

ISSUING GUIDELINES

ALTA Endorsement: 3.1-06 (Zoning Completed Structure)

Explanation:

This endorsement to the Loan or Owner's Policy is designed for issuance on improved property. Like the ALTA Endorsement Form 3, this Endorsement insures:

- (1) the zoning classification, and
- (2) authorized uses under that classification.

In addition, this Endorsement insures against a final court order prohibiting the present structure, and requiring removal or alteration of the present structure, because of violation of the zoning ordinance as to:

- (1) area, width or depth of the land as a building site,
- (2) floor space area of the structure,
- (3) setback of the structure,
- (4) height of the structure, or
- (5) number of parking spaces.

Underwriting Requirements:

- (1) Secure and review a written certification from the applicable zoning department or agency as to (a) the zoning classification and authorized use, (b) compliance of the existing improvements with the zoning ordinance, and (c) compliance with the zoning ordinance as to number of parking spaces. We prefer that the letter from the zoning department or agency state that the existing improvements comply with (a) area, width or depth of the land as a building site, (b) floor area space of the structure, (c) setback of the structure, (d) height of the structure, and (e) number of parking spaces.
- (2) Secure and review a copy of the applicable zoning ordinance.
- (3) If possible, require that the survey or architect state the applicable zoning classification and number of parking spaces and state that the existing improvements comply with (a) area, width or depth of the land as a building site, (b) floor area space of the structure, (c) setback of the structure, (d) height of the structure, and (e) number of parking spaces.
- (4) If the authorized use is based upon an exception, variance, or prior authorized nonconforming use, consult with our underwriting personnel.
- (5) We prefer that Paragraph 1(b) of this Endorsement refer to the "following use or uses" by excerpting language from the zoning ordinance and not by stating in more general terms the proposed use.

- (6) If you are asked to add "number of loading docks" or "number of loading berths," as paragraph 2(b) (vi) of the Endorsement, you should confirm loading docks in the same manner as you confirm parking spaces.

Issuing guideline applies to the following Endorsement(s):

ALTA 3.1-06 Zoning Completed Structure - 2006 ALTA Loan or Owner's Policy