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## 2.9.4. Setbacks

### A. Setback Measurement

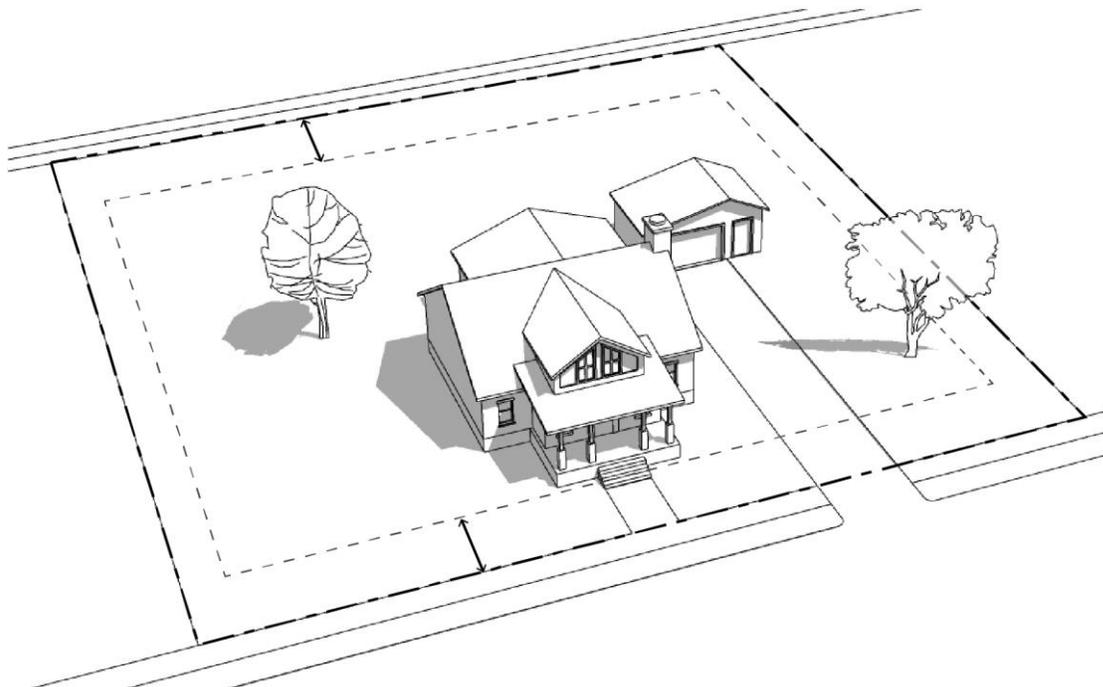
1. Setbacks shall be measured from the lot line, nearest edge of the road easement, nearest edge of right-of-way, or nearest edge of traveled way, whichever is greater.
2. The applicable street and road setback apply to both sides of a street or road adjacent to a lot or that goes through a lot. When an applicable side or rear setback exceeds the street or road setback, the greater setback applies.
3. Setbacks do not apply to streets or roads that are used for internal circulation in multi-family, commercial, or industrial developments.
4. No part of any structure may extend into or above any easement.

### B. Setbacks for Attached Buildings

For buildings where multiple dwellings or businesses share a common wall, only the outside walls of the end units shall comply with applicable setback requirements.

### C. Double-Frontage Lots

In the case of double-frontage lots, front setbacks shall apply to all frontages. See Figure -1,



below.

**Figure -1: Double-Frontage Lot**

### D. Setbacks for Detached Accessory Buildings 200 Square Feet in Area or Less

1. Detached accessory buildings may be placed within the rear or side setbacks of a lot subject to the following requirements:
  - a. All elements of the accessory building (including eaves and decorative features) shall maintain a distance of five feet from all lot lines;
  - b. All other required setbacks, including those listed in §E and §F below, are met;
  - c. The building is not on a permanent foundation;
  - d. The height shall not exceed one story;
  - e. The building is not used for any type of commercial or residential purpose;
  - f. No part of any building may extend into or above any easement; and
2. Where a building envelope is applicable, an accessory building may only be located outside of the building envelope when defined by the approval of a specific development approval condition.

