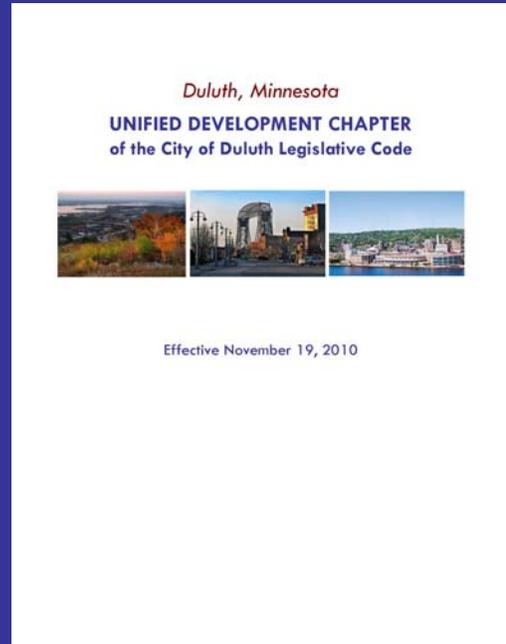


UDC Application Manual



Unified Development Chapter of the City of Duluth Legislative Code

February 16, 2011



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Important Notice: Applicants are reminded this manual does not serve as a substitute for any of the City of Duluth's adopted ordinances and is intended only as a guide to the users of the UDC. In case of conflict between this document and other city ordinances, the adopted city ordinances shall control.

1.0 About the Unified Development Chapter (UDC)

The Unified Development Chapter of the City of Duluth Legislative Code (UDC) is the official body of rules and regulations to guide land use and development in the city of Duluth, Minnesota. The UDC brings together all the zoning and development related sections of the city code into one unified document. A review of sections of the city code compiled into the UDC can be seen in the table below.

Old Duluth Ordinances	UDC
Chapter 50. Zoning	Table of Contents
Chapter 51. Water Resource Management	Article 1: General Provisions
Chapter 18. Erosion and Sediment Control	Article 2: Zone Districts
Chapter 28A. Heritage Preservation	Article 3: Use Regulations
Chapter 37. Plats	Article 4: Development Standards
Chapter 44. Signs	Article 5: Administration and Procedures
Chapter 45. Art. IV. Concurrent Use	Article 6: Definitions
Chapter 45. Art. X. Vacation of Highways	

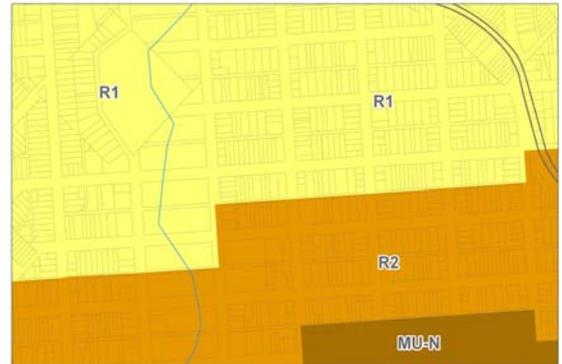
Note that other city regulations, such as the building code or engineering guidelines, may also apply to your project.

See [Article 1](#) in the UDC for more information about general provisions.

2.0 How do I use the UDC?

1. **Consult the Zoning Map.** Consult the zoning map to identify the base zone district for your property.

A zoning map can be found on the city's web site at <http://www.duluthmn.gov/planning/maps.cfm> or in the One Stop Shop, Room 210 City Hall.



There are four types of base zone districts: Residential (R), Mixed Use (MU), Form (F) and Special Purpose (SP).

2. **Review Your Base Zone District.** Find the description of that base zone district in [Article 2](#) of the UDC. In some cases there are special controls or procedures that apply to the base zone district. [Article 2](#) also includes setbacks and height restrictions.

14.6 Residential-Urban (R-2) (Formerly R-3 Apartm

A. Purpose

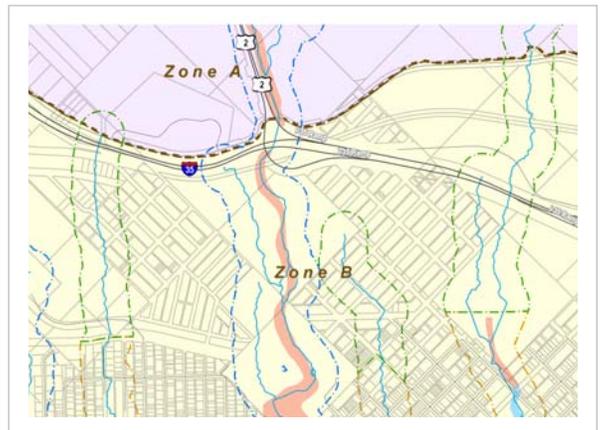
The R-2 district is established to accommodate multi-family apartments and townhouses, in an urban setting. This district also allows for single-family detached dwellings, duplexes and group living accommodations as shown in Table 50-19.8. The district is intended primarily for locations closer to

TABLE 50-14.6-1
R-2 DISTRICT DIMENSIONAL ST

Minimum lot area per family	One
Minimum lot area per family	Two
Minimum lot area per family	Mult
Minimum lot area per family	Tow
No lot of record containing 5,000 sq. family dwelling or a permitted non-dv	
Minimum lot frontage	One Fam
	11.5

3. **Review the Overlay Zone Districts.**

Also review [Section 50-18 in Article 2](#) to determine if your property is included in any of the city's four overlay zone districts – the Natural Resources Overlay (NR-O), Airport Overlay (A-O), Historic Resources Overlay (HR-O), or Skyline Parkway Overlay (SP-O). Each overlay includes additional development regulations that modify the base district regulations. It is particularly important that you review the Natural Resources Overlay (wetlands, flood plains, shorelands, and stormwater) in [Section 50-18.1](#), because federal, state, or local environmental controls may determine what parts of the property may be developed.

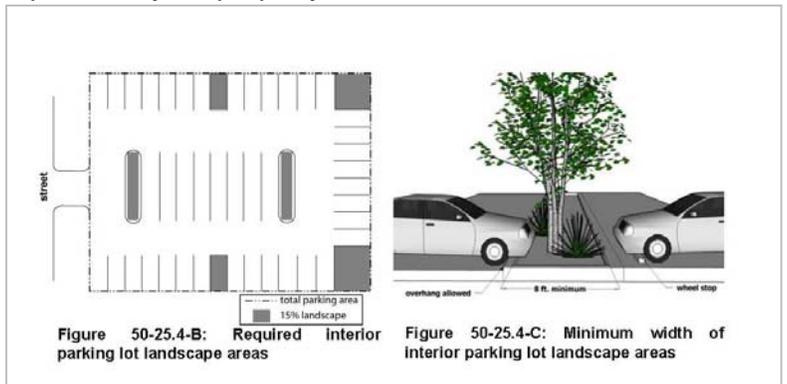


Detailed maps can be found on the city's web site at <http://www.duluthmn.gov/planning/maps.cfm> or in the One Stop Shop, Room 210 City Hall.

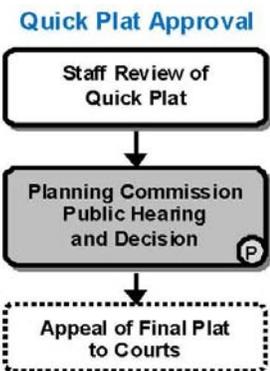
4. **Find Permitted Uses of Property.** Review the Permitted Use Table in [Article 3](#) to determine whether your proposed use of the property is permitted by right, or available as a special use, or is prohibited in your base zone district. [Article 3](#) also contains accessory uses and use-specific standards that control how some uses may be developed or operated.

New Zone District Name	Residential						MU-N	MU-C
	R-C	RR-1	RR-2	R-1	R-2	R-P		
Current Zone District Name		S	S2	R1a,b,c & R2	R3	R4 & C1		C5
LAND USE CATEGORY								
RESIDENTIAL USES								
Household Living								
Dwelling, one-family	P	P	P	P	P	P	P	P
Dwelling, two-family				S	P	P	P	P
Dwelling, townhouse					P	P	P	P
Dwelling, multi-family					P	P	P	P
Dwelling, live-work					P	P	P	P
Group Living								
Assisted living facility (elderly)				S	P	P	P	P
Co-housing facility				S	P	P	P	P

5. **Review What Development Standards Apply.** Review [Article 4](#) to determine what type and size of building may be constructed on your property and what quality standards will apply to the development. If your property is located in a Form District (one that begins with an “F”), only specific types of buildings will be allowed, and those building types are explained in [Section 50-22](#). If your property is located in an R, MU, or SP district, the basic lot and building requirements are found in [Section 50-21](#). The remaining provisions of [Article 4](#) (examples include parking, landscaping, and lighting) apply to all zone districts. Platting regulations are also found in [Article 4](#).



6. **Find What Procedures May Be Required.** If your proposed use requires a special use permit, you will need to follow the process for obtaining that permit as described in [Article 5](#). If your proposed development requires any other types of approvals (for example, a variance from setback requirements), those procedures are also described in [Article 5](#).



(P) Indicates Public Hearing Required

How do I use this Application Manual?

Find the checklist for the type of application you want to apply for in Section 3 of this Manual.

Items with a check box are things you need to complete as part of the application process. Items without a check box are provided for your information. Fill out the checklist as you assemble your application materials, and submit all materials as instructed in the checklist.

A Note On Submission Materials: All materials are required to be submitted as hard copies. In addition, it is requested that you submit electronic copies of materials in Adobe pdf or Microsoft Word format to planning@duluthmn.gov. When possible, please create pdfs of text materials such as project narratives and legal descriptions directly from the original file (rather than scanning) so that text can be copied and pasted from the pdf files.

3.0 Filing an Application

UDC Applications

A UDC Application is needed for the following types of activities:

- UDC Map Amendment
- District Plan Adoption or Amendment
- Subdivision Plat Approval or Amendment/Registered Land Survey
- Vacation of Street
- Concurrent Use of Streets Permit
- Historic Resource Designation
- Variance
- Special Use or Interim Use Permit
- Planning Review in an R-2, MU-N, MU-C, MU-I, OR MU-W district
- Sidewalk Use Permit
- Historic Construction/Demolition Permit

Specific application requirements for these are listed in **sections 3.1 to 3.14**. Make sure all items listed in these sections are submitted; otherwise, applications are not accepted. Many applications also require a **pre-application meeting** with planning staff. At this meeting, staff will briefly review your proposal and make recommendations regarding application materials to submit.

All information submitted as part of an application is considered part of the public record.

Timeline

UDC Applications have deadlines that are generally six weeks before each Planning Commission meeting. (Note that Historic Resource Designations and Historic Construction/Demolition Permits follow a different process.) This timeframe allows for the application to be reviewed by staff for completeness, any public or legal notice required, and a staff report sent to Planning Commissioners for their review prior to the meeting. You or your designee will be asked to attend the Planning Commission meeting.

For applications where the final decision is made by Planning Commission, an action letter will be sent within 1-2 weeks.

For applications where the final decision is made by the Historic Preservation Commission, a Certificate of Appropriateness (COA) will be sent within 1-2 weeks.

Timeline – UDC Applications (General)



For applications where the final decision is made by City Council, you may wish to check the Council web site at <http://www.duluthmn.gov/clerk/council/index.cfm>. Planning Commission recommendations are heard at the Council meeting approximately two weeks after the Planning Commission meeting. A list of Council actions is posted to the Council web site the day after the Council meeting.

Council resolutions may be voted on at the meeting they are introduced. Ordinances require readings at two subsequent Council meetings and go into effect 30 days after publication. The City Clerk's office sends notices of Council actions to applicants.

Note that these dates reflect typical timelines but are subject to change.

For specific month-by-month application deadlines, visit [the Planning Commission web site](#).

Building Safety Permits

Three of the procedures in the UDC are Building Safety Permits:

- Zoning Permit (including temporary erosion and sediment control and shoreland permits)
- Building Permit
- Certificate of Occupancy

For information on how to apply for these, visit the One Stop Shop:

Room 210 City Hall
218-730-5240
www.duluthmn.gov/building_safety/permits.cfm

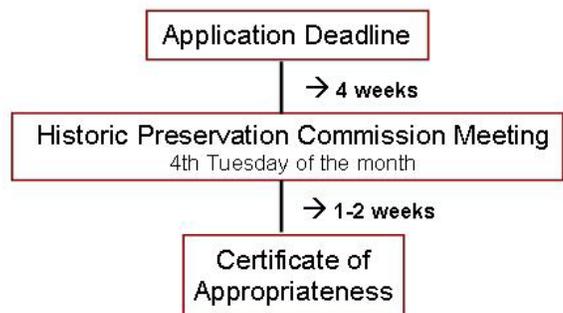
Stormwater Approvals

If your project requires permanent stormwater permits or approvals (see UDC Section 50-18.1.D), review the Engineering Guidelines at <http://www.duluthmn.gov/engineering/index.cfm> or visit the Engineering Office, Room 211 City Hall, 218-730-5200.

