

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO REZONE AND AMEND THE VILLAGE OF LANNON  
ZONING CODE TO ADD A MULTIPLE-FAMILY PLANNED COMMUNITY  
DEVELOPMENT PERMITTED USE IN THE RM MULTIPLE-FAMILY  
RESIDENCE DISTRICT, AND RELATED ZONING CODE AMENDMENTS

WHEREAS, a petition has been filed by Sawall Development Company to amend the Village of Lannon Zoning Code to allow a multi-family planned community development permitted use in the RM Multiple-Family Residence District of the Village of Lannon; and

WHEREAS, the Village Board has duly referred the matter to the Plan Commission for study and recommendation and the Village Plan Commission has reported its recommendation to the Village Board; and

WHEREAS, the Petitioner has supplied all required data pursuant to the Village of Lannon Zoning Ordinance, and a public hearing was conducted by the Village Board of the Village of Lannon on April 8, 2019 as required by Section 78-126(2)(e) of the Village of Lannon Zoning Ordinance, upon due notice as required by Section 78-128 of the Village of Lannon Zoning Ordinance; and

WHEREAS, the Village Board finds that this change to the Village Zoning Code is not a down zoning ordinance because this enlarges the possible uses of land, and therefore the super majority requirement of Section 66.10015, Wisconsin Statutes, does not apply to this ordinance; and

WHEREAS, the Village Board of the Village of Lannon having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety and welfare of the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the rezoning will not violate the spirit or intent of the Zoning Code for the Village of Lannon, will not be contrary to the public health, safety or general welfare of the Village of Lannon, will be consistent with the Village of Lannon Comprehensive Plan, will not be hazardous, harmful, noxious, offensive and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the operation is conducted pursuant to the following conditions and in strict compliance with the same.

NOW, THEREFORE, the Village Board of the Village of Lannon, Waukesha County, Wisconsin, DO ORDAIN as follows:

**SECTION 1:** Chapter 78 of the Village of Lannon Village Code entitled, "Zoning,"

Section 78-8 entitled, "Definitions," is hereby amended by adding the following definitions of

"Multi-Family Planned Community Development," "Assisted Living," "Studio," and "Elderly or

Senior Housing,” with each definition being added to the Section in alphabetical order, as follows:

**Sec. 78-8. - Definitions.**

*Multi-Family Planned Community Development* means is a multi-family residential development consisting of a multi-tenant building or buildings on a single parcel or adjoining contiguous parcels of land, ~~generally owned by one entity~~. The tenants often share common grounds and amenities, such as parking areas and a community clubhouses, which may be used as leasing offices for the community.

*Assisted Living* means a multi-tenant building with self-contained living units that provide occupants with assistance for daily living activities and instrumental activities of daily living. Assisted living residences cannot accept residents who require 24-hour, skilled nursing care services.

*Studio* is a small rental dwelling unit with a living and bedroom spaces being combined into one room. Sometimes, a bathroom and a kitchen area or kitchenette may be combined into one room. It is also called as "efficiency suite" or "studio apartment".

*Elderly or Senior Housing* means Age-restricted multi-tenant building ~~multi-unit housing with self-contained living units for older adults who are 55 years of age or older, who are able to care for themselves. Usually no additional services such as meals or transportation are provided. This can also be called “Housing for the Elderly”.~~

**SECTION 2:** Chapter 78 of the Village of Lannon Village Code entitled, “Zoning,”

Section 78-86 entitled, “RM Multiple-family Residence District,” is hereby repealed and re-created as follows:

**Sec. 78-86. -. RM Multiple-family Residence District**

(1) *Purpose.* This district is intended to provide for residential development buildings housing two or more units, at relatively low density and in those areas where such development would be compatible with surrounding uses. ~~The overall density of this district shall not exceed nine units per acre. (Not to include any C-1 in the density calculations.)~~

(2) *General requirements.*

(a) Project elements such as architecture, landscaping, lighting, signage, access, circulation, parking and utilities shall be designed and constructed in a coordinated manner.

(b) No land shall be used or structure erected where the use or structure will result in a significant traffic impact and/or where the land is unsuitable for such use or

structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil, unfavorable topography or low load bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability or propose adequate mitigation, if they so desire. Thereafter, the commission may affirm, modify or withdraw its determination of unsuitability.

