

# CHANGE OF USE/ OCCUPANCY GUIDE



Use this guide to determine whether you need a Change of Use or Change of Occupancy for your business's physical location. If you have questions about a specific brick-and-mortar location, please contact City Planning & Development at 816-513-1511 or email [pod@kcmo.org](mailto:pod@kcmo.org).

<b>What is a Certificate of Occupancy? Why is it important to know this?</b>	Each building has a Certificate of Occupancy. The Certificate of Occupancy is a legal document that verifies the building or unit complies with the local building code and zoning code. A Certificate of Occupancy is required to legally use the building for your intended use. Certain departments like the Fire Department, regulated industries, Health Department, animal services, and others require the Certificate of Occupancy to verify legal use.	<b>Useful Definitions to Know</b> <ul style="list-style-type: none"><li>• <b>Occupancy Classification:</b> The first step in the International Building code process to determine the design for users.</li><li>• <b>Certificate of Occupancy (C/O):</b> Legal proof of a building or units intended use and purpose.</li><li>• <b>Change of Use:</b> Change of use of a building or unit. This means a change of occupancy or increase level of activity.</li></ul>
<b>What prompts Change of Occupancy/ Use?</b>	Change of use occurs when a building or unit is going from one Occupancy Classification group to another OR a change of use in the same occupant group. Keep in mind that changes of Occupancy and Use may not involve physical changes to the space. Different Occupancy Classifications or Use represent varying levels of hazards and risk to the buildings occupants.	

## START HERE.

Please determine the answers to the following questions and then consult the flowchart to see if you might need a change of occupancy or use.

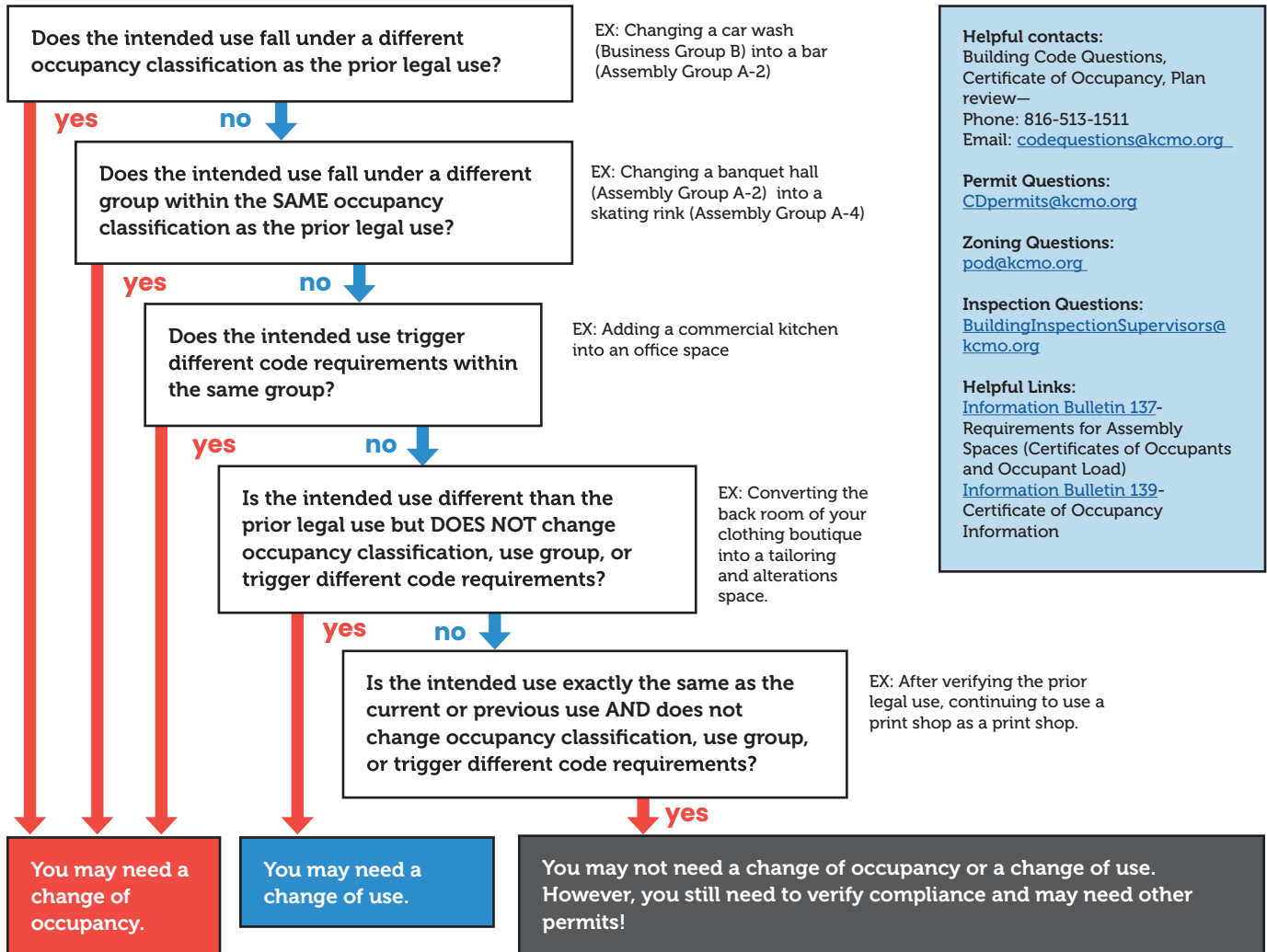
<b>1. What was the prior use or current use of the building you would like to rent or own?</b>	It is important to know what the current use or previous use of the space was. If your proposed use is the same as the current use, then the building or unit might have the same "Certificate of Occupancy". Sometimes the previous or current use is running illegally. It is important to verify if plans were submitted, plans were approved, and permits pulled for legal use. To verify the previous or current certificate of occupancy, ask the landlord or agent to provide the current Certificate of Occupancy. If they cannot provide you with it, please email <a href="mailto:codequestions@kcmo.org">codequestions@kcmo.org</a> for verification.
<b>2. How do you want to use the building?</b>	Determine what occupancy classification your planned use falls into by consulting the occupancy classifications page.
<b>3. If you plan to purchase the existing building, has the building recently undergone renovations?</b>	If so, please make sure the permits have been pulled for the work done. If no permits have been pulled on work that has been done a triple fee will be accessed to the current property owner. Triple fees are based off labor and material cost.

