

## **Chapter 17.24 - Commercial Zoning Districts**

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### **17.24.010 - Purpose**

In addition to the objectives outlined in Section 17.04 of this Title, the commercial zones are included in the zoning regulations to achieve the following purposes:

- A.** To provide appropriately located areas for retail stores, restaurant, entertainment, service uses, office uses, and wholesale businesses, offering commodities and services required by residents and visitors;
- B.** To encourage animated, active, pedestrian-oriented environments that are attractive to residents and visitors alike;
- C.** To encourage commercial lodging facilities, such as hotels, motels, lodges and similar transient lodging uses, to congregate for the convenience of visitors to the community and for ease of accessibility which implements the Town’s feet first mobility and shared parking priorities;
- D.** To encourage commercial uses to be grouped for the convenience of the public and for a more mutually beneficial relationship to each other;
- E.** To provide adequate space to meet the needs of modern commercial development, including off-street parking;
- F.** To protect neighboring residential properties from noise, odor, smoke, unsightliness and other objectionable influences; and
- G.** To promote high standards of site planning, architecture and landscape design for office and commercial developments within the town.

**17.24.020 - Commercial Zoning Districts**

The purpose of the individual commercial zoning districts and the manner in which they are applied are as follows.

- A. Old Mammoth Road (OMR) District.** The OMR zoning district identifies areas along major corridors appropriate for small to medium scale commercial uses, emphasizing community serving retail, artist galleries, office and service uses. This district may also accommodate mixed use, live/work, and infill developments. The OMR zoning district is consistent with the Commercial 2 (C-2) land use designation of the General Plan.
- B. North Old Mammoth Road (NOMR) District.** The NOMR zoning district identifies areas along major corridors appropriate for small to medium scale commercial uses, emphasizing community serving retail, artist galleries, office and service uses. This district may also accommodate mixed use, live/work, and infill developments. The development standards of the NOMR district are intended to provide a transition between the OMR district to the south and the Downtown (D) district to the north. The NOMR zoning district is consistent with the Commercial 2 (C-2) land use designation of the General Plan.
- C. Downtown District (D).** The standards of this district are intended to encourage a mix of uses with an emphasis on retail, entertainment, restaurant and cultural uses. This district may also accommodate mixed use and live/work uses. The development standards of the D district are intended to provide an animated, pedestrian-friendly environment with high visual quality. The D zoning district is consistent with the Commercial 2 (C-2) land use designation of the General Plan.
- D. Mixed Lodging/Residential (MLR) District.** The MLR zoning district identifies areas appropriate for a wide range of medium scale residential and lodging uses, with an emphasis on transient occupancy lodging. The MLR zoning district is consistent with the Commercial 1 (C-1) land use designation of the General Plan.

**17.24.030 - Commercial District Land Uses and Permit Requirements**

- A. General permit requirements.** Table 2-4 identifies the uses of land allowed by this Zoning Code in each commercial zone, and the planning permit required to establish each use, in compliance with Section 17.08 (Development and Land Use Approval Requirements). Other uses may be allowed as determined by the Director to be similar to and not more detrimental to uses listed in Table 2-4.
- B. Requirements for certain specific land uses.** Where the last column in Table 2-4 (“See Specific Use Regulations”) includes a section number, the referenced section may establish other requirements and standards applicable to the use.

<b>TABLE 2-4 ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL ZONING DISTRICTS<sup>1</sup></b>				<b>P</b> Permitted Use <b>U</b> Use Permit Required <b>A</b> Administrative Permit Required <b>-</b> Use Not Allowed	
LAND USE	PERMIT REQUIREMENTS BY DISTRICT				See Specific Use Regulations:
	D	NOMR	OMR	MLR	

**INDUSTRY, MANUFACTURING, & PROCESSING**

Printing and publishing	A	A	A	-	
Recycling facilities – reverse vending machine	P	P	P	-	17.52.230
Recycling facilities – small collection facility	A	A	A	-	17.52.230

**RECREATION, EDUCATION, & PUBLIC ASSEMBLY**

Clubs, lodges and similar group uses	A	A	A	A	
Commercial recreation facility – indoor	U	U	U	-	
Conference/convention facility	U	U	U	U	
Fitness/health facility	A	A	A	U	
Private recreational facilities	U	U	U	U	
Public recreational and cultural facilities	U	U	U	U	
Public or private schools	U	U	U	-	
Religious places of worship	A	A	A	A	
Studios – art, dance, martial arts, music, photography, etc.	A	A	A	-	
Theater, cinema or performing arts	U	U	U	U	

**RESIDENTIAL**

Condominium conversions	U	U	U	U	17.52.100
Emergency and transitional housing	P	P	P	P	
Fractional/timeshare developments	U	U	U	U	17.52.110
Home occupation	P	P	P	P	17.52.130
Live/work units	U	U	U	U	17.52.140
Mixed use development	U	U	U	-	17.52.160
Multi-family residential projects	U	U	U	U	17.52.190
Residential care facilities, 6 or fewer clients	P	P	P	P	17.52.240

Residential care facilities, 7 or more clients	U	U	U	U	17.52.240
Residential use fronting an arterial street	-	-	-	P	
Single room occupancy units	U	U	U	U	