Timeline – UDC Applications (Historic Resource Designation)



Timeline – UDC Applications (Historic Construction/ Demolition Permit)



3.1 Checklist

UDC Map Amendment

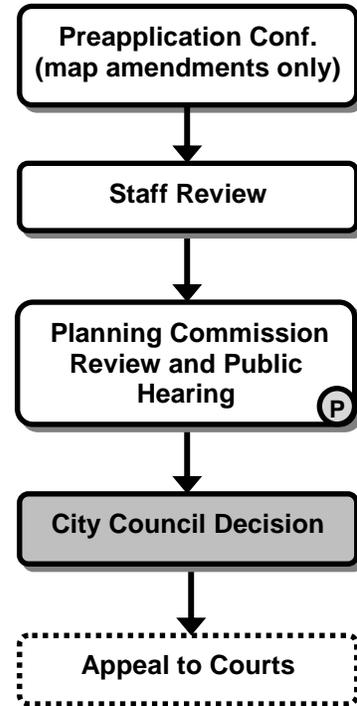
A UDC Map Amendment allows for adjustment of zone district boundaries for your property. For example, if you want to use your property in a way that is not permitted by its current zoning, under some circumstances a rezoning may be possible. See [UDC Section 50-37.3](#) for more information.

To change the zoning of a property, the proposed zoning district must be consistent adopted City plans and an ordinance must be passed by the City Council. See [UDC Section 50-37.3.C](#) for more information.

Starting the Application Process

- You must discuss proposed rezonings with Planning Staff prior to submitting an application. Call 218-730-5580 to schedule a pre-application meeting.
 - Make sure to get a Pre-App Verification at this meeting; you will need to submit this with your application.
- Submit your application materials to the One Stop Shop, Room 210 City Hall, by the Planning Commission Deadline. Your application must include the following:
 - Application Cover Sheet (see [Appendix](#))
 - UDC Map Amendment Checklist
 - Pre-App Verification
 - Required fee
 - Petition
 - If requesting a change from one residential district to another residential district or from a non-residential district to another non-residential district, only the subject property owners need to sign the petition.
 - If requesting a change from a residential district to a mixed use, form, or special purpose district, written consent is required of the owners of two-thirds of those properties located wholly or partially within 100 feet of the subject property.
Note: All property owners must sign the petition.
 - See [appendix](#) for petition form.
- A plat or map clearly showing the area to be rezoned
- Legal description

UDC Zoning Map Amendment



(P) Indicates Public Hearing Required

Public Notice

A newspaper notice will be placed at least once each week for three weeks before the date of the public hearing.

A mailed notice will be sent to property owners within 350 feet when the amendment involves a rezoning of 5 acres or less.

- You are required to post a sign notice on the property at least two weeks before the date of the public hearing. See [UDC Section 50-37.1.H](#) for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; bring a photo(s) of the sign notice to the Planning Commission meeting.

Staff Review

Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a zoning text or map amendment, Planning Staff generally review the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), surrounding land uses and zoning, individual factors that are unique or special to the proposal, and other related factors.

Planning Commission Hearing

You will be notified when a Planning Commission hearing is scheduled for your application. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. The Planning Commission will conduct a public hearing and make a recommendation.

City Council Decision

The action of the Planning Commission will be submitted to the City Council (in approximately 10 days) in the form of an ordinance. This ordinance must be read twice (two separate council meetings), before the Council approves the ordinance by a 2/3 vote. The Mayor must sign and the ordinance must be published in the paper. It becomes effective 30 days after publication.

The City Clerk's office will send notice of the Council action to the applicant.

3.2 Checklist

District Plan Adoption or Amendment

District Plans are required for the R-P district and are optional for the MU-I district. See [Section 50-37.4 of the UDC](#) for more information.

Community Meeting

- If you are submitting an MU-I District Plan, you need to hold at least one community meeting before submitting the plan for review and approval by the city.
 - Mail notice to all property owners within 350 feet outside the planning area boundaries (City will provide names and addresses upon request).

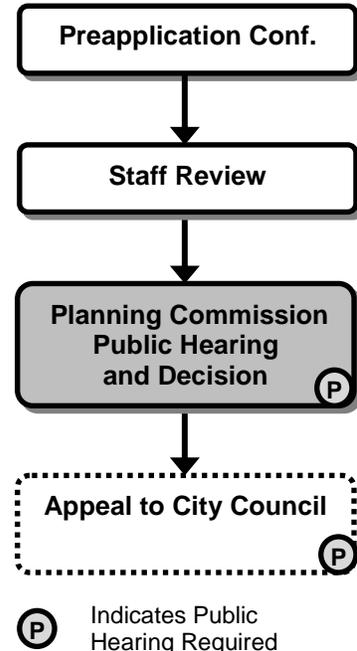
Starting the Application Process

- You must discuss your proposed district plan with Planning Staff prior to submitting an application. Call 218-730-5580 to schedule a pre-application meeting.
 - Make sure to get a Pre-App Verification at this meeting; you will need to submit this with your application.
- Submit your district plan application materials to the One Stop Shop, Room 210 City Hall, by the Planning Commission deadline. Your application must include the following:
 - Application Cover Sheet (see [Appendix](#))
 - District Plan Adoption or Amendment Checklist
 - Pre-App Verification
 - Required fee
 - Legal description(s) of properties included in the plan
 - Tree Preservation Report and Tree Replacement Plan, if required (see [Appendix](#))
 - A district plan that includes the following:

For the R-P district:

- A narrative describing how the proposed district plan meets the R-P purpose as stated in [UDC Section 50-14.7.A](#)
- Map showing previous base zone districts for each portion of the subject property
- General layout of development areas and buildings in relation to natural features to be protected and the proposed road, trail and bicycle circulation systems
- Dimensional standards including maximum building heights, lot sizes and widths, and minimum or maximum building setbacks for all proposed development parcels

District Plan Adoption or Amendment



- A road, trail, and bicycle circulation plan
- Natural site features to be protected
- Information on common open space
- Permitted and special uses for the district, which shall be consistent with those shown in [Table 50-19.8 of the UDC](#)
- A plan describing the demand and location of water, sewer, and utility service to the property
- A plan for storm water collection and treatment
- Off-street parking to be provided in driveways, surface lots, and garages
- Any public amenities, other than common open space, to be provided by the applicant
- Any required building types, form-based regulation or architectural design requirements, as well as a description of how those standards will be maintained and enforced over time
- A natural resources inventory (for low density R-P zones)
- A traffic impact analysis (for high density R-P zones)

For the MU-I district (see [UDC Section 50-15.4](#) for complete information):

- A statement as to whether the institution intends to acquire any additional properties in the surrounding the area and, if so, the general direction of that proposed expansion
- A plan and description of the maximum amount of development of land and buildings over the next ten years
- A transportation and parking management element
- An open space, trail, and pedestrian/bicycle circulation element
- A massing plan
- A description of any requested variation from the development standards in [Article 4](#)
- Documentation of the community meeting, including date and time, number of attendees, any issues raised regarding the district plan, and any responses to those concerns incorporated in the district plan

Public Notice

- You are required to post a sign notice on the property at least two weeks before the date of the public hearing. See [UDC Section 50-37.1.H](#) for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; bring a photo(s) of the sign notice to the Planning Commission meeting.

Staff Review

Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a district plan adoption or amendment, Planning Staff generally review the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), consistency with the purpose of the zone district, that proposal will not create material adverse impacts on nearby properties (or if impacts are created, they are mitigated to the extent reasonably possible), and other related factors.

Planning Commission Hearing and Decision

You will be notified when a Planning Commission hearing is scheduled for your application. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month.

The Planning Commission will review the application, conduct a public hearing, and make a decision to adopt, adopt with modifications, or deny the application.

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

3.3 Checklist

Subdivision Plat Approval or Amendment

A subdivision application is needed to subdivide unplatted land, to replat previously platted land, or to adjust the boundary lines between two or more platted lots.

Applications to divide land not previously subdivided into 3 or fewer parcels, or applications to combine previously platted lots into a smaller number of lots, can follow the Quick Plat Process described below. All other subdivisions follow the Preliminary Plat Process and Final Plat Process.

See Sections [50-33](#) and [50-37.4](#) of the UDC for more information.

Concept Plan

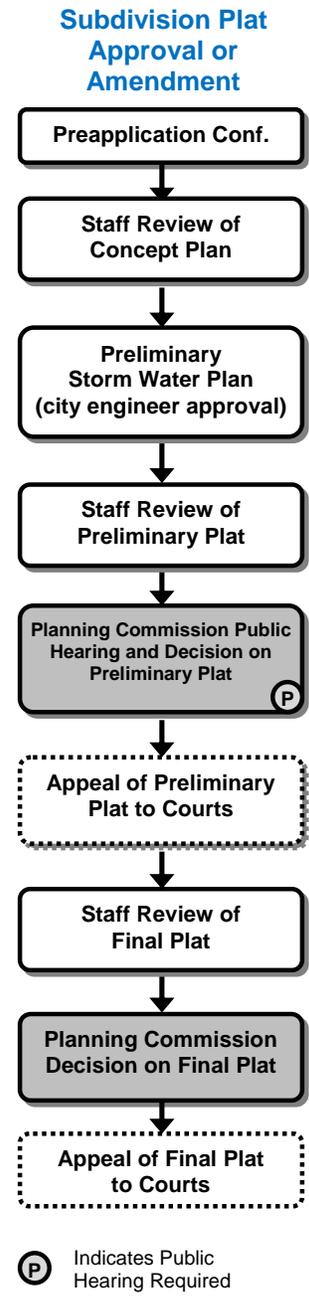
- You must discuss your proposed application with Planning Staff prior to submitting an application. Call 218-730-5580 to schedule a pre-application meeting.
 - At the pre-application meeting, you will submit a concept plan to planning staff. See [UDC Section 50-37.5.B](#) for more information on concept plans.
 - Make sure to get a Pre-App Verification at this meeting; you will need to submit this with your application.

Preliminary Storm Water Plan

- Submit a Preliminary Storm Water Plan to City Engineer (see [UDC Section 50-33.2.B](#)). The Engineering office will issue a letter with any comments on this preliminary plan.

Preliminary Plat Process

- Submit your preliminary plat application materials to the One Stop Shop, Room 210 City Hall, by the Planning Commission deadline. Your application must include the following:
 - Application Cover Sheet (see [Appendix](#))
 - Subdivision Plat Approval or Amendment Checklist
 - Pre-App Verification
 - Required fee
 - Legal description in recordable form, printed clearly on an 8.5"x 11" sheet (consult a surveyor or attorney if needed)
 - A written statement describing the proposal and any requested subdivision variances
 - Property boundary survey – three copies
 - A vicinity map (8.5" x 11") indicating the site and names of adjacent streets
 - A utility plan showing the location of proposed water, sewer, and storm water drainage facilities necessary to serve the platted area and connections to the surrounding area– two 22"x34" (folded to 8.5"x11") copies and one 11"x17" copy.



- A preliminary plat, prepared at a scale of no less than 1"=100', and at a scale sufficient to clearly show the following details (submit one 22"x34" copy, folded to 8.5"x11", and two 11"x17" copies):
 - The proposed name of the subdivision
 - The location and boundaries of the subdivision, names of all abutting subdivisions with lines indicating abutting lots, or, if the abutting land is unplatted, a notation to that effect, and names of all abutting streets
 - Contours at two-foot intervals
 - The date of preparation, scale, and north sign
 - The location of structures on the property and approximate location of structures off the property within ten feet of the proposed plat boundary
 - The name, address, and telephone number of the licensed surveyor, licensed engineer, or designer of the plat
 - Total acreage, total linear feet at the subdivision perimeter, and, if the subdivision is in an R-C, RR-1, or RR-2 district, the total linear feet around building lot clusters
 - The location and dimensions of all proposed public improvements, public easements, lot lines, parks, and other areas to be dedicated for public use and identification of areas reserved for future public acquisition
 - Zoning on and adjacent to the proposed subdivision, including shoreland areas, Skyline Parkway Overlay areas, and shore and bluff impact zones
 - Areas subject to the one-hundred year flood, base flood elevation data, and the source used in determining that elevation
 - A designation of all wetlands by type
 - Location of wildlife areas, rock outcrops, tree stands and areas in their natural state that are unsuitable for development
 - The number of lots and each lot size
 - Proposed uses of each lot
 - Proposed ownership and use of outlots
 - Names of all proposed and existing streets
 - Radii on all street curves
 - The location and size of existing utilities within or adjacent to the proposed subdivision including water, sewer, storm sewers and drainage facilities, fire hydrants within three hundred fifty feet of the property, electricity, and gas
- Wetland delineation report – two copies
- Statement as to how commonly owned land is to be owned and managed, including restrictive covenants proposed
- Schedule for making improvements
- Tree Preservation Report and Tree Replacement Plan, if required (see [Appendix](#))

Public Notice

- You are required to post a sign notice on the property at least two weeks before the date of the public hearing. See [UDC Section 50-37.1.H](#) for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; bring a photo(s) of the sign notice to the Planning Commission meeting.

Staff Review

Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a subdivision plat approval or amendment, Planning Staff generally review the zoning of the site (including overlay zones), the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), surrounding land uses and zoning, consistency with any approved district plan, adequacy of infrastructure and public safety

capacity to service the proposed plat, individual factors that are unique or special to the proposal, and other related factors.

Planning Commission Hearing

You will be notified when a Planning Commission hearing is scheduled for your application. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month.

The Planning Commission will review the application, conduct a public hearing, and make a decision to adopt, adopt with modifications, or deny the application.

