**Permit Application: Restrictive Covenants Affidavit**

**A logo with a bird and plants

Description automatically generated**

Town of Kiawah Island Municipal Center

Planning Department

4475 Betsy Kerrison Parkway

Kiawah Island, SC 29455

Phone 843-768-9166

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**Town of Kiawah Island**

**I, , have reviewed the Restrictive Covenants applicable to Parcel Identification Number(s) , located**

**[Print]**

**at (address) , and the proposed permit application is not contrary to, does not conflict with, and is not prohibited by any of the restrictive covenants, as specified in South Carolina Code of Laws, Section 6-29-1145.**



[**Signature] [Date]**



**[Print Name]**

***Explanation:***

*Effective July 1, 2007, South Carolina Code of Laws Section 6-29-1145 requires local governments to inquire in the permit application, or in written instructions provided to the applicant, if a tract or parcel of land is restricted by a recorded covenant that is contrary to, conflicts with or prohibits an activity for which a permit is being sought.*

*[Section 6-29-1145 is copied on the back of this page].*

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[Received By] [Date] [Application #]

**Section 6-29-1145**

1. “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.
2. If a local planning agency has actual notice of a restrictive covenant or 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.

1. 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.”