adjustment shall be approved that would increase the nonconformity of an existing parcel.

17.100.080 Nonconforming Due to Lack of Required Permit

- A. **Conformity of uses requiring a use permit.** Any use existing at the time of adoption or amendment of this Zoning Code, in any zoning district that allows the use subject to the granting of an administrative permit or a use permit, shall be deemed a conforming use if there is no administrative permit or use permit, but only to the extent that it previously existed, including maintaining the same site area boundaries and hours of operation. Any expansion or change in the intensity of the use requires an administrative permit or a use permit.
- B. **Previous planning permits in effect.** Any use in existence by virtue of a use permit issued in compliance with the regulations in effect at the time of application for any land use activity which, under the new regulations is not allowable by use permit, may continue, but only in compliance with the provisions and terms of the original administrative permit or use permit. If the use permit specified a termination date, then the use shall terminate in compliance with the original permit. If a use formerly required an administrative permit or a use permit in a particular zoning district and the use has become an allowed use within that district, the prior permit is deemed rescinded.

17.100.090 Nonconforming Signs

Nonconforming signs shall be permitted to be continued and maintained, repaired, altered, or may lose their nonconforming status in compliance with Section 17.48.130 (Nonconforming Signs).

17.100.100 Nuisance Abatement

In the event that a nonconforming use or structure is found to constitute a public nuisance, appropriate action shall be taken in compliance with Chapter 8.20 (Nuisances).

Chapter 17.104 Appeals

- 17.104.010 Purpose of Chapter
- 17.104.020 Allowable Appeals
- 17.104.030 Filing and Processing of Appeals

17.104.010 Purpose of Chapter

This Chapter provides procedures for appealing determinations and actions made by the Director or Commission.

17.104.020 Allowable Appeals

Determinations and actions that may be appealed, and the authority to act upon an appeal shall be as follows.

- A. **Director decisions.** Any decision by the Director including administrative permits may be appealed to the Commission by any aggrieved person.
- B. **Commission decisions.** Any decision by the Commission may be appealed to the Council by any aggrieved person.
- C. **Council review/appeal.**
 - 1. Any member of the Council within 15 calendar days from the date of the review authority's action may request the opportunity to review/discuss any decision rendered by the Director or Commission.
 - 2. The Council may conduct an appeal of any decision by the Director or Commission at the next available Council meeting if a member of the Council has requested the opportunity to review the decision within 15 calendar days from the date of the review authority's action. A majority vote of the Council is required to initiate the appeal.
- D. **Statute of limitations.** Any action challenging a decision of the Council shall be filed with the Superior Court of the County of Mono within 30 days after the decision of the Council. Absent such timely and properly filed action, the decision of the Council shall be final on all matters.

17.104.030 Filing and Processing of Appeals

- A. **Timing and form of appeal.**
 - 1. Appeals shall be submitted in writing, and filed with the Town Clerk, on a Town application form, within 15 days from the date of the review authority's action except as allowed by Section 17.104.020C.
 - 2. The appeal shall state the pertinent facts of the case and the basis for the appeal.
 - 3. Appeals shall be accompanied by the filing fee set by the Council's Fee Resolution.

- B. Scheduling of hearing and Director's report.** When an appeal has been filed, the Director shall schedule the matter for consideration by the appropriate appeal body identified in Section 17.104.020 (Allowable Appeals) within 21 days, or as soon thereafter is practicable, and prepare a report on the matter. If the matter originally required a noticed public hearing, the Town Clerk shall give notice in the same manner followed for the original hearing, in compliance with Chapter 17.124 (Public Hearings), provided that notice shall be mailed to the owner of the property in question (if any), to owners of abutting parcels (if any), and to persons who filed written objections to the original application who requested notice of subsequent proceedings or who received notice of the original proceedings. The notice shall set forth a brief summary of the decision appealed and a brief summary of the nature of the appeal.
- C. Review by Director.**
1. The Director shall determine if the appeal was filed within the applicable time limits and shall summarily reject any appeal which was filed beyond the time limits. Further, the Director shall determine if the appeal contains sufficient information as required by Subsection A. (Timing and form of appeal), above.
 2. If the Director determines that the information in the appeal is incomplete, the Director shall immediately notify the appellant of the insufficiency and allow the appellant an additional seven days in which to correct the deficiency.
 3. If upon the expiration of any additional time, the Director determines that the statement on appeal is still insufficient, the Director shall summarily reject the appeal.
- D. Town Attorney's authority to summarily reject appeal.** Upon presentation of the Notice of Appeal, together with the required statement on appeal, the Town Attorney may summarily reject the appeal if the Town Attorney finds that the matter being appealed is a requirement of law.
- E. Action.** The Director shall forthwith transmit to the Commission or Council copies of the staff report and all papers constituting the record upon which the decision appealed was made, stating the factual and legal basis on which the Director or Commission made the determination that is the subject of the appeal. At the hearing, the appeal body may consider any issue involving the matter being appealed, in addition to the specific grounds for the appeal and may continue the hearing from time to time as it deems necessary.
1. The appeal body may, by resolution, affirm, affirm in part, or reverse the action, the decision, or determination of the original review authority.
 2. When reviewing an appeal, the appeal body may:
 - a. Deny the permit or entitlement, even though the appeal only requested relaxation or elimination of one or more of the conditions imposed on the permit or entitlement: or
 - b. Impose additional conditions that may address other issues or concerns than the original subject of the appeal.

3. The appellant and other interested parties shall not present new evidence and testimony at the appeal hearing unless the party can demonstrate, to the satisfaction of the appeal body, that new information:
 - a. Was not previously available to the party, or
 - b. The party could not have participated in the review process because they could not have known about the review process.
4. If new or different evidence is presented on appeal, the Commission or Council, may, but shall not be required to, refer the matter to the original review authority for further consideration.
5. Within 21 days following the closing of the public hearing on the appeal, or as soon thereafter as it is practicable, the review authority shall render its decision on the appeal.
6. In the event of a tie vote by the review authority on an appeal, the decision being appealed shall stand.

F. **Refund of appeal fees.** Appeal fees may be refunded in only the following situations:

1. Upon the conclusion of any appeal, where the Council upholds the appeal and overturns the decision of the review authority, the Council may also authorize the return of all, or a portion, of the appeal fees; or
2. Upon the conclusion of any appeal, where the Council denies the appeal but finds that the appellant(s) raised issues of substantial merit, the Council may authorize the return of any portion of the appeal fees deemed just.

G. **Stay pending appeal.** On the date a notice of appeal is properly filed with the Town Clerk, or on the date the Council orders a review of the Commission’s action, all proceedings in furtherance of the determination, condition or requirement appealed from or ordered to be reviewed by Council, including the effective date of any permit, shall be stayed until the Commission’s or the Council’s final determination is made, or until 60 days have elapsed, whichever occurs first. If 60 days elapses without a final Council or Commission determination, the original action shall stand

Chapter 17.108 Development Agreements

17.108.010	Purpose of Chapter
17.108.020	Application
17.108.030	Review Process and Public Hearings
17.108.040	Findings and Decision
17.108.050	Content of a Development Agreement
17.108.060	Execution and Recordation
17.108.070	Environmental Review
17.108.080	Amendments to an Approved Development Agreement
17.108.090	Periodic Review
17.108.100	Modification or Termination of an Approved Development Agreement
17.108.110	Effect of Development Agreement
17.108.120	Approved Development Agreements

17.108.010 Purpose of Chapter

The purpose of this chapter is to establish procedures and requirements for the review and approval of development agreements, in compliance with Government Code 65864 et seq., and as these sections may be amended from time to time.

17.108.020 Application

- A. **Qualified applicant.** Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property, as determined in the sole discretion of the Town, which is the subject of the development agreement. An applicant shall also include an authorized agent of the property owner. The Town may require an applicant to submit proof of interest in the real property and of the authority of the agent to act for the applicant.
- B. **Contents of application.**
1. An application for a development agreement shall be made to the Community and Economic Development Department on a form provided for that purpose pursuant to Chapter 17.60 (Applications, Processing, and Fees). All required information identified on the form shall be provided by the applicant. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 17.108.040 (Findings and Decision).
 2. All lawfully required documents, information, and materials shall accompany the application. The Director may require an applicant to submit such information and supporting data as is necessary to evaluate and process the application.
- C. **Development plan.** An application for a development agreement shall be accompanied by a development plan. A development plan may consist of maps, plans, reports, development and performance standards, schematic drawings, or such other documents deemed necessary by the Director. The development plan shall be sufficiently detailed to illustrate intended or permitted uses and their location on the property, the density or intensity of use, and the maximum size and

height of structures as appropriate to evaluate the application request. A development plan may be a specific plan, master plan, tentative map, use permit, design review, or other similar type of development plan.

- D. **Fees.** The applicant shall pay the fees and charges established by the Town Council for the filing and processing of a development agreement. Additionally, appropriate fees may be established and collected for periodic reviews conducted by the Town in compliance with State law and Section 17.108.090 (Periodic Review).
- E. **Form of agreement.** Each application shall be accompanied by the form of development agreement proposed by the applicant. All documents required, whether the agreement or any attachments and exhibits, shall be suitable for recordation.

17.108.030 Review Process and Public Hearings

- A. **Pre-application procedure.** Prior to submitting an application for a development agreement, the applicant should hold preliminary consultations with the Community and Economic Development Department to provide the applicant information and guidance.
- B. **Town Council notification of application.** After a development agreement application has been submitted consistent with 17.108.020, the Director shall provide written notification to Town Council of the application.
- C. **Public hearings.**
 - 1. ***Planning and Economic Development Commission's action.*** The Director, upon finding the application for a development agreement complete, shall set the application, together with recommendations, for a public hearing before the Commission. Following conclusion of a public hearing, the Commission shall make a written recommendation to the Council that it approve, conditionally approve, or deny the application.
 - 2. ***Town Council's action.*** Upon receipt of the Commission's recommendation, the Town Clerk shall set the application and written recommendation of the Commission for a public hearing before Town Council. Council may, but need not, refer matters not previously considered by the Commission during its hearing back to the Commission for report and recommendation. The Commission shall hold a public hearing on matters referred back to it by the Council. Following conclusion of a public hearing, the Council shall approve, conditionally approve, or deny the application.
 - 3. ***Rules governing conduct of hearing.*** Public hearings shall be conducted in compliance with Chapter 17.124 (Public Hearings). Each person interested in the matter shall be given the opportunity to be heard. The applicant has the burden of proof at such hearings.
 - 4. ***Irregularity in proceedings.*** No action, inaction, or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect, or omission ("error") as to any matter pertaining to application, finding, hearing, notice, petition, recommendation, record, report, or any matters of procedure unless after an examination of the entire case, including the evidence, the court is of the opinion that the error complained of was

prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury was done if error is shown.

- D. **Approval of a development agreement.** If the Council approves or conditionally approves a development agreement, it shall do so by the adoption of an ordinance containing the findings required by Section 17.108.040 and the facts supporting them.
- E. **Referendum.** The ordinance is subject to referendum in compliance with State law (Government Code Section 65867.5).

17.108.040 Findings and Decision

The Commission's written recommendation to Council shall include the Commission's findings and determination whether or not the development agreement meets the required findings listed herein. The Council may approve a development agreement, with or without conditions, only after all of the following findings are made:

- A. That the agreement is consistent with the goals, policies, general land uses and programs specified in the Town's General Plan and any applicable specific plan;
- B. That the agreement and accompanying development plan are compatible with the uses authorized in, and the performance and development standards prescribed for, the zone classification in which the subject property is located;
- C. That the agreement is in conformity with and will promote public convenience, general welfare, and good land use and development practices;
- D. The development agreement shall be shown to be of greater benefit to the community than development under present zoning; and
- E. The term or duration of the agreement has a commensurate relationship to the benefit(s) provided.

17.108.050 Content of a Development Agreement

- A. **Mandatory contents.** A development agreement shall contain the mandatory provisions specified in Government Code Section 65865.2 and other required terms, including the following:
 - 1. The duration of the agreement.
 - 2. The permitted uses of the property.
 - 3. The density or intensity of uses.
 - 4. The maximum height and size of proposed structures.
 - 5. Provisions for reservation or dedication of land for public purposes.
 - 6. Provisions requiring annual review pursuant to Government Code 65865.1.

7. A general phasing plan.
- B. **Permissive contents.** A development agreement may contain the permissive provisions (e.g. conditions, requirements, restrictions, and terms) specified by Government Code Section 65865.2, and any other terms determined to be appropriate and necessary by the Council.

17.108.060 Execution and Recordation

- A. **Effective date.** The Town shall not execute any development agreement until, on, or after the date upon which the ordinance approving the agreement, enacted in compliance with this chapter, becomes effective, and until it has been executed by the applicant.
- B. **Mutual consent required.** A development agreement may be executed only upon the mutual consent of each party to the agreement.
- C. **Recordation.** A development agreement shall be recorded with the County Recorder no later than 10 days after it is executed, in compliance with Government Code Section 65868.5.

17.108.070 Environmental Review

The approval or conditional approval of a development agreement in compliance with this chapter shall be deemed a discretionary act for purposes of the California Environmental Quality Act.

17.108.080 Amendments to an Approved Development Agreement

A development agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the agreement or their successors in interest in compliance with Government Code Section 65868. The procedure for proposing and adoption of an amendment to or cancellation of a development agreement is the same as the procedure for entering into a development agreement as specified in this chapter. If the parties to the agreement or their successors in interest amend or cancel the development agreement as provided in Government Code Section 65868, the Town shall have notice of such action recorded with the County Recorder's Office.

17.108.090 Periodic Review

- A. **Periodic review.** Every development agreement approved and executed in compliance with this chapter shall be subject to periodic review every twelve months or less by the Town during the full term of the agreement. The burden of proof shall be on the applicant, contracting party, or successor in interest to demonstrate compliance in good faith to the terms and conditions of the agreement to the full satisfaction of, and in a manner prescribed by, the Town.
- B. **Initiation of periodic review.** The applicant, contracting party, or successor in interest shall initiate annual review by submitting a written statement to the Director describing their good faith substantial compliance with the terms and conditions of the agreement for the prior calendar year.
- C. **Fees.** Appropriate fees to cover the Town's cost(s) to conduct the periodic reviews shall be collected from the applicant, contracting party, or successor in interest prior to completion of each periodic review. These fees may be established in the development agreement or by Town Council consistent with Chapter 17.60 (Applications, Processing, and Fees).

- D. **Determination upon review.** The Director shall review materials furnished by the applicant, contracting party, or successor in interest to determine upon the basis of substantial evidence whether or not the property owner has, for the period under review, complied in good faith with the terms and conditions of the development agreement.
- E. **Procedures upon determination.**
1. If the Director finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the development agreement during the period under review, the review for that period is concluded. The Director shall deliver a report of the determination to the Town Council.
 2. If the Director finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the development agreement during the period under review, the Town may modify or terminate the development agreement in compliance with Government Code Section 65865.1.

17.108.100 Modification or Termination of an Approved Development Agreement

If, upon a finding under Subsection 17.108.090E.2, the Town determines to proceed with modification or termination of a development agreement, the Town shall give notice to the property owner of its intention to do so. The procedure for modifying or terminating a development agreement is the same as the procedure for entering into a development agreement as specified in this chapter. If the Town modifies or terminates a development agreement in accordance with this chapter, the Town shall have notice of such action recorded with the County Recorder's Office.

17.108.110 Effect of Development Agreement

- A. Unless otherwise provided by the development agreement, the rules, regulations, and official policies governing permitted uses of the land, density, design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, are the rules, regulations, and official policies in force at the time of execution of the agreement.
- B. Unless specifically provided for in the development agreement, the agreement does not prevent the Town, in subsequent actions applicable to the property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property under the development agreement, nor does a development agreement prevent the Town from conditionally approving or denying any subsequent development project application on the basis of existing or new rules, regulations, and policies.

17.108.120 Approved Development Agreements

Development agreements approved by the Council shall be on file with the Town Clerk.

Chapter 17.112 General Plan, Zoning Map, and Zoning Code Amendments

17.112.010	Purpose of Chapter
17.112.020	Initiation of Amendment
17.112.030	Processing, Notice, and Public Hearings
17.112.040	Commission Action on Amendment
17.112.050	Council Action on Amendment
17.112.060	Findings
17.112.070	Conditional Rezonings
17.112.080	General Plan Amendments

17.112.010 Purpose of Chapter

This Chapter provides procedures for the amendment of the General Plan, the Zoning Map, and this Zoning Code whenever the Council determines public necessity and general welfare require an amendment.

- A. General Plan amendments may include revisions to goals, policies, actions, land use designations, or text.
- B. Zoning Map amendments have the effect of rezoning property from one zoning district to another.
- C. Amendments to this Zoning Code may modify any procedure, provision, requirement, or standard applicable to the development and/or use of property within the town.

17.112.020 Initiation of Amendment

An amendment of the General Plan, the Zoning Map, or this Zoning Code may be initiated by:

- A. **Council.** A resolution of intention adopted by the Council;
- B. **Commission.** A resolution of intention by the Commission; or
- C. **Property owner.** An application from the property owner or authorized agent of property for which the amendment is sought. If the property is under more than one ownership, all owners or their authorized agents shall join in filing the application.

17.112.030 Processing, Notice, and Public Hearings

- A. **Application filing.** If the amendment is initiated by the filing of an amendment application from the property owner, the application shall be made to the Department on a form provided for that purpose pursuant to Chapter 17.60 (Applications, Processing, and Fees). All required information and any applicable fees identified on the form shall be provided by the applicant, and any additional information required by the Director in order to conduct a thorough review of the proposed project. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 17.112.060 (Findings).

- B. **Application processing.** The Director, upon finding the application for an amendment complete, shall set the application, together with recommendations, for a public hearing before the Commission. The Commission and Council shall each conduct one or more public hearings regarding the amendment. If the proposed amendment is a General Plan amendment, the Director shall make the referrals and engage in the consultations required by Government Code sections 65352 et seq.
- C. **Notice and public hearings.** Notice of public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.124 (Public Hearings).

17.112.040 Commission Action on Amendment

Following conclusion of a public hearing for which notice was provided pursuant to Government Code section 65353 (for a General Plan amendment) or section 65854 (for a Zoning Map or Zoning Code amendment), the Commission shall make a recommendation to the Council whether to approve, approve in modified form, or deny the proposed amendment based on the findings contained in Section 17.112.060 (Findings), and the written recommendation and findings of the Commission shall be forwarded to the Council. The Commission's recommendation regarding a General Plan amendment shall be made with an affirmative vote of a majority of the total membership of the Commission.

17.112.050 Council Action on Amendment

- A. **Council action.** Upon receipt of the Commission recommendation in compliance with Section 17.112.040 (Commission Action on Amendment), the Council shall conduct a public hearing regarding the amendment. Following conclusion of a public hearing, the Council shall approve, approve in modified form, or deny the application based on the findings contained in Section 17.112.060 (Findings). A General Plan amendment shall be implemented by a resolution adopted by an affirmative vote of a majority of the total membership of the Council.
- B. **Referral to Commission.** If the Council proposes to adopt substantial modification to the amendment not previously considered by the Commission during its hearing, the proposed modification shall first be referred back to the Commission for its report and recommendation in compliance with Government Code Sections 65356 and 65857.

17.112.060 Findings

An amendment to the General Plan, the Zoning Map, or this Zoning Code may be approved only after all of the following findings are made, as applicable to the type of amendment.

- A. **Mandatory findings required for all amendments:**
1. The proposed amendment is internally consistent with all other provisions of the General Plan and any applicable specific plan or master plan;
 2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the town; and
 3. The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).

- B. **Additional finding for Zoning Code amendments.** The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.
- C. **Additional finding for Zoning Map amendments.** The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities for the requested zoning designation and the proposed or anticipated uses and/or development.

17.112.070 Conditional Rezonings

The Council may impose conditions on a Zoning Map amendment where it finds that the conditions are reasonable and necessary to ensure that the Council is able to make the findings identified in Section 17.112.060 (Findings).

17.112.080 General Plan Amendments

Consistent with Government Code Section 65358, no mandatory element of the General Plan shall be amended more than four times during any calendar year.

Chapter 17.116 Specific Plans

17.116.010	Purpose of Chapter
17.116.020	Applicability
17.116.030	Initiation
17.116.040	Specific Plan Filing and Content
17.116.050	Processing and Review
17.116.060	Findings and Decision
17.116.070	Implementation and Amendments

17.116.010 Purpose of Chapter

The purpose of this chapter is to provide procedures for the preparation, processing, review, adoption, and amendment of specific plans in compliance with Government Code Section 65450 et seq.

