

# Th11c

**LCP-3-CML-23-0022-1-PART B (TIMESHARE PROVISIONS)  
AUGUST 10, 2023 HEARING  
EXHIBITS**

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**Exhibit 1: Proposed IP Amendment (shown in strikethrough and underline)**

## 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, uses or fractional interest uses, 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.

## 17.28.010 Timeshare and Fractional Interest Uses.

~~A. Timeshare projects, programs and occupancies uses and fractional interest uses are prohibited uses within all of the zoning districts within the City. (Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).~~

~~B. Any responsible person, including but not limited to an owner of a time-share interest, management entity, agent, or broker who uses, or allows the use of, or advertises or causes to be printed, published, advertised, or disseminated in any way and through any medium, the availability for sale or use of real property in violation of this section is guilty of a misdemeanor for each day in which such accommodation is used, allowed to be used, or advertised for sale or use in violation of this chapter. Such violation shall be punishable pursuant to Chapter 1.16 (General Penalty).~~

~~C. Any responsible person, including but not limited to an owner of a time-share interest, management entity, agent, or broker who uses, or allows the use of, or advertises or causes to be printed, published advertised, or disseminated in any way and through any medium, the availability for sale or use of real property in violation of this section is subject to administrative fines and/or penalties as set forth in Chapter 18.04 (Municipal Code and Ordinance Enforcement).~~

~~D. Each day a violation of this section occurs shall constitute a separate offense, and the remedies under this section are cumulative and in addition to any and all other remedies available at law and equity.~~

**“Time-Share Definitions” of Section 17.70.020 is amended to repeal the definitions of “Time-Share Estate,” “Time-Share Occupancy,” “Time-Share Program,” “Time-Share Project,” and “Vacation-Time Sharing Project,” and restated to enact the definitions of “Time-Share Plan,” “Time-Share Use” and “Fractional Interest Use.”**

### **17.70.020 Definitions.**

The words, terms, and phrases defined in this chapter shall, for all purposes connected with this title, be construed as having the meanings respectively set forth in this chapter. ...

~~*Time-Share Estate.* A right of occupancy in a time-share project that is coupled with an estate in the real property.~~

~~*Time-Share Use.* A license or contractual or membership right of occupancy in a time-share project which is not coupled with an estate in the real property.~~

~~*Time-Share Occupancy.* An occupancy related to the situation wherein a purchaser receives the right or entitlement in perpetuity, for life, or for a term of years or other extended term, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room(s), hotel or portion thereof, or segment of real property, annually or on some other seasonal or periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the time-share project which is involved has been divided. The right or entitlement to occupancy may attach in advance to a specific lot, parcel, unit, room(s) or portion of a hotel, or segment of real property, or may involve designation or selection of the same at a future time or times.~~

~~*Time-Share Program.* Any arrangement for a project whereby the use, occupancy, or possession of real property has been made subject to a time-share estate, use, or occupancy, whereby such use, occupancy, or possession circulates among purchasers of the time-share intervals according to a fixed or floating time schedule on a periodic basis for a specific period of time during any given year, but not necessarily for consecutive years.~~

~~*Time-Share Project.* A project in which a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted for the use or occupancy periods into which the project has been divided.~~

~~*Vacation Time-Sharing Project.* Any real property that is subject to a time-share program.~~

“Time-Share Plan” means any arrangement, plan, scheme, or similar device, whether established by membership agreement, sale, lease, deed, license, right-to-use agreement, articles of organization or incorporation, operating agreement or bylaws, or by any other means, whereby a purchaser, in exchange for consideration, receives the right to exclusive use of real property or portion thereof, according to a fixed or floating time schedule, for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years. A timeshare plan shall be deemed to exist whenever such recurring rights of exclusive use to real property are created, regardless of whether such exclusive rights of use are a result of a grant of ownership rights, possessory rights, membership rights, rights pursuant to contract, or ownership of a fractional interest or share in real property, and regardless of whether they are coupled with ownership of a real property interest such as freehold interest or an estate for years in the property subject to the time-share plan.

“Time-Share Use” and “Fractional Interest Use” means the use of real property or any part thereof, pursuant to a timeshare plan.