

## Congress Park Neighbors, Inc

### Rezoning - Frequently Asked Questions

#### **Why is the Congress Park Neighborhood proposing to change some of the zoning within its boundaries?**

In the past, large developments within the R-3 zone have caused concern for many CPN residents. Natural light sources have been blocked. Multiple stories of windows now overlook backyards, diminishing privacy. In addition, “Main Street” zoning has recently been approved for the Colfax corridor, increasing the possibility of large developments in the 1400 block (R-3 zoned) portions of Congress Park. The CPN board, and members, are actively meeting with residents and consulting with our city planners to create a solution.

#### **What is R-3 zoning, and why should we be concerned about it?**

The northern portion of the Congress Park Neighborhood is a prime example of the negative effects of Denver’s out-of-date zoning. Clearly, what is permitted and what exists are drastically out of alignment. All the area between 13<sup>th</sup> Avenue and Colfax is zoned R-3, and on the west side of the neighborhood (Clayton, Elizabeth, Columbine, and Josephine Streets) the R-3 zone extends south of 11<sup>th</sup> Avenue.

The Department of Zoning defines R-3 as an area for “Multi-unit dwellings; High Density” (high-density residential.) In R-3 the building floor area can be up to 3 times the site (land) area and there is no height limit for large lots. R-3 allows a high rise. (The towers at Cheesman Park are in an R-3 zone.)

#### **What is R-2, and what protection does it provide?**

The Department of Zoning defines R-2 as an area for “Multi-unit dwellings; Low Density” (low-density residential.) Duplexes are allowed in R-2 (if you have at least 6,000 square feet of land) and one additional unit is allowed for each additional 3,000 square feet of land.

The following are the main points of how R-2 would protect Congress Park properties:

1. It establishes a “protective bulk plane” that sets the maximum height of an adjacent building in an R-3 zone. It basically means that **a high rise building can not be constructed next to an R-2 zoned property**. (This “protective bulk plane” is 17 feet high at the R-2 property line, and slopes up and away from the R-2 property at a 45 degree angle.)
2. It restricts building height to 30 ft (approximately 2.5 stories) for all new buildings in the R-2 zone.
3. It establishes a front setback of 20 feet for all new buildings in the R-2 zone.

#### **Are there any other areas that already have R-2 zoning in Congress Park?**

Yes. The area between 11<sup>th</sup> and 13<sup>th</sup> Avenues and between Harrison and Detroit Streets is R-2.

### **How will rezoning to R-2 affect my property values?**

Your property value (house + land) will probably *increase*. This occurs because you have removed the threat of a neighboring high-rise apartment. Recent real estate sales data for the Congress Park Neighborhood indicate that homes in the R-2 zone sell for an average of \$26/square foot MORE than similar houses in the R-3 zone. As an example, if your home is 1500 square feet, this would amount to a \$39,000 value increase.

(Note: In R-3 zones the value of the property is often in the LAND, *not* the house. Developers will buy a house just to tear it down and build a large apartment on the land. The house is a liability to the developer, since he must first spend money to demolish it. To him the house is “worthless”.)

### **Will rezoning to R-2 limit the number of people who park on the street in front of my house?**

No. There are other methods (e.g. Resident only parking permits) that address this issue.

### **How will this restrict me in upgrading my property?**

The R-2 rezoning would *grandfather* structures built before the new zoning is approved by Denver City Council. That is, if your house is larger than allowed under R-2 rules, you would not be required to make it conform. Interior upgrades would be allowed, as well as additions that are within the R-2 height and setback limits.

### **My house has 3 units and is on just 1.5 lots. Can I still rezone to R-2?**

Yes. *However*, since your land is less than 9,000 square feet (4,650 square feet in this case), the three-unit would become a grandfathered “nonconforming” structure. If you allowed the use to lapse for a year (i.e. left the units vacant) you could lose the grandfathered status, and revert to the R-2 requirement of 6,000 square feet required for more than one living unit.

### **Will the rezoning cost me anything?**

Congress Park Neighbors, Inc. is considering offering grants to homeowners who wish to rezone to R-2 through the typical “Zone Map Amendment” application process. Even without a grant, the cost would be nominal (probably not more than \$100 per property.)

(If you are not already a member, please consider joining Congress Park Neighbors, Inc. Your membership would help provide rezoning grants to those who need them, as well as support CPN through the political process that is part of any rezoning. CPN membership applications are available on line at [www.congressparkneighbors.org](http://www.congressparkneighbors.org). A one year membership costs just \$20)

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