



# City of Maryville, Missouri

415 North Market Street • P.O. Box 438 • 64468-0438

Tele. (660) 562-8001 • Fax (660) 562-3895

[www.maryville.org](http://www.maryville.org)

## APPLICATION PACKET FOR REGISTRATION OF NON-CONFORMING USE

### Applicable Sections of City Code: Chapter 405 Zoning Code

#### **Non-conforming Use (Chapter 405, Article VI. Non-Conforming Uses.)**

A Non-conforming Use (commonly referred to as *Grandfathered*) is a use/activity that was allowed in its location when it was established, but due to changes in the property's status or classification, is no longer allowed by-right. The property owner or applicant must document that a Non-conforming Use was allowed when it was established and has been maintained over time. Evidence might consist of objective determination, such as: building permits, utility hookups, tax records, business licenses, etc.

Chapter 405: Zoning Code of municipal code of Maryville defines Non-conforming Use as “a use which lawfully occupies building or land at the time this Chapter (June 10, 1991) or an amendment thereto becomes effective but does not meet the requirements of this Chapter or any amendment thereto.” On July 9, 2012, the City Council made changes in the Zoning Code which has presumably created certain non-conforming uses in the City. In an attempt to document these ‘grandfathered’ non-conforming uses, real estate owners are required to document any non-conforming use they may have as a result of the recent zoning change. The failure to document this non-conforming use results in the stripping away of the grandfathered status of the property, meaning it then must conform to present zoning. Thus, it is in the land owner's best interests to register the non-conforming use should the owner desire to continue such use of the property.

#### **Standards Affecting Non-conforming Uses**

The following standards apply to all Non-conforming Use situations:

- 1.) The status is not affected by changes in ownership. The non-conforming use will continue to be grandfathered if continuous owners maintain such use of the property.
- 2.) They may be changed to conforming uses, however once changed to a conforming use, the nonconforming rights are lost and a Non-Conforming Use may not be re-established.
- 3.) A Non-conforming Use may not be expanded or extended in any manner to other areas of the property.
- 4.) A Non-conforming Use will be considered terminated if the building, structure, or land is not occupied by a registered or legally Non-conforming Use for a continuous twelve (12) month period.
- 5.) Any Non-conforming Use dependent upon a building or structure that has been declared dangerous or order demolition pursuant to the City of Maryville Building Code will be considered terminated upon that declaration and order.
- 6.) Any Non-conforming Use dependent upon a building or structure that has been damaged to the extent that repair or restoration would cost more than 50% percent of the fair market value will be considered terminated. Fair market value will be determined by an independent appraisal acceptable to the City.
- 7.) Non-conforming Use property shall be inspected on an annual basis to insure that the non-conforming use has not been expanded or extended in any manner. The owner must grant the City the right to perform such annual inspection in order to be granted the Non-conforming Use Permit.
- 8.) Filing of false registration application will result in the termination of a non-conforming use.



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## APPLICATION FOR REGISTRATION OF A NON-CONFORMING USE (PLEASE PRINT BELOW AND CHECK APPROPRIATE BOX)

New Application

Recertification

<b>Legal Owner (must include all owners of the property)</b>	_____ Name	
	_____ Mailing Address	_____ City/State/Zip Code
	_____ Day-time Phone Number	_____ Email Address
<b>Site Information</b>	_____ Project Name <i>(if applicable)</i>	
	_____ Street Address	
	_____ Date Land Use Commenced	_____ Current Zoning
Describe the cause for your application, including the following: <ul style="list-style-type: none"><li>• Provide the nature of the non-conforming use.</li><li>• Provide the date the non-conforming land use (s) began and where it occurs on property.</li><li>• Provide the date(s) that the structure(s) were built.</li><li>• Additional information for consideration in relation to your request.</li></ul> _____ _____ _____ _____ _____		

## DECLARATIONS

Submission of this application and supporting documentation does not imply approval of the use. A determination will be made based on the information provided by the applicant, the inspection, and/or other resources. Failure to provide any additional requested information by City Staff may result in the delay or denial of this application.

Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to land uses, density, minimum setbacks, or size and height of structures. These covenants and restrictions do not constitute a criterion for a City land use decision, as the City cannot enforce said restrictions. It is the responsibility of the applicant to investigate private covenants or restrictions.

I hereby authorize the City of Maryville or its agents to enter upon the property which is the subject of this application, upon reasonable notice to more fully document the manner in which the property does not conform with current zoning law. I further authorize the City of Maryville or its agents to enter upon such property, upon reasonable notice, for the purpose of re-inspecting on an annual basis to ensure that the non-conforming use has not been expanded or extended in any manner..

I hereby apply for registration of a Non-conforming Use as requested on this application and certify that the submitted information and any attachments are true and accurate. Information contained on the attached form(s) will be used for the purposes of administering the formal Non-conforming Use registration process of the City of Maryville.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

### Official Use Only

Case No.:

Current Zoning:

Property Address:

Legal Description:

Code Officer Assigned:

Decision Date:

Staff Decision:  Registered     Not Registered     Entered in GIS

Staff Findings: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_