



Information Sheet: Setbacks

Setback requirements in Gunnison County affect distances from property lines and road rights-of-way, distances from streams and other water bodies, distances from irrigation ditches, and distances between adult-oriented uses and other uses. They include:

SETBACKS FROM PROPERTY LINES AND ROAD RIGHTS-OF-WAY

SETBACK TYPE	MINIMUM PROPERTY LINE SETBACK
RESIDENTIAL SETBACKS	
Single family	Front: 25 Side/Rear: 15
Townhomes, condominiums and other multiple family buildings	Front: 25 feet Side/Rear: 15 feet Separate multiple-family buildings within a single project may be constructed a minimum of ten feet from other buildings within the single project.
Zero Lot Line developments	Residences may be constructed on the property line, pursuant to Section 13-104: C: <i>Zero Lot Line Developments</i>
BUSINESS AND COMMERCIAL SETBACKS	
Adjoining all other non-residential	15 feet
Adjoining residential	50 feet
Outdoor Vending Operation	35 feet from a residential property boundary
INDUSTRIAL SETBACKS	
Adjoining other industrial	15 feet
Adjoining business or commercial	100 feet
Adjoining residential areas, agricultural areas or public lands	300 feet
SETBACKS FROM ROADS:	
When width of right-of-way is known, measurement shall be from edge of right-of-way; when unknown, measurement shall be from the road center line, and an additional 40 feet added to the requirements for setbacks from roads.	
Federal highways	40 feet
State highways	40 feet• Land uses that access onto either federal or state highways shall comply with the Colorado Highway Access Code
County and other public roads	40 feet
Platted subdivision development roads	25 feet
<ul style="list-style-type: none"> • Unless adjoining uses enter into party-wall or similar agreements permitting the construction of adjoining buildings to the common lot line and construction meets requirements of applicable building code. • If compliance with setbacks from roads results in an inability to build, the applicant may request a variance, pursuant to the <i>Gunnison County Land Use Resolution</i>, Section 13-104: E: <i>Variance from This Section</i>. 	
OTHER SETBACK REQUIREMENTS RELATED TO BUILDING PERMITS:	
Distance from irrigation ditch bank	25 feet
Distance from water body or mudflow	25 feet measured horizontally from the ordinary high water mark in average hydrologic years
Recreational Vehicle Park setbacks from property lines	See Section 9-305 of the <i>Gunnison County Land Use Resolution</i>

Other setback requirements, not directly related to property lines or road rights-of-way include the following:

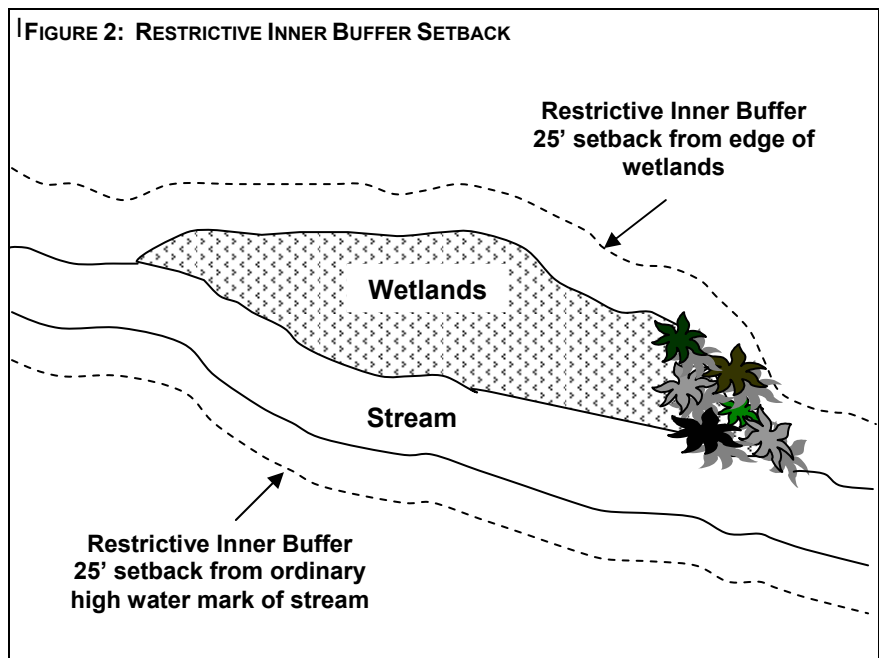
Section 11-109: G. 2: Irrigation Ditch Easements and Section 15-103: A. 6. a: Irrigation Ditch Easements:

A maintenance easement of at least 25 feet from the edges of the ditch banks is required to be preserved and indicated on any Final Plat for subdivision, or in the Final Plan for any non-subdivision use. For parcels that are the subject of Land Use Change Permits, Building Permits or Individual Sewage Disposal System Permits, access for maintenance of an irrigation ditch is required to be 25 feet from each ditch bank. When approved in notarized written form by the ditch owner(s), that distance may be decreased and existing historical easements used to gain access to ditches, headgates, and fences for maintenance or operational purposes shall be preserved or replaced with reasonable alternate easements suitable for continuation of the historic use.

