

ORDINANCE NO. PMV-2577

AN ORDINANCE RELATING TO VEHICLE USE, PARKING AND STORAGE IN THE CITY OF OVERLAND PARK; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 7.22.030, 7.22.070 and 7.22.080.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS;

SECTION 1. Overland Park Municipal Code Section 7.22.030 is hereby amended to read as follows:

7.22.030 Definitions.

The following words and phrases shall be defined as follows for the purpose of this chapter:

- A. "Automobile repair" shall mean the repair or restoration of any motor vehicle body or parts, and shall include, without being limited to, glass installation and replacement, brake and muffler repair and replacement, window tinting, radio and stereo installation, tire and battery replacement, tune ups, repair and servicing of motor vehicle engines, including overhauls, transmission work, body work and painting.
- B. "Chapter" or "this chapter" shall mean Chapter 7.22 of the Overland Park Municipal Code.
- C. "City" means the City of Overland Park, Kansas.
- D. "Commercial vehicle" means any vehicle other than an operable passenger car, passenger van, pickup truck, motorcycle or boat, and other than a recreational vehicle as defined herein.
- E. "Conversion van" means a passenger van converted to include basic temporary living quarters and generally considered to be the smallest version of the fully enclosed motorhome. They are constructed on a van chassis that may have elevated roof lines but no modifications to the length or width of the original chassis. Gross vehicle weights are in the 6,000 to 8,000 pound range with heights of 7 to 8 feet and lengths of 17 to 19 feet.
- ~~F.~~ "Enclosed building" shall mean the primary structure or an attached garage fully enclosed by walls and a roof, with all windows or doors completely closed.
- G. "Fifth wheel Trailer" means a travel trailer designed to be affixed to, and towed by, a pickup truck equipped with a special hitch in the truck bed.
- H. "Folding camper trailer" means a light-weight unit with sides that collapse for towing or storage, and is sometimes referred to as a fold-down camper, pop-up trailer or tent trailer.

- FI. "Front surface of a residence" means that wall surface, or combination of surfaces, that is visible from the front lot line; provided, however, that surfaces which are perpendicular or nearly perpendicular to the front lot line are excluded, as are surfaces of minor building projections such as fireplaces or bay windows.
  
- J. "Full size van" means a larger version of a minivan, built on a truck frame, and having a seating capacity of up to 12 persons, or having no rear seating and used for carrying cargo, ordinarily having a wheelbase of 135 inches and a gross vehicular weight of 8,500 pounds for a passenger van and a wheelbase of 135 inches and a gross vehicular weight of 6,600 pounds for a cargo van.
  
- K. "Hauling trailer" means every vehicle without motive power designed to carry property and to be drawn by a motor vehicle, excluding a boat trailer with a boat on it.
  
- FL. "Inoperable" means:

  1. A condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purposes for which it was originally constructed, or
  2. The absence of a current valid registration plate upon such vehicle permitting that vehicle to be operated on the public streets and highways of the State of Kansas, unless the vehicle has a non-highway vehicle title issued solely because the vehicle was not manufactured for street use, or
  3. The absence of one or more of the parts of the vehicle necessary for the lawful operation of the vehicle on the public streets and highways, unless the vehicle has a non-highway title issued solely because the vehicle was not manufactured for street use, or
  4. The placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports.
  
- M. "Minivan" means a smaller version of a full size van that is built on a car frame and usually used primarily for carrying persons and commonly having a seating capacity of seven, a wheelbase of 110 inches and a gross vehicular weight of less than 5,000 pounds.
  
- N. "Motorized RV" means a vehicle, also known as a motor home, which combines transportation and living quarters in one unit, ranging from a van up to a large bus-size. It does not include tractor portion of a highway tractor-trailer.
  
- GO. "Officer of the City" means an Neighborhood Environmental Enforcement Specialist or a Police Officer employed by the City of Overland Park or any other individual designated as a City Officer by the City Manager.
  
- HP. "Passenger car, passenger van, pickup truck or motorcycle" means a vehicle

  1. licensed for use on public streets,
  2. designed primarily for the transportation of people as opposed to equipment, freight or other vehicles, and
  3. sold primarily to individuals for personal use.

This definition shall include automobiles commonly referred to as coupes, sedans, hatchbacks, station wagons, and convertibles, and other vehicles commonly referred to as minivans, passenger vans and pickup trucks.