**RETAIL**

Accessory retail uses	P	P	P	A	
Accessory uses	P	P	P	A	
Artisan shops	P	P	P	A	
Auto and vehicle sales and rental	U	U	U	-	
Bakeries, wholesale	A	A	A	-	
Bars, night clubs	A	A	A	U	
Bicycle sales, rental and service	P	P	P	-	
Convenience stores	A	A	A	U	
Furniture stores, repair and upholstery	A	A	A	-	
General retail stores (10,000 square feet maximum)	P	P	P	-	
Outdoor dining	A	A	A	A	17.52.200
Outdoor display and sales	A	A	A	A	17.52.210
Plant nurseries, retail	A	A	A	-	
Restaurant, café, coffee shop, bakery with 20 seats or more	A	A	A	A	
Restaurant, café, coffee shop, bakery with less than 20 seats	P	P	P	A	
Supermarket or other large retailer (more than 10,000 square feet)	U	U	U	-	

**SERVICES**

Automated teller machines (ATMs)	P	P	P	P	
Banks and financial services	P	P	P	-	
Blueprint and photocopy services	P	P	P	-	
Catering service	A	A	A	-	
Child day care facilities	A	A	A	A	17.52.090
Child day care, small family day care homes	P	P	P	P	17.52.090
Child day care, large family day care homes	P	P	P	P	17.52.090
Convalescent home	U	U	U	-	17.52.240
Dry cleaners	P	P	P	-	
Governmental offices and facilities	P	P	P	-	
Hotels and motels	U	U	U	U	

Laundry pickup and delivery agencies and self-service laundries	A	A	A	-	
Medical marijuana cooperatives not prohibited by state law	U	U	U	-	17.52.150
Medical services – clinic, laboratory less than 5,000 square feet	P	P	P	P	
Medical services – clinic, laboratory more than 5,000 square feet	P	P	P	U	
Medical services – hospital	U	U	U	-	
Mini- or self-storage facilities	U	U	U	-	
Mortuaries	U	U	U	-	
Offices	P	P	P	A	
Personal services	P	P	P	A	
Public utility facilities	P	P	P	A	
Vehicle services – accessories installation	A	A	A	U	
Vehicle services – auto repair	U	U	U	U	
Vehicle services – car washes	A	A	A	U	
Vehicle services – fueling stations	U	U	U	U	
Veterinary clinic, animal hospital	A	A	A	U	17.52.060

### TRANSPORTATION, COMMUNICATIONS

Commercial parking facility	A	A	A	A	
Telecommunications facility	U	U	U	U	17.52.260

<sup>1</sup> 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, if specified for the use, shall not be required.

**17.24.040 - 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 Table 2-5, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article III.

**TABLE 2-5 COMMERCIAL DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zone			
	D Downtown	NOMR North Old Mammoth Road	OMR Old Mammoth Road	MLR Mixed Lodging/Residential
<b>Lot Size</b>	<i>Minimum size of a lot, including total area, width, and depth.</i>			
Lot area	10,000 square feet			
Lot area, corner lots	11,000 square feet			
Lot width	75 feet			
Lot width corner lots	90 feet			
Lot depth	100 feet			
Minimum width for access	50 feet			
Minimum buildable site <sup>1</sup> area	5,000 square feet			
Minimum width/depth for a building site	50 feet			
Maximum slope for a building site	20%			
<b>Density<sup>2</sup></b>	<i>The ratio of development intensity to lot area may be measured in dwellings, guest rooms, square footage of development, persons or other unit.</i>			
Hotels/Motels	40 rooms/acre			
Fractional Use Projects	40 rooms/acre			
SRO	48 rooms/acre			
Other requirements	See 17.20.040.B (Density Requirements)			
Residential	12 units/acre			
<b>Setbacks<sup>3 4</sup></b>	<i>The distance between the lot line or access easement and any building, structure, or other specified form of development.</i>			
Front yard	20 feet; 0 feet where retail is required by Figure 2-2			20 feet
Side yard	0 feet, or as required by California Building Code			

Development Feature	Requirement by Zone			
	D Downtown	NOMR North Old Mammoth Road	OMR Old Mammoth Road	MLR Mixed Lodging/Residential
Side yard, street side	20 feet			
Rear yard	0 feet, or as required by California Building Code			
Distance between buildings on the same lot	0 feet, or as required by California Building Code			
<b>Lot Coverage<sup>5</sup></b>	<i>The area of a lot covered by all structures and impervious surfaces, including decks, driveways, walkways and parking areas.</i>			
Maximum coverage	70%, includes all impervious surfaces			60%, includes all impervious surfaces
<b>Maximum Building Envelope<sup>6</sup></b>	<i>The maximum building height allowed as measured pursuant to Section 17.36.050, which excludes certain appurtenances.</i>			
Maximum building envelope	55 feet		45 feet	
<b>Snow Storage</b>	<i>Area of site set aside for the purpose of storing snow that is cleared from drive and walkways.</i>			
Required snow storage area <sup>7</sup>	60% of all parking and driveways			
<b>Propane Tanks &amp; Dumpsters</b>	See 17.36.070 (Propane Tanks) & 17.36.120 (Solid Waste/Recyclable Materials Storage)			
<b>Fences and Walls</b>	See 17.36.030 (Fences and walls)			
<b>Exterior Lighting</b>	See 17.36.020 (Exterior lighting)			
<b>Design Review</b>	See 17.88 (Design review)			
<b>Outdoor Storage and Work Areas</b>	See 17.52.220 (Outdoor storage and work areas)			
<b>Signs</b>	See 17.48 (Signs)			
<b>Parking and Loading</b>	See 17.44 (Parking and Loading Standards)			
<b>Landscaping</b>	See 17.40 (Water-Efficient Landscape Regulations)			

<sup>1</sup> The minimum building site area must be less than 20% in slope, must conform to all other setback requirements, and must be accessible in accordance with the adopted standards of the Town.

