



Detached Accessory Dwelling Units

Introduction

Accessory dwelling units are secondary and subordinate dwelling units located on a parcel with an already existing one- or two-family dwelling. **Detached accessory dwelling units** are separate and distinct structures, and are often called granny flats, mother-in-law homes, Fonzie flats, or carriage houses. These must be located on the same platted lot or tax parcel as a primary residential structure and must be owned by the same owner but may be rented with an approved rental permit from the Life Safety Division of the City of Duluth Fire Department.

Accessory dwelling units must provide the basic requirements for living, sleeping, cooking, eating, and sanitation, and are constructed on compliant permanent footings or foundation, with permanent connections to public sanitary sewer and water (which may be stubbed from the primary dwelling). No recreational vehicle, or structure on a chassis, can be an accessory dwelling unit. Only one accessory dwelling unit is allowed per parcel containing a one- or two-family dwelling.

The City does not require that the owner of a primary residential structure with an accessory dwelling unit live on site. Traditionally, this has been common, with the owner living on site in the primary residential structure and renting out the accessory dwelling to family or non-family members. Residency, however, is not a requirement. The owner of the parcel that contains the primary and accessory dwellings may live outside the city or state. An exception to this residency rule is if the accessory dwelling unit is intended to be used as a short-term rental unit. An accessory dwelling unit that is used as a short-term rental unit will require that the principal structure on the lot (in most cases, the single-family home) be owner occupied and homesteaded.

Tiny houses and accessory dwelling units are similar, but slightly different terms. A fixed in place tiny house may be considered an accessory dwelling unit subordinate to another dwelling unit, or it may be the sole and principal structure on a lot.

Frequently Asked Questions

Is it allowed to have a two-story accessory dwelling unit, with a garage bay on the ground floor and a dwelling on the second floor?

Yes, it is allowed, and common. Be mindful of the size limitations (800 square feet max) and height limitations (20 feet max, and cannot be taller than the principal residential structure) in the zoning code.

Where does the zoning code allow accessory dwelling units?

Accessory dwelling units may be constructed on lots that have an existing one- or two-family dwelling in the Residential Zone Districts (R-C, RR-1, RR-2, R-1, and R-2) and MU-N (Mixed-Use Neighborhood).

What is the minimum size that an accessory dwelling unit can be?

While there is not an established minimum size for a detached accessory dwelling unit, it must be large enough to meet state building codes while providing room for living, sleeping, cooking, and sanitation. For sanitation, this requires, at a minimum, one water closet (toilet), one lavatory (sink), one kitchen-type sink, one bathtub or shower, and access to potable water (either city water supply or a private well) and sewerage system (public wastewater system, septic system, approved holding tank).

How does the building code classify accessory dwelling units?

Detached accessory dwelling units are IRC-1 structures in the residential building code, the same as other single-family home residential structures.

What is the maximum size that an accessory dwelling unit can be?

Detached accessory dwelling units can be no more than 800 square feet in size (Section 50-20.5.E). If there are questions on how square footage is determined, a staff person from the Planning Division can provide assistance. Accessory structures must be subordinate in use, area, or purpose to the principal use.

There must also be at least 70 square feet of usable floor space per habitable room. Habitable spaces for new construction need to have a ceiling height of not less than 7 feet (with some exceptions).

What zoning setbacks should I be following?

Accessory dwellings must meet setbacks established in the zoning code, either in Section 50-14 (Residential Districts) or Section 50-15 (Mixed-Use Neighborhoods), and as allowed under the setback exceptions in Section 50-21 (such as reduced setbacks for accessory structures). Any portion of a building closer than five feet to a property line may require a fire wall per the Minnesota Residential Code.

Note that an **attached accessory dwelling unit** added to an existing single-family home is considered an IRC-2 structure, since it essentially converts an existing single-family home into a two-family home (duplex). An attached accessory dwelling unit added to an existing duplex is considered an R-2 occupancy (apartment) in the Commercial Building Code. The architect is advised to consider the use of the MN Conservation Code for Existing Buildings (IEBC) in determining the appropriate means to achieve code compliance.

Does the zoning code have any additional standards or restrictions?

Section 50-20.5.E of the Zoning Code establishes:

1. Only one accessory dwelling unit may be created per lot.
2. Only the property owner, which shall include title holders and contract purchasers, may apply for an accessory dwelling unit.
3. Accessory dwelling units shall contain no more than 800 square feet of total floor space and shall be consistent in character and design with the primary dwelling. An accessory dwelling unit shall not exceed the total floor area square footage of the principal structure.

4. If a separate outside entrance is necessary for an accessory dwelling unit located within the primary dwelling, that entrance must be located either on the rear or side of the building.
5. An accessory dwelling unit shall not be considered a principal one-family dwelling. An accessory dwelling must be located on the same tax parcel as the principal one- or two-family dwelling.
6. An accessory dwelling unit shall not exceed the height of the principal residential structure or 20 feet, whichever is greater.

Where are fixed in place tiny houses allowed?

Fixed in place tiny houses, either modular/manufactured or site built, are allowed in all zoning districts that one-family homes are allowed, including manufactured home parks. Both modular/manufactured and site-built homes are expected to meet all building, electrical, and other applicable safety codes. Units built off-site in a licensed facility that meet State or HUD standards must receive a permit from the City before they can be installed or affixed to the property; refer to Manufactured Home Installation Permit and Plan Review Application.

Where are tiny houses on wheels allowed?

Tiny houses on wheels that are self-propelled or permanently towable are considered recreational vehicles and are subject to zoning standards for recreational vehicles (also called travel trailers or travel vehicles). These are allowed only in approved seasonal camp or cabins or recreational vehicle parks. Self-propelled vehicles and trailers equipped as temporary human living quarters need a license and title issued by the Department of Transportation. The Duluth Zoning Code does not consider self-propelled vehicles or trailers as permanent dwellings or permanent accessory dwelling units. These are not allowed in any zone district, except as provided above (seasonal camps and cabins or recreational vehicle parks).

Tiny houses on wheels are often built to a Recreational Vehicle (RV) standard. RVs are licensed and titled as a vehicle by the Department of Transportation. They do not meet minimum health and safety standards established by the Minnesota Residential Code required for a permanent dwelling.

What are the requirements for minimum lot width for newly platted lots?

The minimum lot width for newly created/subdivided lots in R-1 for single-family homes is 25 feet (effective August 30, 2026). Older parts of Duluth often contain narrow lots that may not meet contemporary zoning lot width/lot frontage standards. Lots that existed on November 18, 2010, and were held in separate ownership from adjoining lots, may be used for construction of a single-family home (or other allowed primary structures) even if they do not meet the minimum lot width. More information can be found in Section 50-38.4 and Section 50-38.4.5 of the zoning code.