

<b>Task # 1</b>
<b>Overall Task Subject: Restrictive Covenants</b>
<b>Purpose of this part of task: Require applicants/owners to sign restrictive covenants affidavit(s) before applying for any permits in compliance with State law.</b>

**Text Recognition:**  
~~deleted text~~ = deleted text  
***Substituted/added text is bold italics***

**ARTICLE 1.9 CONFLICTING PROVISIONS**

**§1.9.3 CONFLICT WITH PRIVATE EASEMENTS, AGREEMENTS OR COVENANTS**

This Ordinance is not intended to abrogate, annul, or otherwise interfere with any private easement, agreement, covenant, restriction or other private legal relationship. The County is responsible for enforcing this Ordinance; it does not enforce private agreements, easements, covenants or restrictions to which the County is not a party. ***Restrictive covenants affidavit(s) shall be signed by the applicant or current property owner(s) for all permit applications including but not limited to zoning variance applications, applications for rezonings, special exception applications, site plan review applications, subdivision applications and home occupation permits in compliance with State law, Section 6-29-1145 that states:***

***(A) In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.***

***(B) If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:***

- (1) in the application for the permit;***
- (2) from materials or information submitted by the person or persons requesting the permit; or***
- (3) from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.***

***(C) As used in this section:***

- (1) 'actual notice' is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;***
- (2) 'permit' does not mean an authorization to build or place a structure on a tract or parcel of land; and***
- (3) 'restrictive covenant' does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land."***