

**POLICY OF  
THE COURTYARDS AT MIRAMONT P.U.D. COMMUNITY ASSOCIATION  
REGARDING HOME OCCUPATIONS**

**SUBJECT:** Home Occupation (i.e. Home Business) Policy

**PURPOSE:** To provide notice of the Association's adoption of a policy regulating home occupations in the Courtyards at Miramont P.U.D., Community Association ("Community") and to preserve the general residential character of Lots subject to the Declaration.

**AUTHORITY:** The Declaration, Articles of Incorporation and Bylaws of the Association, and Colorado law.

**EFFECTIVE  
DATE:**

8.22.18

**RESOLUTION:** The Association hereby gives notice of its adoption of a policy regulating home occupations within the Community. The policy adopted is as follows:

**WHEREAS**, Article 5, Section 5.3 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for the Courtyards and Cottages at Miramont Association "Declaration") provides that business and professional activities by Owners ("Home Occupation") may be allowed if the Home Occupation is approved by the Board of Directors; and,

**WHEREAS**, Article 5, Section 5.3 of the Declaration requires that the Board of Directors determine whether a Home Occupation as to specific Owners and Lots will be incidental and secondary to the use of the Lot, will comply with local zoning ordinances and regulations, and will not change the residential character thereof; and,

**WHEREAS**, Article 5, Section 5.3 of the Declaration sets forth the rights and obligations of the Board of Directors in reviewing or disapproving Home Occupation permits, including time limitations, specific factors for consideration, and other broad provisions related to review such Applications; and,

**WHEREAS**, the Board of Directors feels it is in the best interest of the Association to further clarify the Home Occupation permit review process, including requirements for Application submission;

**NOW THEREFORE**, the Board of Directors, on behalf of the Association, hereby adopts the following policy regarding Home Occupations ("Policy"):

1. Required Approvals/Permit. Pursuant to Article 5, Section 5.3 of the Declaration, no Home Occupation shall be commenced until an Application for Approval ("Application")

(see Attachment 1), along with all required and requested information have first been submitted to and approved in writing by the Board of Directors, and a Home Occupation Permit has been issued to the Owner. The Board of Directors may require such further detail in the information and Application submitted for its review as it deems proper.

A Home Occupation Permit, if issued, shall be valid only as to specific Owners and Lots and shall not be transferable between either Lots or Owners.

2. Complete Submission. The Board of Directors will review the submitted Application to make sure its meets all requirements for submission.
  - a. If the submission is complete, the Board of Directors shall send notification of receipt to homeowner and shall provide its decision to approve or disapprove within 15 days of the notification of receipt [**Note: We recommend including a timeframe so the Owner is not waiting for an unreasonable period of time**].
  - b. If incomplete, the Board of Directors shall contact the Owner and request the missing item(s). Failure to submit a complete Application shall require the Board of Directors to reject the Application.
3. Review Application. If the Application is deemed complete, the Board of Directors will review the Application. Submitting an Application for a Home Occupation permit that contains all requested and required information pursuant to this Policy is not a guarantee that it will be approved. The Board of Directors decision will be based on review of the Application for compliance with all criteria set forth in the Declaration and this Policy.
4. Criteria for Approval. The Board of Directors shall exercise its reasonable judgment to the end that all complete Applications submitted for its approval shall comply with the requirements set forth herein and the Association's governing documents. Review shall be based upon the following criteria:
  - a. Presence and use of hazardous materials;
  - b. Nuisance to the neighborhood, including noise, fumes, etc.;
  - c. Type of business;
  - d. Hours of operation;
  - e. Amount of traffic expected, including deliveries from suppliers and need for parking;
  - f. Number of employees which would be coming to or located in the neighborhood; and
  - g. Whether any part of the business would be conducted outside the residence itself or in an open garage.
5. Decision. Decisions of the Board of Directors and the reasons therefor shall be transmitted on the Decision Form (See Attachment 2) and mailed, or otherwise delivered, to the applicant at the address set forth in the Application. If the Application complies with all such criteria, the Application will be approved by the Board of Directors, and a

Permit will be issued. If the Application is rejected, the Board of Directors shall state why the Application is rejected.

