

**SELLER'S DISCLOSURE  
OF SPECIFIED INFORMATION RELATING TO THE  
PURCHASE OF NEW ONE- AND TWO-FAMILY DWELLINGS**

PROPERTY DESCRIPTION: \_\_\_\_\_

\_\_\_\_\_

SELLER: \_\_\_\_\_

\_\_\_\_\_

PURCHASER: \_\_\_\_\_

\_\_\_\_\_

CURRENT ZONING: \_\_\_\_\_

***Pursuant to the requirements of the Overland Park Municipal Code, before every purchaser of real property, on which there is situated a newly constructed single-family or duplex residential dwelling, used or occupied, or intended to be used or occupied in whole or in part, as the home or residence of the purchaser and not previously occupied pursuant to a Certificate of Occupancy, is obligated under any contract to purchase, the seller shall provide the purchaser with the following information:***

1. That the City of Overland Park has adopted a comprehensive Master Plan (Future Development Plan Map, Official Street Map, Future Parks Plan, and Greenway Linkage Plan Map) of the City of Overland Park, Kansas.

2. That the Master Plan (including the Future Development Plan Map) is a composite of mapped and written materials which together serve as a master plan and guide for the future physical development of Overland Park and comprises land use, traffic circulation, planning objectives, policies, standards and principles. Also, the Master Plan is reviewed annually to ensure that it accurately reflects current city land use policy and is updated to reflect recent approved changes and recommended changes such as a development proposal or other land use map or policy change. ***Conformance to the city's Master Plan is only one of eight factors, as determined by the Kansas Supreme Court, that the city must use to evaluate the appropriateness of a development proposal such as a rezoning, preliminary development plan or special use permit.*** As such, the Governing Body of the city may choose to approve a development proposal even though it may conflict with the current Master Plan as the other seven factors may outweigh the desire to conform with the city's Master Plan.

3. That copies of the Master Plan are available in the Planning and Development Services Department at City Hall, for a nominal cost. The Master Plan (including the Future Development Plan Map, Greenway Linkages Plan Map, and the Official Street Map) is available on the city's website at [www.opkansas.org](http://www.opkansas.org). The Master Plan contains information about projected planned land uses, the location of bike/hike trails, existing and future streets, and private streets.

4. That a copy of the city's joint zoning and subdivision ordinances, called the Unified Development Ordinance (UDO), and zoning map are available in the Planning and Development Services Department at City Hall, for a nominal cost. The UDO is also available on the city's website at [www.opkansas.org](http://www.opkansas.org). The UDO identifies the land uses allowed in each of the zoning districts in the city. Below is the statement of intent from each of the single-family and duplex zoning districts:

- A. The zoning of property as RE, Residential Estates District, is intended to provide for single-family detached dwellings at a density not to exceed one dwelling unit per acre and other selected uses which are compatible with the large-lot/low-density residential character of this district. Property zoned RE should include only those tracts which abut or are in close proximity to existing large-lot single-family development and which have an established neighborhood character of single-family dwellings on large lots containing a minimum of one acre. Land considered for the RE District may include land which, due to its location or the conditions resulting from adjacent large-lot residential development, will not be provided public sanitary sewers within a reasonable period of time.
- B. The zoning of property as RP-OE, Planned Open Space Estate Residential District, is intended to provide for the development of very low-density residential development in newly developing areas, where adequate public facilities and infrastructure are available or will be available in the near future, and where greater flexibility is needed to allow for the preservation of natural features, such as riparian areas, floodplain, wetlands, and areas with steep slopes. Flexibility from the traditional residential estate large-lot standards (RE, Residential Estate District) is offered to allow for creative subdivision design, while maintaining a very low-density character and an opportunity to preserve open space. Property zoned RP-OE shall be provided with public sanitary sewers prior to, or concurrent with, development.
- C. The zoning of property as RP-OS, Planned Open Space Single-Family Residential District, is intended to provide for the development of low-density residential in newly developing areas, where adequate public facilities and infrastructure is available, and where greater flexibility is needed to allow for the preservation of natural features, such as riparian areas, floodplain, wetlands, and other site features. Flexibility from the

traditional single-family residential district standards (R-1, Single-Family Residential District) is offered to allow for creative subdivision design, while maintaining a low-density single-family residential character and an opportunity to preserve open space. Property zoned RP-OS shall be provided with public sanitary sewers prior to, or concurrent with, development.

