

**CITY OF LONSDALE  
ORDINANCE 2016-269**

**AN ORDINANCE AMENDING CITY CODE CHAPTER 153, ZONING  
PLANNED UNIT DEVELOPMENT ROLLING RIDGE MARKET PLACE**

WHEREAS, the City of Lonsdale has approved several planned unit developments pursuant to the performance standards of Chapter 154 of the Lonsdale City Code; and

WHEREAS, the City of Lonsdale desires to create an overlay zoning district within Section 153.040 of the Lonsdale City Code so the City can better track the planned unit development overlay districts; and

WHEREAS, the City of Lonsdale approved a Planned Unit Development (“PUD”) for Rolling Ridge Market Place CIC #62 (“CIC 62”) on March 29, 2007 through adoption of a Planned Unit Development Agreement and Ordinance No. 2007-211; and

WHEREAS, a portion of the property making up CIC 62 has been or is in the process of being severed from the CIC 62; and

WHEREAS, the severed portion is currently occupied by Fred’s Market Place and is being purchased by a new owner; and

WHEREAS, the buyer of Fred’s Market Place desires the March 29, 2007, PUD Agreement to be cancelled and its terms incorporated into a new ordinance which will give the PUD requirements the force of law particularly because the developer now has no legal interest in the property; and

WHEREAS, the City desires to assist the buyer in closing its purchase of Fred’s Market Place and the buyer’s efforts to clear up any title deficiencies.

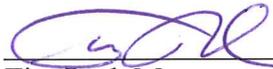
NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Lonsdale, Rice County, Minnesota, that:

1. City Code Chapter 153, Zoning, be amended as shown on **Exhibit A**.

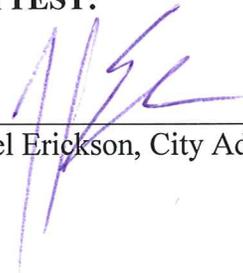
Ordinance 2016-269 shall be in full force and effective from and after its approval and publication.

Passed and adopted by the City Council of the City of Lonsdale, Minnesota, this 9<sup>th</sup> day of June 2016.

**CITY OF LONSDALE**

  
\_\_\_\_\_  
Tim Rud, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Joel Erickson, City Administrator

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( S E A L )

## EXHIBIT A

Section 1. Section 153.040 shall be amended to add the following:

“Overlay Zoning Districts.” The purpose of an overlay zoning district is to authorize the uses of the underlying zoning district but ALSO TO approve or require changes to the performance standards of the underlying zoning district. Overlay districts are listed below:

PUD-RRMP	Planned Unit Development - Rolling Ridge Market Place
PUD-EC	Planned Unit Development - Eagle Creek
PUD-HM	Planned Unit Development - Harmony Meadows
PUD-WCHV	Planned Unit Development - Willow Creek Heights Villas

Section 2. Section 153.040 shall be amended by adding Appendix 1 as follows:

The purpose of this Appendix 1 is to describe an overlay zone created to allow a mix of commercial uses subject to specific performance standards in compliance with Chapter 154 “Planned Unit development” of the Lonsdale City Code for property designated by PUD-RRMP on the City’s official zoning map.

### SECTION 153.040 APPENDIX 1

1. **PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT.** The City of Lonsdale previously approved a planned unit development overlay district to allow a CIC Commercial Development permitting commercial uses as described below. The overlay district is comprised of the following described property located within the City of Lonsdale:

Lots 1, 2, 3, 4, 5 & 6 – Block 1 of the Rolling Ridge Market Place CIC # 62

Lot 2 – Block 2 of the Rolling Ridge Market Place CIC # 62 2<sup>nd</sup> Supplemental

Outlot A of Rolling Ridge Market Place CIC # 62

Lots 1, 2, 3, 4 & 5 – Block 1 of the Rolling Ridge Market Place 3<sup>rd</sup> Addition CIC # 62 3<sup>rd</sup> Supplemental