From **Section 11-107: Protection of Water Quality relative to the Restrictive Inner Buffer and Outer Variable Buffer.** (Some uses are exempt from these requirements; contact the Planning Department for which uses qualify for exemption from these setback requirements.):

1. RESTRICTIVE INNER BUFFER SETBACKS. In addition to each other setback, requirement or prohibition for land use in this *Resolution*, a setback of 25 feet measured horizontally from the ordinary high water mark in average hydrologic years on each side of a water body or mudflow is required (Figure 2: *Restrictive Inner Buffer Setback*); this setback is referred to as the “Restrictive Inner Buffer.” The following activities are not allowed within the Restrictive Inner Buffer:

- a. **OBSTRUCTION OR STRUCTURE.** Construction, installation or placement of any obstruction or the erection of a structure;
- b. **PLACEMENT OF MATERIAL.** Placement of material, including any soil, sand, gravel, mineral, aggregate, organic material or snow plowed from roadways and parking areas;
- c. **DREDGING.** Removal, excavation or dredging of solid material, including soil, sand, gravel, mineral, aggregate, or organic material;
- d. **REMOVAL OF LIVE VEGETATION.** Removal of any existing live vegetation or conduct of any activity that will cause any loss of vegetation, unless it involves the permitted and/or required removal of noxious weeds, non-native species, dead or diseased trees;
- e. **LOWERING OF WATER LEVEL.** Lowering of the water level or water table by any means, including draining, ditching, trenching, impounding, pumping or comparable means, except as allowed by the Colorado Division of Water Resources; and
- f. **DISTURBANCE OF NATURAL DRAINAGE.** Disturbance of existing natural surface drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics by any means including grading and alteration of existing topography. Measures taken to restore existing topography to improve drainage, flow patterns or flood control must be approved.
- g. **USE OF EQUIPMENT.** Use of construction equipment within the buffer except as exempted by Section 11-107: C. 1. f: *Roads and Bridges*



4. VARIABLE OUTER BUFFER. In addition to a Restrictive Inner Buffer, a Variable Outer Buffer shall be defined and indicated on the plan. In addition to each other setback requirement or prohibition for land use in this *Resolution*, a proposed land use change within a Variable Outer Buffer, including disturbance of earth or vegetation shall be prohibited, limited, or specific mitigation required on a site-specific basis, to the maximum extent feasible to protect the

integrity of the water body, to minimize the deposit of sediment in the water body, the pollution of return water flows, channelization, and adverse impact on water quality.

a. **MAXIMUM WIDTH OF VARIABLE OUTER BUFFER.** In no circumstance shall a Variable Outer Buffer be required to extend more than 100 feet beyond the outer boundary of the Restrictive Inner Buffer.

b. **NON-UNIFORMITY OF VARIABLE OUTER BUFFER.** The width of the Variable Outer Buffer need not be uniform across a parcel. Specific features within 100 feet of the outer boundary of the Restrictive Inner Buffer shall define the width of the Variable Outer Buffer on a site-specific basis and shall be defined, as is reasonable, by the presence of these characteristics:

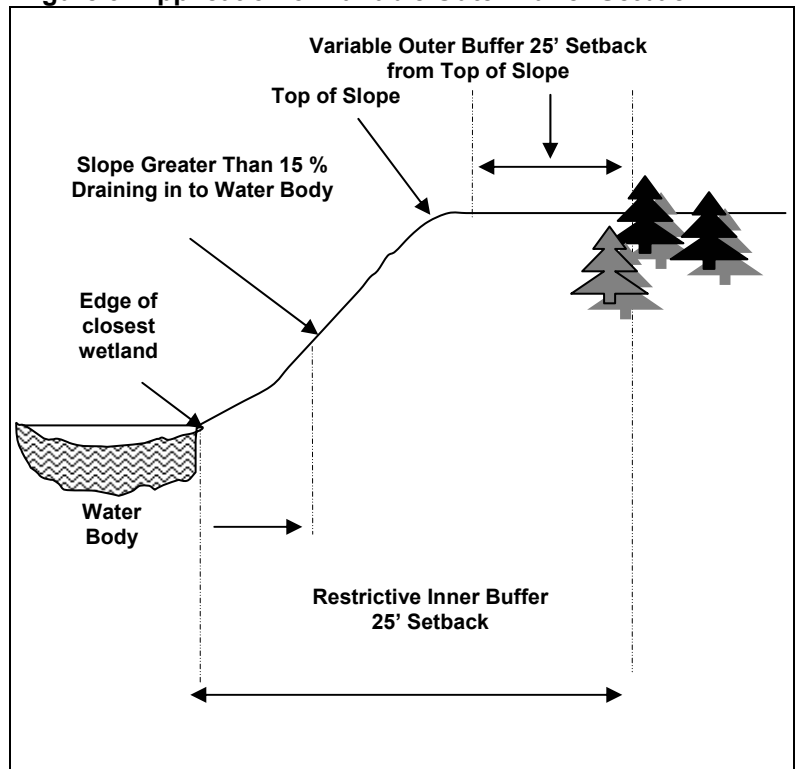
1. **SLOPES STEEPER THAN 15 PERCENT.** Slopes steeper than 15 percent draining into the water body or mudflow hazard area; in such a case, the setback shall be 25 feet back from the edge of the slope above the closest border of the delineated wetland (Figure 3: *Application of Variable Outer Buffer Setback*); or

