



REPORT TO PLANNING COMMISSION

CITY OF COLLINSVILLE

APPLICATION NUMBERS: 18-PZ-01-02

APPLICATION NAME: Application to Amend Municipal Code Titles 15, 16, 17, and 18 (Notification requirement when Contractor or Owner changes during land development activities)

APPLICANT NAME: City of Collinsville

APPLICANT'S REQUEST(S): A city-initiated request to amend Title 15 *Buildings and Construction*, Title 16 *Subdivisions*, Title 17 *Zoning*, and Title 18 *Land Development* to establish new requirements for permittees, property owners and/or contractors to provide written notification to the City when property ownership and/or contractor(s) changes during land development activities.

PUBLIC HEARING OPENED: February 8, 2018

CASE MANAGER: David B. Bookless, AICP

RECOMMENDATION: **APPROVAL**



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BACKGROUND

Title 15 *Buildings and Construction*, Title 16 *Subdivisions*, Title 17 *Zoning*, and Title 18 *Land Development* of the Municipal Code of Ordinances, each relate to land development activities. Periodic revision is essential if the ordinances are to be consistent with Federal, State, and County requirements and that “best practices” are being utilized. Changes, however, should not be made in an arbitrary or capricious manner. Significant updates are best undertaken contemporaneously with regional agencies and peer communities and/or following an update of the Comprehensive Plan. The rationale for this approach is that ordinances are regulatory documents necessary for the City to comply with Federal, State, and County requirements and an implementation tool of the Comprehensive Plan. Nevertheless, revisions may be appropriate at any time as unforeseen issues may need to be addressed to protect the interests of the City and citizens.

A major update to Title 15 is forthcoming to adopt the 2012 ICC family of Building Codes, however, the purpose of this request is to ensure that the City has accurate and up-to-date contact information for projects now and in the future.

DISCUSSION/ANALYSIS

Land development often takes a considerable period of time as projects often start with the subdivision of land, continue through zoning, and site plan approval, infrastructure installation, and ultimately with building permits and site construction. It is not unusual for there to be property ownership changes along the way, as well as changes in contractors conducting work under a number of different construction permits or authorizations; and it is important that the City know who is responsible for the project’s construction and completion. Having the correct ownership and contractor information is important, therefore allowing the City to contact the appropriate party for permissions, inspections, notifications, citations, etc. Incorrect information can pose problems for the City, both in terms of timely actions and legal implications.

The purpose of these amendments is to ensure that all permittees, property owners and/or contractors involved in development activities provide written notification to the City when property ownership and/or contractor(s) changes.

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PROPOSED TEXT AMENDMENTS

Black Text = Existing language (No changes)

~~Red Crossed-Out Text~~ = Deleted language

Blue Underscored Text = Added language

Title 15 - BUILDINGS AND CONSTRUCTION

Sec. 15.10. - CHANGE IN PROPERTY OWNERSHIP AND/OR CONTRACTOR DURING LAND DEVELOPMENT ACTIVITIES

Sec. 15.10.010. Notification required.

For all permits or authorizations to proceed issued by the City under this Title, all permittees, property owners and/or contractors shall provide written notification to the City when property ownership and/or contractor(s) changes during land development activities.

Sec. 15.10.020. - Purpose and Intent.

Projects often require a number of different construction permits or authorizations and it is important that the City know who is responsible for the project's construction and completion.

Sec. 15.10.030. – Definitions.

Contractor means any person or firm that undertakes with or for another to construct, alter, repair, or demolish any structure or any portion thereof including every: i) plumbing contractor, ii) electrical contractor, iii) mechanical heating, ventilation, and air conditioning ("HVAC) contractor, and iv) general contractor, building contractor, residential contractor, and landscape contractor, as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.

Sec. 15.10.040. - Procedure.

A. When a change of ownership of a property occurs during development activities, including, but not limited to the platting and/or zoning process, plan review, during the term of an active permit or authorization issued by the City, a written notification of a change in ownership shall be made to the City with notarized signatures from all property transferors and transferees, stating that the property has been subject to a whole or partial conveyance.

B. The written notification required by this sub-Section shall provide:

1. the permit/project number(s), address and locator number or legal description of the property in the letter's subject line.
2. all transferors' and the transferees' names, addresses, phone numbers, and email addresses.

C. All permits or authorizations shall be reissued by the City showing the new transferee as the permittee or authorized party, but the date of the permit or authorization shall remain as when it was originally issued.



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D. When a change in a general contractor or subcontractor occurs before a project is completed, written notification of any change in contractor(s) shall be made to the City with notarized signatures from the property owners and all new contractors, stating that the project has been subject to a change in contractors.

E. The written notification required by this sub-Section shall provide:

1. the permit/project number(s), the address and locator number or legal description of the property in the letter's subject line.
2. all owners' names, addresses, phone numbers, and email addresses.
3. all new contractor's names, addresses, phone numbers, email addresses, and licenses, if applicable.
4. all past contractors' names, addresses, phone numbers, and email addresses.
5. all engineers' and architects' names, addresses, phone numbers, and email addresses.