**E. Setbacks from All Roads, Streets, and Highways**

Setbacks from specific road types are listed below. For all other road types not listed below, setback requirements are set forth in §§ through **Error! Reference source not found.** for each zoning district. In all cases, all structures shall be located outside of any existing right-of-way.

**1. Highways**

Setbacks from state and federal highways are 100 feet from the right-of-way centerline or 50 feet from the right-of-way line, whichever is greater, except those highways noted below where the minimum setback is 130 feet from centerline of the right-of-way or 80 feet from the right-of-way line, whichever is greater:

- a. U.S. Highway 287 from Fort Collins city limits south to the Boulder County line.
- b. Colorado Highway 68 (Harmony Road) from Interstate 25 west to Highway 287.
- c. Colorado Highway 14 (Mulberry Street) from Fort Collins city limits east to the Weld County line.
- d. Colorado Highway 392 from Interstate Highway 25 east to the Weld County line.
- e. U.S. Highway 34 from Morning Drive east to the Weld County line.
- f. Fort Collins Expressway and those portions of U.S. Highway 287 and Colorado Highway 14 north of Fort Collins city limits that are four lanes.
- g. Colorado Highway 402 from Loveland city limits east to the Weld County line.

**2. County Roads**

- a. Setbacks from Larimer County roads, as identified and classified on the Larimer County Functional Road Classification Map, are measured from the original right-of-way centerline as shown in Table Error! No text of specified style in document.-1: Road Classification, before any additional right-of-way was dedicated, as determined by the County Engineer.

<b>Table Error! No text of specified style in document.-1: Road Classification</b>	
<b>Type of Road</b>	<b>Setback</b>
Arterial	110 feet
Major collector	100 feet

**Table Error! No text of specified style in document.-1:  
Road Classification**

<b>Type of Road</b>	<b>Setback</b>
Minor collector	70 feet
Local, numbered county roads	60 feet

- b. Setbacks for additions to existing buildings that are nonconforming with respect to county road setbacks may be eligible for a minor modification pursuant to §.

**3. Annexed Roads**

Properties in unincorporated Larimer County along a road that has been annexed and is under the jurisdiction of a municipality have the option of utilizing the county required setbacks based on the most recent county road classification (prior to annexation) or requesting an administrative variance to allow a setback consistent with the required setback from the adjacent jurisdiction.

**F. Setbacks from Streams, Creeks, and Rivers**

The minimum required setback from any stream, creek or river identified on a U.S.G.S. quadrangle map is 100 feet from the centerline of the water course unless a greater setback is required by §, or unless evidence is provided documenting that the centerline has been relocated by a previously approved development; or where the centerline is a ditch managed by a ditch company. This section is not applicable to irrigation laterals.

**G. Setbacks from Oil and Gas Facilities**

1. Pre-Production Phase: For permitted or existing oil and gas locations where all permitted wells have not entered completions, no new residential, commercial, or mixed-use building units shall be allowed within 1,000 feet of such oil and gas location. This includes, but is not limited to, school facilities, hospitals, medical clinics, senior living or assisted living facilities, or state licensed daycares. This section does not apply to industrial, agricultural, or open space uses. Measurements shall be taken from the edge of the oil and gas location.
2. Early Production Phase: Unless waived as described below, no new residential, commercial, or mixed use shall be allowed to be constructed within 1,000 feet of permitted or existing working pad surfaces for two years after the final well permitted for the location has been put into production. This includes, but is not limited to, school facilities, hospitals, medical clinics, senior living or assisted living facilities, or state licensed daycares. This section does not apply to industrial, agricultural, or open space uses. Measurements shall be taken from the edge of the working pad surface.
  - a. Surface owner may waive this requirement to begin construction on platted lots but new construction must meet minimum setback requirements listed under “Production Phase”;
  - b. Surface owner must comply with noticing requirements in “Plat Requirements” below, and
  - c. Buildings will not receive a certificate of occupancy until the two years has expired or at the discretion of the Director.

