



# **Christian County Planning & Zoning Commission Recommendation & Staff Report To the County Commission**

## **Proposed Amendments to the Christian County Zoning Regulations**

**HEARING DATE:** July 17, 2025

**ENCLOSURES:** Draft Amended Article 4 of the Zoning Regulations

### **INTRODUCTION:**

Over the past two years, six of the ten Conditional Use Permit requests the Planning and Zoning Commission has reviewed have been to construct accessory dwelling units having greater than the currently allowed 1000 square feet of living space.

After taking note of the increased frequency of these types of cases, the County Commission asked staff to explore changes to the Regulations which might reduce the frequency of this type of CUP request.

### **RATIONALE BEHIND THE CURRENT REGULATION:**

When the Christian County Zoning Regulations were adopted in 2010, the Planning and Zoning Commission recognized that it was a reasonable and appropriate accessory use for property owners to have a separate structure associated with a single-family dwelling located together on the same parcel so long as certain potential concerns were addressed.

- The accessory dwelling should be clearly secondary to the primary dwelling.
- Proper provisions for water and wastewater should be required.
- This allowance should not create a means by which a land owner could populate a parcel with multiple dwellings as a way to create a makeshift motel operation.
- Landowners of 5 acres or less should understand that they would be developing their property with two dwellings which would not be able to be subdivided and therefore possibly reducing its future marketability.

These concerns were addressed by the current regulation as follows:

- A maximum living area of 1000 sq ft was set. Anything greater requires a CUP.
- The Health Department must approve the method of wastewater treatment for the second dwelling and the connection for water must go directly to the well or public water supply. (*Please note – If the Health Department determines that the site*

*cannot support any required additional septic capacity and will not approve a required septic permit, a building permit is not issued.)*

- The property owner is required to live in one of the two structures.
- The requirement of a CUP for anything over 1,000 sq ft naturally provides an opportunity for the owner to consider the consequences of adding a second dwelling of such size.

## **HISTORY OF DEVELOPMENT UNDER THE CURRENT REGULATION:**

A review of our records since the adoption of the current Zoning Regulation revealed the following:

Since 2010 there have been a total of 73 Conditional Use Permit Cases

Of those 73 cases, 9 have dealt with accessory structures wishing to have greater than 1,000 sq ft.

| Conditional Use Permit Cases - Accessory Structures With Living Spaces Greater Than 1,000 Square Feet |                         |                                                                                   |
|-------------------------------------------------------------------------------------------------------|-------------------------|-----------------------------------------------------------------------------------|
| 2010 - 2025                                                                                           |                         |                                                                                   |
| Case No.                                                                                              | Proposed Square Footage | Notes                                                                             |
| 2015-0259                                                                                             | 1900                    |                                                                                   |
| 2016-0054                                                                                             | 1500                    |                                                                                   |
| 2016-0255                                                                                             | 1800                    |                                                                                   |
| 2024-0135                                                                                             | ?                       | Approved with no specific size. No building permit issued as of 6/9/25            |
| 2024-0288                                                                                             | 2000                    |                                                                                   |
| 2024-0350                                                                                             | 1500                    |                                                                                   |
| 2025-0006                                                                                             | 1650                    |                                                                                   |
| 2025-0026                                                                                             | 2900                    | Living qtrs to be removed from 1st structure after completion of 2900 sq ft home. |
| 2025-0051                                                                                             | 1300                    |                                                                                   |

A review of actual building permits issued over the past 15 years suggests that approximately 105 accessory structures with living space less than 1,000 sq ft have been constructed in the county.

## **WHAT DO WE HOPE TO ACHIEVE OR CORRECT BY AMENDING THE REGULATION?**

1. As stated earlier in this report, the County Commission has expressed a desire to reduce the number of CUP cases related to this issue if possible.
2. Staff believes that, at the very least, this is an opportunity to add clarity to the Regulation in areas where questions have arisen over the years.

