

ORDINANCE NO. PMV-2881

AN ORDINANCE RELATING TO VEHICLE USE, PARKING AND STORAGE IN THE CITY OF OVERLAND PARK; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 7.22.010, 7.22.020, 7.22.030, 7.22.040, 7.22.050, 7.22.060, 7.22.070, 7.22.080, 7.22.085, 7.22.090, 7.22.100 AND 7.22.110.

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

SECTION 1. Overland Park Municipal Code Section 7.22.010 is hereby amended to read as follows:

7.22.010 Legislative findings.

The Governing Body finds that the types of vehicles that are parked or stored, the location on a particular site of such parking or storage, and the condition of the vehicles which are parked or stored has a direct effect on the health, safety and general welfare of the Residents of the City. The Governing Body finds that the improper or inappropriate storage or parking of vehicles can be unsafe, unsanitary and unsightly, and that such conditions constitute a blight on surrounding properties. The Governing Body further finds that in order to prevent such blight, stabilize the value of surrounding properties, and minimize threats to the public safety and general welfare of the Residents of the City, it is hereby deemed necessary to regulate the manner in which vehicles are parked or stored, the types of vehicles that are parked or stored, and the location of such parking or storage.

SECTION 2. Overland Park Municipal Code Section 7.22.020 is hereby amended to read as follows:

7.22.020 Scope.

The provisions of this Chapter shall apply to all lands within the corporate boundaries of the City of Overland Park unless specifically excepted.

SECTION 3. 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 not modified as specified in subsection S below, 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 motor home. 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 seven (7) to eight (8) feet and lengths of seventeen (17) to nineteen (19) feet.
- F. "Director" means the Director of Planning and Development Services or his or her designee.
- G. "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.
- H. "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.
- I. "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.
- J. "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.
- K. "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
- L. "Full Size Van" means a larger version of a Minivan, built on a truck frame, and having a seating capacity of up to twelve (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.
- M. "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.
- N. "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.

- O. "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 (7), a wheelbase of 110 inches and a gross vehicular weight of less than 5,000 pounds.
- P. "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 tractor portion of a highway tractor-Trailer.
- Q. "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.
- R. "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.
- S. "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 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, Former Military Vehicles, cement mixers, construction equipment, and any vehicle with dual rear axles.

- T. "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.
- U. "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.
- V. "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.
- W. "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.
- X. "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.
- Y. "Section" means the stated Section of the Overland Park Municipal Code.
- Z. "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.

- AA. "Substantially Screened from View" means screened from view of a person standing on a street or other property at ground or first floor level by a fence, wall or ample height and density of landscaping to the highest point of the vehicle up to a maximum of eight (8) feet so that 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.
- BB. "Trailer" means every vehicle without motive power designed to carry property and to be drawn by a Motor Vehicle.
- CC. "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.
- DD. "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.
- EE. "Vehicle Owner" means the person, partnership or corporation registered as the owner of a particular vehicle.
- FF. "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.

ILLUSTRATION A

Recreational Vehicles

Class A motor home



Class B motor home



Class C motor home



Travel Trailer



Folding Camper Trailer



Fifth-wheel Trailer



Truck Camper



SECTION 4. Overland Park Municipal Code Section 7.22.040 is hereby amended to read as follows:

7.22.040 Inoperable Vehicles.

- A. Except as provided below, it is unlawful for any Property Owner to park or store, or allow the parking or storage of, an Inoperable vehicle on such property unless it is enclosed within a garage or other building.
- B. Except as provided below, it is unlawful for any Resident or Tenant with control of a property to park or store, or allow the parking or storage of, an Inoperable vehicle on such property unless it is enclosed within a garage or other building.
- C. Except as provided below, it is unlawful for any Vehicle Owner to park or store, or allow the parking or storage of, such vehicle in an Inoperable condition unless it is enclosed within a garage or other building.
- D. The provisions of this Section shall not apply where there is only one Inoperable vehicle on the property and where the vehicle is Inoperable for a period of fifteen consecutive days or less.
- E. The provision of this Section shall not apply to any person, firm or corporation, or their agent, who is conducting a business enterprise concerned with the repair, sale or storage of vehicles in compliance with the existing Zoning Ordinance.
- F. The provisions of this Section shall not apply to those properties annexed into the City by either Ordinance No. A-2367 or Ordinance No. A-2719 that have a zoning designation based on the Johnson County Zoning Regulations.

