



## Home Businesses at Daybreak

The Daybreak Community Association is charged with the responsibility to administer and enforce the "Community Charter for Daybreak" and all of the other Governing Documents that guide and rule our community. The Daybreak Community Association reviews all potential residential businesses in order to protect the value of your home, the neighborhood that you live in and to maintain the Community Standards of Daybreak. Toward that end, the Daybreak Community Association requires that all homeowners who want to operate a business from their home make application to the Community Association for approval **before** applying to the City of South Jordan for a business license. All applications are considered in accordance with the Chapter 7 "Use and Conduct", section 7.1 (pages 24-25) of the "Community Charter for Daybreak". Here are the application instructions:

1. Obtain a "Daybreak Community Association Home Business Application" from the Community Association office or on the community website at [www.daybreakliving.net](http://www.daybreakliving.net).
2. Complete and sign the Application and attach all supporting documentation required to assist the Community Association in making their decision.
3. Submit your completed Application to the:

Daybreak Community Association  
11347 S. Kestrel Rise Road  
S. Jordan, Utah 84098  
Attention: Derek Tarries

The Daybreak Community Association Board of Directors approves or denies the application. If approved, you may apply to the City of South Jordan for the proper business license. If disapproved you may appeal to the Board of Directors for re-consideration.



APPLICATION ACKNOWLEDGEMENTS

- I / We understand that this application is subject to the terms and conditions of the "Community Charter for Daybreak", Chapter 7 "Use and Conduct", Section 7.1 (a) (attached) and that this application will be reviewed accordingly.
- I / We understand that this application does not authorize me to conduct business at my home until this application is approved by both the Daybreak Community Association and by South Jordan City and that I have been issued a business license by South Jordan City.
- I / We attest that all information on this application is true and correct.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

Please return the original copy of this form completely filled out and signed with all supporting information to:

Daybreak Community Association  
11347 S. Kestrel Rise Road  
South Jordan, Utah 84095  
Attention: Derek Tarries

DAYBREAK COMMUNITY ASSOCIATION USE ONLY

Date Received: \_\_\_\_\_ Date Reviewed: \_\_\_\_\_

Reviewer: \_\_\_\_\_ Approved: \_\_\_ Yes / No \_\_\_

Comments: \_\_\_\_\_

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## Chapter 7

### Use and Conduct

*In order to maintain a residential environment that encourages respect for and courtesy among neighbors and minimizes the potential for disputes, this chapter sets forth basic standards regarding use, occupancy, and transfer of interests in Units. In addition, it provides a procedure by which the Board and the membership can adopt and change rules regulating use, conduct, and activities within the Community to address particular needs and desires of the Community over time.*

#### 7.1. Use, Occupancy, and Transfer of Interests in Units

(a) *Residential and Related Uses.* Units may be used only for residential and related purposes, except as the Founder may otherwise authorize with respect to construction, marketing, and sale activities of the Founder and Builders it designates. A business activity shall be considered "related" to a residential use and thus permitted under this section only if conducted by a person or persons residing in the Unit and only if the business activity:

(i) is not apparent or detectable by sight, sound, or smell from outside of a permitted structure;

(ii) complies with applicable zoning requirements;

(iii) does not involve regular visitation of the Unit by employees who do not reside in the Unit, or by clients, customers, suppliers, or other business invitees, or involve door-to-door solicitation within the Community; and

(iv) is consistent with Daybreak's residential character and does not constitute a nuisance or a hazardous or offensive use, or threaten the security or safety of others, as the Board determines in its discretion.

"Business" shall have its ordinary, generally accepted meaning and shall include, without limitation, any occupation, work, or activity undertaken on an ongoing basis that involves providing goods or services to Persons other than the family of the producer and for which the producer receives a fee, compensation, or other form of consideration, regardless of whether (i) such activity is engaged in full or part time; (ii) such activity is intended to or does generate a profit; or (iii) a license is required.

