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## MEMORANDUM

DATE: March 29, 2024

TO: Planning Commission members

FROM: Jenn Moses, Senior Planner

SUBJECT: UDC Text Amendment (PL 24-016) related to dimensional standards in the R-1, R-2, and MU-N Districts

Staff is proposing changes to lot area, lot frontage, setbacks, and height in the R-1, R-2, and MU-N zone districts. These changes are aimed at the following goals:

- Clarify a 0' setback for townhomes and twinhomes. Although a shared wall is implied by the definition of townhomes and twinhomes, the dimensional standards tables in these three sections have been confusing for developers because they have stated various side yard setback dimensions ranging from 3' to 10'. A new line is proposed for each table to allow a 0' setback for portions of the principal structures that have shared walls.
- Simplifying regulations where possible:
  - R-1 district
    - For lot size, a two-family structure would no longer have the contextual standard of "average of developed 2-family lots on the block face." Most R-1 blocks in Duluth do not have multiple 2-family lots and so this contextual standard is rarely used; by eliminating the language, we can make the regulation more clear and straightforward, and the table easier to read. The lot frontage for two-family units would also have the same language removed, for the same reason.
    - The current regulations state that principal structures other than one- and two-family homes should have a 25 ft. side yard setback if adjacent to a platted street; however, this standard is repeated three lines below, where "all other principal structures" on a corner lot are also listed with a side yard setback of 25 feet. Removing this line in the table simplifies by removing duplicative language.
    - The current regulations have three different categories for side yard setbacks, depending on width of the lot (general, lots 25-50 feet of frontage, lots with less than 25 feet of frontage). The proposal simplifies this to two categories (general, and lots with 30 ft of frontage), and for one- and two-family homes, states clear 3' or 6' setbacks. Note that language will be added as a footnote in the zoning code to inform property owners that in some cases building close to the lot line will have building code implications.

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#### R-2 district

- Removes distinction between buildings less than 3 stories and buildings more than three stories, instead referring to setbacks for one- and two-family versus other principal structures.
- For lots with 30' or less of frontage, states a clear 3' setback. Note that language will be added as a footnote in the zoning code to inform property owners that in some cases building close to the lot line will have building code implications.

#### MU-N district

- Simplifies the categories of side yard setback, from a total of six categories to four.
- Slightly reducing some standards, and increasing one, to support development that meets the city's housing and economic development goals:

#### R-1 district

- Reduces lot area per unit for a townhouse from 3,000 sq. ft. to 2,500 sq. ft. to better reflect townhouse sizes and characteristics, which require smaller footprints than townhomes and other two-family structures.
- Adds a lot frontage for townhouse which is smaller than two-family and consistent with use-specific standards for townhouses in Article 3.
- Reduces front yard setback by 5 ft. and rear yard setback by 10 ft. to allow properties to more easily construct home additions and decks, and to better accommodate many of the smaller lot sizes in Duluth's infill areas. This is also generally more reflective of the older neighborhoods that define the "traditional neighborhood" designation in the comprehensive plan as well as the purpose statement of the R-1 in the UDC.

#### R-2 district

- Allows the average of developed lots on the block face to be used for lot area and lot frontage, to support development in areas previously developed on smaller footprints.
- Removes the prohibition on developing certain uses on lots containing 5,000 sq. ft. or less.
- Reduces the lot frontage for townhouse, consistent with the proposal for the R-1 district.
- Reduces front, side, and rear yard setbacks to be consistent with the existing urban form of R-2 neighborhoods as well as with the purpose statement of the R-2 district and the comprehensive plan designation of "Urban Residential."
- A slight height increase of 5' (from 45' to 50') to support modern construction methods needed to reach 4 stories in most areas (4 story buildings are consistent with many older R-2 buildings in Duluth's neighborhoods and with the intent of the R-2 district).

#### MU-N district

- Removes the prohibition on developing certain uses on lots containing 5,000 sq. ft. or less.
- A slight height increase of 5' (from 45' to 50') to support modern construction methods needed to reach 4 stories in most areas.

Per Section 50.37.3 of the UDC. Planning commission may review the proposal based on the below criteria,

1. Is consistent with the comprehensive land use plan;
2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use;
3. Is required by public necessity, convenience, or general welfare, or good zoning practice;
4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible;

Planning commission may recommend approval, approval with modifications or denial to city council.

