

Welcome to Oak Shores

On behalf of the Board of Directors of the Oak Shores Condominium Association, we would like to welcome you to our community. We are proud of where we live and endeavor to keep our community friendly, family oriented and well maintained.

Our community is a condominium association which means among other things that we have agreed to live under a set of guidelines as established in our Consolidated Master Deed. In addition, our common areas are maintained by the membership through a monthly Association fee. This fee is set annually in order to maintain our operating budget.

Our operating budget is used for snow and ice removal from our roads, electricity to maintain our street lighting, water to maintain common area landscaping, grass and bed maintenance, irrigation maintenance, and routine repairs. In addition, we must pay for association management, office expenses, accounting and legal expenses, insurance and any beautification and or improvements.

In addition to the monthly association fee, there are occasionally special assessments to repair and maintain our infrastructure.

Our infrastructure consists of our roads, front entrance, street lights, common landscaping and irrigation system.

Our Association is governed by a Board of Directors which is elected annually from neighbors within Oak Shores. The Board meets every quarter and has an annual membership meeting once a year.

The Association is managed on a day to day basis by 633 Group LLC located at 7875 Moorsbridge Road. Our executive director is Sheila Mowry. She can be reached Monday through Friday at this office or at 269-329-0366, should you have any questions or concerns.

Again, Welcome to Oak Shores

Covenants and Restrictions

By Virtue of ownership in Oak Shores, we are subject to certain rules and regulations which are set forth in the CONSOLIDATED MASTER DEED OF OAK SHORES (COD) and the DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS FOR OAK SHORES, A CONDOMINIUM (DCCR). You should have received copies of these documents when you purchased your home in Oak Shores. These documents should be passed on from owner to owner. If you did not receive a copy, contact your Realtor. If you are unable to obtain the original documents, a copy may be obtained, for a fee, from our Association offices.

The following pages outline these rules and regulations. They have been summarized for your convenience. Please refer to the actual documents for the legal description of all Covenants and Restrictions.

In addition to the covenants and restrictions outlined in this section, we are also subject to an Architectural Control Committee (ACC) which is made up of the developer and their appointees. This committee oversees among other things the design and shape of homes, their size, color, landscaping, and setbacks. In addition they control any changes that might be made to previously approved designs. Should you wish to make any changes or improvements to your home, or landscaping, please contact our Association manager for the necessary procedures to seek approvals.

1.No advertising shall be displayed which is visible from the exterior of a dwelling, including but not limited to "For Sale" signs, nor shall any sticker, sign, light or any other device of any nature whatsoever be attached to the glass surface of any door or window of any dwelling. (CMD Liber 1497 Page 1364 Section 8 & DCCR Liber 1293 Page 76.)

2. No house trailers, commercial vehicles, boat trailers, boats, camping trailers, snowmobiles, snowmobile trailers, or vehicles used other than for personal transportation may be parked or stored upon any premise unless parked in garages, and then only if such use of the garage does not result in the displacement of automobiles from any garage to other parking places. No commercial vehicles or trucks shall be parked in the Condominium, except for

vehicles servicing the neighborhood on a temporary basis. (CMD Liber 1497 Page 1363 Section 6 & DCCR Liber 1293 Page 73.)

3. No Owner shall use, or permit the use of any firearms, air rifles, pellet guns, B-B guns, bows and arrows or other similar dangerous weapons, projectiles or devices anywhere on or about the Condominium premises. (CMD Liber 1497 Page 1364 Section 7 & DCCR Uber 1293 Page 75.)

4. No Unit in the Condominium shall be used for other than residence purposes and the Common Elements shall be used only for purposes consistent with the use of residences. (CMD Liber 1497 Page 1363 Section 1 & DCCR Liber 1293 Page 68.)

5. Garage doors shall be kept closed at all times except when necessary for ingress or egress and during times of repair or work in garages. (CMD Uber 1497 Page 1364 Section 11.)

6. No motorcycles, motorbikes, outboard motors, boats, all-terrain vehicles, snowmobiles or other recreational vehicles shall be operated in Oak Shores, except for the purpose of entering or leaving the Association grounds. (DCCR Uber 1293 Page 74.)

7. Owners shall exercise extreme care to minimize noises and the use of musical instruments, radios, televisions and amplifiers that disturb the other persons occupying the Condominium. (CMD Uber 1497 Page 1364 Section 10.)