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

Final Plat Process

- Submit your final plat application materials to the One Stop Shop, Room 210 City Hall, by the Planning Commission deadline. Your application must include the following:
 - Application Cover Sheet (see [Appendix](#))
 - Subdivision Plat Approval or Amendment Checklist
 - Required fee
 - A list of any conditions that were part of the preliminary plat approval, and an explanation of how these conditions will be met.
 - Legal description in recordable form, printed clearly on an 8.5"x 11" sheet (consult a surveyor or attorney if needed)
 - A vicinity map (8.5" x 11") indicating the site and names of adjacent streets
 - Final plat (submit two 22"x34" copies, folded to 8.5"x11", and one 11"x17" copy), at a scale no less than 1"=100', and at a scale sufficient to clearly show the following details. Note that MS 505.021 is included in the appendix for your reference.
 - The subdivision title (must meet [MS 505.021 Subd. 5](#))
 - Accurate dimensions (meeting [MS 505.021 Subd. 5](#)) for all lines, angles, and curves used to describe boundaries, public improvements, easements, areas to be reserved for public use, and other important features. All curves shall be circular arcs and shall be defined by the radius, central angle tangent, arc and cord distances. All dimensions, both linear and angular, are to be determined by an accurate survey.
 - The names of all abutting subdivisions, or if the abutting land is unplatted, a notation to that effect.
 - An identification system for all lots and blocks (must meet [MS 505.021 Subd. 4](#)) and names of streets (must meet [MS 505.021 Subd. 6](#))
 - The location and dimensions of all proposed public improvements, public easements, lot lines, parks, and other areas to be dedicated for public use and identification of areas reserved for future public acquisition
 - Total acreage, total linear feet at the subdivision perimeter, and, if the subdivision is in an R-C, RR-1, or RR-2 district, the total linear feet around building lot clusters
 - The number of lots and each lot size
 - Ownership and use of outlots
 - Areas subject to the one-hundred year flood, base flood elevation data, and the source used in determining that elevation
 - Certifications by the land surveyor, local government official, county surveyor, county tax official, and county recorder, as specified in [MS 505.021 Subd. 9](#).
 - A survey as specified in [MS 505.021 Subd. 10](#).
 - Tree Preservation Report and Tree Replacement Plan, if required (see [Appendix](#))

- Two copies of documents granting any easements required as part of plat approval (if applicable). The county clerk and recorder's recording number and proof of ownership of the property underlying the easement must be satisfactory to the city attorney.

Staff Review

Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a subdivision plat approval or amendment, Planning Staff generally review the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), surrounding land uses and zoning, consistency with any approved district plan, adequacy of infrastructure and public safety capacity to service the proposed plat, individual factors that are unique or special to the proposal, and other related factors.

Planning Commission Decision

You will be notified when a Planning Commission hearing is scheduled for your application. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month.

The Planning Commission will review the application and make a decision to adopt, adopt with modifications, or deny the application.

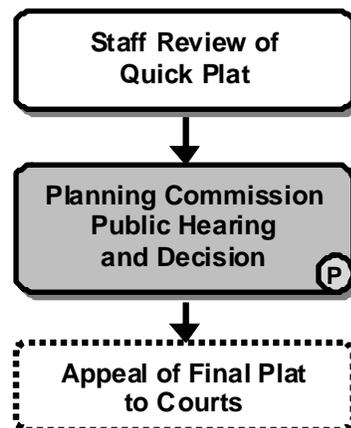
If approved, you will receive an Action Letter documenting approval.

- Record the final plat in the office of the county recorder within 90 days.** Submit a receipt or other documentation that it has been recorded to the city's One Stop Shop.
 - After the final plat has been recorded, lots may be sold and building permits may be issued. Building permits cannot be issued until the city has received documentation of the subdivision being recorded with the county recorder.
- If applicable, file a recorded copy of applicable Home Owner' Association (HOA) bylaws and regulations to the One Stop Shop.

Quick Plat Process

- Submit your application materials to the One Stop Shop, Room 210 City Hall, by the Planning Commission deadline. Your application must include the following:
 - Application Cover Sheet (see [Appendix](#))
 - Subdivision Plat Approval or Amendment Checklist
 - Required fee
 - Legal description in recordable form, printed clearly on an 8.5"x 11" sheet (consult a surveyor or attorney if needed)
 - A vicinity map (8.5" x 11") indicating the site and names of adjacent streets

Quick Plat Approval



(P) Indicates Public Hearing Required

Staff Review

Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a subdivision plat approval or amendment, Planning Staff generally review the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), surrounding land uses and zoning,

consistency with any approved district plan, adequacy of infrastructure and public safety capacity to service the proposed plat, individual factors that are unique or special to the proposal, and other related factors.

Planning Commission Decision

You will be notified when a Planning Commission hearing is scheduled for your application. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month.

The Planning Commission 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.

Amendment Process (Street Renaming)

- Submit your application materials to the One Stop Shop, Room 210 City Hall, by the Planning Commission deadline. Your application must include the following:
 - Application Cover Sheet (see [Appendix](#))
 - Subdivision Plat Approval or Amendment Checklist
 - Required fee
 - A map showing existing street names
 - A map showing proposed street names

Staff Review

Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a subdivision plat approval or amendment, Planning Staff generally review the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), surrounding land uses and zoning, consistency with any approved district plan, adequacy of infrastructure and public safety capacity to service the proposed plat, individual factors that are unique or special to the proposal, and other related factors.

Planning Commission Decision

You will be notified when a Planning Commission hearing is scheduled for your application. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month.

The Planning Commission 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.

3.4 Checklist

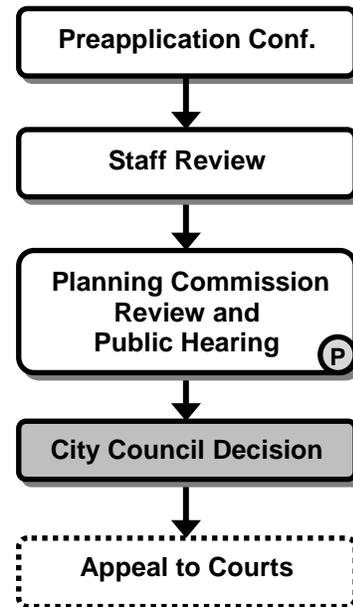
Vacation of Street

This applies to all applications to vacate a public street, highway, or utility easement. See [UDC Section 50-37.6](#) for more information.

Starting the Application Process

- You must discuss proposed vacations with Planning Staff prior to submitting an application. Call 218-730-5580 to schedule a pre-application meeting.
 - Make sure to get a Pre-App Verification at this meeting; you will need to submit this with your application.
- Submit your application materials to the One Stop Shop, Room 210 City Hall, by the Planning Commission Deadline. Your application must include the following:
 - Application Cover Sheet (see [Appendix](#))
 - Vacation of Street Checklist
 - Pre-App Verification
 - Required fee
 - A plat or map, clearly showing the portion of the street to be vacated
 - Legal description in recordable form, printed clearly on an 8.5"x 11" sheet (consult a surveyor or attorney if needed)
 - A petition of the majority of landowners abutting the street or easement; see Vacation Petition in [Appendix](#)
 - Tree Preservation Report and Tree Replacement Plan, if required (see [Appendix](#))

Vacation of Street



(P) Indicates Public Hearing Required

Public Notice

A mailed notice will be sent to property owners abutting the portion of the street proposed to be vacated, and to the portion of the street extending 350 feet from the ends of the portion.

- You are required to post a sign notice on the property at least two weeks before the date of the public hearing. See [UDC Section 50-37.1.H](#) for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; bring a photo(s) of the sign notice to the Planning Commission meeting.

Staff Review

Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a vacation of street request, Planning Staff generally review the current and projected usefulness of the street (is it being used now and/or is there a chance it could be

useful in the future) for vehicular, pedestrian, and utility purposes, surrounding land uses, surrounding traffic circulation and projected future traffic circulation, the likelihood of creating a dead-end street, and other related factors.

Planning Commission Hearing

You will be notified when a Planning Commission hearing is scheduled for your application. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. The Planning Commission will conduct a public hearing and make a recommendation.

City Council Decision

The Planning Commission recommendation will be forwarded to City Council in the form of a resolution. City Council will make a decision whether to approve the proposed vacation, approve it with modifications, or deny it.

The City Clerk's office will send notice of the Council action to the applicant.

Recording

- After approval of a vacation, submit a map and legal description to the city clerk's office for recording with the county recorder:
 - Submitted map must show area being vacated, including dimensions, and adjacent properties with the lot, block, and plat name.

Failure to submit the map and legal description in a timely manner will result in lapsing and invalidation of the council's decision.

3.5 Checklist

Concurrent Use of Streets Permit

This permit is needed for construction of a skywalk or any other application requesting concurrent use of the street surface, air rights above the street, or land beneath the street. It does not apply to applications for a sidewalk café or eating area or a bicycle parking area (see Sidewalk Use Permit). See [UDC Section 50-37.7](#) for more information.

Starting the Application Process

- You must discuss proposed concurrent use permits with Planning Staff prior to submitting an application. Call 218-730-5580 to schedule a pre-application meeting.
 - Make sure to get a Pre-App Verification at this meeting; you will need to submit this with your application.
- Submit your application materials to the One Stop Shop, Room 210 City Hall, by the Planning Commission Deadline. Your application must include the following:
 - Application Cover Sheet (see [Appendix](#))
 - Concurrent Use of Streets Checklist
 - Pre-App Verification
 - Required fee
 - A map, clearly showing the portion of the street to be used
 - Site plan
 - Legal description, printed clearly on an 8.5"x 11" sheet

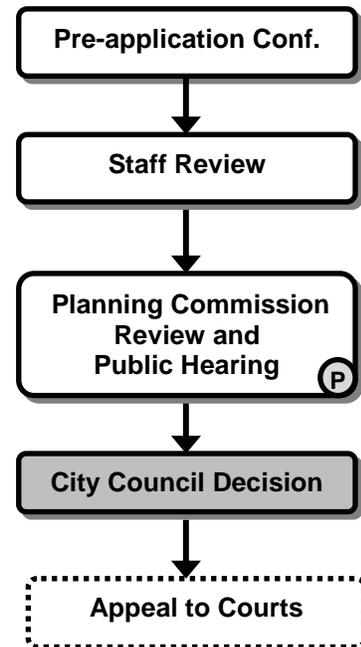
Public Notice

- You are required to post a sign notice on the property at least two weeks before the date of the public hearing. See [UDC Section 50-37.1.H](#) for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; bring a photo(s) of the sign notice to the Planning Commission meeting.

Staff Review

Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a concurrent use of streets permit, Planning Staff generally review the necessity of the request to protect the health, safety, and welfare of the city, how the proposal will only occupy the portion of the public easement not being physically used or occupied by the public, and that it will not inconvenience the public's use of the easement, as well as other related factors.

Concurrent Use of Street Permit



(P) Indicates Public Hearing Required

Planning Commission Hearing

You will be notified when a Planning Commission hearing is scheduled for your application. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. Planning Commission will hold a public hearing and make a recommendation.

City Council Decision

The Planning Commission decision will be forwarded to City Council in the form of an ordinance, which will require two readings. City Council will make a decision whether to approve the permit, approve it with modifications, or deny it.

The City Clerk's office will send notice of the Council action to the applicant.

3.6 Checklist

Historic Resource Designation

Historic resource designation aims to preserve districts and landmarks that reflect elements of the city's cultural, social, economic, political, engineering, visual, or architectural history. See [UDC Section 50-37.8](#) for more information.

Starting the Application Process

- Submit your application materials to the One Stop Shop, Room 210 City Hall, eight weeks prior to the HPC meeting. HPC meetings are held on the fourth Tuesday of each month.

Your application must include the following:

- Application Cover Sheet
- Historic Resource Designation Checklist
- Required fee
- Nomination form (see [Appendix](#)) and any documentation

Public Notice

A mailed notice will be sent to property owners within 350 feet.

Historic Preservation Commission Hearing

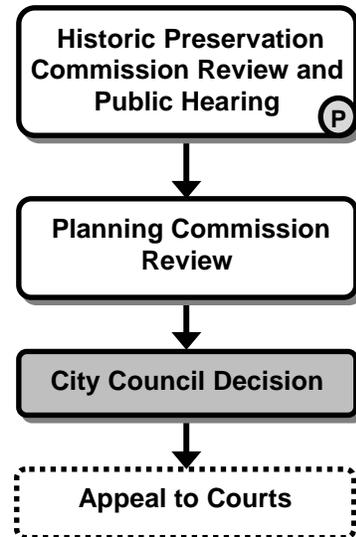
The Historic Preservation Commission will review the application, send it to Planning Commission for their review and recommendation, conduct a public hearing, and forward a recommendation to City Council. You will be notified when a Historic Preservation Commission hearing is scheduled for your application. Historic Preservation Commission meetings are scheduled at 2:00 pm on the fourth Tuesday of each month.

City Council Decision

The Historic Preservation Commission decision will be forwarded to City Council in the form of an ordinance, which will require two readings. City Council will make a decision whether to approve the historic resource designation, approve it with modifications, or deny it.

The City Clerk's office will send notice of the Council action to the applicant.

Historic Resource Designation



(P) Indicates Public Hearing Required

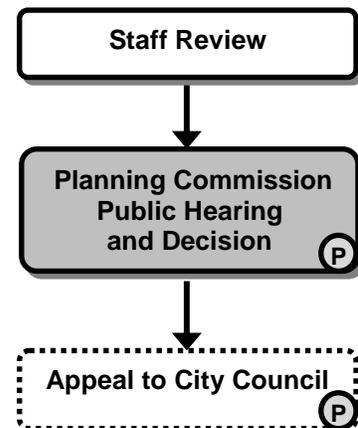
3.7 Checklist

Variance

These types of applications allow for a variance from the terms and provisions of the UDC. See [UDC Section 50-37.9](#) for more information.