<sup>2</sup> Commercial uses (retail, restaurant, etc.) do not count towards density.

<sup>3</sup> Setback areas are required to be landscaped per 17.24.060.

<sup>4</sup> Setbacks may be reduced as described in 17.32.100.C.1

<sup>5</sup> Subterranean or podium structures topped by landscaped open space areas (of at least 10 feet x 10 feet x four feet deep) shall be excluded from lot coverage calculations.

<sup>6</sup> Please see Section 17.36.050 (Height Measurement and Height Limit Exceptions) which further defines the maximum building envelope and height.

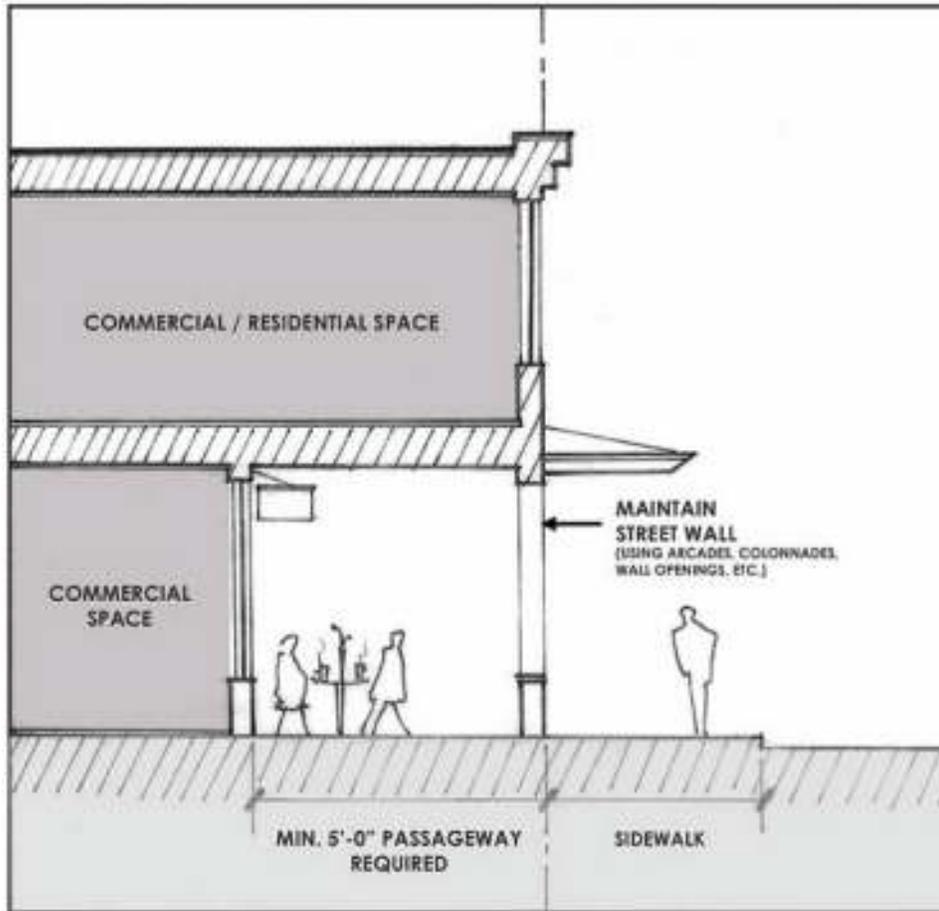
<sup>7</sup> The snow storage area may be reduced as described in Section 17.32.120.

**17.24.050 – Architectural Standards.** The intent of the architectural standards for commercial districts is to create well designed, pleasing environments that are designed with the pedestrian in mind and create a public space that contributes to a vital and active street life. The architectural standards also implement appropriate environmental design which takes into account public views, sun, sustainable design, feet-first mobility all while implementing the Community Vision of design and development that complement the Eastern Sierra Nevada mountain setting and our sense of a “village in the trees.”

**A. Horizontal and Vertical Modulation.**

1. **Building Bays.** Volumes along the street wall shall be defined by structural bays, substantial reveals or offsets in the wall plane, and changes in the rhythmic pattern of one or more of the following features:
  - a. Passageways in arcades and colonnades that are, at minimum, five feet wide. See Figure 2-1 (Section of Street Wall);
  - b. Window openings, bay windows, or balconies;
  - c. Columns or pilasters;
  - d. Materials and color; or
  - e. Other architectural features.
2. **Massing.** To avoid a monotonous flat wall plane, the massing of larger buildings (5,000 square feet or greater) should be broken down to an appropriate scale through the use of store-fronts and breaks in the façade.
3. **Façade.** The street facade shall be architecturally modulated to create visual interest and shall include architectural features and pedestrian amenities such as recessed entries, arcades, colonnades, attractive stairs, art, and other architectural features deemed pedestrian-oriented by the Director. See Figure 2-2 (Ground Floor Retail).
4. **Building Orientation.** All buildings located on a public street shall be oriented toward, and have their primary entrances facing on or toward, the public street.

