



DEPARTMENT OF PLANNING & CONSTRUCTION SERVICES  
Planning Division

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197  
218-730-5580 • Fax: 218-723-3559 • [www.duluthmn.gov](http://www.duluthmn.gov)

An Equal Opportunity Employer

**Date:** March 19, 2015

**To:** Previous Sidewalk Use Permit Applicants

**Re:** New Fees and Processes for Sidewalk Use Permits

Happy spring 2015! I hope that with the recent sunny weather, you also are dreaming of sidewalk cafes and displays, and of all the Duluthians and visitors who will be strolling our streets this summer.

You are receiving this letter because you have previously received a Sidewalk Use Permit (SWUP). In late 2014, the City adopted a new fee structure for SWUPs that better reflects the cost involved in reviewing an initial permit, but makes the process simpler and cheaper for permit renewals.

Going forward, the SWUP fees are:

- New Sidewalk Use Permit                      \$150
- Renewal Sidewalk Use Permit                \$75

If you apply for a renewal SWUP within 30 days of expiration of your previous permit, with a site plan that is identical to your previous plan, and for a site that has been in compliance with its original site plan for the duration of the permit period, you will be eligible for the reduced renewal fee of \$75. In addition, you will not have to resubmit a site plan.

A checklist for the SWUP process and the relevant forms are attached to this letter.

If you have any questions about a new or renewal SWUP, you can contact me at 730-5328 or [jmoses@duluthmn.gov](mailto:jmoses@duluthmn.gov).

Regards,

Jenn Reed Moses, AICP  
Planner II

## 3.14 Checklist

### Sidewalk Use Permit

A sidewalk use permit applies if you would like to use a portion of a public sidewalk for a café, eating area, bicycle rack, temporary display, or other purpose that does not involve the permanent vacation of any part of the street. See UDC Section 50-37.12 for more information.

Unless otherwise specified by the Land Use Supervisor, a Sidewalk Use Permit shall last for a period of one year.

#### Starting the Application Process

- Submit your application materials to the One Stop Shop, Room 210 City Hall. Your application must include the following:
  - Application Cover Sheet
  - Required fee
  - Sidewalk Use Agreement
  - Certificate of Insurance meeting requirements specified in Sidewalk Use Agreement
- Additionally, if this is a **new** Sidewalk Use Permit (or a renewal later than 30 days after expiration of a previous Permit), please submit the following:
  - A map or diagram showing the proposed use area, and nearby drive aisles, loading zones, fire lanes, parking lots, building entrances, street trees, and street furniture

#### Land Use Supervisor Decision

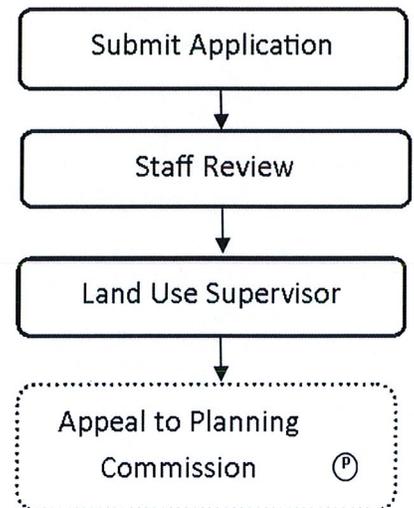
The Land Use Supervisor will review the application and make a decision to adopt, adopt with modifications, or deny the application.

If approved, you will receive an Action Letter documenting approval.

**Sidewalk Use Permits remain in effect for one year.** To continue use of the sidewalk after that year, you will need to submit another application.

*Please note: Any sidewalk use involving alcohol may require a new liquor license or an expansion of the existing liquor license. Please call the City Clerk at 730-5500.*

#### Sidewalk Use Permit



Ⓟ Indicates Public Hearing Required



**City of Duluth  
Planning and Construction Services**

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218-730-5240 • Fax: 218-730-5901 • www.duluthmn.gov/onestop/

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**APPLICATION COVER SHEET**

**Check One Box**

- Appeal to Planning Commission - **\$350**
- Concurrent Use of Streets Permit - **\$700**
- District Plan Adoption or Amendment- **\$1,000**
- Environmental Review (EAW or EIS)- **\$2,500**
- Historic Construction/Demolition - **\$50**
- Resource Designation - **\$75**
- Interim Use Permit **\$650**
- Planning Review - **\$800**
- Sidewalk Use Permit  
 New Permit- **\$150**  
 Renewal Permit - **\$75**
- Special Use Permit, General - **\$800**
- Special Use Permit, Wireless Telecommunications  
 Modifying or Co-locating – **\$2,500**  
 New Facility or Tower – **\$5,000**  
 Escrow Deposit - **\$8,500**
- Subdivision Plat Approval or Amendment:  
 Concept Plan - **\$250**  
 Preliminary Plat - **\$1000**  
 Final Plat - **\$750**  
 Minor Subdivision/RLS- **\$400**  
 Plat Amendment or Boundary Line Adjustment - **\$250**
- UDC Zoning Map (Rezoning) Amendment - **\$800**
- Vacation of Street or Utility Easement - **\$700**
- Variance - **\$600**
- Wetland,  
 De Minimus, Delineation, or No Loss- **\$150**  
 Replacement Plan - **\$400**
- Zoning Verification Letter-**\$85**

