

# **Governors Village Property Owners Association, Inc.**

## **Home Occupations**

### **RESOLUTION OF THE GOVERNORS VILLAGE POA RESOLUTION # 2013-1**

The Governors Village Board of Directors, upon a majority vote of its members and pursuant to Article 11, Section 11.5 of the Declaration of Covenants, Conditions and Restrictions, hereby enacts the following:

#### **Rules and Regulations governing Home Occupations and other non-residential use of the lots in the Governors Village community.**

**Authority:** The Board of Directors (hereinafter “the Board”) is the duly elected governing board of the Governors Village Property Owners Association (hereinafter “GVPOA”) and is charged with administering the affairs of the GVPOA in Article 3, Section 3.4 of the Governors Village Declaration of Covenants, Conditions and Restrictions (hereinafter “the Declaration”). Section 11.5 of the Declaration specifically authorizes the Board to adopt rules and regulations regarding Home Occupations and other non-residential use of the Homesites. Further, Article 1, Section 1.25 authorizes the Board to “regulate Home Occupations.”

**Definition:** Section 1.25 of the Declaration defines “Home Occupation” as any use conducted on residential premises and carried on by the occupants thereof, which is incidental and secondary to the use of the premises for residential purposes and does not change the character of said premises.

**Regulation Objectives:** To clarify for Owners in Governors Village the types of activities that may or may not be considered “Home Occupations” allowed in the community and to limit those Home Occupations that have a negative, deleterious or character-changing effect on neighboring homes or lots or on the community as a whole.

Therefor, based upon the due consideration of the Board and upon a vote of a majority of the board members as set out in the Governors Village Bylaws, the following rules are enacted, **effective on the 15th day of June, 2013.**

#### **I. General Rules:**

1. Home Occupations as set out in Article 1, Section 1.25, shall mean a commercial activity conducted from a Homesite in the community that is incidental to the occupation of the Homesite as a residence and does NOT in any way change the character of the Homesite from a residential dwelling and has NO negative effect on the neighboring Homesites, the common area, the roads or other infrastructure or the community as a whole.

2. Home Occupations may only include commercial activities that are conducted solely inside the dwelling or in a board-approved structure, except for such activities that cannot be undertaken inside and that have no significant impact, visual or otherwise, on the surrounding properties. A Homesite in which the owner or occupant thereof conducts a Home Occupation, to be considered “incidental to residential use” must be indistinguishable from a Homesite in which no Home Occupation is conducted. There may be no employees of the Home Occupation other than the Owner or legal occupant of the Homesite.

3. The Home Occupation must be consistent with residential use of the Homesite. Home offices and businesses conducted within the home, with no exterior indication of commercial activity, are generally acceptable. The primary interest of the Board is to maintain the residential character of the community and to prohibit any impact of non-residential use on the neighboring Homesites and the community.

4. All Home Occupations must comply with a Federal, State and Local laws, ordinances and regulations. Any violation of an existing law is grounds for finding the Home Occupation to be in violation of these rules and regulations and will subject the Owner to a fine and/or other penalties for violating the residential use only restriction. The Owner must have all permits required by law and shall provide copies to the Board or its agents upon request.

## **II. Exclusions and Prohibitions:**

Home Occupations may **NOT** include or cause **ANY** of the following:

1. Noise, fumes, noxious odors, gas, dust or visible trash.
2. Retail sales that include in-person sales to the extent that the transaction occurs at the Homesite. Infrequent home parties and sales by neighborhood groups are exempt (i.e. Silpada, Pampered Chef, Girl Scouts, Boy Scouts, school groups of which neighborhood children are participating.)
3. Commercial activity outside the home, including transactions, inspections of items for sale or other activity in or on driveways, sidewalks, yards, common areas, porches, decks, patios, stoops, steps or streets, whether or not such property is owned by the Owner.
4. Auto or motor vehicle repair, sales, service or delivery, including the purchase, sale, storage and/or repair of automotive or other vehicle parts as a part of a commercial transaction. This prohibition includes but is not limited to automobiles, trucks, boats, sailboats, RV's personal watercraft and any sort of self-propelled equipment. The prohibition includes the garage, driveway and any outbuildings.
5. Storage or transfer of any inventory associated in any way with the Home Occupation within the Homesite, including the garage and the basement or anywhere upon the Lot. This paragraph does not prohibit keeping a reasonable amount of product or samples as long as the samples are kept inside the home or garage.
6. Signs associated with the Home Occupation.
7. The Home Occupation must generate no additional traffic. This is NOT intended to prohibit the occasional delivery by common carrier, such as UPS or Federal Express, but does prohibit multiple deliveries in a short period of time, and prohibits all deliveries of large items that are part of or associated with the Home Occupation that cannot be stored completely inside the home or that requires a truck of more than two axles or a trailer to deliver.
8. Any use of large amounts of water to the extent the water and drainage adversely affects any other lot or Homesite or any common area or facility.
9. Use of transmitters, broadcast antennas or satellite/microwave dishes.
10. The keeping, breeding, sale or training of animals except service dogs so long as covenants are not violated. (Covenants limit to maximum of 2.)

Any Owner or legal occupant may request a preliminary determination of whether a proposed or planned Home Occupation complies with these rules and the residential-only nature of Governors Village from the Board. Such a determination is not required but is intended to assist those Owners or legal occupants that are considering operating a business from one of the Homesites.