**Figure 2-1 Section of Street Wall**



**Figure 2-2 Ground Floor Retail**



- B. Building Façade.** Developments shall be designed to achieve interesting, graceful, and articulated buildings by the use of varied rooflines and other elements; clearly defining the base, middle, and top of each building and other architectural features.
1. **Building Base.** Site design and architectural features that contribute to pedestrian comfort and interest, such as awnings, recessed entrances, arcades, courtyards, paseos, alleys, and patios are encouraged. Areas without any architectural features, windows, or doors are considered “blank walls.”
    - a. On sloping sites, the change in elevation between the commercial space, sidewalk, and adjacent urban open space must include generously sized and gracious steps and landings, with features such as low risers and wide treads, and any planter boxes should include seating ledges.
    - b. Architectural and ornamental features shall not impede pedestrian routes.
    - c. No blank area is permitted on the portion of the street wall within 15 vertical feet above the sidewalk or finished grade; blank wall area shall be minimized on all other wall elevations. The maximum width of any continuous blank wall shall be no more than 15 feet.
    - d. Similar architectural and design features shall be incorporated on all sides of the building.
  2. **Building Middle.** The building middle shall include a pattern of windows, wall panels, or pilasters that are based on structural spacing and may include projecting bay windows and balconies.
  3. **Building Top.** The top of the building shall be visually terminated through the use of cornices, eaves, parapets, domes, towers, or other form or features.
  4. **Roof.** Modulate the roof line of all facades visible from a public right-of-way according to one or more of the following:
    - a. The individual segments of the roof line must not extend more than 50 feet in width (measured horizontally) without modulation.
    - b. Roof line modulation of flat roofs with horizontal eave, fascia, or parapet. The width of continuous flat roof line shall extend no more than 50 feet without modulation. Modulation shall consist of either:
      - i. A change in elevation of the visible roof line of at least eight feet if the particular roof segment is less than 50 feet wide and at least 12 feet if the particular roof segment is greater than 50 feet in length.

- ii. A sloped or gabled roof line segment of at least 20 feet in width and no less than three feet vertical in 12 feet horizontal.
- iii. A combination of subsections 1. and 2. above.
- c. Coordinate modulation of roof lines on multi-tenant buildings to emphasize key building entries and/or change in building tenants or uses.
- d. Use roof modulation in multifamily buildings that employ:
  - i. Gable, gambrel or hipped roof;
  - ii. Broken or articulated roof line;
  - iii. Prominent cornice or fascia that emphasizes the top of the building; and/or
  - iv. Other roof element that emphasizes a building's design and helps it to fit in with neighboring structures with prominent roofs.
- e. **Alternatives.** Subject to approval by the Director, the applicant may depart from the above standards; provided, that they demonstrate that the proposed design meets the intent of the standards.

### C. Retail Windows.

- 1. Windows on the ground level building facade facing a street shall be used to display consumer goods and/or services. Windows not used to display consumer goods shall provide a view into the building for a distance of not less than 20 feet behind the front of the building at the ground story. No merchandise storage, which principally blocks the view of the interior of the building, shall be allowed in storefront windows.
- 2. 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.

