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WHEN RECORDED RETURN TO:

Carpenter, Hazlewood, Delgado & Bolen, PLC
1400 East Southern Avenue, Suite 400
Tempe, Arizona 85282

**AMENDMENT TO
SECOND AMENDED AND RESTATED DECLARATION OF CONDOMINIUM
AND COVENANTS, CONDITIONS, AND RESTRICTIONS FOR ARTISAN
VILLAGE, A CONDOMINIUM**

This Amendment to the *Second Amended and Restated Declaration of Condominium and Covenants, Conditions, and Restrictions for Artisan Village, a Condominium* (the "Amendment") is made as of this 28th day of May, 2019, by the Artisan Village Condominium Association, Inc., an Arizona nonprofit corporation (the "Association").

RECITALS

WHEREAS; that certain *Declaration of Condominium and Covenants, Conditions, and Restrictions for Artisan Village, a Condominium* was recorded on February 24, 2004 at No. 2004-0180962 in the Official Records of the Maricopa County Recorder (the "Original Declaration");

WHEREAS; the Original Declaration was restated by the *Amended and Restated Declaration of Condominium and Covenants, Conditions, and Restrictions for Artisan Village, a Condominium* recorded on March 22, 2004 at No. 2004-0291296 in the Official Records of the Maricopa County Recorder (the "First Restated Declaration");

WHEREAS; the First Restated Declaration was again restated by the *Second Amended and Restated Declaration of Condominium and Covenants, Conditions, and Restrictions for Artisan Village, a Condominium* recorded on August 25, 2004 at No. 2004-0986235 in the Official Records of the Maricopa County Recorder (the "Second Restated Declaration," collectively referred to with the Original Declaration and First Restated Declaration as the "Declaration");

WHEREAS; the Association has determined that an amendment of the Declaration that extends the hours of business and expands the permissible restaurant uses for the Live-Work Units is prudent and necessary to ensure the Association remains competitive in attracting businesses to the community;

WHEREAS; pursuant to the Declaration at Article 11, Section 11.5, the provisions of Article 4 of the Declaration that govern the use or operation of the Live-Work Units may be amended only by a recorded instrument executed on behalf of the Association approved by seventy-five percent (75%) or more of the total number of eligible votes in the Association and unanimous consent of the Owners of the Live-Work Units; and

WHEREAS; this Amendment has been approved by seventy-five percent (75%) or more of the total number of eligible votes in the Association and the Owners of the Live-Work Units unanimously consent to this Amendment.

AMENDMENT

NOW, THEREFORE; the Declaration is amended as follows:

1. The Declaration at Article 4, Section 4.2(c) shall be restated as follows:

4.2 Restricted Use For Live-Work Units.

(c) Hours of Business of Concurrent Commercial Use in Live-Work Units. The permitted concurrent commercial use in a Live-Work Unit may be open and operated for business to the public only during the hours ^{Unofficial Document} 8:00 a.m. to 10:00 p.m., Phoenix time, seven days a week, but in no event may such hours be in violation of any applicable federal, state or local statutes, ordinances or regulations (collectively, the "Live-Work Business Hours"). Exceptions to these hours of operation may be established from time to time in the sole discretion of the Board of Directors. In accordance with the foregoing provisions of this Section 4.2(c), the Owner of a Live-Work Unit (i) shall provide the Board with written notice of the Live-Work Business Hours during which the Live-Work Unit shall be open and operated for business on a daily basis (the "Live-Work Hours Notice"), (ii) agrees that the Live-Work Unit shall be open and operated for business only during the hours described in the Live-Work Hours Notice, and (iii) that the Live-Work Business Hours that the Live-Work Unit shall be open and operated for business, as described in the Live Work Hours Notice, shall be conspicuously posted on the Unit and shall total no less than twenty-five (25) hours per week. Prior to changing the hours that the Live-Work Unit shall be open and operated for business, the Owner of a Live-Work Unit shall provide the Board with written notice of the same, which written notice shall then constitute the "Live-Work Hours Notice".