8. No activity causing noise levels to exceed 65 decibels shall be permitted between Saturday Noon and 7:00 am the following Monday. (DCCR Liber 1293 Page 74.)

9. No pets shall be allowed to run free and shall be restrained from going onto other Unit owner's property, golf course or neighboring properties. (DCCR Liber 1293 Page 74.)

10. No animals of any kind shall be raised or kept on the premises other than dogs, cats and birds. No animals shall be kept in unreasonable numbers. (DCCR Uber 1293 Page 73.)

11. Property shall not be used for storage of supplies, materials, personal property or trash or refuse except in garages. Trash receptacles shall be hidden from view except for a limited time on trash day. The Common Elements shall not be used for drying or airing clothing or other fabrics. (CMD Liber 1497 Page 1363 Section 4.)
12. No garbage, refuse, rubbish, or cuttings shall be deposited or left on the premises unless packed in an attractive container suitably located and screened from view. (DCCR Liber 1293 Page 74.)
13. Yards, landscaped areas, driveways, roads, parking areas, balconies and terraces, shall not be obstructed in any way, nor shall they be used for purposes other than for which they are reasonably and obviously intended. No bicycles, vehicles, chairs or benches may be left unattended on or about the Common Elements. (CMD Uber 1497 Page 1363 Section 5.)
14. All stumps, trees and brush, must be hauled away, with the exception of timber stored for firewood. (DCCR Liber 1293 Page 76.)
15. No trees shall be cut or trimmed without written approval from the ACC. (DCCR Liber 1293 Page 76.)
16. Property Owners must maintain the improvements on the premises and the grounds of the premises in a neat and attractive manner, and shall keep grass and weeds cut and shall remove dead trees, shrubbery and plants. (DCCR Liber 1293 Page 73.)
17. Property Owners shall keep the exterior of improvements on the premises clean and in a good state of repair and appearance. (DCCR Liber 1293 Page 73.)
18. All site and area lighting shall be directed downward and no bulb post or spotlights with direct glare shall be allowed. (DCCR Liber 1293 Page 76.)
19. Each Owner shall maintain his dwelling and any limited Common Element areas, in a safe, clean and sanitary condition. Each Owner shall also use due care to avoid damaging any of the Common Elements. Each Owner shall be responsible for damages or costs to the Association resulting from negligent damage to or misuse of any Common Elements by him, or his family, guests, agents or invitees. (CMD Liber 1497 Page 1364 Section 9.)

20. No structure, fence, driveway, or any type of improvement or construction can be made, placed, or altered without prior plan approval from both the Moors Architectural Control Committee and the Oak Shores Condominium Association. (DCCR Liber 1293 Page 68.)

21. No improper, unlawful or offensive activity shall be carried on in any dwelling or in Common Elements, nor shall anything be done which may be an annoyance or a nuisance to neighbors of the Condominium, nor shall any unreasonably noisy activity be carried on in any Unit or on the Common Elements. No Owner shall do or permit anything to be done or keep or permit to be kept in his dwelling unit or on the Common Elements, anything that will increase the rate of insurance on the Condominium without the written approval of the Association, and each Owner will pay to the Association the increase cost of insurance premiums resulting from any such activity or the maintenance of any such condition. (CMD Liber 1497 Page 1363 Section 3.)

22. No outdoor television aerials, radio aerials or any other aerials of any type are permitted except a satellite dish of 18" or less, and then only with approval. Please refer to adopted satellite policies elsewhere. (DCCR Liber 1293 Page 79.)

23. If an owner wishes to remodel or add any structure or change the exterior color scheme, they must first submit their plans and/or color samples to the ACC for approval. (DCCR Liber 1293 Page 80.)

24. All exterior colors and materials shall be natural or of earth tone hues. All exterior colors must be approved by the ACC. (DCCR Liber 1293 Page 79.)

25. A home in Oak Shores cannot be rented, however a dwelling can be leased for a minimum period of at least six (6) months, provided that written approval of the lease transaction is obtained from the Association. No rooms in any dwelling can be rented. (CMD Liber 1497 Page 1363 Section 2.)

26. No property owner shall keep any power, telephone or other utility wires or service above ground. (DCCR Liber 1293 Page 74.)

27. No fuel tanks shall be maintained above ground. (DCCR Liber 1293 Page 74.)

28. All Oak Shore property owners must join and maintain membership in both the Oak Shore Condominium Association and The Moors of Portage Association. (DCCR Liber 1293 Page 71.)

