

Covenants vs Zoning Ordinances

Covenants differ from zoning ordinances in that they are between private parties rather than between a governmental entity and a private party. Thus, a neighborhood association or single homeowner may enforce a covenant, rather than a city or county enforcing a zoning ordinance against a private citizen. Another difference is that zoning ordinances are regulations recorded as local laws “on the books,” whereas covenants are recorded in private deeds, either as deed restrictions or as neighborhood compacts between private parties. Because covenants are voluntary, they are not enforceable by the governmental entity and may be more restrictive than that governmental entities zoning ordinances.

Common examples of covenants can include standards and guidelines for:

- The design and location of dwellings and garages.
- The location and width of driveways.
- The manner in which a dwelling connects with and relates to the street such as requiring dwelling design to relate well to the road.
- Minimum architectural / building quality standards, including prescribing certain building materials.
- Prohibition on all fences or specific types of fencing.
- The height and location of front fences.
- The time within which construction is to be completed.

Other typical covenant restrictions relate more to the land and can include:

- The preservation of vegetation and streams.
- The development of on-site storm water detention and its continued maintenance.
- To keep grass cut to a specified length.
- Control vegetation height in order to preserve a particular view shaft.
- Prohibit the planting of non-native species.
- Limit the number of pets which the owner can keep on the property.