



LLOYDMINSTER

City of Lloydminster

Policy

Policy Title:	Land Use Compliance Certificates		Policy Number:	014-2017	
Date of Council Approval:	March 27, 2017	Motion No.:	103-2017	Year of Review:	2019
Department Sponsored by:	Planning & Development				

Purpose: To verify and confirm the compliance of all existing buildings and structures within the property boundaries in accordance with Section 3 – “Compliance and Enforcement” of the City of Lloydminster Land Use Bylaw 5-2016.

Objectives:

- To ensure that all Land Use Compliance Applications received by the City are dealt with in an efficient and consistent manner;
- To ensure the compliance of all existing buildings and structures with the Land Use Bylaw and;
- To verify and confirm the compliance of all existing buildings and structures through development permit approvals, conditions, current Land Surveys and conformance with regulations set out in the current Land Use Bylaw.

Definitions:

Certificate of Land Use Compliance	Also referred to as a Letter Of Compliance, the Land Use Compliance Certificate is a confirmation from the City of Lloydminster that the development of a parcel of land complies with the provisions of the current Land Use Bylaw (Bylaw 5-2016).
Real Property Report	A legal document that clearly illustrates the location of significant visible improvement(s) relative to property boundaries.
Land Surveyor	Determine property boundaries, prepare maps and survey plots.
Land Use Bylaw/Zoning Bylaw	City of Lloydminster Land Use Bylaw as

	amended from time to time or any successor enactment used to regulate and control the use and development of all land and buildings.
City	Means the City of Lloydminster
Development Appeals Board	A quasi-judicial <i>board</i> established in accordance with the Municipal Government Act to hear appeals from people who have been affected by a decision of the Development Authority under the Land Use Bylaw.
Legal Non-Conforming	Is a use of land or structure which was legally established according to the applicable land use and building laws of the time (confirmed by permit approvals), but which does not meet the current land use and building regulations.
Variance	A deviation identified in the Land Use Bylaw from the requirements set out in the Land Use Bylaw where it pertains to a Yard, Lot Coverage, minimum required distance of a Building or Structure to other Buildings or Structures on a Lot, Height of a Building (measured in metres, rather than Storeys); or, the parking required for a Development.

Scope:

- This policy applies to all applicants requesting Land Use Compliance Certificates. It will assist the City with regards to enforcement and compliance with the Land Use Bylaw.

Policy Instructions:

Application Requirements

- 1) Current Land Use Compliance Applications are to be received by Planning and Development and directed to the Development Officer or designate.
- 2) Land Use Compliance Applications are to be attached to a Real Property Report that is stamped by an Alberta/Saskatchewan Land Surveyor within ninety (90) days of the application being submitted. The Real Property Report must be an accurate reflection of the property as it stands on the day of the application and include the location of all structures located on the property. Structures includes, but is not limited to: the principal dwelling and all accessory uses, decks with stair location (including covered decks)

garages, accessory buildings and additions and/or alterations to development on the property.

- 3) Payment as per City of Lloydminster Fee Bylaw, as amended from time to time, is required with application submission and is non-refundable on refused or cancelled applications.

Review Requirements

- 1) Land Use Compliance Certificates will be issued when:
 - a. Applications are deemed complete including receipt of payment;
 - b. When it is confirmed that all developments on the property conform to the setbacks and regulations outlined in the City of Lloydminster Land Use Bylaw;
 - c. When all improvements on the subject lands have been issued the appropriate permits and conditions of the Development and/or Building Permits (if required) have been met.
- 2) When a Development DOES NOT conform to the Land Use Bylaw, the applicant is required to:
 - a. Apply for necessary Permits if not already in place and pay the application fees for each permit as set out in the City of Lloydminster Fee Bylaw, as amended from time to time; or
 - b. Take action and make changes to the Development to ensure compliance; or
 - c. Apply for a variance to see if conformity can be achieved by the variance powers; or
 - d. If there is no reasonable way of achieving conformance, and Development Permit and/or variance applications are denied, applicant may apply to the Subdivision and Development Appeal Board for a decision.

Legal Non-Conforming Development

- 1) Land Use Compliance Certificates will be issued for Legal Non-Conforming Development when:
 - a. Development occurred under a previous Land Use or Zoning Bylaw and conformed to the conditions of Approved Development Permits as well as the regulations set out in the Land Use or Zoning Bylaw in effect at the time of the Development.
 - b. Legal Non-Conforming Development does not have to conform to the current Bylaw until changes including alterations and improvements occur; at that time new Development Permits will be required and development must conform to the City of Lloydminster Land Use Bylaw to be considered a conforming development and to obtain a Land Use Compliance Certificate.

General Information

- 1) Once an application is deemed complete, the City can take up to fifteen (15) business days to issue a Compliance Certificate.

- 2) Real Property Reports stamped by an Alberta/Saskatchewan Land Surveyor within ninety (90) days of the application submission may, at the discretion of the Development Officer or designate be accepted provided that nothing on the report would change other than the date issued by the Surveyor. Real Property Reports dated two (2) years or more before the application date will not be accepted and will require an updated survey to verify that no improvements have occurred on the subject property.
- 3) Where an applicant does not provide the City with a Real Property Report that reflects the property as it stands the day of application; the City may, for an additional charge to the applicant (as per the current Fee Bylaw at the time of application submission), use the Real Property report on file. Real Property Reports are copyrighted documents; therefore the City may generate the Compliance Letter using the Real Property Report on file but cannot duplicate or release Real Property Reports without written approval from the creator.
- 4) If the applicant cannot provide a Real Property Report that reflects the property as it stands the day of application and the City has an outdated one on file, the City may provide the Applicant with the name of the Land Surveyor and the file number indicated on the Real Property Report to assist the applicant in obtaining an updated version. Any fees associated with this process are solely the responsibility of the applicant and no compensation from the City is provided.
- 5) Faxes, distorted copies and plot (site) plans will not be accepted as current Real Property Reports.

Validity of Compliance Certificates

- 1) Compliance Certificates are only valid as of the day of its approval.
- 2) Copies of previously issued Compliance Certificates can be obtained by the owner of the property, or their designate with owner authorization, provided that:
 - a. A fee as per current Fee Bylaw for file access, photocopying and printing is paid at the time of request;
 - b. Copies of Compliance Certificates will indicate that the Certificate was only valid as of the original day of issuance and that the City cannot confirm that the property in question still conforms to the Land Use Bylaw.

Responsibilities:

1. *City Council will review and approve all policies.*
2. *City Administration will administer the policy through the use of a supporting procedure.*
3. *Planning and Development is responsible for creating and amending a supporting procedure.*