



# **COMMITTEE OF ARCHITECTURE**

## **RULES AND REGULATIONS**

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## Table of Contents

<b>COA Definitions .....</b>	<b>3</b>
<b>COA Enforcement of DORs / COA Rules and Regulations .....</b>	<b>5</b>
General Purpose (1) .....	5
Procedure for Enforcement (2) .....	5
Notice of Non-Compliance (3) .....	5
<b>COA Rules and Regulations .....</b>	<b>6</b>
Scope of Rules and Regulations (1).....	6
Materials and Practices Not Allowed (2).....	6
Special Applications (3).....	6
Accessory Structures (4).....	6
Accessory/Auxiliary Placement/Setbacks/Number of (5) .....	6
Metal Storage Containers (6).....	6
Guesthouses (7).....	6
Off-Street Parking, Garages and Carports (8).....	6
Culverts, Roads, Driveways, and ROWS (9).....	7
Right-of-Way Storage and Parking (10).....	7
Travel Trailers/Motorhomes (11) .....	7
Inoperative / Unregistered /Unlicensed Vehicles (12).....	7
Exterior Condition of Structures (13) .....	7
Trash Containers/ Trash Enclosures (14).....	7
Auxiliary Outdoor Lighting (15) .....	7
Fences and Walls (16).....	7
Windmills (17).....	8
Auxiliary Structures (18) .....	8
Excessive Brush / Weeds or Dead Trees / Shrubs, Noxious Weeds (19).....	8
Fairway Easements (20).....	8
Right-of-Way Storage and Parking (21) .....	8
Right-of-Way / Easements (22) .....	8
Chickens / Ducks / Geese / Rabbits (23) .....	8
Livestock / 4-H / FFA Projects (24) .....	8
Domestic Animals / Dogs / Cats (25) .....	9
Nuisance (26).....	9
Repetitive Nuisance Violations (27).....	9
Using a Lot / Parcel for Storage (28).....	9
Door-to-Door Commercial Solicitations (29).....	9
Home Occupation Permit (30).....	9
Commercial Business Permit (31) .....	9
Work Performed in Right-of-Ways (32).....	10
Explicit Use of OHVs, ATVs, and/or Motorcycles for Recreational Purposes Specific to Homeowners (33).....	10
Signs, Advertising, Banners, and Flags (34).....	10
Home Occupation(s) (35) .....	10
Snow Removal (36) .....	11
Deer Rule (37) .....	11
Vehicles as Yard Art (38) .....	11

Short Term Rentals (39) .....11

Modular Home Requirements .....12

Manufactured Home Requirements.....12

Variances/Zone Changes / Conditional Use Permits / Boundary Line Adjustments .....13

Guide for Plan Approval..... 13

COA Spring Creek Lot Zoning by Tract.....14

**COA DEFINITIONS:**

Unless it is apparent from the context that another meaning is intended, the following words when used herein shall have the meaning attached to them when used in the COA Rules and Regulations. If a word is not clearly defined, words and terms defined within the County Codes and/or Uniform Building Codes (UBC), National Fire Protection Association (NFPA), or the International Building Code (IBC) will prevail.

- ABANDONED VEHICLE:** Any vehicle or part of thereof which is either: (a) A vehicle over which the registered owner has relinquished all further dominion and control; or (b) A vehicle which is inoperative under conditions indicating the owner has no intention of restoring the vehicle to operating condition. A vehicle without a valid registration currently in effect will be presumed to be an abandoned vehicle.
- ACCESSORY STRUCTURE/BUILDING:** A structure or building which is subordinate to, and the use of which is incidental to the main structure/building/home or principal use on the same lot.
- ACCESSORY USE:** A use incidental and subordinate to the principal use of the premises.
- AUXILIARY STRUCTURE:** Anything constructed or built, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some defined manner.
- AGENT:** The word "agent" as used in this Code shall mean a person acting on behalf of another.
- BOARD:** The word "Board", unless otherwise indicated, shall mean the Spring Creek Association Board of Directors located in Spring Creek, Nevada.
- BOUNDARY FENCE:** Fences that follow the property line between neighboring properties and/or public lands.
- BUILDING/STRUCTURE HEIGHT:** The vertical distance from the average finished ground level of the site to the highest point of the building or structure.
- CHICKEN COOP(S):** Any structure where, typically, female chickens or other fowl are kept. Usually has an indoor area where the chickens or other fowl and sleep and nest.
- CHICKEN TRACTOR:** is a movable chicken coop lacking a floor. Chicken tractors may also house other kinds of poultry. Most chickens' tractors are a lightly built A-frame which one person can drag about the yard.
- COA:** Committee of Architecture, as appointed through the Spring Creek Declaration of Reservations, also may be referred to as "Committee".
- CODE:** The word "Code" shall mean the County Code of the County of Elko, and amendments thereto.
- COUNTY:** The word "County" shall mean and refer to the County of Elko, State of Nevada.
- DOCUMENT:** This word "document" refers to the contents of the COA Rules and Regulations, including print and electronic versions.
- EMPLOYEES:** Whenever reference is made in this document as employee by title only, this shall be construed as though followed by the words "Spring Creek Association".
- FEE:** The word "fee" as used in this document, shall mean a sum of money charged by the Spring Creek Association and/or the Committee of Architecture for the carrying on of a business, profession, or occupation.
- FISCAL YEAR:** The fiscal year for the Spring Creek Association shall begin January 1 of each year and end December 31 of each year.
- GREENHOUSE:** Any of several different types of heated glass or plastic covered structures used for the growing of plants.
- HOMEOWNER:** The person/persons whose name(s) appears on the title of record and/or registered with the Clerk of Elko County as the owner of said property. This term is interchangeable with Property Owner and/or Owner.
- INOPERATIVE/UNREGISTERED/UNLICENSE VEHICLE:** Any vehicle which does not possess a current valid license plate and registration sticker, or which is in a wrecked, discarded, dismantled, inoperative or abandoned condition, unsightly and is not in a condition where it may be used on a public highway.
- KNOWINGLY:** The word "knowingly" imports only a knowledge that the facts exist which bring the act or omission within the provisions of this document. It does not require any knowledge of the unlawfulness of such act or omission.