3. Production Phase: For permitted working pad surfaces where all permitted wells have been in production for more than two years, or the permit has otherwise lapsed, been revoked, or forfeited, and is not subject to renewal or reissuance:

a. No new residential, commercial, or mixed-use lots, school facilities, hospitals, medical clinics, senior living or assisted living facilities, or state licensed daycares may be platted within the following minimum setbacks:

<b>Oil and gas production facility</b>	<b>Setback</b>
Oil and gas production facility without wells	200'
1-2 wells	200'
3-24 wells	350'
25 or more wells	500'

b. Measurements shall be taken from the closest edge of the “working pad surface.”  
 c. The setback from a flowline or gathering line shall be a minimum of 50 feet. Increased setbacks shall be evaluated on a case-by-case basis, with the determining locational factor being the size, pressure, and type of pipeline being proposed.

4. Post-Production Phase: For oil and gas wells that have been abandoned, no building may be placed within 200 feet of the well-bore. There shall be access for ingress and egress to the buffer of a width of not less than 26 feet. An applicant may be granted an "alternative compliance buffer" as described below.

a. Alternative compliance buffer reduction from plugged and abandoned wells. Upon applicant request, the Director of Development Services may approve a reduced buffer distance from a plugged and abandoned well in lieu of the minimum 200-foot buffer distance provided that the approved reduced buffer is not less than 50 feet in width and 100 feet in length. The plugged and abandoned well shall be located in the center of the buffer. There shall be access for ingress and egress to the buffer of a width of not less than 26 feet.

b. An alternative compliance buffer reduction plan shall be prepared and submitted in accordance with the submittal requirements established by the Director. At a minimum, the plan must:

- i. Clearly identify and discuss the proposed buffer reduction and the ways in which the plan eliminates or minimizes the potential adverse effects to the level achieved by the 200-foot buffer.
- ii. Include information regarding environmental testing and monitoring for the site. Engineering review, site investigation, sampling, and/or monitoring shall be conducted to demonstrate that the well has been properly abandoned and that soil, air and water quality have not been, and will not be, adversely impacted by oil and gas operations or facilities

or other sources of contamination. Such sampling and monitoring shall be conducted by a qualified environmental engineering or consulting firm with experience in oil and gas investigations. Director approval that the sampling and monitoring plan contains the information required pursuant to this subsection is required prior to sampling occurring.

- iii. Include a site survey, historical research, and/or physical locating techniques to determine exact location and extent of oil and gas operations and facilities.
  - iv. The plugged and abandoned well shall be permanently marked by a brass plaque set in concrete similar to a permanent bench-mark to monument its existence and location. Such plaque shall contain all information required on a dry hole marker by the Colorado Oil and Gas Conservation Commission. The exact location will be recorded at the county clerk and recorder.
  - v. Include documentation of plugging activities, abandonment and any subsequent inspections.
  - vi. Include the results of soil sampling, including soil gas testing.
  - vii. Include the results of groundwater sampling.
  - viii. Include a written report verifying that the soil and groundwater samples meet applicable EPA and State residential regulations and that a reduced buffer would not pose a greater health or safety risk for future residents or users of the site.
- c. Review Criteria. To approve an alternative compliance buffer reduction plan, the Director of Development Services must first find that the proposed alternative plan eliminates or minimizes the adverse effects referenced in the purpose of this Section equally well or better than would a plan which complies with the separation and spacing standards of this Section.
- d. The Director of Development Services may require conditions of approval which may specify an appropriate buffer distance or require that the following actions be completed by a qualified professional before development may occur, including but not limited to:
- i. Remediation of environmental contamination to background levels.
  - ii. Re-plugging of a previously abandoned well.
5. Plat requirements. The following information shall be denoted on all preliminary and final plats as required by §6.5.5: *Preliminary Plat* and §6.5.6: *Final Plat*.
- a. No final plat shall be submitted to the County for approval if such plat includes any lot, upon which a dwelling unit or public or private school could be built, within 1,000 feet from an existing or proposed oil or gas well unless the subdivider records against title to such lots the following notice, in at least 14-point font: "As required by Section 2-9-4 of the Larimer County Land Use Code, notice is hereby given that [insert description of lot] contains, or in the future could contain, a dwelling unit or public or private school within 1,000 feet of a producing or proposed oil or gas well. For more information contact Larimer County

Community Development Department or the Colorado Oil and Gas Conservation Commission." Such written notice may only be amended or terminated by the owner of such lot to correct typographical errors or to reflect the plugging and abandonment of wells. When any lot subject to the above written notice is first sold after plat approval to a purchaser intending to occupy the dwelling unit, the seller must provide the above written notice, in at least 14-point font, to the purchaser.

