



# CITY OF SAN ANTONIO

## DEVELOPMENT SERVICES DEPARTMENT

TO: All Development Services Department Customers

SUBJECT: **INFORMATION BULLETIN 126b**  
Certificate of Occupancy Permit Requirements

DATE: September 29, 2006

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As a customer service initiative, the city of San Antonio (COSA) Development Services Department (DSD) has amended Section 110.1 of the 2006 International Building Code whereby the requirement for a Certificate of Occupancy permit application will not be required for any existing building or structure that already has a Certificate of Occupancy, unless the new occupancy and/or proposed use is for an A-2 occupancy, an E occupancy, for a change in occupancy group classification, for a establishment that serves or proposes to serve alcohol, for a sexually oriented business and for uses specifically required by the Unified Development Code to obtain a Certificate of Occupancy.

As a result of the code amendment, the DSD's business process concerning Certificates of Occupancy has changed. A building or structure that has an existing Certificate of Occupancy for a specific use(s) no longer has to apply for a new Certificate of Occupancy each time a new owner or tenant occupies the building or structure, unless the conditions below apply.

### Certificate of Occupancy Applications

A permit application for a Certificate of Occupancy shall be required only for the following uses and/or applicable conditions:

- A. A first time full commercial building or interior finish-out of a shell building shall require a Certificate of Occupancy application, or the submittal of plans for review for the improvements as a first time interior finish-out.
- B. Whenever a change of occupancy classification occurs for an existing building or structure. The occupancy classification is based on the building code occupancy classification found in Chapter 3 of the International Building Code. (The classification is not based on the Unified Development Code use classifications)
- C. For an occupancy where alcohol is to be served. A building inspector is required by the Unified Development Code to verify the 300 feet distance separation from a school, church or hospital. However, if the existing Certificate of Occupancy includes alcohol sales, then a new application for a Certificate of Occupancy is not required.

D. For a sexually oriented business as required by the Unified Development Code, Section 35-424(c).

E. An A-2 occupancy classification which includes the following uses:

1. Banquet Halls
2. Night Clubs
3. Restaurants
4. Taverns and bars
5. Cafeterias

NOTE (a building or tenant space used for assembly purposes listed above which has an occupancy load less than 50 persons (occupants) shall be considered a group B occupancy - as per IBC Section 303.1 and does not require an application for new Certificate of Occupancy. Occupancy load is determined as per IBC Section 1004)

F. An E occupancy group shall require a Certificate of Occupancy permit application process. These occupancy group consist of:

1. Schools through the 12th grade. (Educational facilities above the 12th grade are considered a B occupancy group)
2. A day care that will provide education, supervision, or personal care services for more than five children over the age of 2 ½ years of age.

G. The Unified Development Code requires that the following temporary uses be issued a Certificate of Occupancy:

1. Tents more than 120 square feet.
2. Christmas tree sales.
3. Promotional circuses and carnivals.
4. Construction offices and equipment sheds.
5. Parking of oversized vehicles in non-residential zoned districts.

#### Change of Ownership

When a change of ownership of an existing building or tenant space within a building occurs, and the use group classification remains the same, and the occupancy classification and/or proposed use does not fall into one of the classifications above, an application for a Certificate of Occupancy is not required. If so desired, the new owner may request a copy of the existing Certificate of Occupancy, or they may request a name change on the existing Certificate of Occupancy after payment of a \$25.00 fee.

#### Multiple Suites in a Shell Building

A new shell building with multiple suites to be finished-out for a specific use(s) requires separate permits for each tenant space created. If the spaces are to be only partially completed by the owner/contractor, but not fully ready for occupancy ('white box' type completions), then a single permit can be used for the submittal and the DSD Plans and Permits staff shall make notes in the description box indicating that only a Certificate of Completion will be issued, or that 'No Certificate of Occupancy' is to be issued.

No Certificate of Occupancy on Record

For older buildings where an existing Certificate of Occupancy cannot be found in the city computer records, the owner must apply for a new Certificate of Occupancy.

Changes in Use for the Metro Health Department

Please note that the Health Code in Chapter 13 of the City Code requires that any of the establishments listed below require an inspection and new license if there are name changes, owner changes or other situations where the existing food license is no longer valid. Even though a new Certificate of Occupancy may not be required, a new license and inspection would still be required. Those establishments that require this inspection and licensing are:

1. Restaurants
2. Fast Food Establishments
3. Grocery Stores
4. Bingo Parlors
5. Bars
6. Bowling Alleys
7. Convenience Stores
8. Child Care facilities
9. Nursing Homes
10. Schools
11. Swimming pools
12. Hotels and Motels that have food and drink and a swimming pool
13. Mobile Living Parks if they have any type of food and drink or swimming pool
14. Any other type of establishment that serves food or drink, including video stores, thrift stores, auto supply, drug stores, flea markets, liquor stores

Please come to the Health Desk at the DSD to obtain further information on inspections and licensing requirements for your business. You may also receive information from the Health Department's Duty Supervisor at (210) 207-8853.

Should you have any further questions concerning whether you are required or not required to obtain a Certificate of Occupancy for your new or existing business, please call the Development Services Departments, Plans and Permits Division at 207-1111 (option 0).