



# City of Apache Junction

Division of Building Safety and Inspection

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## Understanding Change of Use or Occupancy for Existing Buildings or Spaces

### What is “Use” or “Occupancy”?

All commercial structures, buildings and/or tenant spaces are classified in, or assigned to, a “Use” or “Occupancy” classification per the adopted Building Code of a jurisdiction. The terms “use” and “occupancy” are used interchangeably to describe the major activity, “use,” that will be occurring inside a structure, building or space. For example the office of a doctor or an insurance broker or tax preparer is classified as “Business Group B” occupancy, typically referred to as a “B Occupancy.”

There are several life safety concepts used to differentiate the ten occupancy groups in the code:

- The amount of combustible material typically associated with the occupancy, this is the fire hazard concept.
- The number of people expected to be in a building or space and how densely grouped they will be, this is the occupant load concept.
- The occupant’s familiarity with a building or space is another concept. For example office workers are more familiar with their office buildings than guests at a hotel.
- The occupant’s awareness of their surroundings is another concept. People who are drinking alcohol, being entertained at a concert, or watching a movie are usually not as aware of their surroundings and will take longer to react to smoke or other dangers.

These are just a few of the factors used to evaluate uses and determine the group a particular use falls into. Different uses can have different code requirements, and it is a central concept of the building code, to set the minimum safety requirements based on use, as opposed to making every building meet the same requirements. This is fairer to owners and tenants and still provides a base level of protection to the occupants.

As mentioned there are 10 Occupancy Groups, a couple have sub groups designated by numbers.

1. Assembly “A”- subgroups 1-5 (a bar is an A-2.)
2. Business “B”- typically offices, or someone offering services.
3. Educational “E”- All schools through the 12<sup>th</sup> grade.
4. Factory and Industrial “F”-F-1 is moderate hazard, F-2 is low hazard.
5. High Hazard “H”- subgroups 1-5- places with high potential for explosion or fire.
6. Institutional “I”- subgroups 1-4- places of restraint or where occupants can’t easily self-evacuate (hospitals are I-2; prisons are I-4.)
7. Mercantile “M”- any retail, convenience stores to big box.
8. Residential “R”- subgroups 1-4 (Apartments are R-2.)

9. Storage “S”- S-1 is moderate hazard, S-2 is low hazard (auto repair garages are S-2.)
10. Utility and Miscellaneous “U”- carports, sheds, greenhouses, fences.

Therefore all commercial buildings or spaces have an assigned Occupancy Group classification. This is usually determined when an application for a permit to construct a building is made. When a building is substantially complete, and code compliant, a “Certificate of Occupancy” is created and issued for a building and or a tenant space.

For buildings built before the City of Apache Junction became a city, and adopted building codes, pre-1985, Pinal County may or may not have issued a “Certificate of Occupancy.” The City tries to honor existing uses, if it can be established that the use was in place before 1985. The use must be continuous and the building has to have been maintained in a safe condition since 1985.

Some terms used by older codes for occupancy have changed, but most existing businesses and commercial buildings can be assigned a current use group.

Some buildings are, or were, built with multiple occupancy group areas. These are usually described as “mixed use” facilities. The Certificate of Occupancy will list all approved uses.

### **Why does the City care if the “Use” or “Occupancy” changes?**

When a building is constructed, the building codes that are applied are based on a use or uses. Remember, the building code allows some uses to have less restrictions and requirements than others to be fairer to building owners. Therefore, it is possible that “changing” the use of a building or space may change it to a classification that is more hazardous, or has more safety requirements, and the building or space may not meet those new requirements.

For this reason the building code states that whenever the “use “ or “occupancy” of a building or space changes, then the building or space must comply with the currently adopted building codes.

For example converting a large wooden office, “B” occupancy, building into a movie theater or restaurant- “A” occupancies, means putting more people in a combustible building. There are codes that restrict the overall size that wooden buildings can be for “A” occupancies and the existing building may be too large to have the “A” occupancies without adding sprinklers or other changes.

Changing use or occupancy does not always mean that the new use is more hazardous, changing from a “B” to an “M” usually does not trigger any new requirements but, to be sure, an application and information on the previous and future use have to be submitted to the City for review and approval, before a new Certificate of Occupancy is issued.

By City ordinance, and the building codes, it is illegal to change the use of a building or space without City approval. Failure to obtain a new Certificate of Occupancy can result in orders to close or cease use of a structure and the issuance of fines.

## Summary

All properties in the City of Apache Junction have a zoning district classification, and all buildings and tenant spaces have a use or occupancy classification. For all commercial buildings and spaces, a Certificate of Occupancy shall be issued that specifies the “use” or “occupancy” based on the building code.

At the time a building is built or a tenant space is occupied it will be assigned the most applicable “use” or “occupancy” classification or classifications and these will be listed on the Certificate of Occupancy for the building or space.

If an owner or tenant plans to change the “use” or “occupancy” (even without any construction or remodeling being done) they must apply to the City of Apache Junction Building Division for a new change of occupancy and have a new Certificate of Occupancy issued. The new Certificate of Occupancy can only be issued if the current building or space complies fully with the currently adopted building codes for the City of Apache Junction.

For additional information contact the:

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