- D. The zoning of property as R-1, Single-Family Residential District, or RP-1, Planned Single-Family Residential District, is intended to provide for standard low-density residential developments in areas where adequate public facilities and services exist for such development and such development is appropriate given the surrounding land uses and neighborhood.
- E. The zoning of property as R-1A, Small-Lot Single-Family Residential District, or RP-1A, Planned Small-Lot Single-Family Residential District, is intended to provide for detached single-family residential development, at densities greater than in the R-1 District, in areas where adequate public services and facilities exist for such development and such development is appropriate given the surrounding land uses and neighborhood. The R-1A and RP-1A Districts are intended to be located within areas shown as Medium-Density Residential on the Future Development Plan, or within areas shown as Low Density Residential upon a finding of compatibility with surrounding uses. The R-1A and RP-1A Districts are intended to promote affordable housing by lowering development costs, to provide single-family detached housing for persons desiring such housing on smaller lots, and to allow the development of zero-lot-line subdivisions.

The Master Plan Guidelines provide that, where appropriate, R-1A property may be used to buffer higher intensity land uses from lower density development and may be located adjacent to heavily traveled streets such as thoroughfares.

- F. The zoning of property as R-2, Two-Family Residential District, or RP-2, Planned Two-Family Residential District, is intended to allow for the development of conventional attached dwellings, commonly known as duplexes. Due to the potential for reducing development costs, zoning of property as R-2 or RP-2 also promotes affordable housing in a low-density environment.
- G. The zoning of property as RP-4, Planned Cluster Housing District, is intended to provide attached and/or detached dwelling units designed as an integrated project with common open space. This district allows for a mix of densities among living units. Projects may be developed on a single lot or parcel of land. The RP-4 District is intended to encourage the

conservation of natural resources and maximization of functional open space.

5. That the City of Overland Park has adopted an Official Building Code (O.P.M.C. Section 16.100, the International Building Code, which includes the International Residential Code covering the construction of one- and two-family residential structures. The purpose of the Official Building Code is to provide minimum requirements to safeguard health, safety, and public welfare and the protection of property by regulating and controlling the design and construction of all structures including one- and two-family residential structures. At the time of construction, the primary responsibility for compliance with the Official Building Code is on the permit holder

6. That although the City of Overland Park provides a program of routine inspection of one- and two-family residential structures on a regularly scheduled basis during construction, it is not reasonable to expect that every component of all residential structures will be inspected. This program of inspection is intended to generally cover all phases and disciplines of construction such as structural, plumbing, mechanical, electrical, etc. The city does not guarantee compliance with the Official building Code or the overall quality of construction.

7. That a compilation of information including the Future Development Plan Map, Official Street Map, Greenway Linkage Plan Map, Future Parks Plan Map, and other publications prepared by the City of Overland Park is available for purchase at City Hall for a nominal cost. This information is also available on the city's website at [www.opkansas.org](http://www.opkansas.org).

**8. *That Purchasers of residential dwellings have a responsibility to:***

- A. Obtain and examine the compilation of information available from the city, including the Master Plan, and be familiar with the relevant information contained therein, including the proposed future development of the surrounding neighborhood.
- B. Reasonably inspect and examine the covered housing and the various separate components thereof to evaluate the general condition and quality of construction, and to take reasonable action to determine if the covered housing has been constructed in substantial compliance with the Official Building Code; provided, however, that any such duties of the purchasers do not, in any manner, relieve the builder of primary responsibility.
- C. Make reasonable inquiry into the builder's reputation in the community for quality construction and customer service.
- D. Review the real estate records to determine the existence of recorded deed restrictions and covenants, notices of current or future tax

assessments, and other matters that might impact or affect the covered housing and adjacent property.

**ACKNOWLEDGEMENT PURCHASER HAS RECEIVED THE INFORMATION CONTAINED ABOVE**

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(SIGNATURE)

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(SIGNATURE)

DONE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

**THIS DOCUMENT MUST BE RETAINED BY SELLER FOR AT LEAST THREE YEARS FROM THE DATE INDICATED ABOVE!**