



## REGULATIONS GOVERNING THE ERECTION OF FENCES IN COVE POINT BEACH

### BACKGROUND:

All deeds to lots in the Cove Point Beach subdivision are subject to the following covenant, which runs with the land (i.e., with every resale of the property):

**“No fence...shall be placed upon any part of the premises without the consent in writing of the parties of the first part, their heirs or assigns.”**

The purpose of this covenant is to protect property values, and to support every property owner's equitable enjoyment of his/her property. The right to enforce this covenant was assigned to the Cove Point Beach Association, Inc. (CPBA) by the original grantors in 1962.

The CPBA Board has adopted the following regulations, approved by the Membership, at its May 22, 2021 meeting, for approval of proposed fences (both new and replacement) on lots within the community. In addition to requesting CPBA approval pursuant to these regulations, the CPBA encourages members to speak to their neighbors regarding any proposed fence to be erected on or close to a mutual property line prior to submitting a proposal to the CPBA Board for consideration.

### DEFINITIONS:

**Ornamental Fence:** Split Rail, Rail Fence, Picket Fence, etc. and less than or equal to 42 inches high are considered ornamental. Chain Link and Privacy Fences are not considered ornamental.

**Non-ornamental Fences:** Any fence over 42 inches in height and any type of fence not considered ornamental per above definition.

**Privacy Fence:** A fence constructed such that visibility through it is virtually impossible (i.e., Silhouette area is greater than 75%).

**Silhouette Area:** That surface area of a fence that is not transparent:

$$\% \text{ Silhouette Area} = \frac{\text{Non visible vertical area of fence} \times 100}{\text{Total vertical plane area of fence}}$$

**Front Side of the Lot:** That side which borders on the street where the house main/formal entrance faces.

**Back of a Lot:** The side opposite the front.

**Side of a Lot:** The side of the lot between the back and the front.

**GENERAL RULES:**

1. Permission for the erection of new and or replacement fence in critical areas (such as Cove Point Beach) is subject to Calvert County Critical Area Rules and requires consultation with and permission from Calvert County Planning and Zoning Department (Critical Areas).
2. Fences shall not be higher than 6 feet tall.
3. Fences shall not be placed in the road right-of-way nor should they impede the view of drivers transiting the road.
4. When erecting fences on the front side of the lot:
  - a. Non-ornamental fences shall not be placed between the front most portion of the main structure and the right of way; and
  - b. In cases where the main structure is not the front most building, non-ornamental fences shall not be placed in that area immediately between the front of the forward building and the street.
5. When erecting a fence on the back and side of the lot, the General Rules apply.
6. For lots bordering on the community-owned beach, privacy style fences (or any fence consisting of greater than 15% silhouette area) shall not be erected between the main structure and the CPBA property line. In situations where the CPBA property line is more than 50 feet from the main structure, a privacy style fence shall not be erected within 50 feet of the CPBA property line. This is to ensure sightly views from the water and adjacent home sites.
7. Privacy fences shall be erected so the least attractive side of the fence faces the fence owner (i.e., the "ugly side" shall face the owner and the "pretty side" face out to the neighbor or side street).

## **REQUESTS FOR BOARD CONSIDERATION AND APPROVAL:**

Property owners desiring to erect a fence on their property are required to submit the following at least 30 days prior to the erection date:

1. Copy of property plat or survey, showing existing structures on the property, and where the proposed fence is to be erected.
2. Type of fence design, height, color, and material to be used.
3. Whether property owner has discussed the proposed fence with:
  - a. Adjacent neighbors; or
  - b. Other property owners whose light, air or view may be adversely affected; and
  - c. Whether any points of contention exist regarding the proposed fence.

This required information shall be submitted by email to: [president@covepointbeach.com](mailto:president@covepointbeach.com) or regular mail to: President, CPBA, P. O. Box 454, Lusby, MD 20657. A timely review will be conducted and a written response will be provided.

**Written CPBA Board approval is required before a homeowner's proposal is submitted for approval by Calvert County Planning and Zoning.**