### BUILDING CODE QUESTIONS

City Hall 5th Floor, 414 E 12th St, Kansas City, MO 64106

Phone: 816-513-1511 Email: [pod@kcmo.org](mailto:pod@kcmo.org)

## I plan to rent OR purchase an existing brick-and-mortar.



## FAQs:

<b>I need a new Certificate of Occupancy. How can I obtain one?</b>	A Missouri licensed architect or engineer must submit plans to the City Planning and Development Department (this is required even if no work is proposed). Once the plans are approved permits can be issued for any work needed to bring the space into compliance for the new use. Please see <a href="#">Information Bulletin 139</a> for more information on Certificate of Occupancies.
<b>I submitted the change of occupancy. How much time is required to review the application?</b>	Once your design professional has submitted plans then the minimum review time is 20 business days. Best practice is to allow 6 – 8 weeks for plan approval (6-8 weeks covers resubmittal time if needed).
<b>At what point will I receive my Certificate of Occupancy for my building or unit?</b>	You will receive a new Certificate of Occupancy after the final inspection has passed.

## IMPORTANT NOTES:

This list is a simplified guide. Local building codes and regulations may have additional requirements or nuances. Always consult with your local building department or a qualified professional to confirm the specific requirements for your situation. Changes of occupancy often require more extensive modifications and approvals than changes of use. Even if you don't need a formal change of use or occupancy, you may still need permits for any construction or modifications to the building.

# Occupancy Classifications Overview

Before you rent or purchase a property, you should determine if you will need a change of occupancy or use to save yourself time, money, or confusion!

Determine the current legal occupancy classification and legal use of the property.

- Identify the intended use for your property. Clearly define how you plan to use the space after the change. Use the overview of occupancy classifications below to help inform your classification
  - \* Determine if you would need a change of occupancy or use. If you are confused, please call 816-513-1511 or email [codequestions@kcmo.org](mailto:codequestions@kcmo.org).
  - \* If purchasing a building that has recently undergone renovations, make sure to pull the permits for the renovation work to avoid additional fees.

## Occupancy Classification:

The City of Kansas City, Missouri has adopted the International Building Code (IBC). Section 302.1 of the code lists ten basic types of occupancy groups for commercial space:

1. Assembly
2. Business
3. Educational
4. Factory
5. High Hazard
6. Institutional
7. Mercantile
8. Residential
9. Storage
10. Utility and Miscellaneous

## Assembly Group A

*\*Space must have an occupancy of 50 people or more to be considered Assembly Group A\**

### Assembly Subgroup A-1

Includes assembly uses, usually with fixed seating, intended for the production and viewing of the performing arts or motion pictures

#### Examples:

- Motion picture theaters
- Symphony and Concert Halls
- Television and radio studios admitting an audience
- Theaters

### Assembly Subgroup A-2

Includes assembly uses intended for food and/or drink consumption

#### Examples:

- Banquet Halls;
- Casinos (gaming areas)
- Nightclubs; Taverns and Bars
- Restaurants, Cafeterias, Commercial kitchens
- Event Spaces

### Assembly Subgroup A-3

Includes assembly uses intended for worship, recreation, or amusement and other assembly uses not classified elsewhere in Assembly Groups

#### Examples:

- Arcades, Art Galleries, Bowling Alleys
- Funeral Parlors, Community Halls, Gymnasiums
- Both Indoor Swimming Pools and Tennis Courts
- Lecture Halls, Libraries, Museums, Courtrooms
- Places of Religious Worship
- Pool and Billiard Parlors
- Waiting Areas in Transportation Terminals