### D. Building Materials and Construction.

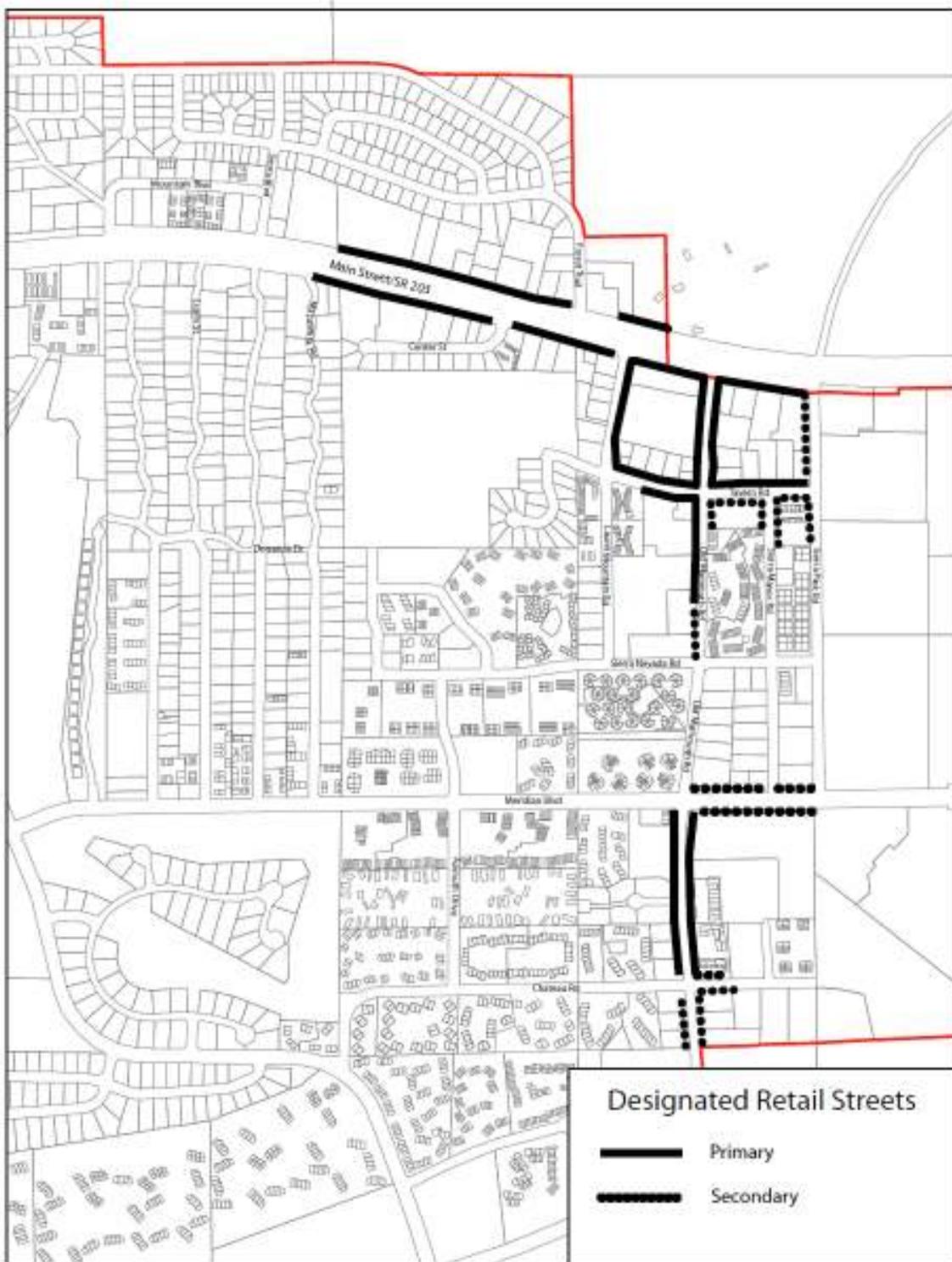
- 1. **Building materials.** The building base shall be clad in durable high-grade materials from at least the floor slab of the second floor down to one inch of the finished sidewalk grade, and these materials shall wrap corners of exposed interior property line walls a minimum of three feet.

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.

#### **17.24.060 - Retail Requirements**

- A. The following standards shall apply to all streets identified in Figure 2-3 (Designated Retail Streets) as either primary or secondary retail streets.
- B. **Ground Floor Retail Required.** Ground floor uses shall be primarily retail within areas shown on Figure 2-3. Non-retail ground floor uses shall maintain traditional facades with ground floor storefront windows consistent with the retail character of the district and the treatment of the storefront is further required to conform to the additional conditions included herein.
- C. **Retail Build-to Lines.** Where retail is shown to be required on Figure 2-3, buildings shall be built up to or within five feet of the back of the public sidewalk per the adopted Public Works Street Section for the subject street. A 10-foot setback is permitted to allow entry courts, space for outdoor dining, patios, etc.

**Figure 2-3 Designated Retail Streets**



**17.24.070 – Specific Standards – Old Mammoth Road District (OMR)**

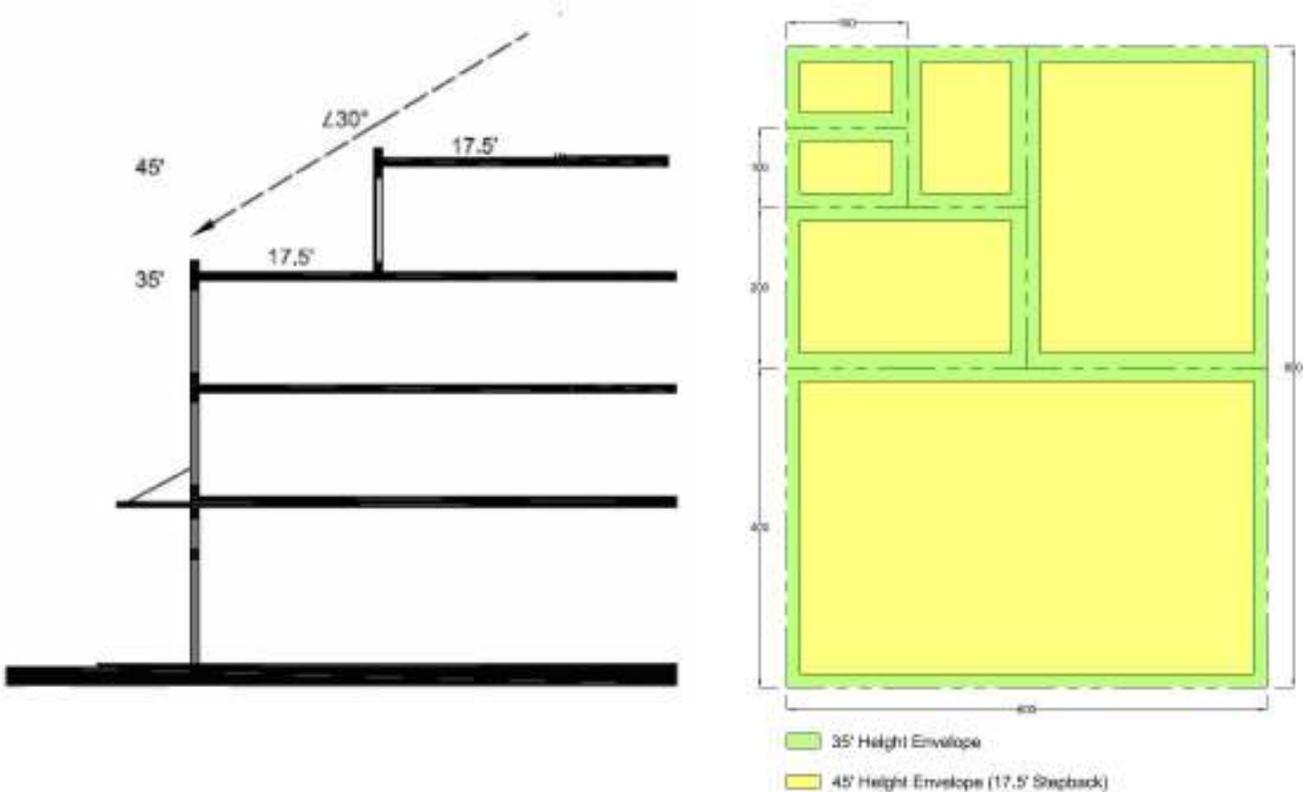
**A. Specific Building Envelope Standards<sup>1</sup>.**