Vehicles which would otherwise meet this definition but which have had modifications to the interior of the vehicle, such as a full size passenger van or minivan that has had the seats removed to allow the carrying of cargo, shall be deemed to be included within this definition. Vehicles which would otherwise meet this definition but which are carrying useful items commonly found in residential areas, such as ladders, saw horses, or building materials, shall be deemed to be included within this definition. Pickup trucks and vans which would otherwise meet this definition but which have had accessories, such as racks, storage boxes or shells, added to the vehicle shall be deemed to be included within this definition provided that the original exterior walls of the vehicle remain intact.

Vehicles which would otherwise meet this definition but which have had external modifications to the structure or body, but not including cosmetic changes or common vehicle accessories, shall be deemed to be excluded from this definition. Pickup trucks that do not have the traditional pickup bed and side walls, and vans that have an expanded cargo area that is taller or wider than a passenger van are specifically excluded from this definition. Vehicle modifications which are specifically excluded from this definition include aerial buckets or platforms (e.g. "cherry pickers"), welding equipment, and mechanical lifts or arms designed to assist in loading and unloading freight. Vehicle types which are specifically excluded from this definition include, but are not limited to, step vans, box vans, flatbed trucks, buses, semi-tractors and trailers, cement mixers, construction equipment, and any vehicle with dual rear axles.

IQ. "Paved driveway or paved parking area" means a hard-surfaced area designed and constructed specifically for use by motorized vehicles as a path for the vehicle to be driven across or as a location at which a vehicle could be parked or stored. Such driveways and parking areas shall include only that surface area that is continuously connected to a public or private street via a paved surface wide enough for use by a standard passenger car. The paving material for a "paved driveway or paved parking area" shall consist of concrete, asphalt, paving bricks or similar material. Gravel may be used as a paving material if it meets the requirements of Overland Park Municipal Code Section 18.410.075 as a nonconforming site improvement. The term "paved parking area" may include a public or private street where on-street parking is permitted.

JR. "Property owner" means any person, partnership or corporation who alone or jointly or severally with others has legal title to land and/or structures, or any person, partnership or corporation who is trustee or guardian of the estate of the title holder.

KS. "Recreational vehicle" ~~or "motor home"~~ shall mean a vehicular-type unit which is

1. built on a chassis or for use on a chassis,
2. designed primarily as temporary living quarters for recreational or travel use,
3. has its own motive power or is mounted on or drawn by another vehicle, and

4. has a body width not exceeding 8 feet six inches, ~~and~~ a body length not exceeding 4030 feet, and a height not exceeding 12 feet.

This definition shall be limited to

1. vehicles originally manufactured and sold as recreational vehicles meeting the four conditions listed above, ~~or limited to a folding camper trailer, a truck camper, a travel trailer, a fifth-wheel trailer or a motorized RV, as shown on the attached illustrations.~~
2. minivans, full size vans or buses specifically modified to meet the four conditions listed above.

This definition shall not include mobile homes, the tractor portion of a highway tractor-trailer, or any specially constructed vehicle. The exclusion of a highway tractor shall apply regardless of whether or not it was originally constructed with a sleeper unit or later modified for temporary living use.

LT. "Resident or tenant" shall mean the person, partnership or corporation occupying or utilizing the primary structure on the site as a residence in a residential structure or as a business tenant in a nonresidential structure.-

MU. "Residential zoning districts" means that land area, including public and private streets, that is contained within one of the zoning districts defined by the Unified Development Ordinance of the City of Overland Park as a residential district. This definition shall include those sections of public and private streets that abut residentially zoned land on both sides.

NV. "Section" means the stated section of the Overland Park Municipal Code.

W. "Specially constructed vehicle" means any vehicle which shall not have been originally constructed under a distinctive name, make, model or type, or which, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

X. "Substantially screened from view" means screened from a street or other property by a fence, wall or ample height and density of landscaping so that a vehicle is not visible or is barely visible. For the purposes of this section, the term "barely visible" means that not less than 90% of each exposed surface area shall be totally obscured, or the screening shall allow only a highly filtered view of the object to be screened and said object shall be barely discernible to the naked eye from a street or other property. The determination of whether proposed or existing screening is consistent with these requirements shall be within the sound and reasonable discretion of the Director of Planning and Development Services.

