

9.09.010: PURPOSE:

This chapter lists the land uses that may be allowed within the commercial zoning districts listed in section 9.05.030 of this article 2, determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.

Properties located within the Mixed Use Commercial (C-MU) Zoning District are subject to the regulations and development standards of the General Commercial (C-G) Zoning District until such time as mixed use commercial (C-MU) regulations and development standards are adopted by the Council. (Ord. 253, 12-16-2014)

9.09.020: PERMITTED USES AND PERMIT REQUIREMENTS:

Table 2-15 of this section identifies the uses of land allowed by this Development Code in each commercial zoning district established by chapter 9.05, "Zoning Districts And Zoning Map", of this article 2.

All uses listed in the following table are subject to the applicable standards of this Development Code and the permit requirements referenced in the "Notes And Other Regulations" column and in subsection 9.06.030B, "Permit Requirements", of this article 2.

Pursuant to subsection 9.06.030A3, "Similar And Compatible Use May Be Allowed", of this article 2, the Director may determine that a proposed use is permitted, providing that the Director makes the required findings that the proposed use is similar, compatible and consistent with the uses described in the table, the purposes, and the General Plan.

The following land uses shall be permitted, pursuant to the conditions stipulated:

A. Accessory uses including parking lots and structures, accessory signs, and exterior storage which is fully fenced and screened with a solid fence and where no storage is visible above the fence. Accessory uses and structures shall comply with all requirements of this Code.

B. Commercial land uses proposed to operate from existing structures shall be permitted by right in the following cases:

1. The structure has historically been utilized in a fashion similar to the proposed use.
2. There are no structural off street, on site improvements or lack thereof which pose an immediate threat to the health, safety or general welfare of the Town.
3. There are no additions or alterations to the square footage of the existing structure. (Ord. 253, 12-16-2014)

TABLE 2-15

PERMITTED LAND USES AND PERMIT REQUIREMENTS FOR COMMERCIAL ZONING DISTRICTS

Zoning districts:						
C-C: Community commercial	C-O: Office commercial			C-N: Neighborhood commercial		
C-G: General commercial	C-MU: Mixed use commercial					
Permit required:						
CUP: Conditional use permit	PD: Planned development review			SUP: Special use permit		
HOP: Home occupation permit	S: Specific plan			TSEP: Temporary special event permit		
NP: Not allowed	SPL: Special license permit			TUP: Temporary use permit		
P: Permitted	SPR: Site plan and design review					
Type Of Use	Permit Required By Zoning District					Notes And Other Regulations
	C-C	C-G	C-O	C-MU	C-N	
Type Of Use	Permit Required By Zoning District					Notes And Other Regulations
	C-C	C-G	C-O	C-MU	C-N	

Residential:							
	Mixed use development	NP	S	NP	SPR	NP	
	Single-family dwelling unit	NP	NP	NP	NP	NP	
	Single room occupancy housing	NP	CUP	NP	CUP	CUP	
Care uses:							
	Child daycare center	NP	CUP	NP	CUP	CUP	See section 9.14.020, "Child Daycare Centers", of this article 2
	Childcare (small family)	NP	CUP	NP	SPR	CUP	Single-family residences located in the commercial land use districts are subject to the standards specified in section 9.08.040 of this article 2
	Childcare (large family)	NP	CUP	NP	CUP	CUP	
	Home occupation	HOP	HOP	HOP	HOP	HOP	Permitted for single-family residences located in the commercial land use districts pursuant to chapter 9.50, "Home Occupation Permits", of this title
	Homeless shelter	NP	NP	NP	NP	NP	Including transitional and supportive uses
	Social care, congregate care, convalescent care facilities	NP	CUP	NP	CUP	CUP	Including, but not limited to, elderly care and sober living facilities
Agriculture, animal related, and open space uses:							
	Animal care facility (with exterior kennel, pens and runs)	CUP	CUP	NP	NP	CUP	Including, but not limited to, animal hospitals, veterinarian, pet stores, and grooming
	Animal care facility (without exterior kennel, pens and runs)	SPR	SPR	SPR	SPR	SPR	
	Community gardens	SPR	SPR	SPR	SPR	SPR	
	Equestrian facility	CUP	CUP	NP	NP	CUP	
	Feed and tack	CUP	CUP	NP	NP	CUP	
	Horticulture/agriculture	SPR	SPR	NP	NP	SPR	Including, but not limited to, crop production, orchards, and vineyards
	Kennels (over 15 animals)	NP	NP	NP	NP	SUP	
	Livestock operations	NP	NP	NP	NP	NP	
	Natural resources development	NP	NP	NP	NP	NP	
	Nature preserve	SPR	SPR	SPR	SPR	SPR	