2. **PRESENCE OF HIGHLY ERODIBLE SOILS.** The presence of highly erodible soils; in such a case, the setback shall be 25 feet from the edge of the highly erodible soils farthest from the closest border of the delineated wetland; or

3. **PRESENCE OF FEATURES THAT PROVIDE BANK STABILITY OR RIPARIAN AREA PROTECTION.** The presence of trees, shrubs, vegetation or other natural features that provide for bank stability or riparian area protection; in such a case, the setback shall be 25 feet from the edge of such features farthest back from the closest border of the delineated wetland.

4. **AREAS OF RECORDED OR KNOWN FLOOD OR MUDFLOW.** An area of recorded or known flood or mudflow; in such a case, the setback shall be the full 100-foot Variable Outer Buffer.

Figure 3: Application of Variable Outer Buffer Setback



From **Section 9-304: Adult-Oriented Uses:**

5. **SETBACKS FROM OTHER USES.** Adult-oriented uses shall not be established or operated within 1,000 feet of any of the following: a residence; a public park or playground; an outdoor or indoor recreational facility; a child care center; a place of worship or assembly; a public or private school; or another adult-oriented use.

a. **SETBACK MEASUREMENT.** Measurements of setback distance shall be made from the nearest property line of the property from which spacing is required to the nearest portion of the building in which the adult use is to occur, using a straight line, without regard to intervening structures or objects.

Table 3: **Recreational Vehicle Park Property Line Setbacks:**

DESCRIPTION	SETBACK
FROM THE PERIMETER OF THE RECREATIONAL VEHICLE PARK	75 feet
FROM EXISTING PRIMARY RESIDENCES, UNLESS THEY ARE SECONDARY USES WITHIN THE PARK	250 feet
FROM THE EDGE OF A PUBLIC ROAD RIGHT-OF-WAY	100 feet

Table 4: **Setbacks for Construction Materials Operations:**

LAND USE	SETBACK
PUBLIC ROADS	500 feet of centerline, except for transport of minerals
NATURAL WATER BODY	500 feet; no activity within the waterbody bed
FEDERALLY-DESIGNATED WILDERNESS, PARKS OR RECREATION AREAS	1,000 feet, unless materials are used onsite, or property owner consents
DEDICATED OPEN SPACE OR PUBLIC PARK	1,000 feet
RESIDENTIAL STRUCTURES	500 feet of residential structure legally permitted when mining application filed, or with consent of residence owner
PUBLIC AND CIVIC BUILDINGS	1,000 feet
PUBLIC CEMETERY	30 feet
ADJACENT PROPERTY, RIGHT-OF-WAY OR IRRIGATION DITCH	30 feet
SENSITIVE WILDLIFE HABITAT	As required by Section 11-106: <i>Protection of Wildlife Habitat Areas</i>

Table 5: **Setbacks for Mining That Is Not a Construction Materials Operation:**

LAND USE	SETBACK
PUBLIC ROADS	500 feet of centerline, except for transport of minerals
NATURAL WATER BODY	500 feet; no activity within the water body bed
FEDERALLY-DESIGNATED WILDERNESS, PARKS OR RECREATION AREAS	1,000 feet, unless materials are used onsite, or property owner consents
DEDICATED OPEN SPACE OR PUBLIC PARK	1,000 feet
RESIDENTIAL STRUCTURES	500 feet of residential structure legally permitted when mining application filed, or with consent of residence owner
PUBLIC AND CIVIC BUILDINGS	1,000 feet
PUBLIC CEMETERY	30 feet
ADJACENT PROPERTY, RIGHT-OF-WAY OR IRRIGATION DITCH	30 feet
SENSITIVE WILDLIFE HABITAT	As required by Section 11-106: <i>Protection of Wildlife Habitat Areas</i>