17.116.020 Applicability

- A. **When required.** When required by the Council, the General Plan, or this Zoning Code to systematically implement the General Plan for any part of the town, a specific plan shall be prepared, processed, approved, and implemented in compliance with this chapter.
- B. **Review authority.** An application for a specific plan shall be considered by the Commission, and approved or denied by the Council.
- C. **Effect of specific plan.** The regulations provided by an adopted specific plan shall replace those of the applicable zone, and the development standards and design guidelines identified in the specific plan shall take precedence over the general standards contained in this Zoning Code and any Town adopted design guidelines.

17.116.030 Initiation

A specific plan may be initiated by:

- A. **Council.** A resolution of intention adopted by the Council; or
- B. **Property owner.** An application from the property owner or authorized agent of property for which the specific plan is sought. If the property is under more than one ownership, all owners or their authorized agents shall join in filing the application. For specific plans, the project area may be a combination of adjoining parcels subject to a unified planning concept with the full written concurrence of all applicable property owners.

17.116.040 Specific Plan Filing and Content

- A. **Application filing.** An application for a specific plan shall be made to the Department on a form provided for that purpose pursuant to Chapter 17.60 (Applications, Processing, and Fees). The application shall be accompanied by the information identified on the application form for specific plans and Subsection 17.116.040B, below. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 17.116.060 (Findings and Decision).

- B. **Specific plan content.** The applicant shall prepare and submit a draft specific plan for review by the Town that includes detailed information in the form of text and diagrams, organized in compliance with Government Code Section 65451 and the following.
1. **Proposed land uses.** The distribution, location, and extent of land uses proposed within the area covered by the specific plan, including open space areas.
 2. **Infrastructure.** The proposed distribution, location, and extent and intensity of major components of public and private circulation/transportation (including vehicular, pedestrian, bicycle, and transit), sewage water, drainage, solid waste disposal, energy, water, utilities, and other essential features proposed to be located within the specific plan area and needed to support the proposed land uses.
 3. **Land use and development standards.** Standards, criteria, and design guidelines by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
 4. **Implementation measures.** A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the proposed land uses, infrastructure, and land use and development standards and criteria.
 5. **Relationship to the General Plan.** A discussion of the relationship of the specific plan to the goals, policies, actions, general land uses, and programs of the General Plan.
 6. **Additional information.** The specific plan shall contain any additional information deemed necessary by the Director because of the characteristics of the area to be covered by the plan, applicable policies of the General Plan, or any other issues determined by the Director to be relevant.

17.116.050 Processing and Review

- A. **General processing.** A draft specific plan shall be processed in the same manner as required for general plans by Government Code Sections 65350 et seq., and as provided in this section.
- B. **Director evaluation.** The Director, upon finding the application for a specific plan complete and in conformance with this chapter, shall set the application, together with recommendations, for a public hearing before the Commission.
- C. **Public hearings.** The Commission and Council shall each conduct one or more public hearings regarding the specific plan. Notice of public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.124 (Public Hearings).
1. **Commission hearing.** Following conclusion of a public hearing for which notice was provided pursuant to Government Code section 65353, the Commission shall make a recommendation to the Council whether to approve, approve in modified form, or deny the proposed specific plan based on the findings contained in Section 17.116.060 (Findings and Decision), and the written recommendation and findings of the Commission shall be forwarded to the Council. The Commission's recommendation

shall be made with an affirmative vote of a majority of the total membership of the Commission.

2. ***Council hearing.***

- a. ***Council action.*** Upon receipt of the Commission recommendation in compliance with Subsection 17.116.050C.1, the Council shall conduct a public hearing regarding the specific plan. Following conclusion of a public hearing, the Council may adopt the specific plan, adopt the plan with modifications, or deny the plan with appropriate findings in compliance with Section 17.116.060 (Findings and Decision).
- b. ***Referral to Commission.*** If the Council proposes to adopt substantial modification to the specific plan not previously considered by the Commission during its hearing, the proposed modification shall first be referred back to the Commission for its report and recommendation in compliance with Government Code Sections 65356.

- D. **Adoption of specific plan.** A specific plan shall be adopted by ordinance or by resolution of the Council, in compliance with Government Code Section 65453, only after all of the findings contained in Section 17.116.060 (Findings and Decision) are made. A specific plan shall be adopted by an affirmative vote of a majority of the total membership of the Council.

17.116.060 Findings and Decision

The Council may adopt a specific plan, with or without conditions, only after all of the following findings are made:

- A. That the specific plan is consistent with the General Plan and other adopted goals and policies of the Town;
- B. That the specific plan is consistent with any applicable airport land use plan as required by Government Code Section 65302.3; and
- C. That the specific plan is in compliance with the provisions of the California Environmental Quality Act (CEQA).

17.116.070 Implementation and Amendments

- A. **Development within specific plan area.** After the adoption of a specific plan, subsequent projects to implement the specific plan may be approved or adopted within an area covered by the specific plan only if first found consistent with the specific plan.
- B. **Specific plan fee.** The Council may impose a specific plan fee on development permits within the specific plan area, in compliance with Government Code Section 65456.
- C. **Amendments.**
 - 1. An adopted specific plan may be amended through the same procedure specified by this chapter for the adoption of a specific plan.

2. An adopted specific plan may be amended as often as deemed necessary by the Council, in compliance with Government Code Section 65453.

Chapter 17.120 Master Plans

17.120.010	Purpose of Chapter
17.120.020	Applicability
17.120.030	Master Plan Filing and Content
17.120.040	Land Uses and Densities
17.120.050	Master Plan Processing
17.120.060	Findings and Decision
17.120.070	Amendments

17.120.010 Purpose of Chapter

The purpose of this chapter is to establish procedures for reviewing master plans that allow for flexibility in the application of Zoning Code standards to proposed development. A master plan is a set of specific development criteria tailored to an individual property or group of properties that constitutes site specific zoning for the subject properties.

17.120.020 Applicability

Master plans shall be allowed for property located in the R, PS, OS, or AH zone.

17.120.030 Master Plan Filing and Content

- A. **Application filing.** An application for a master plan shall be made to the Department on a form provided for that purpose pursuant to Chapter 17.60 (Applications, Processing, and Fees). All required information identified on the form shall be provided by the applicant, and any additional information required by the Director in order to conduct a thorough review of the proposed project. It is the responsibility of the applicant to establish evidence in support of the findings required by Section 17.120.060 (Findings and Decision).
- B. **Master plan content.** An applicant shall prepare and submit a draft master plan for review by the Town that includes the following detailed information in the form of text and diagrams, organized in compliance with an outline furnished by the Director.
1. **Proposed land uses.** The distribution, location, extent, and density or intensity of land uses proposed within the area covered by the master plan, including open space areas.
 2. **Infrastructure.** The proposed distribution, location, extent, and intensity of major components of public and private circulation/transportation (including vehicular, pedestrian, bicycle, and transit), drainage, energy, sewage, solid waste disposal, water, and other essential features proposed to be located within the master plan area and needed to support the proposed land uses.
 3. **Land use and development standards.** Standards, criteria, and design guidelines by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable. Standards may include, but are not limited to, building heights, lot coverage, setbacks, and parking requirements. Design guidelines may include, but are not limited to, preliminary building elevations, landscape plans, lighting plans, and signage plans.

4. **Implementation measures.** A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to carry out the proposed land uses, infrastructure, and development and conservation standards and criteria.
5. **Topography and grading.** A topographic map and conceptual grading plan of the property.
6. **Housing.** Housing plan consistent with Article VI (Affordable & Workforce Housing).
7. **Phasing.** A discussion on the phases of development, if any.
8. **Additional information.** The master plan shall contain any additional information deemed necessary by the Director because of the characteristics of the area to be covered by the plan, applicable policies of the General Plan, or any other issues determined by the Director to be relevant.

17.120.040 Land Uses and Densities

The relevant sections of Article II (Zoning Districts and Allowable Land Uses) shall be used as a general guideline for land uses and development densities. Land uses and densities may be modified by the master plan if the findings in Section 17.120.060 (Findings and Decision) can be made.

17.120.050 Master Plan Processing

- A. **Director evaluation.** The Director, upon finding the application for a master plan complete and in conformance with this chapter, shall set the application, together with recommendations, for a public hearing before the Commission.
- B. **Public hearings.** The Commission and Council shall each conduct one or more public hearings regarding the master plan. Notice of public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.124 (Public Hearings).
 1. **Commission hearing.** Following conclusion of a public hearing, the Commission shall make a recommendation to the Council whether to approve, approve in modified form, or deny the master plan based on the findings contained in Section 17.120.060 (Findings and Decision), and the written recommendation and findings of the Commission shall be forwarded to the Council.
 2. **Council hearing.**
 - a. **Council action.** Upon receipt of the Commission recommendation in compliance with Subsection 17.120.050B1, the Council shall conduct a public hearing regarding the master plan. Following conclusion of a public hearing, the Council shall approve, approve in modified form, or deny the master plan based on the findings contained in Section 17.120.060 (Findings and Decision).
 - b. **Referral to Commission.** If the Council proposes to adopt substantial modification to the master plan not previously considered by the Commission during its hearing, the proposed modification shall first be referred back to the

Commission for its report and recommendation in compliance with Government Code Section 65857.

- C. **Adoption of master plan.** A master plan shall be approved by the adoption of an ordinance of the Council only after all of the findings contained in Section 17.120.060 (Findings and Decision) are made.

17.120.060 Findings and Decision

The Council may approve a master plan, with or without conditions, only after all of the following findings are made:

- A. That the master plan is consistent with the General Plan and any applicable specific plan;
- B. That any exception from the standards and requirements of this Code is warranted by the design and amenities incorporated in the master plan and is desired by Council;
- C. That the master plan would not be detrimental to the public interest, health, safety, convenience, or welfare of the town;
- D. That the master plan is compatible with the surrounding area;
- E. That the affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities for the master plan and the proposed or anticipated uses and/or development; and
- F. That the phasing plan provides a workable, functional, and efficient relationship throughout the development of the master plan.

17.120.070 Amendments

- A. **General requirements.** Major and minor amendments shall be defined in a master plan. If not defined in the master plan, any amendment shall be processed as a major amendment. Amendments to an approved master plan shall be processed as established in the master plan.
- B. **Minor amendment.** The Director may administratively approve minor changes, alterations, or amendments to an approved master plan, subject to appeal pursuant to Chapter 17.104 (Appeals), only after all of the following findings are made:
 - 1. That the proposed amendment is consistent with the intent of the approved master plan, including the findings contained in Section 17.120.060 (Findings and Decision);
 - 2. That the proposed amendment will not increase the density or intensity of development or use within the approved master plan area;
 - 3. That the proposed amendment will not adversely impact the environment;
 - 4. That the proposed amendment will not be detrimental to the surrounding uses; and

5. That the proposed amendment will not significantly increase traffic levels on existing streets and thoroughfares within and surrounding the development.
- C. **If minor amendment findings cannot be made.** If the Director determines the above findings for a minor amendment cannot be made, then the request shall be considered a major amendment.
- D. **Major amendment.** Major changes, alterations, and amendments shall be approved, modified, or denied by the Council following the process established in Section 17.120.050 (Master Plan Processing).

Chapter 17.124 Public Hearings

17.124.010	Purpose of Chapter
17.124.020	Notice of Hearing
17.124.030	Notice of Decision - Commission
17.124.040	Effective Date of Decision
17.124.050	Recommendation by Commission
17.124.060	Notice of Decision - Council

17.124.010 Purpose of Chapter

This Chapter provides procedures for public hearings before the Commission and Town Council. When a public hearing is required by this Zoning Code, public notice shall be given and the hearing shall be conducted as provided by this chapter.

17.124.020 Notice of Hearing

When a land use permit, entitlement or other matter requires a public hearing, the public shall be provided notice of the hearing(s) in compliance with State law (Government Code Sections 65090 et seq. and 66451.3).

A. **Contents of notice.** Notice of a public hearing shall include:

1. The date, time, and place of the hearing and the name of the hearing body;
2. A general explanation of the matter to be considered; and a general description, in text or by diagram, of the location of the real property that is the subject of the hearing; and
3. If a proposed Negative Declaration or final Environmental Impact Report has been prepared for the project in compliance with the Town's CEQA Guidelines, the hearing notice shall include a statement that the hearing body will also consider approval of the proposed Negative Declaration or certification of the final Environmental Impact Report (EIR) and the notice shall be published, posted, mailed, and/or delivered at least the minimum number of days required by the California Environmental Quality Act.

B. **Method of notice distribution.** Notice of a public hearing required for a land use permit, entitlement, plan amendment, zoning amendment, or appeal shall be given as follows, as required by State law (Government Code Sections 65090 and 65091) and in compliance with Subsection A. (Contents of Notice), above:

1. Notice shall be published at least once in a local newspaper of general circulation within the Town at least 10 days before the hearing;
2. Notice shall be mailed or delivered at least 10 days before the hearing to:
 - a. The owners of the property being considered or the owner's agent, and the applicant;

- b. All owners of real property as shown on the County’s latest equalized assessment roll within 300 feet of the property which is the subject of the hearing; and
3. If the number of property owners to whom notice would be mailed is more than 1,000, the Director may choose to provide the alternate notice allowed by State law (Government Code Section 65091(a)(3)).
4. In addition to the types of notice required by Subsection B., above, the Director may provide any additional notice with content or using a distribution method as the Director determines is necessary or desirable.

17.124.030 Notice of Decision – Planning and Economic Development Commission

The Commission may announce and record the decision at the conclusion of a scheduled hearing or defer action and take specified items under advisement and announce and record the decision at a later date. Within 21 days following the closing of the public hearing on a use permit application, the Commission shall act on the application. The decision shall contain applicable findings of the Commission, any conditions of approval and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public health, safety, and welfare of the Town. Following the hearing, a final resolution and any conditions of approval shall be mailed to the applicant at the address shown on the application.

17.124.040 Effective Date of Decision

A decision by the Director or Commission is final, and shall become effective on the 16th day after the decision, unless appealed in compliance with Chapter 17.104 (Appeals).

17.124.050 Recommendation by Commission

At the conclusion of any public hearing on a proposed amendment to the General Plan, Zoning Map Amendment, Zoning Code Amendment, or a Specific Plan, the Commission shall forward a recommendation, including all required findings, to the Council for final action.

17.124.060 Notice of Decision - Council

For applications requiring Council approval, the Council shall announce and record its decision at the conclusion of the public hearing. The decision shall contain the findings of the Council, any conditions of approval and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public health, safety, and welfare of the Town. Following the hearing, a final resolution and any conditions of approval shall be mailed to the applicant at the address shown on the application. A decision by the Council is final and shall become effective the next business day after the Council’s decision.

Chapter 17.128 Revocations & Modifications

- 17.128.010 Purpose of Chapter
- 17.128.020 Hearings and Notice
- 17.128.030 Review Authority Action

17.128.010 Purpose of Chapter

This Chapter provides procedures for securing revocation or modification of previously approved land use permits or entitlements.

17.128.020 Hearings and Notice

- A. **Hearing required.** The appropriate review authority shall hold a public hearing in order to revoke or modify any land use permit or entitlement granted in compliance with the provisions of this Zoning Code.
- B. **Mailing of notice.** Ten days before the public hearing notice shall be mailed to the applicant and/or owner of the property for which the permit was granted.
- C. **Deemed delivered.** Notice shall be deemed delivered two days after being mailed, certified mail postage paid, to the owner as shown on the equalized assessment roll of the County and/or to the project applicant, who is not the owner of the subject property.

17.128.030 Review Authority Action

- A. **Permit revocation/modification.** A land use permit or entitlement may be revoked or modified by the review authority (e.g., Commission or Council) that originally approved the permit, if any one of the following findings can be made:
 - 1. Circumstances under which the permit or entitlement was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made in a positive manner and the public health, safety, and welfare require the revocation or modification;
 - 2. The permit or entitlement was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or entitlement;
 - 3. The use or improvement authorized in compliance with the permit has not been exercised or commenced in a timely manner and a time extension is not warranted;
 - 4. One or more of the conditions of the permit have not been met or have been violated;
 - 5. The use or improvement authorized in compliance with the permit is in violation of any code, law, ordinance, regulation, or statute;
 - 6. The use or improvement authorized by the permit has become detrimental to the public health, safety, or welfare or the manner of their operation constitutes a nuisance; or

7. The use and/or on-site structure(s) are nonconforming and:
 - a. Have been discontinued for a period of one year; or
 - b. Have been destroyed or damaged, and the use and/or structure(s) cannot be repaired, rebuilt, or replaced in compliance with Chapter 17.100 (Nonconforming Uses, Structures, and Parcels).

- B. **Variance revocation/modification.** A variance may be revoked or modified by the review authority which originally approved the variance, if any one of the following findings can be made, in addition to any one of the findings outlined in Subsection A., above:
 1. Circumstances have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the variance; or
 2. One or more of the conditions of the variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the variance.

Chapter 17.132 Enforcement

17.132.010	Purpose
17.132.020	Enforcement Procedures
17.132.030	Violations
17.132.040	Remedies Are Cumulative
17.132.050	Inspection
17.132.060	Recovery of Costs

17.132.010 Purpose of Chapter

The provisions of this chapter are intended to ensure compliance with the requirements of this Code and any conditions of land use permit or subdivision approval, to promote the Town's planning efforts and to protect the public health, safety, and welfare.

17.132.020 Enforcement Procedures

- A. **Compliance with Zoning Code Required** – All departments, officials, and public employees of the Town which are vested with the authority or duty to issue licenses or permits shall comply with the provisions of this Zoning Code and shall not issue a license or permit for purposes, structures, or uses which would be in conflict with the provisions of this Zoning Code.
- B. **Official Duty to Enforce** – It shall be the duty of the Director to enforce the provisions of this Code and any use of land or structures and the addition, alteration, construction, erection, moving, or reconstruction of or to any structure.
- C. **Police Department** – During non-office hours, it shall be the responsibility of the Mammoth Lakes Police Department to monitor and enforce the provisions of this Zoning Code.

17.132.030 Violations

Any use, structure, or property which is altered, enlarged, erected, established, maintained, moved, or operated contrary to the provisions of this Code or any condition of approval, is hereby declared to be unlawful and a public nuisance and may be abated by the Town through civil proceedings by means of a restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.

17.132.040 Remedies Are Cumulative

All remedies contained in this Code for the handling of violations or enforcement of the provisions of this Code shall be cumulative and not exclusive of any other applicable provisions of Town, County, or State law. Should a person be found guilty and convicted of a misdemeanor for the violation of any provision of this Code, the conviction shall not prevent the Town from pursuing any other available remedy to correct the violation(s).

17.132.050 Inspection

Every applicant seeking a permit or any other action in compliance with this Code shall allow the Town officials handling the application access to any premises or property which is the subject of the application (Government Code Section 65105). If the permit or other action in compliance with this Code is approved, the owner or applicant shall allow appropriate Town officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

17.132.060 Recovery of Costs

The procedures for the recovery of administrative costs and expenses incurred by the Town for the enforcement of this Code or any condition imposed through this Title, in cases where no permits are required to correct a violation, shall be followed as set forth in Municipal Code Section 8.20 (Nuisances).

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Article VI

Affordable and Workforce Housing

Chapter 17.136 Housing

- 17.136.010 Purpose
- 17.136.020 Housing Requirements
- 17.136.030 Housing Mitigation Development Plan
- 17.136.040 Alternate Housing Proposals
- 17.136.050 Income and Eligibility Guidelines
- 17.136.060 Payment In-lieu
- 17.136.070 Administration
- 17.136.080 Density Bonus Provisions

17.136.010 Purpose

- A. The goal of this policy is the creation of workforce housing in Mammoth Lakes sufficient to mitigate the increased workforce housing demands created by new development. This includes the needs of part-time employees, full-time employees, and nonworking household members.
- B. The continued development of Mammoth Lakes will result in an increase in service-oriented employment opportunities and consequently in the need for living accommodations. This chapter details the method and manner by which new development shall satisfy the requirements for mitigating workforce housing impacts.
- C. **Applicability.** The provisions and requirements contained in this chapter shall be binding upon all new developments and new construction including additions to existing development.