- Submit your application materials to the One Stop Shop, Room 210 City Hall, by the Planning Commission Deadline. Your application must include the following:
 - Application Cover Sheet (see [Appendix](#))
 - Variance Checklist
 - Required fee
 - Evidence that the requested variance will not have a negative impact
 - A statement of need establishing hardship
 - A site plan with accurate depiction of the lot size, configuration, and requested variance area
 - Tree Preservation Report and Tree Replacement Plan, if required (see [Appendix](#))
 - Materials for specific variances:
 - Variances to lot size in unsewered areas*: a permit or letter of intent to issue a permit for on-site sewer treatment from the county
 - Variances to reduce setbacks*: a landscaping and buffering plan
 - Variances to flood plain regulations*: documentation regarding flood levels and flood protection may apply
 - Variances to shoreland regulations*: A plan to mitigate the impacts of the variance on shoreland areas
 - Variances within Skyline Parkway Overlay*: see Skyline Parkway Materials in [Appendix](#)

Variance



(P) Indicates Public Hearing Required

Public Notice

A mailed notice will be sent to property owners within 350 feet.

- You are required to post a sign notice on the property at least two weeks before the date of the public hearing. See [UDC Section 50-37.1.H](#) for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; bring a photo(s) of the sign notice to the Planning Commission meeting.

Staff Review

Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a variance, Planning Staff generally review the legal minimum requirements for a variance establish by State Statute (literal interpretation of the UDC would result in exceptional or undue hardship, special circumstances exist that are unique to the property, the situation was not created by the applicant, variance is necessary and not simply a convenience to the applicant, etc.), the standards specific to the type of variance being sought, and other related factors.

Planning Commission Hearing and Decision

You will be notified when a Planning Commission hearing is scheduled for your application. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month.

The Planning Commission will review the application, conduct a public hearing, and make a decision to adopt, adopt with modifications, or deny the application.

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

- Bring a copy of the Action Letter and approved plans when you submit your building permit.

3.8 Checklist

Special Use or Interim Use Permit

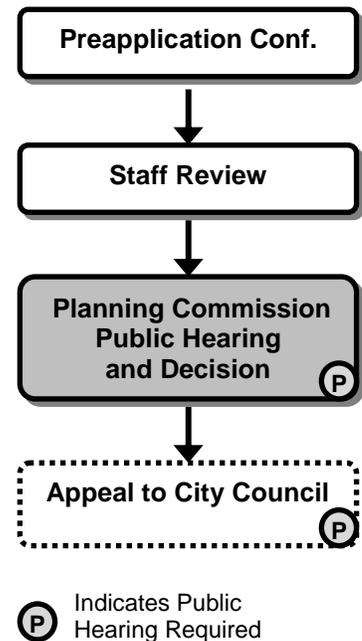
A special use permit applies to applications for those special uses listed for specific zone districts in [Table 50-19.8 of the UDC](#). An interim use permit applies to special uses that will be authorized only for a specified period of time. See [UDC Section 50-37.10](#) for more information.

Special Use Permit

Starting the Application Process

- You must discuss proposed special use and interim use permits with Planning Staff prior to submitting an application. Call 218-730-5580 to schedule a pre-application meeting.
 - Make sure to get a Pre-App Verification at this meeting; you will need to submit this with your application.
- Submit your application materials to the One Stop Shop, Room 210 City Hall, by the Planning Commission Deadline. Your application must include the following:
 - Application Cover Sheet (see [Appendix](#))
 - Special Use or Interim Use Permit Checklist
 - Pre-App Verification
 - Required fee
 - Site plan
 - Tree Preservation Report and Tree Replacement Plan, if required (see [Appendix](#))
 - Skyline Parkway Materials, if required (see [Appendix](#))
 - Evidence that the requested use will not have a negative impact on the community
 - All special uses: Any materials needed to confirm compliance with Use-Specific Standards in [Section 50-20](#), to be determined at the pre-application meeting.
 - Materials for specific uses:
 - Solid waste disposal facility:*
 - A detailed plan for excavation, grading, dumping, filling, covering, landscaping, and closure of the facility
 - Engineering certification, signed by the project engineer, which must certify that the design for construction is in accordance with standards in the UDC and state statutes
 - Drainage plan that provides for diversion of surface water around and away from the disposal area and does not increase the rate of runoff, from the predevelopment condition, from the site onto adjoining properties
 - Ground water monitoring plan as and if required by state statutes or rules

Special Use Permit



- A detailed dust control plan for the facility and for roadways in and leading to and from the facility
- Mining, extraction and storage:* A plan or map showing the area to be excavated; existing contour lines and proposed contour lines which will result from the excavation or removal; existing and proposed drainage on the premises; all street and public easements; proposed routes of access to public highways from the area to be excavated; and location, size and use of all buildings.
- Wireless telecommunication towers:* The following information may be required and will be determined at the pre-application meeting:
- Documentation verifying the applicant's right to proceed as proposed on the site (an executed copy of the lease with the landowner or landlord or a signed letter acknowledging authorization; If the applicant owns the site, a copy of the ownership record is required)
 - A written statement:
 - That the applicant's proposed wireless telecommunications facilities shall be maintained in a safe manner, and in compliance with all conditions of the special use permit, without exception, unless specifically granted relief by the city in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable city, state and federal laws, rules and regulations
 - That the construction of the wireless telecommunications facilities is legally permissible, including, but not limited to, the fact that the applicant is authorized to do business in the state
 - A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements
 - Documentation that demonstrates and proves the need for the wireless telecommunications facility to provide service primarily and essentially within the city. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, including an analysis of current and projected usage
 - The name, address, and phone number of the property owner and applicant, including the legal name of the applicant. If the site is a tower and the owner is different than the applicant, provide name and address of the tower owner
 - The zoning district or designation in which the property is situated
 - The size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines
 - The location of nearest residential structure
 - The location, size and height of all existing and proposed structures on the property
 - The type, locations and dimensions of all proposed and existing landscaping and fencing
 - The azimuth, size and center-line height location of all proposed and existing antennae on the supporting structure
 - The number, type and model of the antenna(s) proposed with a copy of the specification sheet
 - The make, model, type and manufacturer of the tower and design plan stating the tower's capacity to accommodate multiple users

- A site plan describing the proposed tower and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting
- The frequency, modulation and class of service of radio or other transmitting equipment;
- The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;
- Signed documentation such as the “Checklist to Determine Whether a facility is Categorically Excluded” found in Appendix A of the FCC publication titled “A Local Government Official’s Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures and Practical Guidance” dated June 2, 2000 to verify that the wireless telecommunication facility with the proposed installation will be in full compliance with the current FCC RF Emissions guidelines (NIER). If not categorically excluded, a complete RF Emissions study is required to provide verification;
- A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices
- A copy of the FCC license applicable for the intended use of the wireless telecommunications facilities
- A copy of the geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for a proposed or existing tower site and if existing tower or water tank site, a copy of the installed foundation design
- Certification documentation of structural analysis, including calculations that the telecommunication facility tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all city, state and federal structural requirements for loads, including wind and ice loads
- A written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new tower or existing structure intended to support wireless facilities is in compliance with FAA Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application
- If the proposal is for a co-location or modification on an existing tower, the applicant is to provide signed documentation of the tower condition such as an ANSI report as per Annex E, Tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222F or most recent version;
- A demonstration that the facility will be sited so as to minimize visual intrusion as much as possible, given the facts and circumstances involved and will thereby have the least adverse visual effect on the environment and its character and on the residences in the area of the wireless telecommunications facility;
- A written description and drawing showing how the applicant shall effectively screen from view the base and all related equipment and structures of the proposed wireless telecommunications facility
- If a new tower, proposal for a new antenna attachment to an existing structure, or other modification will add to a visual impact, the application shall include a Visual Impact Assessment, which shall include the following:
 - If the application is for a new tower or seeks to increase the height of an existing structure, a computer generated “Zone of Visibility Map” at a minimum of one mile radius from the proposed structure, with and

- without foliage to illustrate locations from which the proposed installation may be seen
- Photo simulations of before and after views from key viewpoints both inside and outside of the city as may be appropriate, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided concerning the appropriate key sites at the pre-application meeting. The applicant shall also provide a map showing the locations of where the pictures were taken and distance from the proposed structure
 - A written description of the visual impact of the proposed facility including, and as applicable, the tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening
- Where a certification is called for in this Section 50-35(ff), such certification shall bear the signature and seal of an appropriate registered professional licensed in the state

Public Notice

A mailed notice will be sent to property owners within 350 feet.

- You are required to post a sign notice on the property at least two weeks before the date of the public hearing. See [UDC Section 50-37.1.H](#) for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; bring a photo(s) of the sign notice to the Planning Commission meeting.

Staff Review

Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a special use or interim use, Planning Staff generally review the Future the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), surrounding land uses and zoning (including use-specific standards), individual factors that are unique or special to the proposal, compliance with any approved district plan for the area, and other related factors.

Planning Commission Hearing and Decision

You will be notified when a Planning Commission hearing is scheduled for your application. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month.

The Planning Commission will review the application, conduct a public hearing, and make a decision to adopt, adopt with modifications, or deny the application.

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

- Bring a copy of the Action Letter and approved plans when you submit your building permit.

Interim Use Permit

Starting the Application Process

- You must discuss proposed special use and interim use permits with Planning Staff prior to submitting an application. Call 218-730-5580 to schedule a pre-application meeting.
 - Make sure to get a Pre-App Verification at this meeting; you will need to submit this with your application.
- Submit your application materials to the One Stop Shop, Room 210 City Hall, by the Planning Commission Deadline. Your application must include the following:
 - Application Cover Sheet (see [Appendix](#))
 - Special Use or Interim Use Permit Checklist
 - Pre-App Verification
 - Required fee
 - Site plan
 - Other materials needed to confirm compliance with applicable standards, to be determined at the pre-application meeting
 - Tree Preservation Report and Tree Replacement Plan, if required (see [Appendix](#))
 - Skyline Parkway Materials, if required (see [Appendix](#))
 - Development agreement

Public Notice

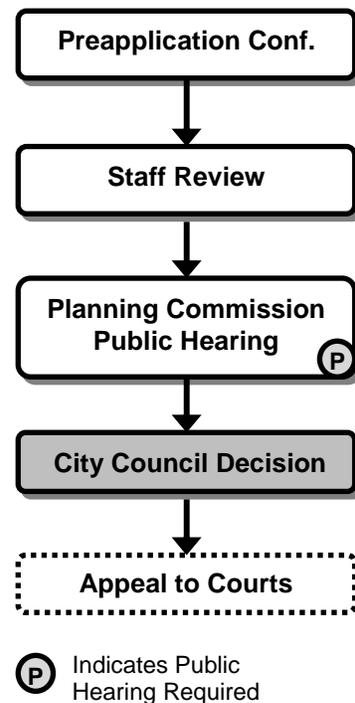
A mailed notice will be sent to property owners within 350 feet.

- You are required to post a sign notice on the property at least two weeks before the date of the public hearing. See [UDC Section 50-37.1.H](#) for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; bring a photo(s) of the sign notice to the Planning Commission meeting.

Staff Review

Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for a special use or interim use, Planning Staff generally review the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), surrounding land uses and zoning, individual factors that are unique or special to the proposal, compliance with any approved district plan for the area, and other related factors.

Interim Use Permit



Planning Commission Hearing

You will be notified when a Planning Commission hearing is scheduled for your application. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month. The Planning Commission will hold a public hearing and make a recommendation.

City Council Decision

The Planning Commission decision will be forwarded to City Council in the form of a resolution. City Council will make a decision whether to approve the permit, approve it with modifications, or deny it.

The City Clerk's office will send notice of the Council action to the applicant.

3.9 Checklist

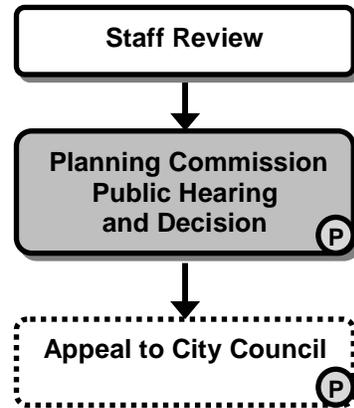
Planning Review

Planning review is needed for certain types of development and redevelopment activities in the R-2, MU-N, MU-C, MU-I, and MU-W zone districts. The R-2 and MU-N districts only require planning review for projects within 1 ½ miles of a college or university. See [UDC Section 50-37.11](#) for more information.

