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CHAPTER 9.09
COMMERCIAL DISTRICTS

SECTION:

9.09.010: Purpose

9.09.020: Permitted Uses And Permit Requirements

9.09.030: Development Standards

9.09.040: Projections And Encroachments Into Required Setback Areas

9.09.050: Native Landscape Documentation Package

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 |

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| | | |
|-----------------------------|----------------------------------|--------------------------------------|
| 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 | |
| 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, |

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| | | | | | | |
|---|------|------|------|------|------|--|
| Animal care facility (without exterior kennel, pens and runs) | SPR | SPR | SPR | SPR | SPR | pet stores, and grooming |
| 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 | |

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|--|------|------|------|------|------|--|
| 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 |

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|--|------|------|------|---------|------|--|
| 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 |

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|--|-----|-----|-----|-----|-----|---|
| 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 |

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|--|-----|-----|-----|-----|-----|---|
| 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 | |

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|-------------------------------|------|------|------|------|------|--|
| 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, --)

9.09.030: 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 2-16 of this section, in addition to the applicable standards (e.g., landscaping, parking and loading, etc.) in article 3, "Development Standards", of this title.

TABLE 2-16
COMMERCIAL ZONING DISTRICTS DEVELOPMENT STANDARDS

| Development Feature | Requirements By Zoning District ¹ | | | | |
|---|--|--------------------------|--------------------------|-----------------------------|--------------------------|
| | C-C | C-G | C-O | C-MU | C-N |
| Development Feature | Requirements By Zoning District ¹ | | | | |
| | C-C | C-G | C-O | C-MU | C-N |
| Minimum lot size ² | See map suffix ³ | | | | |
| | 1 acre ⁴ | 5 acres ⁴ | 1 acre ⁴ | 1 acre ⁴ | 1 acre ⁴ |
| Minimum lot dimensions (W: width, D: depth) | W: 120 ft. D: 120 ft. | W: 120 ft. D: 120 ft. | W: 120 ft. D: 120 ft. | W: 120 ft. D: 120 ft. | W: 120 ft. D: 120 ft. |
| Maximum lot dimensions (width to depth) | 1:3 | 1:3 | 1:3 | 1:3 | 1:3 |
| Setbacks: | Minimum setbacks required unless different setbacks are delineated on final map, parcel map, composite development plan, or are allowed pursuant to section XX.XXX | | | | |
| Front | 15 ft. | 15 ft. | 15 ft. | 15 ft. | 25 ft. |
| Side ⁵ | 10 ft. | 0 ft. | 10 ft. | 0 ft. | 10 ft. |
| Rear ⁶ | 10 ft. | 0 ft. | 10 ft. | 0 ft. | 10 ft. |
| Street side | 15 ft. | 15 ft. | 15 ft. | 15 ft. | 25 ft. |
| Maximum floor area ratio (FAR) | Maximum allowed floor area ratio (FAR): floor area/lot area | | | | |
| | 0.50 | 0.50 | 1.0 | 0.50 | 0.50 |
| Dwelling units/acre | NP | NP | NP | Up to 40 with specific plan | NP |
| Lot coverage | Maximum percentage of the total lot area that may be covered by structures and impervious surfaces | | | | |
| | 60% | 60% | 60% | 60% | 40% |
| Height limit | 40 ft. | 40 ft. | 40 ft. | 40 ft. | 35 ft. |

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| Minimum district size | 5 acres | 5 acres | 5 acres | 5 acres | 5 acres |
|---|---|---------|---------|---------|---------|
| Other applicable standards | See article 3, "Development Standards", of this title, including the following standards: | | | | |
| | • Dedications and infrastructure improvement standards - chapter 9.30 of this title | | | | |
| | • Landscaping and native plant protection - section 9.09.050 of this chapter | | | | |
| | • Performance standards - chapter 9.34 of this title relating to avoiding adverse impact to adjoining properties relating to fire, explosive, or other hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness; electrical or other disturbance | | | | |
| | • Property maintenance standards - chapter 9.35 of this title | | | | |
| | • Signs - chapter 9.36 of this title | | | | |
| | • Solar energy systems - chapter 9.46 of this title | | | | |
| | • Wind energy systems - chapter 9.46 of this title | | | | |
| • Wireless communications facilities - chapter 9.44 of this title | | | | | |