(3) *Permitted uses.*

- (a) Multiple-family dwellings of two or more units, but not more than six dwelling units per structure subject to approval of building, site and operational plans by the plan commission.
- (b) A Multi-family planned community development is a multi-family residential development consisting of multiple-family dwellings of two or more units allowing for larger than 6 dwelling units, but no more than 24 dwelling units, per structure may be authorized by the village board, after review and approval of the planning commission, subject to the following:
  - 1. The development must be part of a master planned community a minimum of 36 acres in gross area size, not including C-1 lands.
  - 2. The development must:
    - a. be owned by the same entity ~~and if not owned by the same entity,~~
    - or
    - b. the development must be built and managed by the same entity as a single multi-family planned community development as set forth in the developer's agreement and on the site plan.
  - 3. The development may be constructed in phases but all phases must be fully completed within 60 months from the date of approval of the developer's agreement unless otherwise approved by the Village Board in the developer's agreement.
  - 4. The development may be expanded with additional adjoining contiguous lands and not separated by a public road being added to the original gross area size.
  - 5. The development must include at a minimum the following services and amenities:
    - a. Two club houses one of which ~~will~~ include a professional grade gym. Each clubhouse must be a minimum of \_\_\_\_\_ sq. ft.
    - b. On-Site Professional Management including Property Manager, Leasing Staff, and Maintenance Staff, and snow removal.
    - c. A bike and walking path via an easement agreement connecting to the Bug Line Trail.
    - d. A minimum of 1 acre set aside for private resident only amenities including:
      - a. 1. A resident only dog park.

- b. 2. Picnic areas throughout the development with gas grills with an auto shut off timers.
  - c. 3. Walking trails through the development.
  - d. 4. A Community garden area.
- 5. Playground equipment.
- e. Attached garages for at least 60% of the units.
  - f. All internal roads shall be private.
- 6. The development is subject to submittal by the developer and approval of a developer's agreement by the Village Board and such developer's agreement must include at a minimum the following:
  - a. Timetables for performance/completion of improvements; and
  - b. Prohibitions on any division/combination of the real estate lots except as provided in the agreement; and
  - c. Agreements, bylaws, provisions and/or covenants or additional deed restrictions to be recorded against the lot(s) that will perpetually govern the organizational structure, use, maintenance and continued preservation and protection of the project and any of its common services, common open areas and/or other facilities; and
  - d. Exhibits, drawings or other attachments that depict improvements, including but not limited to structures, fixtures and landscaping and their relative locations in the development area as well as design and engineering details as may be necessary to document to a reasonable degree of specificity the type, character and nature of the improvements to be made within the development
- (c) A Multi-family planned community development of multiple-family dwellings of two or more units allowing for larger than 6 dwelling units, but no more than 70, per assisted living or elderly care structure may be authorized by the village board, after review and approval by the planning commission subject to the following:
  - 1. The development must be part of a master planned community over 5 acres in gross area size, not including C -1 lands.
  - 2. The development must include at a minimum the following services and amenities:
    - a. On-Site Professional Management
    - b. Walking trails through the development.
    - c. A bike and walking path connecting to the Bug Line Trail.
    - d. All internal roads shall be private.
  - 3. The development must be owned by the same entity.
  - 4. The development may be built in phases.

(4) *Permitted accessory uses.*

(a) Private garages, carports, accessory buildings, and paved parking areas. Maximum size of accessory buildings shall be subject to section 78-48 of this Code.

(b) Private residential and private non-commercial group outdoor recreational facilities.

(c) Service buildings and facilities normally incident to the use of a private non-commercial recreation area.

(d) Any other structure or use normally accessory to the principal uses permitted.

(5) *Conditional uses.*

(a) Community living arrangements that have a capacity for nine or more persons.

(b) Elderly housing at 18 units per acre maximum, not subject to six dwelling units per structure **yard**.

(6) *Permitted special uses.*

(a) Zero lot line duplexes.

1. A zero lot line duplex may be built on the dividing line between two halves of an existing legal lot of record having at least 15,000 square feet in area and at least 120 feet of frontage.

2. the common wall of zero lot line duplex shall be centered on the dividing line between the two halves of the lot.

3. The setback from the opposite lot line shall not be less than ten feet.

4. When attached dwelling units are created, the plans, specifications and construction of such building shall require that the installation and the construction of sewer, water and other utility services be done in such a manner so as to provide separate systems to each dwelling unit; provided however, that common services are permitted if:

a. Current Wisconsin State Plumbing Code permits the installation of common systems; and

b. Cross easements and maintenance provisions for the common systems are provided for and included in the deed restrictions referred to in paragraph 5 below.

