

**THE UNIT OWNERS ASSOCIATION OF
MARKET STREET AT TOWN CENTER CONDOMINIUM**

**POLICY RESOLUTION NO. 03-06
HOME OCCUPATION POLICY**

WHEREAS, Article III, Section 2 of the Bylaws of The Unit Owners Association of Market Street at Town Center Condominium (“Association”) provides the Board with the powers and duties necessary for the administration of the affairs of the Association, including the power to adopt rules and regulations deemed necessary for the benefit and enjoyment of the Condominium;

WHEREAS, Article XI, Section 3 of the Bylaws provides that each Unit and the Common Elements shall be occupied and used in compliance with the rules and regulations which may be promulgated and amended by the Board;

WHEREAS, Article XI, Section 1(a) of the Bylaws provides that, except as provided in the Declaration, no Unit shall be used for other than housing, home occupations allowed by local zoning ordinances and subject to rules and regulations promulgated by the Board, and the related common purposes for which the Property was designed;

WHEREAS, Article 10, Part 3 of the Fairfax County Zoning Ordinance, as amended, defines and limits home occupations and their associated activities; and

WHEREAS, the Board has determined that it is in the Association’s best interest to promulgate rules and regulations regarding home occupations;

NOW, THEREFORE, BE IT RESOLVED THAT, the following home occupation policies are adopted:

I. Home Occupations Defined

Home occupations are restricted to business activity conducted entirely within a dwelling Unit by residents of that Unit which is clearly incidental and secondary to the principal use as a dwelling Unit and which are expressly permissible under the home occupation provisions of the Fairfax County Zoning Ordinance, as amended. Such use shall not change the character of the dwelling Unit nor have any exterior evidence that the Unit is being used for business activity.

II. Limitations on Home Occupations

1. Signage

No signs advertising or otherwise in any way related to the home occupation may be erected, posted, or displayed upon, in or on the Common Elements, or within the Unit in any way visible from the exterior of the Unit.

2. Limitations on Employees/Contractors

No more than one (1) nonresident person, whether paid or not for his or her services, may be involved in the home occupation use on the property. Such person's hours of attendance shall be limited to 8:00 AM to 5:00 PM, Monday through Friday.

3. Prohibitions on Vehicles

No commercial vehicles related in any way to a home occupation shall be permitted to be kept or parked overnight upon any portion of the Condominium premises.

4. Storage

No outside storage shall be permitted. No on-premise sale of goods shall be permitted. Except for articles produced on the premises, no stock in trade shall be stored, displayed or sold on the premises.

5. Area of Home Occupation

The area with a Unit devoted to the home occupation shall not exceed twenty-five percent (25%) of the gross floor area of the dwelling Unit.

6. Customers/Clients

There must be no clients or customers coming to the Unit, except for those using any in-home babysitting services and/or special education classes that may otherwise be permitted under this Resolution and the Fairfax County Zoning Ordinance.

7. Affect on Surrounding Area

The home occupation must not produce offensive or disturbing noise, vibrations, smoke, dust, heat or odor, or otherwise adversely affect the surrounding properties. The home occupation must be conducted, or carried on, solely within the Unit, and not on any general or limited common elements of the Condominium. There shall be no exterior evidence that the property is used in any way other than for a residential dwelling, and there shall be no undue impact caused by the home occupation upon the common elements, condominium residents or upon the Associations resources, utilities or facilities.

8. Babysitting Services / No In-home Family Daycare

Only occasional (sporadic or infrequent) babysitting or other low-impact babysitting that does not require any county or state licensing or permits is allowed on the Condominium premises.

9. Equipment

No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home, associated with a hobby or avocation not conducted for gain or profit, or customary for a small home office.