17.136.020 Housing Requirements

- A. **Employee Generation by Use.** Table 17.136.020-1 determines a standard number of employees per land use type. In recognition of visitor accommodations as the primary driver of economic growth in Mammoth Lakes, these provision rates are based upon the land use category's pro rata share of the aggregate induced demand for employment in town, rather than direct employee generation. The single-family residence employee generation rate is based on a sliding scale to reflect documented evidence that larger homes require more employees per square foot.

TABLE 17.136.020-1: EMPLOYEE GENERATION BY USE		
Use	Employee Generation	
Multi-unit ¹ and single-family ² transient	.0005 Full-time equivalent employee (FTEE) per square foot	
Commercial/office uses: includes all nonresidential except industrial	.00042 FTEE per square foot	
Industrial uses: includes all uses involving manufacturing, distribution and warehousing	.00011 FTEE per square foot	
Multi-unit nontransient: This category includes all attached dwelling units including deed restricted and market rate apartments and multifamily condominiums which prohibit transient rentals. This also includes all multi-unit developments located within the Residential Multifamily 1 zone and affordable housing zone and any other multi-unit development in town that prohibits transient	Market rate units	.00012 FTEE per square foot
	Rental apartments and deed restricted units	0 FTEE

TABLE 17.136.020-1: EMPLOYEE GENERATION BY USE	
Use	Employee Generation
rental	
Single-family nontransient. This category of land use encompasses all detached dwelling units located in the town's low density residential (LDR) land use designation and includes both the rural residential and residential single-family zones	For that portion of the building area from: 0—2,000 square feet, .00006 FTEE per square foot 2,001—4,000 square feet, .00009 FTEE per square foot 4,001—6,000 square feet, .00012 FTEE per square foot 6,001—8,000 square feet, .00015 FTEE per square foot 8,001 square feet and up, .00018 FTEE per square foot *Calculate the building square footage between 0 and 2,000 square feet at rate as shown. Then, for square footage exceeding 2,000 square feet calculate at rates as shown. Continue until all square footage has been calculated. Add all lines for total.
Uses not listed	To be determined by Director based upon comparisons with like businesses.
Notes: 1 This category includes all attached dwelling units within the resort, specific plan, commercial general, commercial lodging and Residential Multifamily 2 zones which are either intended for transient occupancy or can be rented out on a nightly basis. These include all hotel, motel, fractional and resort condominium lodging as well as condominium units which are privately owned and can be rented out on a nightly basis. 2 This category of land use encompasses all detached dwelling units located within the resort and specific plan zones which are permitted by master plan and/or specific plan conditions to be rented out on a nightly basis.	

B. Included Square Footage. For those uses where FTEE generation is based upon square footage, the square footage of habitable spaces as measured between the exterior walls shall be used, excluding garages. In multi-unit transient, multi-unit transient rental apartments, and deed/rent restricted housing structures, common areas shall also be excluded. Where common areas contain additional uses such as commercial space, these shall be subject to the mitigation requirement of said use. Where a building contains multiple uses; e.g., industrial, office, and retail, the calculation shall be based upon the sum of the FTEEs of each use calculated separately. For additions to existing uses, including demolition and reconstruction of existing structures, only the new incremental demand shall be required to be mitigated.

C. Provision Rate. For the purpose of mitigating the employee housing demands created by each new development, the developer shall provide housing based upon the following formula or as described in Sections 17.136.040. Commercial projects of less than 5,000 square feet, residential projects with fewer than five units, visitor lodging projects with fewer than four rooms, and all developments in the industrial zone qualify for in-lieu fees without requiring analysis under Section 17.136.040.

Housing is provided for one hundred percent of the FTEEs generated according to Table 17.136.020-1 at the following rate*:

All calculations are based upon one FTEE equaling a minimum of 250 square feet of living space.

2 FTEEs	= a studio or one-bedroom unit with a minimum of 500 sq. ft. of living space
2.5 FTEEs	= a one or two-bedroom unit with a minimum of 625 sq. ft.
3 FTEEs	= a two-bedroom unit with a minimum of 750 sq. ft.
3.5 FTEEs	= a three-bedroom unit with a minimum of 875 sq. ft.
4 FTEEs	= a three-bedroom unit with a minimum of 1,000 sq. ft.

5 FTEEs	= a four-bedroom unit with a minimum of 1,250 sq. ft.
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The total number of FTEEs may be accommodated using any combination of the above. Where the calculation of FTEEs results in a fraction, that fraction shall be rounded up to the next higher whole or half FTEE.

*This rate takes into consideration the percentage of employees not requiring housing assistance and the number of nonworking others (spouses, children, etc.) associated with one FTEE.

17.136.030 Housing Mitigation Development Plan

A. **Housing Mitigation Development Plan (HMDP).** Each developer will submit to the Town for approval a HMDP which shall contain the following specific and detailed information:

1. The housing requirements generated by their project as defined herein;
2. The method or combination of methods by which housing is to be mitigated;
3. The timetable for the mitigation;
4. A description of the land proposed and the type, number and unit size of the proposed housing plus any management/operational plans;
5. Preliminary plans showing the site and floor plans;
6. The proposed rent or sales prices; and
7. A statement as to the way that the HMDP meets the intent of these regulations.

For projects eligible for payment of in-lieu fees, the calculation of those fees constitutes the HMDP.

B. **Timing.** The HMDP shall be submitted to the Town in conjunction with the application for the development. In-lieu fees will be submitted to the town prior to the issuance of a building permit. Housing developed or acquired must be ready for occupancy prior to or concurrent with obtaining an initial certificate of occupancy from the town for the structure(s) or land use generating the housing requirements. For phased projects, mitigation units shall be provided in proportion to the requirement of each phase.

C. **Unit Mix.** Developers shall provide housing in proportion to the FTEEs generated by their respective developments as described in Section 17.136.020C. There can be a mix of rental and owner-occupied units, with a minimum of seventy percent of the units being for rent.

D. **Location.** On-site housing is the preferred mitigation. On-site means on the same lot, within the same building, or within the same master-planned development. An alternate mitigation plan may be proposed by an applicant for consideration by the Commission. One hundred percent of the housing shall be provided within the Town boundaries. Wherever possible, mitigation housing should be located in proximity to employment and public transportation routes. Housing required to mitigate industrial development may not be provided in the industrial zone.

Where additional findings can be made by the Commission or, if subject to administrative review, the Director, based upon substantial evidence, that on-site mitigation is undesirable for the community or infeasible, or that there is substantial additional community housing or housing related services benefit, may the Commission or Director then approve an off-site alternative. Only where findings can be made by the Commission, based upon substantial evidence, that an on-site or off-site alternative is undesirable for the community or infeasible as determined by the Commission or Director, may the Town then approve payment of a fee in lieu of provision of housing.

Suitable zones for mitigation housing located off-site are the R, RMF-2, CG, or CL zones. Existing long-term rental units may not be purchased for the purpose of providing project mitigation housing, nor may the Shady Rest Tract be used for this purpose.

- E. **Approval.** An HMDP provided in conjunction with a permit application for a permitted use shall be subject to review and approval by the Director or his designee. An HMDP provided in conjunction with a permit application for a conditional or discretionary use shall be subject to review and approval by the Commission. The Director or Commission shall determine adequacy of unit design for the intended occupants.
- F. **Appeal.** A developer may appeal to the Commission any of the provisions or requirements contained in this chapter providing they can demonstrate to the satisfaction of the Commission that said provisions or requirements are inapplicable to the proposed development. The Commission may adjust any provision or requirement contained herein, based upon substantial evidence.

17.136.040 Alternate Housing Proposals

- A. The other sections of this chapter notwithstanding, the Town may approve mitigation proposals which deviate from the standards outlined herein in those cases where it can be demonstrated that the alternate mitigation proposal meets the purpose of this chapter and provides a greater housing benefit to the community than would be attained through strict adherence to the provisions of this chapter.
- B. **Criteria for Approving Alternate Mitigation Plans.** The Town shall consider, but not be limited to, the following criteria in evaluating an applicant's proposal for use of off-site development, in-lieu fees, establishing a housing credit or other alternate mitigation plan:
 - 1. That the development does not require the provision of affordable housing on-site to meet service needs;
 - 2. That the size of the proposed new development is such that production of affordable housing on-site by the applicant is not feasible;
 - 3. That the applicant's site is not suitable for the development of affordable housing based upon location or conflicting land uses;
 - 4. That commercial lending requirements render construction of housing infeasible;

5. That the use of mitigation fees by the Town is more appropriate than the provision by the applicant of affordable housing;
6. Purchase of qualifying existing units (Section 17.136.030D) is desirable as an off-site solution;
7. That the proposed mitigation plan will provide housing at the earliest possible date;
8. That the alternate housing mitigation plan provides more affordable units than required under Section 17.136.020; and
9. That the alternate mitigation plan provides a mix of affordability levels consistent with Section 17.136.050.

In addition to any other findings, approval of a housing mitigation plan, including the acceptance of in-lieu fees, shall be accompanied by findings of impracticality and/or findings of greater affordable housing benefit.

17.136.050 Income and Eligibility Guidelines

- A. **Deed or Use Restriction.** The units shall be restricted to rental terms, sales terms and occupancy limitations that insure adherence to the use and income level for which they are intended. Of the units provided, a minimum 40 percent of rental units shall be affordable to low-income households, a minimum of 30 percent of rental units shall be affordable to median-income households, and all other rental units shall be affordable to moderate-income households. Homeownership units shall be a minimum of two-third affordable to households making 150 percent or less of the median household income and the remainder affordable to households making 200 percent or less of the median household income. The applicant may provide a greater percentage at lower income levels than required by this section. For determining the number of units in each affordability category under this formula, unit numbers in each category shall be reasonably rounded and final provision ratios shall be approved by the Director on a project specific basis. (For example, a project creating two new units, both could be low-income or one could be low and one moderate, or both could be median. For three units, one in each affordability category would be typical. For projects creating only one dwelling, that dwelling may be a low-income unit or a median-income unit).
- B. **Allocation.** Any developer or owner providing mitigation units in accordance with this chapter shall be able to request the Town or its designee to provide tenant or purchaser selection for the mitigation units to the Town or its designee if the owner does not intend to manage the units.

For rental units, the owner or developer may first offer the units to the employees of the project being mitigated. Any unleased units may be offered to the Town for tenant selection. All leases and tenant qualification procedures shall be in accordance with Town policies and procedures. For sales units, the initial owner or developer may first offer the units to their employees. Thereafter, buyer eligibility and selection shall be in accordance with Town policies and procedures. Any unsold units may be offered to the Town for buyer selection.

17.136.060 Payment In-lieu

- A. The developer of qualifying projects (see Section 17.136.020C) may pay an in-lieu fee for the number of mitigation units required to be provided and not otherwise mitigated.
1. ***Payment In-Lieu Fee.*** Payment of an in-lieu fee shall be made for each FTEE or partial FTEE not otherwise mitigated. This fee shall be established by resolution of the Council.
 2. ***Timing of Payment and Use of Funds.*** Payment of in-lieu fees shall be made to the Town Finance Director prior to, and on a proportionate basis to, the issuance of any building permits for the applicable portion of the development.
 3. ***Authorized Use of Funds.*** The funds and interest accrued shall remain in the fund and shall be used only for the purposes of planning for, administering, subsidizing or developing affordable housing.
 4. ***Refunds of Expired Permits.*** Any payment made for a development for which a building permit has expired due to noncommencement of construction, may be refunded in accordance with the provisions of Section 15.16.090 of the Town of Mammoth Lakes Municipal Code.

17.136.070 Administration

The Commission and Council shall from time to time, by resolution or ordinance, adopt such policies and requirements as are necessary to carry out the purpose of this chapter. At a minimum, the Commission shall hold a public meeting once every two years, reviewing the effectiveness of these regulations.

17.136.080 Density Bonus Provisions

- A. Density shall be increased pursuant to the provisions of California Government Code Sections 65915 through 65917 and any amendments thereto and Chapter 17.140. Proportionately greater bonuses may be granted by the Commission, subject to a conditional use permit, for projects with a higher percentage of qualifying affordable units, up to a maximum project density of twice the permitted density. The affordable units shall be restricted to their designated affordability level for a minimum of 30 years. Affordability levels shall be as defined by the State of California. See Chapter 17.140.

Chapter 17.140 Affordable Housing Density Bonuses and Incentives

17.140.010	Purpose of Chapter
17.140.020	Eligibility for State Density Bonus, Incentives, or Concessions
17.140.030	Allowed Density Bonuses
17.140.040	Allowed Incentives or Concessions
17.140.050	Parking Requirements in Density Bonus Projects
17.140.060	Bonuses and Incentives for Housing with Child Care Facilities
17.140.070	Continued Availability
17.140.080	Processing of Bonus Requests
17.140.090	Density Bonus Agreement
17.140.100	Judicial Relief, Waiver of Standards

17.140.010 Purpose of Chapter

As required by State law, this chapter offers density bonuses and incentives or concessions for the development of housing that is affordable to the types of households and qualifying residents identified in Section 17.140.020 (Eligibility for Bonus, Incentives, or Concessions), below. This Chapter is intended to implement the requirements of Government Code Section 65915 et seq., or as may be amended, and the Housing Element of the General Plan.

17.140.020 Eligibility for State Density Bonus, Incentives, or Concessions

In order to be eligible for a State housing density bonus or other incentives or concessions as provided by this chapter, a proposed housing development shall comply with the following requirements, and satisfy all other applicable provisions of this Zoning Code, except as provided by Section 17.140.040 (Allowed Incentives or Concessions).

- A. **Resident requirements.** A housing development proposed to qualify for a State housing density bonus and incentive or concession shall be designed and constructed so that it includes at least one of the following:
1. Five percent of the total number of proposed units are for very low income households, as defined by the Health and Safety Code Section 50105;
 2. Ten percent of the total number of proposed units are for lower income households, as defined by the Health and Safety Code Section 50079.5;
 3. Ten percent of the total dwelling units in a common interest development as defined in Civil Code Section 1351 are for persons and families of moderate income, as defined in Health and Safety Code Section 50093, provided that all units in the development are offered to the public for purchase; or
 4. The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 or 799.5.
- B. **Applicant selection of basis for bonus.** For the purposes of calculating the amount of the density bonus in compliance with Section 17.140.030 (Allowed Density Bonus), below, the applicant

who requests a density bonus shall elect whether the bonus shall be awarded on the basis of Subsections 17.140.030A.1, 2, 3, or 4.

- C. **Bonus units shall not qualify for a project.** Density bonus units authorized by this chapter shall not be included when determining the number of target units required to qualify for a density bonus.
- D. **Minimum project size to qualify for density bonus.** The density bonus provided by this chapter shall be available only to a housing development of five or more dwelling units.
- E. **Condominium conversion projects.** A condominium conversion project for which a density bonus is requested shall comply with Government Code Section 65915.5 and Section 17.52.110 (Condominium Conversions).

17.140.030 Allowed Density Bonuses

The amount of a density bonus allowed in a housing development shall be determined by the Commission in compliance with this section. For the purposes of this chapter, “density bonus” means a density increase over the otherwise maximum allowable residential density under the applicable zone and designation of the Land Use Element of the General Plan as of the date of the application by the applicant to the Town.

- A. **Density bonus.** A housing project that complies with the eligibility requirements in Subsections 17.140.020A. 1, 2, 3, or 4, shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant.
 - 1. ***Density bonus for very low income households.*** For each one percent increase above five percent in the percentage of target units affordable to very low income households, the density bonus shall be increased by 2.5 percent, up to a maximum of 35 percent. For example, a 20 unit project with two very low income units (i.e., 10 percent of units is very low income) is entitled to a 32.5 percent density bonus, resulting in seven additional units.
 - 2. ***Density bonus for low income households.*** For each one percent increase above 10 percent in the percentage of target units affordable to low income households, the density bonus shall be increased by 1.5 percent, up to a maximum of 35 percent. For example, a 20 unit project with three low income units (i.e., 15 percent of units is low income) is entitled to a 27.5 percent density bonus, resulting in six additional units.
 - 3. ***Density bonus for moderate income units in common interest development.*** For a residential project that is a qualified common interest development pursuant to Subsection 17.140.020A.3, for each one percent increase above 10 percent in the percentage of target units for sale to moderate income households at an affordable sales price, the density bonus shall be increased by one percent, up to a maximum of 35 percent. For example, a 20 unit project with four moderate income units (i.e., 20 percent of units is moderate income) is entitled to a 15 percent density bonus, resulting in three additional units.

- 4. **Density bonus for senior housing units.** A housing development that is eligible for a bonus in compliance with the criteria in Subsection 17.140.020A.4 shall be entitled to a density bonus of 20 percent of the number of senior housing units.

TABLE 17.140.030: STATE DENSITY BONUS (CALIFORNIA GOVERNMENT CODE 65915)				
Affordability Category	Minimum % Target Units	Bonus Granted	Additional Bonus for Each 1% Increase in Target Units	% Target Units Required for Maximum 35% Bonus
Very Low-Income	5%	20%	2.5%	11%
Low-Income	10%	20%	1.5%	20%
Moderate-Income (for-sale, common interest development only)	10%	5%	1%	40%
Senior Citizen Residential Project	100%	20%	N/A	N/A

- 5. **Density bonus for land donation.** A residential project may be eligible for a density bonus in return for land donation pursuant to the requirements set forth in Government Code 65915(g).
- B. **Greater or lesser bonuses.** The Town may choose to grant a density bonus greater than provided by this section for a development that meets the requirements of this section, or grant a proportionately lower density bonus than required by this section for a development that does not comply with the requirements of this section.
- C. **Density bonus calculations.** The calculation of a density bonus in compliance with this section that results in fractional units shall be rounded up to the next whole number, as required by Government Code Section 65915(f)(5).
- D. **Requirements for amendments or discretionary approval.** The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, Zoning Code amendment, or other discretionary approval.
- E. **Location of bonus units.** The developer may locate the density bonus units in areas on the project site other than where the units for the lower income households are located in the housing project.

17.140.040 Allowed Incentives or Concessions

- A. **Applicant request.**
 - 1. The applicant may file their request concurrently with the application for project approval.
 - 2. The applicant shall show that a waiver or modification of development standards is necessary to make the housing units economically feasible.
 - 3. An applicant for a density bonus in compliance with this chapter may also submit to the Town a proposal for the specific incentives or concessions listed in Subsection

17.140.040D (Type of incentives or concessions), below, that the applicant requests in compliance with this section, and may request a meeting with the Director.

- B. **Commission approval.** The Commission shall grant an incentive or concession request that complies with this section unless the Commission makes at least one of the following findings in writing, based upon substantial evidence:
1. The incentive or concession is not required in order to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Section 17.140.070B (Unit cost requirements);
 2. The incentive or concession would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or
 3. The incentive or concession would be contrary to State or Federal law.
- C. **Number of incentives or concessions.** The applicant shall receive the following number of incentives or concessions.
1. ***One incentive or concession.*** One incentive or concession for a project that includes at least 10 percent of the total units for low income households, or at least five percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.
 2. ***Two incentives or concessions.*** Two incentives or concessions for a project that includes at least 20 percent of the total units for low income households, or at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.
 3. ***Three incentives or concessions.*** Three incentives or concessions for a project that includes at least 30 percent of the total units for low income households, or at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

TABLE 17.140.040(C): STATE INCENTIVES OR CONCESSIONS (CALIFORNIA GOVERNMENT CODE 65915)			
<i>Affordability Category</i>	<i>% of Target Units</i>		
Very Low-Income	5%	10%	15%
Low-Income	10%	20%	30%
Moderate-Income (for-sale, common interest development only)	10%	20%	30%
Maximum Incentive(s) or Concession(s)	1	2	3
Notes:			
1. An incentive or concession may be requested only if an application is also made for a density bonus.			
2. Incentives may be selected from only one category (i.e., very low, low, or moderate).			

D. **Type of incentives or concessions.** For the purposes of this chapter, incentive or concession means any of the following:

1. A reduction in the site development standards of this Zoning Code (e.g., lot coverage, setbacks, parking requirements, building height, etc.) or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions;
2. Approval of mixed-use zoning not otherwise allowed by this Zoning Code in conjunction with the housing development if non-residential land uses will reduce the cost of the housing development, and the non-residential land uses are compatible with the housing project and the existing or planned development in the area where the project will be located;
3. Other regulatory incentives or concessions proposed by the applicant or the Town that will result in identifiable, financially sufficient, and actual cost reductions; and/or
4. In its sole and absolute discretion, a direct financial contribution granted by the Council, including the provision of publicly owned land, the waiver of fees or dedication requirements, subsidizing the cost of construction, or participating in the cost of infrastructure.