**LICENSE:** The word "license" as used in this Code shall mean the permission granted for the carrying on of a business, construction, profession, occupation, or event.

**LIVESTOCK:**

**METAL STORAGE CONTAINERS:** The use of semi-trailers, delivery boxes, prefabricated steel container boxes, "Conex" boxes, "Sea" containers and similar storage containers/boxes are not allowed as storage sheds or for permanent storage within SCA.

(Effective 7/2024).

**NEGLIGENT:** The word "negligent", as well as "neglect", "negligence" and "negligently" imports a want of such attention to the nature of probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

**NUISANCE:** The word "nuisance" shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the Spring Creek Association and/or County; or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to the Spring Creek Association and/or County.

**OCCUPANT:** The word "occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

**OFFENSE:** The word "offense" shall mean any act forbidden by any provision of this document or the omission of any act required by the provisions of this document

**OFFICIAL TIME:** Pacific Standard Time shall be the official time for the transaction of the Spring Creek Association and the Committee of Architecture business, except during applicable daylight savings time set by National or State standards, when the official time shall be advanced one hour.

**OPERATOR:** The word "operator" as used in this document shall mean the person who is in charge of any operation, business, or profession.

**OWNER:** The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land. This term is interchangeable with Homeowner and/or Property Owner.

**PERMIT:** An official document giving someone authorization or consent to do something, provide an opportunity or scope for (something) to take place or make possible.

**PERMIT DOCUMENT:** The permit requirements, permit specifications, and the actual permit.

**PERSON:** The word "person" shall mean any natural individual, firm, trust, partnership, association, or corporation in his or its own capacity or as administrator, conservator, executor, trustee, receiver, or other representative appointed by the court. Whenever the word "person" is used in prescribing a penalty or fine as applied to partnerships or any such word as applied to corporations, shall include the officers, agents, or employees thereof who are responsible for any violation of said Section.

**PERSONAL PROPERTY:** The term "personal property" shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged, or diminished and every right or interest therein.

**POLITICAL SIGNS:** A sign, banner or flag that expresses support for or opposition to a candidate, political party, or ballot question in any federal, state, or local election or any election of an association.

**PROPERTY OWNER:** The word "property owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land. This term is interchangeable with Homeowner and/or Owner.

**RABBIT HUTCH:** A cage (usually made of wood and wire mesh) for rabbits or small animals.

**RETAILER:** The word "retailer" as used in this Code, unless otherwise specifically defined shall be understood to relate to the sale of goods, merchandise, articles, or things in small quantities direct to the consumer.

**SETBACKS:** See "YARDS"

**SIGNS/NAME PLATES:** Displays for the purpose of identification or authorization. See County Building Codes for more information.

**STATE:** The word "State", unless otherwise indicated, shall mean the State of Nevada.

**STREET:** The word "street" shall include roads, cul-de-sacs, alleys, lanes, courts, boulevards, public squares, public places, and sidewalks.

**TENANT:** The word "tenant" applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

**WILLFULLY:** The word "willfully" when applied to the intent with which an act is done or omitted, simply implies a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

**WRITTEN, IN WRITING:** The terms "written" or "in writing" may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark.

**YARD: (Setbacks)**

(1) In order to secure minimum basic provision for light, air, privacy and safety from fire hazards, every building hereafter constructed shall be upon a lot which provides for the yards specified for the district or tract in which it is located, and the following shall control

(2) A space on the same lot with a building or structure which is open and unobstructed.

**Front:** An area extending across the front of the lot between the main building and the front lot line, depth of the required front yard to be measured horizontally from the nearest part of the main building toward the nearest point of the front lot line.

**Side:** An area between a main building or home and the side lot line, extending from the front yard, or front lot line to the rear yard; width of the required side yard to be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building

**Rear:** An area extending across the full width of the lot between the main building and the rear lot line; depth of the required rear yard to be measured horizontally from the nearest part of the main building toward the nearest point of the rear lot line.

**YARD FENCE:** Fences that are set back more than 20ft, from the property line. Must maintain a repeatable pattern and aesthetic value from all property lines.

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**COA ENFORCEMENT OF DOR'S AND  
COA RULES AND REGULATIONS**

1. **GENERAL PURPOSE:** The COA shall actively promote compliance with the DORS/COA Rules and Regulations by educating property owners, public officials, and local real estate brokers of the requirements. The Committee is to provide for the maintenance of a high standard of architecture and construction in such manner as to enhance the aesthetic properties and structural soundness of the developed tract. However, the burden is upon the property owners to know and understand the applicable rules and regulations governing the COA. The Committee shall determine whether the conditions contained in this Declaration are being complied with.
2. **PROCEDURE FOR ENFORCEMENT:** The COA shall consider of the DOR's/COA Rules and Regulations that are reported to the COA in the following ways:
  - A phone, e-mail, or written complaint by a Spring Creek Association property owner.
  - A report of non-compliance by a member of the COA.
  - A report of non-compliance by an SCA employee.
  - Verbal complaints may be made by property owners during the "Comments by General Public" portion of the BOD and/or COA meetings.
3. **NOTICE OF NON-COMPLIANCE:** In the event that any COA Member or the COA Secretary determines that there is a property not in compliance with the DOR's, COA Rules and Regulations and/or any other policies, permits, applications or additional regulations of the Association, the COA Secretary shall then commence with a three (3) letter process to the property owner as recorded in the SCA documents/system as follows:
  - The **1<sup>st</sup> letter** will list the observed violation(s) and set a limit of thirty (30) calendar days within which to correct the violation(s) or contact the SCA COA Secretary to decide on a plan to correct the violation(s)
  - If the property continues to be in violation after the thirty (30) calendar days expires, then a **2<sup>nd</sup> letter** will be sent with a set limit of fifteen (15) calendar days within which to correct the violation(s) or contact the SCA/COA Secretary to decide on a plan of action
  - If the property continues to be in violation when the fifteen (15) calendar days expires then a **3<sup>rd</sup> letter** will be sent with a set limit of ten (10) calendar days within which to correct the violation(s) or contact the SCA/COA Secretary to decide on a plan of action to correct the violations

