



# COMMITTEE OF ARCHITECTURE

## RULES AND REGULATIONS

COA ADOPTED – January 13, 2015

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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 DOR's/COA Rules and Regulations by educating property owners, public officials, and local real estate brokers of the requirements. However, the burden is upon the property owners to know and understand the applicable rules and regulations governing the COA.
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 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 and/or COA Rules and Regulations, 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 fifteen (15) calendar days within which to correct the violation(s) or contact the SCA COA Secretary to make make arrangements to correct the violation(s) to correct the violations
  - If the property continues to be in violation after the fifteen (15) calendar days expires, then a 2<sup>nd</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 make arrangements to correct the violations.
  - If the property continues to be in violation when the ten (10) calendar days expires then a 3<sup>rd</sup> letter will be sent **via both certified and First Class mail** with a set limit of five (5) calendar days within which to correct the violation(s) or contact the SCA COA Secretary to make arrangements to correct the violations.
  - If the property remains in violation at the conclusion of the five (5) days, it will be placed on the COA's next regular meeting agenda for further consideration or referral to the BOD.

## 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 a third (3<sup>rd</sup>) 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:

- Construction and use of motorcycle and/or ATV racing tracks **is prohibited**.
- The use of all unauthorized motorized vehicles is prohibited on all Spring Creek Association owned property
- Mobile homes or Mobile Offices 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. **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, and Zoning changes, or Variances.

4. **ACCESSORY STRUCTURES**: Accessory structures, including membrane structures, must be similar in color to the existing residence on the property. Exterior trim elements are required so that the structure appears finished.

5. **METAL STORAGE CONTAINERS**: Storage use of semi-trailers, with axles removed, delivery boxes, and pre-fabricated steel container boxes, such as Con-ex vans and sea vans to be considered for approval by the COA shall meet the same requirements as accessory structures.

6. **GUESTHOUSES**: No guesthouse can exceed 500 square feet and cannot contain any type of cooking facilities. Guesthouses shall meet the same requirements as accessory structures.

7. **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. Garage plans must accompany the house plans.
- Two (2) covered off-street parking spaces for any residence.
- Other structures (barns, shops, etc.) of equivalent size may be substituted.
- This regulation does not apply to lots zoned for manufactured (mobile) homes, Tract 201 and 202.

**Note: In the 100, 300, and 400 tracts, all new construction must have a two (2) car garage (attached or detached) as primary parking.**

8. **CULVERTS**: Minimum twelve (12) inch culvert is required for lot development.

9. **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.

10. **TRAVEL TRAILERS/MOTORHOMES**: Residency/living in a travel trailer on any lot **is prohibited**. A visitor of a property owner may temporarily stay in a travel trailer/motorhome/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.

**11. INOPERATIVE VEHICLES:** All unlicensed vehicles are considered as inoperative. The following minimum requirements must be met:

- One (1) inoperative vehicle is allowed, providing that it is kept out-of-sight from all public rights-of-way; or
- If the inoperative vehicle can be seen from public rights-of-way, it must be covered with a manufactured vehicle cover.

**12. EXTERIOR CONDITION OF STRUCTURES:** All structures on any lot shall be maintained in a condition of reasonable repair.

**13. TRASH CONTAINERS/TRASH ENCLOSURES:** Trash containers cannot remain at the street longer than 12 hours before and after pick-up. Trash enclosures at the front of the property are permitted providing they are of sound construction and aesthetically appealing.

**14. OUTDOOR LIGHTING:** Outdoor lighting comes under the jurisdiction of auxiliary structures with a twenty (20) feet height limitation and without being a nuisance to the neighboring residents.

**15. FENCES AND WALLS:** A fence or wall must:

- Be approved by the COA prior to construction; and,
- Meet the following conditions and restrictions:
  - **Must not exceed:** Six (6) feet in height.
  - **No pallet fencing is allowed.**
  - **No barbed wire fencing is allowed except on properties bordering active ranching boundaries.**
- Fences and walls shall be maintained in a condition of reasonable repair.

