

RESOLUTION OF THE FLECHA CAIDA HOME OWNERS ASSOCIATION  
BOARD OF DIRECTORS

WHEREAS: In today's changing economic and technical environment more and more people have a "Home-based" occupation or business, and

WHEREAS: As many as 41 million Americans or 33 percent of adults have a "Home-based" occupation or business, up from 27 million, or 22 percent, in 1989, and

WHEREAS: "Home-based" workers have flexibility and control over their work, and gain uninterrupted peace and quiet to do their best work, and

WHEREAS: Studies have shown "Home-based" workers are 15% to 20% more productive, save between 25% to 40% in real estate cost, significantly reduce air pollution, traffic congestion, and reduce the cost of local governmental services thereby helping control property tax increases, and

WHEREAS: Many futurists feel that this trend will continue and even grow to an extent that 35%-45% of the economic activity will be "Home-based", and

WHEREAS: Most American "Home-based" workers are independent contractors, free-lancers and entrepreneurs who are work at their residence by choice, and

WHEREAS: The Flecha Caida Home Owners Association Board of Directors is aware many property owners have a "Home-based" occupation or business without any disturbance to the quality of life in the neighborhood, and

WHEREAS: Many residents are happy that someone is around most of the day to help deter crime and be of assistance to a neighbor who is in trouble, and

WHEREAS: There is one clause in the recorded Declaration of Conditions, Covenants and Restrictions (herein after CC&Rs) that prohibits property owners in Flecha Caida from using their property or its improvements for business purposes or specific business activities, and

WHEREAS: Said clause is found in Paragraph 1 which reads "Said property and the whole thereof shall be used for private residential purposes only; no building or structure intended for or adopted to business purposes and no apartment house, double house, flat building, lodging house, rooming house, hospital, sanitorium or doctor's office, shall be erected, placed, permitted or maintained on said property or on any part thereof.", and

WHEREAS: The Flecha Caida Home Owners Association, Inc. Board of Directors has enforced and will continue to enforce said clause diligently and evenhandedly, and

WHEREAS: The Flecha Caida Home Owners Board of Directors feels the intent of above referenced clause includes, without limitation, the following purposes: 1) to keep the residential (Ranch Estates) quality of life in the Flechas, 2) to keep traffic to that associated with a residential environment, 3) to prohibit all advertising signs, and 4) to keep all property appearance and identification to that found in a first class residential neighborhood, and

WHEREAS: The Flecha Caida Home Owners Association, Inc. Board of Directors, in consultation with its legal counsel, has determined that certain "Home based" occupations or businesses, while technically businesses in other contexts, do not fall within the purview of Paragraph 1 of the CC&Rs and do not violate either the letter or the intent of the CC&Rs, and

WHEREAS: The Flecha Caida Home Owners Association, Inc. Board of Directors does not feel that the intent of that provision was to preclude property owners from enjoying their home and earning a living at the same time, and

WHEREAS: The Pima County building code provides for "Home Occupation" when certain conditions are met, and

WHEREAS: The Flecha Caida Home Owners Association, Inc. Board of Directors desires to be more restrictive than the conditions set by Pima County, and

WHEREAS: This resolution is introduced for the purpose of clarification only, and does not attempt or propose to change the CC&Rs, or to waive enforcement of any clause prohibiting business activity in the Flechas. To the contrary, the Flecha Caida Home Owners Association, Inc. Board of Directors believes and intends that by making this interpretation explicit, its enforcement of Paragraph 1 of the CC&Rs will continue to be--and will be understood by Flecha property owners to be--applied fairly, evenly, and in full compliance with its mandate and obligations.

NOW THEREFORE BE IT RESOLVED:

The Flecha Caida Home Owners Association, Inc. Board of Directors deems that a property owner will not be in violation of Paragraph 1 of the CC&Rs provided that the following conditions are met:

- 1) There is no sign or other public identification of the "Home-based" occupation or business at the premises, and

- 2) There is no more than one full time or full time equivalent employee(s) of the "Home-based" occupation or business working at the premises, other than residents, and
- 3) The "Home-based" business is conducted entirely within the dwelling or otherwise allowed out building, and
- 4) The residential character of the dwelling or otherwise allowed outbuilding is not changed by said use,
- 5) The "Home-based" business does not cause any sustained or unpleasant or unusual noises or vibrations, or noxious fumes odors, or cause parking or traffic congestion in the immediate neighborhood, and
- 6) The business is not an apartment house, double house, flat building, lodging house, rooming house, hospital, sanitorium or doctor's office.

PASSED, APPROVED AND ADOPTED BY THE FLECHA CAIDA HOME OWNERS ASSOCIATION, INC. BOARD OF DIRECTORS, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

IN WITNESS WHEREOF, The President and Secretary of the Board of Directors of the Flecha Caida Home Owners Association, Inc. have hereunder set their hand this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

  
  

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