5. When attached dwelling units are created, matters of mutual concern to the adjacent property owners due to construction, catastrophe and maintenance shall be guarded against by private covenants, deed restrictions and the approving authority.

a. Deed restrictions shall provide:

1) Each side of the building shall be constructed at the same time and in such a way as to be harmonious with the other side so that the overall effect is aesthetically pleasing.

2) Each side of the duplex shall be provided with a minimum of two trees and foundation plantings covering two-thirds of the street side of the unit. Lots shall be maintained equally with respect to lawn care, pruning of shrubs and trees.

3) The dwelling shall be painted, stained or sided one color scheme and any subsequent repainting, staining or siding shall be of one color scheme, or according to the plan established by these covenants.

4) Violation of these covenants should be handled by the signing parties; however, they shall provide that the village may enforce the same or facilitate the proper solution.

5) Copies of the deed restrictions and private covenants shall be placed on file in the assessor's office and recorded in the office of the Register of Deeds for Waukesha County.

6) Changes to covenants or deed restrictions shall require an amendment to the special use approval or conditional use permit required by the zoning ordinance.

7) Basements shall be provided across zero lot lines where necessary for water, sewer and utility services.

8) There shall be a common wall which shall be a minimum one-hour fire wall running from the lowest floor level, including the basement, to the underside of the roof sheathing. Such basement wall, if any, shall be masonry.

9) No fences shall be permitted along the zero lot line in front of rear yards.

(7) *Area requirements.*

(a) Lot size.

1. Minimum area of 40,000 sq. ft. per lot.
2. Minimum width of 120 ft.

(b) Density

- ~~1. Maximum of one dwelling unit per 4,840 sq. ft. for one- and two- bedroom dwelling units.~~
- ~~2. Maximum of one dwelling unit per 5,840 sq. ft. for three-bedroom dwelling units.~~
1. The Maximum density allowed under a development permitted under 3.a is as follows: The overall density of this district shall not exceed nine units per acre. (Not to include any C-1 in the density calculations.)
2. The Maximum density allowed under a development permitted under 3.b is as follows: The overall density of this district shall not exceed nine units per acre. (Not to include any C-1 in the density calculations.)
  - a. If the development is expanded with additional adjoining lands being added to the original gross area size and all of the density allowed for the original gross area size has not been used, the remaining density, may be authorized by the village board, after review and approval by the planning commission for use on the additional adjoining lands.
3. The Maximum density allowed under a development permitted under 3.c is as follows: The overall density of this district shall not exceed 14 units per acre. (Not to include any C-1 in the density calculations.)

(c) Building location.

1. Setback minimum of 25 ft. from front lot line.
2. Offsets—Minimum of 15 ft. from side and rear lot lines.

(d) Building size.

1. The building size allowed under a development permitted under 3.a is as follows:

- a. Minimum living area of 800 sq. ft. per unit for one and two bedroom units.
    - b. Minimum living area of 920 sq. ft. per unit for three bedroom units.
    - c. Maximum floor area ratio of 45 percent.
  - 2. The building size allowed under a development permitted under 3.b is as follows:
    - a. Minimum living area of 675 sq. ft. per unit for one and two bedroom units.
    - b. Minimum living area of 920 sq. ft. per unit for three bedroom units.
    - c. Minimum living area of 400 sq. ft. per unit for studio units.
    - d. Maximum floor area ratio of 45% percent.
  - 3. The building size allowed under a development permitted under 3.c is as follows:
    - a. Minimum living area of 600 sq. ft. per unit for one and two bedroom units.
    - b. Minimum living area of 900 sq. ft. per unit for three bedroom units.
    - c. Minimum living area of 400 sq. ft. per unit for studio units.
    - d. Maximum floor area ratio of 45% percent.
- (e) Building height.
- 1. The building height allowed under a development permitted under 3.a is as follows:
    - a. Principal structure—35 ft. maximum.
    - b. Accessory structure—15 ft. maximum.
  - 2. The building height allowed under a development permitted under 3.b is as follows:
    - a. Principal structure— 40 ft. maximum
    - b. Accessory structure— 20 ft. maximum
  - 3. The building height allowed under a development permitted under 3.c is as follows:
    - a. Principal structure— 55 ft. maximum
    - b. Accessory structure— 20 ft. maximum

(8) *Architectural Standards.* In addition to the requirements of Section 78.123(5), the following architectural standards are established: (*Village Engineer to supply language.*)

**SECTION 3:** Chapter 78 of the Village of Lannon Village Code entitled, “Zoning,”

Section 78-48 entitled, “Accessory uses and structures,” Subsection (3) entitled, “Garages” is hereby repealed and re-created as follows:

**Sec. 78-48. - Accessory uses and structures.**

(3) Garages.