1. **Number of Stories.** A minimum of two and a maximum of four stories is permitted.
2. **Height at the Street.** The building height along the street shall not exceed three stories or 35 feet.
3. **Ground Floor Ceiling.** The ground floor shall have a minimum of 14 feet clear from floor to ceiling.
4. **Upper Floor(s) Ceiling.** The upper floors shall have a minimum of eight feet clear from floor to ceiling.

<sup>1</sup> Please see additional height standards in Section 17.32.050

- B. Minimum Stepbacks.** Buildings shall be stepped back above the third floor a minimum of 17.5 feet between floors as measured from the outside face of the wall on the floor below to the outside face of the wall on the floor above.

**Figure 2-4 Old Mammoth Road (OMR) Building Stepbacks and Height Envelopes**



**17.24.080 - Specific Standards – North Old Mammoth Road District (NOMR)**

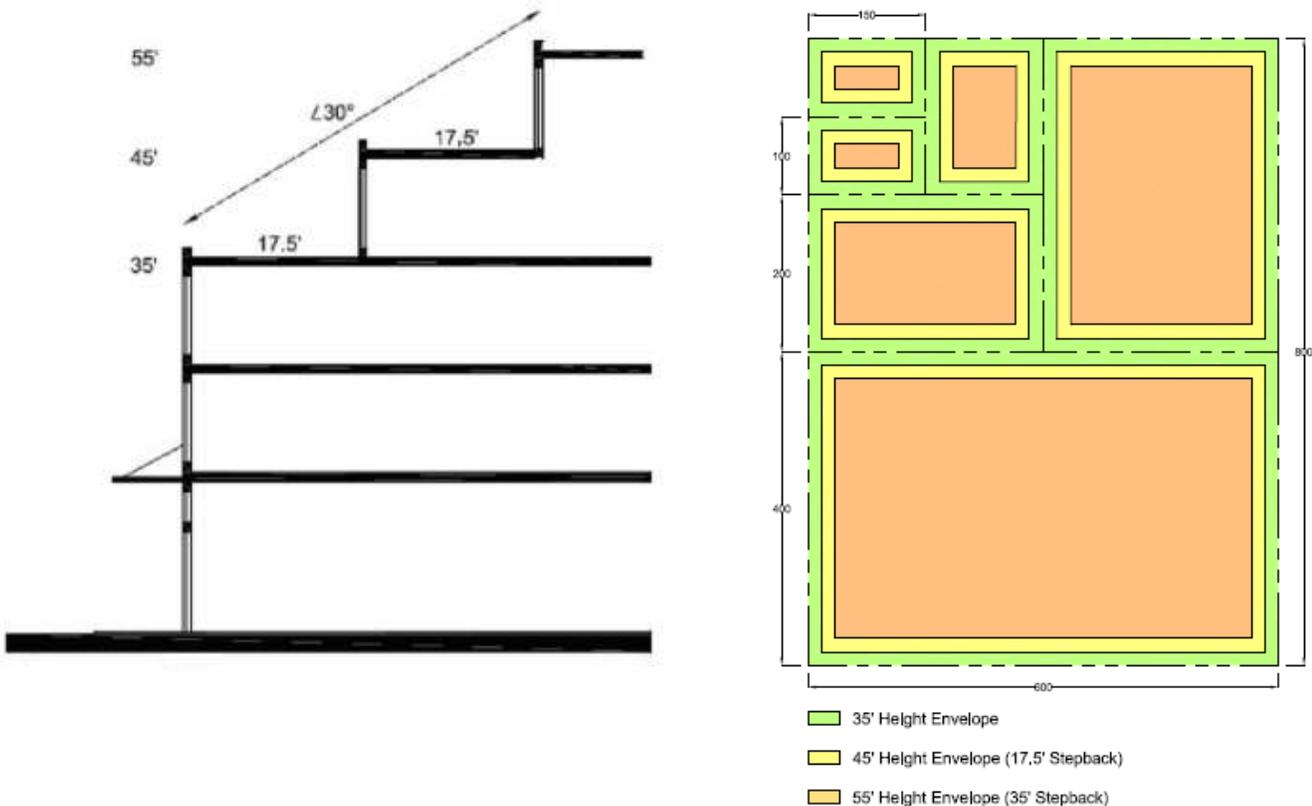
**A. Specific Building Envelope Standards<sup>1</sup>.**

1. **Number of Stories.** A minimum of two and a maximum of five stories is permitted.
2. **Height at the Street.** The building height along the street shall not exceed three stories or 35 feet.
3. **Ground Floor Ceiling.** The ground floor shall have a minimum of 14 feet clear from floor to ceiling.
4. **Upper Floor(s) Ceiling.** The upper floors shall have a minimum of eight feet clear from floor to ceiling.