If the property remains in violation at the conclusion of the ten (10) days, the property owner will be sent a **4<sup>th</sup> letter** by certified mail indicating the property violations will be placed on the COA's next regular meeting agenda for further consideration or referral to the SCA BOD. At this time, the \$300.00 fine, per violation not to exceed \$1,000.00 total for all violations inclusive, may be imposed and a \$50 per month fee may also be applied for each month the property remains in violation. Should the SCA BOD decide to forward the violations to legal counsel, the property owner will be liable for all legal fees. 12.27.24

## COA RULES AND REGULATIONS

### 1. SCOPE OF RULES AND REGULATIONS

These COA Rules and Regulations have been adopted by the COA as authorized in the DOR's (Page 3). These Rules and Regulations are supplemental to the DOR's. Therefore, please refer to the Master DOR's as well as the tract specific DOR's and the following Rules and Regulations.

Changes to the COA Rules and Regulations manual shall become effective only after public reading at two (2) regular COA meetings, there after approved by the Committee at the second (2nd) meeting.

**2. MATERIALS AND PRACTICES NOT ALLOWED:** The following list contains materials, practices, or uses, not allowed within the Spring Creek Association which are in addition to those specifically set forth in the DOR's or are otherwise prohibited or restricted by federal, state, or local laws, rules, or regulations:

- The use of any motorized vehicles is prohibited on all Spring Creek Association owned property including greenbelts.
- Major maintenance/repair of vehicles in the yard/driveway. Automobile repair shops are not allowed except in specifically zoned areas per County Zoning requirements.
- Mobile homes located on property for storage.
- Tires with or without wheels for fencing or roof weights.
- Overhead fuel storage containers
- Galvanized (silver color) roofing and siding.

**3. SPECIAL APPLICATIONS:** Applications for the following items must be placed on a COA meeting agenda for approval:

- Livestock/4H/FFA Projects
- Signs
- Property Boundary Line, Conditional Use, Zoning changes, and Variances.

**4. ACCESSORY STRUCTURES:** Accessory structures, including membrane structures, must be aesthetically pleasing to the property and require a permit from the SCA. Any structure over 200 SQ feet requires a permit from Elko County as well. Greenhouses over 32 SQ feet and of solid or membrane construction require a permit through the SCA. Extensive garden structures not taller than 4 feet at the highest point do not require a permit. Storage sheds/buildings are required to have a finished appearance, including appropriate trim elements. Sheds that have exterior surface treatments are acceptable as long as they are maintained and permitted through the SCA.

**5. ACCESSORY / AUXILIARY PLACEMENT / SETBACKS / NUMBER OF:**

**PART A:** No accessory/auxiliary structures are allowed in front of the house and accessory/auxiliary placement must adhere to property line setback requirements unless a variance is requested and approved by the COA.

**PART B:** Accessory/Auxiliary structures must have a setback of 15 feet from other structures on the property.

**PART C:** The number of accessory/auxiliary buildings can be limited by COA based on factors such as: plot/topographic map detail, acreage available, number of existing structures on property, livestock, pictures, or other limiting factors.

**6. METAL STORAGE CONTAINERS:** The use of semi-trailers, delivery boxes, prefabricated steel container boxes, "Conex" boxes, "Sea" containers and similar storage containers/boxes are not allowed as storage sheds or for permanent storage within SCA. (Effective 7/2024).

- 7. GUESTHOUSES:** No guesthouse can exceed 500 square feet and cannot contain any type of cooking facilities. (I.e., a stove or oven). This constitutes two (2) separate residences on a single residential lot which is not allowed in any Zoning description under County Zoning requirements. Guesthouses shall meet the same requirements as accessory structures. Guest houses or “Mother-In-Law” quarters are not to be rented.
- 8. OFF-STREET PARKING, GARAGES AND CARPORTS:** The following minimum requirements must be met for off-street parking and any garages or carports.
- Parking space requirements must be completed prior to occupancy.
  - Two (2) covered off-street parking spaces for any residence. All new home plans require a minimum 2 car garage.
  - Other structures (barns, shops, etc.) of equivalent size may be substituted if converting an existing garage to living space.
  - This regulation does not apply to lots zoned for manufactured (mobile) homes, Tract 201 and 202.
- 9. CULVERTS, ROADS, DRIVEWAYS AND ROW’S:** Minimum twelve (12) inch culvert is required for each vehicular access point to a SCA road. You must obtain a permit through the SCA COA. All items within the Right-of-Way permit must be met or the permit will be revoked. Please contact the COA Secretary at the SCA office for information about requirements.
- 10. RIGHT-OF-WAY STORAGE AND PARKING:** On-the-street parking, storage of property on the right-of-way or similar action is not allowed and will be reported to Elko County as an abandoned vehicle or abandoned property.
- 11. TRAVEL TRAILERS/MOTORHOMES:** Personal use of or renting a travel trailer or motorhome as a residence on any lot **is prohibited**. A visitor of a property owner who has a house on the property may temporarily stay in a travel trailer/ motorhome on the lot for a maximum of two (2) consecutive weeks without prior approval. If at any time an extended stay is expected, the property owner must obtain prior approval from the COA before a visitor can stay in a travel trailer/motorhome on a lot for longer than two (2) consecutive weeks. A travel trailer or motorhome may be used as a temporary living quarters on a newly developed lot ONLY during the construction timeframe and ONLY by the property owner and/or contractor.
- 12. INOPERATIVE / UNREGISTERED / UNLICENSED VEHICLES:** The storage of old, inoperative, unregistered and unlicensed vehicles is not allowed on SCA properties. Any of the following vehicles are not permissible to be stored on SCA lots:
1. Any vehicle which does not possess a current valid license plate and current registration sticker that is visible; lack of current valid license plate and without a current registration sticker, or an expired registration sticker upon viewing, shall be presumptive evidence that the vehicle is not in compliance with this rule and will result in a violation letter being sent.
  2. A vehicle which is in a wrecked, discarded, dismantled, abandoned condition and/or appears to be inoperative.
  3. Any vehicle that is in a condition, or appears to be in a condition, where it may not be used on public roadway.
- Vehicles which do not meet the requirements of this rule shall be stored out of sight from the public at all times, preferably in a permanent enclosed structure such as a shop or garage. If storage of a vehicle that does not meet the requirements of this rule is not in an enclosed structure, one (1) vehicle may be stored on the property and out of view of the public with a properly fitting vehicle-specific manufactured car cover which must be properly and continuously secured on the vehicle at all times. **Revised 12.9.24**
- 13. EXTERIOR CONDITION OF STRUCTURES:** All structures on any lot shall be maintained in a condition of reasonable repair as determined by the SCA COA.
- 14. TRASH CONTAINERS / TRASH ENCLOSURES:** Trashcans or trash containers cannot remain at the street longer than 12 hours before and after pick-up. Trash must ALWAYS be contained within the trashcan or container. The storage of trash and their containers, boxes, bags, open trailers; homemade or manufactured, empty or filled; or other items that shall in appearance detract from the aesthetic values of the property, shall be so placed and stored concealing it from view from all public right of ways. **2.8.21**
- 15. AUXILIARY OUTDOOR LIGHTING:** All outdoor lighting shall have a clear purpose and shall be subject to the following requirements: (1) No outdoor auxiliary light shall exceed twenty (20) feet if secondary to the primary resident structure. (2) No outdoor light shall be directed towards any neighboring properties, and the light should not extend beyond the owner's property line. (3) All outdoor lighting shall be directed downward or in a manner that does not trespass onto a neighboring property. (4) All outdoor lighting shall be shielded or limited so that it does not interfere or cause a nuisance to neighboring property owners (i.e. shining directly into neighbor's windows). (5) Any outdoor lighting that is excessively bright, in which the light causes a nuisance to any neighboring properties may be treated as a nuisance pursuant to these rules and regulations. **Revised 3.13.23**
- 16. FENCES AND WALLS:** Spring Creek Association is bordered by active ranching boundaries; therefore, the barbed wire fence