	Nursery/garden supply (with outdoor display)	SPR	SPR	SPR	CUP	CUP	
	Nursery/garden supply (without outdoor display)	SPR	SPR	SPR	SPR	SPR	
Retail commercial uses:							
	Adult oriented business	NP	CUP	NP	NP	NP	See chapter 9.52, "Adult Oriented Business", of this title
	Antique/secondhand stores	SPR	SPR	NP	SPR	SPR	
	Appliance sales and home goods (no repair)	SPR	SPR	SPR	SPR	NP	
	Auto and vehicle sales and rentals and parts sales	CUP	CUP	NP	CUP	CUP	
	Boat and recreational vehicle sales	CUP	CUP	NP	CUP	CUP	
	Building and landscape materials sales (indoor)	SPR	SPR	SPR	CUP	CUP	
	Building and landscape materials sales (outdoor)	CUP	CUP	NP	CUP	NP	
	Construction and heavy equipment sales and rentals	NP	CUP	NP	NP	NP	
	Convenience store	CUP	CUP	CUP	CUP	CUP	
	Farmers' market/arts and crafts events	TSEP	TSEP	TSEP	TSEP	TSEP	See chapter 9.38, "Temporary Special Events", of this title
	Fuel/propane dealer	NP	NP	NP	NP	NP	See section 9.14.040, "Gas Or Other Fueling Stations", of this article 2
	Grocery, supermarket, specialty food store, drugstore	SPR	SPR	SPR	SPR	SPR	
	Manufactured home sales	NP	NP	NP	NP	NP	
	Pawnshop	SPR	SPR	NP	NP	NP	
	Retail store (less than 80,000 square feet)	SPR	SPR	SPR	SPR	SPR	
	Retail store (80,000 or greater square feet)	SPR	SPR	CUP	CUP	CUP	
	Seasonal holiday sales facilities	TSEP	TSEP	TSEP	TSEP	TSEP	See chapter 9.38, "Temporary Special Events", of this title
	Shopping center (neighborhood, community, or regional)	CUP	CUP	CUP	CUP	CUP	
	Swap meet, outdoor market, auction yard (permanent)	NP	CUP	NP	NP	NP	See section 9.14.080, "Swap Meets", of this article 2
	Warehouse retail	CUP	SPR	CUP	NP	CUP	

Business, financial, and professional:							
	ATM	P	P	P	P	P	
	Financial institution and related service	SPR	SPR	SPR	SPR	SPR	
	Laboratory	SPR	SPR	SPR	SPR	SPR	
	Office (business, professional, corporate, medical)	SPR	SPR	SPR	SPR	SPR	
Eating and drinking establishments:							
	Bakery (retail), coffee shop and similar uses	SPR	SPR	SPR	SPR	SPR	Including, but not limited to, ice cream shops, frozen yogurt shops, and candy/sweet shops
	Bakery (wholesale)	SPR	SPR	SPR	CUP	NP	
	Bar, lounge, nightclub, tavern, and pool hall	CUP	CUP	CUP	CUP	CUP	
	Catering service	SPR	SPR	SPR	SPR	SPR	
	Fast food (with drive-through, delivery)	CUP	CUP	CUP	CUP	CUP	See section 9.14.030, "Drive- Up/Drive-Through Establishments", of this article 2
	Fast food (without drive-through, delivery)	CUP	SPR	SPR	SPR	CUP	
	Full service restaurant	SPR	SPR	SPR	SPR	SPR	
Commercial service uses:							
	Ambulance service	SPR	SPR	SPR	NP	NP	
	Appliance sales, service, repair, and rental	SPR	SPR	SPR	SPR	SPR	
	Automobile gas station	SPR	SPR	SPR	CUP	CUP	See section 9.14.040, "Gas Or Other Fueling Stations", of this article 2
	Automobile service/repair (major repair/body work)	NP	CUP	NP	NP	NP	
	Automobile service/repair (minor repair and maintenance)	CUP	SPR	CUP	CUP	CUP	
	Automobile washing (car wash)	CUP	CUP	CUP	CUP	CUP	
	Automobile washing (car wash) (fundraising, temporary)	P	P	P	P	P	
	Barber, beauty shop, and other similar personal service uses	SPR	SPR	SPR	SPR	SPR	
	Equipment sales, service, repair, and rental	CUP	CUP	CUP	NP	CUP	
	Fitness center (less than 2,000 square feet)	SPR	SPR	SPR	SPR	SPR	