SECTION 5. Overland Park Municipal Code Section 7.22.050 is hereby amended to read as follows:

7.22.050 Proof of Operability.

When, after reasonable investigation, the City Officer believes a vehicle meets the definition of an Inoperable vehicle in Section 7.22.030, the vehicle shall be deemed to be an Inoperable vehicle subject to the provisions of Section 7.22.040.

Where a vehicle is (1) parked or stored in a Residential Zoning District so that it is visible from a public or private street, or from adjacent private property with the permission of the adjacent Property Owner; and (2) the license plate of such vehicle is screened from view by an adjacent structure or vegetation, or by a cover, tarp or similar object, then the vehicle shall be deemed to be an Inoperable vehicle subject to the provisions of Section 7.22.040.

In both cases, such a determination may be voided if the Property Owner, Vehicle Owner or Resident demonstrates to the City Officer that the vehicle is operable on a public street and furnishes proof that the vehicle has a license plate and current registration as required for operation of the vehicle on public streets and highways. Such demonstration or proof shall be provided to an authorized Officer of the City within fifteen days from the date when a notice of violation was first given to the Property Owner, Vehicle Owner or Resident. It shall be a violation of this Section to fail to provide such demonstration of operability or proof of registration within the specified time whether or not said vehicle is operable or legally registered.

For the purposes of this Section, a vehicle shall be considered visible, even if covered, if the shape of the covered object is recognizable as a vehicle. Any covered object not recognizable as a vehicle shall be governed by the storage of useful items provisions of the Municipal Code.

SECTION 6. Overland Park Municipal Code Section 7.22.060 is hereby amended to read as follows:

7.22.060 Parking on Unpaved Surfaces.

- A. No Vehicle Owner, Property Owner, Resident or Tenant shall allow a vehicle to be parked or stored outside of a building on any surface other than a Paved Driveway or a Paved Parking Area.
- B. This Section shall not apply to 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; or to temporary events where parking on unpaved surfaces has been specifically approved by the City through a special event permit.
- C. This Section shall not apply to those properties that have a zoning designation based on the Johnson County Zoning Regulations.

SECTION 7. Overland Park Municipal Code Section 7.22.070 is hereby amended to read as follows:

7.22.070 Commercial and Other Vehicles in Residential Districts.

- A. In Residential Zoning Districts, the following limitations shall apply:
 - 1. Notwithstanding any other provision to the contrary, it shall be unlawful for any owner, agent, operator, or person in charge of any vehicle other than an operable Passenger Car, Passenger Van with rear side windows and rear passenger seats, Pickup Truck not modified as specified in subsection 7.22.030.S, or Motorcycle, to park, store, or keep, or to allow such parking, storing or keeping of such Motor Vehicle, on any public street, avenue, alley, or other public right-of-way and any private street as identified on the City of Overland Park Road Map in any residential district unless actively engaged in legitimate loading or unloading activities. This restriction shall not apply where the vehicle is present as a part of lawfully permitted construction actively underway on adjacent property, or to routine deliveries to adjacent property by tradespersons, or the use of Commercial Vehicles in making service calls to adjacent property, provided that such time is actually in the course of business deliveries or servicing. Moving or re-parking such vehicle on either side of such street, avenue, alley or public right-of-way within any residential district shall not prevent a violation of this Section. No provisions for any allowance of parking and storing contained elsewhere in this Ordinance or the Municipal Code shall apply to this prohibition.
 - 2. No person shall park or store a Commercial Vehicle for more than a single occurrence during any 30-day period. A single occurrence shall not exceed 24 hours in duration.
 - 3. No Vehicle Owner, Property Owner, Resident or Tenant shall allow a

Commercial Vehicle 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.