**50-13.6 Residential-Traditional (R-1).**

**A. Purpose.**

The R-1 district is established to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots. This district is intended to be used primarily in established neighborhoods. Many of the dimensional standards in this district require development and redevelopment to be consistent with development patterns, building scale, and building location of nearby areas. Uses are allowed as shown in Table 50-19.8;

**TABLE 50-14.5-1**

**R-1 DISTRICT DIMENSIONAL STANDARDS**

LOT STANDARDS		
Minimum lot area per family	One-family	The smaller of 4,000 sq. ft. or average of developed 1-family lots on the block face
	Two-family	The smaller of 3,000 sq. ft. or average of developed 2-family lots on the block face
	Townhouse	3,000 <del>2,500</del> sq. ft.
Minimum lot area per family (Two-family) <sup>[1]</sup> <sup>[2]</sup> <sup>[3]</sup>	One-family	The smaller of 40 ft. or average of developed lots with similar uses on the block face
	Two-family	<del>30 ft. The average of developed lots with similar uses on the block face, but not less than 40 feet.</del>
	Townhouse	20 ft
STRUCTURE SETBACKS		
Minimum depth of front yard		The smaller of <del>25</del> 20 ft. or average of adjacent developed lots facing the same street
Minimum width of side yard (one- and two-family)	General	6 ft.
	Lots with less with 30 ft or less of frontage 50 ft, but more than 25 ft frontage	3 ft. Combined width of side yards must be at least 12 ft., with no side yard less than 3 ft. wide
	Two-family shared wall lots with 25 ft or less of frontage	0 ft setback for portion of the principal structure with the shared wall. Combined width of side yards must be at least 8 ft., with no side yard less than 3 ft. wide
Minimum width of side yard (all other principal structures)	General	10 ft. if adjacent to another lot
	Townhouse shared wall	0 ft setback for portion of the principal structure with the shared wall 25 ft. if adjacent to platted street
Corner Lot: width of front side yard	Dwelling	15 ft.
	Detached accessory building	15 ft.
	All other Principal Structures	25 ft.
Minimum depth of rear yard		<del>25 ft.</del> 15 ft.
STRUCTURE HEIGHT		
Maximum height of building		30 ft.

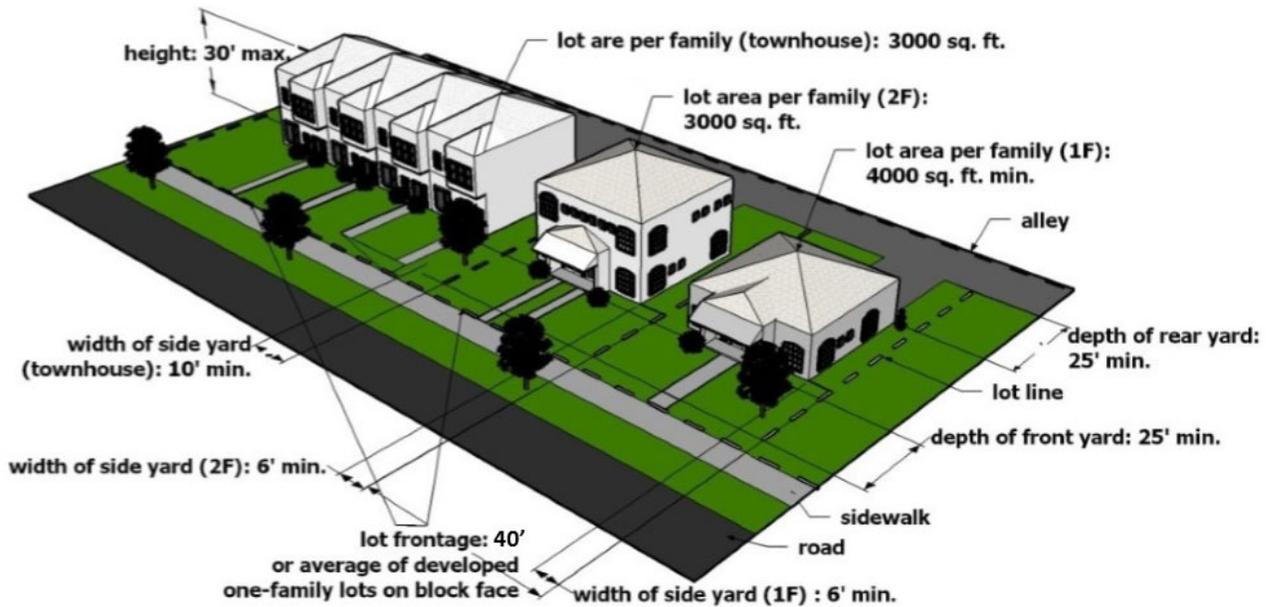
[1] Determined using "Lots on the block face" definition. When doing this calculation, exclude the subject lot from the calculation.  
 [2] Lots without municipal sewer must also meet requirements of 50-21.2.  
 [3] Existing structures that have a change of use from one-family to two-family must meet minimum lot area and frontage, but not setbacks. For lots with less than the minimum lot frontage, refer to 50-38.5  
 Section 50.21 Dimensional standards contains additional regulations applicable to this district.

