



# USE APPROVAL CONSTRUCTION

## Department of Community Development

3805 S. Casper Drive  
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New Berlin, Wisconsin 53151-0921

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### 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 the use of any principal or accessory building, structure or land shall not be changed, extended, enlarged, altered or occupied; a site or premise shall not be altered, used, changed, modified, or occupied; and no grading undertaken until review and approval by the Plan Commission.

### Fees

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

Application	Fee	Filing Fee	Total
Residential (duplex or multi-family housing)	\$100 per Unit	\$50	Varies
Commercial Uses	\$300 plus \$15 per 1000 square feet new construction/modification	\$50	Varies
Industrial Uses	\$500	\$50	\$550

### 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.

- Preapplication conference (optional)** : The purposes of the preapplication 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.
- Application and determination of completeness** : All development applications shall be submitted to staff a minimum of 30 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 Permit Application Center 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.
- Staff review and report** : Once a submitted application is certified as complete, the Permit Application Center shall refer the development application to the appropriate review agencies or City departments to review the development application. 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.
- 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.



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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

### **275-20C Fees**

\_\_\_ Paid Fees

### **§275-24C(2) Plan of Operation**

\_\_\_ This is a letter or report

- 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) Site Plans**

\_\_\_ Site Plan drawn to a scale no greater than 1"=100' on no smaller than 24" x 36" sheets (four copies required).

\_\_\_ Site Plan drawn and colored suited for public presentation to fit on a single 11" x 17" sheet (eighteen color 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 and on-site/adjacent access drives
- Driveway locations for ingress and egress
- Loading and unloading areas
- Pedestrian access
- Traffic generation and circulation
- Outside storage (dumpsters, inventory, trucks, rec. vehicles, etc)

### **§275-24C(4) Architectural Plans**

\_\_\_ Architectural Plans at a scale no smaller than 1/8" = 1' (four copies required).

\_\_\_ Building elevation drawn and colored suitable for public presentation at a scale no smaller than 1/8" = 1' (one copy required).

\_\_\_ Building elevation OR architectural rendering drawn and colored suitable for public presentation to fit on a single 11" x 17" sheet (eighteen color copies required).

- Building Plans
- Architectural Renderings
- Elevations of existing and proposed building & structures
- Material Samples
- Floor Plans
- Dumpster Enclosures
- Cross sections of all RTU, wall mounted meters or air handling units.
- Lighting Plan - Parking Lot and Street Lighting if required

### **§226 & §275-55 Stormwater & Drainage Plan**

\_\_\_ Stormwater Management Plan meeting the requirements of Chapter 226

### **§275-24C(3) Utility Plans**

\_\_\_ The Utility Plan may be incorporated into the site plan as long as it remains readable.

\_\_\_ Utility Plans draw to a scale no greater than 1" = 100' on no smaller than 24" x 36" sheets (four 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.

### **§275-56 Landscaping Plan**

\_\_\_ Landscaping Plan to a scale no greater than 1" = 100' on no smaller than 24" x 36" sheets (four copies required)

\_\_\_ Landscaping Plan drawn and colored suited for public presentation to fit on a single 11" x 17" sheet (eighteen color copies required)

- 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

#### **§275-54 Natural Resource Preservation**

\_\_\_ Limits of Disturbance (LOD) boundary shown on Site Plan and Landscaping Plan

- No development, grading or vegetation removal or alteration (other than approved landscaping) shall occur outside the LOD
- Residential uses: No more than 60% of the total gross area to be within the LOD
- Non-Residential uses: No more than 75% of the total gross area to be within the LOD

\_\_\_ Woodland, tree and vegetation protection shown on Landscaping Plan

- 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, see §275-54B(6)

\_\_\_ Wildlife conservation plan (only if required by staff) in accordance with §275-54C

#### **§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.