

## CONDITIONAL USE PERMIT (CUP)

### Summary

Conditional uses are uses that are approved through a public hearing process with final approval by Planning Commission. A conditional use is allowed if it will not conflict with the City's adopted plans, and is compatible with surrounding land uses and natural environment, and will not materially detract from the character of the immediate area or negatively affect the anticipated. A CUP may only be permitted where there is no practicable alternative location where the use is permitted as-of-right within 600 feet of the parcel proposed for development (see [Section 2-2-2-2](#)).

Uses shown as "C" in the [Use/Zone Matrices](#) must go through the Conditional Use Permit (CUP) process and can be approved if they meet the applicable standards listed in [Division 2-2-3](#) and the other applicable sections of the City of Durango's [Land Use and Development Code](#).

When a conditional use is proposed, the applicant must clearly demonstrate the use will comply with applicable standards by submitting a complete application that includes all required materials as listed below.

### Applicable Sections of Code

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

[Division 2-2-3: Specific Standards for Limited Uses](#)

[Division 6-3-3, Sections 6-3-3-3 through 6-3-3-16: Standard Development Approval Procedures](#)

*Note: A conditional use must meet all applicable LUDC requirements. The LUDC sections listed above apply to all proposed conditional uses, but other requirements may apply.*

### Fee & Required Materials

The application fee for a Conditional Use Permit is \$750.

The following materials are required as part of a complete application for a CUP.

1. A completed [Land Use Application](#).
2. Fee.
3. A written narrative describing the proposed use, proposed site or building improvements, and existing conditions.
4. A list of addresses for all adjacent property owners within a 300-foot radius of the site.
5. A site plan and scaled elevations or perspective drawings of any proposed structures.
6. Any additional materials, which in the opinion of the Administrator, are necessary to adequately review the application as determined by the Staff.

### Procedural Summary

City staff will provide public notice including posting, mailed notices to property owners within 300 feet of the site, and published notice, between 15 and 25 days before the public hearing. The Public Comment period, for comment to be provided to the City, will last 15 days from the date of the mailing of public notice, unless extended by the Administrator.

## **Additional Information**

A CUP may require additional licensing from the City, such as a sales tax license, business licenses, etc. It is the applicants' responsibility to secure all necessary licenses and keep them current.

All signage for a conditional use shall meet sign regulation requirements in accordance with the zone in which they are located. An applicant may appeal a signage decision by the Administrator within seven (7) days of the decision as set forth in [Division 6-3-17](#).

Developments and uses granted by CUP shall be developed or established in accordance with an approved development schedule, or within one (1) year of the date of approval if no development schedule is established. Failure to develop or establish such development or uses in accordance with the time period approved on the permit shall cause the Administrator to revoke the permit.

A CUP is valid as long as conditions of approval are maintained by the applicant, unless a specific time limit for the use is set forth as part of the approval. If the conditions of the permit are not met, the CUP may be reviewed and/or revoked.

If the conditions of a permit become the responsibility of a person or entity other than the applicant, the department shall be notified, in writing, identifying the new person or entity responsible for maintaining the conditions of the approval/permit. Some CUPs are not transferable.

## **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.