

# Change of Use

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*Or maybe, “Not, Change of Use”*



**COU Task Force &  
WS/FC Inspections Department**

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**□ *Help!!!!***



# What is a change of use?

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- A “Change of Use” occurs whenever existing parcels of land or existing buildings are used in a manner different from their prior established use.
- A building used previously as a business office becomes a retail store.
- A single family residence becomes a hair salon.



## And, why is that a problem?

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- It may not always be a problem, but quite often when a COU (Change of Use) occurs, the land or building may need changes or improvements in order to comply with current provisions of the UDO (Unified Development Ordinances), the North Carolina State Building Codes and other applicable state and local regulations.



# □ COU

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The UDO and the NCSBC are documents that provide regulations promoting the health, safety and welfare of the public and our communities. Both documents also lay out an administrative framework to legally establish a use or an occupancy type in a zoning district where that particular use or occupancy is allowed. This framework also provides a method to alter or enlarge an established use, or to change from one use to another.



# COU

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- The frameworks established by the UDO and the NCSBC put the uses and occupancy types of these buildings and land into categories, with each category having its own distinct requirements. And these requirements in the UDO and the NCSBC are not the same. The UDO focuses more on land use and the NCSBC focuses more on the building's construction.



## *Wait, I'm confused!!!!*

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- Well, I'm not through yet. In addition to the UDO and the NCSBC there are the other local and state regulatory agencies we mentioned earlier such as: City/County Fire Depts. – State and Local DOT – City/County Utilities – Forsyth County Health Department – Stormwater – WS Engineering – Streets and Transportation, etc.....and each one has its own rules and guidelines.



# Why a COU process, and why now?

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- ❑ The administrative process for a COU is not something new.
- ❑ Because of rapid growth and development activity in the local market, and limitations for regulatory and code enforcement staff many changes to the use and occupancies of land and buildings were simply overlooked.
- ❑ Since the inspections and zoning enforcement groups did not have the time nor staff to seek out these changes of use, and since it was easy for businesses to move in and out of properties without taking heed of the local regulations and permitting processes, the change of use was largely ignored.
- ❑ The result is that many business uses or occupancies were never legally established at their current locations.



## Why a COU process, and why now?

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- There have been a number of factors over the last several years that contributed to the need to better accommodate a pro-active COU process in WS/FC.



# Why a COU process, and why now?

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- ❑ The adoption every three years of mandatory new editions of the State Building and Fire Codes. The codes are more complex and often more costly to implement during building construction. These codes require more education and intensive application to make sure buildings are compliant.
- ❑ Increased staffing and efforts by the City/County Fire Departments to perform the state mandated inspections of existing commercial properties.
- ❑ Adoptions of new developmental or environmental standards or policies that regulate Infrastructure, Streets and Sidewalks, Grease Control, Landscaping and Tree-Save Initiatives, Water and Cross-Connection Control, Stormwater Run-off, etc.....
- ❑ Increased City initiatives to communicate effectively with and respond to citizen concerns through City-Link and the Neighborhood Assistance Specialists.



# Why a COU process, and why now?

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- ❑ Increased City initiatives to facilitate improvements in existing commercial areas through programs such as RUCA, Operation Impact, Downtown Development programs such as the “Facades” program, and Economic Development loans and grants.
- ❑ Increased awareness of the complaints process by various neighborhood groups, owner’s groups, and the business community at-large to identify properties where renovations, improvements or a change of use has occurred without the proper permits and approvals
- ❑ The loss of past building and zoning permit records prior to 1985
- ❑ All of these factors contribute to the complexity of the Change of Use issue.



# Why a COU process, and why now?

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- The initiative by our office to get a handle on the COU issue has resulted in increasing conflict between local business and commercial property owners/realtors and all of the regulatory agencies in WS/FC. This conflict is magnified when the COU is discovered and has already occurred. Often additional work is required, or work that has been done that is not code compliant has to be redone at additional expense to owners/tenants and other stakeholders. The financial impact has spurred business/property owners and realtor/property manager professionals to invite Inspections, Planning and Economic Development staff to join a task force to address this growing problem.



# What is being done?

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- This partnership, labeled the COU Task Force has met bi-weekly since last year to study the various and complex COU issues and try to develop cooperative ways to address the constraints and burdens that the business community faces in the COU process.



# What are the goals of the Task Force?

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- ❑ Create a standardized process and form for Realtors, business owners, and property owners to request in writing the last legally established use of a specific property; or if no established use is on file to note the probable use for that parcel of land and it's underlying zoning district.
- ❑ Develop a model for City/ County regulatory agencies to provide continuing education regarding COU issues and other concerns where our duties are dependent on one another's cooperation.
- ❑ Establish a process to electronically retain site plans and permit approvals for existing properties that can one day become part of a county-wide GIS Data Base
- ❑ Develop options to allow stakeholders access to the records of the permitting offices.