III. Compliance with Ordinances, Laws, and Association Instruments and Rules; Notice of a Home Occupation

The Unit Owner shall be responsible for securing and maintaining all necessary county, state, and federal licenses and permits related to the home occupation. The home occupation must meet Fairfax County licensing and approval requirements for a home occupation. Furthermore, the Fairfax County Zoning Ordinance requirements shall be construed as additional requirements to those set forth in this Resolution. If the Fairfax County Zoning Ordinance is amended to become stricter than the provisions of this Resolution, the amended provisions of the Ordinance shall supersede and control of the provisions of this Resolution.

Before any home occupation can begin in a Unit, the Unit Owner must provide the Board or its designated agent with a description of the nature of the home occupation and copies of all licenses and permits, along with a completed Home Occupation Disclosure Form, as amended, a copy of which is attached hereto.

The home occupation must not violate, or create or result in a violation of, any provision of the Association's Declaration and Bylaws ("Instruments") or rules and regulations, and must not violate state, local or federal laws, codes, ordinances or regulations. Any resident who engages in a home occupation must make his or her unit available for inspection by representative(s) of the Association upon request to confirm compliance with this Resolution.

Pursuant to the provisions of Section 55-79.80:2 of the Act and the Association's covenant and rule enforcement procedures as set forth in Resolution No. 01-06, a Unit Owner found to be in violation of any of the relevant Ordinances, Laws, or Association Instruments, rules and regulations, may be subject to enforcement action taken by the Association. If a resident persists in the operation of a home occupation in violation of this Resolution, the Zoning Ordinance, or the Association's governing instruments and rules and regulations after receipt of a notice to cease and desist, the Association may undertake any and all remedies available to it, including but not limited to assessments of charges against the unit owner; seeking of an injunction; notification of the zoning authorities; the suspension of the right of access to the building by apparent customers or clients or employees of the resident in violation; and such other remedies as the Board deems necessary and appropriate. The costs incurred by the Association in pursuing such remedies or proceedings, including reasonable legal fees and costs, shall be paid by the unit owner in violation.

The rules and regulations set forth in this policy resolution are effective as of April 1, 2006.

THE UNIT OWNERS ASSOCIATION
OF MARKET STREET AT TOWN CENTER

HOME OCCUPATION DISCLOSURE FORM

Name: _____

Address: _____

Phone Number(s): _____

Facsimile Number(s): _____

E-mail Address(es): _____

Name of Business: _____

Nature of Business: _____

Business Hours: _____

Necessary Permits/Licenses Obtained? _____
If yes, attach legible copies.

Necessary Insurance Obtained? _____
If yes, attach proof of insurance.

Carrier(s) and Policy Number(s): _____

I hereby certify that I am compliant with all restrictions for home occupations as outlined in The Unit Owners Association of Market Street at Town Center Condominium, Policy Resolution No. 03-06: Home Occupation Policy, and have obtained the permits and/or licenses necessary to conduct my home-based business. I also certify that I have obtained and maintain insurance for my home-based business and that this insurance names the Association as an additional insured. I hereby release, indemnify, and hold harmless the Association and its past, present, and future members, directors, employees, agents, and independent contractors, from any and all claims, damages, demands or liabilities, suits, judgments, costs, and expenses, including attorney's fees, arising directly or indirectly from my conducting a business from my home located in Market Street at Town Center Condominium.

Signature: _____ Date: _____

A COPY OF THE SIGNED FORM IS ON FILE IN THE ASSOCIATION OFFICE

**THE UNIT OWNERS ASSOCIATION
OF MARKET STREET AT TOWN CENTER CONDOMINIUM
RESOLUTION ACTION RECORD**

Resolution Type: Policy No. _____

Pertaining to: Home Occupations

Duly adopted at a meeting of the Board of Directors held on the _____ day of _____, 2006.

Motion by: _____ Seconded by: _____

VOTE: YES NO ABSTAIN ABSENT

Director YES NO ABSTAIN ABSENT

Director YES NO ABSTAIN ABSENT

Director YES NO ABSTAIN ABSENT

Director YES NO ABSTAIN ABSENT

Director YES NO ABSTAIN ABSENT

ATTEST:

Secretary

Date