E. **Effect of incentive or concession.** The granting of an incentive or concession shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, Zoning Code amendment, or other discretionary approval.

17.140.050 Parking Requirements in Density Bonus Projects

A. **Applicability.** This Section applies to a development that meets the requirements of 17.140.020 (Eligibility for Bonus, Incentives, or Concessions), but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this section in compliance with Section 17.140.040 (Allowed Incentives or Concessions) and consistent with Chapter 17.44 (Parking and Loading Standards).

B. Number of parking spaces required.

1. At the request of the applicant, the Town shall require the following vehicular parking ratios for a project that complies with the requirements of Section 17.140.020 (Eligibility for Bonus, Incentives, or Concessions), inclusive of handicapped and guest parking.
 - a. Zero to one bedroom: One on-site parking space.
 - b. Two to three bedrooms: Two on-site parking spaces.
 - c. Four or more bedrooms: Two and one-half on-site parking spaces.
2. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.
3. If, in any instance, the parking ratios listed above would result in a parking requirement greater than that established by Chapter 17.44, the lesser requirement would apply.

C. Location of parking. For the purposes of this section, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.**17.140.060 Bonuses and Incentives for Housing with Child Care Facilities**

A housing development that complies with the resident and project size requirements of Subsection 17.140.020A and also includes as part of that development a child care facility other than a large or small family day care home, that will be located on the site of, as part of, or adjacent to the development, shall be subject to the following.

A. Additional bonus and incentive. The Town shall grant a housing development that includes a child care facility in compliance with this section either of the following:

1. An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the child care facility; or
2. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

B. Requirements to qualify for additional bonus and incentive. If either the density bonus or incentive is granted in compliance with Subsection 17.140.060A, above, the Town shall require the following as a condition of approving the housing development:

1. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable in compliance with Section 17.140.070 (Continued Availability); and
2. Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income in compliance with 17.140.020A (Resident requirements).

- C. **Bonus not required when adequate child care facilities exist.** The Town shall not be required to provide a density bonus for a child care facility in compliance with this section if it finds, based on substantial evidence, that the community has adequate child care facilities.

17.140.070 Continued Availability

The units that qualified the housing development for a density bonus and other incentives and/or concessions shall continue to be available as affordable units in compliance with the following requirements, as required by Government Code 65915(c) and 65916.

- A. **Duration of affordability.** The applicant shall agree to, and the Town shall ensure the continued availability of the units that qualified the housing development for a density bonus and other incentives and/or concessions, as follows:
1. ***Low, very low, and moderate income units.*** The continued affordability of all low, very low, and moderate income qualifying units shall be maintained for 30 years, or more, if a longer period continuing affordability is required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or by Town policy or ordinance.
 2. ***Housing development with Town funding.*** Where there is a direct financial contribution to a housing development through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the Town shall assure continued availability for low- and moderate-income units for 30 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or by Town policy or ordinance.
 3. ***Enforcement.*** Continuing affordability of units that qualified the housing development for a density bonus and other incentives and/or concessions shall be enforced through rent regulatory agreements, resale restrictions, deeds of trust, or other documents as appropriate and acceptable to the Director and Town Attorney, recorded against the subject unit or property except to the extent that any of the requirements therein would conflict with requirements of State law.
- B. **Unit cost requirements.** The rents and owner-occupied costs charged for the housing units in the development that qualify the project for a density bonus and/or other incentives or concessions, shall not exceed the following amounts during the period of continued availability required by this section:
1. ***Low income units.*** Rents for the low income density bonus units shall be set at an affordable rent as defined in Health and Safety Code Section 50053; and
 2. ***Owner-occupied units.*** Owner-occupied units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.
- C. **Occupancy and resale of moderate income common interest development units.** An applicant shall agree to, and the Town shall ensure that the initial occupant of moderate income units that are directly related to the receipt of the density bonus in a common interest development as defined in Civil Code Section 1351, are persons and families of moderate income, as defined in

Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5. The Town shall enforce an equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. The following requirements apply to the equity sharing agreement.

1. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.
2. The Town shall recapture any additional subsidy and its proportionate share of appreciation, which shall then be used within five years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote home ownership. For the purposes of this section:
 - a. The value of the Town's initial subsidy shall be considered equivalent to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of resale shall be used as the initial market value; and
 - b. The Town's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

17.140.080 Processing of Bonus Requests

- A. **Permit requirement.** A request for a density bonus and other incentives and/or concessions shall require use permit approval in compliance with Chapter 17.68 (Use Permits). In addition, the density bonus award and other incentives and/or concessions shall require Council approval.
- B. **Findings for approval.** A density bonus and other incentives and/or concessions may be approved only after all of the following findings are made. It is the responsibility of the applicant to establish evidence in support of the findings for approval.
 1. All of the findings required for use permit approval;
 2. A finding that the residential development is eligible for the density bonus and any incentives or concessions, parking reductions, or waivers requested;
 3. The residential development is consistent with the General Plan, except as provided by this chapter for density bonuses, and other incentives and concessions;
 4. The approved number of dwellings can be accommodated by existing and planned infrastructure capacities;
 5. A finding that any requested incentive or concession will result in an identifiable, financially sufficient, and actual cost reduction based upon financial analysis and documentation provided, and none of the findings for denial of an incentive or concession in Subsection 17.140.040B can be made;

6. Adequate evidence exists to indicate that the project will provide affordable housing in a manner consistent with Government Code Section 65915, or as may be amended, the purpose and intent of this chapter;
7. There are sufficient provisions to guarantee that the units will remain at the required affordability levels for the required time period; and
8. Affordable housing units would meet the required livability standards.

17.140.090 Density Bonus Agreement

- A. **Agreement required.** Consistent with Government Code Section 65917, an applicant requesting a density bonus and/or incentives or concessions shall agree to enter into a density bonus agreement (referred to as the “agreement”) with the Town in a form approved by the Council and Town Attorney. The agreement shall be consistent with any construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or other similar grant program requirements or terms.
- B. **Execution of agreement.**
 1. Following approval of the agreement, and execution of the agreement by all parties, the Town shall record the completed agreement on the parcels designated for the construction of designated dwelling units, at the County Recorder’s Office.
 2. The approval and recordation shall take place at the same time as the final map or, where a map is not being processed, before the issuance of a building permit for the designated dwelling units.
 3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest for the specified term.

17.140.100 Judicial Relief, Waiver of Standards

- A. **Waiver of standards preventing the use of bonuses, incentives, or concessions.**
 1. As required by Government Code Section 65915(e), the Town will not apply a development standard that will have the effect of precluding the construction of a development meeting the criteria of Subsection 17.140.020A (Resident requirements), above, at the densities or with the incentives or concessions allowed by this chapter.
 2. An applicant may submit to the Town a proposal for the waiver or reduction of development and zoning standards that would have the effect of physically precluding the construction of a development utilizing a density bonus consistent with this chapter.
 3. The applicant shall show that the waiver or reduction is necessary to make the housing units economically feasible.
- B. **Town exemption.** Notwithstanding the provisions of Subsection 17.140.100.A, above, nothing in this section shall be interpreted to require the Town to:

1. Grant a density bonus, incentive or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;
2. Grant a density bonus, incentive or concession, or waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or
3. Grant a density bonus, incentive or concession, or waive or reduce a development standard that is contrary to State or Federal law.

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Article VII
Zoning Code Terms and Definitions

Chapter 17.144 Use Classifications

17.144.010	Purpose and Applicability
17.144.020	Residential Use Classifications
17.144.030	Recreation, Education, and Public Assembly Use Classifications
17.144.040	Retail Use Classifications
17.144.050	Service Use Classifications
17.144.060	Industry, Manufacturing, and Processing Use Classifications
17.144.070	Transportation, Communication, and Utilities Use Classifications
17.144.080	Agriculture and Natural Resource Use Classifications

17.144.010 Purpose and Applicability

Use classifications describe one or more uses of land having similar characteristics but do not list every use or activity that may appropriately be within the classification. The Director shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this chapter.

17.144.020 Residential Use Classifications

Single Family Dwelling

Detached. A dwelling unit designed for occupancy by one household, and located on a separate lot from any other unit (except second living units, where permitted). This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

Attached. A dwelling unit designed for occupancy by one household, located on a single lot, and attached through common vertical walls to one or more dwellings on abutting lots.

Multi-Family Residential. Two or more dwelling units on a site or lot. Types of multiple unit dwellings include duplexes, triplexes, four-plexes, garden apartments, senior housing developments, and multi-story apartment buildings.

Assisted Living Facility. A housing arrangement chosen voluntarily by the residents, or the residents' guardians, conservators, or other responsible persons where 75 percent of the residents are at least 62 years of age, or if younger, have needs compatible with other residents; and where varying levels of care and supervision are provided, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal. Assisted living facilities may include kitchenettes (small refrigerator, sink and/or microwave oven) within individual rooms. Assisted living facilities are required to be licensed by the California Department of Social Services, and may include skilled nursing services if adequately licensed by the State Department of Social Services, the State Department of Health Services, and the State Department of Insurance.

Caretaker Housing. A permanent residence that is secondary or accessory to the primary use of the property, and used for housing a caretaker on the site of a non-residential use where needed for security purposes or to provide 24 hour oversight of operations, equipment, or other resources on the site, including but not limited to the care or monitoring of people, plants, animals, equipment, or other conditions on the site.

Convalescent Home. Establishments that provide 24-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the State of California, including but not limited to, rest homes and convalescent hospitals, but not Residential Care, Hospitals, or Clinics.

Emergency Housing/Shelter. A temporary, short-term residence providing housing with minimal supportive services for homeless families or individual persons where occupancy is limited to six months or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided.

Family Day Care Home. As defined by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.

Large. As defined by Health and Safety Code Section 1596.78, a day care facility in a single dwelling where an occupant of the residence provides family day care for seven to 14 children, including children under the age of 10 years who reside in the home.

Small. As defined by Health and Safety Code Section 1596.78, a day care facility in a single residence where an occupant of the residence provides family day care for eight or fewer children, including children under the age of 10 years who reside in the home.

Group Living Quarters. Shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes clean and sober facilities, rooming and boarding houses, dormitories and other types of organizational housing, private residential clubs, and extended stay hotels intended for long-term occupancy (30 days or more) but excludes Hotels and Motels, and Residential Care Facilities.

Live/Work Unit. An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and where the residential use is secondary and accessory to the primary use as a place of work.

Mobile Home Parks. A development designed and occupied by mobile homes including development with facilities and amenities used in common by occupants who rent, lease, or own spaces for mobile homes through a subdivision, cooperative, condominium or other form of resident ownership.

Residential Care Facility. Facilities that are licensed by the State of California to provide permanent living accommodations and 24-hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit as well as those operated by public or not-for-profit institutions, including hospices, nursing homes, convalescent facilities, and group homes for minors, persons with disabilities, and people in recovery from alcohol or drug additions.

General. A facility providing care for more than six persons.

Limited. A facility providing care for six or fewer persons.

Second Dwelling Unit. A dwelling unit providing complete independent living facilities for one or more persons that is located on a lot with another primary, single-unit dwelling. A second unit may be within the same structure as the primary unit, in an attached structure, or in a separate structure on the same lot.

Single Room Occupancy. A residential facility containing housing units that may have kitchen and/or bathroom facilities and are guest rooms or efficiency units as defined by the State Health and Safety Code. Each housing unit is occupied by no more than two persons and is offered on a monthly rental basis or longer.

Student and Faculty Housing. Residential units or facility that houses students or faculty of Cerro Coso Community College.

Supportive Housing. Dwelling units with no limit on length of stay, that are occupied by the target population as defined in Section 50675.14 of the California Health and Safety Code, and that are linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, where possible, work in the community.

Transitional Housing. Dwelling units configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

17.144.030 Recreation, Education, and Public Assembly Use Classifications

Commercial Recreation Facility. Establishments providing indoor or outdoor amusement and/or entertainment services for a fee or admission charge, such as ice skating and roller skating, golf driving ranges where separate from golf course, miniature golf courses, swim and tennis clubs, batting cages, arcades, pool and billiard rooms as primary uses and bowling alleys. Does not include parks and playgrounds or adult oriented businesses, which are separately defined.

Community Assembly. A facility for public or private meetings including community centers, banquet centers, religious assembly facilities, civic and private auditoriums, union halls, meeting halls for clubs and other membership organizations. This classification includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, and storage. It does not include gymnasiums or other sports facilities, convention centers, or facilities, such as day care centers and schools that are separately classified and regulated.

Conference/Convention Facility. One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).

Fitness/Health Facility. Fitness centers, gymnasium, health and athletic clubs, which may include any of the following: indoor sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities; does not include adult entertainment businesses.

Instructional Services. Establishments that offer specialized programs in personal growth. Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial

arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

Parks and Playgrounds, Public. Public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including open space areas for passive recreation and picnicking, swimming pools, tennis courts, and other sport and active recreation facilities. This classification also includes related food concessions or community centers within the facilities. If privately owned, the same facilities are included under the definition of “Private Recreation Facility.”

Private Residential Recreational Facility. A privately-owned, non-commercial recreation facility provided for a residential project or neighborhood residents, including swimming pools, swim and tennis clubs, and sport court facilities; does not include golf courses, country clubs, or private sport courts accessory to single-family dwellings.

Public Recreational and Cultural Facility. Public or non-profit institutions engaged primarily in the display or preservation of objects of interest in the arts or sciences that are open to the public on a regular basis. This classification includes performing arts centers for theater, music, dance, and events; libraries, museums; outdoor theatres (e.g., amphitheater); stadiums; art galleries; historical sites; and similar types of facilities.

Schools, Public or Private. An institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained in compliance with standards set by the State Board of Education. This definition includes kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education or an institution of higher education, including a community or junior college, college, or university. Also includes specialized education and/or training for adults, including art school, language school, vocational training, professional school and other similar educational facilities. Does not include pre-schools and child day care facilities (see “Day Care”).

Ski Facilities. Uses and facilities pertaining to ski areas, including but not limited to: runs, trails, lift-lines cables, chairs, cars, warming huts, parking, day lodges, shops for sale and rental of ski equipment, ski pro shop, first aid stations, ski school facilities and assembly areas, day nurseries, maintenance facilities, lounges, eating and drinking establishments, and other ski oriented shops. This classification includes uses and facilities serving non-skiing activities or operating year-round such as tennis courts, swimming pools, hot tubs, restaurants, bars, and retail sales constructed on lands which serve or are utilized in the operation of a ski area.

Theater, Cinema or Performing Arts. An indoor facility for public assembly and group entertainment, other than sporting events, including civic theaters and facilities for “live” theater and concerts, and motion picture theaters. Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events (see “Public Recreational and Cultural Facilities”).

17.144.040 Retail Use Classifications

Artisan Shop. A retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, where the store includes an area for the crafting of the items being sold, but where the crafting activity is incidental to retail sales.

Auto and Vehicle Sales and Rental. A retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, motorcycles, recreational vehicles, snowmobiles, and other like vehicles. Vehicles for sale may be displayed outdoors or indoors, as authorized by the required permit. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships.

Bars/Taverns/Nightclubs. Businesses serving beverages for consumption on the premises as a primary use and including on-sale service of alcohol including beer, wine, and mixed drinks where food service is subordinate to the sale of alcoholic beverages. This use includes micro-breweries where alcoholic beverages are sold and consumed on-site. May include entertainment (e.g., live music and/or dancing); does not include adult oriented businesses.

Building Materials and Services. Retail sales or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and includes establishments devoted principally to taxable retail sales to individuals for their own use. This definition does not include hardware stores less than 10,000 square feet in floor area or plant nurseries.

General Retail. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments; including supermarkets, food markets, groceries, convenience stores, liquor stores, department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, firearms, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation). Retail sales may be combined with other services such as office machine, computer, electronics, and similar small-item repairs.

Nurseries and Garden Centers. Establishments primarily engaged in retailing nursery and garden products—such as trees, shrubs, plants, seeds, bulbs, and sod—that are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves onsite. Fertilizer and soil products are stored and sold in package form only. This classification includes wholesale and retail nurseries offering plants for sale.

Restaurant, Café, Coffee Shop. A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption (“counter service”); and establishments where customers are served food at their tables for on-premise consumption (“table service”), that may also provide food for take-out. This use includes micro-breweries where the sale and consumption of alcoholic beverages are subordinate to on-site food service and catering businesses or bakeries that have a storefront retail component.

Tasting Room. A retail sales facility where customers may taste and purchase beverage and food that may have been grown or processed on-site. Products offered for tasting and sale may include wine, olive oil, cheese, and/or other food and beverage products.

17.144.050 Service Use Classifications

Adult-Oriented Business. An establishment that, as a regular and substantial course of conduct, offers, sells or distributes adult-oriented merchandise, or that offers to its patrons materials, products, merchandise, services, entertainment or performances that have sexual arousal, sexual gratification, and/or sexual stimulation as their dominant theme, or are characterized by an emphasis on specified sexual activities or specified anatomical areas and are not customarily open to the general public because they exclude minors by virtue of their age. This classification does not include any establishment offering professional services conducted, operated, or supervised by medical practitioners, physical therapists, nurses, chiropractors, psychologist, social workers, marriage and family counselors, osteopaths, and persons holding licenses or certificates under applicable State law or accreditation from recognized programs when performing functions pursuant to the respective license or certificate.

Animal Care and Boarding. Care and services related to the boarding and care of household pets including:

Animal Raising and Keeping. The raising and keeping of animals, except for household pets (e.g., cats, dogs, and other animals ordinarily kept as household pets).

Kennel. Facilities for keeping, boarding, training, breeding or maintaining four or more dogs, cats, or other household pets not owned by the kennel owner or operator. It excludes pet shops and animal hospitals that provide 24-hour accommodation of animals receiving medical or grooming services.

Pet Day Care. Facilities for providing non-medical care for four or more dogs, cats, or other household pets not owned by the pet day care owner or operator on a less than 24-hour basis.

Pet Grooming. Grooming or selling of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons, pet grooming shops, and pet stores and shops. This classification excludes dog walking and similar pet care services not carried out at a fixed location.

Veterinary Services. Veterinary services for small animals. This classification allows 24-hour accommodation of animals receiving medical services but does not include kennels.

Banks and Financial Services. Financial institutions providing retail banking services. This classification includes only those institutions serving walk-in customers or clients, including banks, savings and loan institutions, and credit unions.

Cemeteries and Interment Services. Establishments primarily engaged in the provision of services involving the care, preparation, or disposition of the human remains and conducting memorial services. Typical uses include a cemetery, crematory, columbarium, mausoleum, burial place, or mortuary.

Day Care Centers. Establishments providing non-medical care for persons on a less than 24-hour basis other than Family Day Care. This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State of California.

Food Preparation. Businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Typical uses include catering kitchens, bakeries, small-scale specialty food production, and

micro-breweries. Food preparation operations may include tasting rooms open to the public retail sales where tasting rooms and retail sales are also allowed uses.

Government Offices. Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, together with incidental storage and maintenance of vehicles. This classification excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see Utilities, Major).

Lodging. An establishment providing overnight accommodations to transient patrons, for payment, for periods of less than 30 consecutive calendar days.

Bed and Breakfast. A residential structure that is in residential use with one or more bedrooms rented for overnight lodging and where meals may be provided.

Hotels and Motels. Establishments providing overnight lodging to transient patrons. These establishments may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. This use classification includes motor lodges, motels, and tourist courts, but does not include rooming houses, boarding houses, private residential clubs, or bed and breakfast establishments within a single-unit residence, which are separately defined and regulated.

Maintenance and Repair Services. Establishments engaged in the maintenance or repair of office machines, household appliances, furniture, and similar items. This classification excludes maintenance and repair of vehicles or boats (see Automotive/Vehicle Sales and Services) and personal apparel (see Personal Services).

Medical Marijuana Cooperatives. A location where marijuana is cultivated collectively by more than one qualified patient, person with valid identification card or designated primary caregiver of a person with a valid identification card, in order to collectively or cooperatively cultivate and/or store marijuana for medical purposes, as provided in Health and Safety Code Section 11362.775.

Medical Services. State-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs as well as training, research, and administrative services for patients and employees. This classification excludes veterinaries and animal hospitals (see Animal Care and Boarding).

Hospital. Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses, and on-site ambulance dispatch facilities.

