

CITY OF CARMEL-BY-THE-SEA

CITY COUNCIL

ORDINANCE NO. 89-17

AMENDING AND RESTATING ORDINANCE 88-24 RELATING TO TRANSIENT COMMERCIAL USE OF RESIDENTIAL PROPERTY IN THE R-1 DISTRICT.

THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES ORDAIN AS FOLLOWS:

Section 1. FINDINGS AND PURPOSES.

- A. The purpose of the R-1 District is to provide an appropriately zoned land area within the City for permanent single-family residential uses and structures and to enhance and maintain the residential character of the City.
- B. The use of single-family residential property for bed and breakfast, hostel, hotel, inn, lodging, resort, or other transient lodging purposes is found to be a commercial use and is thus inconsistent with the purposes and objectives of the R-1 District.
- C. Commercial use of single-family residential property for such purposes create unmitigatable, adverse impacts on surrounding residential uses including, but not limited to, increased levels of commercial and residential vehicle traffic, parking demand, light and glare, and noise detrimental to surrounding residential uses and the general welfare of the City. Such commercial use may increase demand for public services, including, but not limited to, police, fire, and medical emergency services, and neighborhood watch programs.
- D. Prohibiting such commercial use of single-family residential property in the R-1 District, and restricting such uses to sites authorized or permitted by the Carmel Municipal Code is necessary to maintain the integrity of the R-1 District.
- E. This Ordinance implements 1988 Revised General Plan Objective 01-12 which provides: "Intensify enforcement of zoning codes to maintain the residential character of the city."
- F. This Ordinance implements 1988 Revised General Plan Policy P1-37 which provides: "Review and develop measures to restrict commercial short term rental of single family residences in the R-1 district."

- G. This Ordinance implements 1988 Revised General Plan Policy P3-12 which provides: "Preserve existing permanent housing and maintain the vital residential character of Carmel-by-the-Sea. Prohibit expansion of visitor oriented commercial uses such as transient rentals."
- H. This Ordinance implements 1988 Revised General Plan Policy P3-18 which provides: "Encourage the conversion of commercial transient housing to housing for permanent residents."
- I. Government Code Section 65860 provides: "Zoning ordinances shall be consistent with the General Plan."
- J. In relation to the size of the R-1 District, the City provides sufficient accommodations for transient visitors in the commercially zoned districts where approximately 950 transient units exist.
- K. After consideration of alternative means of achieving the objectives and intent of this Ordinance, it is determined that no effective means of achieving the objectives herein enumerated exists except by enactment of this Ordinance.

Section 2. AMENDMENT AND RESTATEMENT OF SECTION 17.04.710 OF THE CARMEL MUNICIPAL CODE.

Section 17.04.710 of the Carmel Municipal Code is amended and restated in its entirety to read as follows:

"Transient" means a period of time less than thirty (30) consecutive calendar days.

Section 3. ADDING SECTION 17.04.055 TO THE CARMEL MUNICIPAL CODE.

Section 17.04.055 of the Carmel Municipal Code is added to read as follows:

"Remuneration" means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession or use of real property.

Section 4. AMENDMENT AND RESTATEMENT OF SECTION 17.08.020 OF THE CARMEL MUNICIPAL CODE.

Section 17.08.020 of the Municipal Code is amended and restated in its entirety to read as follows:

Section 17.08.020 TRANSIENT COMMERCIAL USE OF RESIDENTIAL PROPERTY FOR REMUNERATION IS PROHIBITED.

A. PURPOSE.

The purpose of this Section is to:

1. Preserve and enhance the character of the R-1 District.
2. Promote the public health, safety and general welfare of the City.
3. Expressly prohibit Transient Commercial Use of Residential Property for Remuneration, which uses are inharmonious with and injurious to the preservation of the residential character and environment of the City.
4. Implement provisions of the General Plan, and advance the purposes and objectives of Title 17 of the Carmel Municipal Code.

B. DEFINITIONS.

1. Except as otherwise defined or where the context otherwise indicates, the following defined words shall have the following meaning:
 - a. "Person" means an individual, a group of individuals, or an association, firm, partnership, corporation or other entity, public or private.
 - b. "Remuneration" means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession or use of real property.
 - c. "Residential Property" means any single-family dwelling unit or structure located on one or more contiguous lots of record in the R-1 District.
 - d. "Transient" means a period of time less than thirty (30) consecutive calendar days.
 - e. "Transient Commercial Use of Residential Property" means the commercial use, by any person, of Residential Property for bed and breakfast, hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is for less than thirty (30) consecutive calendar days.

cumulative and not exclusive.

Section 7. SEVERABILITY.

A. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

B. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

Section 8. EFFECTIVE DATE.

This Ordinance shall become effective thirty (30) days after its final passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Carmel-by-the-Sea this 2nd day of May 1989, by the following roll call vote:

AYES: COUNCIL MEMBERS: Fischer, Laiolo, White, Wright, Grace

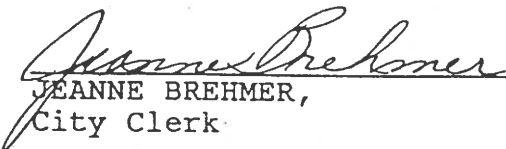
NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

APPROVED:


JEAN GRACE, Mayor

ATTEST:


JEANNE BREHMER,
City Clerk