<sup>1</sup> Please see additional height standards in Section 17.32.050

**B. Minimum Stepbacks.** Buildings shall be stepped back above the third floor a minimum of 17.5 feet between floors as measured from the outside face of the wall on the floor below to the outside face of the wall on the floor above.

**Figure 2-5 North Old Mammoth Road (OMR) Building Stepbacks and Height Envelopes**



**17.24.090 – Specific Standards – Downtown District (D)**

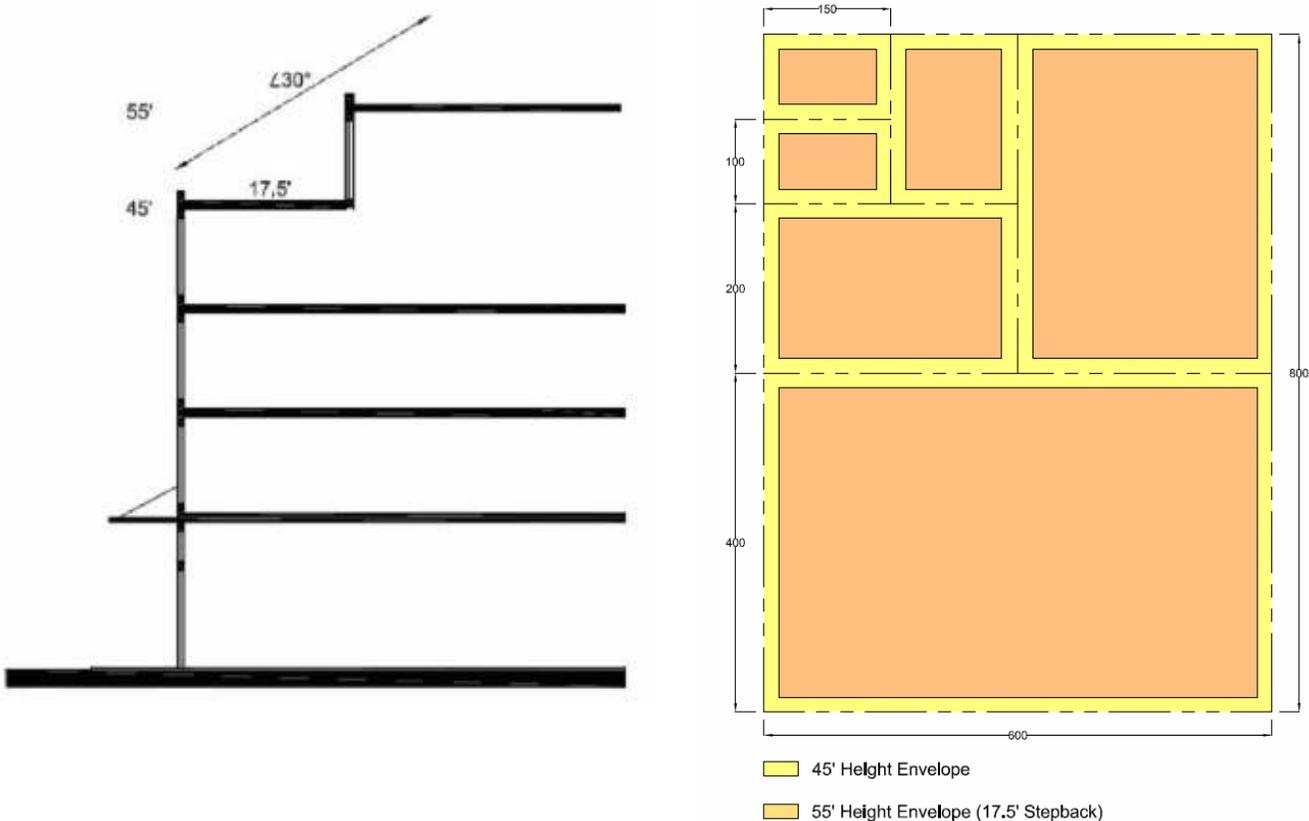
**A. Specific Building Envelope Standards<sup>1</sup>.**

1. **Number of Stories.** A minimum of two and a maximum of five stories is permitted.
2. **Height at the Street.** The building height along the street shall not exceed four stories or 45 feet.
3. **Ground Floor Ceiling.** The ground floor shall have a minimum of 14 feet clear from floor to ceiling.
4. **Upper Floor(s) Ceiling.** The upper floors shall have a minimum of eight feet clear from floor to ceiling.

**B. Minimum Stepbacks.** Buildings shall be stepped back above the fourth floor a minimum of 17.5 feet between floors as measured from the outside face of the wall on the floor below to the outside face of the wall on the floor above.