Starting the Application Process

- You must discuss planning review applications with Planning Staff prior to submitting an application. Call 218-730-5580 to schedule a pre-application meeting.
 - Make sure to get a Pre-App Verification at this meeting; you will need to submit this with your application.
- Submit your application materials to the One Stop Shop, Room 210 City Hall, by the Planning Commission Deadline. Your application must include the following:
 - Application Cover Sheet (see [Appendix](#))
 - Planning Review Checklist
 - Required fee
 - Pre-App Verification
 - Site plan
 - Grading plan, if in MU-C or MU-W
 - Information on traffic control and improvements, if in MU-C and MU-N (exact information to be determined at pre-application meeting depending on scope and location of project)
 - Other materials as indicated in the below table:

Planning Review in R-2, MU-N, MU-C, MU-I, or MU-W



(P) Indicates Public Hearing Required

If application:	Must submit:	UDC Section
Article 2		
Is within the Skyline Parkway Overlay	Materials showing: <ul style="list-style-type: none"> ▪ Boundary of the Skyline Parkway Overlay as described in UDC Section 50-18.4 ▪ Building footprints and setbacks ▪ The long-axis of the building footprint ▪ Driveway locations ▪ Building elevations when viewed from Skyline Parkway ▪ Maximum height of each structure in relation to the centerline of Skyline Parkway at its closest point 	Skyline Parkway Overlay, 50-18.4

	<ul style="list-style-type: none"> ▪ Location, setbacks, height, and transparency of any fences or walls on the property ▪ Location, type, and height at maturity of all landscaping on the site. 	
Article 3		
Involves a wireless telecommunications tower and does not have a special use permit	See “Antenna and Wireless Communication Facilities” handout for information on materials to submit.	Use-Specific Standards, 50-20.4.E
Article 4		
Is in a Form District , if any of the following apply: <ul style="list-style-type: none"> ▪ New building construction ▪ Renovation of existing structures where the renovation includes an addition of more than 50% in building square footage ▪ Renovation affecting the front façade ▪ Renovation in the shape or style of the roof 	<ul style="list-style-type: none"> ▪ Site plan that includes building location, driveways, Build-to Zone and Setback Measurements, and parking and loading locations ▪ Building elevations showing compliance with UDC Section 50-22 ▪ Landscape plan 	Building Form Standards, 50-22
ALL subdivisions, replatting, Registered Land Surveys, development, or redevelopment	Site plan showing paths, trails, sidewalks, pedestrian accesses, and public utility easements.	Connectivity and Circulation, 50-23.2
Is in any zone district other than the RC, RR-1, RR-2, MU-B, I-G, or I-W district AND is larger than 3 acres AND will contain more than one development parcel	Site plan showing that paths, trails, streets, and pedestrian accesses will comply with requirements in UDC Section 50-23.3.	Connectivity and Circulation, 50-23.3
Contains more than one principal building	Site plan showing that walkway(s) will be provided complying with Section 50-23.5.	Connectivity and Circulation, 50-23.5
Involves a skywalk remodeled at more than 50% of the assessed value	Elevations showing both vertical sides of the skywalk.	Connectivity and Circulation, 50-23
Is on a lot or parcel of more than 10,000 sq. ft., includes a primary structure with a multi-family, mixed use, commercial, institutional, industrial, or parking principal use, and : <ul style="list-style-type: none"> ▪ A new primary structure is constructed OR ▪ The floor area increases by more than 25% OR ▪ The primary structure is relocated OR ▪ The primary structure is renovated or redeveloped and the value of the renovation is more than 25% of the market value OR ▪ An existing lot is redesigned OR ▪ A new parking lot of 25 or more spaces is built 	<ul style="list-style-type: none"> ▪ A landscape plan demonstrating compliance with standards in UDC Section 50-25. ▪ Site plan showing parking. 	Landscaping, 50-25
Is on a lot of more than 10,000	Tree Preservation Report and, if necessary,	Tree Preservation, 50-

square feet OR a lot of record created after 11/19/10	Tree Replacement Plan (see Appendix).	25.9
Contains any of the following exterior mechanical features on multi-family, commercial, institutional, industrial, or mixed use buildings (except those located in I-G and I-W districts): <ul style="list-style-type: none"> ▪ Electrical and gas-powered mechanical equipment and power systems equipment ▪ Heating, ventilating, and air conditioning equipment ductwork and lines ▪ Power systems equipment 	<ul style="list-style-type: none"> ▪ For roof-mounted equipment: building elevations and photo simulations showing compliance with Section 50.26-1-B (1). ▪ For ground-mounted equipment,: site plan, elevations showing views of equipment locations and, if landscaping is used for screening, a landscape plan. 	Screening, Walls and Fences, 50-26.1
Contains service areas or off-street loading areas on properties containing multi-family, commercial, institutional, industrial, or mixed-use buildings (except those located in I-G and I-W districts)	<ul style="list-style-type: none"> ▪ Site plan ▪ Landscape plan ▪ Building elevations showing the service/loading areas 	Screening, Walls and Fences, 50-26.2
Contains commercial containers EXCEPT the following: <ul style="list-style-type: none"> ▪ Containers in I-G and I-W districts ▪ Containers behind a building and not visible from a public street or adjoining single-family, multi-family, mixed use, or public property ▪ Temporary containers meeting criteria in Section 50-26.3 (A) 	<ul style="list-style-type: none"> ▪ Site plan ▪ Building elevations or illustrations showing screening of containers that meets criteria of Section 50-26.3. 	Screening, Walls and Fences, 50-26.3
Involves new construction or redevelopment/renovation where the building square footage is expanded by more than 50%	Building elevations demonstrating compliance with Section 50-30	Design Standards, 50-30
Includes installation of exterior lighting	Lighting Plan	Exterior Lighting, 50-31

Public Notice

A mailed notice will be sent to property owners within 350 feet.

- You are required to post a sign notice on the property at least two weeks before the date of the public hearing. See [UDC Section 50-37.1.H](#) for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; bring a photo(s) of the sign notice to the Planning Commission meeting.

Staff Review

Planning staff will evaluate your application and prepare a staff report. When considering a recommendation for Planning Review, Planning Staff generally review the zoning of the site (including overlay zones), the Comprehensive Plan (including the Future Land Use Map, Governing Principles, and Policies), surrounding land uses and zoning, individual factors that are unique or special to the proposal, and other related factors.

Planning Commission Hearing and Decision

You will be notified when a Planning Commission hearing is scheduled for your application. Planning Commission meetings are scheduled at 5:00 pm on the second Tuesday of each month.

The Planning Commission will review the application, conduct a public hearing, and make a decision to adopt, adopt with modifications, or deny the application.

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

- Bring a copy of the Action Letter and approved plans when you submit your building permit.

3.11 Checklist

Historic Construction/Demolition Permit

A historic construction/demolition permit applies for construction or demolition within a historic district or on a historic property listed in [UDC Section 50-18.3](#). See [UDC Section 50-37.14](#) for more information.

Starting the Application Process

- Submit your application materials to the One Stop Shop, Room 210 City Hall, four weeks prior to the HPC meeting. HPC meetings are held on the fourth Tuesday of each month. Your application must include the following:
 - Application Cover Sheet (see [Appendix](#))
 - Historic Construction/Demolition Permit Checklist
 - Required fee
 - Application for Certificate of Appropriateness

Public Notice

- You are required to post a sign notice on the property at least two weeks before the date of the public hearing. See [UDC Section 50-37.1.H](#) for information on size, placement, and content of each sign; you may want to contact a sign company or printing company to have the sign made. You must provide evidence that the signs were in place; bring a photo(s) of the sign notice to the Historic Preservation Commission meeting.

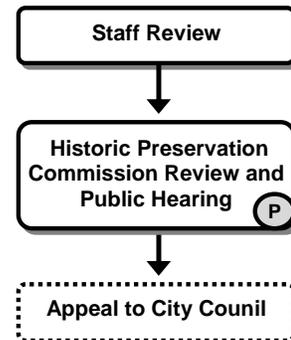
Historic Preservation Commission Decision

The Historic Preservation Commission will review the application, conduct a public hearing, and make a decision to adopt, adopt with modifications, or deny the application. You will be notified when a Historic Preservation Commission hearing is scheduled for your application. Historic Preservation Commission meetings are scheduled at 2:00 pm on the fourth Tuesday of each month.

If approved, you will receive an Certificate of Appropriateness (COA).

- Bring a copy of the COA and approved plans when you submit your building permit.

Historic Construction / Demolition Permit



(P) Indicates Public Hearing Required

4.0 Wetland Applications

All development in the city must comply with state statutes and regulations. In addition, any development impacting wetlands requires formal approval by the designated city wetland representative. See [UDC Section 50-18.1.B](#).

For information about wetland regulations in Minnesota, see <http://www.bwsr.state.mn.us/wetlands/publications/wetlandregulation2.html>.

Application forms for wetland approvals can be found at the following locations:

General Form for Most Projects Involving Lakes, Wetlands, Rivers, and Streams:

- Pdf version: http://www.bwsr.state.mn.us/wetlands/forms/form03_B.pdf
- Word version: http://www.bwsr.state.mn.us/wetlands/forms/form03_B.doc

Wetland Boundary Type Application Form:

- Pdf version: http://www.bwsr.state.mn.us/wetlands/forms/Wetland_Boundary_Type_app.pdf
- Word version: http://www.bwsr.state.mn.us/wetlands/forms/Wetland_Boundary_Type_app.doc

Wetland applications are filed with the City of Duluth's wetland consultant:

R.C. Boheim
South St. Louis Soil and Water Conservation District
215 North 1st Avenue East, Room 301
Duluth, MN 55802
218-723-4629
R.Boheim@southstlouisswcd.org

5.0 Appeals

Any person aggrieved by a decision of staff, the planning commission, historic preservation commission, or city council can file an appeal of that decision. See the table below for information on the types of appeals relating to the UDC. More information on appeals can be found in [UDC Section 50-37.1.O](#).

Appeals of	To	Types of Decisions	File At
Staff decisions	Planning Commission	Planning Review, Sidewalk Use Permit, Zoning Permit, Certificate of Occupancy	One Stop Shop, Room 210 City Hall
Planning Commission	City Council	District Plan, Variance, Special Use Permit, Planning Review	City Clerk's Office, Room 330 City Hall
Historic Construction/ Demolition Permits	City Council	Historic Construction/ Demolition Permit	City Clerk's Office, Room 330 City Hall
City Council or Planning Commission decisions	Courts	Comprehensive Land Use Plan, UDC Text or Zoning Map Amendment, Subdivision/Registered Land Surveys, Vacation, Concurrent Use of Streets, Historic Resource Designation, Interim Use Permit	File appeal pursuant to applicable state law.

- Airport Environs Permits are appealed to the airport board of adjustment. See UDC Section 50-37.1.O.
- Appeals to decisions relative to the application of the Minnesota State Building Code (MSBC) (including some sign regulations) are to a board of appeals in accordance with MSBC Chapter 1300. Application forms for the Building Appeals Board are available in the Building Safety office.

6.0 Appendix

DEFINITIONS OF APPLICATION MATERIALS

Elevation

Elevations shall be referred to the Duluth datum, which is mean low water level of Lake Superior, 601.6 feet above sea level.

Landscape plan

All landscape plans shall show existing and proposed plant materials at 75 percent of mature size. Any preserved trees 5" DBH or greater must be included. See attached Species List for allowable species.

Lighting Plan

Lighting plans must include the following:

- A catalog page, cut sheet, or photograph of the lighting fixtures, including the mounting method.
- A photometric data test report of the proposed lighting fixture graphically showing the lighting distribution in all angles vertically and horizontally around the fixture (This is available from your lighting supplier).
- A site plan showing:
 - The location of all outdoor lighting fixtures proposed,
 - The mounting or installation height,
 - The overall illumination levels and uniformities,
 - The point where 0.5 horizontal footcandles occurs on the property or adjacent property at a distance four (4) feet above the ground.
- A graphic depiction of the lighting fixture's lamp concealment and light cutoff angles.

Maps

All maps must include a north arrow, scale bar, legend, and date created and/or modified. Maps must be reasonably legible.

Site plan

Site plans are scaled drawings showing building locations, roads, sidewalks, trails, parking areas, signage, and other physical features on the site. Site plans must also show that paths, trails, streets, and pedestrian accesses will comply with requirements in UDC Section 50-23.2.

Natural resources inventory

A natural resources inventory shall show any shore impact zones, bluff impact zones, wetlands, floodplains, wildlife areas, steep slopes, rock outcrops, tree stands, and areas of sensitive species.

Traffic impact analysis

A traffic impact analysis must include the following components:

- Discussion of the public information/public participation process that was part of the traffic study
- Pertinent traffic and crash data, including source information
- A review of existing signalized intersections and recommendations for improvements at major intersections
- Determination whether any driveway access points will have a negative impact on traffic flow of existing adjacent streets
- Issues, problem areas and potential solutions
- Alternatives for the study area

- Evaluation of alternatives
- An implementation plan and report

Skyline Parkway Materials

These materials must be provided if the application includes development or redevelopment occurring within the Skyline Parkway Overlay and subject to the Skyline Parkway Overlay regulations as provided in UDC Section 50-18.4:

- Boundary of the Skyline Parkway Overlay as described in UDC Section 50-18.4
- Building footprints and setbacks
- The long-axis of the building footprint
- Driveway locations
- Building elevations when viewed from Skyline Parkway
- Maximum height of each structure in relation to the centerline of Skyline Parkway at its closest point
- Location, setbacks, height, and transparency of any fences or walls on the property
- Location, type, and height at maturity of all landscaping on the site.

Surveys

Surveys and plats shall be made under the supervision of a registered land surveyor, in accordance with the provisions of state law.

Tree Preservation Report

A tree preservation report is required for any development or redevelopment activities that impacts trees and is on a lot of more than 10,000 square feet or a lot of record created after 11/19/10. See sections [50-25.6](#) and [50-25.9](#) of the UDC for information on tree preservation standards. See Appendix for a Tree Preservation Report form.