Clinics and Laboratories. Facilities primarily engaged in furnishing outpatient medical, mental health, surgical, dental and other personal health services, and medical and dental laboratories. Counseling services by people other than medical doctors or psychiatrists are included under “Office.”

Offices. Offices of firms or organizations providing professional, executive, management, or administrative services, such as accounting, advertising, architectural, computer software design, counseling, data processing, research, engineering, graphic design, interior design, legal offices and tax preparations offices.

Walk-In Clientele. An office business providing direct services to patrons or clients that may or may not require appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices and offices for elected officials. It does not include banks that are separately classified and regulated.

Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, seamstresses, tailors, day spas, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, photocopying and photo finishing services, tattoo parlors, and travel agencies mainly intended for the consumer. This classification also includes massage establishments in which all persons engaged in the practice of massage are certified pursuant to the California Business and Professions Code Section 4612.

Public Safety Facilities. Facilities providing public-safety and emergency services, including police and fire protection and emergency medical services, with incidental storage, training and maintenance facilities.

Research and Development. A facility for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities or where there is no manufacturing on the same site; includes pharmaceutical, chemical and biotechnology research and development.

Vehicle Services. The repair, servicing, alteration, restoration, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, boats and other vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use, including:

Fueling Station. Establishments primarily engaged in retailing automotive fuels or retailing these fuels in combination with activities, such as providing minor automobile/vehicle repair services; selling automotive oils, replacement parts, and accessories; and/or providing incidental food and retail services.

Large Vehicle and Equipment Sales, Service and Rental. Sales, servicing, rental, fueling, and washing of large trucks, trailers, tractors, and other heavy equipment used for construction, moving, agricultural, or landscape gardening activities. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc. Includes large vehicle operation training facilities. Sales of new or used automobiles or trucks are excluded from this classification.

Repair, Major. Repair of automobiles, trucks, motorcycles, motor homes, boats and recreational vehicles, including the incidental sale, installation, and servicing of related equipment and parts, generally on an overnight basis. This classification includes auto repair shops, body and fender shops, transmission shops, wheel and brake shops, auto glass services, vehicle painting and tire sales and installation, but excludes vehicle dismantling or salvaging and tire retreading or recapping.

Service and Repair, Minor. The service and repair of automobiles, light-duty trucks, boats, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, and quick-service oil, tune-up and brake and muffler shops where repairs are made or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials., and towing services. It also excludes repair of heavy trucks, limousines or construction vehicles.

Vehicle Storage. A facility for the storage of operative cars and other fleet vehicles, trucks, buses, recreational vehicles, and other motor vehicles; includes facilities for the storage and/or servicing of fleet vehicles. Also includes the parking of a vehicle on private property for more than 72 hours without operation, such as a towing or impound yard.

Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles, including self-serve washing facilities.

Warehousing, Storage, and Distribution. Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant. This classification includes mini-warehouses.

Construction and Material Yards. Storage of construction materials or equipment on a site other than a construction site.

Indoor Warehousing and Storage. Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials including but not limited to automobiles, feed, and lumber. Also includes cold storage, draying or freight, moving and storage, and warehouses. This classification excludes the storage of hazardous chemical, mineral, and explosive materials.

Outdoor Storage. Storage of vehicles or commercial goods or materials in open lots.

Personal Storage. Facilities offering enclosed storage with individual access for personal effects and household goods including mini-warehouses and mini-storage. This use excludes workshops, hobby shops, manufacturing, or commercial activity.

Wholesaling and Distribution. Indoor storage and sale of goods to other firms for resale; storage of goods for transfer to retail outlets of the same firm; or storage and sale of materials and supplies used in production or operation, including janitorial and restaurant supplies. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. They normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic.

17.144.060 Industry, Manufacturing, and Processing Use Classifications

Handicraft/Custom Manufacturing. Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and

craft products, and taxidermists. Also includes manufacturing establishments producing small products not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; jewelry; musical instruments; pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; etc.

Industry, General. Manufacturing of products from extracted or raw materials or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes operations such as bottling plants; laundries and dry cleaning plants; food and beverage processing; production apparel manufacturing; photographic processing plants; sign manufacturing; ski and snowboard manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; lumber and wood product manufacturing; automotive and heavy equipment manufacturing; monument works; printing, engraving and publishing; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services.

Industry, Heavy. Industrial uses that regularly use hazardous chemicals or procedures or produce hazardous byproducts, including the following: manufacturing of acetylene, cement, lime, gypsum or plaster-of-paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, and radioactive materials. This classification also includes asphalt and concrete plants and rock, sand or gravel yards and/or processing. Heavy industrial uses have high potential for external impacts on the surrounding area in terms of noise, vibration, odor, hours of operation, and traffic.

Recycling Facility. A facility for receiving, temporarily storing, transferring and/or processing materials for recycling, reuse, or final disposal. This use classification does not include waste transfer facilities that operate as materials recovery, recycling, and solid waste transfer operations and are classified as utilities.

Reverse Vending Machine. An automated mechanical device that accepts, sorts and processes recyclable materials and issues a cash refund or a redeemable credit slip.

Small Collection Facility. An incidental use that serves as a neighborhood drop off point for the temporary storage of recyclable materials but where the processing and sorting of such items is not conducted on-site.

Large Collection Facility. A facility that receives, sorts, stores and/or processes recyclable materials.

17.144.070 Transportation, Communication, and Utilities Use Classifications

Airports and Heliports. Facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, aircraft storage buildings, public terminal building and parking, air freight terminal, baggage handling facility, aircraft hangar and public transportation and related facilities, including bus operations, servicing and storage. Also includes support activities such as fueling and maintenance, storage, airport operations and air traffic control, incidental retail sales, coffee shops and snack shops and airport administrative facilities, including airport offices, terminals, operations buildings, communications equipment, buildings and structures, control towers, lights, and other equipment and structures required by the United States Government and/or the State for the safety of aircraft operations.

Parking, Public or Private. Surface lots and structures for use of occupants, employees, or patrons on the subject site or offering parking to the public, potentially for a fee, when such use is not incidental to another on-site activity.

Telecommunication Facilities. Facilities for the provision of broadcasting and other information relay services through the use of electronic and telephonic mechanisms.

Transportation Passenger Facilities. Facilities for passenger transportation operations. Includes rail stations and bus terminals but does not include terminals serving airports or heliports. Also includes private transportation facilities, including ski lifts or similar aerial conveyances.

Utilities, Major. Generating plants, electric substations, service yards, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

17.144.080 Agriculture and Natural Resource Use Classifications

Animal Raising and Crop Cultivation. The raising, grazing, or feeding of animals for animal products, animal increase, or value increase, and dairying as an accessory use on farms with dairy cattle and the cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers. This classification includes agriculturally related services, such as storage of agricultural products; agricultural waste handling and disposal services; and other similar related services.

Environmental Research Facilities. Research establishments primarily engaged in implementing scientific research relating to the environment. The use includes laboratories, monitoring stations, scientific interpretive centers, research and training classrooms, and related support facilities.

Flood Control Facilities. Facilities design to provide flood control by controlling rates of runoff, holding extra water, or diverting floodwater.

Forestry Products. The operation and harvesting of timber tracts, tree farms, forest nurseries, whether planted or of natural growth, standing or down, including Christmas trees and nursery stock for restocking commercial forest land and related activities such as reforestation services; also the gathering of gums, barks, sap, moss and other forest products.

Geothermal Exploration/Production. Activities related to the discovery, test, production, disposal, or use of geothermal resources and deriving energy primarily from geothermal resources.

Riding Academies and Commercial Stables. Any place where horses, donkeys, and/or mules are kept, housed, boarded, lodged, fed, hired, trained, sold or bred as a commercial activity, examples of which include horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), and barns, stables, corrals and paddocks accessory and incidental to these uses; does not include the simple pasturing of horses, donkeys, and/or mules.

Chapter 17.148 Definitions

17.148.010 Purpose of Chapter

17.148.020 Definitions of Specialized Terms and Phrases

17.148.010 Purpose of Chapter

This Chapter provides definitions of terms and phrases used in this Zoning Code that are technical or specialized, or that may not reflect common usage. If a definition in this chapter conflicts with a definition in another provision of the Municipal Code, these definitions shall control for the purposes of this Zoning Code. If a word is not defined in this chapter, or in other provisions of the Town of Mammoth Lakes Municipal Code, the Director shall determine the correct definition, giving deference to common usage.

17.148.020 Definitions of Specialized Terms and Phrases

A. Definitions A

Above-Moderate Income Household. A household whose income exceeds the qualifying limits set for “persons and families of low or moderate income” in Section 50093 of the California Health and Safety Code.

Abut. Having property lines, street lines, and/or zoning district lines in common.

Access or Access Way. The place, means, or way by which pedestrians and vehicles shall have safe, adequate, and usable ingress and egress to a property or use as required by this Zoning Code.

Accessory Structure. A structure or part of a structure that is secondary and incidental to, and commonly associated with a primary structure on the same site. Also, an accessory building.

Accessory Use. A use customarily incidental to, related and clearly subordinate to a primary use on the same parcel that does not alter the primary use of the parcel or serve property other than the parcel where the primary use is located; does not include secondary residential units, which are separately defined.

Accessory Use, Retail. The retail sales of various products (including food) in a store or similar facility for the purpose of serving employees or customers of the primary use, and is not visible from public streets. These uses include pharmacies, gift shops, as well as convenience stores and food service establishments within hotel, office and industrial complexes.

Active Frontages. Street frontages mapped on Figure 17.24.020 where pedestrian activity is a priority. In these locations, specific measures are required to create areas where shopfront buildings frame the street and provide an animated, pedestrian-friendly environment with high visual quality.

Addition. An extension or increase in floor area and/or height of a building or structure.

Adult Business Terms. The following terms are defined for the purposes of Section 17.52.050, Adult Uses.

- **Adult Arcade.** Any business establishment or concern to which the public is permitted or invited and where coin or slug operated or electronically, electrically, or mechanically controlled amusement devices, still or motion picture machines, projectors, videos, or other image producing devices are maintained to show images on a regular or substantial basis, where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas."
- **Adult Bookstore.** Any business establishment or concern having as a regular and substantial portion of its stock in trade, "Material" (as defined below) which is distinguished or characterized by its emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
- **Adult Business or Adult Use means:**
 - Any business establishment or concern which as a regular and substantial course of conduct operates as an Adult Bookstore, Adult Theater, Adult Arcade, Adult Cabaret, Adult Figure Modeling Studio; or
 - Any business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes Adult-Oriented Merchandise or sexually-oriented merchandise, or which offers to its patrons Materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Parts," but not including those uses or activities which are preempted by State Law.
- **Adult Cabaret or Adult Nightclub.** A business establishment or concern (whether or not serving alcoholic beverages) which features live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers or similar entertainers, and where such performances are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
- **Adult Dance Studio.** Any business establishment or concern which provides for members of the public a partner for dance where the partner, or the dance, is distinguished or characterized by the emphasis on matter depicting, or describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
- **Adult Use Facility.** Any building devoted to the purpose of housing an Adult Business or an Adult Use.
- **Adult-Oriented Merchandise.** Sexually-oriented implements, paraphernalia or novelty items, such as, but not limited to: dildos, auto sucks, sexually-oriented vibrators, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually-oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
- **Adult Massage Parlor.** Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with "Specified Sexual Activities," or where any person providing such treatment, manipulation, or service related thereto, exposes "Specified Anatomical Areas." The definition of Adult Business shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a physical surgeon, chiropractor or osteopath, nor by a nurse or technician working under the

supervision of a licensed surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team for a school athletic program, nor by any California State licensed massage practitioners.

- **Adult Theater.** A theater or other commercial establishment with or without a stage or proscenium which is used for presenting, on a regular and substantial basis, "Material" which is distinguished or characterized by an emphasis on "Matter" depicting, or describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
- **Arcade Booth.** Any enclosed or partially enclosed portion of an establishment in which an Adult Arcade is located, or where a live performance is presented, on a regular or substantial basis, where the Material presented is distinguished or characterized by an emphasis on matter depicting, or describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
- **Escort.** A person who, for any form of consideration or gratuity, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- **Escort Agency.** A person or business association which furnishes, offers to furnish, or advertises to furnish Escorts as one of its primary business purposes for a fee, tip, or other consideration.
- **Facility.** Any building that is devoted to a particular use.
- **Figure Modeling Studio.** Any establishment or business which provides for members of the public, the services of a live human model for the purposes of reproducing the human body, wholly or partially in the nude, by means of photograph, painting, computer software, sketching, drawing, or other pictorial form.
- **Material.** Relative to Adult Businesses, "Material" means and includes, but is not limited to, accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes or electronically generated images or devices including computer software, or any combination thereof.
- **Minor.** The legal status of anybody under the age of 18 years.
- **Operator.** The on-site manager or highest-ranking employee on the premises.
- **Park.** Any property within the town which is designated as a public park.
- **Performer.** Any person who is an Employee or independent contractor of the Adult Business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an Adult Business.
- **Religious Institution.** A facility used primarily for religious assembly or worship and related religious activities.
- **Residential Zone.** Any property within the town which is zoned with the intent of a residential land use including: Affordable Housing (overlay), Residential Multi-Family 1, Residential Multi-Family 2, Rural Residential, Rural Residential (Equestrian overlay) and Residential Single-Family as set forth on the Town's official Zoning Map.
- **School.** Any parcel which contains any public elementary school, public middle school, public high school or public library. The definition of School does not include a community or junior college, college or university, preschool, or a vocational institution.

- **Specified Anatomical Areas** means:
 - Less than completely and opaquely covering human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola; or
 - Any device or covering, when exposed to view, which simulates the female breast below a point immediately above the top of the areola, human genitals, pubic region or buttock; or
 - Human or simulated male genitals in a discernible turgid state, even if completely and opaquely covered.
- **Specified Sexual Activities** means:
 - Human genitals in a state of sexual stimulation or arousal; and/or
 - Acts of human masturbation, sexual stimulation or arousal; and/or
 - Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; and/or
 - Masochism, erotic or sexually-oriented torture, beating or the infliction of pain; and/or
 - Human excretion, urination, menstruation, vaginal or anal irrigation; and/or
 - Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Affordable Housing Concession or Incentive. A development incentive or concession that shall be provided to a qualifying development in accordance with Chapter 17.140 and State Housing Density Bonus law (Government Code 65915 et. seq.).

Affordable Housing Density Bonus. A density increase over the otherwise maximum allowable residential density under the applicable zone and designation of the Land Use Element of the General Plan as of the date of the application by the applicant to the Town, as allowed under Government Code 65915 or Article IV (Affordable and Workforce Housing).

Affordable Housing Incentive. See “Affordable Housing Concession.”

Affordable Housing Unit. A housing unit that is available at an Affordable Rent, or Affordable Ownership Cost.

Affordable Rent. Monthly housing expenses, including rent and a reasonable allowance for utilities, which does not exceed one-twelfth of thirty percent of the maximum annual income for a household of the applicable income level for Mono County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development, and adjusted for household size.

Affordable Ownership Cost. A sales price for a housing unit resulting in projected average monthly housing payments, during the first calendar year of a household’s occupancy, including interest, principal, mortgage insurance, property taxes, homeowners insurance, homeowner’s association dues if any, and a reasonable allowance for utilities, property maintenance and repairs, all as determined by the Town, which does not exceed one-twelfth (1/12) of thirty five percent (35%) of the maximum annual income for a household of the applicable income level for Mono County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the California Department of Housing and Community Development, and adjusted for household size.

Agent. A person authorized in writing by the property owner to represent and act for a property owner in contacts with Town employees, committees, Commissions, and the Council, regarding matters regulated by this Zoning Code.

Airport. The Mammoth Yosemite Airport.

Alcoholic Beverage Sales. The retail sale of beer, wine, and/or distilled spirits for on-premise or off-premise consumption, as licensed by the State Department of Alcoholic Beverage Control.

Alley. A public or private roadway that provides vehicle access to the rear or side of parcels having other public street frontage that is not normally intended for general traffic circulation.

Allowed (Allowed Use). A land use identified by Article II as a permitted or conditional use that may be established with an administrative permit or use permit, and where applicable, design review and/or building permit approval, subject to compliance with all applicable provisions of this Zoning Code.

Altered. A physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting, unless otherwise defined in this Zoning Code. Also see “Structural Alteration.”

Alternate Housing Mitigation Plan. A plan, prepared in conformance with the requirements of Chapter 17.136, proposing an alternate means to fulfill the inclusionary housing requirements otherwise required by the Chapter.

Antenna. See “Telecommunications Facilities.”

Apartment. A dwelling in a structure designated, built, rented, let, or hired out to be occupied or used to house two or more households living independently of each other and doing their cooking in the dwelling; not a condominium project as defined by Civil Code 1351(f).

Applicant. Any person who is filing an application requesting an action who is:

- The owner or lessee of property;
- A party who has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Zoning Code, and who presents written authorization from the property owner to file an application with the Town; or
- The agent of either of the above who presents written authorization from the property owner to file an application with the Town.

Approval. Includes both approval and approval with conditions.

Appurtenance. A tower, spire, cupola, chimney, mechanical equipment (e.g., elevator equipment), exit (e.g., fire escape), or other similar structure that is attached to a structure and not intended for human occupancy.

Arborist. A certified arborist who is registered with the International Society of Arboriculture, or a member in good standing with the American Society of Consulting Arborists.

Architectural Feature. An exterior building feature, including a balcony, canopy, column, doors, porches, roof, roof eave, soffit, windows, wing wall, and any other similar element that does not create an interior floor space.

Area Median Income (AMI). The median household income for Mono County as published by the State of California pursuant to California Code of Regulations, Title 25, Section 6932, or successor provision.

Assessed Value. The value of land and improvements as shown in the most recent records of the County Assessor.

Attic. The area located between the uppermost plate and the roof or ridge of a structure. Attics may be finished or unfinished.

Automated Teller Machine (ATM). A computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel.

Awning. A projecting structure, consisting of a frame and a material covering, attached to and wholly supported by a wall of a building and installed over and partially in front of doors, windows, or other openings in a building; an awning may be permanent or temporary and may be retractable. See also “Canopy.”

B. Definitions B

Balcony. A platform that is cantilevered from a building wall and is enclosed by a parapet or railing.

Bedroom. A room that meets the minimum dimension, area, and height requirements for a habitable room as specified in the California Building Standards Code and California Residential Building Code that has an adjoining area or space that may be used as a closet whether or not the room is actually utilized for sleeping purposes.

Below-Market Rate (BMR) Unit. A dwelling unit that shall be offered at an affordable rent or affordable ownership cost to very-low, low-, or moderate income households and is required by the Town pursuant to Chapter 17.136. At the Town’s discretion, a Workforce Housing Unit may also be classified as a BMR unit.

Bicycle Parking. Parking spaces for short and long-term bicycle storage. Bicycle parking may consist of bicycle racks, lockers, or storage rooms and typically allows for bicycles to be stored securely.

- Bicycle Parking, Long-term. Bicycle parking that is intended for bicycle trips where bicycles will be left for a long-period of time (generally for several hours, overnight, or seasonally).
- Bicycle Parking, Short-term. Bicycle parking that is intended for bicycle trips where bicycles will be left for a short time period (generally less than 2 hours).

Bicycle Space. An accessible space for the parking of one bicycle. See “Bicycle Parking.”

Blank Wall. Any wall that is not enhanced by architectural features, windows, doors, or similar features. Solid and mechanical doors and glass with less than 80% transparency are considered blank wall areas.

Breezeway. A roofed structure not enclosed on more than two sides attached to and connecting portions of a main building, or a portion of a main building, and an accessory building.

Buildable Site Area. An area within a lot suitable for the placement of a building or structure located outside of required setback areas that meets minimum building site dimension, maximum slope area, and all applicable access requirements.

Build-To Line. A line parallel to a property line where a structure is required to be located.

Building. A structure to be used as a place of occupancy, storage, or shelter.

Building Frontage. A building wall adjacent to a parcel boundary that abuts a public right-of-way. A primary building frontage provides the main pedestrian entrance to the building. A secondary building frontage abuts a side street, rear entrance, or has an entrance from other than a public right-of-way.

Building Height. See Section 17.36.060 (Height Measurement and Height Limit Exceptions).

Building Official. Designated Town employee who is primarily responsible for administration of the building regulations adopted by this title, subject to the overall direction and control of the Town Manager or designee.

C. Definitions C

California Environmental Quality Act (CEQA). State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of a proposed action, prior to allowing the action to occur.