surrounding the Association is the property of the Association and cannot be cut or removed for any reason. Property owners who have a Spring Creek boundary fence bordering their property are responsible for its care and maintenance. Any Property owner who has an SCA boundary fence and the fence is cut or has been taken down could be subject to a fine if it is not repaired regardless of when it occurred.

Fences are identified separately as boundary fences and yard fences.

**Boundary Fences:**

- **Fences that follow the property line between neighboring properties or public land.**
- **Barbed wire fencing is not allowed except on properties bordering active ranching boundaries.**
- **Must not exceed: Six (6) feet in height.**
- **Shall not be raised by increasing the natural landscape unless the area adjusted runs the entire length of that side of the property line and the land that is being raised is a consistent width of 35' deep.**
- **Shall maintain a repeatable pattern preferably for the entire length of the property.**

**Yard Fences:**

- **Fences that are set back more than 20 ft. from the property line.**
- **May follow boundary fence regulations but may deviate in fence material.**
- **Must not exceed: Six (6) feet in height.**
- **Must maintain a repeatable pattern and aesthetic value from all property lines. Wood fencing needs to be maintained. No peeling paint is allowed, and fence needs to be stained regularly to maintain an attractive appearance. No pallet fencing is allowed. Fences and walls shall be maintained in a condition of reasonable repair; and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness through improper maintenance or neglect.**

Fences for gardens, dog runs and small farm animals that do not exceed a length of 50 ft. on one side do NOT need to be approved by the COA as long as they are not boundary or yard fences.

All fences will be approved by the COA prior to construction and a post inspection will be done once the fence is complete.

The following are needed for fence permits:

- Application
- Detailed drawing of how the fence will look.
- Plot plan showing where on the property fence will be placed.
- List of materials that will be used for the fence.

**17. WINDMILLS:** The construction of windmills falls under Electric Power in the DOR's. Windmills cannot exceed twenty (20) feet in height, nor can the windmill diameter exceed five (5) feet.

**18. AUXILIARY STRUCTURES:** All utility poles and other auxiliary structures are to be limited to twenty (20) feet in height with the exception of FCC licensed antennas that are placed or constructed on the property with the approval of the Committee of Architecture. All Commercial Utilities such as (i.e.) Power, Water, Telephone, Internet, or Television Cable will remain underground as of June 12, 2018. Ground mounted Solar Arrays are considered an auxiliary structure and require a permit prior to construction.

**19. EXCESSIVE BRUSH/WEEDS OR DEAD TREES/SHRUBS, NOXIOUS WEEDS:** All structures must have a minimum clearance of fifty (50) feet void of excessive weeds, brush materials. Weeds over 12" in height and all noxious weeds on any part of the property regardless of percentage covered are considered excessive. All noxious weeds shall be removed. Dead trees and/or shrubs are considered unsightly and shall be removed from the property. Noxious weeds shall be promptly removed from any lot, developed or undeveloped. The most common noxious weeds in this area are: Hoary Cress, several varieties of Thistle and Spotted Knapweed. A complete list can be found at: [http://agri.nv.gov/Plant/Noxious\\_Weeds/Noxious\\_Weeds\\_List/](http://agri.nv.gov/Plant/Noxious_Weeds/Noxious_Weeds_List/). **NRS 555.150 Control of noxious weeds by owner or occupant of land.** Every railroad, canal, ditch or water company, and every person owning, controlling or occupying lands in this State, and every county, incorporated city or district having the supervision and control over streets, alleys, lanes, rights-of-way, or other lands, shall control all weeds declared and designated as noxious as provided in [NRS 555.130](#) in any manner specified by and whenever required by the State Quarantine Officer.

**20. FAIRWAY EASEMENTS:** Fencing and/or structures are not permitted in the fairway easements. There shall be no landscaping of any type on the Fairway Easements without prior approval from the Spring Creek Association Greens Superintendent or authorized designee.

