

# CHANGE OF USE

## (OPENGOV Guidance Information)

A Change of Use permit is required to be obtained whenever there will be a change of use, change of occupancy classification, change of an occupancy group, or to obtain a Certificate of Occupancy within an existing commercial building. The purpose of the permit is to ensure that the new proposed use and occupancy of the building are compliant with all local zoning and applicable NC State Building Code requirements prior to occupancy. A Change of Use permit is not approval to perform any work that may otherwise require buildings permits. Appropriate building permits shall be obtained prior to performing such work.

### NC EXISTING BUILDING CODE - 1001.1 Scope.

*The provisions of this chapter shall apply where a change of occupancy occurs, including:*

- 1. Where the occupancy use is changed; or*
- 2. Where there is a change in occupancy classification or the occupancy group designation changes.*

*Any repair or alteration work undertaken in connection with a change of occupancy shall conform to the other applicable chapters of this code.*

## WHAT ARE OCCUPANCY CLASSIFICATIONS, GROUPS, AND USES?

In accordance with the NC State Building Code there are ten (10) occupancy classifications. Classifications are divided into separate groups. Each separate group contains different types of uses. See list below:

### OCCUPANCY CLASSIFICATIONS

- ASSEMBLY** (places for gathering of people)  
Group A-1: motion picture theaters, concert halls, television and radio studios with an audience, theaters  
Group A-2: banquet halls, casinos, nightclubs, restaurants, cafeterias, dining halls, taverns  
Group A-3: arcades, art galleries, bowling alleys, community halls, courtrooms, dance halls, funeral parlors, churches, libraries, museums, pool and billiard parlors, gymnasiums without spectator seating, lecture halls  
Group A-4: arenas, skating rinks, swimming pools, tennis courts  
Group A-5: amusement park structures, bleachers, grandstands, stadiums
- BUSINESS** (places for office, professional or service transactions)  
Group B: ambulatory care facilities, animal hospitals, kennels, banks, barber and beauty shops, car wash, clinic, dry cleaning, colleges, electronic data processing, laboratories, motor vehicle showrooms, post offices, print shops, professional services (architects, attorneys, dentists, physicians, engineers, etc.), radio stations
- EDUCATIONAL** (places for education up to 12<sup>th</sup> grade or day care of more than five children older than 2 ½ years of age)
- FACTORY** (places for fabricating, disassembly, manufacturing, or packaging operations)  
Group F-1: combustible products  
Group F-2: noncombustible products
- HIGH HAZARD** (places for storage or handling explosive, flammable or hazardous material)  
Group H-1, H-2, H-3, H-4, H-5: contact Inspections and Codes Department
- INSTITUTIONAL** (places where people are incapable of self-preservation)  
Group I-1: alcohol and drug centers, assisted living, congregate care, group homes, halfway houses, rehabilitation  
Group I-2: foster care, detoxification center, hospitals, nursing homes  
Group I-3: correctional centers, detention centers, jails, prisons, reformatories  
Group I-4: adult day care and child care occupied by more than five persons of any age for less than 24 hours per day
- MERCANTILE** (places for the display and sale of merchandise)  
Group M: department stores, drug stores, markets, motor fuel dispensing, retail, wholesale, sales rooms
- RESIDENTIAL** (places used for living and sleeping purposes)  
Group R-1, R-2, R-3, R-4: contact Inspections and Codes Department
- STORAGE** (places for storage that is not classified as hazardous)  
Group S-1: combustible material  
Group S-2: noncombustible material
- UTILITY AND MISC.** (buildings of an accessory character and not classified in any specific classification)  
Group U: agricultural buildings, aircraft hangers, barns, sheds, tanks, towers

## HOW TO APPLY FOR THE PERMIT?

Change of Use permits are submitted to the Inspections and Codes Department through our online permitting portal, OPENGOV.

### “GETTING STARTED”

**How do I access OPENGOV?** Go to the City’s website at [www.cityofkm.com](http://www.cityofkm.com) and click on the **OPENGOV** icon button on the homepage.

**How do I create an account?** First time users will have to create an OPENGOV account. Click on **Sign UP** in the top right corner of the screen. Next click on **Sign up using Secure Portal**. Click on **Sign Up** and enter your email address and a personal password to create your account.

**How do I Login?** Once you have created an account you may login by accessing OPENGOV and clicking on **Login** in the top right corner of the screen. Click on **Login using Secure Portal** and enter your email and password. Click on **My Account** in the top right corner of the screen to view all records submitted under your account.

**What if I don’t have access to the internet to apply for a permit online?** You may apply for a permit by visiting the Inspections and Codes Department located at 1013 N. Piedmont Ave. Kings Mountain, NC.

### “SUBMITTING APPLICATION”

- Go to the City’s website at [www.cityofkm.com](http://www.cityofkm.com) and click on the **OPENGOV** icon.
- Select the **Change of Use** project type.
- Answer the question(s) and then click on **Next**.
- Review the checklist of application(s) required with your project and click on **Start this Project**.
- Select a name for your project and then click on **Start Project**.
- Complete and submit all required application(s).

Once you have submitted the application, a record number will be assigned. You can track the status of the submittal process with this number. City staff will review your submittal and you will be notified of any needed revisions, changes, payments or any other required information needed to approve the application.

### “INSPECTIONS”

A site inspection is required to be conducted by the Building and Fire Inspector to ensure that the building is in full compliance with the NC State Building Codes for the new intended use. The Inspector may request additional documents be provided as needed such as: floor plan, life safety plan, mechanical ventilation calculations, etc. in order to verify compliance.

**How do I schedule an inspection?** Login to OPENGOV and click on **Your Records** at the bottom of the screen. Select **Applications** on the left hand column. Select the appropriate record number that you wish to schedule an inspection for. Select **Inspections** on the left hand column and then select the **Request Inspection** button. Select the requested inspection date in the Comment Box and click on **Submit Request**. The Codes Department will contact you about scheduling a time to meet on site for the inspection.

## **“CERTIFICATE OF OCCUPANCY”**

Once the building inspector has inspected and approved the building, a Certificate of Occupancy will be issued for the new use and occupancy.

**NC EXISTING BUILDING CODE - 1001.3 Certificate of Occupancy Required.** *A new certificate of occupancy shall be required where a change of occupancy occurs that results in a different occupancy classification as determined by Chapter 3 of the NC State Building Code.*

Failure to submit a Change of Use application and obtaining a Certificate of Occupancy prior to occupying an existing commercial building may result in disconnection of the utility(s) to the property and/or the building inspector may cause the building to be vacated.

### **NC ELECTRICAL CODE AMENDMENTS – 10.7.2 Authority to Disconnect Service Utilities.**

*The Inspection Department shall have the authority to require disconnecting a utility service to the building, structure, or system regulated by the technical codes in case of emergency or where necessary to eliminate an imminent hazard to life or property. The Inspection Department shall have the authority to disconnect a utility service when a building has been occupied prior to Certificate of Compliance or entry into the building for purposes of making inspections cannot be readily granted. The Inspections Department shall notify the serving utility and whenever possible the owner or occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant shall be notified within eight (8) working hours.*

## **CITY STAFF CONTACT INFORMATION**

**INSPECTIONS AND CODES DEPARTMENT:** 704-734-4599

**PLANNING/ZONING DEPARTMENT:** 704-734-4595