# What are the goals of the Task Force?

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- ❑ Consider amendments to the UDO to allow consolidation of like or similar uses within the Table of Permitted Uses.
- ❑ Continue to work towards a mobile solution for field inspectors.
- ❑ Develop a process to allow inspection of a property prior to plans being drawn to help business/property owners and Realtor professionals understand what changes may be needed to complete a COU in a target property.



## So, where are we now?

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- A Change of Use inquiry form has been developed and placed on our website for use. The results and response times have been good and are getting better.



## Change of Use Inquiry

APPLICANT: Please complete this section.

Property Address: \_\_\_\_\_

TB: \_\_\_\_\_ | TL: \_\_\_\_\_ | PIN: \_\_\_\_\_ | Zoning District(s): \_\_\_\_\_

The Current Tenant-or-Tenants: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Desired Use or Tenant Occupancy: \_\_\_\_\_  
\_\_\_\_\_

STAFF USE ONLY:

Last Legally Established Use: \_\_\_\_\_ Date: \_\_\_\_\_

DOC Issued \_\_\_\_\_ Date: \_\_\_\_\_

Classified as \_\_\_\_\_ Occupancy for Zoning

Classified as \_\_\_\_\_ Occupancy for Building under the  
(year) \_\_\_\_\_ North Carolina State Building Code

Please Check All That Apply:  Intended  Current Use

Requires:  Planning Board Review,  Administrative Letter,  Zoning Letter (Simple),  
 Zoning Letter (Complex),  Evaluation Permit,  Plan Review,  Building Permit

Please contact the following for more information:

### City of Winston-Salem

- \_\_\_ Addresses - 336-747-7048
- \_\_\_ Business License - 336-747-6954
- \_\_\_ Business Development - 336-727-8040
- \_\_\_ Downtown Development - 336-727-2741
- \_\_\_ Engineering - 336-727-2141
- \_\_\_ Erosion Control - 336-727-2388
- \_\_\_ Fire Marshall - 336-773-7971
- \_\_\_ Permits - 336-727-2624
- \_\_\_ Streets/Stormwater - 336-748-3070
- \_\_\_ Transportation - 336-727-2707
- \_\_\_ Revenue - 336-747-6958
- \_\_\_ Utilities - 336-727-8418
- \_\_\_ Water/Sewer Billing & Customer Service - 336-727-2355
- \_\_\_ Zoning Board of Adjustment - 336-727-2101

### Forsyth County

- \_\_\_ Business License - 336-703-2300
- \_\_\_ Environment Affairs - 336-703-2440
- \_\_\_ Forsyth County Fire Marshall's Office - 336-727-8084
- \_\_\_ Health Department - 336-703-3225
- \_\_\_ Perk Test, Land, Environmental Health - 336-703-3224
- \_\_\_ Planning - 336-727-2087

### North Carolina Government

- \_\_\_ Alcohol Law Enforcement - 336-781-2255
- \_\_\_ Business License/Secretary of State  
1-800-228-8443
- \_\_\_ Transportation - 336-703-6600

CITY OF WINSTON-SALEM Mayor: Allen Jones  
City Council: Wlian H. Burke, Mayor Pro  
Tempore, Northeast Ward, Dan Besse, Southwest  
Ward, Robert C. Clark, West Ward, Jocelyn V.  
Johnson, East Ward, Molly Legitt, South Ward,  
Nelson L. Malloy Jr., North Ward, Wanda Menschel,  
Northeast Ward, Evelyn A. Terry, Southeast Ward  
City Manager: Lee Gerlty  
FORSYTH COUNTY COMMISSIONERS David R.  
Plyler, Chairman; Debra Conrad, Vice Chair; Beaufort  
O. Bailey, Ted Kaplan; Richard V. Liville; Walter  
Marshall; Gloria D. Whisenant County Manager:  
Dudley Wells, Jr.





# Questions about the Occupancy/Change of Use Inquiry

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- Who handles the form after I submit it?

The form goes via email or fax, (#727-2792) to Fred Holbrook, #727-2595, [fredh@cityofws.org](mailto:fredh@cityofws.org) or to Jeff Vaughn #727-2626, [jeffv@cityofws.org](mailto:jeffv@cityofws.org). Fred and Jeff will research zoning for the site and then forward the inquiry to our building plan review department. After the review is complete and the form filled out Fred or Jeff will contact the applicant.