B. Example.



C. Illustration.

*R-1 Example Lot Layout*



(Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 7; Ord. No. 10225, 5-28-2013, § 1; Ord. No. 10337, 11-24-2014, § 1; Ord. No. 10421, 11-9-2015, § 1; Ord. No. 10659, 10-28-2019 §1)

**50-13.7 Residential-Urban (R-2).**

**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 commercial and mixed use activity centers, and may serve as a transition between lower-density residential areas and more intense commercial and mixed use neighborhoods;

**TABLE 50-14.6-1  
R-2 DISTRICT DIMENSIONAL STANDARDS**

		LOT STANDARDS
Minimum lot area per family <del>Minimum lot area per family</del> <del>Minimum lot area per family</del> <del>Minimum lot area per family</del>	One-family	4,000 sq. ft. or <u>average of the developed 1-family lots on the block face</u>
	Two-family	2,500 sq. ft.
	Multi-family	750 sq. ft.
	Townhouse	2,200 sq. ft.
<del>No lot of record containing 5,000 sq. ft. or less shall be used except for a one-family dwelling or a permitted non-dwelling use.</del>		
Minimum lot frontage	One-family; and two-family; and townhouse	30 ft. or the average of the developed lots with similar uses on the block face
	Townhouse	20 ft
	Multi-family and non-residential	50 ft.
		STRUCTURE SETBACKS
Minimum depth front yard		The smaller of <del>25</del> 15 ft. or average of adjacent developed lots facing the same street
Minimum width of side yard for buildings less than 3 stories <del>Minimum width of side yard for buildings less than 3 stories (one and two-family)</del>	General	6 ft
	For lots with 30 ft or less of frontage	<del>Combined width of side yards must be at least 8 ft., with no side yard being less than 3 ft. wide</del>
	Two-family shared wall	0 ft setback for portion of the principal structure with the shared wall
Minimum width of side yard (other principal structures) for building 3 stories or more	General	10 ft.
	Townhouse shared wall	0 ft setback for portion of the principal structure with the shared wall
Corner Lot: width of front side yard	Dwellings	<del>7.5</del> 10 ft.
	Detached accessory building	10 <del>7.5</del> ft.
	All other Principal Structures	15 <del>25</del> ft.
Minimum depth of rear yard		15 <del>25</del> ft.
		STRUCTURE HEIGHT
Maximum height of building		50 <del>45</del> ft.

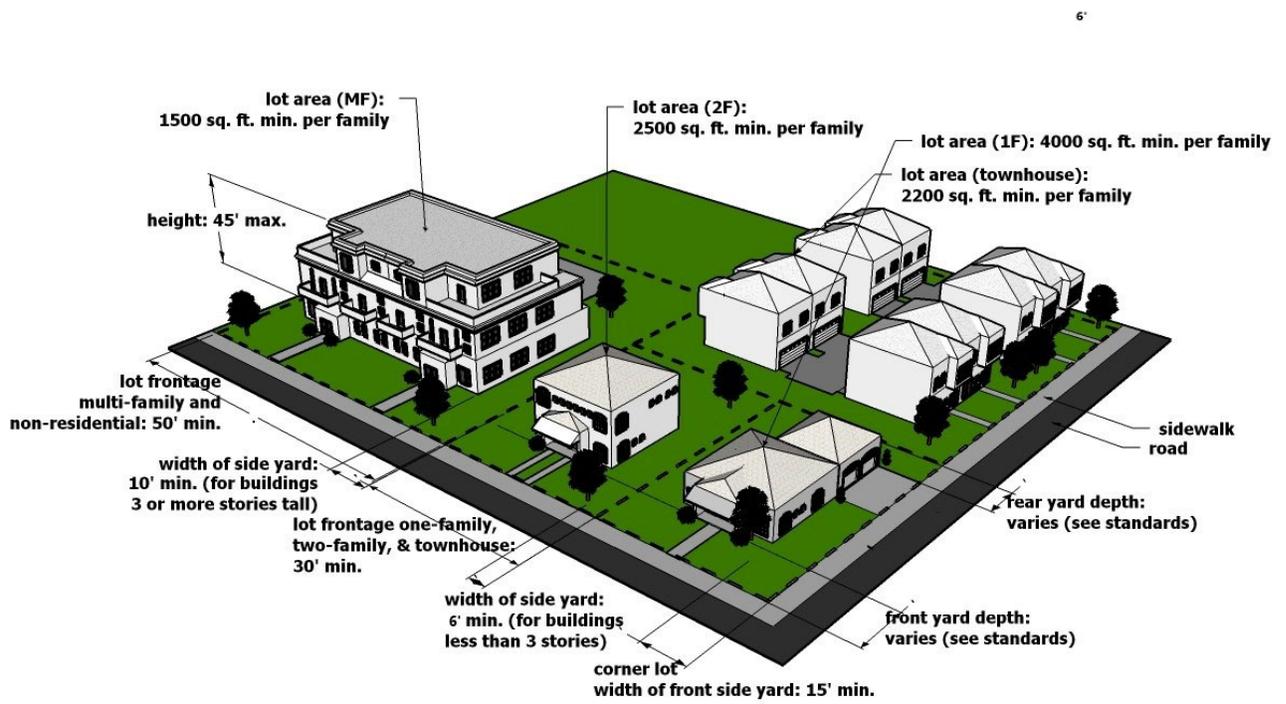
Section 50.21 *Dimensional standards* contains additional regulations applicable to this district. For lots with less than the minimum lot frontage, refer to 50-38.5.