- (a) A private garage at least 400 sq. ft. in area shall be required for each single-family, duplex and multi-family unit hereafter erected **except for developments permitted under 78-86 3.b and c which are regulated as follows:**
  - 1. A private garage at least 240 sq. ft. in area shall be required for each multi-family unit hereafter erected under 78-86 3.b. Such structures shall be either attached or detached and conform to the offset and setback requirements of the district involved for units developed under 78-86 3.b.
  - 2. A private garage shall not be required for each multi-family unit developed under 78-86 3.c.
- (b) Such structures shall be either attached or detached and conform to the offset and setback requirements of the district involved.

**SECTION 4:** Chapter 78 of the Village of Lannon Village Code entitled, "Zoning,"

Section 78-123 entitled, "Site and structure design criteria for commercial, industrial, institutional and residential development," Subsection (3) entitled, "Landscaping, screening, berming and ponds," Subsection (d) entitled, "Screening" is hereby repealed and re-created as follows:

**Sec. 78-123. - Site and structure design criteria for commercial, industrial, institutional and residential development.**

(3) *Landscaping, screening, berming and ponds.*

(d) Screening. The following requirements apply:

1. Every development shall provide sufficient screening to shield adjacent properties from adverse external effects as determined by the plan commission of that development and/or to shield the development from the negative impacts of adjacent uses, streets or railroad.
2. Where a non-residential or multi-family residential site **except for developments under 78 – 86 3.b and c** adjoins a single-family residential site, a solid wall or fence, vine covered fence or compact vegetative screen not less than five feet in height, shall be located adjoining the property line except in a required front yard. **For developments under 78 – 86 3.b and c, if authorized by the village board, after review and approval of the planning commission, the requirements can be accomplished with a landscaping, grading, or buffering in lieu of a solid fence, and this requirement may be waived if such a requirement already exists on the neighboring property.**
3. In non-residential or multi-family residential developments, the required landscaping area between the abutting road right-of-way and parking/driveway areas will be planted with materials suitable for screening or ornamenting the site, whichever is appropriate.
4. Refuse and recycling dumpsters shall be located and screened in accordance with village requirements. The method of screening is required to compliment or match the building in color and type of material.



**SECTION 5:** Chapter 78 of the Village of Lannon Village Code entitled, “Zoning,” Section 78-50 entitled, “Off-street parking/loading and access requirements,” Subsection (3) entitled, “Parking requirements,” Subsection (d) entitled, “Dimensional Requirement” is hereby repealed and re-created as follows:

- (d) Dimensional requirement. Parking spaces, driveways and aisles for access to spaces shall have the following minimum dimensions unless specifically varied by the plan commission.

Stall width .....9 feet  
Stall depth .....18 feet  
Parking aisle width  
Two-way traffic (90°) .....~~25~~24 feet  
One-way traffic (60°) .....18 feet  
Driveway (no parking stalls)  
Two-way traffic .....22 feet  
One-way traffic ..... 12 feet

**SECTION 6:** Chapter 78 of the Village of Lannon Village Code entitled, “Zoning,” Section 78-50 entitled, “Off-street parking/loading and access requirements,” Subsection (3) entitled, “Parking requirements,” Subsection (l) entitled, “Required number of stalls,” Subsection 1 entitled “Residential uses” is hereby repealed and re-created as follows:

1. *Residential uses:*

- a. Single-family and two-family dwellings. At least two spaces per dwelling unit (excluding garages), except for the R.O.P District
- b. Multi-family dwellings ~~other than Housing for the elderly or Assisted Living.~~
  - 1) Two stalls per unit. At least one stall per unit shall be in an enclosed structure and a minimum of 180 square feet.
  - 2) Guest parking requires one parking stall for every two units with a minimum of four spaces per development.
- c. Housing for the elderly. One space per dwelling unit plus one space per employee unless otherwise established by the plan commission.
- d. Assisted Living. One space per every three dwelling units.

**SECTION 7: SEVERABILITY**

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section of portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and

effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**SECTION 8: EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

VILLAGE OF LANNON

\_\_\_\_\_  
Tom Gudex, Village President

ATTEST:

\_\_\_\_\_  
Brenda Klemmer, Village Clerk