



Change in Occupancy or Use

Prior to a new owner or tenant moving into an existing nonresidential building or unit, zoning authorization from the Department of Land Use and Growth Management is required. However, issuance of a Certificate of Use and Occupancy may also be required if alterations are necessary to ensure that the new use complies with the Building Code, or if site improvements are required by the St. Mary's County Zoning Ordinance.

APPLICANT ACTION

All applicants proposing a change of occupancy or use must apply for zoning authorization and a change of occupant/change of use review at the Department of Land Use and Growth Management. The following information should be submitted, along with the \$15.00 zoning permit fee:

1. Written notarized permission of the landowner to file the application, if the landowner is not the applicant. (NOTE: While it is recommended that leases not be executed until zoning approval is received, an executed lease is written permission).
2. Notarized statement from the landowner supplying name of last tenant and nature of their business, (if our office records don't reflect this).
3. Unit number and square footage of space to be occupied.
4. Copy of current deed, and chain of deeds to March 15, 1978, to demonstrate "parcel of record" status, unless property is a lot in a recorded subdivision.
5. Type of renovations proposed, if any. (A floor plan sketch is recommended as it is helpful in identifying the scope of work and will assist in screening for any additional requirements; however, architectural drawings may be required by the Building Code, depending on the extent of renovations proposed.)

AGENCY ACTION

The Department of Land Use and Growth Management will review the application to determine if it is:

1. Change of occupancy only, or
2. Change of use

CHANGE OF OCCUPANCY ONLY:

A change of occupancy requires zoning authorization from the Department of Land Use and Growth Management which is granted through the execution of a Zoning Permit. However, upon request, a Certificate of Use and Occupancy may also be issued per the Building Code.

If there are no outstanding violations of the Code pending, and it is established that the building can be occupied safely, the Certificate may be issued.

CHANGE OF USE:

The application is also reviewed for “change of use” under the Building Code. Although physical changes to a building or unit might not be proposed, Building Code regulations may require alterations prior to occupancy, and, correspondingly the issuance of a Certificate of Use and Occupancy. To determine if the change of use involves alterations, applicants may have an investigation and evaluation, as per Section 302 of IBC 2003, prepared by a qualified design professional.

In addition, if the proposed use constitutes a “change of use”, the Maryland Accessibility Code applies. Although the tenant may not have intended to make any renovations to the building, an accessible route to the building and public accommodations (i.e. restroom facilities) must meet accessibility requirements. A building permit may be required, depending upon work needed to meet these regulations.

If the application is determined to be a “change of use”, the Fire Marshall must also review the information submitted to determine if alterations are required to comply with State Fire Code. Whether modifications to the building are required or not, the Fire Marshall may inspect and sign off prior to issuance of the Certificate of Use and Occupancy.

The application is also reviewed for a “change of use” under the Zoning Ordinance. If the Department of Land Use and Growth Management determines that the proposed use constitutes a “change of use” according to the St. Mary’s County Zoning Ordinance, a site plan may be required. The Department of Land Use and Growth Management must sign-off on the Certificate of Occupancy to insure the site complies with the approved site plan. A separate site plan review fee is charged based on the scope of work proposed.

Questions about these change of occupancy and change of use requirements may be directed to Zoning Administration in the Department of Land Use and Growth Management at 301-475-4200, Ext 1500.