4. 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 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 twenty (20) feet;
 - b. The width of the vehicle does not exceed eight (8) feet;
 - c. The height of the vehicle does not exceed seven (7) feet;
 - d. The top of the highest sidewall is not more than three (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. All Former Military Vehicles shall, except as otherwise provided herein, be excluded from the definition of a Passenger Car, Passenger Van, Pickup Truck or Motorcycle and shall presumptively be classified as Commercial Vehicles and subject to all Commercial Vehicle rules and regulations. The Director may, upon request, evaluate the original intended use of such a vehicle, the absence or presence of military design, markings, equipment, attachments, modifications, and any other relevant factor, and make a determination in writing that such a vehicle is so substantially similar in appearance and function to an ordinary passenger vehicle, and suitable for being parked in a residential area, for it to be subject to parking regulations applying to a Passenger Car, Passenger Van, Pickup Truck and Motorcycle instead of Commercial Vehicles. Any alteration of the vehicle after obtaining such a written determination shall void the determination. The absence or denial of such a valid written determination shall subject said vehicle to Commercial Vehicle parking regulations as provided in this Chapter.
- C. 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.
- 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 8. Overland Park Municipal Code Section 7.22.080 is hereby amended to read as follows:

7.22.080 Recreational Vehicles, Boats and Hauling Trailers.

- A. Any parking or storage of Recreational Vehicles, boats and Hauling Trailers outside a fully Enclosed Building that is not specifically permitted by this Section is prohibited. Each residence is permitted, subject to the restrictions specified in this Section, to park or store, outside a fully Enclosed Building, a cumulative total of not more than one (1) of the following: a boat, with or without a boat Trailer; or a Folding Camper Trailer; or a Truck Camper; or a Travel Trailer; or a Fifth-wheel Trailer; or a Motorized RV; provided, however, that no such permitted item shall exceed eleven (11) feet in height, eight (8) feet six (6) inches in width and forty (40) feet in length. One Hauling Trailer may be permitted in lieu of those specified items, subject to the restrictions specified in this Section, but only if the length of its bed or box does not exceed twelve (12) feet, as long as it is designed and capable of being towed by a Passenger Car; provided, however, a Hauling Trailer that does not exceed eleven (11) feet in height, eight (8) feet six (6) inches in width and forty (40) feet in length, may be permitted, subject to the restrictions specified in this Section, if, in addition, it is fully screened from view.
- B. 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 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. Where the residence has different front surfaces on either side, that imaginary line shall be drawn for the front surface of the side adjacent to where the vehicle is parked or stored.
 - 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. 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.

4. With respect to such parking or storage, the following location requirements shall be followed:
 - a. Such parking or storage in the required side yard shall be as far from the side property line as feasible in order to maximize the open area between the property line and the required side yard setback line.
 - b. No storage or parking may take place in the required side yard unless the vehicle does not exceed eight (8) feet in height and is completely screened from view. Parking or storage of lawful vehicles not exceeding eleven (11) feet high and eight (8) feet six (6) inches wide and forty (40) feet long may be located within the building envelope created by the required yards if the vehicle is Substantially Screened from View to a height of eight (8) feet. Lawful vehicles not exceeding eleven (11) feet high and eight (8) feet six (6) inches wide and forty (40) feet long, parked or stored within the rear building envelope are exempt from screening requirements. If, however, the rear yard abuts a public street, the lawful vehicle must be screened as required when located in a required rear yard above.
 - c. Such parking or storage may take place in the required rear yard if the vehicle is at least three (3) feet from the rear property line and is substantially screened to a height of eight (8) feet. 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.
5. 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.
6. Covers are required for the open part of all boats. All covers for any items must be custom fit to the contours of the boat, Recreational Vehicle or Hauling Trailer. No tarps or other non-custom fit covers, or ready-fit or semi-custom covers may be used. A custom fit cover is designed, manufactured and tailored to closely fit the body style and size group of the specific make, model and year of the item to be covered.
7. 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.

