

Rules and Regulations for Nonresidential Uses

These Rules and Regulations for Nonresidential Uses (“Rules“) are adopted by the Board to provide clarity and uniformity as to the interpretation and application of the covenants in the Declarations related to uses of a Lot and the buildings on it for purposes other than residential purposes. Defined terms in the Bylaws and the Declarations shall have the same meaning when used in these Rules.

The primary references for the Rules are the Declarations Sections 4.1 and 5.2. Section 4.1 provides in part, “ No building shall be erected, altered, or permitted to remain on any Lot other than one detached permanent single family dwelling used for residential purposes only ...”. Section 5.2 provides in part, “No activity, whether for profit or not, shall be conducted on any Lot which is not related to residential purposes.” Although the Declarations contain a definition of “Business”, these restrictions are broader than a restriction that only prohibits any Business use. However, the Board recognizes that to work from home has become an integral part of many people's livelihood. Therefore, these restrictions should be interpreted in light of current realities to permit work from home while maintaining restrictions as to the primary potential negative impacts to the neighborhood from a business use in the neighborhood, which consist of added traffic, noise, and aesthetics.

For purposes of these Rules, the following terms shall have the following meanings:

“business activity” shall mean any activity related to a person's occupation, profession, or trade whether for profit or nonprofit, and including part time work to earn money and work where the person also may or may not have another location for the business while work is being conducted from the Lot;

“work from home” shall mean a Business use or other business activity that is conducted in the residential dwelling on a Lot and that has a permitted business model and practice;

“permitted business model and practice” means a work from home situation for which the business model and actual practice does not involve (i) any customer, vendor, or other business associate coming to the Lot to conduct business, (ii) the pickup from or delivery to the Lot of anything, including any packages, products, mail, invoices, payments, or anything else and whether from USPS, FedEx, UPS, Amazon or any other carrier, business, or individual, (iii) noise that can be heard by a neighbor from the neighbor's Lot, or (iv) any visible signage or other display related to the business including on equipment or other items except for a display on two vehicle; provided however that isolated incidents where an occasional person comes to a Lot or an occasional delivery is made to a Lot outside of the business model and the business practice norm (as determined by the Board or the Association's Restrictive Covenants Committee) will not constitute a violation.

No activity, whether for profit or not, shall be conducted on any Lot which is not related to residential purposes. This prohibition includes, but is not limited to, any Business use or business activity, except for work from home uses.

These Rules will not be enforced for the first 30 days after the effective date of the Rules. Any Owner who is conducting an activity that is not related to residential purposes on the Owner's Lot as of the effective date of these Rules shall have 30 days from such date to apply to the Restrictive Covenants Committee for approval of a transition period needed by the Owner to transition the noncomplying activity so that it complies with these Rules. These Rules will not be enforced against any such Owner during the time that such application is pending nor during any period approved by the Restrictive Covenants Committee for the transition of the Owner's noncomplying activity; provided that in no case will an Owner have more than 9 months from the effective date of these Rules to comply with these Rules. Any Owner can submit an application to the Board for clarification as to whether a proposed use is permitted by these Rules.

These Rules were adopted by the Board on and effective January 7, 2021.