**21. RIGHT-OF-WAY STORAGE AND PARKING:** On-the-street parking, storage of property and/or vehicles parking in the right-of-way is strictly prohibited. Any violations of the rule shall be treated as a nuisance and shall be processed in accordance with Rule 25.

**22. RIGHT-OF-WAY EASEMENTS:** The easement area between the street and front or side property line of any lot that borders the road/street is the responsibility of the property owner to maintain. This area is to be kept clear of weeds/brush. These areas are designated utility easements; therefore, all lot owners must understand landscaping this area is at your own risk.



- 23. CHICKENS / DUCKS / GEESE / RABBITS:** These are considered “barnyard animals”. They are allowed in all tracts for personal use only. Roosters are allowed. They are not to be kept, bred, or maintained for commercial purposes and are not to be kept in quantities which create an annoyance or nuisance to the neighborhood. An example of these numbers is: Chickens – not in excess of 20 hens of layer age, there is no restriction on roosters, ducks/geese – not in excess of 5 females and 1 male, and rabbits not in excess of 4 does and 1 buck. Free ranging is allowed provided that all animals are contained to the limits of your own property so as not to become a nuisance to surrounding property owners. Chicken/Rabbit “hutches” or chicken “tractors” do not require a building permit; however, large, shed style structures, 32 square feet or larger and taller than 4 feet in height, used as “coops” or “shelters” DO require an SCA building permit. Chicken coops are to be of typical construction. Inoperative vehicles, camper trailers, or similar items are not allowed to be used as “Chicken Coops”.
- 24. LIVESTOCK / 4-H / FFA PROJECTS:** Split-Hoof Livestock and other livestock such as Llamas, Alpacas and Buffalo are permitted on most SCA lots with prior approval of a Livestock Permit Application from the COA. Livestock is NOT permitted in Tracts 106A, B, C or D surrounding the vicinity of the Golf Course. Permanent livestock placement must have a structure to house the animals and be properly fenced and must not be in front part of yard. The following are the setbacks that are considered for placement.
- 60 ft. from front property line, 20 ft. from side property line, 30 ft. from rear property line, 35 ft. from any permanent dwelling and 15 ft. from any other structures not intended for housing animals.
  - Temporary grazing is allowed for up to two weeks in most tracts if used for weeing control. Proper fencing is required at all times to enclose livestock.
  - Animals are available on a temporary basis on all portions of the property, including setbacks, for day use if properly fenced and must return to their main area at night.
- The COA has the discretion to vary from these rules as circumstances arise.**
- 25. DOMESTIC ANIMALS / DOGS / CATS:** Dogs and cats shall be kept within the limits of the property by means of an enclosure, suitable carrier/kennel, or fenced/enclosed yard so as to not become a nuisance. Dogs, cats, or other household pets may not be kept, bred, or maintained for commercial purposes and are not to be kept in quantities which create an annoyance or nuisance to the neighborhood, or which would interfere with the enjoyment, comfort, privacy, health, or safety of other property owners. Reports of any of the above will be considered a “Nuisance” and will be handled as stated under the “Nuisance” rule. It is against Elko County Code 7-2-6 to allow dogs to run at large, any loose dogs or cats are to be reported to Animal Control (775)777-7300, and then to SCA (775)753-6295.
- 26. NUISANCE:** Anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; or anything obnoxious to the health and welfare of the inhabitants of SCA; or any act or thing repugnant to or creating a hazard to or having a detrimental effect on the property of another person or to SCA shall be considered a nuisance especially between the hours of 10:00 pm and 7:00 am. Examples of nuisances include but are not limited to: loud and repeated noise, activities generating large amounts of dust such as excessive ATV activity, and excessive barking or howling of dogs. All Nuisance Complaints will be evaluated on a case-by-case basis. A complaint regarding such a nuisance may be made to the SCA COA by any person whose property is injuriously affected or whose personal enjoyment is lessened by the nuisance. When an alleged nuisance has been reported the COA shall then place the item on an agenda to determine whether the alleged nuisance constitutes an actual nuisance which should be abated. The Association DOES NOT get involved with any civil disputes or neighbor vs. neighbor issues, these issues are to be reported to the Elko County Sheriff via Dispatch at 777-7300.
- 27. REPETITIVE NUISANCE VIOLATIONS:** Repetitive violations of the same or similar conduct within a twelve (12) month period will be considered “Repetitive Nuisance Violations” and will be processed as a continuation of the original complaint. Should a matter appear three (3) times on a COA agenda within a twelve (12) month period for the same or similar conduct, the matter will automatically be referred to the BOD and requested to be referred to legal for injunctive relief.
- 28. USING A LOT/PARCEL FOR STORAGE:** Storage of personal property, equipment, trailers, vehicles, etc. is not allowed on any undeveloped lot, unless a shop, pole barn or similar storage building that has been approved by the Committee of Architecture is constructed for storing such items, so they are not visible from any public right of ways, or neighboring or adjacent property.
- 29. DOOR-TO-DOOR COMMERCIAL SOLICITATIONS:** Spring Creek Association prohibits door-to-door commercial solicitations of any kind, including sales, promotions, and general solicitations. This rule is not applicable to political, religious, and local fundraising organizations.
- 30. HOME OCCUPATION PERMIT:** Effective April 11, 2017, all home-based occupations within Spring Creek Association may apply for a permit with the Spring Creek Association office. Please refer to <http://www.springcreeknv.org/applications---permits.html> for a description of what is considered a Home Occupation, application, and a list of benefits for applying with SCA.

