

**ORDINANCE NO. PMV-3351**

**AN ORDINANCE OF THE CITY OF OVERLAND PARK, KANSAS  
RELATING TO THE REGULATION OF VEHICLE USE, PARKING AND  
STORAGE; AMENDING AND REPEALING EXISTING OVERLAND  
PARK MUNICIPAL CODE SECTIONS 7.22.030, 7.22.070 AND 7.22.080,  
AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR.**

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 added to read as follows:

**7.22.030 Definitions.**

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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 that meets a minimum of one of the following criteria:
  - 1. The vehicle has a Gross Vehicle Weight Rating > 10,000 pounds;
  - 2. The length of the vehicle exceeds 20 feet;
  - 3. The width of the vehicle exceeds 8 feet;
  - 4. The height of the vehicle exceeds 8 feet;
  - 5. The vehicle has permanently mounted equipment, such as aerial buckets or platforms, welding equipment, mechanical or hydraulic devices designed to assist in loading and unloading freight; and
  - 6. The vehicle is a step van, box van, bus, or a semi-tractor.
- E. **Director** means the Director of Planning and Development Services or his or her designee.
- F. **Enclosed Building** shall mean the primary structure or a detached 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.

- I. **Former Military Vehicle** means a vehicle, including a Trailer, regardless of the vehicle's size, weight, or year of manufacture, that was manufactured for use in any country's military forces or is a replica of such a vehicle.
- J. **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.
- 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.
- L. **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, 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. **Motorized RV** means a vehicle, also known as a motor home, which combines transportation and living quarters in one unit, ranging from a minivan up to a large bus-size. It does not include the tractor portion of a highway tractor-Trailer.
- N. **Motor 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, the term "vehicle" not prefaced by the terms "motor," "commercial," "specially constructed" or "recreational" shall include any or all of the following, depending on the context and intended usage of that term: boat, Hauling Trailer, Commercial Vehicle, Motor Vehicle, Specially Constructed Vehicle or Recreational Vehicle.
- O. **Officer of the City or City Officer** means an Code Compliance Officer or a Police Officer employed by the City of Overland Park or any other individual designated as a City Officer by the City Manager.
- P. **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, convertibles, sports utility vehicles, minivan, passenger van and pickup trucks.

Vehicles which would otherwise meet this definition but which have had modifications to the interior of the vehicle, such as removing rear seats in a van 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. Vehicles 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.

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, Former Military Vehicles, cement mixers, construction equipment, and any vehicle with dual rear axles.

- Q. **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 approved by the City. 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 Driveway" or "Paved Parking Area" may include a public or private street where on-street parking is permitted.
- R. **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.
- S. **Recreational Vehicle** shall mean a vehicular-type unit which is:
1. built on a chassis or for use on a chassis, and
  2. designed primarily as temporary living quarters for recreational or travel use, and
  3. has its own motive power or is mounted on or drawn by another vehicle.

This definition shall be limited to:

1. vehicles originally manufactured and sold as Recreational Vehicles meeting the conditions listed above, 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 three 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.

- T. **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.
- U. **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.
- V. **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. **Trailer** means every vehicle without motive power designed to carry property and to be drawn by a Motor Vehicle.
- Y. **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.
- Z. **Truck Camper** means a detachable camping unit loaded onto, or affixed to the bed or chassis of an unmodified Pickup Truck or a detachable camping unit by itself.
- AA. **Vehicle Owner** means the person, partnership or corporation registered as the owner of a particular vehicle.
- BB. **Zoning Ordinance or Zoning Regulations** means the requirements and regulations of Title 18, Unified Development Ordinance.

Illustration A is incorporated into the Overland Park Municipal Code.