6. Renewal of Permits. If a Permit is issued, such Permit is valid for two (2) years from the date of issuance. The Permit must be renewed two years from the date of issuance, and every two years thereafter.
7. Noncompliance.
  - a. Exceeding Scope of Home Occupation Permit. Failure to limit activities to the scope of the Home Occupation permit issued by the Board of Directors shall constitute grounds, after notice and an opportunity for a hearing, for immediate termination or suspension of such permit.
  - b. Fail to Meet Conditions. If any Owner fails to meet or comply with any of the conditions contained in this Policy or Section 5.3 of the Declaration, the Board of Directors may, after notice and an opportunity for a hearing, require immediate termination or suspension of the home occupation and all related activities within the Community immediately.
  - c. General Remedies. All other remedies available to the Association for violations of the governing documents, such as levying fines after notice and an opportunity for a hearing, and filing a lawsuit, are also available for violations of this Policy and Section 5.3 of the Declaration.
8. No Waivers. The approval or consent of the Board of Directors, or appointed representative thereof, to any Application shall not be deemed to constitute a waiver of any right to hold or deny approval or consent by the Board of Directors as to any Application or other matters subsequently or additionally submitted for approval or consent pursuant to this Policy or other governing documents.
9. Effect of Governmental and Other Regulations. Owners are responsible to ensure that use of their Lot complies with all applicable zoning ordinance and requirements, as well as any other requirement imposed by law on the Owner by virtue of their operation of a business and/or professional activities (“Governmental and Other Regulations”). Approval by the Board of Directors shall not constitute assurance the Home Occupation complies with applicable city or county code or regulation, nor that city or county permits have or will be given. Notwithstanding the previous, compliance with Governmental or Other Regulations is expressly made a condition of this policy necessary for the receipt and maintenance of a Home Occupation permit. Failure to comply with Governmental or Other Regulations shall constitute grounds for immediate termination or suspension, upon notice and an opportunity for a hearing, of a Home Occupation permit.
10. Interference with Community. Owners are responsible for conducting their business and/or professional activities without causing interference to their neighbors or the surrounding Community. The Board of Directors may, after notice and an opportunity for a hearing, suspend or terminate a Home Occupation permit where it determines, in its sole discretion, that activities under an otherwise valid Home Occupation permit has

caused unreasonable, undesirable, or unacceptable interference with the Community, any Lot, or Owner(s).

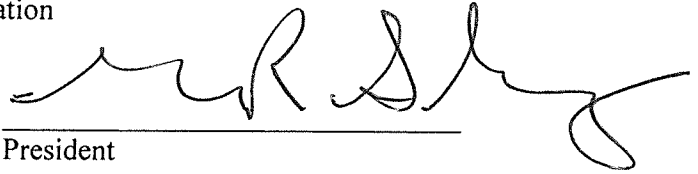
11. Definitions. Unless otherwise defined in this Policy, initially capitalized or terms defined in the Declaration shall have the same meaning herein.
12. Supplement to Law. The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Community.
13. Deviations. The Board of Directors may deviate from the procedures set forth in this Policy if in its sole discretion such deviation is reasonable under the circumstances.
14. Amendment. This Policy may be amended from time to time by the Board of Directors.

**PRESIDENT'S**

**CERTIFICATION:** The undersigned, being the President of The Courtyards at Miramont P.U.D. Community Association, a Colorado nonprofit corporation, certifies that the foregoing Policy was adopted by the Board of Directors of the Association at a duly called and held meeting of the Board on 8.22.18 and in witness thereof, the undersigned has subscribed his/her name.

**The Courtyards at Miramont P.U.D.  
Community Association, a Colorado nonprofit  
corporation**

By: \_\_\_\_\_  
Its: President



Attachment 1

**APPLICATION FOR APPROVAL FOR HOME OCCUPATION PERMIT  
[3 pages completed by applicant Owner(s)]**

Pursuant to Article 5, Section 5.3 of the Declaration, I/we hereby submit the following Application:

Date: \_\_\_\_\_

Names of Owner(s): \_\_\_\_\_

Address of Home Occupation Property: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: (h): \_\_\_\_\_ (w): \_\_\_\_\_

- (1) Description of Home Occupation (include (a) presence and use of hazardous materials, (b) any possible nuisance to the neighborhood, including noise, fumes, etc., (c) type of business; (d) hours of operation; (e) amount of traffic expected, including deliveries from suppliers and need for parking; (f) number of employees which would be coming to or located in the neighborhood; (g) whether any part of the business would be conducted outside the residence itself or in an open garage; (h) other information you would like to provide in consideration of this Application):

(a) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(b) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(d) \_\_\_\_\_

\_\_\_\_\_

(e) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(f) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(g) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(h) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(2) Planned commencement date: \_\_\_\_\_

(3) The Applicant should provide sufficient information for the Board to fully consider this Application. Please check which of the following are attached to this Application:

- \_\_\_\_\_ Licenses/ Permits
- \_\_\_\_\_ Printout of Homepage/ About Us of Website (if any)
- \_\_\_\_\_ List of potentially hazardous materials that are or may be used
- \_\_\_\_\_ Employee Roster, including Description of Cars and License Plates
- \_\_\_\_\_ Other: \_\_\_\_\_
- \_\_\_\_\_ Other: \_\_\_\_\_
- \_\_\_\_\_ Other: \_\_\_\_\_
- \_\_\_\_\_ Other: \_\_\_\_\_

(4) I understand and acknowledge that external advertising of any kind is explicitly forbidden by the Declaration. I further acknowledge and understand that all home occupation permits are valid only as to specific Owners and Lots and shall not be transferable between either Lots or Owners. I agree such permits are valid only for two years. I agree to defend, indemnify, and hold harmless the Association, its directors, officers, agents, and representatives against any and all claims of whatsoever kind or nature that arise out of or relate to this Application and/or, if granted, my home occupation permit and/or activities undertaken directly or indirectly pursuant thereto.

(5) I understand that I must receive the prior written approval of the Board of Directors in order to proceed. I understand that, if a home occupation permit is approved, the activities undertaken thereunder cannot exceed the scope of this Application or any limitations imposed by the Board of Directors. Approval of the Board of Directors does not constitute approval of any City, County, or State authority, including without limitation that of the local zoning department. I understand I may be required to obtain licenses or permits and approvals prior to commencing activities that I wish to undertake pursuant to this Application for a home occupation permit. I agree that my failure to obtain required zoning approval or other permits and approvals, or failure to submit any required or requested information, will result in the rejection of this Application and/or the withdrawal of the Board of Directors approval and/or termination or suspension of any home occupation permit issued by the Association. I hereby certify that the home occupation permit for which I am submitting this Application is for lawful purposes. I hereby certify that the home occupation permit requested by me herein will not violate any local regulation or ordinance, nor any Federal or State law, rule, or regulation. I hereby certify that this Application will not cause disruption, abuse, or interference with any easements, rights-of-way or other rights appurtenant to my Lot or any other property. I understand that the Association may, but is not required to, conduct an investigation into any information submitted pursuant to this Application, and neither the Association nor any Director, Officer, or agent thereof shall be liable for any disputes relating to the same.

(6) I further agree and understand that a site visit may be determined to be necessary to properly consider the Application or, in the event I am granted a permit, to monitor compliance with the conditions of my permit or the Policy governing the same, and I hereby authorize the Board of Directors, or its designated representative(s) to enter my Lot for inspection upon five (5) days' notice and at a mutually agreed upon time. I agree that my refusal to allow inspection may result in the rejection of this Application or withdraw of approval and/or, in the event I have

been granted a home occupation permit, that such refusal constitutes grounds for immediate suspension or termination of a home occupation permit, upon notice and an opportunity for a hearing.

(7) I understand that the Association may request additional information prior to reviewing or approving this request. I understand that submitting a complete Application is not a guarantee that my request for a home occupation permit will be approved. I acknowledge and understand that receiving a home occupation permit is not a representation, promise, or guarantee that a request for renewal of such permit will be granted in the future.

**Homeowner Signature** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Homeowner Signature** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Attachment 2**

**DECISION FORM FOR HOME OCCUPATION PERMIT APPLICATION  
(to be completed by the Board of Directors and sent to the Applicant)**

The Board of Directors, having reviewed the Application for a Home Occupation Permit submitted by: \_\_\_\_\_, dated \_\_\_\_\_,

HEREBY FINDS the Application is (check only one):

- \_\_\_\_ APPROVED, as submitted.
- \_\_\_\_ APPROVED, subject to the following conditions: (*see below*)
- \_\_\_\_ DENIED, for the following reason(s):

APPLICATION FOR HOME OCCUPATION IMPLICATES ONE OR MORE OF THE FACTORS LISTED IN THE DECLARATION

- Presence and use of hazardous materials
- Possible nuisance to the neighborhood
- Type of business may cause disruption/ disturbance to community
- Hours of operation may cause disruption/ disturbance to community
- Amount of traffic expected may cause disruption/ disturbance to community
- Number of employees would likely cause significant disruption/ disturbance to community
- Some part of the business/ activities will be conducted outside the residence itself or in an open garage

PERMIT CONDITIONS/LIMITATIONS:

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**The Courtyards at Miramont P.U.D.  
Community Association,  
a Colorado nonprofit corporation**

By: \_\_\_\_\_  
Its: President  
Date: \_\_\_\_\_