29. The Association has first right of refusal on the sale of all dwellings. (CMD Liber 1497 Page 1364 Section 14.)

Satellite Dish Policy

Prior to installing a satellite dish, a written request for permission shall be submitted by the applicant to the Board of Directors and the Architectural Control Committee (A.C.C.) detailing the location of the proposed installation, the size, design and color of the dish and the manner of attachment to the premises. The Board of Directors and the A.C.C. shall have ten (10) days to respond. If permission is denied, the reasons shall be stated and any proposed alternatives that will be permitted. If no response is given within ten (10) days, it will be deemed to be approved.

Satellite dishes exceeding one (1) meter in diameter are prohibited. We encourage the use of 18" or smaller dishes.

Dishes are permitted within the property that is for the exclusive use of the resident who is installing the dish, subject to the following conditions and restrictions:

1. No dish shall rise above the roofline on the resident's home without the prior written approval of the Board of Directors and the A.C.C.
2. Painting of the dish may be required so as to blend in with its surroundings.
3. The applicant shall be responsible for maintaining the dish in a safe condition.
4. In order to maintain the exterior appearance, the applicant shall install the dish, when consistent with receiving an acceptable quality signal, so that the dish has minimal impact on the community. The Board of Directors and the A.C.C. may require reasonable screening to accomplish this. The community would appreciate the dish being installed in a location that is not visible from the street.

(Adopted September 2000)

Oak Shores Condominium Association Board of Directors Resolution 2017-1

Ban on On-Street Overnight Parking

Effective December 18, 2017

On-street parking is prohibited anywhere in the Oak Shores neighborhood between the hours of twelve midnight and 6:00 a.m. This ban is in effect year-round and applies to both personal and commercial vehicles parked on neighborhood streets, courts or other common elements. No personal property of any kind owned by either residents or their guests or contractors may be stored on or about the common elements during the overnight hours (with the exception of approved trash and recycling containers). Future construction applications submitted by any resident to the Oak Shores Association Board and the Architectural Control Committee (ACC) must designate a location on that resident's lot for the temporary storage of any construction supplies and contractor's trailer, dumpster or other equipment and materials.

Overnight parking in driveways is permitted for passenger vehicles owned by residents or their guests. Commercial vehicles or related equipment may not be stored in driveways overnight without prior Board/ACC approval. Our bylaws prohibit storing a variety of camping/recreational vehicles and "vehicles used other than for personal transportation" in driveways at any time.

Background:

At our most recent annual meeting we were asked about Association rules regarding vehicle parking, particularly about the practice of parking in the street overnight. We discussed various negative aspects of long term on-street parking, particularly given our narrow roadways and lack of sidewalks: it poses a hazard to pedestrians and to other drivers; it makes it difficult for our snowplow operators and City leaf collectors to perform their job safely and efficiently; it detracts from our neighborhood's overall upscale appearance, and it seems largely unnecessary in an area where the norm is two- or three-car garages and long driveways.

In the months following the annual meeting, the Board has received numerous complaints regarding both personal and commercial vehicles parked on the street. Our rules (various bylaws and CC&Rs) provide ambiguous--even contradictory--guidance on this issue. To our knowledge, no previous Association Board has ever attempted to regulate the parking of personal vehicles anywhere in the neighborhood. The current Board was determined to review all existing rules and distill them into a single comprehensive strategy.

Relevant existing rules:

1. Oak Shores Association Bylaws Article VI Section 4 (excerpt): "The common elements, limited or general, shall not be used for storage of supplies, materials, personal property or trash or refuse of any kind, except in garages and as provided in duly adopted rules and regulations of the Association."

2. Oak Shores Association Bylaws Article VI Section 5 (excerpt): "No bicycles, vehicles, chairs or benches may be left unattended on or about the common elements.

3. Oak Shores Association Bylaws Article VI Section 6: "No house trailers, commercial vehicles, boat trailers, boats, camping trailers, snowmobiles, snowmobile trailers or vehicles used other than for personal transportation may be parked or stored upon the premises of the condominium unless parked in garages, and then only if such use of a garage does not result in the displacement of automobiles from any garage to other parking places in the condominium property. No motorcycles, motorbikes, motor scooter or snowmobiles (except as used for transport to and from the premises), provided, however, that this Section shall in no way limit the Association in the operation of any vehicles necessary to the performance of its responsibilities. Commercial vehicles and trucks shall not be parked in or about the condominium (except as above provided unless while making deliveries or pickups in the normal course of business).

