



TOWN OF DARIEN

BUILDING AND ZONING

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Change of Use or Occupancy

Changing the use or occupancy of a building involves many considerations. In a change of use or occupancy, almost nothing is grandfathered. For example, an old house that is to be used as an office building must comply with most of the life safety code requirements, such as exiting, that are required for a new office building.

Before you consider purchasing, renting or leasing a site for your business, please visit the Building Department. They can help you find out if the proposed use is allowed at the chosen location, tell you about any additional building or zoning requirements.

What is a change of use or occupancy? Every building is given an occupancy classification when it is originally built. Each classification has different building code requirements, which relate to the type of hazard or uses in the building. A change of occupancy is a change in the building's use that places the building in a different division of the same group of occupancies or in a building's use within the same occupancy but increases the building's occupant load or other factors that may have different building code requirements. For example, a change from an office to a café is a change within the same occupancy classification but is a change of use because the occupant load is increased.

It is important to keep in mind that the legal use or occupancy classification of the building may not be consistent with its most recent actual use. That means that a permit may be required to document the change of use or occupancy even if you don't plan to make any changes to the building or plan to change how the building is currently being used. A change of use or occupancy as discussed above applies to the use of the building as defined by the building code. However, changes of use or occupancy may also trigger different zoning code requirements.

Permit Required A change of use or occupancy requires a permit. A permit is required to document a change of use or occupancy classification of a building, even where no alterations are planned or required by the code.

The time involved to get a permit can vary. A simple change of use or occupancy requiring no type of waiver or appeal may go through the permitting system in the standard timeframe with goals of approximately two weeks for first review. In other cases where special zoning approvals are necessary or where there is complicated building history, a permit may take several months to obtain. Submittal of a clear building code summary showing any deficiencies and how they will be addressed, along with responding to requests from staff for information as quickly and comprehensively as possible are the best ways to keep the process going smoothly.

The type and number of permits you need will depend on the scope of your project. Permit fees are based on the fee schedule and vary on scale and scope of the project.

For an estimate of permit fees, please visit: Townofdarienny.com.

Considerations for a Change of Use or Occupancy The following table provides an overview of different requirements to consider when planning for a change of use or occupancy and is followed by text that further explains those requirements.

| Scope of Work | Code Considerations |
|---|--|
| Change of use or occupancy of a building | Current code requirements must be met, including: addressing accessibility for new work and removing existing barriers, the potential addition of sprinkler or hydrants, and others. |
| Change of use or occupancy of a building in certain locations | May require parking, pedestrian amenities and landscaping depending on use and location of property within certain zones. |
| Alterations to exterior/signage | May require design review and site plan, special use permit considerations. |
| Change that causes and increase of customers, traffic and/or use of resources | Requires site plan development and special use permit considerations. |

Accessibility requirements If the change of use or occupancy involves any remodeling, all new work must meet current accessibility requirements. Accessibility improvements must be prioritized in the following order: parking (if there is on-site parking), accessible route to the entry, accessible entry, and restroom improvements.

Zoning code The zoning code spells out the allowed uses for a particular piece of property. While building code use and occupancy classifications address the protection of the people using the building, zoning use classifications focus on the intensity of the use of a property and its impact on surrounding properties. The property's zone and the use of the property determine specific zoning code requirements. For example, in zones that have a parking requirement, a retail store would usually be required to provide more parking spaces than a warehouse. Changing the use or occupancy of a commercial building to another type of commercial use or occupancy may require additional vehicle parking. Examples of residential to commercial conversion include changing a house in a non-residential zone to an office use or changing a house or duplex in a non-residential zone to a short-term vacation rental.

Inspections Inspections are required for a permit to change the use or occupancy, even if no work is required. This is necessary to confirm the building meets all requirements for the new use or occupancy classification. The permit is subject to expiration if 30 days pass without an approved inspection. Extensions may be granted when requested in writing and if there is a reasonable cause for a delay. Once the job has been inspected and approved, a new Certificate of Occupancy will be provided to you for your records.

Questions and Answers

Q - Can I work out of my home without changing the use or occupancy?

A - If your intention is to live in your home while operating a small business there, you may not need to go through the process of obtaining a building permit to change the use or occupancy. Home occupations are allowed by Special Use Permit. See the Zoning Officer with questions.

Q - How do I apply for a change of occupancy permit?

A - Bring two sets of plans to the Building Department and our staff will guide you through the process and review your application for completeness.