**B. Example.**



C. Illustration.

*R-2 Example Lot Layout*



(Ord. No. 10042, 8-16-2010, § 1; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2-11. § 8; Ord. No. 10192, 12-17-2012, § 3, Ord. No. 10659, 10-28-2019 § 2)

## 50-13.8 Mixed Use-Neighborhood (MU-N).

### A. Purpose.

The MU-N district is established to accommodate a mix of neighborhood-scale, neighborhood serving non-residential uses and a range of residential uses located in close proximity. This district accommodates both horizontal (uses located in separate structures) and vertical (uses located in the same building) types of mixed use. Non-residential uses may include small-scale retail, service and professional offices that provide goods and services to the residents of the surrounding neighborhood, as shown in Table 50-19.8;

<b>TABLE 50-15.2-1 MU-N DISTRICT DIMENSIONAL STANDARDS</b>		
<b>LOT STANDARDS</b>		
Minimum lot area per family	One-family	4,000 sq. ft.
	Two-family	2,500 sq. ft.
	Multi-family	500 sq. ft.
	Efficiency unit	380 sq. ft.
	Townhouse or live-work dwelling	2,200 sq. ft.
<del>No lot of record containing 5,000 sq. ft. or less shall be used except for a one-family dwelling or a permitted non-dwelling use</del>		
Minimum lot frontage	<del>Townhouse</del>	<del>20 ft.</del>
	One-family, <del>or two-family,</del> <del>or townhouse dwelling</del>	30 ft.
	Multi-family or non-residential	50 ft.
<b>STRUCTURE SETBACKS</b>		
Minimum depth of front yard	For all structures 35 feet in height or less	The smaller of <del>20</del> <u>10</u> ft. or average of adjacent developed lots facing the same street
	For portions of all structures higher than 35 feet	An additional <del>20</del> <u>10</u> feet beyond the required front yard setback above
Minimum width of side yard	General, unless listed below	5 ft.
	<del>Two-family or townhouse shared wall</del>	<del>0 ft setback for portion of the principal structure with the shared wall</del>
	Non-residential use adjacent to residential district or use	<del>15</del> <u>10</u> ft.
	<del>Non-residential use adjacent to non-residential district or use</del>	<del>0 ft.</del>
	Multi-family adjacent to single-family district or use	10 ft.
	<del>Multi-family adjacent to multi-family district or use</del>	<del>0 ft.</del>
Minimum depth of rear yard		<del>25 ft.</del> <u>15 feet</u>
<b>STRUCTURE HEIGHT</b>		
Maximum height of building	Non-residential use	45 ft.
	Residential or mixed use (general)	75 ft.
	Residential or mixed use (within 500 ft. of R-1 or R-2 district)	<u>50</u> <del>45</del> ft.
Section 50.21 <i>Dimensional standards</i> contains additional regulations applicable to this district.		

### B. Example.



C. Illustration.



(Ord. No. 10041, 8-16-2010, § 1; Ord. No. 10042, 8-16-2010, § 2; Ord. No. 10044, 8-16-2010, § 6; Ord. No. 10096, 7-18-2011, § 10; Ord. No. 10192, 12-17-2012, § 5; Ord. No. 10232, 6-10-2013, § 1; Ord. No. 10286, 3-10-2014, § 2; Ord No. 10468, 8-29-2016, §1)