

## **To our friends involved in Zoning, Title and Survey:**

You may have heard that the existing 2011 ALTA/ACSM Land Title Surveys requirements are now being updated, with a new effective date of February 23, 2016. These Requirements supersede all previous versions of the ALTA standards, and all Surveys issued after February 23rd must adhere to these new standards.

To highlight the effect on Municipal Zoning Due Diligence, let's look at the 2011 and the 2016 versions and see how they can affect you, as the client or as counsel to the borrower or lender:

### **2011 Optional Survey Specification–Table A**

6. \_\_\_\_\_ (a) Current zoning classification, as provided by the insurer.

\_\_\_\_\_ (b) Current zoning classification and building setback requirements, height and floor space area restrictions as set forth in that classification, as provided by the insurer. If none, so state.

The Title Company was required to provide zoning information to the Surveyor, usually by way of other parties (often PZR) for both 6a and 6b. The Surveyor was only required to place the information on the Survey, but not certify to any compliance, nor plot any zoning setbacks.

### **2016 Optional Survey Specification–Table A**

6. \_\_\_\_\_ (a) If set forth in a zoning report or letter provided to the surveyor by the client, list the current zoning classification, setback requirements, the height and floor space area restrictions, and parking requirements. Identify the date and source of the report or letter.

\_\_\_\_\_ (b) If the zoning setback requirements are set forth in a zoning report or letter provided to the surveyor by the client, and if those requirements do not require an interpretation by the surveyor, graphically depict the building setback requirements. Identify the date and source of the report or letter.

Quite a change! Now an actual zoning report or letter (think PZR Report or Title Insurer Packet) will be required to be provided to the Surveyor to complete their Survey. As a practical matter, this may change the typical sequence of ordering Surveys and PZR Reports, as they would need to be ordered simultaneously in order for the (draft) Survey to be available to PZR for review and to complete the PZR Report, and then the Report to be provided back to the Surveyor for placement on the Survey in order to make it Final.

To assist the Surveyor as to Item 6b, the PZR Report notes the placement for building setbacks and removes the need for an interpretation by the Survey. The Surveyor can plot the building setbacks and then make note of the date and source of the municipal zoning information they relied on.

There are significant other changes to the 2016 Standards that affect Title and Survey. Click on the following link to view the [2011 and 2016 Standards](#), as well as a memo describing the changes.

If you have any questions or comments, please contact us at 1-800-344-2944 or visit our website at [www.pzr.com](http://www.pzr.com)

Thanks!

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