

# CITY OF ASHLAND



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## Policies / Interpretations / Procedures

### BD-PP-0030

#### CHANGE OF USE OR OCCUPANCY

##### **Procedure Summary:**

Provides method for permit applicants requesting the Change of Use or Occupancy of an existing building occupancy classification to obtain a Change of Use Certificate of Occupancy.

##### **Background:**

The Oregon Structural Specialty Code (OSSC) contains provisions to control the classification of all buildings and structures as to the use and occupancy.

Section 302.1 states as follows:

*Structures or portions of structures shall be classified with respect to occupancy in one or more groups listed in this section. A room or space that is intended to be occupied at different times for different purposes shall comply with all of the requirements that are applicable to each of the purposes for which the room or space will be occupied. Structures with multiple occupancies or uses shall comply with section 508. Where a structure is proposed for a purpose that is not specifically provided for in this code, such structure shall be classified in the group that the occupancy most nearly resembles, according to the fire safety and relative hazard involved.*

Section 111.1 states as follows:

*No building or structure shall be used or occupied, and no change in the existing character, use or occupancy classification of a building or structure or portion thereof shall be made, until the Building Official has issued a certificate of occupancy for such change in character, use or occupancy thereof as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or other ordinances of the jurisdiction.*

##### **Discussion:**

Often times a request is made to the Building Official to approve the Change of Use or Occupancy of an existing building or structure. The Oregon Structural Specialty Code

(OSSC) contains provisions for the Change of Use or Occupancy of an existing building or structure.

Section 102.6 states as follows:

*The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as specifically covered in this code or the Fire Code, or as deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.*

Section 3408.1 states as follows:

*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 occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancies. 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.*

Section 3408.2 states as follows:

*A Certificate of Occupancy shall be issued where it has been determined that the requirements for the new occupancy classification have been met.*

**Policy:**

Applicants seeking the Change of Use or Occupancy of an existing building or structure considered to be non-exempt (per ORS 671.030), shall first make application for such Change of Use or Occupancy to the Building Official and obtain the necessary inspections and approvals for a *Change of Use Certificate of Occupancy*.

The permit application shall include three copies of a complete code analysis, prepared by a *registered design professional*. A review of the code analysis will be performed by the Building Official to determine if additional work is required to meet the code requirements for the new occupancy. Hourly plan review and/or inspection investigation fees will be charged as described in the City of Ashland Miscellaneous Fees and Charges Document. If additional work is required, applicable permit and plan review fees will be charged, in addition to the investigation fees.