- How long does it take for a response?

Most responses to this point have been handled in a few days. We do not always guarantee such a rapid response time; it is dependent upon our daily workloads.

- What information should I expect to get back?

You should expect all questions you asked to be answered to the best of our knowledge based on our existing records and our community knowledge. All pertinent areas of the form will be completed and we will reference the contact information for other agencies or departments you can expect to do business with during this process.



# Questions about the Change of Use/Occupancy Inquiry

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- What information should I be expected to provide?

Any information you have that is pertinent to your desired occupancy type. Often prior lease information, existing floor plans, old permit copies (sometimes addresses change and our permitting system is address based), anything that shows a continuous use of the property. Please verify that all the information you submit is correct. Answer all the questions you can on the form and if you are unsure, don't hesitate to call us.

- Does my request trigger an inspection of the property?

No! It does not. But please remember, our Fire Departments have added personnel, and increased training to ensure that the required timely inspections are performed on all commercial structures in Winston-Salem/Forsyth County. However if a physical visit to the site is needed you may want to take advantage of our Building Evaluation Service.

- Who can I appeal to if I disagree with the answers I get?

Code issues from the field, or plan review questions for building can always be appealed to Dan Dockery, for zoning issues the appeal would go to Chris Murphy. They both report directly to Charles Norton, the Director of Inspections. If you are still unsatisfied with the answers to building questions you can appeal to the Dept. of Insurance in Raleigh.

- What is the next step, if I receive a recommendation that will not help me?

We are always willing to sit down, review notes from the process and help you evaluate an alternate use for the property. Or we can give you information that might help in the process of changing or amending the codes or regulations that affect your property.



# Building Evaluation Form

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- Your next step may be to come into our office and apply for a Building Evaluation.
- This is a permit that triggers a scheduled on-site evaluation of your property by our Building and Trades, Zoning and Fire Inspectors.
- There is a \$250.00 fee for this service, but it can save thousands in other costs (architects, materials, labor, etc....) by giving you an idea of the suitability of your property for the desired use.



# Building Evaluation Form

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- This inspection is a visual but thorough inspection of your property. We do not examine components of your building that are not visible to the naked eye. We will not test your building for any hazardous materials or chemicals, (asbestos, lead based paint, etc..) but we will offer advice about the systems in your building if it is evident that some systems in your building appear to be from time periods when use of harmful materials in building components was prevalent. We may refer you to an architect or design professional if we think you would be helped by one, or if the scope of your project (2500 sq. ft. and \$90,000.00 requires the sealing of your documents by a design professional). We will also recommend contact with other city/county departments whose approvals will be needed to get you a Certificate of Occupancy; and we will provide their contact information for you.

# Building Evaluation Form

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**See Handout**



# Questions?

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- Where do I go to get the permit?

The permit for a building evaluation is issued in our offices at 100 E. 1<sup>st</sup> Street, Winston-Salem, NC 27101. We are on the 3<sup>rd</sup> floor of the Bryce Stuart Municipal Building.

- Who do I see?

If possible, try to make Joe Kube, Plans Review Coordinator your initial contact for the Building Evaluation service. Joe can be reached by phone at #727-2328, his email address is [joek@cityofws.org](mailto:joek@cityofws.org).

- When can I schedule my inspection?

The building evaluations are done Wednesday of each week. We will schedule your inspection in the first available slot. We generally can handle two or three evaluations in a single day.

- Who needs to be there?

We need someone there to provide access to the building. That person can be the owner or the agent of the owner, but that representative needs to have the authority to grant access to any area within or outside of the building we need to see.



# Questions?

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- When do I get my report?

We will try to get a complete written report back to you within a week from the inspection. However the complexity of the requested use or the condition of the building may cause added time for additional research.

- What if I have additional questions after the inspection is complete and I have read my report?

You can call us and we will try to answer your questions over the phone; if the issues are too complex and require an appointment you can call Joe Kube and he will schedule a meeting with the appropriate personnel from our office.

- What if this tenant does not take the space and another one shows interest. Do I have to pay the Inspection Fee again?

No. Once the inspection and the report are finished the document becomes public record. We expect the same spirit of cooperation to exist between stakeholders in this process as exists between the members of our COU Task Force.

- How many tenant spaces or building areas will you examine under each permit?

It depends upon the scope of the request. That issue needs to be addressed at the time the Building Evaluation is issued and a decision will be made on a case by case basis.



# What can we do to help you?

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- On behalf of the COU Task Force, WSRAR, WS/FC Inspections Department, WS/FC Planning Department and the Winston-Salem Development Office.....***Thank You***