<sup>1</sup> Please see additional height standards in Section 17.32.050

**Figure 2-6 Downtown (D) Building Stepbacks and Height Envelopes**



**17.24.100 – Specific Standards – Mixed Lodging/Residential District (MLR)**

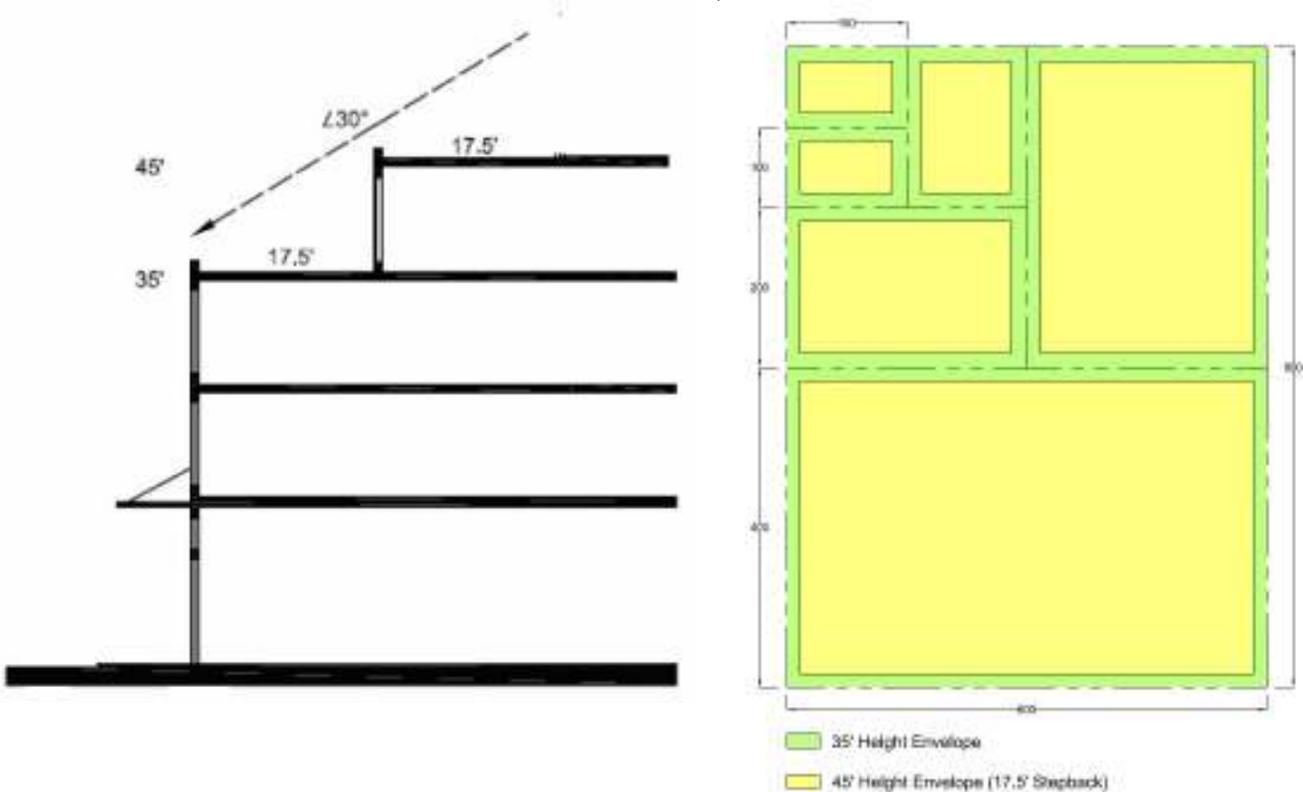
**A. Specific Building Envelope Standards<sup>1</sup>.**

1. **Number of Stories.** A minimum of two and a maximum of four stories is permitted.
2. **Height at the Street.** The building height along the street shall not exceed three stories or 35 feet.
3. **Ground Floor Ceiling.** The ground floor shall have a minimum of 14 feet clear from floor to ceiling.
4. **Upper Floor(s) Ceiling.** The upper floors shall have a minimum of eight feet clear from floor to ceiling.

<sup>1</sup> Please see additional height standards in Section 17.32.050

- B. Minimum Stepbacks.** Buildings shall be stepped back above the third floor a minimum of 17.5 feet between floors as measured from the outside face of the wall on the floor below to the outside face of the wall on the floor above.

**Figure 2-7 Mixed Lodging/Residential (MLR) Building Stepbacks and Height Envelopes**



**17.24.110 – Landscaping of Setback Areas.** Required front and street side yard setback areas shall not be used for off-street parking purposes and shall be landscaped with plant materials or provided with walkways, driveways, and/or pedestrian plazas/courts. Landscaping shall consist of native or climate-adaptive trees and vegetation with use of lawn for accent only, consistent with Chapter 17.40 (Water Efficient Landscaping). All required landscaping shall be irrigated and permanently maintained in a neat and orderly manner. Landscaping and irrigation plans must be approved by the Director in accordance with adopted design review standards.

**17.24.120 – 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; 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 the EIR or negative declaration.

**17.24.130 - Density Requirements<sup>1</sup>.**

- A. 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.
- B. Half Unit of Density.** 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.

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<sup>1</sup> Please see Chapter \_\_ (Incentive Zoning) for information on density increases.