**CONTACT INFORMATION:**

Applicant/Owner \_\_\_\_\_  
 Phone \_\_\_\_\_ Email \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Owner's Agent (if applicable) \_\_\_\_\_  
 Phone \_\_\_\_\_ Email \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**APPLICATION INFORMATION:**

Street Address and Zoning of Property \_\_\_\_\_  
 Parcel ID Number \_\_\_\_\_

Describe the Reasons for this Request (Attach Additional Pages if Necessary):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The undersigned hereby represents upon all of the penalties of law for the purpose of inducing the City of Duluth to take the action herein requested, that all statements herein and attached are true and that all work herein mentioned will be done in accordance with the Ordinances of the City of Duluth and the laws of the State of Minnesota.

\_\_\_\_\_  
 Signature of Applicant Date

**Reminder:** include application checklist (if applicable) and all supporting information. Submit completed information to Room 210, One Stop Shop.

**Notice:** documents provided to the City may be public data.

## SIDEWALK USE PERMIT AGREEMENT

\_\_\_\_\_, applicant for a Sidewalk Use Permit at \_\_\_\_\_ (“Applicant”) accepts the following terms and conditions applicable to the Sidewalk Use Permit:

1. Applicant agrees to keep the sidewalk and street within 20 feet of the proposed use or structure free from any litter generated by the use or activity.
2. Applicant, by the exercise of its right granted by this permit, agrees to indemnify, and save harmless the city of Duluth and its officers, agents, employees and servants, from any and all liens, claims, suits, demands, liability, judgments, costs, damages and expenses, including attorney’s fees, which may accrue against or be charged to or may be recovered from the city by reason of or account of or in any way related to the negligent actions, excluding gross negligence or intentional torts, of the city or its officers, agents, employees and servants while engaged in the performance of their official duties and resulting in damage to the improvements and amenities authorized by this permit.
3. Applicant, by the exercise of its right granted by this permit, agrees to defend, indemnify, and save harmless the city of Duluth and its officers, agents, employees and servants, from any and all liens, claims, suits, demands, liability, judgments, costs, damages and expenses, including attorney’s fees, which may accrue against or be charged to or may be recovered from the city by reason of or the use authorized pursuant this permit by any person(s) including Applicant, its employees, agents, volunteers, or invitees. Upon ten (10) days written notice, Applicant will appear and defend all claims and lawsuits against the city growing out of any action with respect to which Applicant is required to indemnify the city.
4. Applicant agrees to provide liability insurance meeting the following minimum amounts of insurance from insurance companies authorized to do business in the state of Minnesota:
  - (a) Public Liability with limits not less than **\$1,500,000** Single Limit shall be in a company approved by the city of Duluth; and shall provide for the following: Liability for Premises and Operations.
  - (b) The city of Duluth shall be named as **Additional Insured** under the Public Liability and Excess/Umbrella Liability\* policy, naming itself and the city of Duluth. Permittee shall provide a Certificate of Insurance evidencing such coverage with 30-days notice of cancellation, non-renewal or material change provisions included. The city of Duluth does not represent or guarantee that these types or limits of coverage are adequate to protect the Permittee’s interests and liabilities.

*\*An umbrella policy with a "following form" provision is acceptable if written verification is provided that the underlying policy names the city of Duluth as an additional insured.*

- (c) If a certificate of insurance is provided, the form of the certificate shall contain an unconditional requirement that the insurer notify the city without fail not less than 30 days prior to any cancellation, non-renewal or modification of the policy or coverages evidenced by said certificate and shall further provide that failure to give such notice to city will render any such change or changes in said policy or coverages ineffective as against the city.
  
- (d) **The use of an "Acord" form as a certificate of insurance shall be accompanied by two forms – 1) ISO Additional Insured Endorsement (CG-2010 pre-2004) and 2) Notice of Cancellation Endorsement (IL 7002) or equivalent, as approved by the Duluth City Attorney's Office.**

- 5. Applicant agrees that the insurance required herein shall be maintained in full force and effect during the term of the permit.
  
- 6. Applicant agrees to provide certificates showing that Applicant is carrying the above described insurance in the specified amounts to the City prior to the issuance of the Sidewalk Use Permit and that a certificate showing continued maintenance of such insurance shall be on file with the City during the term of the permit.
  
- 7. That the sidewalk use permit will be in effect for the following period of use:

\_\_\_\_\_

\_\_\_\_\_  
Printed Name of Applicant

\_\_\_\_\_  
Signature  
Its \_\_\_\_\_

\_\_\_\_\_  
Date