### Reducing the number of CUP cases

The two primary ways we could reduce the number of these requests is by either:

- a. Elevating the maximum allowable square footage of livable space to a point which makes more of the CUP scenarios we have seen permissible without having to go through the CUP process, AND allowing for a CUP for anything above that, or
- b. Setting a maximum limit and then completely eliminating citizens' ability to request a CUP for this purpose at all.

Based upon the history of requests we have processed since 2010 for this purpose, a maximum of 1800 square feet would arguably capture all but two of the cases we have seen. We are setting aside case# 2025-0026 because, in this case, the owner will be removing the living quarters in their existing shop house once the new 2,900 sq ft home is completed. This scenario could potentially have been handled in another way.

In discussing the 1,800 sq ft number informally with individual Commissioners, there was some sentiment expressed that the number was too high. However, our history tells us that a number less than that would likely not have changed anything in terms of the number of requests. With that being said, we cannot know for sure that some of the individuals who had requested 1,800 sq ft might have been agreeable to cutting their size down to 1,400 – 1,500 square feet in order to avoid the CUP process. In our day-to-day practice, staff frequently addresses situations where the property owner initially has plans for 1,100 – 1,200 square feet and after we explain the requirement, they choose to modify the living space down to 1,000 square feet or less.

If our goal is to eliminate the CUP process related to this topic without completely eliminating our citizens' ability to have living quarters in an accessory structure, a maximum size would still need to be established. Even then, if a citizen wished to have something larger, arguably a variance request could still be applied for. If the BOA were to reject the proposal, it would be wise to consider what rationale the County would hang it's hat on if that decision was appealed in Circuit Court.

### Adding Clarity to this Section of the Regulation

In the experience of day-to-day application of this Section of the Zoning Regulation over the past 15 years and having explained the requirements to countless residents, there are opportunities where the format of the information and added detail would improve the reader's understanding and perhaps shore up areas where the perception of loopholes might exist. Staff has embedded those recommended changes within the attached draft copy.

# CHRISTIAN COUNTY ZONING REGULATIONS

## Amendment #1 Article 4 -General Provisions

### Section 10. Accessory Buildings and Uses *(please refer to the draft copy)*

Subsection A currently includes a single definition pertaining to an accessory structure or use. We are recommending a renumbering/reformatting of the statements beneath that item and making the modification to the current item 5 as shown in the draft copy.

Additionally, we recommend adding definitions for Accessory Dwelling Unit and Living Area.

In subsection B we recommend inserting a new item 6 “Accessory dwelling structures containing ADUs which includes:” followed by renumbering the current items 6 – 8 as items a, b, & c under the new item 6.

The P&Z Commission recommends replacing the current subsection E with a revised version which includes several changes:

The square footage number in item “a.” should be changed to 1,500.

The other items listed provide more thorough detail regarding requirements.

In place of the current subsection F, a new subsection has been inserted which addresses access requirements for accessory structures.

The current subsection F which allows for a Conditional Use Permit process is changed to item “G” and includes added clarity and direction for the Board of Adjustment.

***The Planning and Zoning Commission met on June 16, 2025 give consideration to and refine the proposed amendments presented. The board voted unanimously to forward a request to the County Commission to amend Article 4 of the Zoning Regulations with the enclosed collective changes as recommended by the Board.***



Todd M. Wiesehan,  
Director, Resource Management Department

## Section 10. Accessory Buildings and Uses

### A. Definitions:

#### 1. An accessory structure or use:

- ~~1.a.~~ Is subordinate to and serves a principal building or a principal use;
- ~~2.b.~~ Is subordinate in area, extent or purpose to the principal building or principal use served;
- ~~3.c.~~ Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal building or principal use served;
- ~~4.d.~~ Is located on the same lot as the principal building or principal use served; and
- ~~5.e.~~ Cannot be a manufactured residential structure or mobile home.