<b>ILLUSTRATION A</b>	
<b>Recreational Vehicles</b>	
<b>Class A motor home</b>	

<p><b>Class B motor home</b></p>	
<p><b>Class C motor home</b></p>	
<p><b>Travel Trailer</b></p>	
<p><b>Folding Camper Trailer</b></p>	
<p><b>Fifth-wheel Trailer</b></p>	
<p><b>Truck Camper</b></p>	

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

**7.22.070 Commercial and Other Vehicles in Residential Zoning Districts.**

A. In Residential Zoning Districts, the following limitations shall apply:

1. No Vehicle Owner, Property Owner, Resident or Tenant shall park or store a Commercial Vehicle or Former Military Vehicle on a public street, private street or on private property in any Residential Zoning District.

Exceptions:

- a. Commercial Vehicles used in making service calls, deliveries or engaged in legitimate loading or unloading activities.
  - b. Commercial Vehicles that are part of a lawfully permitted or approved construction project actively underway.
2. 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 five days from the date of 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 20 feet;
    - b. The width of the vehicle does not exceed 8 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.

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. It shall be unlawful for any Property Owner, Resident, Tenant or Vehicle Owner, agent, operator, or person in charge of any Former Military Vehicle to permit a Former Military Vehicle to be parked, stored or kept on private property in a Residential Zoning District. Each day that a violation of this Section occurs shall be considered a separate violation. The Director may, upon a request submitted in writing, evaluate the original intended use of a particular Former Military Vehicle, the absence or presence of military design, markings, equipment, attachments, modifications, and any other relevant factors, and make a determination in writing that the vehicle is so substantially similar in appearance and function to an ordinary Passenger Vehicle, and suitable for being parked in a residential area, for the vehicle to be exempt from the provisions of this Section and to be subject to the parking regulations applying to a Passenger Car, Passenger Van, Pickup Truck and Motorcycle rather than a Former Military Vehicle. Any alteration of the vehicle after obtaining such a written determination shall void the determination that the vehicle is exempt from this Section.
- C. This Section shall not apply to the parking of a Passenger Car, Passenger 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.

- D. This Section shall not apply to those properties that have a zoning designation based on the Johnson County Zoning Regulations.
- E. 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.
- F. All vehicles must be parked or stored on the principal legal residence of the registered owner of the vehicle. If the vehicle in question is not required or permitted to be registered, sufficient documentation of ownership must be presented to and approved by the City upon request.

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

#### **7.22.080 Recreational Vehicles, Boats and Hauling Trailers.**

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- A. Any parking or storage of Recreational Vehicles, boats and Hauling Trailers, not screened from view from any public right-of-way or adjacent property by a wall or fence that is not specifically permitted by this Section is prohibited. When approved by the Director, mature landscaping material may be substituted for a wall or fence. Any modification to an existing fence shall be subject to a fence permit and a determination by the Director whether the proposed fence modifications are compatible with the existing fence. Refer to Section 18.390.140 Development and Performance Standards for fences and walls.
- B. Each residence is permitted, subject to the restrictions specified in this Section, to park or store, behind a wall or fence, any combination of the following: a boat, with or without a boat Trailer; a Folding Camper Trailer; a Truck Camper; a Travel Trailer; a Fifth-wheel Trailer; a Hauling Trailer; and/or a Motorized RV. Screening shall be subject to the following provisions:
  - 1. The parking and storage of permitted items shall be behind the Front Surface of a Residence, in the side or rear yards.
  - 2. The parking and storage of permitted items shall occupy no more than 20% of the allowable outside storage area.
  - 3. Only one permitted item is approved to be visually seen above a wall or fence by a person standing on a street or other property at ground level. The amount of projection above the fence shall not exceed 25% of the total height of the fence or wall.
  - 4. The parking and storage of permitted items shall be at least 3 feet from the side and rear property lines.
- C. Such parking or storage of a boat, with or without a boat Trailer, a Folding Camper Trailer, Truck Camper, Travel Trailer, Fifth-wheel Trailer, a Motorized RV, or a Hauling Trailer shall be subject to the following restrictions:

1. Storage or parking areas are not required to be paved; provided, however that any boat, Recreational Vehicle or Hauling Trailer 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.
2. Any boat, Recreational Vehicle or Hauling Trailer parked or stored must be operable, not leaking fluids and maintained in a clean, well-kept state that does not detract from the appearance of the surrounding area.
3. All vehicles must be parked or stored on the principal legal residence of the registered owner of the vehicle. If the item is not required or permitted to be registered, sufficient documentation of ownership must be submitted to and approved by the City upon request.