### Assembly Subgroup A-4

Includes assembly uses intended for viewing indoor sporting events and activities with spectator seating

#### Examples:

- Arenas
- Skating Rinks
- Swimming Pools
- Tennis Courts

### Assembly Subgroup A-5

Includes assembly uses intended for participation in or viewing outdoor activities

#### Examples:

- Amusement Park Structures
- Bleachers
- Grandstands
- Stadiums

## Business Group B

Includes office, professional, or service-type transactions, including storage of records and accounts

#### Examples:

- Airport Traffic Control Towers
- Ambulatory Care Facilities
- Animal Hospitals, Kennels, and Pounds
- Banks
- Barber and Beauty Shops
- Car Wash
- Civic Administration
- Clinic (Outpatient)
- Electronic Data Processing
- Food Processing Establishments and Commercial Kitchens not associated with restaurants and cafeterias (not more than 2,500 sq ft)
- Laboratories: Testing and Research
- Professional Services (Architects, Attorneys, Dentists, Physicians, Engineers, etc.)
- Training and Skill Development not in a school or academic program (i.e., Tutoring Centers, Martial Arts
- Studios, Gymnastics, etc.)

## Educational Group E

Includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any time for educational purposes through the 12th grade.

#### Examples:

- Day care facilities with more than 5 children over 2 ½ years of age who receive educational, supervision or personal care services for fewer than 24 hours per day
- 6 or more persons at any one time for educational purposes through the 12th grade
- 5 or fewer children receiving day care ([See IB111.](#))

## Factory & Industrial Group F

### Moderate -Hazard Factory Industrial Subgroup F-1

Includes, among others, the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing operations

#### Examples:

- Dry Cleaning
- Bakeries
- Beverages over 16% alcohol content
- Tobacco
- Food processing establishments and commercial kitchens not associated with restaurants, cafeterias, and similar dining facilities

### Low-Hazard Factory Industrial Subgroup F-2

Includes factory industrial uses that involve the fabrication or manufacturing of noncombustible materials that during finishing, packing, or processing do not involve a significant fire hazard.

#### Examples:

- Beverages: up to and including 16 % alcohol content
- Brick and Masonry
- Ceramic Products
- Foundries
- Glass Products
- Ice
- Metal Products (fabrication and assembly)

## High Hazard Group H

The High-Hazard Group H has 5 subgroups: H-1 to H-5. The different levels of Group H (H-1 being the most hazardous) are based on the specific type and amount of hazard involved.

#### Examples:

The manufacturing, processing, generating, or storage of materials that constitute a physical or health hazard.

## Institutional Group I

The Institutional Group I has three subgroups for services providing supervision or care to individuals who are incapable of self-preservation or are subjected to restricted liberty.

- I-1: Residential Care/Custodial Care (24 hours) for 16 or more individuals
- I-2: Medical Care (24 hours) for five or more individuals who are incapable of self-preservation
- I-3: Groups of five or more individuals who are under restraint or security.
- I-4: Day Care Facilities for five or more individuals (adults and children) who receive custodial care (fewer than 24 hours/day)

#### Examples:

- Social rehabilitation facilities (I-1)
- Hospitals (I-2)
- Correctional Centers (I-3)
- Child day care (I-4)
- Adult day care (I-4) ([See IB111 for daycares.](#))

## Mercantile Group M

Includes retail and wholesale. For spaces to display merchandise and involves stocks of ware, goods, or merchandise.

#### Examples:

- Department stores
- Drug stores
- Grocery stores
- Gas stations
- Greenhouses
- Convenience stores

## Residential Group R

The Residential Group R has four subgroups.

- R-1: Transient Housing
- R-2: Multi-Unit Dwellings or Permanent Residences
- R-3: One- and Two-Family Dwellings and Small Care Facilities
- R-4: Residential Care/Assisted Living (6-16 People)

A facility inside a residential dwelling unit that has five or fewer children receiving daycare will be classified as Group R-3 Occupancy or should comply with the International Residential Code. ([See IB112 for a Bed & Breakfast.](#))

## Storage Group S

### Moderate-Hazard Storage Subgroup S-1

Must not be classified as high-hazard.

#### Examples:

- Book Storage (S-1)
- Self-storage facilities (S-1)
- Mattress Storage Facility (S-1)
- Sugar Storage Facility (S-1)

### Low-Hazard Storage Subgroup S-2

Must not be classified as high-hazard.

#### Examples:

- Public parking garages (S-2)
- Frozen food storage (S-2)
- Cement in Bags Storage Facility (S-2)
- Washer and Dryer Storage Facility (S-2)

## Utility & Miscellaneous Group U

This applies mainly to buildings and structures of an accessory character and are not classified in another category.

#### Examples:

- Barns
- Retaining walls
- Grain silos
- Water towers

**\*\*Some businesses may fall under different categories depending on specific conditions.\*\***