**16. 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.

**17. AUXILIARY STRUCTURES:** Telephone poles and auxiliary structures are to be limited to twenty (20) feet high with the exception of FCC licensed antennas.

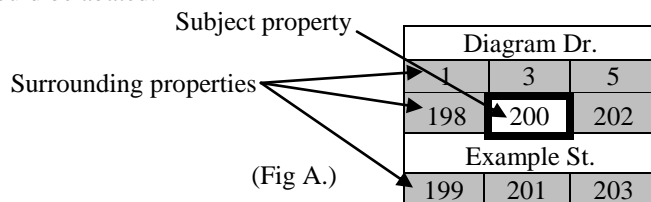
**18. EXCESSIVE BRUSH/WEEDS OR DEAD TREES/SHRUBS:** All structures should have a minimum clearance of thirty (30) feet void of excessive weeds, brush materials. Dead trees and/or shrubs are considered unsightly and shall be removed from the property.

**19. FAIRWAY EASEMENTS:** There shall be no landscaping of any type on the Fairway Easements without prior approval of the Spring Creek Association Greens Superintendent or authorized designee.

**20. CHICKENS:** The raising of chickens is permitted for personal use only.

**21. LIVESTOCK/4-H/FFA PROJECTS:** Livestock and exotic animals are permitted on an SCA lot with prior approval from the COA except in Tracts 106A, B, C or D.

**22. 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. Nuisance Complaints or Violations 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 by three (3) or more surrounding SCA property owners (see Fig. A) the COA shall then place the item on an agenda to determine whether the alleged nuisance constitutes an actual nuisance which should be abated.



**23. REPETITIVE NUISANCE VIOLATIONS:** Repetitive nuisance violations of the same or similar conduct will be considered as a continuation of the original complaint and will be processed as such. 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.

### **MODULAR HOME REQUIREMENTS**

*Note: In the 100, 300, and 400 tracts, all new construction must have a two (2) car garage (attached or detached) as primary parking.*

1. **DIMINISH MARRIAGE SEAM:** A modular home shall be of such a design as to diminish the visible aspect of a parting (marriage) seam, so as not to have the appearance of a manufactured (mobile) home.
2. **NEVADA STATE STAMP:** The **original** Nevada State Stamp (UBC/IRC “wet” stamp) is required on all modular house plans prior to the COA approval.
3. **PERMENANT FOUNDATION REQUIRED:** A modular home shall 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, shall be removed from the property at the time the units are installed.
4. **EXTERIOR OF HOME:** The finished exterior of the modular home must have the appearance of an aesthetically acceptable stick-built house.
5. **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 making a determination 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.

**Pursuant to COA decisions regarding Boundary Line Adjustment, Zoning Change, Variance or Conditional Use Applications:**

**5. APPEALS OF COA DECISIONS:**

- If a property owner feels they have not received a fair decision with the COA and wishes to appeal the decision they have the right to appeal to the BOD within thirty (thirty (30)) days of the COA's decision, 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 SCA. The notice of appeal shall be in writing and shall specify the grounds for the appeal.



**COA SPRING CREEK LOT ZONING BY TRACT**

<b>TRACT</b>	<b># OF LOTS</b>	<b>ZONING</b>
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". <b>All other lots</b> 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". No horses or stock animals are allowed in this tract.
106B	282	Parcel A thru I are zoned "OS". All other lots are zoned "AR". No horses or stock animals are allowed in this tract.
106C	109	Lots 1 thru 6 inclusive of Block 1 are zoned "R2". All other lots are zoned "AR". No horses or stock animals are allowed in this tract.
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".
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".
201	312	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 4 are zoned "C2"( <i>app. 03/1980-2006</i> ). Lots 3 and 4 of Block 8 are "C1" ( <i>app. 06/1988</i> ). 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