

MARIJUANA BUSINESS (LIMITED USE PERMIT)

Summary

Marijuana Business Limited Use Permits (LUP) allow for a simple administrative review process to ensure that the proposed use will not conflict with the City's adopted plans, and that the limited use is compatible with surrounding land uses. Uses shown as "L" in the Use/Zone Matrices must go through the LUP process and can be approved if they meet the applicable standards listed in Division 2-2-3-10 and other relevant sections of the City of Durango's [Land Use and Development Code](#) (LUDC).

When a limited use is proposed, the applicant must clearly demonstrate that the use will comply with the required standards by submitting a complete application that includes all of the required materials listed below. City staff will follow the applicable procedures and notify the applicant when a decision has been made regarding the proposed use.

An application for limited use approval may be approved if it complies with the specific standards in [Section 2-2-3-10](#) and the applicant clearly demonstrates that:

- The proposed use in its proposed location will not conflict with the implementation of current adopted plans of the City.
- The use is compatible with surrounding land uses and the natural environment, and will not materially detract from the character of the immediate area or negatively affect the anticipated development or redevelopment trajectory.

Applicable Sections of Code

[Section 1-1-1-3: Statement of Policy with Respect to Marijuana Uses](#)

[Section 2-1-3-5: Commercial Retail and Service, Marijuana, and Restaurant Use / Zone Matrix](#)

[Section 2-2-3-10: Specific Standards for Marijuana Uses](#)

[Section 3-6-2-6 H: Marijuana Signs](#)

[Section 4-5-2-2 Required Off-Street Parking Spaces \(Parking Table 4-5-2-2C\)](#)

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

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

Fee & Required Materials

The application fee for a Marijuana Business LUP is \$350. A complete LUP application must contain the following:

- A completed [Land Use Application](#).
- Fee.
- A signed copy of the Acknowledgement of City Policy on Marijuana Uses.
- A written narrative describing the proposed use, proposed site or building improvements, existing conditions, and how the proposal complies with all applicable regulations.
- A scaled site-specific development plan of the proposed property and scaled floor plans for the structure to locate marijuana business.
- 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 following the application filing date.

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Procedural Summary

Within five (5) days of receiving a complete 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 150 feet of the lot for which application is being made. During this posting time, City staff will conduct a site visit and building inspection of the property. 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.

The steps in the City's Marijuana Business permitting process are in order as follows:

1. Go through the LUP process described above and receive an LUP from the Community Development Department for the proposed location.
2. Apply for and complete the State of Colorado Marijuana licensing process.
3. Apply for and complete the City of Durango City Clerk's Marijuana licensing process.
4. Apply for and complete the City of Durango Local Licensing Authority process.

Additional Information

Marijuana Business 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.

All signage for an LUP shall meet sign regulation requirements in accordance with the zone in which they are located, as well as the Marijuana Business sign requirements in [Section 3-6-2-6\(H\)](#). 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](#).

Uses granted LUP approval shall be 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 the use in accordance with the time period approved on the permit shall cause the Administrator to revoke the permit.

An LUP 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 LUP can be 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 permit.

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.