

Permit requirements for change of occupancy, use or function of a space

What does Zoning 'CHANGE OF USE' mean?

CHANGE OF USE, defined by Land Use Code, shall mean “the act of changing the occupancy of a building or land from a use that is specifically listed as a “Permitted Use” in Article 4 of the Land Use Code to a different use that is specifically listed as a “Permitted Use,” Article 4 of the Land Use Code. Zoning will need to determine if the proposed use is allowed in the zone district and the approved development plan. Additional development review and/or a building permit may be required. Please email zoning@fcgov.com with questions.

What does Building Code 'CHANGE OF OCCUPANCY' mean? (defined by the International Existing Building Code)

CHANGE OF OCCUPANCY:

- A. “Any change in the occupancy classification of a building or structure
- B. “Any change in purpose, or change in the level of activity within a building or structure”
- C. “A change of use of a building or portion of building within the same group classification, for which there is a change in application of the code requirements.”

CHANGE OF USE: A change in the use of a building or a portion of a building, within the same group classification, for which there is a change in application of the code requirements.

Building Codes are updated every few years and each occupancy/use have unique requirements. When a change of occupancy or function occurs, the space needs to meet code for the new function which need to be analyzed by a licensed architect/engineer under current codes including the IEBC. Some of the categories impacted by change of occupancy include but are not limited to:

1. **Feasibility analysis:** Some existing buildings are only designed to accommodate specific functions. Allowable building area & location on levels/stories needs evaluated.
2. **Structural analysis:** Each occupancy function has specific loading requirements.
3. **Establishing a new Occupant Load:** Occupant load calculations are based on functions of rooms and load factor calculations in the building code.
4. **Fire Protection:** Distance to property lines and other buildings, size of fire areas, fire separations between different occupancy types, and fire sprinkler systems.
5. **Exit system:** Number of exits, travel distance to exits, distance between exits, direction of door swing, exit signs, and exit door hardware.
6. **Accessibility:** Accessible parking, entry, routes through the space, restrooms upgrades, break rooms.
7. **Energy upgrades:** Spaces increasing energy usage may require upgrades to insulation, lighting, and mechanical.
8. **Plumbing:** Restroom fixture counts, drinking fountains, and service sinks.
9. **Mechanical:** Adjustments to quantity fresh air intake for the new occupant function.

Why is approval needed to change occupancy/use?

Change of occupancy/use without approval can impact the life safety and health of building occupants. A building permit, inspections, and the issuance of a new Certificate of Occupancy (CO) is required. Without a new CO being issued, the change is considered a violation of City codes and is a civil infraction* per municipal code.

What is needed to submit for change of occupancy/use?

- Plans and/or evaluations stamped by a Colorado Licensed Architect and/or Engineer.
- Evaluations must address upgrades needed in accordance with the current adopted codes local amendments, and specifically chapters 3 & 10 of the IEBC. <https://www.fcgov.com/building/codes.php>
- Guide/Checklist: <https://www.fcgov.com/building/pdf/tf-checklist-16.pdf>
- Submit for a commercial remodel permit: <https://www.fcgov.com/building/application.php>

How much will the permit cost?

- Where no upgrades are required by Zoning, and no upgrades are required by Building Codes (as evaluated by the architect/engineer) and no construction is proposed, the permit fee is \$100.
- Where construction is required for upgrades or proposed work, fees will be based on the valuation of the total project cost.