



City of Maryville, Missouri

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www.maryville.org

July 20, 2012,

**RE: Real Estate located at «SITE_ADDRESS» (hereinafter, “Real Estate”)
New zoning affecting you: University Neighborhood Overlay District**

Dear Property Owner:

According to records available to us, you are the current owner of the above-mentioned Real Estate. If that information is incorrect, please contact me at once.

After many years of citizen’s concerns expressed at City Council meetings, the City Council employed the services of a land use consultant, who then made suggestions as to the zoning of land in certain areas of Maryville. As a result of those suggestions, on July 9, 2012, the City Council approved two overlay districts which provide for different requirements than had been in place.

Your real estate is contained in what is known as the “University Neighborhood Overlay District”. As a result, certain new zoning requirements and/or allowances apply to you. **This letter provides you notice of those changes in zoning affecting your Real Estate, what you need to do if you are affected, and the consequences of failing to act.** A copy of the University Neighborhood Overlay District requirements and a map of the districts are also attached.

Changes affecting your Real Estate: First off, all requirements of your current zoning remain in place unless specifically changed as described below.

The University Neighborhood Overlay District allows forbids/requires the following:

1. All regulations, including permitted uses, with regard to landscaping, parking, and signage shall be as described in your underlying base zoning.
2. For this district, a “Family Unit” is defined as no more than two unrelated individuals.
3. Certain limitations as to lot area and width; minimum yard space on the side, front, street side and rear; maximum height; maximum building coverage; and, maximum impervious coverage for different types of buildings are affected. Please see the attached ordinance.
4. A requirement of 2 off street parking spaces for per unit is required.
5. Accessory rentals are prohibited in this district.

Additionally, a definition of accessory rental has been created as follows:

“ACCESSORY RENTALS, ACCESSORY RESIDENTIAL RENTALS, ACCESSORY UNITS AND, ACCESSORY RESIDENTIAL UNITS: A habitable living unit that is (1) (a) within or added to a Single-Family Dwelling, or (b) a Detached Dwelling on the same Lot as a Single-Family Dwelling, (2) which is not open to the remainder of the Single-Family Dwelling, (3) includes separate, complete, independent and permanent provisions for living, sleeping, eating, cooking and sanitation, and which (4) complies with the requirements of R-2 zones (currently found in

Sec. 405.240 (1) (b)). For purposes of requirement (3) hereof, the unit shall, at a minimum, have the following amenities separate and exclusive from the Single-Family Dwelling: a direct entrance from the exterior of the Dwelling; lavatory; bathing or showering facilities; access to running water with sink; hot cooking facilities; electrically-powered cold food storage, and; no less than two outside access points (door or window) sufficient to comply with then-current Building/Fire Code requirements.”

What to do if your Real Estate does not conform to the above-described changes in zoning law:

The City of Maryville allows for the “grandfathering” in of certain Real Estate uses. If your Real Estate does not conform to the above-described requirements, then it is considered a “Non-Conforming Use”. The City of Maryville allows Non-Conforming Uses to be grandfathered in. However, to prevent the spread of Non-Conforming Uses in a given zone, the existing Non-Conforming Use must be registered with the City. **Pursuant to the City Code, your Non-Conforming Use must be registered with the City within no less than 120 days from July 9, 2012.** A non-conforming use application package is available in the Public Works Department at City Hall or online at www.maryville.org. This must be completed by the owner of the property and there is no fee for the application.

By completing the Application for Non-Conforming Use permit, you as Owner of the Real Estate have begun the process of making sure that your Non-Conforming Use is registered with the City, and therefore can be grandfathered in as a Non-Conforming Use. Please understand that the City is not looking for violations by which to deny your application. Rather, the City simply wants to create an inventory of the Non-Conforming Uses in your zone. By doing so, if a new Non-Conforming Use pops up a couple of years from now, the City can look back at its inventory and know that this Non-Conforming Use was not grandfathered in and therefore should not be allowed.

Consequences of failing to register Non-Conforming Uses: You as Owner of your Real Estate are expected to know whether your Real Estate is in non-conformance with the above-described changes in the zoning law. You must register the Real Estate as described in the previous section.

If you do not register your Non-Conforming Use within the 120 day window of opportunity provided in the section above, then your Real Estate will be required to conform to the current zoning criteria. In other words, if you do not register your Non-Conforming Use and it is then found that you have two accessory rental units, you will be required to remove one of them in order to conform to the current existing zoning. Thus, it is imperative that you register now.

No doubt, questions about this will occur. You may contact a Code Enforcement Officer at (620) 562-8012 with your questions. **However, please understand that the time to act is now and that the 120 day window of opportunity will end on November 6, 2012.** Please come to City Hall immediately to register your Non-Conforming Use.

Sincerely,



Greg McDanel
City Manager