

Chapter 17.08

RESIDENTIAL ZONING DISTRICTS

17.08.060 Prohibited Uses.

Uses such as transient bed and breakfast, hostel, hotel, inn, lodging, motel, hotel, resort and other transient lodging uses for remuneration, are prohibited in the ~~residential~~ **R-1 and R-4** districts, except as otherwise permitted by this code.

A. Liability and Enforcement. Any person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who arranges or negotiates for the use of residential property in violation of the provisions of this section is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this section.

B. Infractions. Any person who uses, or allows the use of, residential property in violation of the provisions of this section is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this section. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

C. Lawfully permitted transient rentals are classified as a nonconforming use as defined in Municipal Code Section 17.68.090 and are subject the provisions of Municipal Code Chapter 17.36 with the following exception: Lawfully permitted transient rentals replaced by non-transient residential uses shall not be considered abandoned and may be reestablished.

Chapter 17.14 COMMERCIAL ZONING DISTRICTS¹

17.14.040 Additional Use Regulations.

A. All Uses.

1. No new structure or modification to an existing structure shall be permitted nor shall any business license be issued that would allow the creation of publicly accessible retail space occupying fewer than 200 square feet or more than 5,000 square feet unless approved through a use permit and pursuant to the adoption of findings per CMC 17.64.200, Retail Space of Less Than 200 Square Feet or Greater Than 5,000 Square Feet.
2. No timeshare projects, programs or occupancies shall be established or permitted in any zone.
3. Except in restaurants, not more than five persons in any one individually licensed business shall be engaged in the production, repair or manufacturing of goods.
4. No use shall be permitted and no process, equipment or materials shall be employed which is found by the Planning Director or by the Planning Commission to be objectionable to persons residing or working in the vicinity by reason of odor, fumes, noise, vibration, illumination, glare, unsightliness, dust, cinders, dirt, refuse, water-carried wastes or heavy truck traffic, or involve any hazard of fire or explosion.
5. **With the exception of lawfully permitted hotels, motels and transient rentals, transient lodging of residential dwellings for remuneration is prohibited in the CC, SC and RC Districts.**
 - a. **Lawfully permitted transient rentals are classified as a nonconforming use as defined in Municipal Code Section 17.68.090 and are subject the provisions of Municipal Code Chapter 17.36 with the following exception: Lawfully permitted transient rentals replaced by non-transient residential uses shall not be considered abandoned and may be reestablished.**
 - b. **Liability and Enforcement. Any person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who arranges or**

negotiates for the use of residential property in violation of the provisions of this section is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this section.

- c. Infractions. Any person who uses, or allows the use of, residential property in violation of the provisions of this section is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this section.

Division IV. Provisions Applying in All or Several Districts

Chapter 17.28

GENERAL SITE REGULATIONS AND STANDARDS FOR SPECIFIC USES

Sections:

[17.28.010](#) Timeshare Projects.

[17.28.020](#) Noise from Electrical and Mechanical Equipment.

[17.28.030](#) Regulations Incorporated from Other Titles.

17.28.040 Advertising of Transient Rentals

17.28.040 Advertising of Transient Rentals.

(a) No responsible party shall post, publish, circulate, broadcast or maintain any advertisement of an unpermitted transient residential rental.

(b) For purposes of this section the following words and phrases shall have the meaning respectively ascribed to them by this section.

1. "Advertisement" means any announcement, whether in a magazine, newspaper, handbill, notice, display, billboard, poster, email, Internet website, platform or application, any form of television or radio broadcast or any other form of communication whose primary purpose is to propose a commercial transaction.

2. "Responsible party" means any property owner or tenant, or any agent or representative thereof, who causes or permits any violation of this Code. To cause or permit includes failure to correct after receiving notice from the City of the violation. A responsible party does not include online hosting platforms/companies.

3. "Transient" is a period of time less than 30 consecutive days as defined in Municipal Code Section 17.70.020 of the Carmel-by-the-Sea Municipal Code.

(c) Each day that an advertisement is posted, published, circulated, broadcast or maintained by a responsible party in violation of this section is a separate offense.

Chapter 17.70

LIST OF TERMS AND DEFINITIONS¹

17.70.020 Definitions.

Transient. A period of time less than 30 consecutive days.

Transient Rental. Any residential unit that is occupied for the purposes of sleeping, lodging, or similar reasons for a period of less 30 consecutive in exchange for a fee or similar consideration