F. All permits or authorizations shall be reissued by the City showing the new transferee as the permittee or authorized party, but the date of the permit or authorization shall remain as when it was originally issued.

Sec. 15.10.050. – Violation; penalty

Failure to comply with the provisions of this Chapter may result in the issuance of a Stop Work Order (SWO), citation under applicable Codes, the requirement for submission of new applications, including applicable review and fees, and any other remedies at law or in equity available to the City, including fines and penalties pursuant to _____.

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Title 16 - SUBDIVISIONS

Sec. 16.08.020. - Selected definitions.

Contractor means any person or firm that undertakes with or for another to construct, alter, repair, or demolish any structure or any portion thereof including every i) plumbing contractor, ii) electrical contractor, iii) mechanical heating, ventilation, and air conditioning ("HVAC) contractor, and iv) general contractor, building contractor, residential contractor, and landscape contractor, as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.

Sec. 16.22. - CHANGE IN PROPERTY OWNERSHIP AND/OR CONTRACTOR DURING LAND DEVELOPMENT ACTIVITIES

Sec. 16.22.010. Notification required.

For all permits or authorizations to proceed issued by the City under this Title, all permittees, property owners and/or contractors shall provide written notification to the City when property ownership and/or contractor(s) changes during land development activities.

Sec. 16.22.020. - Purpose and Intent.

Projects often require a number of different construction permits or authorizations and it is important that the City know who is responsible for the project's construction and completion.

Sec. 16.22.030. - Procedure.

A. When a change of ownership of a property occurs during development activities, including, but not limited to the platting and/or zoning process, permit review, during the term of an active permit or authorization issued by the City, a written notification of a change in ownership shall be made to the City with notarized signatures from all property transferors and transferees, stating that the property has been subject to a whole or partial conveyance.

B. The written notification required by this sub-Section shall provide:

1. the permit/project number(s), address and locator number or legal description of the property in the letter's subject line.
2. all transferors' and the transferees' names, addresses, phone numbers, and email addresses.

C. All permits or authorizations shall be reissued by the City showing the new transferee as the permittee or authorized party, but the date of the permit or authorization shall remain as when it was originally issued.

D. When a change in a general contractor or subcontractor occurs before a project is completed, written notification of any change in contractor(s) shall be made to the City with notarized signatures from the property owners and all new contractors, stating that the project has been subject to a change in contractors.

E. The written notification required by this sub-Section shall provide:



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1. the permit/project number(s), the address and locator number or legal description of the property in the letter's subject line.
 2. all owners' names, addresses, phone numbers, and email addresses.
 3. all new contractor's names, addresses, phone numbers, email addresses, and licenses, if applicable.
 4. all past contractors' names, addresses, phone numbers, and email addresses.
 5. all engineers' and architects' names, addresses, phone numbers, and email addresses.
- F. All permits or authorizations shall be reissued by the City showing the new transferee as the permittee or authorized party, but the date of the permit or authorization shall remain as when it was originally issued.

Sec. 16.22.040. – Violation; penalty

Failure to comply with the provisions of this Chapter may result in the issuance of a Stop Work Order (SWO), citation under applicable Codes, the requirement for submission of new applications, including applicable review and fees, and any other remedies at law or in equity available to the City, including fines and penalties pursuant to _____.

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Title 17 - ZONING

Sec. 17.020.020. - Definitions.

Contractor means any person or firm that undertakes with or for another to construct, alter, repair, or demolish any structure or any portion thereof including every: i) plumbing contractor, ii) electrical contractor, iii) mechanical heating, ventilation, and air conditioning ("HVAC") contractor, and iv) general contractor, building contractor, residential contractor, and landscape contractor, as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.

Sec. 17.030.180. - CHANGE IN PROPERTY OWNERSHIP AND/OR CONTRACTOR DURING LAND DEVELOPMENT ACTIVITIES

A. Notification required.

For all permits or authorizations to proceed issued by the City under this Title, all permittees, property owners and/or contractors shall provide written notification to the City when property ownership and/or contractor(s) changes during land development activities.

B. Purpose and Intent.

Projects often require a number of different construction permits or authorizations and it is important that the City know who is responsible for the project's construction and completion.

D. Procedure.

1. When a change of ownership of a property occurs during development activities, including, but not limited to the platting and/or zoning process, plan review, during the term of an active permit or authorization issued by the City, a written notification of a change in ownership shall be made to the City with notarized signatures from all property transferors and transferees, stating that the property has been subject to a whole or partial conveyance.
2. The written notification required by this sub-Section shall provide:
 - i. the permit/project number(s), address and locator number or legal description of the property in the letter's subject line.
 - ii. all transferors' and the transferees' names, addresses, phone numbers, and email addresses.
3. All permits or authorizations shall be reissued by the City showing the new transferee as the permittee or authorized party, but the date of the permit or authorization shall remain as when it was originally issued.
4. When a change in a general contractor or subcontractor occurs before a project is completed, written notification of any change in contractor(s) shall be made to the City with notarized signatures from the property owners and all new contractors, stating that the project has been subject to a change in contractors.