4. Oak Shores Conditions, Covenants and Restrictions, No. 12: "Unit owners at no time shall keep or permit to be kept on the premises **or on** the driveways any motorhome, truck, house trailer, truck campers, mobile home, boat or boat trailer. All vehicles, snowmobiles, motorcycles, trailers and similar property shall be kept in garages."

5. Oak Shores Conditions, Covenants and Restrictions, No. 37 (excerpt): "All dwellings shall have an attached garage providing at least two enclosed parking spaces and at least two additional parking spaces in the driveway."

Discussion and Plan of Action:

The first two rules cited above appear to ban on-street parking at all hours but don't address the parking of personal vehicles in driveways or distinguish between vehicles owned by residents and visitors or commercial vehicles. The third rule seems to prohibit even driveway parking, with some exceptions, while making allowances for the temporary parking of commercial vehicles while they are making a delivery or providing a service.

The fourth rule seems to be the most restrictive; it states that all vehicles of any type must be garaged at all hours and apparently prohibits the possession and storage of many of the same items that are allowed by Article VI Section 6 of our bylaws. Taken in isolation, this rule provides a basis for prohibiting on-street parking. But by requiring all cars to be garaged, we would presumably also need to enforce this rule with regard to residents who currently park vehicles in their own driveways overnight.

The fifth rule implies that driveway parking is permissible.

Given such conflicting guidance, the Board recognizes the need to improvise. We don't believe it's either reasonable or practical to regulate daytime parking, nor do we wish at this time to enforce rules aimed at residents who park in their own driveways. Resolution 2017-1 is our attempt to temper the harshest restrictions of CC&R No. 12 while considering elements of the four other relevant rules. Please contact Sheila Mowry (smowry@633group.com) with any questions or concerns regarding this resolution.

Oak Shores Condominium Association

Board of Directors Resolution 2018-1

Recommended Guidelines for Safe and Responsible Driving
Drafted May 23, 2018, Rev. 1

Because our Association documents do not include rules that establish speed limits or expressly prohibit specific unsafe driving practices, we have developed the following guidelines. Technically they cannot be enforced but we hope you agree they will enhance the safety of all residents and choose to willingly comply with them.

1. 15 mph general Speed Limit Please drive no faster than 15 mph on any neighborhood street. Slow down even more when you approach pedestrians and parked cars, and on downhills or curves. Also drive cautiously on the narrower roadways in the cul-de-sacs and the Oak Shores Boulevard near our neighborhood entrance and avoid on-street parking in these areas at all times.
2. 10 mph Speed Limit around pedestrians. Slow down when you encounter pedestrians, bicyclists and particularly children at play or walking to or from school. Give pedestrians and bikes a wide berth: allow at least five feet, preferably more, slow to 10 mph and be prepared to stop if necessary. It's OK to use the other lane in the absence of oncoming traffic. But if it's not safe to cross the center "line", do not pass pedestrians or bikers until oncoming traffic passes.
3. Drive courteously and yield appropriately to cars at intersections and those attempting to back out of driveways Follow at a safe distance and do not attempt to pass. Avoid distractions.
4. Obey all stop signs Come to a complete stop at each one; this includes both signs at our exit--three for those of you exiting from Oak Shore South.
5. Ensure that all drivers in your household (and household guests) know and follow these recommended practices. Be a good role model for beginner drivers and understand any potential for parental liability.

6. Pedestrians and other non-drivers have responsibilities, too. Cyclists should keep to the right side of the road. Pedestrians may keep either right or left, but should avoid distractions and remain aware of cars approaching from either direction. Parents, please prepare your children appropriately if they will be walking or biking in the road or even playing near it. Residents also have the responsibility to be mindful of their children and pets to ensure they are not creating safety hazards for others.

7. Report dangerous or inconsiderate driving to Sheila Mowry or a Board member.

Background:

At our most recent annual meeting we discussed the topic of speeding and other potentially dangerous driving behaviors that have been observed in Oak Shores. A number of attendees described instances of unsafe or inconsiderate driving they have witnessed and suggested possible solutions. None present appeared to think that requesting an increased police presence is feasible and some questioned whether state or local traffic laws may be enforced by the police on private roads. Furthermore, in the absence of Association rules that expressly prohibit specific unsafe or inappropriate driving practices, the Board is denied what has traditionally been its most effective means of deterrence. (And creating any new rule is a formidable task.) The focus of the discussion then turned to various preventive measures that would not rely on the weight of law or Association bylaws or covenants. The simplest and least expensive approach: an earnest appeal to all residents to commit to safe and responsible driving. More elaborate and costly options discussed would generally require additions to infrastructure such as signs or speed bumps. Following the discussion, the Board solicited volunteers to serve on an ad hoc committee to identify and encourage safe driving practices.

