

# Common Wall Subdivision



## Facts to Know

### RELATED FACTS TO KNOW:

Residential Bulk Standards, Subdivision Plat, Development Plan, Landscape Plan, Approved Plant List, Variance.

### INTRODUCTION:

The Commerce City Land Development Code allows for new and existing duplexes and townhomes to be subdivided along a common, or party, wall.

A common wall subdivision allows for individual fee simple ownership of each half of a duplex or each townhome unit. Fee simple ownership means that the owner owns their portion of the structure as well as the ground beneath it. The following information contains the regulations and requirements for completing this type of subdivision. This process differs from a Condo Plat (only offered by the County) that allows for ownership of only the portion of the structure but not ownership of the ground beneath it. Please consult Subdivision Facts to Know for specific information on preparing the subdivision plat document.

**It is important to note that the approval of a common wall subdivision is contingent upon the structure meeting additional building code requirements.** It is imperative to discuss with the Commerce City Building Safety Division whether the potential subdivision of the subject building is possible, prior to hiring a surveyor to prepare the plat. The Building Safety Division may be contacted at 303.289.3790.

### GENERAL TIMEFRAME:

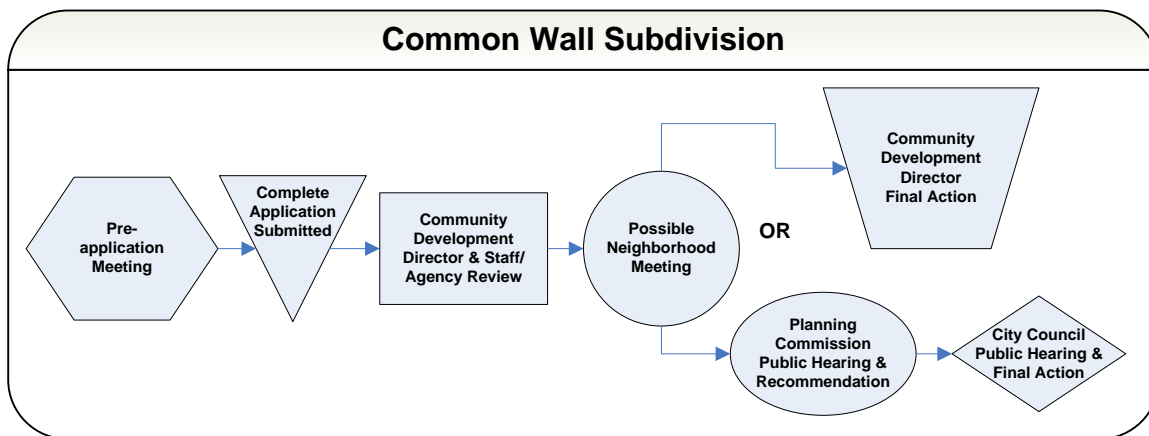
- In order to maximize the efficient processing of an application, **it is in the applicant's best interest to ensure that a complete and thorough application has been submitted** and that any subsequent submittals adequately address all comments that were provided.
- A Final Plat will be reviewed concurrently with any other required development review application(s).
- No building permit may be submitted for review until all development review applications have been approved.
- The length of time to process a subdivision can vary depending on the complexity of the request, the size of the subdivision, whether or not the subdivision is part of other requests, or if there are unique circumstances. However, subdivisions can generally be processed in the following timeframes:
  - ➔ Administrative Plats: 4 to 6 months
  - ➔ Public Hearing Plats: 8 to 12 months
  - ➔ Staff will determine whether an application will be approved administratively or by public hearing.

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## GENERAL NOTES:

- ❑ Prior to submitting a Final Plat for review, a Pre-Application meeting with staff should be scheduled to discuss the application and any additional requirements.
- ❑ Occasionally, the city may require a neighborhood meeting when it appears that an application may have impacts to the surroundings area.
- ❑ The city is authorized to impose any condition(s) on a subdivision approval that are necessary, in order to carry out the general purpose and intent of the Land Development Code (LDC) or Comprehensive Plan.
- ❑ The city may revoke any approved subdivision if the applicant for such subdivision fails to comply with any of the conditions that were imposed by the city in conjunction with the approval.
- ❑ If the approved subdivision is not executed by the applicant (signed and notarized Mylars delivered to the city with the necessary fees) within 60 days of the date of approval, the plat shall be null and void and automatically lapse.
- ❑ A duplex is an allowed use in the R-3 zone district. The review criteria for duplexes zoned R-3 will be reviewed against the R-2 requirements, except where specifically noted.

## COMMON WALL SUBDIVISION FLOWCHART:



## REVIEW PROCESS:

- ❑ The review process for a common wall subdivision follows the process described in the Subdivision Facts to Know.
- ❑ All submittal requirements described in the Subdivision Facts to Know are required for a common wall subdivision.