Y. "Trailer" means every vehicle without motive power designed to carry property and to be drawn by a motor vehicle.

Z. "Travel trailer" means every vehicle without motive power designed to be towed by a motor vehicle and designed and constructed to be used primarily for temporary living quarters for recreational purposes.

AA. "Truck camper" means a detachable camping unit loaded onto, or affixed to the bed or chassis of an unmodified pickup truck.

ØBB. "Vehicle" means any automobile, truck, tractor, farm machinery or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time. For the purposes of this section, "vehicle" shall not include any boat or recreational vehicle.

PCC. "Vehicle owner" means the person, partnership or corporation registered as the owner of a particular vehicle.

ØDD. "Zoning ordinance" or "zoning regulations" means the requirements and regulations of Title 18, Unified Development Ordinance.

SECTION 2. Overland Park Municipal Code Section 7.22.070 is hereby amended to read as follows:

7.22.070 Commercial Vehicles in Residential Districts.

A. In residential zoning districts, the following limitations shall apply:

1. No person shall park or store a commercial vehicle ~~other than an operable passenger car, passenger van, pickup truck or motorcycle~~ for more than a single occurrence during any 30-day period. A single occurrence shall not exceed 24 hours in duration.

2. No vehicle owner, property owner, resident or tenant shall allow a commercial vehicle ~~other than an operable passenger car, passenger van, pickup truck or motorcycle~~ to be parked or stored on said property for more than a single occurrence during any 30-day period. A single occurrence shall not exceed 24 hours in duration.

3. ~~No property owner, resident or tenant shall allow a trailer or other equipment designed to be driven or towed to be parked or stored for more than a single occurrence during any 30-day period. A single occurrence shall not exceed 24 hours in duration.~~

43. Provided, however, that, notwithstanding the above prohibitions, flatbed trucks with or without sidewalls, and pickup trucks with a bed and sidewalls different from the traditional pickup bed and sidewalls may be eligible to receive a written administrative approval to allow parking and storage in a residential area if an application is received by the City within 5 days from the date a written inspection notice from an authorized City Officer and permitted if it is demonstrated to an Officer of the City that:

- a. The length of the vehicle does not exceed 21 feet;
- b. The width of the vehicle does not exceed 7 feet;

- c. The height of the vehicle does not exceed 8 feet;
- d. The top of the highest sidewall is not more than 3 feet above the bed; and
- e. There is no permanently mounted equipment, such as aerial buckets or platforms, welding equipment, mechanical or hydraulic devices designed to assist in loading and unloading freight.
- f. Said parking and storage would otherwise comply with all applicable laws, rules and regulations.

~~The owner or operator of such vehicle, or the owner or resident of the property at which such vehicle has been parked shall have 5 days from the inspection date to demonstrate to an Officer of the City that the vehicle meets the dimensional limits listed above. Otherwise, such vehicle shall be deemed to be in violation of this section.~~Parking or storage of flatbed trucks with or without sidewalls, and pickup trucks with a bed and sidewalls different from the traditional pickup bed and sidewalls, without a lawful written administrative approval, is prohibited.

- B. This section shall not apply to the parking of a passenger car, passenger van such as a minivan, full size van or conversion van, pickup truck or motorcycle as a lawful accessory use to a lawful residential use; agricultural equipment parked on property used primarily for agricultural purposes; to recreational vehicles, boats or hauling trailers parked in compliance with the provisions of this chapter; to vehicles parked in conjunction with a legal, non-residential use other than a home occupation; or to land that is subject to a special use permit for a non-residential use.
- C. This section shall not apply to those properties that have a zoning designation based on the Johnson County Zoning Regulations.
- D. No specially constructed vehicle shall be parked or stored lawfully under this section unless the owner has previously obtained a written administrative approval from an authorized City officer based on a determination by said officer that such vehicle is substantially similar to other vehicles permitted under this section and complies with the intent and purpose of these regulations.
- E. All vehicles must be parked or stored on property owned or leased by the vehicle owner; provided, however, that otherwise lawful parking or storage may be allowed if the owner of the vehicle has written permission of the owner or person in control of such property.