In the weeks following the annual meeting, the Traffic Safety Committee has researched the issue and identified the following possible approaches (ranked in order of increasing complexity and cost) to promote safe driving through:

1. Efforts at communication/education, such as this resolution, newsletters, courtesy (reminder) letters and warning letters to repeat offenders;
2. Establishing an official speed limit and adding speed limit signs at the entrance or throughout the neighborhood;

3. Adding “Stop” stencils at each existing stop sign;
4. Installing additional stop signs resulting in an “all-way stop” at the intersection of Oak Shore and Cottage Oaks;
5. Installing multiple (permanent or modular/removable) speed bumps/humps or rumble strips.

Although the committee has found a source claiming that certain Michigan traffic laws can be enforced by the police even on private roads, the establishment of routine traffic patrols does not seem likely. We are also reluctant at this time to propose significant infrastructure projects designed to “calm” traffic due to their expense and possible unintended consequences. Ironically, some organizations have concluded that adding signs or speed bumps can make things worse. The committee also concluded that removable speed bumps would not have prevented many of the unsafe driving incidents described at the meeting. Most of these incidents occurred during the snow plowing season (November 15 through April 15), when the modular speed bumps would have presumably not been installed.

The committee believes our best option, at least initially, is to promote safe driving practices by setting reasonable expectations and communicating them effectively to all residents, hence these guidelines. With your help, we plan to continually monitor compliance and issue reminders when necessary. We welcome suggestions for improvement and plan to make further recommendations/adjustments as required.

Relevant existing rules and benchmarks:

Our neighborhood rules (including both bylaws and CC&Rs) do not provide specific guidance regarding traffic safety. The following citations are at best tangentially related.

1. Oak Shores Association Bylaws Article VI Section 5 (excerpt): “...Roads...shall not be...used for purposes other than for which they are reasonably and obviously intended.” Motorized vehicular traffic is the most obvious intended purpose. Due to the lack of sidewalks in our neighborhood, our streets must also accommodate pedestrians and bicyclists. Although the limited use of skateboards and scooters on Association streets is allowed, the use of the Cottage Oaks hill for repeat downhill skateboarding runs is prohibited due to

both safety and liability concerns. A more appropriate venue for such activity is the Portage Skate Park located at 9010 S. Westnedge.

2. Oak Shores Association Bylaws Article VI Section 3 prohibits any “improper, unlawful or offensive activity” and also authorizes the Association Board to address any behavior deemed an “annoyance or nuisance.” We believe that speeding and other forms of careless or reckless driving would qualify as such.

3. City of Portage Code of Ordinances Section 78-3 (excerpts): “[When overtaking a bicycle travelling in the same direction]...pass to the left of the...bicycle at a safe distance, which, at all times, must be not less than five feet between any part of the vehicle and the bicycle...and [do] not move again to the right side of the [roadway] until the vehicle is safely clear of the overtaken person operating a bicycle.”

The five-foot rule was recently adopted in both Kalamazoo and Portage. It applies to bicyclists, not pedestrians. We recommend that motorists allow at least ten feet of separation between their vehicle and any pedestrians they encounter on the street.

The driver of a motor vehicle may drive to the left of the center of a roadway, including when a no passing zone is marked, to overtake and pass a person operating a bicycle only if the roadway to the left of the center is unobstructed for a sufficient distance to permit the driver to pass the person operating the bicycle safely and avoid interference with oncoming traffic.”

4. Lakes of Portage Association and St. Andrews/Inverness Associations have posted speed limits of 15 mph and 10 mph, respectively. We are not sure if these limits were approved by referendum or officially appear in their bylaws or CC&Rs.

5. Opinion of Michigan State Police is that private property owners may request that certain traffic violations including reckless driving, careless driving and failure to observe stop signs may be enforced by state or local police.

Please contact Sheila Mowry (smowry@633group.com) with any questions or concerns regarding this resolution. Also, let Sheila know if you’d like to serve on the Traffic Safety Committee.