- 31. COMMERCIAL BUSINESS PERMIT:** Effective April 11, 2017, all commercial businesses within Spring Creek Association will be required to obtain a commercial business permit with the Spring Creek Association office. Please refer to <http://www.springcreeknv.org/applications---permits.html> for an application and fee schedule. All initial applications must be submitted to the COA Secretary for review and approval signatures, and thereafter, renewed annually by January 31<sup>st</sup> at the SCA Office. SCA will send out a reminder notice in December, however; it is the business owner's responsibility to renew the permit prior to January 31<sup>st</sup> each year. Failure to renew may result in penalties as indicated on the application form. Non-profit groups with proof of 501(c) status (ex: Girls Scouts, Boy Scouts, etc.) and garage sale not exceeding one (1) occurrence per quarter are excluded from these requirements.
- 32. WORK PERFORMED IN RIGHT-OF-WAYS:** Whether work in the right-of-ways is performed by a Licensed Contractor or an individual property owner, it is their responsibility to make sure the right-of-way or easement is left in good condition. Mud or debris will not be left to remain on the roadways, nor is parking on the road edge allowed. If reported to or reviewed by the COA that this has been done the following procedures will apply.
1. Courtesy Notice
    - a. Email with read receipt & send letter in mail giving 10 days to bring into compliance.
    - b. Document email and letter in file.
    - c. Date to fix and review with pictures.
    - d. If violation is not rectified within 10 working days the next step will be taken.
  2. Certified Letter
    - a. Pictures
    - b. Prior Communications
    - c. Fine Imposed
    - d. No more work until COA meeting.
    - f. Must define steps to mitigate in the future.
- \* Each individual property would be fined separately\***
- 33. EXPLICIT USE OF OHVs, ATVs, AND/OR MOTORCYCLES FOR RECREATIONAL PURPOSES WITHIN THE SPRING CREEK ASSOCIATION SPECIFIC TO HOMEOWNERS:** OHVs, ATVs and/or Motorcycles may be used for recreational purposes on a homeowner's property. The developing, building or construction of dirt mounds, hills, jumps or ramps or creating a track for the explicit use of riding OHVs, ATVs, and/or Motorcycles, are restricted to the rear of the house. Developed riding areas are **NOT** allowed in front or on the sides of houses. Placement must adhere to all property line setback requirements designated for their tract, lot, and block. Riding areas must have a setback of 15 feet from other structures on the property. Property owners will be held liable for any fire or other damages and/or costs, as a result, of developed riding areas. Property owners are required to mitigate dust and noise which create an annoyance or nuisance. Property owners are subject to nuisance complaints.
- 34. SIGNS, ADVERTISING, BANNERS, AND FLAGS:** The displaying of any sign, advertising structure, billboard, banner, or flag shall comply with the following:
1. No sign or advertising structure shall be erected or allowed to remain on any lots improved or unimproved except as expressly provided in the "Uses Permitted" paragraph of the Declaration of Reservations applicable to the particular type of land use area involved and approved by the Committee of Architecture.
  2. No sign or nameplate for a residence shall exceed three (3) square feet in size.
  3. Anything which is injurious to health, impedes traffic, contains offensive, indecent, or vulgar language, or obstruction to the free use of property is prohibited.
  4. Posting of signs, advertising, banners, or flags are not allowed in the Right-of-Ways or easements.
  5. United States Flags are permissible on all properties.
  6. Political Signs: Property owners have the right to exhibit political signs in certain areas with conditions and limitation on exercising of those rights.
    - a. All political signs exhibited must not be larger than 24 inches by 36 inches.
    - b. All political signs exhibited are subject to any applicable provisions of law governing the posting of political signs. (Including the length of time the sign can be posted.)
- 35. HOME OCCUPATION(s):** A Home Occupation(s) is a use other wise allowable by law which is incidental to the primary residential purpose, and which does not change the residential character of the premises. A Home Occupation Permit application must be approved by the Committee of Architecture.

**WORKING FROM HOME:** A resident of a home who is working from home for a third-party employer, or self-employed, which tasks generally involved utilizing a computer, telephone and/or other similar devices, with no foot traffic from customers/clients shall not be considered a home occupation and shall not require a home occupation permit.

**CHARACTERISTICS OF A HOME OCCUPATION:** A home occupation generally has the following characteristics:

No sign or advertising structure shall be erected or allowed to remain on any lots improved or unimproved except as

1. The home occupation is conducted in the home or an auxiliary structure on the premises.

2. At least one permanent resident of the home is working at the home occupation and no more than three (3) nonresidential employees are working at the home occupation at any given time.
3. The home occupation does not generate pedestrian or vehicular traffic greater than that normally found in the area and does not cause excessive noise, odor, dust, or smoke on a continuous basis.
4. Is not a use that is permissible in a Commercial Zoning Designation or as a Conditional Use for the zoning district for which the premises is located as defined by the Spring Creek Association Declaration of Reservations. **8.8.21**

**36. SNOW REMOVAL:** Pushing, plowing, or blowing snow into or across the roadway at any property is strictly prohibited. Any violations of the rule shall be treated as a nuisance and shall be processed in accordance with Rule 25.

**37. DEER RULE:** Intentional feeding big game animals is prohibited within Spring Creek Association boundaries. Intentional feeding includes but is not limited to: placing, exposing, depositing, distributing, or scattering any food products to attract big game mammals. Any violations of the rule shall be treated as a nuisance and shall be processed in accordance with Rule 25.