Notes:

- All projects shall comply with the commercial design guidelines.
- Minimum lot size can be less if the subdivision application is filed concurrently with the specific plan, site plan and design review, or conditional use permit application.
- Map suffix: The number placed after the zoning district initial is the allowable dwelling units (du) per 1 acre.
- The above referenced acreages that are equal to 1 acre or more refers to gross acreage (total acreage including streets/infrastructure), less than 1 acre refers to net acreage (acreage not including streets/infrastructure).
- Side yards are only required if necessary for emergency access. If adjacent property is not commercial or industrial, a side yard shall be required along that side of the property.
- A rear yard is required only when the adjacent property is not designated commercial or industrial.
- Residential development may occur within the Mixed Use Zone without the requirement for simultaneous commercial development. (Ord. 253, 12-16-2014; amd. Ord. 297, --)

9.09.040: PROJECTIONS AND ENCROACHMENTS INTO REQUIRED SETBACK AREAS:

A. General Provisions: All required yards shall be open and unobstructed from finished grade or from such other specified level at which the yard is required, to the sky, except for structures allowed in yards or courts by table 2-17 of this section.

Nothing in this section is intended to prevent the construction of any allowed primary or accessory structure within the building envelope which is the lot area not included in any required yard.

B. Clear Areas:

- The projections listed in table 2-17 of this section may not, in any event, encroach on or into the following:
 - The clear sight triangle (section 9.31.020 of this title) required at street and alley intersections.
 - Within three feet (3') of any lot line, dividing lots not in common ownership, except as noted in table 2-17, "Projections Into Yards And Courts", of this section.

TABLE 2-17

PROJECTIONS INTO YARDS AND COURTS

| Facilities | Front And Street Side Yards | Interior Side Yards And Courts | Rear Yard |
|------------|-----------------------------|--------------------------------|-----------|
| | | | |

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| Facilities | Front And Street Side Yards | Interior Side Yards And Courts | Rear Yard |
|---|--|---|--------------------|
| Evaporative coolers, air condition compressors, and similar equipment | 4' when screened from view | 2' | 4' |
| Propane tanks sited per California fire code and fire hazard design standards specified by subsection 9.34.060B1 of this title | If allowed by fire regulations and screened | If allowed by fire regulations and screened | 4' |
| Cantilevered or supported decks; and cantilevered bay windows provided the total width of bay windows on any 1 story does not exceed 50% of the length of the wall containing them | 4' | 3' | 4' |
| Roofed stairways, landings, corridors and fire escapes that are enclosed | 5' | 3' | 10' |
| Garages, carports, sheds, and other detached, enclosed accessory building which occupy no more than 25% of the yard | Not allowed | Not allowed | Allowed |
| Unroofed parking and loading areas | See parking regulations (chapter 9.33 of this title) | Allowed | Allowed |
| Covered, underground, or partially excavated structures, such as garages, fallout shelters, wine cellars, basement and public utility or telephone/cable television vaults | Allowed, provided that the facilities do not extend more than 30" above the adjoining average finished grade level | | |
| Fences, screening, safety guardrails, walls, and dense hedges along property lines | 4' maximum height | 10' maximum height | 10' maximum height |
| Fence heights in excess of these standards may be allowed by an approved conditional use permit or variance or when required by the town for reasons of health, safety, and welfare of the general public | | | |
| Signs | Allowed, subject to sign design standards | | |

(Ord. 253, 12-16-2014)

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 |
|------------------|--------------|
| Yucca schidigera | Mojave yucca |

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|-----------------------|--------------------|
| Nolina parryi | Parry's nolina |
| Juniperus californica | California juniper |
| Yucca whipplei | Our Lord's candle |
| Pinus monophylla | 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:

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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)

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