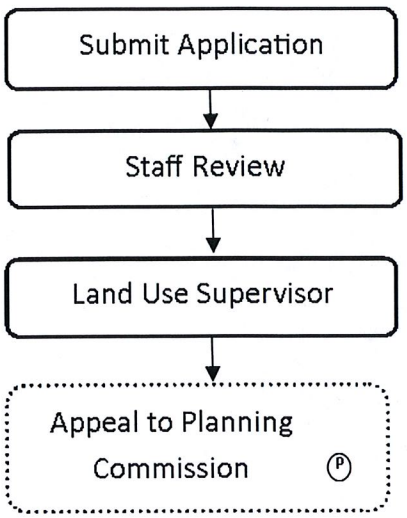
Checklist
Temporary Use Permit - Parklets



Ⓟ Indicates Public Hearing Required

Parklets are permitted via the Temporary Use Permit process, with additional criteria listed below. See UDC Section 50-37.13 for more information. Parklets may include seating, tables, artwork, bike parking, landscaping, and other amenities.

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 – eligible applicants are either the adjacent property owner or a storefront business owner, with the property owner's signature or letter of support
  - ☐ Required fee
    - $150 for new parklet permits
    - $75 for renewing parklet permits (application submitted by April 15 of the year following a previous permit)
    - *See below for additional information on fees related to use of parking spaces*
  - ☐ Parklet Use Agreement
  - ☐ Certificate of Insurance meeting requirements specified in Parklet Use Agreement
  - ☐ Parklet Petition, signed by a majority of the property owners, business owners, and residents that are on the same street and within 100′ of the proposed location.
- ☐ Additionally, if this is a **new** Temporary 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 parklet location, and nearby drive lanes, driveways, loading zones, fire lanes, parking lots, building entrances, street meters (with number of all meters to be hooded) street trees, and street furniture/lights/signs, as well as dimensions to all of these street features.
  - ☐ Elevations and/or illustrations of the parklet, showing dimension and materials to be used.
  - ☐ Any additional information needed to confirm that the parklet will meet the below requirements.

Parklet Requirements

1. Parklets must be directly in front of applicant's building.
2. Parklets shall generally be designed to fit within one parking space, providing a buffer of one foot from all adjoining parking spaces and drive aisles. In areas where the proposed parking space is not individually delineated, design the parklet to occupy a space no greater than 7.5′ x 19′. In situations where on-street parking supply is determined by the Land Use Supervisor to exceed current demand, up to two parking spaces may be used.
3. Parklets shall be designed so that the floor of the parklet is flush with the street curb/sidewalk, to allow easy access and prevent a tripping hazard. Alternatively, a slope or ramp meeting ADA requirements may be used to provide access to the parklet.
4. The maximum horizontal gap between the curb and platform is one-half inch.

5. Parklets must be installed in a way that avoids damage (and may not be directly attached) to the curb, sidewalk, or street.
6. Parklets shall have a continuous fence or physical barrier, such as planters or furniture, a minimum of 30" in height (measured from the floor of the parklet) any edge that is adjacent to a drive aisle.
7. Parklets must maintain a visual connection to the street and not obstruct sight lines to existing businesses or roadway signage. In addition, for diagonal spaces, any vertical elements higher than 36" and within 10' of the drive lane shall be no more than 25% opaque.
8. Parklets are allowed only in an existing parking location, and not in any loading zone, fire lane, bus stop, taxi stand, ADA space, or other specially designated space. Parklets may be installed in front of a driveway if the applicant is the owner of the driveway or obtains written permission from the owners, and obtains written permission from the Fire Marshal.
9. Parklets are not allowed in front of City connections, fire hydrants, or over manhole covers, public utilities, or catch basins. Curb and roadside drainage shall not be impeded.
10. The proposed location should have a speed limit of 30 mph or less.
11. The parklet site shall be located at least one parking spot from an intersection, or, if on a corner, the parklet must be protected by a bollard or sidewalk bump-out.
12. The City will review proposed parklet locations for potential conflicts with future programmed projects. Proposed locations may be rejected if there is pending streetscape work planned.
13. If located adjacent to parallel parking spaces, parklets are required to have soft hit posts, wheel stops, or other buffer to prevent conflicts with parking cars.
14. A proposed parklet shall only be allowed if there are no other parklets on the same side of the street on the proposed block.
15. Any lighting must be self-contained (i.e. solar and/or battery powered). Parklets may not have any features powered by extension cord. Lighting should be low-level and designed to not distract drivers or disrupt nearby uses.
16. Parklets are allowed to be installed starting April 15 of the permit year. Parklets must be removed by October 31, or by the first measurable snowfall, whichever occurs first. Note that as part of the parklet permit, the City is not liable for any damage due to snow removal and plowing.
17. Note that any signs are governed by Section 50-27 of the UDC. Parklets should also include signage stating that it is a public space and/or open to the public.

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.

After approval, **you must notify the City Parking Division (Mark Bauer, at 730-5177) 48 BUSINESS hours prior to installation** of your parklet. This will allow time for staff to put signs in the affected space.

Temporary Use Permits for parklets remain in effect for the permit year. To continue use as a "renewing" parklet, you must apply by April 15 of the following year. Any applications received after April 15 of the following year will be deemed a "new" parklet.

Please note: Any parklet 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.

***Parking space fees**. The City's Parking Division will charge a one-time fee of $5.00 for each space used, which is a signage fee for signs to be installed prior to parklet installation. Any metered space is also charged $6.75 a day per fees established by the City Council.*

CITY OF DULUTH
PARKLET PETITION

Date _____

The Applicants, _____, propose to place a **parklet** (temporary elevated seating area) at _____ (site map attached). Parklets are permitted from April 15 to October 31, or the first measureable snowfall, whichever is earlier. **During this time, parking will be unavailable in this space(s).**

As part of the permit process, applicants must provide liability insurance over the parklet and must sign an agreement to maintain the sidewalk, street, and public areas free of any refuse from the proposed use.

A petition of surrounding business owners, residents, and property owners must be included as part of a permit application. Applicants must demonstrate majority support from those within 100' of the proposed parklet. By signing below, you indicate that you support the implementation of the parklet for the _____ permit year.

NAME	ADDRESS	Phone #/Fax #/Email

Applicant Signature: By signing below, you as the Applicant testify that the above information is correct and that the enclosed signatures demonstrate majority support from those within 100' of the proposed parklet, to the best of your information:

_____ _____

Name Date

TEMPORARY USE PERMIT AGREEMENT

_____, applicant for a Temporary Use Permit at _____ ("Applicant") accepts the following terms and conditions applicable to the Temporary Use Permit:

1. Applicant agrees to keep the sidewalk, street, and public space 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. Permitee 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 Permitee'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 Temporary 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 temporary use permit will be in effect for the following period of use:

   _____

8. Applicant agrees that the temporary use shall be removed at the end of this period, by the applicant and at applicant's expense. If any conditions of the permit are not followed, or for any reason determined necessary for public health, safety, and welfare, the City may issue notification that temporary use shall be removed by the applicant and at applicant's expense. If applicant does not remove the use, the City may hereby act to remove temporary use from the public street, sidewalk, or other public property.

_____
Printed Name of Applicant

_____ _____
Signature Date
Its _____