

ORDINANCE # 4285

AN ORDINANCE OF THE CITY OF EUREKA, KANSAS AMENDING ARTICLE X “R-1” SINGLE FAMILY DWELLING, ARTICLE XI TWO FAMILY DWELLING AND XII MULTIPLE FAMILY DWELLING AS ADOPTED BY ORDINANCE NO. 3908, AS AMENDED, BY ADDING A NEW ALLOWABLE USE BY SPECIAL USE PERMIT RELATING “TINY HOUSES AND TINY HOUSES ON WHEELS”

BE IT ORDAINED by Governering Body of the City of Eureka, Kansas:

Section 1. Article X, Article XI and Article XII, USE REGULATION is hereby amended to read as follows:

Section 3. USE REGULATIONS:

1. Animal hospitals or clinics.
2. Auto sales, and repair, service, paint and body work.
3. Bottling works.
4. Blacksmith shops.
5. Building materials, storage and sales.
6. Carpenter, cabinet, plumbing, heating, air conditioning, and sheet metal shops.
7. Contractor’s office and equipment storage yard.
8. Dog kennels.
9. Dry cleaning and/or laundry plants.
10. Feed and seed stores.
11. Frozen food lockers.
12. Grain elevators.
13. Greenhouses and nurseries, retail and wholesale.
14. Lumber yards.

15. Machinery sales and storage lots.
16. Manufactured home fabrication, sales and storage.
17. Manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.
18. Motor vehicle and farm implement sales and storage.
19. Poultry storage or slaughtering.
20. Public utility and public service uses.
21. Radiator repair shops.
22. Service stations.
23. Storage yards providing the storage yard is completely enclosed with a six (6) foot fence or wall.
24. Truck and rail terminals.
25. Upholstering shops.
26. Vehicle body repair provided all repair operations are conducted in a closed building, and that all outside storage shall be enclosed by a six (6) foot solid fence.
27. Warehouses or storage houses.
28. Wholesale houses.
29. The following uses of land may be allowed in this district by Special Use Permit when submitted, reviewed, and approved by the Board of Zoning Appeals.
 - a. Automobile wrecking yards, junk yards, and scrap processing yards subject to the following:
 - (1) Located on a tract of land at least three hundred (300) feet from a residential district zone.
 - (2) The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence, wall, or hedge. The fence, wall, or hedge shall be of uniform height [at least six (6) feet

high] and uniform texture and color and shall be so maintained by the proprietor as to ensure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk or other material within the yard.

- (3) No junk shall be loaded, unloaded, or otherwise placed, either temporarily or permanently, outside the enclosing building, hedge, fence or wall, or within the public right-of-way.
- (4) Burning of paper, trash, junk, or other waste materials shall be permitted only after approval of the Fire Department. Said burning, when permitted, shall be done during daylight hours only.

- b. Petroleum refining.
- c. Stockyard and slaughterhouses.
- d. Ready –mix concrete and asphalt mix plants.
- e. Manufacture or storage of bulk oil, gas, and explosives.
- f. Recycling Centers.
- g. Sanitary land fill.
- h. Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, or vibration.
- i. Communication towers.
- j. Tiny Houses and Tiny Houses on Wheels
 1. All Tiny Houses and Tiny Houses on Wheels must meet the following requirements in order to be either a permitted or conditional use:
 - a. Each dwelling unit shall have a minimum gross floor area of not less than 170 square feet for the first occupant and not less than 100 square feet for each additional occupant.
 - b. Required space in sleeping rooms. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at

least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.

- c. Minimum ceiling height. Every habitable room, foyer, bathroom, hall or corridor shall have a ceiling height of at least seven feet. If any room has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half the area thereof, but the floor area of that part of any room where that total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
 - d. Structure width. The minimum width of a tiny house must be at least 8.5 feet, with a maximum of 20 feet.
 - e. All houses must have both front and rear porches.
 1. Porches shall be oriented towards street. Porch shall be a minimum of (80) eighty square feet and a minimum of (8') eight feet deep.
 2. Secondary entrances facing the parking and sidewalks are required to have a minimum five - by-five porch.
2. A tiny house on wheels (THOW), for the purposes of these Guidelines, is a structure which is intended as a full-time residence or year – round rental property and meets these conditions:
3.
 - a. Built on a trailer that is registered with the builder's local DMV.
 - b. Towable by a bumper hitch, frame-towing hitch, or fifth -wheel connection, cannot move (and was not designed to move) under its own power.
 - c. Is no larger than allowed by applicable state law. (The typical THOW is no more than 8'6" wide, 30' long, and 13'6" high. Larger tiny houses may require a special commercial driver license and/or special permits when being towed.)

1. Verify with the DMV that the THOW is within limits of the law.
 2. Roof height is from bottom of tires to the top of the highest exterior point on the house, including any protrusions. The roof height may be taller when stationary, as long as it is collapsible for towing of the THOW. Chimney piping may need to be removed for travel and then reinstalled to meet clearance requirements for use.
 3. Built to standards of an International Building Code 2015 (IBC-) structural engineer's approved plans.
 - d. Has at least 170 square feet of first floor interior living space.
 - e. Includes basic functional areas that support normal daily routines (such as cooking, sleeping, and toiletry)
4. Lot Requirements.
- a. Area. The minimum lot area per dwelling unit shall be of (1,200) Twelve Hundred square feet. Maximum lot area per dwelling unit shall be (3,000) Three thousand square feet. Maximum lot coverage 40% for structure, porches and drives 30%.
 - b. Width. Minimum width per lot shall be 18 feet. Maximum width per lot 30 feet.
 - c. Depth. Minimum length per lot 50 feet. Maximum length per lot 100 feet.
5. Setbacks
- a. Front setback: shall be twenty feet to be used for front porch and parking.
 - b. Rear or next to common area the set back shall be five feet for the construction of a rear porch.
 - c. Side Setbacks: the sum of side setbacks shall be not less than 10 feet. If the side setback adjoins public

open space, these setback requirements may be reduced by an amount equal to the distance from the property line to the centerline of the open space.

- d. A modified setback shall be endorsed upon the approved site plan. No portion of a building or appurtenance shall be constructed as to project into any commonly owned open space. No structure or portion thereof shall be closer than five feet to any structure on an adjacent lot.
6. Tiny houses on wheels (THOW) in residential areas must comply with the following:
- a. THOWs must be placed in the designated area in the approved residential area.
 - b. All THOWs must be placed adjacent to common open space area.
 - c. Must meet the tie down and skirting requirements of the Mobile Home requirements of City of Eureka's Zoning Codes. The Building Official may require additional standards to ensure the porches hide any hitches.

SECTION 2. This ordinance shall take effect and be in force from and after its publication in the official newspaper.

PASSED AND APPROVED this 24th day of May, 2021.

s/Stephen Coulter, Mayor

Attest:

s/Renee Burk, City Clerk