	Fitness center (more than 2,000 square feet)	CUP	CUP	CUP	NP	CUP	
	Fortune telling and related service	SPR	SPR	SPR	CUP	SPR	
	Funeral service (excluding crematorium)	NP	SPR	CUP	NP	NP	
	Funeral service (including crematorium)	NP	CUP	CUP	NP	NP	
	Laundry and dry cleaning	SPR	SPR	SPR	SPR	SPR	
	Locksmith	SPR	SPR	SPR	SPR	SPR	
	Maintenance and repair (major)	NP	CUP	NP	NP	NP	
	Maintenance and repair (minor)	SPR	SPR	CUP	CUP	CUP	
	Massage establishment	SPL	SPL	SPL	SPL	SPL	See title 5, chapter 5.10, "Massage Services And Establishments", of this code
	Printing and duplication services	SPR	SPR	SPR	SPR	SPR	
	Studio (dance, music, martial arts, artists)	SPR	SPR	SPR	SPR/ CUP	SPR	Less than 2,000 square feet (SPR for C-MU) More than 2,000 square feet (CUP for C-MU)
	Tattoo and piercing	SPR	SPR	SPR	SPR	SPR	
Commercial recreation:							
	Amusement arcade or park	NP	CUP	NP	NP	NP	
	Campgrounds	NP	NP	NP	NP	NP	
	Carnivals/circuses/festivals/fairs	TSEP	TSEP	TSEP	TSEP	TSEP	See chapter 9.38, "Temporary Special Events", of this title
	Concerts, open air theaters, outdoor entertainment events	TSEP	TSEP	TSEP	TSEP	TSEP	See chapter 9.38, "Temporary Special Events", of this title
	Game arcade, internet cafe, and similar businesses	CUP	CUP	NP	CUP	CUP	
	Golf course	SPR	SPR	SPR	SPR	CUP	
	Hookah lounge	NP	CUP	NP	NP	CUP	
	Parks/recreation facilities	SPR	SPR	SPR	SPR	SPR	
	Private clubs and lodges	CUP	SPR	CUP	NP	CUP	
	Recreation and entertainment (commercial indoor and outdoor)	CUP	CUP	CUP	CUP	CUP	
	Recreational vehicle park	NP	NP	NP	NP	NP	See subsection 9.08.060B, "Recreational Vehicle Parks", of this article 2

Industry, manufacturing and processing, wholesaling:						
Construction/contractor storage yard	NP	CUP	NP	NP	NP	
Hazardous waste operations	NP	NP	NP	NP	NP	See section 9.34.110, "Hazardous Materials", of this title
Manufacturing operations	NP	NP	NP	NP	NP	
Motor vehicle storage/impound facility	NP	NP	NP	NP	NP	
Recycling facility (processing facility)	NP	NP	NP	NP	NP	See section 9.14.070, "Recycling Facilities", of this article 2
Recycling facility (small collection facility)	SUP	SUP	SUP	SUP	SUP	
Research and development	SPR	SPR	SPR	CUP	SPR	
Salvage facility	NP	NP	NP	NP	NP	
Storage - ministorage (personal storage)	NP	NP	NP	NP	NP	See section 9.14.060, "Mini-/Self- Storage Facilities", of this article 2
Storage (outdoor vehicles storage)	NP	NP	NP	NP	NP	
Wholesaling and distribution	NP	NP	NP	NP	NP	
Transportation, communications, and infrastructure:						
Communication facility	CUP	CUP	NP	NP	CUP	Including, but not limited to, radio and television stations or towers, satellite receiving stations, but not wireless telecommunication facilities
Parking lot	SPR	SPR	SPR	SPR	SPR	See chapter 9.33, "Parking And Loading Regulations", of this title. Accessory or incidental to the primary use of the same property
Public/government facilities	SPR	SPR	SPR	CUP	CUP	
Public safety uses (permanent)	SPR	SPR	SPR	SPR	SPR	
Solar energy systems (accessory)	P	P	P	P	P	See chapter 9.42, "Accessory Solar Energy Systems", of this title
Solar energy systems (utility grade/primary use)	NP	NP	NP	NP	NP	See chapter 9.46 of this title