If part of the property is covered by a Forest Management Plan and if applying for an exemption from tree preservation requirements, please attach a copy of the Forest Management Plan to your Tree Preservation Report. Forest Management Plans shall show the location of the forest to be managed, an estimate of the number, size, and species of trees that will be cut, expected timeline for cutting, and a plan for how the forest will be regenerated (i.e. planting or natural regeneration).

Tree Replacement Plans

A tree replacement plan is needed if your project requires any tree replacement per [section 50-25.9](#) of the UDC. Tree replacement plans shall include:

- Location of the property, including street address and legal description and the name, address, and signature of the property owner
- A map showing the property boundary, existing and proposed structures, roadways, utility easements, stormwater ponds, and the locations and species of trees to be used for replacement.
- Tabular report presenting the total inches diameter (DBH) of all significant trees to be removed, categorized by species. The total inches diameter shall be calculated by one of two methods: the Tree Measurement method or the Canopy Cover method.
 - (i) Tree Measurement Method. Measure and record the species and DBH of every significant tree that will be removed;
 - (ii) Canopy Cover Method. For areas of dense forest cover greater than 5 acres, calculate the area of canopy cover that will be removed. Measure and record the species and DBH of significant trees in sample plots 1/10th acre in size (a square 66 feet per side or a circle with diameter of 75 feet) scattered throughout the area of canopy removal. Take these recordings in at least one plot for each two acres of canopy removal, with a minimum of five plots. Sum the total inches diameter of

each species in all the plots. Multiply the sum of each species by the total acres of canopy cover and divide by the total acres covered by all the plots measured. These calculations provide an estimate of the total inches diameter of each species throughout the canopy removal area. All special tree species in the forest must be measured, not just those within the plots. Present all results in a tabular report.

- Explanation of how the Tree Replacement Policy will be followed, including the tree species to be used for replacement, the area where they will be planted, the expected spacing between them, and the expected time of completion of each phase. If payment into the City Tree Fund is chosen rather than planting replacement trees, indicate the amount that will be paid.

SPECIES LIST

All shrubs and trees chosen must be hardy in Zone 4.

Small Shrubs < 6 feet tall

- Barberry – *any that are hardy in Zone 4*
- Bearberry, Massachusetts
- Black chokeberry
- Boxwood
 - Wintergreen
 - Saskatoon
- Chokeberry, autumn magic black
- Common juniper
- Cotoneaster
 - Cranberry
 - Spreading
- Currant
 - Alpine
 - Yellow Flowering
- Dogwood
 - Alleman's compact
 - Kelsey
 - *Others are hardy in Zone 4 and < 6 feet at maturity*
- Euonymus
 - Compact burning bush
 - Emerald gaiety
 - *Others hardy in Zone 4 and < 6 feet at maturity*
- Forsythia
 - Fiesta
 - Sunrise
 - *Others hardy in Zone 4 and < 6 feet at maturity*
- Honeysuckle
 - Dwarf bush
 - Butterfly bush
 - *Others hardy in Zone 4 and < 6 feet at maturity*
- Hydrangea – *any hardy in Zone 4 and < 6 feet at maturity*
- Leatherwood
- Ligustrum, Iodense privet
- Lilac
 - Dwarf Korean
 - Sugar plum fairy
 - *Others hardy in Zone 4 and < 6 feet at maturity*
- Mockorange
 - Aurea golden
 - Miniature snowflake
- *Others hardy in Zone 4 and < 6 feet at maturity*
- New Jersey tea
- Ninebark
 - Dart's gold
 - Nanus dwarf
 - *Others hardy in Zone 4 and < 6 feet at maturity*
- Peashrub, Siberian
- Potentilla – *any that are hardy in Zone 4*
- Prunus
 - Western Sand Cherry
 - Pink Almond
 - Beach Plum
- Rhododendron – *any that are hardy in Zone 4*
- Rose
 - Climbing prairie
 - Wild
- Spiraea – *any that are hardy in Zone 4 and < 6 feet at maturity*
- Sumac
 - Fragrant Sumac
 - Cutleaf Sumac
 - *Others hardy in Zone 4 and < 6 feet at maturity*
- Summersweet
 - Hummingbird
 - Ruby spice
 - September beauty
 - Sixteen candles
- St. Johnswort
- Viburnum
 - Emerald Triumph
 - Mohican
 - *Others hardy in Zone 4 and < 6 feet at maturity*
- Weigela
 - Carnaval
 - Minuet
 - Tango
 - *Others hardy in Zone 4 and < 6 feet at maturity*
- Willow
 - Hakura Nishiki Willow
 - Dwarf Blue Arctic Willow
- Winterberry

- Afterglow – female
- Red Sprite – female

- *Others hardy in Zone 4 and < 6 feet at maturity*

Large Shrubs > 6 feet tall

- American elderberry
- American hazelnut
- American highbush cranberry
- Bayberry, northern
- Buttonbush
- Chokeberry, glossy black
- Common chokecherry
- Common ninebark
- Dogwood
 - Gray
 - Red osier
 - *Others hardy in Zone 4 and > 6 feet at maturity*
- Euonymus
 - Burning bush
 - Prairie radiance
 - *Others hardy in Zone 4 and > 6 feet at maturity*
- False indigo
- Forsythia
 - Meadowlark
 - Northern sun
 - *Others hardy in Zone 4 and > 6 feet at maturity*
- Honeysuckle
 - Freedom
 - Honeyrose
 - *Others hardy in Zone 4 and > 6 feet at maturity*
- Hydrangea – *any hardy in Zone 4 and > 6 feet at maturity*
- Ligustrum, Cheyenne privet
- Lilac
 - Canada
 - Common purple
 - Common white
 - *Others hardy in Zone 4 and > 6 feet at maturity*
- Maple, amur
- Mockorange
 - Natchez
 - Minnesota snowflake
- Ninebark
 - Center glow
 - Diabolo
 - *Others hardy in Zone 4 and > 6 feet at maturity*
- Nannyberry
- Peashrub
 - Globe
 - Pygmy
- Prunus
 - Nanking Cherry
 - Flowering Plum
 - Western Chokecherry
 - Canada Red Select Cherry
 - Purpleleaf Sand Cherry
- Scarlet elder
- Serviceberry
- Smokebush, young lady
- Smooth sumac
- Spiraea – *any that are hardy in Zone 4 and > 6 feet at maturity*
- Sumac
 - Smooth
 - Staghorn
 - *Others hardy in Zone 4 and > 6 feet at maturity*
- Viburnum
 - Nannyberry
 - American Cranberrybush
 - *Others hardy in Zone 4 and > 6 feet at maturity*
- Wild plum
- Willow
 - Pussy Willow
 - Flame Willow
- Winterberry
 - Sparkleberry-female
 - Southern Gentleman Winterberry – male
 - *Others hardy in Zone 4 and > 6 feet at maturity*
- Witch hazel

Trees

- Alder, black
- Ash
 - Green
 - Mountain
 - White
 - *Others that are hardy in Zone 4*
- Balsam fir
- Basswood, American
- Birch
 - Paper
 - River
 - Yellow
 - White
 - *Others that are hardy in Zone 4.*
- Buckeye, Ohio
- Locust, black
- Crabapple – *any that are hardy in Zone 4*
- Dogwood
 - Pagoda
 - Gray
 - *Others that are hardy in Zone 4*
- Elm
 - Accolade
 - American
 - Discovery
 - Homestead
 - New Horizon
 - Patriot
 - Triumph
 - *Others that are hardy in Zone 4*
- Hackberry
- Hawthorne
- Hemlock, Canadian
- Honeylocust
- Ironwood
- Kentucky Coffeetree
- Larch
 - Japanese
 - American
- Linden
 - Boulevard
 - Littleleaf
 - Silver
 - *Others that are hardy in Zone 4*
- Magnolia
 - Merrill
 - Royal Star
 - x Ann
- Maples
 - Autumn blaze
 - Northwoods red
 - Norway
 - Red
 - Silver
 - Sugar
 - *Others that are hardy in Zone 4*
- Oak
 - Bicolor
 - Bur
 - Northern pin
 - Red
 - White
 - *Others that are hardy in Zone 4*
- Pine
 - Red
 - Scotch
 - White
 - *Others that are hardy in Zone 4*
- Poplar
 - Balsam
 - *Others that are hardy in Zone 4*
- Redbud, Eastern
- Serviceberry
- Spruce
 - Norway
 - White
 - *Others that are hardy in Zone 4*
- Walnut, black

VARIANCE POLICY UPDATE

Issued: July 27, 2010

The purpose of this notice is to inform the public of a change in Minnesota law that will have a substantial impact on the authority of the city to grant variances from zoning regulations.

BACKGROUND:

The power of the city to enact zoning regulations is controlled by the Municipal Planning Act which is found in Chapter 462 of the Minnesota Statutes. Section 462.357, Subd. 6 authorizes a city's board of adjustment to grant variances from zoning regulations where undue hardship exists because of circumstances unique to the individual property under consideration. A city is not authorized to grant a variance from those zoning regulations providing for the allowable uses of a given zoning district.

Since the 1989 Minnesota Court of Appeals decision in Rowell v Board of Adjustments of Moorhead, the undue hardship standard has been interpreted to mean that the property owner would like to use the property in a reasonable manner that is prohibited by the ordinance. Under this standard a variance could be granted even if the property owner already enjoyed a reasonable use of the property and simply wanted to change the use to a different reasonable use. The landowner need not demonstrate the inability to make reasonable use of the land.

A common example of this principal in Duluth has been variances from set-back requirements to allow for the conversion of a single-car garage to a double-car garage on a residential lot. Both are reasonable uses of the land because the uses are allowed by the zoning regulations. Even though the landowner already enjoys the reasonable use of a single-car garage, the variance from set-backs to accommodate a double-car garage could be granted if the landowner demonstrated that the conditions of the site made the variance necessary in order to construct the larger garage.

THE KRUMMENACHER DECISION:

On June 24, 2010, the Minnesota Supreme Court released its decision in the case of Krummenacher v City of Minnetonka. In this case the Court interpreted the undue hardship standard and declined to utilize the Rowell interpretation. The Court held that the definition of "undue hardship" provided for in the statute requires that an applicant for a variance must present evidence demonstrating that three factors are satisfied.

These three factors are:

1. The property in question cannot be put to reasonable use if used under conditions allowed by the official controls; and
2. the plight of the landowner is due to circumstances unique to the property not created by the landowner; and
3. the variance, if granted, will not alter the essential character of the locality.

Under this interpretation, the landowner must demonstrate that **no** reasonable use of the land is available unless a variance is granted. The landowner seeking a variance to expand a single-car garage into a double-car garage cannot receive the variance because the landowner is already enjoying a reasonable use. This decision will have a substantial impact on the law that must be applied by the Board of Zoning Appeals and will restrict the authority to grant a variance.

The Minnesota Supreme Court understood the impact of its decision. It explained the decision as follows:

“We recognize that the *Rowell* “reasonable manner” standard represents a longstanding interpretation of the undue hardship standard...and that Minnesota municipalities have been granting variances under the “reasonable manner” standard for many years. We also recognize that our decision will result in a restriction on a municipality’s authority to grant variances as compared with the “reasonable manner” standard. But whatever value we may find in a more flexible standard, particularly with regard to area variances, we cannot ignore the plain language of the statute... We are unable to interpret the statutory language to mean anything other than what the text clearly says-that to obtain a municipal variance, an applicant must establish that “the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls.”...Therefore, unless and until the legislature takes action to provide a more flexible variance standard for municipalities, we are constrained by the language of the statute to hold that a municipality does not have the authority to grant a variance unless the applicant can show that her property cannot be put to a reasonable use without the variance.” Krummenacher v City of Minnetonka, No. A08-1988, 2010 WL 2517702(Minn), *internal citations deleted*.

CONCLUSION:

The Board of Zoning Appeals or the City Council, in those matters appealed to it, do not have the authority to grant a variance unless the applicant can show that the property cannot be put to a reasonable use without the variance.

