



**PLANNING AND ZONING  
DEPARTMENT  
BUILDING DIVISION**

**RICHARD J. DVORAK**  
PLANNING ZONING & BUILDING  
ADMINISTRATOR  
**RUBEN ARSATE**  
SENIOR INSPECTOR  
**INSPECTORS**  
NEIL BOMBEI  
BRET MCLAUGHLIN

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## **Change of Occupancy**

### **2006 IBC**

**3406.1 Conformance.** No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

### **BACKGROUND**

The Building Code classifies how a building is used into different categories or “occupancies”. Whenever the use of any part of a building changes, from one occupancy classification to another, a Change of Occupancy Permit is required. For example, a change of occupancy is required to use a store building (an M occupancy) as a day care center (an E-3 occupancy) or to enlarge the seating in a restaurant from less than 50 (a B occupancy) to more than 50 (an A-3 occupancy). When the occupancy of a building is changed, the Building Code requires that the building meet all current code requirements for that new use. That means that a residential home that is to be used as an office building must comply with the requirements for a new office building. A “Change of Occupancy” applies to the use of a building only, and should not be confused with any process required by the Zoning Ordinance to change the use of a property.

### **HOW DO I APPLY FOR A CHANGE OF OCCUPANCY PERMIT?**

A Change of Occupancy Permit is a building permit. Two sets of building plans, a site plan, and a completed building permit application are required to process your permit.

### **WHAT INFORMATION MUST BE SHOWN ON THE PLANS?**

Building plans for a Change of Occupancy Permit must be neatly drawn and to scale. The plans must show existing conditions as well as any proposed changes. (In the case of some existing commercial buildings, “as-built” plans may be available from the Office of Planning and Zoning.) Typical plans that would be required for a change of occupancy include:

1. A **SITE PLAN** to show the size of the building and its location in relation to the property lines and streets. In addition, the site plan must show any other structures on the property, paved driveways and parking, and any landscaping. Please include a north arrow on the plan to show its orientation.

2. A FLOOR PLAN for each level, including basements and storage attics. Floor plans must show the proposed use of each room and the overall room dimensions. Window sizes, and how the windows open, should be noted. The size of exit doors and the direction of door swing should be shown on the plans. Where there are stairways, both inside and outside the building, those stairs and their landings must be shown on the plans.
3. STAIR DETAILS must show the rise and run of all steps. Handrails should be shown on plans, and their height. The headroom at stairs should be noted.
4. A CROSS SECTION of the building must be provided except where information concerning ceiling heights, insulation, etc., can be shown elsewhere. In addition, the cross section must show the relationship between the grade outside and the interior floor levels.

#### **WHAT HAPPENS AFTER I TURN IN MY PLANS?**

Planning & Zoning will review the site for compliance with the Unified Development Ordinance and verify that the site is zoned for the intended use. The plans submitted for permit are reviewed by the Building Division for code requirements including possible egress and fire separation issues. The Health Department will evaluate your project for additional impact on the sewer system.

#### **WHAT HAPPENS IF I CAN'T MEET SOME OF THE REQUIREMENTS?**

Johnson County has established a Board of Appeals to deal with those extraordinary situations where meeting the requirements would be virtually impossible. For instance, a Building Code Appeal may approve an alternate fire and life safety proposal that meets the "intent" of the Building Code.

#### **HOW LONG WILL IT TAKE TO GET MY PERMIT?**

The amount of time required to obtain a change of occupancy varies, depending on the current workload and on the complexity of the project. A simple change of occupancy requiring no type of waiver or appeal may go through the system in seven to ten working days. In cases where special zoning approvals or ordinances are necessary, a Change of Occupancy Permit may take longer.

#### **WHAT HAPPENS ONCE MY PERMIT IS ISSUED?**

Inspections are required for a Change of Occupancy Permit as for any other building permit - even if no actual work is to be done. You must arrange for an inspection by calling the Johnson County Building Division, 24 hours in advance. Once the job has been inspected and approved by the building inspector, a new "Certificate of Occupancy" will be provided to you, for your records.