Transmission utility lines, pipelines, and control stations	CUP	CUP	CUP	CUP	CUP	
Utilities (major)	CUP	CUP	CUP	CUP	CUP	
Wind energy system (accessory)	SPR	SPR	SPR	SPR	SPR	See chapter 9.43, "Accessory Wind Energy Systems", of this title
Wind energy system (utility grade/primary use)	NP	NP	NP	NP	NP	See chapter 9.46 of this title
Wireless telecommunication facilities	CUP	CUP	CUP	CUP	CUP	Pursuant to chapter 9.44 of this title
Other uses:						
Cemeteries, including pet cemeteries	NP	CUP	NP	NP	NP	
Churches, religious assembly, and other public assembly	CUP	CUP	CUP	CUP	CUP	
Conference centers and group camps	CUP	CUP	CUP	NP	NP	
Correctional institution	NP	NP	NP	NP	NP	
Emergency facilities (temporary)	TUP	TUP	TUP	TUP	TUP	See chapter 9.39, "Temporary Uses And Structures", of this title
Hospitals/medical/rehabilitation centers/clinics	CUP	CUP	CUP	CUP	CUP	
Hotels and motels	SPR	SPR	CUP	SPR	CUP	
Marijuana dispensaries, marijuana cultivation, marijuana deliveries, additional prohibited marijuana	NP	NP	NP	NP	NP	Pursuant to chapter 9.53 of this title
Museum, library, art gallery, outdoor exhibit	SPR	SPR	SPR	SPR	SPR	
Schools (private, vocational, charter, and other)	CUP	CUP	CUP	CUP	CUP	
Temporary special events	TSEP	TSEP	TSEP	TSEP	TSEP	See chapter 9.38, "Temporary Special Events", of this title
Temporary structures and uses	TUP	TUP	TUP	TUP	TUP	See chapter 9.39, "Temporary Uses And Structures", of this title

(Ord. 253, 12-16-2014; amd. Ord. 268, 7-18-2017; Ord. 297, - -)

9.09.050: NATIVE LANDSCAPE DOCUMENTATION PACKAGE:

A. General Provisions: Commercial development projects shall be allowed to transplant on and off site and to remove all regulated desert native plants from their native locations within the property boundaries, pursuant to the following development standards and requirements. Regulated desert native plants for all commercial land development projects, include the following:

REGULATED DESERT NATIVE PLANTS

Botanical Name	Common Name
<i>Yucca schidigera</i>	Mojave yucca
<i>Nolina parryi</i>	Parry's nolina
<i>Juniperus californica</i>	California juniper
<i>Yucca whipplei</i>	Our Lord's candle
<i>Pinus monophylla</i>	Pinon pine

Pursuant to section 80117 of the state Food And Agricultural Code, the clearing or removal of native plants from a canal, lateral ditch, survey line, building site, or road or other right of way by the landowner or his agent, if the native plants are not to be transported from the land or offered for sale, are not subject to state regulations. For plants regulated by the state to be transplanted off site, the town shall issue permits for their relocation in accordance with this section.

B. Submission: A native landscaping documentation package shall be submitted to the division at the time of filing land use applications for development of commercial projects. Land use applications for commercial projects may include, but are not limited to, specific plans, conditional use permit, site plan and development review applications, land use compliance applications, parcel and tract map applications, grading permit applications, building permit applications, and any other applications necessary for town authorization of land disturbing or development activity. The native landscaping documentation package may be combined with landscaping and water conservation requirements (chapter 9.32 of this title).

