

**AUSABLE ACRES PROPERTY OWNERS' ASSOCIATION
RESOLUTION PERTAINING TO INCIDENTAL OR HOME BUSINESS ACTIVITY**

WHEREAS, the Board of Directors of the AuSable Acres Property Owners' Association (the Association), under the terms of the Covenants and Restrictions (the C and R's) attached to all deeds within the AuSable Acres subdivision (the Acres), is charged with the responsibility of enforcing said C and R's; and

WHEREAS, under the terms of the C and R's governing the Acres, it is clearly stated that "no commercial use of the property shall be made except that property or buildings may be rented to private families for private use;" and

WHEREAS, the Association recognizes that, although the C and R's state that a lot can only be used for non commercial purposes, the non overt, unobtrusive manner in which some businesses may be conducted has changed since the original C and R's were written; and

WHEREAS, the Association recognizes that the central concern arising from the conducting of commercial business activity from a residence within the Acres relates to the external impact same may have to neighboring properties both in terms of the exterior appearance of a residence as well as the activities which emanate from the non residential endeavor, and

WHEREAS, the Association deems it to be in the best interest of the Association to adopt a uniform manner of construing activities that will be deemed non residential in nature and, therefore, in violation of the C and R's of the Acres; and

WHEREAS, the Association deems it in the Association's interest to prepare and file a policy resolution to illuminate to the residents of the Acres those non residential activities predetermined, based upon resident input and historical perspective, to be a nuisance, noxious, or offensive to residents within the Acres and to establish a parameter of rules through which such activities will be curtailed; and

WHEREAS, during the course of business, a vote of the Board of Directors was taken to approve adoption of the proposed policy pursuant to the Association's Bylaws; and

WHEREAS, upon review of the votes cast for the resolution proposal, it was determined that the below-described policy resolution pertaining to incidental or home business activity was passed by a vote of the Board of Directors and adopted by a vote by the general membership at its annual meeting; **NOW THEREFORE**

BE IT RESOLVED THAT, in order to define the extent of and the manner in which the Association will enforce the single family non commercial use restriction in place for the AuSable Acres Homeowners Association by and through the provisions set forth in the C and R's, the Association adopts the following policy resolution setting forth the parameter of acceptable non residential activity conducted on lots located within the Acres:

GUIDELINES PERTAINING TO INCIDENTAL BUSINESS ACTIVITY

All single family residences (hereinafter sometimes referred to as “Home or Homes”) located within the AuSable Acres Subdivision is subject to C and R’s which are legally enforceable. The C and R’s govern the appearance and use of these Homes and are primarily intended to (a) maintain the quality and integrity of the community and (b) to sustain and enhance the investment homeowners have made in that home.

Although the C and R’s state that no lot shall be used for anything but residential purposes, the Association recognizes that the manner in which some business may be conducted has changed since the original C and R’s were written. In that regard, the Association is attempting through this resolution to illuminate to its membership the manner in which it construes the single family use provision set forth in the C and R’s by further defining those non residential activities predetermined, based upon resident input and historical perspective, to be a nuisance, noxious, or offensive to residents within the AuSable Acres Subdivision and to establish a parameter of rules through which such activities will be curtailed. Therefore, the Association has defined the basis and extent to which it will enforce the provision of the C and R’s relating to operating a business from a Home as set forth in restriction #1 of the C and R’s, (referred to hereinafter as “Incidental Business”), and has identified those activities which will be deemed to constitute a noxious, offensive, or nuisance activity under the C and R’s and, as such, will be deemed a use of the property not residential in nature. To that end, this policy resolution addresses Incidental Business and the intentions of Association as follows:

1. DEFINITION

The Incidental Business must:

- a. Be compatible with residential uses;
- b. Be secondary to the use of the Homes as a single family residence;
- c. Be limited in extent; and
- d. Not detract from the residential character of the neighborhood.

2. ELIGIBILITY

- a. No person other than a resident of the Homes shall be engaged or employed in the Incidental Business.

3. CONDUCT OF THE INCIDENTAL BUSINESS

- a. There shall be no exterior indication of the Incidental Business or variation from the residential character of the Home.
- b. The use shall not require additional off street parking spaces for employees, clients, or customers of the Incidental Business.
- c. The Incidental Business shall not create greater vehicular or pedestrian traffic than normal for other Homes in the Acres which are not conducting Incidental Business.
- d. The business shall not require any continuing deliveries or pickups other than what might normally occur at Homes in the Acres which are not conducting Incidental Business.
- e. No advertising display signs indicating or suggesting that an Incidental Business is being conducted on the site will be permitted.
- f. There shall be no use or storage of tractor trailers or semi-trucks. Any incidental commercial equipment (i.e. construction equipment , work trailers, vans, commercial vehicles, etc.) must be

kept at a minimum and either stored in a garage or kept in a manner that does not detract from the appearance of the property as viewed from the road and/or by neighbors.

g. The Incidental Business shall not produce offensive noise, obnoxious odors, vibrations, smoke, fumes, heat, or dust detectable to normal sensory perception beyond the premises.

h. The Incidental Business shall not require any external alterations to the residence nor provide any visible evidence from the exterior of the Home that it is being used for any other purpose than that of a residence.

i. No portion of the yard surrounding the Home and visible from the street, or observable from adjacent property, shall be used for storage of any materials related to the Incidental Business.

j. Nothing in this document is intended to relate to or discourage occasional garage or yard sales at a residence.

k. Any exterior modification to the Home, whether or not related to the Incidental Business, may be subject to the prior approval of the Architectural Committee of the Association. It is the responsibility of the homeowner to submit any plans for such modifications and obtain any required approvals in writing prior to commencing such modifications.

l. As per C and R #6, no animals, livestock, or poultry of any kind shall be raised, bred or kept on any Home, except, that dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.

m. The Incidental Business shall not generate any more, or type of, garbage or trash than would normally be created at a Home where no Incidental Business is being conducted.

4. ENFORCEMENT

a. The Association will take steps to legally enforce, including but not limited to the commencement of legal actions on the basis of nuisance, any reported violations of these Incidental Business rules of the Association which are violated and not promptly corrected by the homeowner.

b. The Association will pursue full and prompt enforcement of any state, county or city laws, ordinances or other directives related to the conduct of Incidental Business conducted from a Home.

c. The Association will advise and cooperate with any law enforcement agency that determines that any Incidental Business is, in fact, illegal.

d. All other provisions of the Restrictions to which the Homes are subject will continue to be enforced by the Association.

e. Except as herein provided, no Home shall be used for anything other than residential purposes.

f. Failure of the Association to enforce, in any instance, any of the policy provisions herein shall not diminish or negate the authority of the Association to require strict compliance with these provisions.

g. No prior deviation from the policy provisions herein shall alter or negate the intent and authority of the Association to fully enforce these provisions with respect to Incidental Business.

h. With respect to these provisions, the then current Association Board of Directors shall serve as the final authority in any dispute that arises under these provisions.