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## COMMON WALL SUBDIVISION APPROVAL CRITERIA:

BULK STANDARD	R-2 REQUIREMENTS	R-4 REQUIREMENTS
Minimum gross floor area	Two-family dwellings: 2,160-square feet, with 1,080-square feet for each dwelling unit	1,080-square feet
Minimum lot area-lot with a duplex or town home that is not subdivided with 0 lot line	8,000-square feet.	2,000-square feet
Minimum lot area-lot with a duplex or town home that has been subdivided with 0 lot line	4,000-square feet.	2,000-square feet
Maximum lot area	43,560-square feet	N/A
Minimum lot frontage un-subdivided lot	70 feet (100 feet for R-3)	20 feet (Note: Lot frontage may include frontage on a private road or a platted easement)
Minimum lot frontage-subdivided lot with a duplex or town home with 0 lot line	35 feet	20 feet (Note: Lot frontage may include frontage on a private road or a platted easement)
Minimum front yard setback	10 feet (garages to be set back 20 feet minimum)	10 feet (Note: Unless the lot fronts onto a private road, private drive, or access easement, any garages must be set back at least 20 feet)
Maximum front yard setback	50 feet (new dwellings only)	30 feet
Minimum side yard setback (interior lot)	5 feet. If lot is subdivided, common wall setback, 0 feet	5 feet exterior wall; 0 feet common wall
Minimum side yard setback (corner lot)	15 feet	15 feet
Maximum side yard setback (corner lot)	40 feet	N/A
Minimum side yard setback (corner lot facing collector or arterial)	25 feet	30 feet
Minimum rear yard setback	20 feet	20 feet
Minimum open space	N/A (15 percent of gross lot area for R-3)	15 percent of gross lot area. Open space may include common areas, recreational facilities, community gardens, or landscaped areas

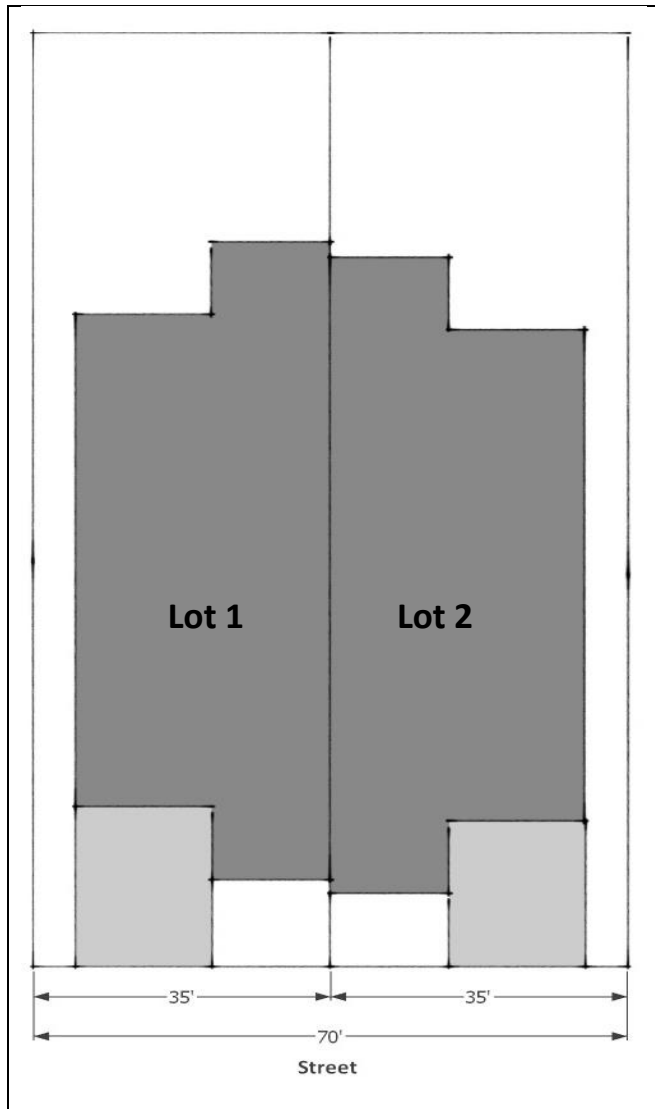
**The following note is required on the subdivision plat: “Approval of this plat does not assure that the structure is in compliance with the current building code.”**

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## COMMON WALL EXAMPLES:

The following are scenarios where a common wall subdivision may create an opportunity for owner occupancy. These examples are not formal subdivision plats and are intended for illustrative purposes only. Upon request, staff will provide examples of previously approved common wall subdivision applications to help guide potential applicants through the submittal process.

**R-2 ZONE DISTRICT (DUPLEX):**



**R-4 ZONE DISTRICT (TOWNHOMES):**