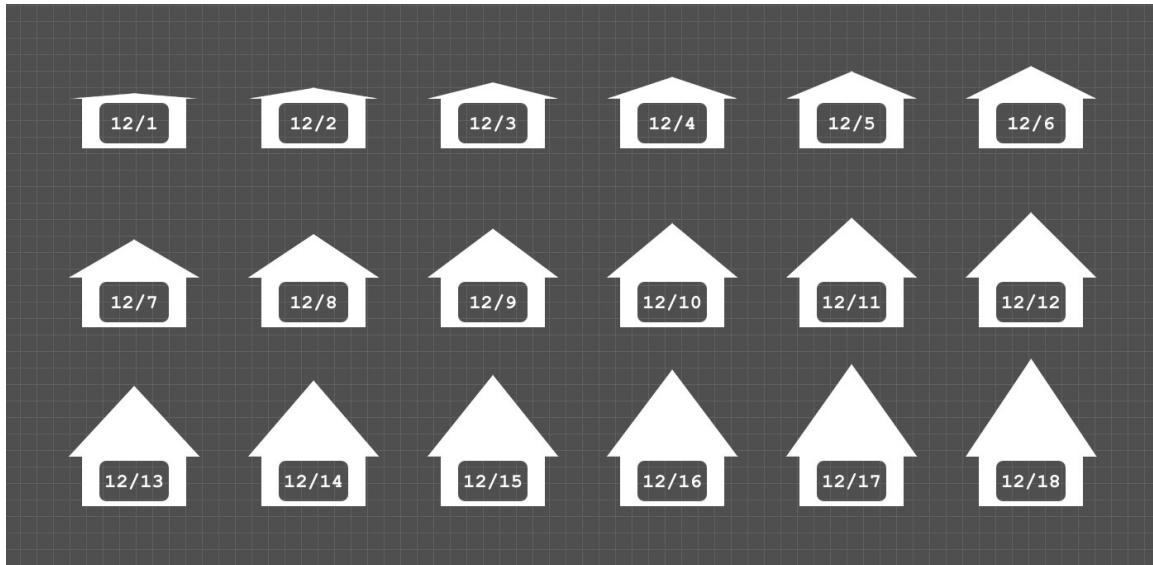
**38. VEHICLES AS YARD ART:** Disabled motor vehicles, or parts thereof, may be utilized as “yard art” so long as they have permanent placement as landscape plan, including but not limited to: plants or flowers planted in or around the vehicle; affixed to a tree or planter, or otherwise placed to be in line with the overall landscape plan of a property and not just dumped in a yard. If a disabled or non-moveable vehicle is placed in a yard without aesthetic or artistic plan, it can be reported as tools and trash pursuant to Rule #5.

**39. SHORT TERM RENTALS:** Short term rentals of a dwelling of any type (including but not limited to: houses, apartments, rooms), defined as rentals of any period of time less than thirty (30) days, shall be prohibited unless in a properly zoned area or with an approved conditional use permit.

## **MODULAR HOME REQUIREMENTS**

**EFFECTIVE ON SEPTEMBER 13, 2016** – Spring Creek Association will NO LONGER issue permits for Modular/Manufactured homes to be placed in any tract other than Tract 200. Modular/Manufactured homes must follow these requirements.

1. **ROOF PITCH:** A modular home must have no less than a 5:12 roof pitch so as to have the appearance of an aesthetically acceptable stick-built home.



2. **DIMINISH MARRIAGE SEAM:** A modular home must be of such a design as to diminish the visible aspect of a parting (marriage) seam, so as to have the appearance of an aesthetically acceptable stick-built home.
3. **NEVADA STATE STAMP:** The original Nevada State Stamp (UBC/IRC “wet” stamp) is required on all modular house plans prior to the COA approval.
4. **PERMENANT FOUNDATION REQUIRED:** A modular home must be placed on a permanent foundation, meeting Elko County Building Code, for such structures. Further, axles, wheels, or other impediments used in the delivery of the modular home, must be removed from the property at the time the units are installed.
5. **EXTERIOR OF HOME:** The finished exterior of the modular home must have the appearance of an aesthetically acceptable stick-built home.
6. **TIMELINE TO PLACE HOME ON FOUNDATION:** The arrival of a modular home will not be permitted until the foundation is ready to accept the home. Thirty (30) working days will be allowed to place the home on the foundation.

## **MANUFACTURED HOME REQUIREMENTS**

1. **REMOVAL OF EXISTING HOME:** The existing home must be removed from the property within thirty (30) days of set up of the replacement home.
2. **SKIRTING:** Manufactured homes must be skirted within thirty (30) days of set up. Skirting materials of a manufactured mobile home must be durable or in an appearance compatible with the manufactured home.
3. **AGE OF MANUFACTURED HOME:** The maximum age of a manufactured home to be placed on a Spring Creek Association lot is 10 years. In order for the COA to consider a variance to the ten (10) year rule, the applicant must provide a statement from a licensed professional (i.e realtor or a contractor) stating that the “effective age” due to exterior improvements is less than ten (10) years, and at least four (4) current dated photos of the exterior of the home from all sides. The manufactured home must have been built to H.U.D. Code Specifications which were implemented in June of 1976. A manufactured home must also meet all other appearance guidelines of the COA.

## **GUIDE FOR PLAN APPROVAL**

- \_\_\_\_\_ Dimensions of house, manufactured or modular home, accessory buildings, fences, etc.
- \_\_\_\_\_ Front, side, and rear setbacks of all structures from property lines.
- \_\_\_\_\_ Septic tank and leach field location.
- \_\_\_\_\_ Water meter location.
- \_\_\_\_\_ Underground power and telephone location.
- \_\_\_\_\_ Name, mailing address, phone number, and signature of property owner.
- \_\_\_\_\_ Name, mailing address and phone number of contractor.
- \_\_\_\_\_ Legal descriptions (tract, block, and lot numbers) and street address of lot. This information can be obtained from the SCA office.
- \_\_\_\_\_ Manufactured homes – four (4) current dated photographs of front, sides, and rear of home to be placed on lot.
- \_\_\_\_\_ Manufactured homes - Verification that home is NOT OVER ten (10) years old.
- \_\_\_\_\_ Elevations, showing height, width, and length of all sides of the structure.
- \_\_\_\_\_ Type of construction (wood frame, log, steel, etc.). Also include finish appearance (stained, painted, color for approval of accessory structures to match home, etc.)
- \_\_\_\_\_ No landscaping of any type on the Fairway Easements without prior approval from the SCA Greens Superintendent.
- \_\_\_\_\_ Fees: As per posted fee schedule.

