



All homeowner-owned recreational vehicles such as trailers, motor homes, campers, boats, canoes, golf carts, four-wheelers, motorcycles and bicycles must be parked within a garage. Maximum size restriction for garage doors may preclude storage/parking of larger recreational vehicles within The Settings.

Future modifications to houses must retain garage capacity for at least two automobiles.

ISSUE #1

13. Driveways

Driveways are an extended feature of the house site and should blend naturally with their surroundings. Owners/Builders are required to install a finished driveway from the street edge to the garage of each house.

Driveways should not be the prevailing feature of the site and should not cover more than 20% of the front lot area of the house site. The “front area” is defined as the area between the side lot lines, the inside of any curbs, and the front of the house as noted by the closest point of the house to the street. Driveways, or portions thereof, that are proposed for any area outside of the building side setbacks, must have variance approval. Consideration may be given for the use of paved “tire tracks” with driveways in the side setbacks or to minimize the amount of paved area.

On lots that have a sidewalk, the minimum distance from the back side of the sidewalk to the garage door is 20 feet to allow for a vehicle to park without blocking the sidewalk, subject to need for and/or approval of setback variance. Sidewalks are not to be removed or altered, and if damaged during construction, shall be replaced by the Builder.

Materials used on each specific house site must have prior DRB approval. Driveways may be paved with concrete pavers, intrinsically stained concrete, concrete that has been etched and stained, or exposed aggregate. On lots that have a sidewalk, the driveway and any walkways are permitted to have unstained concrete between the outside edge of the curbing and the sidewalk. From the sidewalk to the garage, the above stated guidelines apply.

Permeable materials may be required for instances where the driveway area extends into the building setbacks, covers more than 20% of the area in front of the house, or is otherwise required by the Town. **Asphalt paving is only allowed on Estate or Grand Estate house sites and is not permitted on Cottage and Park Setting sites.**

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 13 (p. 27): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

Driveways Driveways are an extended feature of the house site and should blend naturally with their surroundings. Owners/Builders are required to install a finished driveway from the street edge to the garage of each house. Driveways should not be the prevailing feature of the site and should not cover more than 20% of the front lot area of the house site. The “front area” is defined as the area between the side lot lines, the inside of any curbs, and the front of the house as noted by the closest point of the house to the street. Dri

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).