FORMS

See the following pages for:

- Application Cover Sheet
- Zoning Amendment Petition
- Historic Resources Designation – Nomination Form
- Vacation of Street Petition
- Tree Preservation Report
- Sustainability Checklist
- Historic Resources Certificate of Appropriateness Application
- Sidewalk Use Agreement

CITY OF DULUTH UDC APPLICATION COVER SHEET

- ____ UDC Text or Zoning Map Amendment - **\$800**
- ____ District Plan Adoption or Amendment - **\$1,000**
- ____ Subdivision Plat Approval or Amendment:
 - ____ Concept Plan - **\$250**
 - ____ Preliminary Plat - **\$1000**
 - ____ Final Plat - **\$750**
 - ____ Quick Plat/RLS - **\$250**
 - ____ Amendment - **\$250**
- ____ Vacation of Street - **\$700**
- ____ Concurrent Use of Streets Permit - **\$700**
- ____ Historic Resource Designation - **\$75**
- ____ Historic Construction/ Demolition Permit - **\$50**
- ____ Variance - **\$600**
- ____ Special Use or Interim Use Permit, General - **\$650**
- ____ Special Use Permit, Wireless Telecommunications
 - ____ Application, Modifying or Co-locating - \$2,500
 - ____ Application, New Tower – \$5,000
 - ____ Escrow Deposit - \$8,500
 - ____ Performance Bond: Co-location - \$25,000
 - ____ Performance Bond: Tower Facility - \$75,000
- ____ Planning Review - **\$800**
- ____ Sidewalk Use Permit - **\$100**
- ____ Appeal to Planning Commission - **\$350**
- ____ Appeal to Council - **\$350**

CONTACT INFORMATION:

Applicant/Owner _____

Phone _____ Fax _____

Email _____

Address _____

City _____ State _____ Zip _____

Owner's Agent _____

Phone _____ Fax _____

Email _____

Address _____

City _____ State _____ Zip _____

APPLICATION INFORMATION:

Street Location of Property _____

Property Zoning _____

Proposed Request _____

Briefly 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 _____

Notice: this is public data

CITY OF DULUTH **HPC FN** _____
HISTORIC PRESERVATION COMMISSION
LOCAL LANDMARK NOMINATION

- I. Name of Property
 - A. Historic:
 - B. Common:
- II. Location
 - A. Address:
 - B. Legal Description:
- III. Classification
 - A. Type of Property:
 - B. Current Use:
 - C. Current Zoning:
- IV. Current Owner
 - A. Name:
 - B. Address:
 - C. Telephone:
- V. Property Status
 - A. Occupied/Vacant:
 - B. Assessed Value:
 - C. Condition:
- VI. Historical Background
 - A. Year Built:
 - B. Architect and/or Builder:
 - C. Original Site:
 - D. Altered/Unaltered:
 - E. Architectural Style:
- VII. Description of Property
- VIII. Present Condition
- IX. Statement of Significance
- X. Findings On Designation Criteria

The following criteria are established by ordinance as the basis for designation of a site/district, with the requirement that the property proposed for designation meet at least one of the criteria.

Findings responding to each of the criteria are as follows:

A. "It has character, interest, or value as part of the development, heritage, or cultural characteristics of the City of Duluth, State of Minnesota, or the United States."

FINDING:

B. "Its location was a site of a significant historical event."

FINDING:

C. "It is identified with a person or persons who significantly contributed to the cultural development of the City of Duluth, State of Minnesota, or the United States."

FINDING:

D. "It embodies a distinguishing characteristic of an architectural type."

FINDING:

E. "It is identified as the work of an architect or master builder whose individual work has influenced the development of the City of Duluth or the State of Minnesota."

FINDING:

F. "It embodies elements of architectural design, detail, materials, and craftsmanship which represent significant architectural innovation."

FINDING:

G. "Its unique location or singular physical characteristics represent an established and familiar visual feature of a neighborhood, community, or the City as a whole."

FINDING:

XI. Conclusions

A. Points in Favor:

B. Points in Opposition:

XII. Attachments

A. Bibliography

B. Location Map

C. Photos of subject property

Petition to Vacate Street, Alley, or Utility Easement

Name: _____

Description of street, alley, or easement to vacate: _____

My request for this vacation is to (indicate purpose of vacation):

The City of Duluth will not need this street, alley, or easement in the future because:

PLEASE TAKE NOTICE: Pursuant to Section 50-37.6 of the Duluth City Code, the above-identified applicant(s) petition the Duluth City Council to vacate the street, alley, or easement described in the attached legal description.

This petition is made upon the following facts and reasons (Identify the factual basis and reasons supporting the petition) ¹:

This petition is supported by a majority of the person(s) who own a majority of the lineal frontage of the land abutting upon the portion of the public easement proposed to be vacated. A copy of the signatures of these persons is attached hereto and made a part hereof. ²

The petitioner(s) agree to provide the city with a plat of the easement(s) as required by Section 50-37.6B(3) of the Duluth City Code upon approval of the vacation. We understand that the vacation cannot occur without the submission of the required plat. We understand that the cost of producing the plat is the responsibility of the petitioner(s). We also understand that the approval will lapse and be of no effect if the plat and clerk certification is not recorded with the county recorder within 90 days after final approval.

Signature(s): _____

Date: _____

Notice: This is public data.

¹ In order to vacate a public easement it must be demonstrated that the easement is useless for the purpose for which it was dedicated.

² If a property is owned in joint tenancy or by tenants in common, each individual with an ownership interest will be counted to determine if a majority of owners have signed the petition. An owner cannot sign for another owner unless legally authorized to do so, i.e. power of attorney, trustee, or court approved guardianship or conservatorship.

Tree Preservation Report (Revised February 3, 2011)

A tree preservation report is required for any development or redevelopment activities that impacts trees and is on a lot of more than 10,000 square feet or a lot of record created after 11/19/10. See sections 50-25.6 and 50-25.9 of the UDC.

Property address/location: _____

Name of applicant: _____

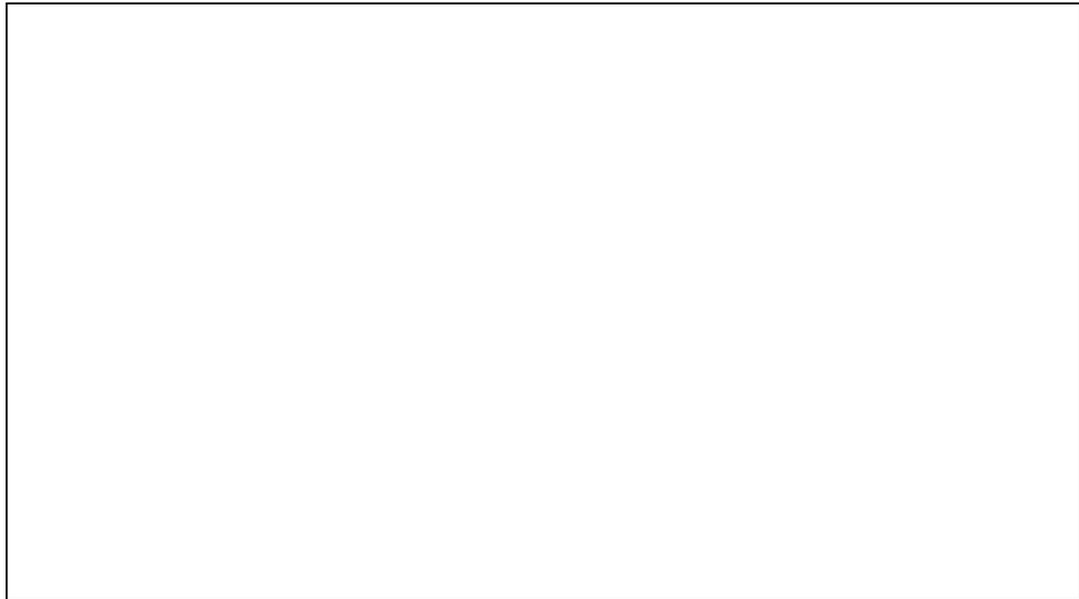
Phone: _____ **Email:** _____

Date of expected tree removal: _____

Type of Trees	Removal Threshold	Number Impacted by Project
Special Trees 6"–20" DBH	10 or more	
Special Trees >20" DBH	Prohibited unless approved per Section 50-25.9	
Other Significant Trees	20 or more	

- **DBH: Diameter at Breast Height.** Diameter is measured in inches 54" above the ground. If the tree splits into multiple trunks at a height below 54 inches, but above the ground, the diameter is measured at the highest point beneath the split.
- **Special Trees:** White pines, red (Norway) pines, white cedars, white spruces, eastern hemlocks, sugar maples, American basswoods, American elms, yellow birches, and all oak species (for identification help, see <http://www.arboday.org/trees/treeGuide/index.cfm>).
- **Significant tree:** All trees of more than 10 inches DBH, and all special tree species of more than 6 inches DBH. Any replacement tree planted as part of a tree replacement plan shall also be considered significant.

Map
Draw a map of the property, including locations of structures and trees. Indicate which trees will be preserved and which will be removed.



Preserved trees must be protected during construction through use of a fence around the critical root radius.

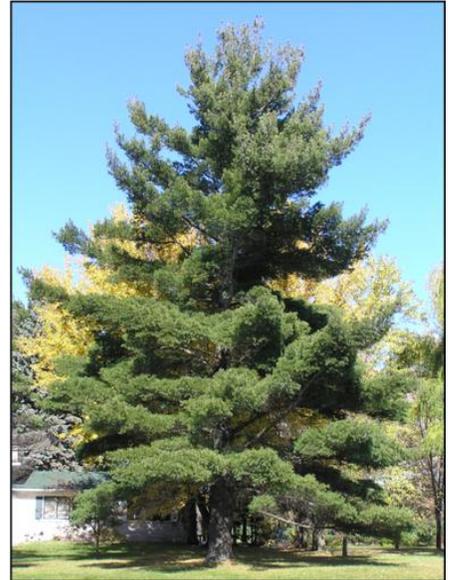
*Attach photos of areas of the property to be impacted by construction.

I testify that this report is true and accurate to the best of my knowledge.

Signature: _____ **Date:** _____

White pine (*Pinus strobes*)

- only five-needle pine native to eastern North America
- distinguished by its commonly "windblown" or asymmetrical look; its large, long cones; and its five needles per cluster



Norway Pine (*Pinus resinosa*)

- also called the red pine because of its pale red wood and reddish bark
- branches on mature trees don't begin until about two-thirds of the way up the tree trunk
- crown of the Norway pine is cone-shaped and the glossy/dark green needles are soft and flexible

Fun Fact: The name Norway comes from early explorers who thought the tree was a pine they had seen back home in Norway. Perhaps because so many Norwegians live here, Minnesota is the only state that still uses the term Norway.



White Cedar (*Thuja occidentalis*)

- small evergreen tree (average height 40') with fan-like branches
- leaves are flat and scale like; 3-5cm in length

Fun Facts: This species is threatened where white-tail deer populations are high, since deer commonly use cedars as a winter food source. Oils from this tree are found in organic medications used to eliminate warts.



White Spruce (*Picea glauca*)

- large evergreen tree (average height: 40' to 60', occasionally 100')
- leaves are needlelike and sharply pointed, four-sided, crowded along branchlets; length 1/3" to 3/4"



Eastern Hemlock (*Tsuga Canadensis*)

- typically have a dense pyramidal crown whose lower branches often sweep the ground
- leaves are flat and green above with white, shallow, bands on the underside
- cones are among the smallest of the pine family; 1/2" to 3/4" long



Sugar Maple (*Acer saccharum*)

- deciduous tree normally reaching 82'–115' tall
- leaves are simple, opposite on stem, length 3" to 5"; three- to five-pointed, smooth-edged lobes; dark green on upper surface, lighter green below; in autumn turns to brilliant shades of dark red, scarlet, orange, or yellow
- seeds consists of two slightly connected wings (samaras), each containing one seed; length about 1"; easily carried by the wind
- principal source of maple syrup



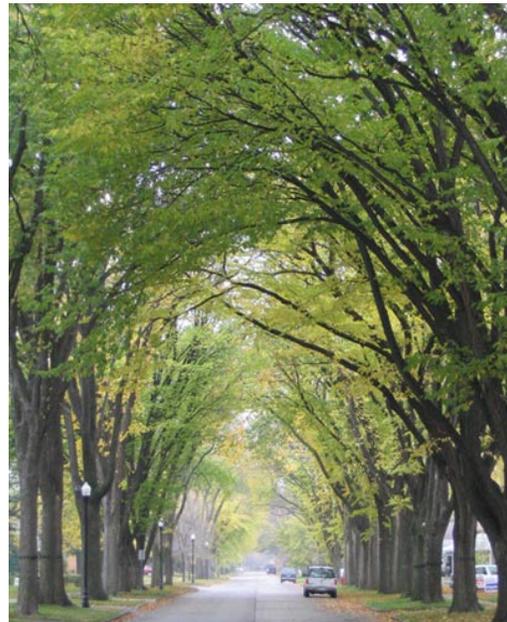
American Basswood (*Tilia americana*)

- medium-sized to large deciduous tree reaching a height of 60' to 120'
- leaves are simple, alternate on stem, length 3" to 6", nearly as wide, heart-shaped, saw-toothed, sharp-pointed at tip; at maturity thick, shiny, green above, paler underneath, turns yellow to orange in autumn
- seeds are rounded, nutlike drupe covered with short, thick, brownish wool, attached in clusters to a leafy bract that later acts as a wing to carry seeds away on the wind; fruit often hangs on tree long into winter



American Elm (*Ulmus Americana*)

- a deciduous tree reaching heights of 100' tall
- crown forms a high, spreading canopy with open air space beneath
- leaves are alternate, 7–20 cm long, with double-serrate margins and an oblique base
- tree is hermaphroditic, having perfect flowers, (i.e. with both male and female parts) and is therefore capable of self-pollination
- wholly insensitive to daylight length (photoperiod), and will continue to grow well into autumn until injured by frost



Yellow Birch (*Betula alleghaniensis*)

- easily recognized by the yellowish-bronze exfoliating bark for which it is named; the bark is smooth, yellow-bronze, flaking in fine horizontal strips, and often with small black marks and scars
- medium-sized deciduous tree reaching 65' tall
- flowers are wind-pollinated catkins 1" to 2 1/2" long



Oak Species (genus *Quercus*)

- spirally arranged leaves, with a lobed margin in many species; some have serrated leaves or entire leaves with a smooth margin
- flowers are catkins, produced in spring
- fruit is a nut called an acorn, borne in a cup-like structure known as a cupule; each acorn contains one seed (rarely two or three) and takes 6–18 months to mature, depending on species