### **COA PROCEDURE FOR APPLYING FOR VARIANCES, ZONE CHANGES, CONDITIONAL USE PERMITS OR BOUNDARY LINE ADJUSTMENTS**

- 1. APPLICATION PROCESS:** A completed application must be submitted to the COA at least thirty (30) days prior to the meeting at which the request will be heard. The property owner and/or his/her agent, with a notarized “Affidavit of Representation”, will be required to attend the meeting to answer questions. The application shall include detailed plans and specifications of the proposed construction and the reason behind the need for the change. The COA shall require a fee based on the posted fee schedule.
- 2. NOTICE REQUIRED:** In the event the COA determines that any other property owners will be affected by the requested exception or variance the COA shall:
  - Notify all surrounding property owners stating the applicant’s request for exception or variance, giving those ten (10) days within which to report their opinion of the proposed exception or variance.
  - At the COA’s meeting at which the request is to be acted upon the COA shall hear all interested -property owners and/or their agents, with a notarized “Affidavit of Representation”, prior to deciding on the request for exception or variance.
- 3. DISCRETION OF COA:** The COA, in each instance, will determine whether or not the request is necessary or would in any way detract from the appearance of the vicinity.
- 4. ZONING CONSIDERATION:** In making any decision to grant or deny a change of zoning the COA shall be guided by the following factors:
  - Whether the zoning sought is consistent without the comprehensive zoning plan or is inconsistent with uses to which the rest of the district is zoned.
  - Whether the change appears to be for the public good or for the sole benefit of the private interest of the property owner without regard to the community welfare.

## 5. APPEALS OF COA DECISIONS:

Pursuant to COA decisions regarding Boundary Line Adjustments, Zoning Changes, Variances or Conditional Use Applications, Nuisance Violations or Home Occupations:

- Any member of Spring Creek Association aggrieved by a decision made regarding any of the above stated decisions by the Spring Creek Association Committee of Architecture may appeal the decision within thirty (30) days of the date the Committee of Architecture made its final decision, to the Board of Directors of the Spring Creek Association, unless the subject of the appeal is a direct violation of the SCA DOR's or the COA Rules and Regulations.
- The Notice of Appeal shall be filed with the Corporate Secretary of Spring Creek Association.
- The Notice of Appeal shall be in writing and shall specify the grounds for the appeal.
- A **non-refundable fee of \$250.00 will be due and payable** at the time the appeal is filed.
- Forms shall be available at the Spring Creek Association office.

### COA SPRING CREEK LOT ZONING BY TRACT

TRACT	# OF LOTS	ZONING
101	276	Parcels A thru C are zoned "OS". All other lots are zoned "AR".
101A	70	Parcels A and B are zoned "OS". All other lots are zoned "AR".
102	309	Lots 28 thru 30 inclusive and Lot 80 of Block 10; Lots 28 thru 30 inclusive of Block 12 are zoned "C2". Lots 31 thru 40 inclusive of Block 10, Lots 14 thru 27 of Block 12, Lots 17 thru 24 inclusive of Block 13 are zoned "R2". Parcels A thru D are zoned "OS". Remaining lots are zoned "AR".
103	319	Parcels A thru D are zoned "OS". Lot 33 of Block 3 zoned "C-1" ( <i>app. 10/2011</i> ) all other Lots are zoned "AR".
104	60	Parcel A is zoned "OS". All other lots are zoned "AR".
105	78	Parcel A is zoned "OS". All other lots are zoned "AR".
106A	240	Lots 5 thru 10 inclusive of Block 2 are zoned "C2". Lots 2 thru 13 inclusive of Block 1; Lots 1 thru 4 inclusive, Lots 11 thru 15 inclusive, and Lots 35 thru 51 inclusive in Block 2; and Lot 1 thru 5 inclusive of Block 5 are zoned "R2". Lots 52 thru 67 inclusive of Block 2; Lots 5 thru 16 of Block 4 and Lots 20 thru 49 inclusive of Block 5 are zoned "R1-2". Remaining lots are zoned "AR". Parcels A thru D inclusive are zoned "OS". <b><u>No horses or stock animals are allowed in this tract.</u></b>
106B	282	Parcel A thru I are zoned "OS". All other lots are zoned "AR". <b><u>No horses or stock animals are allowed in this tract.</u></b>
106C	109	Lots 1 thru 6 inclusive of Block 1 are zoned "R2". All other lots are zoned "AR". <b><u>No horses or stock animals are allowed in this tract.</u></b>
106D	42	Lots 1 thru 31 inclusive of Block 1 are zoned "C1". Lot 2 of Block 2 is zoned "C2" ( <i>app. 02/2010</i> ). Lot 3 inclusive of Block 2 and Lot 2 of Block 4 are zoned "C3". Lots 1 of Block 5 is zoned "R2". All other lots are zoned "C2". Parcels A, C, and D are zoned "OS". Parcel B is zoned "Common Commercial Area". <b><u>No horses or stock animals are allowed in this tract.</u></b>
107	99	All lots are zoned "AR".
107A	11	All lots are zoned "AR".
109	139	Parcels A thru T are zoned "OS". All other lots are zoned "AR".
		Lots 1 thru 5 inclusive of Block 6, Lots 1, 2 and 5 inclusive of Block 8 and Lots 1 thru 12, inclusive of Block

201	312	4 are zoned “C2”(app. 03/1980-2006). Lots 3 and 4 of Block 8 are “C1” (app. 06/1988). Remaining lots are zoned “AR”. Parcels A thru F are zoned “OS”.
202	1157	Parcels A thru BB are zoned “OS”. All other lots are zoned “AR”.
301	120	Parcels A and B and Lot 1 Block 1 are zoned “OS”. All other lots are zoned “AR”.
303	34	Parcels A thru C are zoned “OS”. All other lots are zoned “AR”.
304	215	Parcels A thru F are zoned “OS”, except for Parcel D which is zoned “A”. All other lots are zoned “AR”.
305	28	All lots are zoned “AR”.
401	522	Parcels A thru N are zoned “OS”. All other lots are zoned “AR”.
402	568	Parcels A thru T are zoned “OS”. All other lots are zoned “AR”.
403	430	Parcels A thru R and Parcels T thru Z, and Parcels AA thru EE are zoned “OS”. Lots 1 thru 5 inclusive of Block 18 and Lots 7 thru 11 inclusive of Block 25 are zoned “C2”. All other lots are zoned “AR”. Parcel S is zoned “AA”.
		A = Agricultural Recreational
		AR = Agricultural Residential
		R1-2 = One Family/Two Family Residence District
		R2 = Multiple Residential District
		C1 = General Commercial and Retail, Group 1
		C2 = Highway Services & Commercial, Group 2
		C3 = Administrative-Professional Offices, Group 3
		OS = Open Space