



15.0 Fire Department Change of Use and Occupancy

Defining Change of Use and Occupancy

A change in the use of the building or a portion of a building. A change of occupancy shall include any change of occupancy classification, any change from one group to another group within an occupancy classification or any change in use within a group for a specific occupancy classification.

It's essential to note that while building occupancy is regulated by the North Carolina Building Code, zoning uses are governed by the Unified Development Ordinance (UDO).

New buildings constructed in North Carolina are designated with an Occupancy Classification. When a new occupant moves into an existing building, then the North Carolina Existing Building Code (NCEBC) requires a review of the building and what its new classification is in relation to the existing classification.

Chapter 10 of the North Carolina Existing Building Code (NCEBC) outlines requirements of a Change of Occupancy Classification and Change of Use. A review is required even if there is no construction.

What the NCEBC requires for these are in respect to life-safety items that may change depending on the business' Occupancy Classification and the level of risk assigned to each. This means that depending on what the last classification is compared to the new classification, that the new building owner or tenant may have to do construction, even if none was planned, to meet the new life-safety requirements.

Depending on the scope of work a registered design professional may be needed to help with construction documents.

Every structure, or portion of a structure, must be classified with respect to its use by placing it into an occupancy classification, listed below. These groups are used throughout the Building Code to address everything from building size to fire-protection features.

Occupancy Classifications:

-Assembly: A building that is used for the gathering of people. Example: Theaters, Concert Halls, Nightclubs, Restaurants, Amusement Arcades

-Business: A building or portion of a building that is used for office space. Example: Animal Hospitals, Banks, Outpatient Clinics, Dry Cleaning

-Educational: A building occupied by six or more persons for educational purposes through the 12th grade. Example: Drop-in/Short Term Child Care, Daycare facilities with more than five children older than 2 ½ years of age.

-Factory: The use of a building for assembling, disassembling, fabricating, manufacturing or processing operations. Example: Athletic Equipment, Aircraft Manufacturing, Bakeries, Dry Cleaning and Dying

-Hazard: Buildings that involve the manufacturing, processing, generation or storage of materials that create a physical or health hazard. Example: Liquor stores and distributors without bulk storage, Refrigeration systems, Corrosives, Cryogenic Fluids.

-Institutional: Buildings with more than 16 people, excluding staff, who reside on a 24hr basis in a supervised environment and receive custodial care. Example: Rehab Centers, Assisted Living Facilities, Group Homes, Correctional Centers, Adult/Child Daycare

-Mercantile: Buildings that are used for the display and sale of merchandise. Example: Department Stores, Drug Stores, Markets, Sales rooms

-Residential: Buildings that are used for sleeping purposes when not classified as a Group I Institutional. Example: Hotels/Motels, Open Air Camp Cabins, Apartments, Vacation Timeshare Properties (Airbnb, VRBO).

-Storage: Buildings used for storage that does not fall under the category of a Hazard. Example of non-hazardous storage: Bags, Clothing, Books, Furniture, Grains, Washers and Dryers.

-Utility: Buildings and structures that are not classified in any specific occupancy. Example: Agricultural Buildings, Barns, Carports, Sheds, Stables

According to the 2018 NC Building Code:

CHANGE OF OCCUPANCY. A change in the purpose or level of activity within a building that involves a change in application of the requirements of the code.

For Example, a business office changing into a daycare. The number of exit requirements and life safety requirements will change due to the use of the building.

A business can have a change of occupancy without changing its classification as well. This would be if the business doesn't change from what it was originally intended for, only the owner and names change.

- A new certificate of occupancy will be **required** where the occupancy and occupancy classification changes.
- Additional items that need to be brought into consideration would be how different parts of a building can be occupied at different times for different purposes that fall under two or more vastly different occupancy classifications.

The Fire and Building Code will apply to structures that are built or amended after the adoption of the code. Existing structures will be evaluated by the appropriate authorities to be deemed if there is a hazard to life or property.

Change of Use Process for Town of Southern Pines

A person who wishes to submit a Change of Use for compliance with the building and fire codes, must apply for a permit through [SmartGov permitting portal](#), which must be submitted to obtain a Certificate of Occupancy.

For compliance with the Towns Unified Development Ordinance, a permit must be applied for with the Planning Department.

Resources

- **Permit Application**

Smart Gov - [Town of Southern Pines Public Portal](#)

TOSP - [Permits & Forms | Southern Pines, NC - Official Website](#)

- **TOSP Unified Development Ordinances** [Unified Development Ordinance | Southern Pines, NC - Official Website](#)

- **Planning Department**

910-692-4003

801 SE Service Rd.

Southern Pines, NC 28387

- **Fire Department**

910-692-2720

500 W Pennsylvania Ave.

Southern Pines, NC 28387