#### 2. Accessory Dwelling Unit (ADU)

A secondary single-family dwelling unit, permitted and constructed as all or part of a separate and detached structure on the same parcel as a principal single-family dwelling unit.

#### 3. Living Area

That portion of finished and conditioned space within a structure which is used for human habitation, not including garages, attics or utility and storage areas.

### B. Allowed Accessory Structures and uses

Accessory Structures shall include, but are not limited to the following permitted structures:

1. Buildings or structures incidental to a principal building or structures, such as storage buildings, workshops, studios, carports or garages incidental to a permitted use.
2. Barn
3. Playhouse
4. Greenhouse
5. Pool and bathhouses

6. Accessory dwelling structures containing ADUs which includes:

- ~~6.a.~~ Living quarters
- ~~7.b.~~ Garage/living area combination
- ~~8.c.~~ Guest house or rooms for guests in an accessory building, minimum area must comply with building codes.

**C. Use Limitations**

All Accessory Structures and uses shall comply with the use limitations applicable in the zoning district in which they are located.

**D. Setback and Spacing Regulations**

All accessory structures shall comply with the following regulations:

- 1. Accessory buildings shall be set back a minimum of ten feet from the rear and side lot lines.
- 2. An accessory building shall be set back a distance equal to its side wall height.
- 3. No accessory building shall be permitted in any required residential front yard or required easement.
- 4. No accessory building shall be constructed closer than ten feet of the principle structure on the lot.
- 5. On a corner lot, no accessory building shall project beyond the front lot lines on the adjacent lots.

**~~E. Additional Regulations for Accessory Structures~~**

- ~~1. All driveways accessing accessory structures from a public right-of-way shall obtain a driveway access permit from the applicable County Road District (or their designee), Special Road District or the Missouri Department of Transportation prior to installation of the driveway.~~
- ~~2. The living area in an accessory structure shall be limited to 1,000 square feet.~~

**E. Additional Regulations for Accessory Dwelling Structures**

- 1. Each Residentially or Agriculturally zoned parcel shall be allowed a maximum of one accessory dwelling unit which is subject to the following conditions and requirements.

- a. Living space in an accessory dwelling unit is limited to a maximum of **1,500** square feet.
- b. Property owner must reside in one of the residential structures on the property.
- c. The accessory dwelling unit must have either a direct connection to public sewer or a method of wastewater treatment which has been approved by the Christian County Health Department.
- d. The accessory dwelling unit must have either a direct connection to public water or a direct connection to a private or shared well.
- e. Cannot be a manufactured or mobile home.

#### **~~F. Conditional Use Permit~~**

~~Property owners may request approval of a Conditional Use Permit from the Board of Adjustment for the following:~~

- ~~1. Increase in the size of the living area within an accessory structure beyond the permitted size.~~
- ~~2. The following conditions shall apply and shall be included as conditions for the approval of the Conditional Use Permit:~~
  - ~~a. Water and sewer facilities shall be connected directly to the Accessory Structure rather than attached to the principle structure on the lot.~~
  - ~~b. The property owner lives in one of the two structures on the property.~~

#### **F. Access Requirements for Accessory Structures**

1. All driveways accessing accessory structures from a public right-of-way shall obtain a driveway access permit from the applicable County Road District (or their designee), Special Road District or the Missouri Department of Transportation prior to installation of the driveway.
2. On residentially zoned parcels, no additional driveway access points to public right-of-way will be granted. Access shall be shared with principal dwelling.

## **G. Conditional Use Permit**

Property owners may request approval of a Conditional Use Permit from the Board of Adjustment for an increase above and beyond the square footage of living space otherwise allowed in this Section when:

1. The proposed ADU meets all other requirements set forth in this Section allowing such use, and
2. The Board of Adjustment finds that such use is not inappropriate for the neighborhood, or the present use of adjacent properties after the requiring certain conditions designed to reasonably mitigate the concerns described in Section 2 of Article 6, that may be associated with the proposed use of the property.