C. The following are exceptions to the above requirements:

1. A boat, with or without a boat Trailer, Folding Camper Trailer, Truck Camper, Travel Trailer, Fifth-wheel Trailer, or Motorized RV 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 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 for longer than 48 hours 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 Chapter 7.08 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 and cover 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.
3. The Director may approve the parking or storage of a second item, or an alternative location or screening for one item that does 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.
4. This Section shall not apply to those properties that have a zoning designation based on the Johnson County Zoning Regulations.
5. 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, not otherwise included with the definition of a Recreational or Commercial Vehicle, as a lawful accessory use to a lawful residential use.
6. 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:
 - a. The otherwise prohibited item was in lawful ownership of a Resident of the City prior to August 13, 2007; and
 - b. The otherwise prohibited item was lawfully stored or parked at that owner's residence within the City prior to August 13, 2007; and
 - c. That item, after August 13, 2007, is parked and stored in as full compliance with the requirements of this Section as feasible, as

- d. determined by the Director; and
The item was registered as a non-conforming item with the City in compliance with the City's registration requirements prior to April 1, 2008. The Director is authorized to adopt regulations to implement these requirements; and
- e. The limitation on the number of vehicles shall not apply to lots of three (3) acres or more where the items are parked or stored in compliance with the other regulations of this Section and the Director has issued a permit approving the plan for parking or storage on that location.
These exceptions to the prohibition specified in subsections a-d 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. For only so long as the original registered owner is alive and has their principal legal residence at the original registration residence, that owner may repair or replace the otherwise prohibited item with a similar or like item. The determination of whether a replacement item meets these requirements shall be in the sole discretion of the Director.

D. 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 9. Overland Park Municipal Code Section 7.22.085 is hereby amended to read as follows:

7.22.085 Time Restriction on Outside Automobile Repairs.

- A. Except as provided in subsection (B) below, it shall be unlawful for any person to perform or allow the performance of any Automobile Repairs, as defined herein, on any residentially zoned or used property between the hours of 10 P.M. and 7 A.M.
- B. The following activities shall be exempt from this time restriction:
 - 1. Automobile Repairs that are allowed as a matter of right in the zoning district regulations or have been specially permitted under the applicable provisions of the Unified Development Ordinance; provided, however, that accessory uses in residentially used property shall not be exempt.
 - 2. Emergency repair or replacement of a flat tire or dead battery.
 - 3. Automobile Repairs conducted entirely within an Enclosed Building, as defined herein and conducted in conformity with all other applicable codes and ordinances.

SECTION 10. Overland Park Municipal Code Section 7.22.090 is hereby amended to read as follows:

7.22.090 Vehicles as Living Quarters.

No vehicle, motor home, camping Trailer, pickup camper, Recreational Vehicle, or similar item shall be used as living quarters within the boundaries of the City of Overland Park unless such vehicle is parked in an area specifically approved by the Governing Body as a campground or as a location for temporary or emergency housing.

SECTION 11. Overland Park Municipal Code Section 7.22.100 is hereby amended to read as follows:

7.22.100 Severability.

If any word, phrase, sentence or Section of this Chapter, or the application thereof to any person or circumstances, is held to be invalid, the invalidity shall be deemed not to affect other provisions or applications of the Chapter which can be enforced without the invalid provision or application, and to this end the provisions of this Chapter are severable.

SECTION 12. Overland Park Municipal Code Section 7.22.110 is hereby amended to read as follows:

7.22.110 Penalty.

The violation of any provision of this Chapter is a public offense and any person, firm, association, partnership or corporation convicted thereof shall be punished as provided in Section 1.12.010. Each day that any violation of this Chapter shall continue shall constitute a separate offense. Prosecution of any violation as a public offense pursuant to this Section may be in addition to, or as an alternative to, any other remedy or course of action available to the City.

SECTION 13. Existing Overland Park Municipal Code Sections 7.22.010, 7.22.020, 7.22.030, 7.22.040, 7.22.050, 7.22.060, 7.22.070, 7.22.080, 7.22.085, 7.22.090, 7.22.100 and 7.22.110 are hereby repealed.

SECTION 14. This ordinance shall take effect and be in force from and after its publication in an official City newspaper.

PASSED by the City Council this 19th day of July, 2010.

APPROVED by the Mayor this 19th day of July, 2010.

ATTEST: (s) Carl Gerlach
Carl Gerlach, Mayor

(s) Marian Cook
Marian Cook
City Clerk

APPROVED AS TO FORM:
(s) J. Bart Budetti
J. Bart Budetti
Senior Assistant City Attorney