C. Information: The native landscaping documentation package shall contain the following information:

1. The botanical and common name of the regulated desert native plant.
2. The precise location of each regulated desert native plant.
3. The trunk or stem diameter of each regulated desert native plant.
4. The height of each regulated desert native plant.
5. The health or condition of the regulated desert native plant, including the identification of those regulated desert native plants that are not likely to survive transplanting procedures.
6. The proposed placement or disposition of the regulated desert native plant, i.e., transplant on site, adopt off site, remove, etc. The plans for the regulated desert native plant survey shall be no smaller than twenty four inches by thirty six inches (24" x 36") unless otherwise approved by the director.

D. Transplanting Off Site And On Site: All regulated desert native plants identified in the native landscaping documentation package as likely to survive transplanting shall be made available for adoption or shall be transplanted on site as part of the project's landscaping plan. All native plant permit applications shall illustrate maximum utilization of regulated desert native plants in the project's landscaping plan. It is strongly encouraged that all *Yucca brevifolia* (Joshua trees) identified for adoption and transplantation be relocated through the uses of an adequately sized tree spade.

E. Adoption: Those regulated desert native plants identified in the native landscaping documentation package as likely to survive transplanting procedures, and which are not incorporated into a project's landscaping plan, shall be available for adoption.

1. Any regulated desert native plant that is part of a commercial development project, which are determined likely to survive transplanting procedures and not incorporated into a project's landscaping plan shall be made available for adoption. The project shall provide a minimum thirty (30) day noticing period and thirty (30) day adoption period. The adoption period may be less than thirty (30) days if all available regulated desert native plants have been adopted.

2. A native landscape permit may include nonregulated desert native plants at the remover's discretion.

3. In the adoption of regulated desert native plants first priority shall be within the town of Yucca Valley and the second priority is Morongo Basin.

4. It is strongly recommended by native plant experts that native plants be moved only once to ensure survivability.

5. Prior to the adoption a thirty (30) day signage period is required which may commence with submittal of the regulated desert native plant permit. All projects required by this title to offer native plants for adoption shall at a minimum install the required on site signage on the property notifying the general public pursuant to the following:
- a. A minimum of one sign shall be displayed. The sign may be incorporated into a subdivision sign or other permitted sign. The minimum size of the sign shall be not less than twenty four inches (24") in height by thirty six inches (36") in width. Signs shall be no larger than thirty two (32) square feet in area.
 - b. Signage shall be displayed perpendicular to roadways.
 - c. Where multiple signs are proposed, signs shall be displayed on separate roadways, where possible.
 - d. Signs shall, at a minimum, display the following:
 - (1) A heading and statement indicating that regulated desert native plants are available for adoption.
 - (2) The name of the individual or entity removing the regulated desert native plants.
 - (3) A phone number where the individual or entity removing the regulated desert native plants may be contacted.
 - (4) A statement indicating that the individual or entity removing the regulated desert native plants is the primary contact, and that the town of Yucca Valley may be contacted for more information on the regulated desert native plants available for adoption and for contacting the individual or entity removing the regulated desert native plants.
 - (5) The phone number for the town of Yucca Valley's community development department.
 - e. Signs required by this section are in addition to the subdivision signage allowed by this development code.
 - f. The sign may be installed in conjunction with the native landscape documentation package submittal.
- F. Adoption, Transplanting And Maintenance Of Regulated Desert Native Plants: All regulated desert native plants made available for adoption shall be transplanted and/or stockpiled and maintained until transplanted in accordance with the following standards:
1. Written permission must be obtained from and signed by the owner of the property on which the plants are to be located. A copy of the document granting such permission shall be submitted to the director prior to issuance of the permit.
 2. Approval of transplanting must take into consideration the plant's original and transplanted physical orientation, prevailing wind direction, soil type of the original and transplanted locations, and other related attributes which may affect the successful transplantation of the native plants in question.
 3. Native plants that are proposed to be removed shall be transplanted or stockpiled for future transplanting wherever possible. In the instance of stockpiling for future transplanting the permittee shall have submitted and received approval of a native plant maintenance plan. The maintenance plan shall include the following:
 - a. The proposed schedule of watering.
 - b. The proposed location of stockpiled plants.
 - c. How the plants will be supported.
 - d. The method of trap fencing to be used.
- G. Removal: Those regulated desert native plants not incorporated into a project's landscaping plan and not adopted during the thirty (30) day adoption period are allowed to be removed. In addition plants determined to be unlikely to survive transplantation may be removed. (Ord. 253, 12-16-2014; amd. Ord. 291, 1-19-2021)