

Accessory Dwelling Units (LIMITED USE PERMIT)

Summary

Accessory Dwelling Units (ADUs) may be allowed as a major accessory use to single-family detached dwelling units by limited use review according to the standards of Section 2-3-2-3. ADUs may be allowed in EN-1, EN-2, EN-MF, RA, RL, RM and MU-N zones, if the property meets the minimum lot size as indicated in Table 2-3-2-3A.

ADUs must meet the following standards:

- ADU cannot exceed 550 sq. ft. in size.
- Owner must live on-site in one of the two units.
- One additional parking space must be provided on-site for the ADU, two parking spaces must be provided if no parking currently exists on the property.
- Design must meet the standards for dormers, window placement, stairs and decks/balconies, as outlined in Section 2-3-2-3I.
- Additional standards as outlined in Section 2-3-2-3.

ADUs cannot obtain any variances from the standards of the LUDC. ADUs are an accessory use to a single-family residence and cannot be used for other purposes such as a vacation rental.

ADUs must obtain a Limited Use Permit (LUP) prior to initiating construction. The limited use review is an administrative process to ensure that a proposed use is compatible with surrounding uses, will not cause negative impacts and meets all of the standards of the code. The LUP will only be granted if all of the standards of Section 2-3-2-3, Accessory Dwelling Units, are met, in addition to the applicable standards listed in Section 2-2-2-1 and the other applicable sections of the City of Durango's [Land Use and Development Code](#).

The applicant must clearly demonstrate that the use will comply with the applicable 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.

Applicable Sections of Code

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

[Section 2-2-2-1, Standards for All Limited Uses](#)

[Section 2-3-2-3, Accessory Dwelling Units](#)

[Section 4-5-2-2, Required Off-Street Parking Spaces \(Parking Table 4-5-2-2A\) and Section 2-3-2-3J.](#)

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

Note: A limited use must meet all applicable LUDC requirements. The LUDC sections listed above are the primary sections concerning ADUs, but other requirements may apply.

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Fee & Required Materials

The application fee for an Accessory Dwelling Unit Limited Use Permit is \$550.

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

- A completed [Land Use Application](#).
- Fee.
- Names and addresses of all property owners within 300 feet of the property boundaries.
- A notarized affidavit attesting to owner occupancy.
- A written Narrative describing the proposed use, proposed site or building improvements, and existing conditions.
- A site plan including existing and proposed parking and useable outdoor area
- Scaled elevations of existing and/or proposed structures.
- Floor plans of existing and proposed structures.
- Site calculations including lot coverage, floor area ratio, useable outdoor area, etc.
- 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.

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 300 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.

Additional Information

An applicant may appeal the Administrator's decision within seven (7) days of the decision as set forth in [Division 6-3-17](#).

Developments and uses granted by a limited use permit 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.

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.

Purchasers of homes with an accessory dwelling unit must register with the Department within 60 days of purchase by submitting a notarized owner-occupancy affidavit.

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.