So long as the business activity does not violate any City ordinance or regulation, the following business activities may be operated within the Unit if such operation is in accordance with the requirements set forth in subsection (a)(i) through (iv): the practice of law, accounting services, insurance services, real estate brokerage offices, architecture, or engineering offices, direct sales, computer based telecommunications and research, literary, artistic or craft activities, and providing education. Other professional business activities may be operated within the Unit if approved by the Board, and the consent of the Founder during the Founder Control Period. The Board, with the consent of the Founder during the Founder Control Period, may prohibit previously approved business activities if any such activity interferes with the residential nature of Daybreak or becomes a nuisance.

In addition to any prohibitions set forth in an ordinance of the City, the following activities are specifically not permitted in a Unit: cafes or restaurants; retail discount, or thrift shops; tanning parlors, massage parlors, and any establishment which offers entertainment or service by nude or partially dressed male or female persons; "adult entertainment uses," which terms shall mean, for the purposes of this Charter, any establishment which shows, previews, or prominently displays,

## Use and Conduct

advertises, or conspicuously promotes for sale or rental: (i) movies, films, videos, magazines, books, or other medium (whether now or hereafter developed) which is rated "X" by the movie production industry (or any successor rating established by the movie production industry) or is otherwise of a pornographic or obscene nature; or (ii) sexually explicit games, toys, devices, or similar merchandise; or commercial overnight lodging. The Board reserves the right, from time to time, to designate other activities, which shall not be permitted.

Leasing a Unit for residential purposes shall not be considered a "business" within the meaning of this subsection, provided that the Owner and any other Owners with whom such Owner is affiliated do not collectively lease or offer for lease more than one Unit at any time. This provision shall not preclude an institutional lender from leasing a Unit upon taking title following foreclosure of its security interest in the Unit or upon acceptance of a deed in lieu of foreclosure.

(b) *Leasing.* For purposes of this Charter, the terms "Lease" and "Leasing" shall refer to the regular, exclusive occupancy of a Unit by any Person other than the Owner, for which the Owner receives any consideration or benefit. Any dwelling that is leased shall be leased only in its entirety; separate rooms, floors, or other areas within a dwelling may not be separately leased; however, any detached "in-law suite" or "guest house" approved pursuant to Chapter 5 may be leased separate from the main dwelling.

All leases shall be in writing and shall disclose that the tenants and all occupants of the leased Unit are bound by and obligated to comply with the Governing Documents. However, the Governing Documents shall apply regardless of whether such a provision is specifically set forth in the lease.

Within 10 days of a lease being signed, the Owner of the leased Unit shall notify the Board

or the Association's managing agent of the lease and provide any additional information the Board may reasonably require. The Owner must give the tenant copies of the Governing Documents. In addition to, but consistent with this subsection, the Association or the Board may adopt Rules governing leasing and subleasing.

(c) *Transfer of Title.* Any Owner desiring to sell or otherwise transfer title to his or her Unit shall give the Board at least seven days' prior written notice of the name and address of the purchaser or transferee, the date of such transfer of title, and such other information as the Board may reasonably require. The Person transferring title shall continue to be jointly and severally responsible with the Person accepting title for all obligations of the Owner, including assessment obligations, until the date upon which the Board receives such notice, notwithstanding the transfer of title.

(d) *Subdivision and Combination of Units.* No Person other than the Founder and Builders whom the Founder may authorize shall subdivide or change the boundary lines of any Unit or combine Units without the Board's prior written approval. Any such action that the Board approves shall be effective only upon recording a plat or other legal instrument reflecting the subdivision or new boundaries of the affected Unit(s). In the absence of such recorded instrument, adjacent Units owned by the same Owner shall continue to be treated as separate Units for purposes of voting and assessment, even though such Units may be improved with a single dwelling.

(e) *Timesharing.* No Unit shall be used for operation of a timesharing, fraction-sharing, or similar program whereby the right to exclusive use of the Unit rotates among participants in the program on a fixed or floating time schedule over a period of years, unless such program is established by the Founder or with the Founder's prior written approval.