- b. The reception number, date, and recording location of all relevant surface use agreements;
- c. The plat must show the location of all oil and gas production facilities, pipelines, flowlines, gathering lines, access roads, and any associated easements within 1,000 feet of the platted property. This information will also be provided in a format suitable for input into the County's GIS system.
  - i. A plat designation surrounding such oil and gas wells and facilities, and a note expressly prohibiting any habitable building or structure within the Production Phase setback as described in 2.9.4.G.3.
  - ii. A plat designation surrounding such flowlines and gathering lines, and a note expressly prohibiting any habitable building or structure within 50 feet of those facilities; and
- d. Plugged and Abandoned Wells.
  - i. Prior to submittal of a final plat or site-specific development plan, each plugged and abandoned well shall be located and surveyed. This information will also be provided in a format suitable for input into the County's GIS system.
  - ii. On every final plat or site-specific development plan which contains a plugged and abandoned well, there shall be dedicated a well maintenance and workover setback depicted on the plat, the dimensions of which shall provide a 200-foot buffer unless Director has granted an alternative compliance buffer of not less than 50 feet in width and 100 feet in length. No structures shall be located within this setback. The plugged and abandoned well shall be located in the center of the setback. There shall be public access for ingress and egress to the setback of a width of not less than 26 feet.
- e. Vacation of Existing Easements. No easement may be vacated for a previous or existing well, flowline, or gathering line, unless documentation is provided to the County demonstrating such well, flowline, or gathering line has been vacated in compliance with all applicable Colorado Oil and Gas Conservation Commission regulations.

## **H. Steep Slopes**

The Director may require greater setbacks for properties in the mixed-use and nonresidential districts to avoid development of steep slopes adjacent to public rights-of-way.

**I. Allowed Setback Encroachments**

1. In all cases a minimum setback of five feet shall be required from all property lines for any structural component or architectural feature.
2. Setback exceptions do not apply to easements.
3. Certain architectural features and improvements may encroach into required setbacks as follows:

<b>Table Error! No text of specified style in document.-2: Allowed Setback Encroachments</b>	
<b>Type of Feature</b>	<b>Extent of Encroachment Allowed</b>
Cornice, canopy, eave, awning, bay window, window well, cantilevered wall, chimney, or mechanical and electrical equipment	May extend two feet into a required setback or a setback approved by variance or administrative variance, but in no case may be closer than five feet from a property line.
Ground-mounted small solar energy facility	In any residential district, a ground-mounted small solar energy facility may extend up to five feet into the side or rear yard.
Mobility access ramp or lift	As necessary upon written request to Director.
Open unenclosed and uncovered porch or deck with a finished floor elevation 30 inches or less above the finished grade	Shall maintain a distance of five feet from all lot lines.
Porch or deck with a finished floor elevation greater than 30 inches above the finished grade	Shall meet the applicable building setbacks.
Porch or deck are located at grade	No setback restriction.

**J. Setback and Survey Certification**

1. All non-residential development requires a survey certification to verify compliance with the approved site plan, plat, or plot plan.
2. At the time of the footing and foundation inspection by the Larimer County Building Department, the property owner is required to clearly identify the boundary corners of the lot and/or building envelope.
3. On lots without building envelopes, the owner will be required to obtain a licensed surveyor's certification of the building location whenever the proposed setback is less than five feet beyond the required setback.
4. On lots with building envelopes, the owner will be required to obtain a licensed surveyor's certification whenever the proposed building location is less than five feet from the boundary of the building envelope.
5. The certification, when required, shall be provided by a surveyor licensed to practice in the State of Colorado. The certification may be in the form of a letter, which shall be signed and sealed by the licensed surveyor. The letter shall include the number of the building permit issued for the site in question.