California Public Utilities Commission (CPUC). The governmental agency which regulates the terms and conditions of public utilities in the State.

Canopy. A permanent roofed structure supported in part by a wall of the building and by posts or stanchions.

Cardroom. See Municipal Code Chapter 5.16 (Cardrooms).

Cargo Container. A metal or similar rectangular shipping container that is otherwise carried on rail cars, truck beds, and/or cargo ships.

Carport. See “Garage or Carport.”

Change of Use. The replacement of an existing use on a lot or parcel, or any portion thereof, by a new use, or a change in the nature of an existing use; but does not include a change of ownership, tenancy, or management associated with a use for which the previous nature of the use will remain substantially unchanged.

Commercial Vehicle. A vehicle used for commercial purposes having a manufacture’s gross vehicle weight rating of 10,000 pounds or more per California Vehicle Code Section 22507.5; typically with three or more axles and/or a minimum of six feet and ten inches wide.

Commission. The Town of Mammoth Lakes Planning and Economic Development Commission, appointed by the Mammoth Lakes Town Council in compliance with Government Code Section 65101, referred to throughout this Zoning Code as the “Commission.”

Community and Economic Development Director. The Director of Community and Economic Development for the Town of Mammoth Lakes, referred to in this Zoning Code as the “Director.”

Condominium. As defined by Civil Code Section 1351(f), an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan. Also see “Fractional or Timeshare Development.”

Coniferous. A tree or shrub that bears cones and has needles or scale-like leaves. Coniferous trees include pine, fir, spruce, and cedar and are sometimes referred to as “evergreens.”

Construction Permit. A permit issued by the Town that authorizes construction activities, including building permits, grading permits, etc.

Cooking Facilities. See “Kitchen.”

Council. See “Town Council.”

County. The County of Mono, State of California.

County Recorder. The recorder for the County of Mono.

Court. See “Sport Court.”

D. Definitions D

Deck. A platform attached to a house to provide outdoor living area that may be roofed (i.e., covered deck), but is without walls on at least two sides, and which includes railings where required by the California Building Standards Code.

Dead Tree. A tree that is completely lifeless or showing substantial evidence of becoming lifeless. Such evidence may include unseasonable lack of foliage on a deciduous tree, extensive areas of dead brown foliage on a coniferous tree, brittle dry branches, or lack of growth during the growing season.

Deciduous. A tree or shrub that typically loses its leaves seasonally; deciduous trees are generally the converse of coniferous trees. Deciduous trees include aspen, birch, oak, maple, and trees that flower or bear fruit.

Defined Portion. That portion of a unit that is designed and constructed to be occupied by one or more persons separate and apart from a person or persons occupying the remainder of the unit. The term “defined portion” includes each portion of the unit that has facilities for sleeping and sanitation that can be physically secured or locked off from another area within the fractional-use unit that also has facilities for sleeping and sanitation, each of which has a separate entrance.

Density. The ratio of development intensity to gross lot area. Density may be measured in any of the following ways that most closely resemble the defined portion to be occupied, including: dwellings, guest rooms, hotel rooms, suites, resort units, square footage of development, keys (i.e., lock-off hotel rooms), persons or any other unit, and based on the gross area of the property prior to any required dedications

Department. The Town of Mammoth Lakes Community and Economic Development Department, referred to in this Zoning Code as the “Department.”

Detached. Any structure that does not have a wall or roof in common with another structure.

Detached Living Area. A detached accessory structure to a single-family dwelling, accommodating living and/or sleeping quarters, but without a kitchen or cooking facilities.

Development. Any construction activity or alteration of the landscape, its terrain contour or vegetation, including the erection or alteration of structures. New development is any construction, or alteration of an existing structure or land use, or establishment of a land use, after the effective date of this Zoning Code.

Development Agreement. A contract between the Town and an applicant for a development project, in compliance with the Municipal Code, and Government Code Sections 65864 et seq.

Development Plan. A development plan may consist of maps, plans, reports, development and performance standards, schematic drawings, or such other documents and includes or describes the public and/or private improvements required by parcel or tract map, use permit, grading permit, and/or encroachment permit. A development plan may be a specific plan, master plan, tentative map, use permit, design review, or other similar type of development plan.

Development Standards. The provisions of this Municipal Code that regulate the site planning and design of a proposed development or new land use, including provisions for height limits, landscaping, lot coverage, minimum lot area, off-street parking, setbacks, signs, and standards for specific land uses; includes performance standards.

Diameter at Breast Height (DBH). the diameter of a tree trunk at four and one half feet above adjacent ground. The diameter may be calculated by use of the following formula: $DBH = \text{tree circumference at breast height} \div 3.142$.

Director. The Town of Mammoth Lakes Community and Economic Development Director, or designee of the Director.

Discretionary Permit. A Town land use review and entitlement process where the review authority exercises discretion in deciding to approve or disapprove the permit; includes use permits, variances, design review permits, and subdivision maps.

Drip Line. An area delineated by the projection of the periphery of the crown area of a tree down to the ground surface (e.g., a line drawn on the ground around a tree directly under its outermost branch tips).

Driveway. An improved vehicular access way that provides access to the parcel on which it is located. Driveway shall also include an easement crossing no more than one other parcel for the purpose of providing access to no more than one abutting parcel.

Dwelling or Dwelling Unit. A building or portion thereof (e.g., room or group of internally connected rooms) that has sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis. Also, a residence; does not include tents, recreation vehicles, or travel trailers.

E. Definitions E

Easement. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Eave. The overhang that projects from a building at the lower edge of the roof (i.e., the overhanging lower edge of a roof).

Environmental Impact Report (EIR). A document used to assess the physical characteristics of an area and to determine what effects will result if the area is altered by a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA).

Event. See “Special Event.”

F. Definitions F

Farmer’s Market. The temporary use of a site for the outdoor sales of food and farm produce items, in compliance with California Food and Agriculture Code Sections 1392 et seq.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Fence. A constructed, un-roofed barrier of wood, metal, masonry, or other material as allowed by this Zoning Code, that is intended to enclose, separate, define, secure, protect, and/or screen one or more areas of a site. Includes masonry walls.

First Approval. The first discretionary approval to occur with respect to a development, or, for developments not requiring a discretionary approval, the issuance of a building permit.

Floor Area. The total horizontal enclosed area of all the floors below the roof and within the outer surface of the walls of a building or other enclosed structure unless otherwise stipulated.

The following is included in Floor Area: Floor area includes, but is not limited to, all habitable space (as defined in the California Building Standards Code) that is below the roof and within the outer surface of the main walls of principal or accessory buildings or the centerlines of party walls separating such buildings or portions thereof or within lines drawn parallel to and two feet within the roof line of any building without walls. In the case of a multi-story building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent.

The following is excluded from Floor Area: Floor area does not include mechanical, electrical, and communication equipment rooms that do not exceed two percent of the building's gross floor area; bay windows or other architectural projections where the vertical distance between the lowest surface of the projection and the finished floor is 30 inches or greater; areas that qualify as

usable open space; and areas used for off-street parking spaces or loading spaces, driveways, ramps between floors of a multi-level parking garage, and maneuvering aisles that are located below the finish grade of the property.

For Non-Residential Uses: For non-residential uses, gross floor area includes interior walkways or corridors, interior courtyards, and walkways, paseos, or corridors covered by a roof or skylight. Non-residential gross floor area does not include arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.

Floor Area Ratio (FAR). The ratio of floor area of a building or buildings on a lot divided by the total lot area. Floor area located below finished grade, the ceiling of which does not extend more than five feet above finished grade, is excluded when calculating FAR.

Footcandle (fc). A unit of measurement for the total amount of light cast on a surface (illuminance). One footcandle is equivalent to the illuminance produced by a source of one candle at a distance of one foot.

Fractional or Timeshare Development. A project in which a purchaser receives the right in perpetuity, for life or for a term of years to the recurrent, exclusive use or occupancy of a lot, parcel, unit, rooms, or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided. A fractional or timeshare development may comprise a portion of a larger, mixed-use development containing a hotel, inn, and/or other residential components and shall include, but not be limited to timeshare estate, interval ownership, fractional ownership, vacation license, vacation lease, club membership, time-share use, hotel/motel, or uses of a similar nature, as defined in the California Business and Professions Code. Also, a fractional-use project.

Fractional-Use Occupant. Any person who exercises occupancy or is entitled to occupancy of a fractional-use project.

G. Definitions G

Garage or Carport. Parking space and shelter for automobiles or other vehicles where the size of the parking space complies with the provisions of Chapter 17.44 (Parking and Loading Standards).

- A garage is a completely enclosed attached or detached accessory structure, with an operational door.
- A carport is an attached or detached accessory structure enclosed on no more than two sides.

General Plan. The Town of Mammoth Lakes General Plan, including all its elements and all amendments, as adopted by the Town Council in compliance with Government Code Section 65300 et seq., and referred to in this Zoning Code as the “General Plan.”

Glare. Direct and unshielded light striking the eye to result in visual discomfort and reduced visual performance.

Government Code. The State of California Government Code.

Grade, Existing or Natural. The ground surface elevation prior to ground disturbance, grading, or site preparation.

- Existing or natural grade of an undeveloped lot is the ground surface elevation in its natural state, before construction or ground disturbance.
- Existing or natural grade of a developed lot is the ground surface elevation of the lot that conforms to an approved grading permit and/or building permit.

Grade, Finished. The final ground surface elevation after the completion of grading or other site preparation related to a proposed development that conforms to an approved grading permit and/or building permit. In cases where substantial fill is proposed, “finished grade” shall be established by the Director consistent with parcels in the immediate vicinity and shall not be, nor have been artificially raised to gain additional building height pursuant to Section 17.36.060.

Gross Leasable Area (GLA). Gross leasable square footage of floor area measured in square feet, including balconies, basements, mezzanines, or upper floors, but excluding common areas such as elevators, stair wells, bathrooms, shared hallways, and lobbies. This shall apply to single and multiple occupant/tenant structures.

Gross Lot Area. See “Lot Area.”

Ground Floor. The primary floor of a building to which pedestrian access is provided from the fronting street, either at the sidewalk level, or not more than six feet above or below the sidewalk.

H. Definitions H

Habitable Space. Space within a dwelling unit for living, sleeping, eating, cooking, and/or bathing. Also, conditioned space.

Home Occupation. The conduct of a business within a residential dwelling by the inhabitants thereof, which is subordinate to the residential use of the property.

Household: One person living alone or two or more persons sharing residency whose income is considered for housing payments.

Household Pets. Cats, dogs, and other animals normally kept as household pets, incidental to a residential use.

Housing Mitigation Plan. An applicant’s statement, developed in accordance with the provisions of Chapter 17.136, of how a project will conform to the Town’s inclusionary housing requirements. See also “Alternate Housing Mitigation Plan.”

Housing. The following terms are defined for the purposes of Chapter 17.136 (Housing).

- **Affordable Housing.** Housing that is restricted as to rental rate or sales price based upon household income and size criteria as defined by the state of California or the town of Mammoth Lakes.

- **Bedroom.** A room designed to be used for sleeping purposes which may contain closets, shall have access to a bathroom and which meets applicable California Building Standards Code requirements for light, ventilation, sanitation and egress and has a minimum floor area of 100 square feet plus closet.
- **Deed Restriction.** A recorded contract entered into between the town of Mammoth Lakes and the owner or purchaser of real property identifying the conditions of occupancy and resale.
- **Dwelling Unit.** For the purposes of calculating density in multiple-family zones, a one bedroom unit or studio unit up to a maximum eight hundred fifty net square feet of living area, shall be considered to equal one-half of a dwelling.
- **Existing Long-term Rental Unit.** Any dwelling that has been leased for residential purposes for a period or periods in excess of thirty consecutive days for more than five months per year within the last two years.
- **Full-time Equivalent Employee (FTEE).** A full-time employee or combination of part-time employees. When employee generation calculation results in seasonal or part-time employees, those employees are grouped together to form FTEEs. Full-time year round employees equal one FTEE, part-time year round employees and full-time seasonal employees equal one-half FTEE, and part-time seasonal employees equal one-quarter FTEE.
- **Housing Mitigation Development Plan (HMDP).** A housing mitigation plan, written and submitted by the developer, that details how the developer intends to mitigate affordable housing impacts.
- **New Development.** Any new construction or conversion of use resulting in an increase in the employee generation as described in Table 17.132.020-1. New development includes expansions of, or additions to, existing uses.
- **Sleeping Area.** Any bedroom, loft, or other space that can be equipped with beds, foldout sofas or other similar sleeping furniture within a visitor accommodation/transient occupancy facility.
- **Workforce Housing.** Housing that is restricted for rent or purchase by individuals and households working in the community of Mammoth Lakes. Employment criteria, rental rates and sales prices for workforce housing shall be established administratively.

I. Definitions I

Ice Cream Truck. As provided in Section 22456(c) of the California Vehicle Code, a motor vehicle engaged in the curbside vending of frozen or refrigerated desserts, confections or novelties commonly known as ice cream, or prepackaged candies, prepackaged snack foods, or soft drinks, primarily intended for the sale to children under 12 years of age.

Inclusionary Housing Unit. A dwelling which is built under the provisions of Chapter 17.136, which is a required below market rate dwelling unit restricted to occupancy by households at or below a target proportion of Area Median Income.

Inclusionary Percentage. See Inclusionary Rate.

Inclusionary Rate. The proportion of total dwelling units in a residential or lodging development which are required to be provided as inclusionary housing units.

Intensification of Use. A change in the use of a structure or site that generates more traffic or other level of activity on the site, for example: where the new use is required by this Zoning Code to have more off-street parking spaces than the former use; or a change in the operating characteristics of a use (for example, hours of operation).

J. Definitions J

No specialized terms beginning with the letter “J” are defined at this time.

K. Definitions K

Kitchen. A room or space within a building used or intended to be used for the cooking or preparation of food, which includes any of the following cooking facilities: stove, oven, gas and electric ranges, hot plates, dishwasher, kitchen sink, appurtenant plumbing, and/or any other appliances for the preparation or preservation of food.

L. Definitions L

Lamp. The generic term for an artificial light source installed in the socket portion of the fixture, to be distinguished from the whole assembly; commonly referred to as a “bulb.”

Land Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

Land Use Permit. Authority granted by the Town to use a specified site for a particular purpose, including use permits, administrative permits, variances, design review permits, and other permits as established by this Zoning Code.

Landscaping. The following terms are defined for the purposes of Chapter 17.40 (Water Efficient Landscape Regulations).

- **Applied Water.** The portion of water supplied by the irrigation system to the landscape.
- **Adapted Plant.** Plant species that is not indigenous to Mammoth Lakes, but is suitable for its climate and growing conditions. Adapted plants are identified in the Mammoth Lakes Recommended Plant List found in the Making the Most of Every Drop user guide.
- **Automatic Irrigation Controller.** An automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.
- **Backflow Prevention Device.** A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.
- **Certificate of Substantial Completion.** A certificate submitted to the Town by the project applicant certifying that the landscape and irrigation system have been completed in compliance with section 17.40.060.
- **Certified Irrigation Auditor.** A person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US

Environmental Protection Agency’s WaterSense irrigation auditor certification program and Irrigation Association’s Certified Landscape Irrigation Auditor program.

- **Check Valve or Anti-drain Valve.** A valve located under a sprinkler head or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.
- **Defensible Space.** A vegetation-free zone extending 30 feet or more from a home and other structures for the purposes of reducing fire hazards. The defensible space zone should be larger than 30 feet if the property is sloped.
- **Distribution Uniformity.** Analysis of spatial evenness of applied water.
- **Drip Irrigation.** See Low volume irrigation.
- **Drip Line.** The outer edge of a tree or shrub, the point where water would drip to the ground from the outer leaves of a plant.
- **Dynamic Water Pressure.** The water pressure in the supply line when any of the irrigation emitters are running.
- **Emitter.** A drip irrigation emission device that delivers water slowly from the system to the soil.
- **Established Landscape.** The point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.
- **Estimated Total Water Use (ETWU).** The total water used for the landscape, estimated by applying the formula in Section 17.40.040F.
- **Evapotranspiration Adjustment Factor (ETAF).** A coefficient that, when applied to reference evapotranspiration, adjusts for plant water requirements and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF value for the purposes of this Code shall be 0.7. ETAF for special landscape areas shall not exceed 1.0.
- **Evapotranspiration Rate (ETo).** The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time. The ETo for Mammoth Lakes is 33 inches/year for the growing season, May through October.
- **Hardscape.** Any constructed feature in a landscape built of concrete, stone, wood, or other such pervious or non-pervious durable material. Includes, but is not limited to, patios, walkways, and retaining walls.
- **Hydrozone.** A portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.
- **Infiltration Rate.** Rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).
- **Invasive Plant Species.** Species of plants listed in the invasive plant inventory of the California Invasive Plant Council (IPC) that have been identified as invasive to areas within the IPC-delineated Central West (CW) region, and that are rated by the IPC as being either moderately invasive or highly invasive; listed in the USDA invasive and noxious weeds database; or included in the Mammoth Lakes Suggested Plant List as invasive or weedy.
- **Irrigation Efficiency (IE).** The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation

efficiency for purposes of this Code is 71.0%. Greater irrigation efficiency can be expected from well designed and maintained systems.

- **Irrigation Survey.** An evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection of pressure at the emission devices, ability to eliminate overspray, installation of appropriate controller and conducting a system test, and written recommendations to improve performance of the irrigation system.
- **Landscape Architect.** A person who holds a license to practice landscape architecture in California as defined by the California Business and Professions Code, Section 5615.
- **Landscape Area.** The total horizontal surface area dedicated to plant installation and irrigation, plus the wet surface area of any decorative water features. The landscape area for shrubs and trees shall be determined using the shrub/tree mature growth diameter or drip line. The total landscape area shall be the sum of all the landscaped areas on the site that are irrigated, including special landscape areas. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, or other pervious or non-pervious hardscapes outside of planted areas. Landscape area does not include undisturbed areas with established non-irrigated vegetation, or landscaping that is exempt pursuant to subsection 17.40.020.
- **Landscape Contractor.** A person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.
- **Landscape Documentation Package.** All documents, plans and other items required to demonstrate a project's compliance with the Water Efficient Landscape Regulations.
- **Landscape Project.** An undertaking of landscape design and installation on a particular area of land. A landscape project may be associated with new construction on an individual lot, a building project, or a multi-phased development. It may also be a larger, comprehensive landscape scheme that is not coupled with an individual building project, such as a park, playground, or greenbelt. A landscape project may also consist of a re-designed landscape.
- **Low-volume Irrigation.** The application of irrigation water through a system of tubing or lateral lines and low-volume emitters such as drip and bubblers. Certain rotary emitters designed for highly efficient water distribution, and situated to irrigate low water use plants, may also be included in this definition at the discretion of the Planning Office.
- **Maximum Applied Water Allowance (MAWA).** The upper limit of annual applied water for the established landscaped area as specified in Section 17.40.050: Water Budget Calculation. For Mammoth Lakes, the MAWA applies to the months May-October.
- **Mammoth Community Water District (MCWD).** Water purveyor in most of the developed areas of the Town of Mammoth Lakes. Some parts of the Town of Mammoth Lakes are not served by the MCWD (e.g. Mammoth Yosemite Airport).
- **Mulch.** Any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.
- **Native Plant.** For purposes of this ordinance, a plant indigenous to the Mammoth Lakes Basin as identified in the Mammoth Lakes Recommended Plant List found in the Making the Most of Every Drop user guide.