2. The Declaration at Article 4, Section 4.2(d) shall be restated as follows:

(d) Permitted Concurrent Commercial Uses. Any permitted concurrent commercial use of a Live-Work Unit shall comply with the provisions of this Declaration and the City of Phoenix's C-2 District zoning classification as the same may be in effect from time to time. Without limitation, but subject to compliance with zoning and other requirements, permitted concurrent commercial uses shall include home occupations as permitted in the residential section of the City of Phoenix Zoning Ordinance, offices wherein medical, dental, professional, clerical, administrative or sales services are rendered, fine arts class instruction studios and photography studios and other similar uses not more detrimental than those listed above. Use and other permits or licenses, if any and when required by the City of Phoenix, shall be obtained and maintained and shall be the sole obligation and responsibility of the Unit Owner(s). Notwithstanding the above, the following uses are expressly not allowed in any Residential Units or Live-Work Units:

- (i) Pet stores or pet grooming establishments;
- (ii) Banks or similar businesses providing retail banking services;
- (iii) Automatic teller or similar machines however denominated;
- (iv) Video or game arcades Unofficial Document or businesses;

(v) Vending machines, bars, restaurants or any business serving food or drink - provided, however, that notwithstanding the foregoing, so long as the Live-Work Unit Owner (A) complies with all applicable state, county and city licensing requirements, rules and regulations; (B) provides written proof of the compliance with such governmental requirements to the Association prior to the commencement of its operations; and (C) has no fryers located within the ground floor level of a Live-Work Unit, it is agreed that the ground floor level of the Live-Work Unit may be used for a retail sit-down or take-out facility whose sole products for sale are (1) non-alcoholic beverages, and (2) food items or those items typically accompanying food, so long as the primary operation and purpose is individual retail sales or small quantity sales to consumers. Live-Work Units shall not be used solely for manufacturing items for wholesale and all deliveries shall be made through the front door of the Live-Work Unit. Compliance with permitted commercial uses pursuant to this Section shall be determined in the sole discretion of the Board of Directors.

- (vi) Vehicle or vehicle equipment sales, maintenance or repair;

(vii) Hotel, motel, apartment rental or any other temporary occupancy business;

(viii) Retail discount, or thrift shops;

(ix) Tanning parlors, massage parlors and any establishment which offers entertainment or service by nude or partially dressed male or female persons, except that this provision shall not preclude tanning and massage services offered by fully clothed, trained and licensed personnel as part of a legitimate day spa operation which also offers beauty, body care, skin care, nail care and similar services;

(x) "Adult entertainment uses," which term shall mean, for the purposes of this Declaration, any establishment which shows, previews, prominently displays, advertises or conspicuously promotes for sale or rental: (i) movies, films, videos, magazines, books or other media (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 as otherwise of a pornographic or obscene nature; or (ii) sexually explicit games, toys, devices or similar merchandise.

(xi) Any business which would violate the additional restrictions set forth in Section 4.2(e) below.

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Except as expressly amended by this Amendment, the Declaration shall remain in full force and effect. In the event of any conflict or inconsistency between this Amendment and the Declaration, this Amendment shall prevail. Unless otherwise defined herein, each capitalized term used in this Amendment shall have the meaning given to such term in the Declaration.

[Signatures on the following page]

IN WITNESS WHEREOF, this Amendment is adopted by seventy-five percent (75%) or more of the total number of eligible votes in the Association and the Owners of the Live-Work Units unanimously consent to this Amendment pursuant to the Declaration at Article 11, Section 11.5 as of the day and year first above written.

ARTISAN VILLAGE CONDOMINIUM ASSOCIATION, INC.
an Arizona nonprofit corporation

By: [Signature]
Name: Christina Compton
Its: President

Date: 2019-05-29

State of Arizona)
) ss.
County of Maricopa)

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this ____ day of May, 2019 by Christina Compton, the President of Artisan Village Condominium Association, Inc., an Arizona nonprofit corporation, for and on behalf of the corporation.

My Commission Expires: 08/17/2021

[Signature]
Notary Public



(20) Vice President's
SECRETARY'S ATTESTATION

I, Zachary chandler, being the duly elected ^{Vice President}~~Secretary~~ of Artisan Village Condominium Association, Inc., hereby attest that the foregoing Amendment was approved by seventy-five percent (75%) or more of the total number of eligible votes in the Association and unanimously consented to by all of the Owners of the Live-Work Units pursuant to the Declaration at Article 11, Section 11.5.

By: [Signature]
 Name: Zachary Chandler
 Its: Secretary Vice President
 20
 Date: 5/29/2019

State of Arizona)
) ss.
 County of Maricopa)

Unofficial Document

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this ____ day of May, 2019 by Zachary Chandler, the Vice President of Artisan Village Condominium Association, Inc., an Arizona nonprofit corporation, for and on behalf of the corporation.

My Commission Expires: 08/17/2021

[Signature]
 Notary Public

