



DEVELOPMENT USE APPROVAL

General Information

A person/business needs use approval for any multi-family, commercial or industrial construction on land that is already appropriately zoned for that use.

Once the Plan Commission grants a use approval, a Zoning Permit is issued when the conditions of the approval are met. A Building Permit can be obtained after submission of construction plans only after a Zoning Permit is issued. After construction has been completed, and is approved by Inspection Services, an Occupancy Permit can then be issued.

The use approval process is authorized by City of New Berlin Municipal Code §275-24, which states that: No principal or accessory use, development, structure, or sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally altered, occupied, or reoccupied; no site or premises shall be altered, used, changed, modified, or occupied; and no grading undertaken, until after the owner has applied for and the Department of Community Development staff and/or the Plan Commission has reviewed and approved an application for a zoning permit, based on compliance with the use, site plan, and architectural review standards set forth below. The Zoning Code in effect on the date of application shall apply.

Fees

Application Fee and Filing Fee (non-refundable). Please make check payable to the City of New Berlin.

Application	Fee	Filing Fee
Residential (duplex or multi-family housing)	\$100/unit	\$50
Commercial / Office / Institutional	\$300 + \$15/1,000 sq. ft.	\$50
Industrial / PUD	\$500 + \$25/1,000 sq. ft.	\$50

Procedure

The Plan Commission and staff shall review the application and shall only approve plans that meet all the requirements set forth in the Zoning Ordinance.

- 1. Pre-application conference (optional):** The purposes of the pre-application conference are to provide an opportunity for the applicant and the staff to discuss the review process schedule and submittal requirements, the scope of the project, and compliance with the Zoning Ordinance. Staff opinions presented during pre-petition meetings are informational only and do not represent a commitment on behalf of the City regarding the acceptability of the development proposal.

2. **Application and determination of completeness:** All development applications shall be submitted to staff a minimum of 45 days prior to the next regularly scheduled Plan Commission meeting at which the application will be reviewed. An application will be considered complete if it is submitted in the required number and form, includes all mandatory information, and is accompanied by the applicable fee. If an application is determined to be complete, the application shall be processed. If an application is determined to be incomplete, the Department of Community Development shall notify the applicant of the application's deficiencies in writing. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 30 days of receiving notice of the deficiencies, the application shall be considered withdrawn.
3. **Staff review and report:** Once a submitted application is certified as complete, the Department of Community Development shall refer the application to the appropriate review agencies or City departments to review. Staff shall form a recommendation, and prepare and present a staff report which will contain findings of fact and make a recommendation to Plan Commission. Any changes to the development application or any accompanying plans or information may be permitted after submittal. Changes or additional submittals may cause the application to be rescheduled for a later meeting and/or restart the routing and review procedure. If changes to the application are later found to result in an application that is not in compliance with the zoning ordinance, an amendment to the application will be required.
4. **Plan Commission meeting:** In accordance with regular meeting schedules, within 45 days from the date that a submitted application is determined to be complete, the Plan Commission shall review the application at a public meeting.
5. **Plan Commission action:** The Plan Commission shall meet in accordance with open meeting law and shall discuss and take action on applications. The Plan Commission may approve, approve with conditions, defer, table, deny with reason, refer to committee, or remove any applications from the agenda.

Application Check List

§275-24B Development Application

- Completed Application
- Electronic files of entire submittal

275-20C Fees

- Paid Fees and any necessary Developer's Deposit

§275-24C(2) Plan of Operation

- A letter or report describing the project **(7 copies required)**.
 - The proposed use of the land, building and/or structures
 - Activities to occur both inside and outside all principal and accessory buildings
 - The frequency and duration of all activities, including the season, days, and hours of operation
 - The total number of employees and number of employees in largest work shift
 - The estimated number of occupants of a multifamily residential use
 - The number, size and type of all vehicles associated with the use
 - Number of vehicle trips or Traffic Impact Analysis, if required by §275-58C
 - The expected starting and completion dates of construction
 - The proposed phasing of the project, if appropriate
 - Resolution or mitigation of any hazards or adverse impacts

