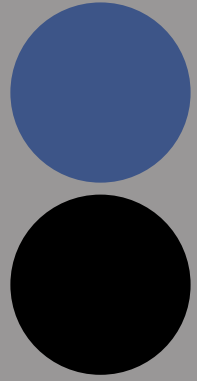




BY-RIGHT DEVELOPMENT

PLANNING & ECONOMIC 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 | F-4 |
| RR-2 | F-5 |
| R-1 | F-6 |
| R-2 | F-7 |
| MU-N | F-8 |
| MU-B | F-9 |
| F-1 | I-G |
| F-2 | I-W |
| F-3 | |

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

TABLE 50-19.8: USE TABLE, REVISED MAR 2023

| P: Permitted Use I: Interim Use U: Permitted Only in Upper Stories (Form Dist.) 1, 2, 3, as per table 50-19.1 | Residential | | | | | | Mixed Use | | | | | Form | | | | | | | | | | |
|--|-------------|------|------|-----|----------------|----------------|----------------|----------------|----------------|------|------|----------------|----------------|-----|-----|-----|-----|-----|-----|-----|-----|---|
| | R-C | RR-1 | RR-2 | R-1 | R-2 | R-P | MU-N | MU-C | MU-I | MU-B | MU-W | MU-P | F-1 | F-2 | F-3 | F-4 | F-5 | F-6 | F-7 | F-8 | F-9 | |
| RESIDENTIAL USES | | | | | | | | | | | | | | | | | | | | | | |
| Household Living | | | | | | | | | | | | | | | | | | | | | | |
| Dwelling, one-family | P | P | P | P | P | P ³ | P | | | | | P ³ | P | P | P | P | P | P | P | P | P | P |
| Dwelling, two-family | | | | P | P | P ³ | P | | | | | P ³ | P | P | P | P | P | P | P | P | P | P |
| Dwelling, townhouse | | | | S | P ² | P ³ | P ² | | | | | P ¹ | P ³ | | | | | | | | | |
| Dwelling, multi-family | | | | | P ² | P ³ | P ² | P ¹ | P ¹ | | | P ¹ | P ³ | P | P | P | P | P | P | P | P | P |
| Dwelling, live-work | | | | | | | P ² | P ¹ | P ¹ | | | P ¹ | P ³ | P | P | P | P | P | P | P | P | P |
| Manufactured home park | | | | S | S ² | P ³ | S ² | | | | | | | | | | | | | | | |
| Cottage home park | | S | S | S | S ² | P ³ | S ² | | | | | | | | | | | | | | | |
| Group Living | | | | | | | | | | | | | | | | | | | | | | |
| Co-housing facility | | | | S | S ² | P ³ | P ² | | | | | P ³ | | | | | | | | | | |
| Interim outdoor living site | I | I | I | I | I | I ³ | I | I | I | I | I | I ³ | I | I | I | I | I | I | I | I | I | I |
| Residential care facility/assisted living (6 or fewer) | P | P | P | P | P ² | P ³ | P ² | | | | | P ³ | P | P | P | P | P | P | P | P | P | P |
| Residential care facility/assisted living (7 or more) | | | | S | P ² | P ³ | P ² | P ¹ | P ¹ | | | P ¹ | P ³ | P | P | P | P | P | P | P | P | P |
| Rooming house | | | | | S ² | | P ² | P ¹ | P ¹ | | | P ¹ | P ³ | P | P | P | P | P | P | P | P | P |
| Sober house (6 or fewer) | | | | P | P ² | P ³ | P ² | | | | | P ³ | P | P | P | P | P | P | P | P | P | P |
| Sober house (7 or more) | | | | | S ² | P ³ | S ² | P ¹ | P ¹ | | | P ³ | P | P | P | P | P | P | P | P | P | P |

Look for the “P” to find where uses are allowed by-right

(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
- MU-I
- MU-W