2. **PLANNED UNIT DEVELOPMENT APPROVAL.** Approval of the planned unit development district was and remains conditioned upon:

- A. A Finding of Fact and compliance with the terms and conditions of this Ordinance, and the Developer's compliance with the terms and conditions of this Agreement.
  - B. The City agrees to approve applications for building permits, provided that the plat and plans are consistent with the exhibits which were approved during the 2007 PUD rezoning process and that property owners comply with the conditions of this Ordinance.
3. **FINDINGS OF FACT:** On March 29, 2007, the City Council made the following Findings and restates them in this Ordinance.
- A. The property has been platted and will continue to be platted until complete build out of the property, which has been recorded at the Rice County Recorder's Office. A Declaration of Covenants, Conditions, and Restrictions of Rolling Ridge Market Place CIC No. 62 and an Article of Incorporation of Rolling Ridge Market Place Owners Association, Inc. has been developed and recorded to protect the individual rights, property values, and to define legal responsibilities for maintenance and upkeep.
  - B. Each unit shall be the beneficiary of an appurtenant easement for access to a public street on and across the common elements as declared in the Covenants, Conditions, and Restrictions of Rolling Ridge Market Place CIC No. 62. The proposed plan does not create congestion or dangers and is adequate for the safety of the property owners and the general public.
  - C. The useable open space for the project area was provided with the parkland dedication of the Rolling Ridge Market Place.
  - D. The arrangement of buildings will not unreasonably disturb the privacy of surrounding property owners or reduce the value of adjacent property owners.
  - E. The architectural design of the project will be compatible with the surrounding area. In the Covenants, Conditions, and Restrictions of Rolling Ridge Market Place CIC No. 62, an Architectural Control Committee Authority has been established. Furthermore, the City declares that new construction shall be complimentary to existing structures in terms of building, type, exterior building material, scale, bulk, and orientation. Uninterrupted horizontal walls exceeding forty feet in length shall employ relief in the form of breaks in the horizontal and/or vertical surface.
  - F. The project will not place burden on the existing municipal infrastructure, including utility and drainage system due to the density of the area will not change. The infrastructure and other improvements are already in place.

- G. The development schedule insures logical development of the site. The project is currently developed in terms of the improvements that are required and are already installed. New construction must progress directly from existing or proposed structures. Development not directly abutting lots with existing or proposed structures is prohibited.
  - H. The planned unit development is in reasonable compliance with the intent and purpose of the land use plan. The property has been guided as highway commercial that should be developed for general commercial use. However, due to the soil conditions and lack of setbacks requirements, some commercial uses generally found in the B-2 Highway Commercial District shall be prohibited.
4. **COMPLIANCE WITH LAWS AND REGULATIONS:** The developer represented to the City that the proposed planned unit development complied with all City, County, State, and Federal laws and regulations, including but not limited to: subdivision and zoning regulations, and environmental statutes and regulations. The Development agrees to comply with such laws and regulations. The following restrictions shall continue to govern PUD-RRMP:
- A. The maximum amount of drive-through facilities shall be limited to four (4) for the entire development project.
  - B. Drive through land lanes shall be clearly striped and entered from the shared parking lot access aisle nearest the facility.
  - C. Motorists shall exit the drive through lanes through a right turn maneuver until the southernmost drive aisle is converted to a two-way facility. Signage and striping shall be required.
  - D. The southernmost drive aisle within the project shall be striped and maintained as a one-way street until the drive aisle is converted to a two-way facility. Then the aisle shall be striped and maintained as a two-way system.
  - E. New Construction must progress directly from existing or proposed structures. Development not directly abutting lots with existing or proposed structures is prohibited.
  - F. Lots with drive through facilities shall provide and maintain a viewing (sight) triangle at a minimum length of 14 feet and minimum width of 18 feet at the intersection of the drive-through lane and the southernmost drive aisle. Bollards shall be provided.
  - G. The intersections of drive-through lanes and the southernmost drive aisle shall be lit by overhead lights.

