



By-Right Development

Predictability

What is “By-Right Development?”

By-right development happens when a development proposal conforms to zoning and building codes and qualifies for construction without requiring discretionary approval.

By-right development must still acquire necessary permits and approvals to proceed but is much easier than a discretionary approval process that could include uncertainty and expenses related with that uncertainty.

But what does it mean for me?

Explained another way, a by-right development process is a rule-based development process (well-defined criteria) rather than a discretionary review process. According to the National Multifamily Housing Council:

“A rule-based approach clearly outlines the permitted use, shape, and density at a parcel level. When development projects are submitted, review is administrative and does not exercise discretionary judgement on the project. Conversely, a discretionary approval process gives increased power to legislative bodies and city staff to create conditions and requirements that are unique to specific projects.”

To be effective, by-right development should include a wide geographic range, incorporating neighborhoods across the city.

By-right development can:

- Increase housing supply
- Support inclusive, mixed-income neighborhoods
- Allow for business development contributing to economic development

Check out these zone districts for by-right development:

- RR-1, RR-2, R-1, R-2
- MU-N, MU-B
- F-1, F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-9
- I-G, I-W

How can you achieve by-right development in Duluth?

By-right development is allowed in most zone districts in Duluth, including residential districts, industrial districts, all form districts, and MU-N and MU-B.

Just look for the “P” in the use table in Article 3 of the zoning regulations.

(Special uses are also allowed, but because these require review by Planning Commission, they are not considered “by-right”).

Know all of the code requirements before you start design. Reach out to planning@duluthmn.gov if you have any questions about the zoning requirements.

When you submit for your building permit, staff will review to confirm it meets zoning requirements; however, no review by Planning Commission or City Council is necessary.

Another type of by-right development:

There are three zone districts that have permitted (by-right) uses but **do** require Planning Commission approval.

However, the Planning Commission will review only to confirm it meets the clearly defined zoning rules, which therefore is not discretionary and is also a by-right development.

These zone districts are:

- MU-C (mixed-use commercial)
- MU-I (mixed-use industrial)
- MU-W (mixed-use waterfront)