SECTION 3. Overland Park Municipal Code Section 7.22.080 is hereby amended to read as follows:

7.22.080 Recreational Vehicles, Boats, ~~Campers~~ and Hauling Trailers.

- A. For each residence, the parking or storage of not more than ~~one~~two of the following is permitted: a boat with or without a boat trailer, a folding campering trailer, a ~~pickup truck~~ camper, a travel trailer, a fifth-wheel trailer,a motorized RV home, ~~a recreational vehicle~~ or a hauling trailer. A hauling trailer, however, shall be permitted only if the length of its

bed or box does not exceed 8 feet and the trailer is designed to be towed by a passenger car; provided, however, that a hauling trailer may be allowed within the dimensions set forth in the definition of "recreational vehicle" if it is completely screened from view.

- B. The parking or storage of a boat, with or without a boat trailer, a folding campering trailer, pickup truck camper, travel trailer, fifth-wheel trailer, a motorized RV, home, recreational vehicle or hauling trailer shall be subject to the following restrictions:
1. No such parking or storage shall occur between the street and the front surface of the residence, or between the street and an imaginary line extended out parallel to the street from the front surface to the side lot line.
  2. On lots where a side lot line is adjacent to a street, no such parking or storage shall occur in the area parallel to the street and equal in width to the distance between the street and the closest point of the residence.
  3. On lots where a rear lot line is adjacent to a street, no such parking or storage shall occur in the area 15 feet or less from the street right-of-way; except that where the rear lot line is adjacent to a street and a privacy fence six feet or more in height has been installed parallel to the rear lot line, such parking or storage may occur in the area between the fence and the residence without any minimum setback from the property line.
  4. Storage areas are not required to be paved; provided, however that any item must be parked or stored, or driven to and from said parking or storage area, on a dust-free and rut-free surface, including, without being limited to, any such areas covered with grass, ground cover, water-permeable grass pavers, cement, asphalt or other similar ground cover. Parking, storage or driving on gravel or exposed dirt is prohibited; provided, however, driving on a gravel driveway that has been previously established as a lawful nonconforming use is permitted.
  5. A location and screening plan approved by the Director of Planning and Development Services, or his or her designee, shall be maintained at all times. The location plan shall require the item to be parked or stored in compliance with all locational requirements set forth in this code and are not otherwise specifically exempted or modified herein. In addition, the following locational requirements shall be followed:
    - a. Such parking or storage shall be as close to the main structure as feasible in order to maximize the open area between the property line and the required side yard setback line.
    - b. [OPTIONAL PROVISION] No storage or parking may take place in the required side and rear yard setback area.
    - c. [OPTIONAL PROVISION] Any fence or wall that is part of a required screening plan shall be set back from the side property line one foot for each foot of height over eight feet, but in all events a minimum of two feet regardless of height. The Director may modify this requirement if there is a pre-existing fence or wall or if said fence or wall is around the entire perimeter of the side and back yard.

The screening plan shall require, at a minimum, that the item being parked or stored shall be "substantially screened" from any public right of way or adjacent property, as that term is defined in Section 7.22.030.

C. The following are exceptions to the above requirements:

1. A boat, with or without a boat trailer, folding campering trailer, pickup truck camper, travel trailer, fifth-wheel trailer, motorized RV home, recreational vehicle or hauling trailer may be parked on a paved driveway between the street and a residence on two occurrences during any 30-day period. Each occurrence shall not exceed 48 hours in duration.
2. ~~The Director of Planning and Development Services, or his or her designee, may approve the parking or storage of a second item, or an alternative location for one item that does not meet the restrictions set out above. Such approval shall be accompanied by a screening plan designed to minimize the impact of the exception on the surrounding properties. Such approval shall be valid only as long as the screening specified in the plan is in place and maintained in good condition.~~
3. ~~————~~ This section shall not apply to those properties that have a zoning designation based on the Johnson County Zoning Regulations.
3. This section shall not apply to the parking of a passenger car, passenger van such as a minivan, full size van or conversion van, pickup truck or motorcycle as a lawful accessory use to a lawful residential use;

SECTION 4. Existing Overland Park Municipal Code Sections 7.22.030, 7.22070 and 7.22080 are hereby repealed.

SECTION 5. This ordinance shall take effect and be in force from and after its publication in *The Overland Park Sun*, an official City newspaper.

PASSED by the City Council this \_\_\_ day of \_\_\_\_\_, 2005.

APPROVED by the Mayor this \_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Carl Gerlach, Mayor

ATTEST

APPROVED AS TO FORM:

\_\_\_\_\_  
Marian Cook  
City Clerk

\_\_\_\_\_  
J. Bart Budetti  
Senior Assistant City Attorney