- H. Drive through lanes shall be minimum of twelve (12) feet in width and the drive through land shall be curbed on the adjacent property side.
  - I. Drive through stacking shall be prohibited from blocking drive aisles within the parking lot areas. Signage and striped aisle lanes shall be provided.
  - J. All principal structure shall either share a common side lot / building line or be setback a minimum of 12 feet from the adjacent building. Drive through lanes are a part of the setback requirement. When required, the minimum side yard setback shall be maintained as open space.
  - K. Structures sharing a common lot / building line shall meet the specific requirements regarding fire suppression systems as required by the Building Official and / or Fire Marshall.
  - L. Off-street Loading facilities shall be required and shall be provided on-site. Delivery trucks may temporarily park on the northern side of the southernmost drive aisle provided the developer stripes parking stalls for trucks and posts no-parking signs so as to maintain sight triangles at intersections of drive through and said southernmost drive aisle.
  - M. Headlights from employee parking stalls south of the southernmost drive aisle shall be prohibited from reflecting onto Trunk Highway 19 through differences in elevation and / or landscaped screening through vegetative or decorative half wall.
  - N. New construction shall be complimentary to existing structures in terms of building type, exterior building material, scale, bulk, and orientation. Uninterrupted horizontal walls exceeding forty (40) feet in length shall employ relief in the form of breaks in the horizontal and / or vertical surfaces on all walls excluding common side lot / building line.
  - O. Signage shall meet the requirements of the Zoning Ordinance.
  - P. Parking requirements shall meet the requirements of the Zoning Ordinance.
5. **REZONING:** The properties described in this agreement were originally zoned B-3 Central Business District, which is designed to provide downtown business development supporting a strong business district while enhancing the overall character of the community, all of which shall be connected to public sewer and water systems. Regulation of uses within PUD-RRMP is as follows:
- A. Permitted Uses:
    - Parking Lot
    - Public Utility Structures
    - Grocery store and fuel pumps currently existing on Lots 4 and 5, Block 1 of Rolling Ridge Market Place 4<sup>th</sup> Addition

- B. Permitted Accessory Uses:  
Landscaping and Decorative Features  
Off-Street Loading  
Off-Street Parking  
Signs  
Temporary Buildings located for the purpose of construction on the premises for a period not to exceed the time necessary for such construction.  
Temporary Outdoor Sales

- C. Conditional Uses:  
Clinic  
Convenience Facility  
Financial Institutions with or without drive-through including automated kiosks  
Health and Recreational Clubs  
Multi-parcels, tenants, buildings provided that the uses are specified as permitted or conditional uses in the Planned Unit Development Plan.  
Off-Sales  
On-Sales  
Outdoor seating areas for accessory to permitted or conditional uses in the Planned Unit Development Plan  
Pharmacy with or without drive-through  
Professional and Business Office and Services  
Public Buildings  
Restaurants, Fast Food with or without drive-through  
Restaurants, Standard  
Retail Shops and Services

- D. Minimum Lot Requirements are as follows:

A. Max. Lot Coverage: 100%

- E. Building Setbacks are required for the following yards:

A. Front: 0 Feet

B. Side: 0 Feet / 12 Feet when setback from common side lot / building line

C. Rear: 0 Feet

6. **PLANNED UNIT DEVELOPMENT AMENDMENTS:** The City shall withhold approval of any final plat, site plan, or building permit required for a planned unit development if the proposal is inconsistent with the development plan as approved, except as provided below:

- A. Minor revisions from the approved plans may be approved by city staff if unforeseen circumstances not foreseen at the time of the development plan was approved.
- B. Major revisions from the approved plans will require approval of a revised development plan, in accordance with § 153.092(C) or as amended from time to time.

7. **MISCELLANEOUS:**

Violation of any provision of this Appendix 1 shall be grounds for denial of building permits and a misdemeanor. The City shall give the Developer 30 days notice, prior to exercising its right to deny permits.