- **Noxious Weed.** Any plant species identified as a noxious weed by the California Department of Food and Agriculture, appearing on the most recent version of the publication entitled “Pest Ratings of Noxious Weed Species and Noxious Weed Seed.”
- **Operating Pressure.** The pressure at which the parts of an irrigation system are designed by the manufacturer to operate.
- **Overhead Sprinkler Irrigation System.** A system that delivers water through the air (e.g., spray heads and rotors).
- **Overspray.** Irrigation water that is delivered beyond the target area.
- **Plant Factor (PF).** A numerical value that, when multiplied by reference evapotranspiration (ET_o), estimates the amount of water needed by plants. General Plant Factors are assigned for low, medium, and high-water use plants as follows: low = 0.2; medium = 0.5; high = 1.0; turf or grass = 1.0. The Mammoth Lakes Recommended Plant List found in the Making the Most of Every Drop users guide contains information about the water use level for recommended plants and trees. More specific plant factors may be found in the publication “Water Use Classification of Landscape Species” (WUCOLS), or may be more precisely determined by a landscape professional, with consideration of site-specific soil and microclimate conditions.
- **Recycled Water.** Treated wastewater of a quality suitable for non-potable uses including landscape irrigation and water features.
- **Reference Evapotranspiration (ET_o).** The approximation of water loss from a field of 4-7 inch tall coolseason grass that is not water stressed. ET_o is measured at California Irrigation Management Stations in various locations around the State.
- **Re-designed Landscape.** A landscape project where the landscaping or irrigation system is modified or replaced and meets the following criteria: 2,500 square feet or greater, 50% or more of the landscape area, and the modifications or replacement are completed within two years.
- **Runoff:** Water that is not absorbed by the soil or landscape to which it is applied and flows from the landscape area.
- **Soil Moisture Sensor.** A device that measures the amount of water in the soil. The device may also initiate or suspend irrigation.
- **Special Landscape Area (SLA).** An area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, and water features using recycled water. Also includes land uses dedicated to active play or high volume foot traffic such as parks, cemeteries, sports fields and golf courses; where turf functions as a playing surface.
- **Station.** An area served by one valve or by a set of valves that operate simultaneously.
- **Turf.** A ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, perennial ryegrass, red fescue, and tall fescue are examples of cool-season turf grasses.
- **Valve.** A device used to control the flow of water in the irrigation system.
- **Making the Most of Every Drop.** A document created to guide the layman through the compliance process of the Water Efficient Landscape Regulations.
- **Water Feature.** A landscape design element where open water performs an aesthetic function. Water features include ponds, fountains, waterfalls and artificial streams. Spas, and swimming

pools are not included in the landscape area. The surface area of water features is included in the high water use hydrozone of the landscape area..

- **WUCOLS.** The “Water Use Classification of Landscape Species” published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation.

Lawfully Occupying. Occupying a site or structure with all legal requirements met (e.g. permits, certificate of occupancy, etc.).

Legislative Permit. A permit that establishes rules, policies, or standards, such as a zone code amendment, district zoning amendment, specific plan, and master plan.

Light Fixture. A complete lighting unit including the lamp and parts designed to distribute the light, position and protect the lamp, and connect the lamp to a power source. Also, a “luminaire” or “fixture.”

Light Fixture, Full Cut-Off. A lighting fixture designed such that no light, either directly from the bulb or indirectly from the fixture, is emitted at or above a horizontal plane running through the lowest point on the fixture.

Light Pollution. Any adverse effect of artificial light sources including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, uncontrolled up-lighting, uncomfortable distraction to the eye, or any artificial light that diminishes the ability to view the night sky. Also see “Glare.”

Light Shielding, Outdoor Lighting. A barrier around a fixture that helps conceal the lamp and control light distribution. A fixture that is “fully shielded” incorporates a solid barrier, emits no light rays above the horizontal plane and effectively obscures visibility of the lamp. A fixture that is “partially shielded” may allow some light to pass through a semi-translucent barrier, and/or may allow visibility of the lamp from certain perspectives.

Light Trespass. Light falling where it is not desired or needed, generally light from one property that shines onto another property or the public right-of-way or shines upwards. Also see “Glare.”

Lighting Fixture, Outdoor. Any temporary or permanent lighting fixture that is installed, located, or used in such a manner to provide illumination of objects or activities outside. Outdoor lighting fixtures include all fixtures mounted to the exterior of a structure, poles, bollards, or other freestanding structures, or placed so as to provide direct illumination on any exterior area or activity.

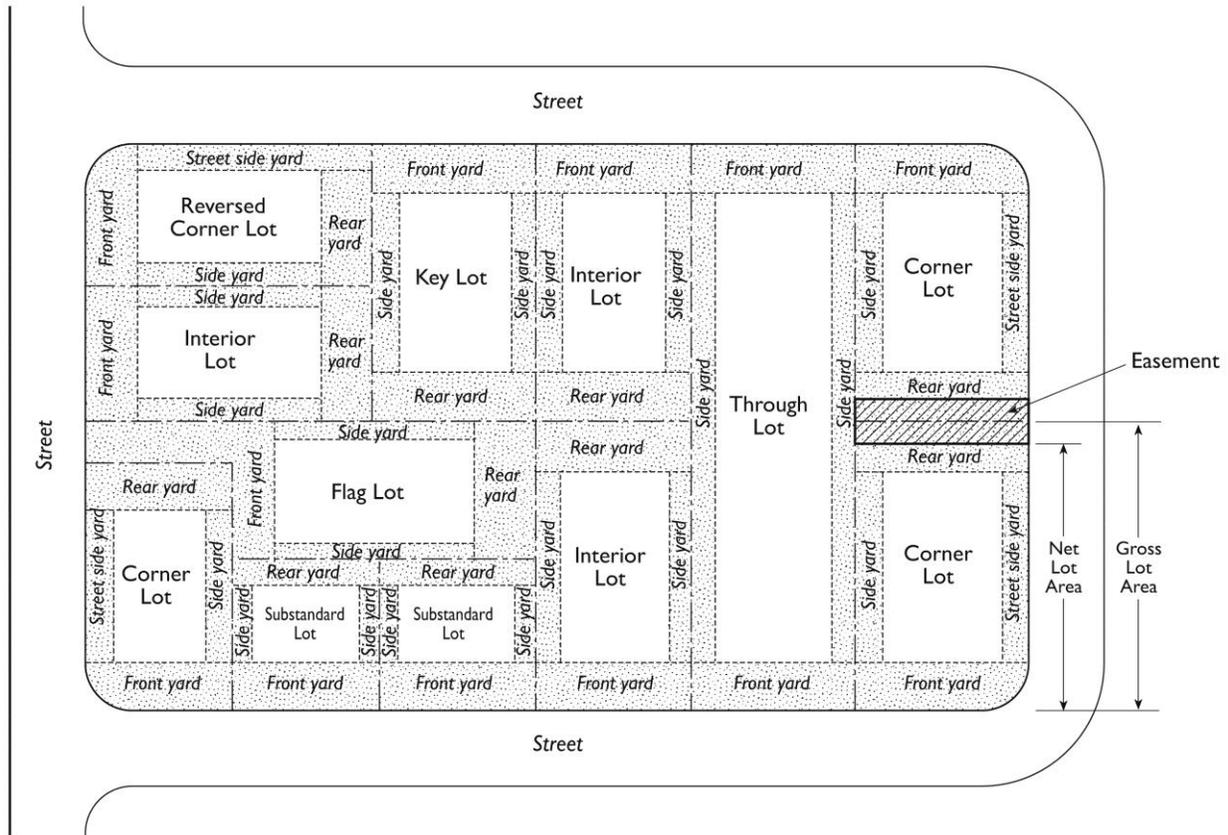
Lighting, Temporary. Lighting that is intended to be used for a special event for seven days or less.

Lot, or Parcel. A recorded lot or parcel of real property under single ownership, lawfully created as required by applicable Subdivision Map Act and Town ordinance requirements, including this Zoning Code, and has frontage providing legal access on at least one street. Types of lots include the following:

- **Corner Lot.** A lot located at the intersection of two or more streets, where they intersect at an interior angle of not more than 135 degrees. If the intersection angle is more than 135 degrees, the lot is considered an interior lot.

- **Flag Lot.** A lot having access from the building site to a public street by means of a private right-of-way strip that is owned in fee.
- **Interior Lot.** A lot abutting only one street.
- **Key Lot.** An interior lot, the front of which adjoins the side property line of a corner lot.
- **Through Lot.** A lot with frontage on two generally parallel streets.

FIGURE 17.148.020(1): LOT TYPES AND FEATURES



Lot Area. Also see Figure 17.148.020(1), Lot Types and Features.

- **Gross Lot Area.** Gross lot area is the total area included within the lot lines of a lot, exclusive of adjacent dedicated street rights-of-way.
- **Net Lot Area.** Net lot area is the gross lot area, excluding dedications and easements that are not for the exclusive use of the lot on which the dedication or easement is located.

Lot Coverage. The percentage of gross lot area, exclusive of any required dedications, occupied by structures, decks, driveways and parking areas (regardless of driveway material), walkways, and all impervious surfaces. When calculating site coverage of a structure or building, the

exterior walls of the structure or building at ground level should be used. The following features may be excluded from lot coverage calculations:

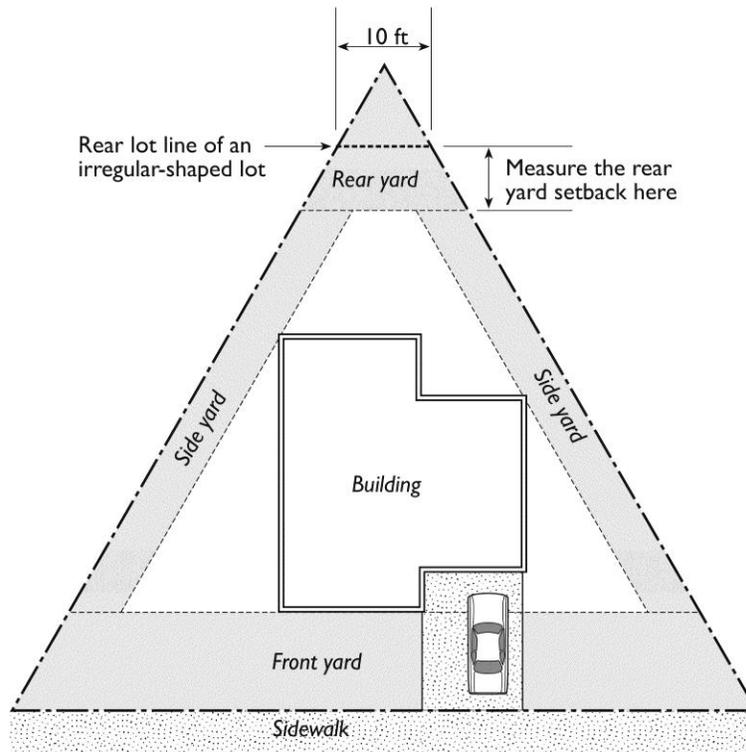
- Eaves;
- 50 percent of the area of covered and uncovered decks that are at least eight feet above grade;
- Paving materials used for landscape purposes that are more than 50 percent porous (driveways and parking areas are counted 100 percent towards lot coverage regardless of material); and
- Subterranean or podium structures topped by landscaped open space areas of at least 10 feet by 10 feet by four feet deep.

Lot Depth. The average linear distance between the front and the rear lot lines or the intersection of the two side lot lines if there is no rear line. The Director shall determine lot depth for parcels of irregular configuration. Also see Figure 17.148.020(3), Measuring Lot Width and Depth.

Lot Line or Property Line. Any recorded boundary of a lot. Also see Figure 17.148.020(1), Lot Types and Features and Figure 17.148.020(2): Rear Lot Line of Irregular Lot

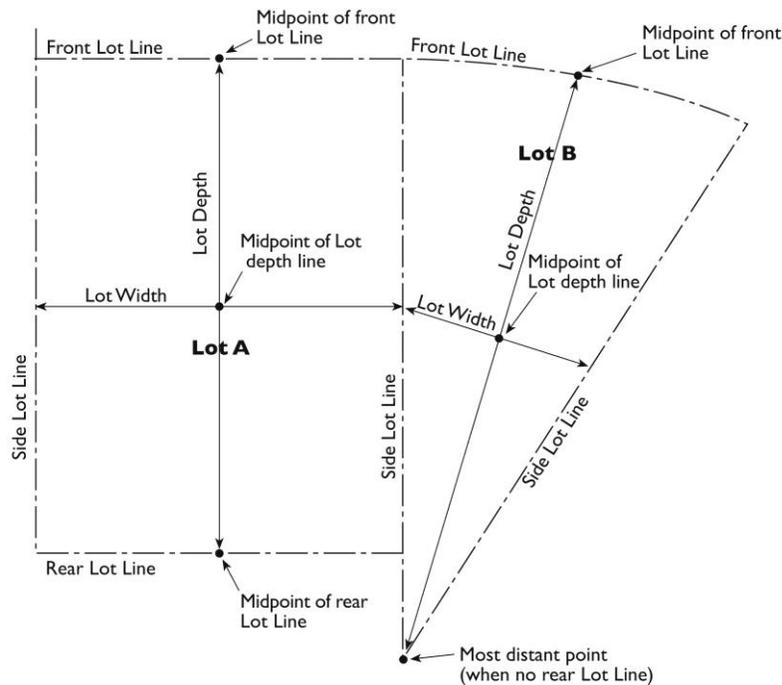
- **Front Lot Line.**
 - On an interior lot, the front lot line is the property line separating the parcel from the street.
 - On a corner lot, the front lot line is the shorter property line abutting a street. If the street-fronting lot lines of a corner lot are equal in length, the front lot line shall be determined by the Director.
 - On a through lot, both lot lines are front lot lines and the lot is considered to have no rear lot line.
- **Rear Lot Line.** A property line that does not intersect the front lot line, which is most distant from and most closely parallel to the front lot line.
 - In the case of an irregular-shaped lot, the rear lot line is an imaginary line within the lot, parallel to and at a maximum distance from the front lot line, having a minimum length of 10 feet.
 - A through lot or a lot bounded by streets on all sides may have no rear lot line.
- **Side Lot Line.** Any lot line that is not a front lot line or rear lot line.

FIGURE 17.148.020(2): REAR LOT LINE OF IRREGULAR LOT



Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. The Director shall determine lot width for parcels of irregular shape.

FIGURE 17.148.020(3): MEASURING LOT WIDTH AND DEPTH



Low Income Household. A household whose income does not exceed the qualifying limits set for “lower income households” in Section 50079.5 of the California Health and Safety Code.

M. Definitions M

Maintenance. See “Routine Maintenance.”

Map Act. See “Subdivision Map Act.”

Market-Rate Unit. New living units in residential or lodging projects which are not Below Market Rate units as defined in this chapter.

May. The word “may” is permissive or not required.

Mixed-Use Development. A project which includes two or more categories of land use such as residential and commercial in the same building or on the same site.

Moderate Income Household. A household whose income does not exceed the qualifying limits set for “persons and families of low or moderate income” in Section 50093 of the California Health and Safety Code.

Mobile Home. A trailer, transportable in one or more sections, that is designed for use as a dwelling and as defined under State law. A mobile home on a permanent foundation is included under “Dwelling, Single-Family.”

Mobile Vendor. Any person in charge of or operating any mobile vending vehicle, either as agent, employee, or otherwise under the direction of the owner.

Mobile Vending Vehicle. Any vehicle, wagon, or pushcart from which goods, services, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating cart or vehicle on private property or within the public right-of-way.

Model Home. A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision. There shall only be one model home of each floor plan except that a multiple unit structure, up to a four-plex, containing duplicates of one or more floor plans may be considered as model homes. Structures containing more than four units shall not be considered model homes.

Multimodal. Transportation infrastructure that supports travel by modes other than by personal vehicle, such as sidewalks, transit, or bicycle lanes. May also be referred to as alternative transportation.

Municipal Code. The Town of Mammoth Lakes Municipal Code.

N. Definitions N

Negative Declaration. A Negative Declaration as defined by the California Environmental Quality Act (CEQA).

Net Lot Area. See “Lot Area.”

Nonconforming Lot or Parcel. A lot or parcel that was legally created before the adoption of this Zoning Code or amendment, but does not comply with the current access, area, width, depth, or other applicable requirements of this Zoning Code.

Nonconforming Structure. A structure that was legally constructed before the adoption or amendment of this Zoning Code, but does not comply with the current setback, height limit, building separation, and/or other applicable requirements of this Zoning Code.

Nonconforming Use. A use of land and/or a use within a conforming or nonconforming structure that was legally established and maintained before the adoption or amendment of this Zoning Code, but does not conform to the current Zoning Code requirements for allowable land uses within the applicable zone.

O. Definitions O

Off-Site. An activity or accessory use that is related to a specific primary use, but is not located on the same site as the primary use.

On-Site. Located on the same lot or, if in a master plan or specific plan, within the same master or specific plan area.

Open Space. Land that is maintained in a primarily natural state, and/or primarily without structures other than facilities to support outdoor passive or active recreation.

Open Space, Private. An area of a developed residential multi-family project site that is contiguous to and directly accessible from an individual dwelling unit, which is available for active and/or passive recreation uses by the inhabitants of the dwelling unit, and which is open on top or on at least one side (e.g., balcony, deck, patio, etc.).

Ordinary High Water Mark. The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Also see Top of Creek Bank.

Outdoor Dining. An unenclosed dining area, including tables and chairs, accessory and incidental to a restaurant; does not include vendor carts/stands (see “Vendor Cart/Stand”).

Outdoor Display and Sales. The permanent or temporary outdoor display of merchandise incidental to an adjacent indoor retail use, and certain independent outdoor retail sales facilities, including parking lot sales; does not include vendor carts/stands (See “Vendor Cart/Stand”).

Outdoor Storage. See “Storage - Outdoor.”

Overlay Zone. A land use designation which due to special circumstances necessitates the imposition of developmental requirements in addition to those required by the underlying zoning.

P. Definitions P

Parapet. A low wall projecting from the edge of a platform, terrace, or roof.

Parcel. See “Lot, or Parcel.”

Parking, Bicycle. See “Bicycle Parking.”

Parking, Covered. Parking spaces located within or under a building including a garage or carport.

Parking, Enclosed. Parking spaces located entirely within a structure with walls on all sides except for the entry to the parking space that shall be provided with a door. Understructure enclosed parking facilities for five or more vehicles are not required to have an entry door.

Parking, In-Lieu Fee. A fee paid to satisfy parking requirements in lieu of providing physical parking spaces.

Parking, Off-Street. Parking that is not provided on a street or within street right-of-way and is typically provided on private or public property in the form of a parking lot or structure.

Parking, Off-Site. Parking that is required by Section 17.44.030 that is not provided on the site for which the parking is required. Off-site parking shall meet the requirements of Section 17.44.040A.2.

Parking, On-Street. Parking that is provided on a street or within street right-of-way. On-street parking is typically unreserved, but may be time-limited, particularly in resort or commercial areas. On-street parking is intended to be utilized by customers or residents of the business or property fronting the street.

Parking, On-Site. Parking that is required by Section 17.44.030 that is provided on the site for which the parking is required.

Parking, Shared. Parking spaces that are shared between two or more uses that are on the same site or on different sites (off-site). Shared parking typically allows for a reduction in the number of total parking spaces required because parking is used more efficiently between uses.

Parking Space. An accessible space within a public or private parking area for the parking of one motor vehicle.

Parking, Surface. Parking that is not provided within a parking structure.

Parking, Tandem. Parking of two or more vehicles, one in front of the other, in a single parking space.

Parking, Underground. Parking that is provided within a structure that is primarily underground. On slopes of 10 percent or less, 70% of the structure is required to be below existing grade to be considered “underground.” On slopes of more than 10 percent, 50% of the structure is required to be below existing grade to be considered “underground.”

Parking, Understructure. Parking that is located below a structure but not underground.

Permanent Lake or Stream. Any lake, river, stream, pond, or other body of water or waterway which, most years, under natural conditions, will contain water all year.

Person. Any individual, firm, partnership, corporation, company, association, joint stock association; city, county, state, or district; and includes any trustee, receiver, assignee, or other similar representative thereof.

Planned Residential Development. A project planned and developed as a whole in a single development operation or a programmed series of operations in accordance with a detailed, comprehensive plans encompassing such elements as circulation patterns and parking, open space, recreational areas, utilities and lots or building sites together with a program for provision, operation, and maintenance of all areas, improvements, facilities and services provided for the common use of the residents of the development. In general, a planned residential development should have a minimum of 20 residential units.

Planning and Economic Development Commission. See “Commission.”

Plot Plan. See “Site Plan.”

Porch. A covered but otherwise open platform that provides a transition between the interior of a building and the public space of the street.

Primary Structure. A structure that accommodates the primary use of the site.

Primary Use. The main purpose for which a site is developed and occupied; also, principal use.

Property. A piece of land often with buildings on it that is owned by a person, business, etc.

Property Line. See “Lot Line or Property Line.”

Property Owner. The person(s) or entity to whom property tax is assessed, as shown on the latest equalized assessment roll of the County.

Proposed Project. A proposed new structure, new addition or alteration to an existing structure or site, or area of other new site development. See also “Development.”

Public Building and Uses. Public agency (including special district) facilities.

Q. Definitions Q

No specialized terms beginning with the letter “Q” are defined at this time.

R. Definitions R

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, carryall, or camp trailer, house car, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy.