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5. The written notification required by this sub-Section shall provide:

- i. the permit/project number(s), the address and locator number or legal description of the property in the letter's subject line.
- ii. all owners' names, addresses, phone numbers, and email addresses.
- iii. all new contractor's names, addresses, phone numbers, email addresses, and licenses, if applicable.
- iv. all past contractors' names, addresses, phone numbers, and email addresses.
- v. all engineers' and architects' names, addresses, phone numbers, and email addresses.

6. All permits or authorizations shall be reissued by the City showing the new transferee as the permittee or authorized party, but the date of the permit or authorization shall remain as when it was originally issued.

E. Violation; penalty

Failure to comply with the provisions of this Chapter may result in the issuance of a Stop Work Order (SWO), citation under applicable Codes, the requirement for submission of new applications, including applicable review and fees, and any other remedies at law or in equity available to the City, including fines and penalties pursuant to _____.

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Title 18 - LAND DEVELOPMENT

Sec. 18.02—GENERAL PROVISIONS

Sec. 18.02.50. - Change in property ownership and/or contractor during land development activities

A. Notification required.

For all permits or authorizations to proceed issued by the City under this Title, all permittees, property owners and/or contractors (as defined in Section 18.04.020.) shall provide written notification to the City when property ownership and/or contractor(s) changes during land development activities.

B. Purpose and Intent.

Projects often require a number of different construction permits or authorizations and it is important that the City know who is responsible for the project's construction and completion.

D. Procedure.

1. When a change of ownership of a property occurs during development activities, including, but not limited to the platting and/or zoning process, plan review, during the term of an active permit or authorization issued by the City, a written notification of a change in ownership shall be made to the City with notarized signatures from all property transferors and transferees, stating that the property has been subject to a whole or partial conveyance.
2. The written notification required by this sub-Section shall provide:
 - i. the permit/project number(s), address and locator number or legal description of the property in the letter's subject line.
 - ii. all transferors' and the transferees' names, addresses, phone numbers, and email addresses.
3. All permits or authorizations shall be reissued by the City showing the new transferee as the permittee or authorized party, but the date of the permit or authorization shall remain as when it was originally issued.
4. When a change in a general contractor or subcontractor occurs before a project is completed, written notification of any change in contractor(s) shall be made to the City with notarized signatures from the property owners and all new contractors, stating that the project has been subject to a change in contractors.
5. The written notification required by this sub-Section shall provide:
 - i. the permit/project number(s), the address and locator number or legal description of the property in the letter's subject line.
 - ii. all owners' names, addresses, phone numbers, and email addresses.
 - iii. all new contractor's names, addresses, phone numbers, email addresses, and licenses, if applicable.
 - iv. all past contractors' names, addresses, phone numbers, and email addresses.



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v. all engineers' and architects' names, addresses, phone numbers, and email addresses.

6. All permits or authorizations shall be reissued by the City showing the new transferee as the permittee or authorized party, but the date of the permit or authorization shall remain as when it was originally issued.

E. Violation; penalty

Failure to comply with the provisions of this Chapter may result in the issuance of a Stop Work Order (SWO), citation under applicable Codes, the requirement for submission of new applications, including applicable review and fees, and any other remedies at law or in equity available to the City, including fines and penalties pursuant to _____.

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FINDINGS AND RECOMMENDATION

CONSISTENT WITH THE PURPOSE AND INTENT OF THE LAND DEVELOPMENT ORDINANCE

The Director of Community Development finds that the text amendments contained within application number 18-PZ-01-02 will have no substantial adverse impact on the intent and purpose of Municipal Code Title 15 *Buildings and Construction*, Title 16 *Subdivisions*, Title 17 *Zoning*, or Title 18 *Land Development*; and further helps ensure that the City has accurate and up-to-date contact information for responsible parties during land development activities.

HOW WILL CHANGE IMPACT AREAS MOST LIKELY TO BE AFFECTED

The Director of Community Development finds that the text amendments will have no substantial adverse impact on areas impacted by the proposed changes due to their non-geographic applicability.

ARE THE CHANGES WARRANTED

The Director of Community Development finds that the text amendments are warranted by the need to know who is responsible for a project's development, construction and completion for purposes of transparency and open communication.

RECOMMENDATION

The Director of Community Development finds that the proposed text amendments meet or exceed review criteria and further advances the intent of Titles 15, 16, 17, and 18. Based on this finding the Director of Community Development requests favorable consideration of the draft amendments.

A handwritten signature in black ink, reading "David B. Bookless". The signature is written in a cursive, flowing style.

David B. Bookless, AICP
Director of Community Development