D. The following is an exception to the above requirements:

1. The Director may approve the parking or storage of a boat, with or without a boat Trailer and may approve the parking, storage, and, notwithstanding any other provisions to the contrary, the temporary overnight living occupancy of a Folding Camper Trailer, Truck Camper, Travel Trailer, Fifth-wheel Trailer, Hauling Trailer or Motorized RV on a Paved Driveway between the street and a residence, if the following requirements are met:
  - a. The vehicle is owned or leased by a visitor to the residence and the owner of the residence has applied to the Director and received a permit to park said vehicle on the driveway.
  - b. The period of time for the vehicle parking or storage is specified and approved as a part of the permit.
  - c. No equipment on the vehicle, such as a generator, that creates noise in violation of 7.08 Noise shall be operated, nor shall the engine be idled, while the vehicle is parked on the Paved Driveway.
  - d. The vehicle shall not obstruct the sidewalk or street.
  - e. The vehicle meets the condition requirements for vehicles stated previously in this Section.
  - f. The permit may be revoked for any violation of these conditions or any other applicable law, ordinance or regulation.

E. The Director may approve the parking or storage, or an alternative location or screening for items that do not meet the restrictions set out above. Such approval shall be accompanied by a screening plan designed to meet the above restrictions and 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.

F. This Section shall not apply to those properties that have a zoning designation based on the Johnson County Zoning Regulations.

- G. This Section shall not apply to the parking of a Passenger Car, Passenger Van, Pickup Truck or Motorcycle, not otherwise included with the definition of a Recreational or Commercial Vehicle, as a lawful accessory use to a lawful residential use.
- H. Exceptions - The prohibition of the storage or parking of a boat, with or without a boat Trailer, Folding Camper Trailer, Truck Camper, Travel Trailer, Fifth-wheel Trailer, Motorized RV or Hauling Trailer shall not apply under the following circumstances:
  - 1. The otherwise prohibited item was in lawful ownership of a Resident of the City prior to January 1, 2022; and
  - 2. The otherwise prohibited item was lawfully stored or parked at that owner's residence within the City prior to January 1, 2022; and
  - 3. That item, after January 1, 2022, is parked and stored in as full compliance with the requirements of this Section as feasible, as determined by the Director.
  - 4. The exceptions set forth in this subsection shall not apply to parking or storage of items in the rear yard that were previously permitted to be parked or stored unscreened from view prior to January 1, 2022.
  - 5. These exceptions to the prohibition specified in subsections 1-3 above shall terminate upon death or relocation of the current owner and shall not pass with any transfer of title or by will or other succession. These exceptions shall also terminate upon the sale, transfer or end of the useful life of the nonconforming item.
- I. The provisions of this Section shall not apply to any property that was annexed into the City pursuant to Ordinance No. A-2719, unless and until such property is rezoned.

SECTION 4. Existing Overland Park Municipal Code Sections 7.22.030, 7.22.070 and 7.22.080 are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, unenforceable, or otherwise void, such decision shall not affect the validity of the remaining portions of this Ordinance and the provisions hereby adopted.

SECTION 6. Nothing in this Ordinance shall be construed to affect any notice of violation, suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as set forth in this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 7. This Ordinance shall take effect and be in force from January 1, 2022 and after its publication in the official City newspaper as required.

*[Remainder of page intentionally left blank.]*

PASSED by the City Council this 20<sup>th</sup> day of December, 2021.

APPROVED by the Mayor this 20<sup>th</sup> day of December, 2021.

**CITY OF OVERLAND PARK, KANSAS**

(SEAL)

(s) Curt Skoog  
Curt Skoog, Mayor

ATTEST:

APPROVED AS TO FORM:

(s) Elizabeth Kelley  
Elizabeth Kelley  
City Clerk

(s) Trevor Stiles  
Trevor Stiles  
Senior Assistant City Attorney