§275-24C(3) Civil Plans

- Site Plan drawn and colored suited for public presentation. 11" x 17" sheet **(4 color copies required)**.
- Site Plan drawn to a scale no greater than 1"=100'. Minimum sheet size of 24" x 36" **(7 copies required)**.
 - Property boundaries and dimensions
 - Limits of Disturbance boundary, §275-54A
 - Prominent natural areas, such as streams and wetlands
 - Existing and proposed buildings and structures
 - Neighboring uses labeled
 - Zoning setbacks labeled
 - Parking areas, on-site/adjacent access drives and driveway locations for ingress and egress
 - Loading and unloading areas
 - Pedestrian access
 - Traffic generation and circulation
 - Outside storage (dumpsters, inventory, trucks, rec. vehicles, etc)
- Natural Resource Protection Plan drawn to a scale no greater than 1"=100'. Minimum sheet size of 24" x 36" **(7 copies required)**.
 - Meeting the requirements of §275-54.
 - Location and size of all significant trees (deciduous trees with a DBH of 5 inches or larger or conifers trees 10 foot and taller)
 - Significant trees to be removed shall be identified
 - Location and size of all replacement trees
 - Wildlife conservation plan (only if required by staff)
- Grading Plan drawn to a scale no greater than 1" = 100'. Minimum sheet size of 24" x 36" **(7 copies required)**.
 - Meeting the requirements of §275-55.
- Erosion Control Plan drawn to a scale no greater than 1" = 100'. Minimum sheet size of 24" x 36" **(7 copies required)**.
 - Meeting the requirements of §275-55.
- Utility Plans drawn to a scale no greater than 1" = 100'. Minimum sheet size of 24" x 36" **(7 copies required)**.
 - Sewage Disposal with location of pipe, septic field, holding tank or sampling manhole
 - Water Supply source with location of pipe or well
 - Location of electric, gas and telecommunication equipment
 - Location of existing and proposed utility easements
 - RTU, wall mounted meters or air handling units.

___ Landscaping Plan drawn to a scale no greater than 1" = 100'. Minimum sheet size of 24" x 36" **(7 copies required)**.

- Meeting the requirements of §275-56.
- Signature of Landscape Architect that prepared plan
- Fiscal security – installation and maintenance bond or letter of credit
- Limits of Disturbance boundary, §275-54A
- Size, location, type and height of new and existing landscaping
- Screening materials
- Location of electric, gas and telecommunication equipment screening
- RTU, wall mounted meters or air handling units screening.
- Buffer yard landscaping
- Existing wooded areas
- Watercourses
- Scenic or significant vistas

___ Lighting Plan drawn to a scale no greater than 1" = 100'. Minimum sheet size of 24" x 36" **(7 copies required)**.

- Meeting the requirements of §275-60.
- Parking Lot
- Street Lighting, if required

§275-24C(4) Architectural Plans

___ Material samples

___ Building elevation and architectural rendering drawn and colored suitable for public presentation. 11" x 17" sheet **(4 color copies required)**.

___ Architectural Plans drawn to a scale no smaller than 1/8" = 1' **(7 copies required)**.

- Building Plans
- Elevations of existing and proposed building & structures
- Floor Plans
- Dumpster Enclosures
- Cross sections of all RTU, wall mounted meters or air handling units.

§275-55 Stormwater & Drainage Plan

___ Stormwater Management Plan meeting the requirements of §275-55

§275-58 Traffic Impact Analysis (TIA)

___ TIA meeting the requirements of §275-58 (depending on the project).

§275-37B(4)(b) Wetland Field Verification

___ Wetland Registration

- The Wetland Registration process is authorized by Zoning Code Section 275-37E(4): All permit applicants or petitioners shall field-verify C-2 Shoreland Wetland boundaries and/or wetlands identified on DNR/SEWRPC Wetland Inventory Maps in the manner described, unless the area has been field staked by a field biologist and surveyed by a Wisconsin registered land surveyor.

§275-21B Incomplete Applications

- All of the information listed is required for a complete application.
- Staff may request additional or more detail information to be provided for adequate review.
- If the required information is not included with the application, Staff will notify the applicant in writing of the missing plans.
- The applicant will generally have one week to submit the required information to remain on the scheduled Plan Commission date.
- If adequate plans are not submitted within one week, the application will automatically be rescheduled for a later Plan Commission meeting.
- If adequate plans are not submitted within 30 days of receiving notice of the deficiencies, the application will be considered withdrawn.

§275-21C(2) Plan Revisions

- Based on comments from staff during the review process, the applicant may submit revised plans.
- The required number of copies shall be submitted for all revised plans.
- All revised plans must be submitted no later than 19 days before the Plan Commission meeting to allow for adequate time for Staff Review, Staff Report, and Plan Commission consideration.
- If reviewed plans are submitted within 19 days before the schedule Plan Commission meeting, the application will be rescheduled for a later meeting.