

## CHANGE OF USE

### 5:23-2.6 Change of use

(a) Continuation of existing use: The legal use of any structure existing on the effective date of the regulations may be continued without change, except as may be specifically provided in these regulations or in any property or fire safety maintenance code, or minimum housing standard or regulation, adopted pursuant to law.

1. A certificate of continued occupancy shall be granted upon request, subject to this subchapter.

(b) Change of use: It shall be unlawful to change the use of any structure or portion thereof without the prior application for and issuance of a certificate of occupancy as herein provided.

1. A certificate of occupancy shall be issued provided such structure shall comply with the provisions of N.J.A.C. 5:23-6, Rehabilitation Subcode.
- i. Buildings meeting the requirements of N.J.A.C. 5:23-6.31 (p) shall be entitled to a certificate of occupancy for Group R-1. The certificate of occupancy shall be subject to the condition that it shall be valid for a bed and breakfast use only.
2. If any non-residential occupancy, other than Use Groups F, H or S, accommodates seven or more non-consecutive group overnight stays within a calendar year for persons over 2 ½ years of age, and the activities involve planned periods of sleep, the building is considered to have undergone a change of use. In such a case, it shall be necessary to apply for and be issued a Certificate of Occupancy. This shall be a dual Certificate of Occupancy to allow Use Group R-1 in addition to the existing use of the building. Any facility that accommodates six or fewer overnight stays within a calendar year shall obtain a permit under the Uniform Fire Code, N.J.A.C. 5:70. Group overnight stays in Use Group F, H and S shall be prohibited.
3. The use of an existing structure as a “special amusement building” as defined in the building subcode, shall be a change in the character of use of the existing building. The building or portion thereof shall be required to comply with N.J.A.C. 5:23-6.31(a)5vii.
  - i. Exception: The use of an existing structure or portion thereof as a special amusement building for not more than 15 days in a calendar year provided that a permit for such use has been issued by the local fire official pursuant to the Uniform Fire Safety Act, N.J.S.A. 52:27D- 192 et seq.