Replacement Value. The amount that an owner would have to pay to replace a structure or use at the present time. This value can be determined based on information from an insurance company, or other information that may be deemed appropriate by the Director to determine the current value of a use or structure.

Review Authority. The individual or official Town body (e.g., the Community and Economic Development Director, Planning and Economic Development Commission, or Town Council) identified by this Zoning Code as having the responsibility and authority to review, and approve or disapprove a permit application.

Roof-Mounted. Mounted above the eave line of a structure.

Routine Maintenance. Normal site or structure repair and maintenance include the following:

- Site. Repair or replace on-site items such as the following: Fences and/or walls; landscaping, including the planting of new ground cover, shrubs, and trees; striping of parking and circulation areas; or service facilities (drainage, irrigation components, and utility service connections).
- Structure. Repair or replace items such as the following: Exterior doors, siding, windows, roofs, decks, service connections, or sewer/water system.
- Exterior painting, stuccoing, or texture coating.
- New construction not included. Normal site or structure repair and maintenance does not include the following: New on-site construction, additions to existing structure(s), or grading and paving for a new or expanded parking area.

S. Definitions S

Setback. The distance by which a structure, parking area, or other development feature must be separated from a lot line. Setbacks for properties fronting on substandard streets are measured from the ultimate right-of-way line based upon the adopted road standards of the Town or, if in a community services

district, the standards of the district (i.e., measured from the property line after the required street right-of-way dedication).

- **Setback, Front Yard.** A line parallel to the front lot line at a distance required by the zone in which the property is located.
- **Setback, Rear Yard.** A line parallel to the rear lot line at a distance required by the zone in which the property is located or by the California Building Standards Code, whichever is greater.
- **Setback Side Yard.** A line parallel to the side lot line at a distance required by the zone in which the property is located or by the California Building Standards Code, whichever is greater.

Shall. The word “shall” is mandatory.

Sign. The following terms are defined for the purposes of Chapter 17.48 (Signs).

- **Abandoned sign.** Any lawfully erected sign that, for a period of 90 days or more, no longer advertises or identifies an on-going business, activity, product, service, or other use available on the premise where the sign is located.
- **Awning.** A projecting structure, consisting of a frame and a material covering, attached to and wholly supported by a wall of a building and installed over and partially in front of doors, windows, or other openings in a building; also, a canopy.
- **Awning sign.** Any sign copy displayed on an awning.
- **Banner.** Any flexible device used to advertise, draw attention, or relay a message, typically displayed outdoors. A banner is only allowed for use as a temporary sign.
- **Business frontage.** The width of a building occupied by a single business tenant, that fronts on a public street or faces a plaza, courtyard, pedestrian corridor or walkway, parking lot, or alley, where customer access to the building is available. Width is measured as the widest point on an architectural elevation.
- **Changeable copy sign.** A sign with a message comprised of letters, numbers, or other characters that are designed to be manually or mechanically changed to display different messages. A changeable copy sign does not include internally lit or electronic message signs.
- **Community event sign.** Any sign identifying or communicating information about any type of race, parade, show, competition, special or temporary event, or community activity to which the general public is invited.
- **Community information sign.** A community information sign publicizes only community events and conditions (e.g., weather, road conditions, and other safety information), and is not used to identify or advertise products or businesses. A community information sign is operated and/or maintained by the Town in coordination with other public agencies for public health, safety, and general welfare. A community information sign may be an electronic message sign, a sign with a changeable copy, or other type of sign as allowed by Chapter 17.48.
- **Decorative flag.** Any flag which displays any holiday, season, design, or the like which does not include any commercial name, message, logo, or symbol.
- **Directional sign.** A sign designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic from an entry or exit point, or to or from various points of passage on or

within a private property (e.g., “entrance,” “exit,” “deliveries in rear,” “one-way,” “fire lane,” and “no parking”).

- **Double-faced sign.** A sign constructed to display its message on the outer surfaces of two identical and parallel planes.
- **Drive-up menu board.** A drive-up menu board is for the convenience of customers of drive-through businesses and not for advertising. Drive-up menu boards shall only display products available for sale and the prices of those products.
- **Electronic message sign.** A sign with a fixed or changing display composed of a series of lights that are electronically changed to display different messages.
- **Governmental sign.** Erected by or on behalf of the Town or other public entity to post legal notices, identify public property, convey public information, or direct or regulate pedestrian, bicycle, or vehicular traffic. Signs of a public utility or transit company regarding its poles, lines, pipes, facilities, or routes, and emergency warning signs erected by the Town or other public entity, a public utility company, or contractor doing authorized or permitted work on public property, are considered governmental signs.
- **Ground level business.** A business where the main pedestrian entrance is accessed directly from a street, sidewalk, surface parking lot, or plaza.
- **Halo lit sign.** A sign illuminated by concealing the light source behind three-dimensional opaque letters, numbers, or other characters of a sign, resulting in the night time perception of a halo around the silhouette of each sign character.
- **Hanging sign.** A sign attached to and located below any eave, roof, canopy, awning, or wall bracket.
- **Illegal sign.** Any sign erected without complying with all ordinances and regulations in effect at the time of its construction and erection or use.
- **Indirect lighting.** Lighting that is not an integral part of the sign, usually directed on the sign from a different location (e.g. gooseneck lighting, etc.) in compliance with Section 17.48.080.E, Sign lighting.
- **Informational sign.** A sign used to provide information including signs indicating hours of operation, and such signs as “open,” “closed,” “no smoking,” “no solicitors,” current credit card signs, phone number, trade association emblems, and signs of similar purpose.
- **Institutional sign.** A sign used to provide information related to a public, quasi-public, or non-profit use such as a school, library, hospital, or church.
- **Internally illuminated sign.** A sign with a light source located in the interior of the sign so the light shines through the face of the sign, or with a light source which is attached to the face of the sign and is perceived as a design element of the sign.
- **Master Sign Program.** A sign plan which specifies the number, size, description, and location of all signs located or to be located on the property.
- **Menu display box.** A freestanding or wall sign enclosed in glass or other transparent material for the purpose of displaying menus oriented to pedestrians.

- **Monument sign.** An independent, freestanding sign that is displayed on and totally supported by one or more support elements that are on the ground, with no part of the sign attached to a building or similar structure.
- **Multi-tenant center identification sign.** A sign stating the name of the multi-tenant property and not advertising any particular business or product.
- **Multi-tenant property.** A building or property consisting of two or more separate businesses that share either the same property or structure and use common access and parking facilities.
- **Neon sign.** Any sign illuminated by or utilizing in any way tubes filled with neon and/or related inert gases, or products that produce the same or similar effect as neon, such as flexible light-emitting diode (LED) neon-like tubing.
- **Nonconforming sign.** Any permanent or temporary sign, including structural supports, which was lawfully erected and maintained, but does not comply with the requirements of Chapter 17.48.
- **Off-site sign.** Any sign identifying a use, facility, service, or product which is not located, sold, or manufactured on the same premise as the sign.
- **Pedestrian-oriented sign.** A sign designed and directed toward pedestrians; typically a small hanging or projecting sign legible to pedestrians adjacent to the structure.
- **Political sign.** A sign for the purpose of advocating a political party, platform, ideology, and/or candidate or proposition for a public election.
- **Portable sign.** Any sign or advertising device that rests on the ground and is not designed to be permanently attached to a building or permanently anchored to the ground, including but not limited to A-frame or sandwich board signs. Portable signs do not include pole or wooden post signs.
- **Projecting sign.** A sign projecting six inches or more from a wall or building that is supported by a wall or building with the display surface of the sign perpendicular to the building wall.
- **Real estate development sign.** A temporary sign used to identify a proposed real estate development and/or the owners, architects, contractors, real estate agent, or lenders involved with a development for which a valid land use permit has been approved, but which is not under construction. Sale and lease information may be included on such a sign.
- **Real estate open house sign.** An on-site or off-site sign identifying a residence for sale when the residence is open for view to the public, and when the seller or seller's agent is at the residence.
- **Real estate sign.** A temporary sign indicating the availability of land, property, or building for sale, lease, rent, or other permanent or temporary disposition, not including a real estate development sign or site construction sign.
- **Reflective surface.** Any shiny material or device reflecting light and creating glare.
- **Residential nameplate.** A sign for the sole purpose of identifying the inhabitants of a residential structure or the house name, which does not contain any form of advertising or business identification (e.g., "The Wilson's"). Residential nameplates do not include addressing as required by Chapter 16.32 (Street Name and Address Regulations).
- **Roof sign.** A sign constructed upon or over a roof or placed so that any portion of the sign extends above the edge of the roof.

- **Sign.** Any emblem, icon, insignia, logo, replica, symbol, or trademark that displays a message in lettered, written, numbered, pictorial, or any other visual perceptible form, and including the support elements, all component parts, and illumination, which is used or intended to be used to advertise a property, product or service, or to convey a message of any sort, and which is visible by the general public from any public right-of-way or any public area. “Visible” means capable of being seen, whether or not capable of being read. A sign does not include signs or displays located entirely inside of a structure and not clearly visible from public view, or works of art not used to advertise or identify any business or product.
- **Sign copy.** All portions of a sign displaying a message, including text and symbols, not including the supporting structure or base of a sign.
- **Site construction sign.** A temporary sign used to identify a real estate development which is under construction, and/or the owners, architects, contractors, real estate agents, or lenders involved with the development. Sales and lease information may be included on such signs.
- **Support element.** The structural portion of a sign securing the sign to the ground, a building, or to another structure.
- **Temporary sign.** A sign which is intended for a definite and limited period of display and which is not permanently affixed to a structure, sign area, or window.
- **Tenant directory sign.** A sign for listing the tenants and their suite numbers or addresses in a multiple tenant structure or center.
- **Theater sign.** A sign displaying current or coming movies, plays, concerts, performance, or other programs to the public, which may utilize changeable copy.
- **Vehicle station fuel price sign.** Price sign for gasoline stations or businesses that sell motor vehicle fuel to the public.
- **Walking sign.** Any commercial sign, including sandwich board type signs or costumed characters, which is held or supported by a person and visible from a public right-of-way or public area. Walking signs do not include writing or commercial logos on normal clothing.
- **Wall sign.** Any sign that is displayed on or attached to an exterior wall of a building or structure, with the sign parallel to, and not projecting more than six inches from, the wall.
- **Wayfinding sign.** A sign constructed or authorized by the Town to direct persons to specific districts, destinations, or facilities. Wayfinding signs also include kiosks or similar information stands intended to be a convenience for the traveling and visiting public as approved and authorized by the Town.
- **Window area.** Window area shall include perimeter window frames, mullions, and glass doors located on the ground level and second story of a business frontage.
- **Window sign.** Any permanent or temporary sign displayed on the surface of any glass or glazed material (e.g., window or door) in any way and exposed to public view, not including merchandise included in window displays. Window signs shall not include common wall windows on the inside of a building not visible by the general public from any public right-of-way or any public area.
- **Works of art.** An artistic creation such as a painting, sculpture, architecture, landscape design, mural, and other objects. Works of art not used to advertise or identify any business or product are not considered a sign.

Single Dwelling. A building designed for and/or occupied exclusively by one housekeeping unit. Also includes factory-built, modular housing units, constructed in compliance with the California Building Standards Code, and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, placed on permanent foundation systems.

Site. A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

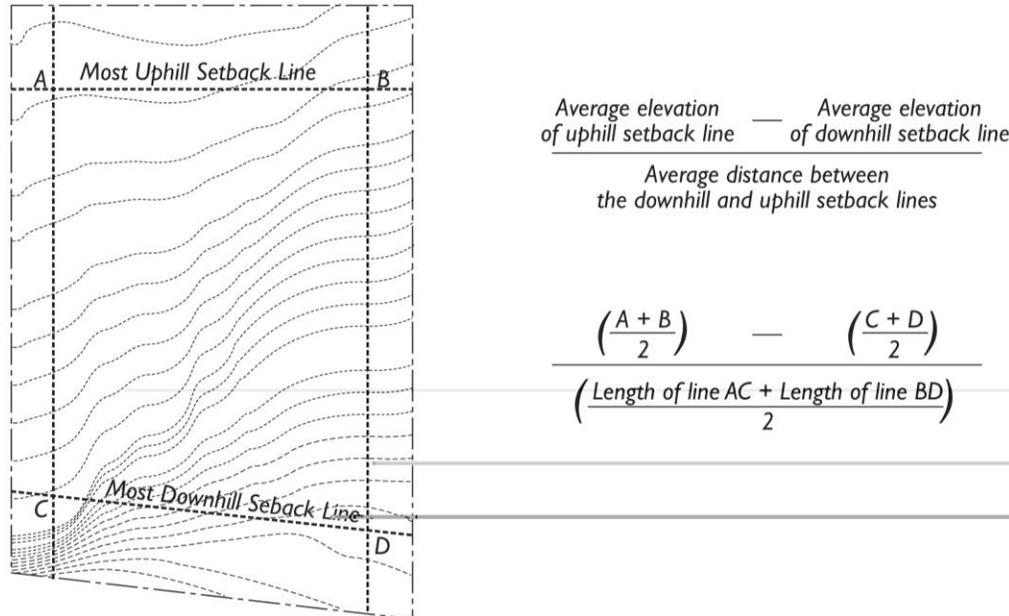
Site Plan. A plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures, and uses in an exact manner of development proposed for a specific parcel of land.

Sleeping Area. Any bedroom, loft, or other space that can be equipped with beds, foldout sofas, or other similar sleeping furniture.

Slope. A comparison of the vertical rise of a property to its horizontal run, expressed as a percentage.

- **Calculating Average Slope.** Lot slope is calculated as an average slope of the ground area within the required setback lines (buildable area) for primary structures on a site. Lot slope is based on existing grade. The elevations of the points where required setback lines intersect are used to determine the average elevation of each setback line. Specifically, the average elevation of each setback line is calculated by adding the elevations at the line's intersection points and dividing by two. The average lot slope is then calculated by subtracting the average elevation of the most uphill setback line and the average elevation of the most downhill setback line and dividing the sum by the average distance between these two setback lines. Where required setback lines do not intersect to form a four-sided polygon, average lot slope shall be calculated by dividing the difference between the elevations of the highest and lowest points within the buildable area by the horizontal distance between said points.

FIGURE 17.148.020(4): MEASURING LOT WIDTH AND DEPTH



Snow Storage Area. Areas designated to accommodate and store snow.

Special Event or Festival. A temporary use such as a circus, carnival, music festival, outdoor art and craft shows and exhibits, and similar amusement or entertainment activities; may include sporting events (e.g., running races, bicycle events, fishing tournaments, and similar activities); does not include “Outdoor Display and Sales.”

Specific Plan. See Chapter 17.116 (Specific Plans).

Sport Court. A basketball, handball, squash, tennis, volleyball, or similar outdoor facility for playing a participant sport. Does not include a basketball hoop on the front of a garage.

State. The State of California.

Storage - Outdoor. The storage of various materials outside of a structure other than fencing, either as an accessory or primary use.

Street. A thoroughfare, right-of-way, or easement, public or private, which affords principal means of access to abutting property, including alley, avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare; includes the entire right-of-way or easement and offers of dedication; does not include easements granted exclusively for pedestrian or non-vehicle use or an easement across a single parcel for the purpose of access to no more than one abutting lot.

Street Wall. The portion of a building façade that faces the street.

Structure. Anything constructed or erected, the use of which requires attachment to the ground, attachment to something located on the ground, or placement on the ground. For the purposes of this Zoning Code, the term “structure” includes “buildings” but does not include cargo containers or swimming pools.

Structure, Primary. See “Primary Structure.”

Structural Alteration. Any change in or alteration to a structure involving a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, retaining walls, or similar components. Also see “Altered.”

Subdivision. The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized Mono County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. See Government Code Section 66424.

- **Final Map.** A subdivision map prepared and approved in compliance with the Map Act that is used to complete the subdivision of five or more parcels, five or more condominiums, and other projects per Government Code Section 66426.
- **Lot Line Adjustment.** As provided by Government Code Section 66412(d), a Lot Line Adjustment relocates one or more lot lines between two or more existing adjacent parcels, where land taken from one parcel is added to an adjacent parcel and where no more parcels are created than originally existed.
- **Parcel Map.** The subdivision map required to complete a subdivision of four or fewer lots. See Government Code Sections 66444-66450.
- **Subdivision Improvements.** Subdivision improvements include streets, storm drainage facilities, sanitary sewers, water supply facilities, electric lines, and gas lines. See Government Code Section 66419.
- **Subdivision Map Act, or Map Act.** California Government Code, commencing with Section 66410 as presently constituted, and any amendments to those provisions.
- **Tentative Map.** A map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it (see Government Code Section 66424.5(a)). A tentative map is required for all subdivisions creating five or more parcels, five or more condominiums, and other projects per Government Code Section 66426.
- **Vesting Tentative Map.** A map that is filed and processed in the same manner as a Tentative Map except as otherwise provided by the Map Act. See Government Code Section 66424.5(b).

T. Definitions T

Temporary Structure. A structure, typically without any foundation or footings, and which is required to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Use. A land use that is designed, operated, and occupies a site for a limited time. See Chapter 17.56 (Temporary Uses and Events).

Timeshare Development. See “Fractional or Timeshare Development.”

Top of Creek Bank. The uppermost ground elevation paralleling a creek or watercourse where the gradient changes from a more defined vertical component to more horizontal. Also see Ordinary High Water Mark.

Town. The Town of Mammoth Lakes, State of California, referred to in this Zoning Code as the “Town.” Town with a lowercase “t” (i.e., town) refers to the community of Mammoth Lakes.

Town Council. The Mammoth Lakes Town Council, referred to in this Zoning Code as the “Council.”

Transient Occupancy or Rental. As defined per Section 3.12.020 of the Town of Mammoth Lakes Municipal Code, but shall generally mean a structure, or portion of a structure, which is occupied, or intended or designed for occupancy by persons for purposes of sleeping, lodging, or similar reasons for a period of 30 consecutive days or less in exchange for a fee or similar consideration.

Transient Occupancy Tax. The tax imposed pursuant to Chapter 3.12 of the Town of Mammoth Lakes Municipal Code.

Transportation Demand Management (TDM). Various strategies to efficiently manage the demand for transportation resources such as roadway capacity and parking.

Tree. A live, tall woody plant, with a single main trunk or stem of a diameter at breast height (DBH) of six inches or greater.

Tree Removal. Cutting a tree to the ground, extraction of a tree, or killing of a tree by spraying, girdling, damaging the roots of a tree, or any other means. Tree maintenance, such as the trimming or thinning of branches is not considered to be “removal.”

U. Definitions U

Underground Parking. See “Parking, Underground.”

Understructure Parking. See “Parking, Understructure.”

Unit. One individual residence, whether in a single-family or multiple-family development.

Use. See “Land Use.”

Use Permit. See Chapter 17.68 (Use Permits).

Use, Primary. See “Primary Use.”

V. Definitions V

Variance. See Chapter 17.72 (Variances).

Vendor Cart/Stand. A temporary outdoor cart or stand selling food and/or beverages (e.g., fruit, hot dogs, ice cream) and other like merchandise without any outdoor seating; does not qualify as “Outdoor Dining.”

Very-Low Income Household. A household whose income does not exceed the qualifying limits set for “very low income households” in Section 50105 of the California Health and Safety Code.

Vesting Tentative Map. See “Subdivision.”

W. Definitions W

Wing Wall. A wall that extends from an exterior building wall; is architecturally integrated into the design of the building to which it is attached and which has the effect of partially or entirely “fencing” an outdoor area.

X. Definitions X

No specialized terms beginning with the letter “X” are defined at this time.

Y. Definitions Y

Yard. An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except as otherwise permitted by this Zoning Code. A yard area includes any setback required by the applicable zoning district. See also “Setback.”

- **Yard, Front.** An area extending across the full width of the lot between the front lot line and the required setback.
- **Yard, Rear.** An area extending the full width of the lot between a rear lot line and the required setback.
- **Yard, Side.** An area between a side lot line and the required setback extending between the front and rear yards.

Z. Definitions Z

Zero Lot Line. The location of a building on a lot in such a manner that one or more building sides rests directly on a lot line.

Zoning Code. The Town of Mammoth Lakes Zoning Code, Title 17 of the Town of Mammoth Lakes Municipal Code, referred to herein as “this Zoning Code.”

Zoning District. Any district established by Chapter 17.16 (Establishment of Zoning Districts, Adoption of Zoning Map), within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.). Also referred to as zone.