SUSTAINABILITY CHECKLIST

Instructions

1. Figure out how many points you need based on UDC Section 50-29:
 - Residential development with 3-29 units: 3 points.
 - Residential development with 30 or more units: 4 points.
 - Non-residential development with 10,000 to 25,000 sq. ft: 3 points.
 - Non-residential development with a total square footage of more than 25,000 sq. ft: 4 points.
2. Write the number of points in the Points Earned column for those items your project will include.
3. The responsible Minnesota licensed architect or engineer shall prepare a Sustainability Summary which includes the following:
 - A detailed narrative description of each menu item used to earn points for the project.
 - Clear references to the location within the construction documents (plans, specifications, or other documents) where each item is addressed (sheet, page, detail, etc.)
 - A statement that the plans, specifications and construction documents provide compliance with the items used to earn points for the project.
 - Certification by the licensed architect or engineer.
4. Attach any documentation required for those items
5. For those items indicated with 'x' in the menu table, complete the table with name, firm or licensing and signature of special inspector.
6. Enter the total points for your project on the last page of the worksheet.
7. **The architect or engineer for the project and the owner must sign and date this checklist and special inspection program.**

PROJECT ADDRESS: _____

Item	Points Available	Points Earned	Documentation Needed	Name of Special Inspector	Inspection Firm or MN license	Signature of Special Inspector
LOCATION						
Development on previously used or developed land that is contaminated with waste or pollution (brownfield site)	1.50		Geotechnical Report			
Development on previously used or developed land that is not contaminated (site re-use)	0.75					
Development on a previously undeveloped site that is located immediately adjacent to existing city roadway and utility infrastructure	0.25					
ENERGY EFFICIENCY						
Meet ASHRAE standard 189.1 (Section 7.4.2) for building envelope design ^[1]	1.50		x			
Meet ASHRAE standard 189.1 (Section 7.4.6) for	0.75		x			

lighting ^[1]						
Meet ASHRAE standard 189.1 (Section 7.4.3) for HVAC equipment ^[1]	0.75		x			
Meet Energy Star standards for low rise residential or exceed ASHRAE 90.1-2004 energy efficiency standards by 15%. ^[2]	1.00		x			
ALTERNATIVE ENERGY						
Generate or acquire a minimum of 15% of the electricity needed by the development from alternative energy sources (solar, wind, etc)	1.00		x			
Install solar panels on a minimum of 15% of homes dwelling units contained in one-family, two-family, or townhouse dwellings	0.75		x			
Pre-wire a minimum of 10% of residential dwelling units for solar panels	0.25		x			
Install solar panels on primary structure, or at least 50% of buildings in a multi-building complex	0.75		x			
PASSIVE SOLAR						
A minimum of 20% of residential dwelling units or lots are oriented within 20% of east-west for maximum passive solar exposure	1.00					
At least 20% of non-residential buildings have one longer axis oriented east-west for maximum solar exposure	1.00					
WATER						
Install a "cool roof" or green vegetated roof on the primary structure, or at least 50% of primary buildings in a multi-building complex. Cool roofs shall have a Solar Reflectance Index of 78 for flat roofs or 29 for roofs with a slope greater than 2:12. Green or vegetated roofs shall include vegetation on at least 50% of the roof area (25% for renovated buildings) and shall use only plant materials permitted by the landscaping standards in Section 50-25	2.00		x			
Meet ASHRAE standard 189.1 (Section 6.3.1) for site water use reduction ^[1]	0.75		x			
Meet ASHRAE standard 189.1 (Section 6.3.2) for building water use reduction ^[1]	0.50		x			
VEGETATION						
Retain at least 20% of existing pre-development natural vegetation	0.75		x			

Turf grass is limited to 40% of the landscaped area.	0.25		x			
URBAN AGRICULTURE						
A fenced, centrally located community garden space is provided for residents and for urban gardening purposes at a ratio of 50 sq. ft. per dwelling unit as part of the overall landscape plan	1.00		x			
A minimum of one on-site composting station is provided for every 25 units	0.25		x			
TRANSPORTATION						
Source a minimum of 20% by cost of construction materials from recycled products or products manufactured, extracted, harvested, or recovered within 250 miles of the site	1.50					
A minimum of 1% of required automobile parking spaces are signed and reserved for hybrid/electric/low energy vehicles in preferred locations near the primary building entrance	0.25		x			
TOTAL POINTS						

Signature below signifies that the items indicated as part of the project will be included in the final construction of the project and maintained on an ongoing basis as a continuing part of the development and that, for the items indicated, special inspection will be by a third party inspector who will submit a report of special inspection for each item prior to approval of Certificate of Occupancy.

Signature of Permit Applicant

Date _____

Signature of Owner

Date _____

**Application
for
CERTIFICATE OF APPROPRIATENESS
for Duluth Historic Preservation Landmarks and Districts**

Please complete this application as it pertains to your project. Attach all information required, including a scope of work form.

Location of Building: _____
(Street Address) (City, State) (Zip Code)

(Historic Name) (Architect Name(s) - if known)

Owner: _____
(Name) (Street Address, City, State, Zip Code) (Daytime Phone)

Applicant: _____
(Applicant's Name, if other than owner) (Street Address, City, State, Zip Code) (Daytime Phone)

Owner's Signature: _____ **Date:** _____

TYPE OF WORK PROPOSED

- Exterior Restoration Addition to Building Landscaping Signs New Construction
- Interior Restoration (COA may not be required - please check building's preservation plan)

EXTERIOR ALTERATIONS (CHECK ALL WHICH APPLY)

- Windows**
- Doors**
- Siding**
- Roof change**
- Chimney**
- Lighting**
- Facade**
- Other**

Checklist of items needed for application:

- Scale drawings of all building elevations impacted by change
- Photos of current condition of all building elevations impacted by
- Detailed specifications and scope of work
- Materials to be used (color number, sample of material & that which is being matched, name of manufacturer & material)
- Detailed drawings of new windows, doors, or other features in scope of work

Description of proposed changes:

Reason for changes: _____

Location of changes on Building: _____

ADDITION TO BUILDING

Description of Addition:

Reason for changes: _____

Location of Addition on site:

Reason for Addition: _____
 Size: _____
 Architect: _____ () - _____
 Contractor: _____ () - _____
 (Name) (Street Address, City, State, Zip Code) (Phone)

Checklist of items needed for application:

- Scale drawings of all building elevations impacted by change
- Photos of current condition of all building elevations impacted by change
- Detailed specifications and architectural drawings of existing structure
- Detailed specifications and architectural drawings of new construction (Including but not limited to: materials to be used on exterior and architectural elements - color numbers, samples of materials & samples of existing materials being matched, name of manufacturers & materials)
- Site Plan showing existing and new construction

LANDSCAPING:

Description of proposed landscape changes:

Reason for changes: _____

Location of changes on site: _____

Checklist of items needed for application:

- Detailed architectural landscape design plans to scale with building elevations shown
- Detailed site plans to scale
- Material samples and existing materials samples
- Photos of existing landscape and structures to be impacted.
- Detailed scope of work and specifications.
- Photos of statues, structures, etc. to be incorporated, if appropriate

SIGNS

Purpose: _____
 Location: _____
 Size: _____
 Material: _____
 Description: _____

Checklist of items for application:

- Architectural drawings of all building elevations related to new sign - must illustrate the location of both proposed and existing signs and method of lighting (if any).
- Architectural drawings of all proposed signs illustrating style(s), noting dimensions, materials, method of attachment to building or below ground structure, if free-standing, etc.
- Samples of all materials to be used (specific colors).
- Associated lighting, specifications, photos and/or catalog cuts
- A full description of the work to be performed.

If prefabricated sign, photos and name of manufacturer, model number, etc.

INTERIOR RESTORATION

Description of proposed interior changes:

Reason for interior changes: _____

Location of changes within building: _____

Checklist of items for application:

- Scale drawings of all building elevations impacted by change
- Photos of current condition of all building to be impacted by changes
- Detailed specifications and architectural drawings of modifications to be made (Including but not limited to: materials to be used on exterior and architectural elements - color numbers, samples of materials & samples of existing materials being matched, name of manufacturers & materials)
- Detailed floor plan showing existing and new construction

NEW CONSTRUCTION ON SITE

Description of Addition: _____

Reason for Addition:

Location of Addition on site: _____

Size:

(Number of Stories) (Length) (Width) (Height)

Architect: _____ () -
(Name) (Street Address, City, State, Zip Code) (Phone)

Contractor: _____ () -
(Name) (Street Address, City, State, Zip Code) (Phone)

Checklist of items needed for application:

- Scale drawings of all building elevations impacted by change
- Photos of current condition of all building elevations impacted by change
- Detailed specifications and architectural drawings of existing structure
- Detailed specifications and architectural drawings of new construction (Including but not limited to: materials to be used on exterior and architectural elements - color numbers, samples of materials & samples of existing materials being matched, name of manufacturers & materials)
- Site Plan showing existing and new construction

Reductions to 11" by 17" are required of all oversized blueprints, plans, and drawings.

No applications will be processed without a complete application, signed by the owner, and all required attachments.

SCOPE OF WORK FORM

Instructions for Completing the Scope of Work Form for Local Historic Landmark Designations

Detailed Description of Work. In the numbered blocks, provide a description of project work. Describe the site work. A separate block should be used to describe each work item and its effect on architectural features or spaces.

In the left block, identify the architectural feature to be impacted, and indicate whether the feature described is original to the building, was added at a later date, or is new construction. Give the approximate date of the feature. In the appropriate space, describe its physical condition. Indicate the photograph or drawing numbers that show the feature described.

In the right block, explain in detail the work to be undertaken. Describe the effect (visual, structural, or other) on existing features. List drawings, marked photographs, or specification page numbers that show the work and impact on the existing building.

Photographs. The applicant must submit a sufficient number of good, clear photographs to document both interior and exterior conditions, including site and environment, prior to any work to be performed, and to show the areas of proposed or completed work.

Elevations and interior features and spaces of the buildings should be shown. All photographs should

be numbered, dated and labeled with the property name, the view (e.g., east side) and a brief description of what is shown; photographs should be keyed to the application narrative, where appropriate. In many cases, it may be helpful to mark directly on the photographs the areas of proposed or complete work. Photographs may be black-and-white or color, but must show architectural features *clearly*. Photographs are not returnable.

Drawings or sketches. Drawings or sketches are required for proposed work to show planned alterations or new construction. They must be sufficiently detailed to show existing wall configurations and anticipated changes. If warranted by the work to be performed, documentation should include floor plans, sections and elevations. All drawings and sketches submitted with the review form should be numbered and should be keyed to the form.

Project amendments. If changes are made to a project at any time after submission of the initial review form, submit a continuation/amendment sheet. Provide the name and address of the property, indicate changes in project work, giving the originally proposed treatment and the amended work item description. Give the owner's name. Sign and date the form. Give the owner's address and daytime telephone number. Return to City Planning Department. (See sample format below)

<p>Scope of Work (Please provide scope of work from architect for all features to be addressed - include all items that follow.)</p> <p>Work Item number: _____ Approx. Date of Feature: _____</p> <p>Architectural Feature: _____</p> <p>Describe the existing feature and its condition:</p> <p>Accompanying photo number:</p>	<p>Describe the work to be done on existing feature:</p> <p>Paint Color Name & Number and Manufacturer:</p> <p>Other materials: Type, Color and Manufacturer (Use additional page if necessary)</p>
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SCOPE OF WORK

<p>Architectural feature: <u>facade brick</u> Approximate date of feature: <u>ca. 1880</u> Description of feature and its condition: Hard pressed red brick with butter joints in good condition. Mortar is sound, but deteriorated and missing around downspout at east end of facade. Some graffiti at first floor.</p> <p>Photo No. <u>3.6</u> Drawing No. _____</p>	<p>No. 1</p>	<p>Description of work to be performed on existing feature: Repair and replace existing mortar with new to match existing (see specs.). Remove graffiti with chemical cleaners (see specs.).</p>
<p>Architectural feature: Approximate date of feature: Description of feature and its condition:</p> <p>Photo No. _____ Drawing No. _____</p>	<p>No. 1</p>	<p>Description of work to be performed on existing feature:</p>
<p>Architectural feature: Approximate date of feature: Description of feature and its condition:</p> <p>Photo No. _____ Drawing No. _____</p>	<p>No. 2</p>	<p>Description of work to be performed on existing feature:</p>
<p>Architectural feature: Approximate date of feature: Description of feature and its condition:</p> <p>Photo No. _____ Drawing No. _____</p>	<p>No. 3</p>	<p>Description of work to be performed on existing feature:</p>
<p>Architectural feature: Approximate date of feature: Description of feature and its condition:</p> <p>Photo No. _____ Drawing No. _____</p>	<p>No.4</p>	<p>Description of work to be performed on existing feature:</p>

Architectural feature: Approximate date of feature: Description of feature and its condition: Photo No. _____ Drawing No. _____	No.5	Description of work to be performed on existing feature:
Architectural feature: Approximate date of feature: Description of feature and its condition: Photo No. _____ Drawing No. _____	No. 6	Description of work to be performed on existing feature:
Architectural feature: Approximate date of feature: Description of feature and its condition: Photo No. _____ Drawing No. _____	No. 7	Description of work to be performed on existing feature:
Architectural feature: Approximate date of feature: Description of feature and its condition: Photo No. _____ Drawing No. _____	No. 8	Description of work to be performed on existing feature:
Architectural feature: Approximate date of feature: Description of feature and its condition: Photo No. _____ Drawing No. _____	No. 9	Description of work to be performed on existing feature:

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