

VACATION RENTALS (LIMITED USE PERMIT)

Summary

A Vacation Rental (VR) is a dwelling unit, including either a single-family home, townhome, condominium or apartment that is rented for the purpose of overnight lodging for a period of not less than 1 day and not more than 30 days. The first step in obtaining approval to operate a VR is to obtain a Limited Use Permit (LUP) for the property. This summary sheet is an overview of the requirements and process for obtaining an LUP.

VRs are a commercial use of a residential property and VR operators must maintain compliance with all the applicable standards in the City of Durango's [Land Use and Development Code](#) and other applicable municipal code provisions.

VRs are allowed as a limited use in certain zones in the City of Durango. They are allowed in the EN-1, EN-2, EN-MF, RM, RH, CB, MU-N, MU-A, and some PD zones. VRs cannot operate outside of the zones listed above. You can find the zoning district for the property you are interested in by viewing the City's [online zoning map](#).

In the residential zones, an LUP can be granted to only one VR per street segment. If a permit is issued for a corner lot, both street segments that abut that corner lot and all the lots that abut the intersection become ineligible for a vacation rental LUP. A second VR may be allowed on a street segment with a Conditional Use Permit if it meets certain, specific criteria.

A total of 22 VR permits are allowed in EN-1 and a total of 17 VR permits are allowed in EN-2. There is no density cap in the other zones,

Applicable Sections of Code

[Division 2-1-3: Use/Zone Matrices](#)

[Sec. 2-2-3-4 Standards for Transient Residential Land Uses and Overnight Accommodations](#)

[Division 6-3-3: Standard Development Approval Procedures](#)

Note: A proposed limited use such as a vacation rental must meet all the requirements of the LUDC. The sections of the LUDC listed above are the most relevant sections, but the list is not exhaustive.

Fee & Required Materials

The application fee for a Vacation Rental LUP is \$750.

The following materials are required as part of a complete application for a Vacation Rental LUP.

1. A completed [Land Use Application](#).
2. Fee.
3. A list of all property owners and mailing addresses within a 300-foot radius of the subject property.
4. A written Narrative describing the proposal and how it meets the VR requirements. The narrative must include: local contact person/property manager details, occupancy limits, and the number and location of parking spaces provided.
5. A scaled site plan showing parking spaces, access to the unit, trash/recycling bin locations, and other relevant information.
6. A scaled floor plan showing the layout of the unit, dimensions of all bedrooms, the location of the fire extinguisher, and other relevant information.
7. Any additional materials, which in the opinion of the Administrator, are necessary to adequately review the application as determined by the Staff within five (5) working days of application.

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Procedural Summary

Within five (5) days of receiving a complete Vacation Rental LUP application, City staff will post a notice on the property for fourteen (14) days containing information about the proposed use. Staff will also send letters to property owners within 300 feet of the lot for which application is being made. During this posting and public comment time, City staff will conduct a site visit and building inspection of the property. City staff will review the proposal according to the requirements of the LUDC. City staff will approve, approve with conditions, refer to the Planning Commission, or deny the application, within thirty (30) calendar days of the date that the application is filed, unless a longer period is agreed to by the applicant.

If the application is denied by City staff, the applicant may appeal the denial to the City's Planning Commission. If the application is referred to the Planning Commission, and the Planning Commission denies the application, the applicant may appeal the Planning Commission's denial to City Council.

Additional Information

Vacation Rental LUPs require additional licensing from the City Clerk, such as a sales tax licensing, business licensing, etc. It is the responsibility of the applicant to secure all necessary licenses and keep them current. Other uses, besides a residence, are not allowed concurrently with a VR.

In order to enhance enforcement of illegal vacation rentals, all advertisements for an approved vacation rental unit must clearly display the permit number issued for that unit. Failure to display the permit number is grounds for revocation of the permit.

VR permits are not transferable to any other person or legal entity. The VR permit shall be terminated automatically upon the sale or change of ownership of the property for which a permit has been issued.

In most cases, one (1) off-street parking space must be provided for each bedroom in a VR. In commercial zones, off-site parking can be leased and in the CB zone the number of off-street spaces required is reduced by one (1) for units that have three (3) or more bedrooms.

VRs in mixed-use buildings are not required to comply with the requirement that physical separation be provided between residential and commercial uses provided that the Applicant submits documentation showing they have distributed contact information for the local contact person to all unit owners and tenants in the building.

Vacation rentals are only allowed in PD zones which specifically list vacation rentals as an allowed use by the PD Agreement. If the PD Agreement which governs the PD zone does not specifically list vacation rentals as an allowed use, the PD must be amended, but prior to application for a PD Amendment, written consent to allow vacation rentals must be obtained from a two-thirds majority of the property owners within the planned development, and the affected property owners may request the establishment of criteria and procedures to review the proposed vacation home rental. New PD Agreements and any PD Amendments allowing vacation rentals shall contain a specific number of units that are allowed to be used in that development as vacation rentals.

Contact Information

Questions and other inquiries can be directed to the City of Durango Community Development Department—Planning Division at (970) 375-4850 or by visiting River City Hall at 1235 Camino del Rio (Durango, CO) during normal business hours.