



CONDITIONAL USE

General Information

Conditional uses are of a special nature that makes it impractical for the City to predetermine the use as a principal use in a zoning district.

The conditional use approval process is authorized by City of New Berlin Municipal Code §275-27. Construction or preparation of land must start within 12 months of the date of approval or the permit will expire. No extensions are allowed.

Fees

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

Application	Fee	Filing Fee
Conditional Use	\$600 + \$15 per 1,000 sq. ft. of new construction or modification	\$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corrected by the applicant within 45 days of receiving notice of the deficiencies, the application shall be considered withdrawn.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 of the plan of operation, site plans, architectural plans, existing and proposed structures, neighboring uses, parking areas, driveway locations, drainage, sewer and water systems, grading, landscaping, potential impacts or hazards, and open space utilization plans for all developments. The City staff shall report its findings and recommendations to the Plan Commission within 45 days following receipt of the application.

4. **Public hearing before Plan Commission:** The Plan Commission shall hold a public hearing on the application. Notice of the public hearing regarding the conditional use shall be posted pursuant and notice of such hearing shall be mailed to all owners of land within 600 feet of the conditional use application.
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 & outside all principal & accessory buildings
 - The frequency & duration of all activities, including the season, days, & hours of operation
 - The total number of employees & number of employees in largest work shift
 - The estimated number of occupants of a multifamily residential use;
 - The number, size & type of all vehicles associated with the use,
 - Number of vehicle trips or Traffic Impact Analysis if required by §275-58C
 - The expected starting & 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'. Minimum sheet size of 24" x 36" (**7 copies required**).
- Site Plan drawn and colored suited for public presentation. 11" x 17" sheet (**4 color copies required**).
 - Property boundaries & dimensions
 - Limits of Disturbance boundary, §275-54A
 - Prominent natural areas, such as streams & wetlands
 - Existing & proposed buildings & structures
 - Neighboring uses labeled
 - Zoning setbacks labeled
 - Parking areas, on-site/adjacent access drives and driveway locations for ingress & egress
 - Loading & unloading areas
 - Pedestrian access
 - Traffic generation & circulation
 - Outside storage (dumpsters, inventory, trucks, rec. vehicles, etc)

§275-24C(4) Architectural Plans

- Architectural Plans drawn to a scale no smaller than 1/8" = 1' (**7 copies required**).
- Building elevation drawn and colored suitable for public presentation at a scale no less than 1/8" = 1' (**1 copy required**).
- Building elevation OR architectural rendering drawn and colored suitable for public presentation. 11" x 17" sheet (**4 color copies required**).
 - Building Plans
 - Architectural Renderings
 - Elevations of existing & proposed building & structures
 - Material Samples
 - Floor Plans
 - Dumpster Enclosures
 - Cross sections of all RTU, wall mounted meters or air handling units.
 - Lighting Plan meeting the requirements of §275-60 – Parking Lot & Street Lighting if required (**7 copies required**).

§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).

§275-24C(3) Utility Plans

- ___ The Utility Plan may be incorporated into the site plan as long as it remains readable.
- ___ 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 & telecommunication equipment
 - Location of existing & 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'. Minimum sheet size of 24" x 36" **(7 copies required)**.
- ___ Landscaping Plan drawn and colored suited for public presentation. 11" x 17" sheet **(4 color copies required)**.
 - Signature of Landscape Architect that prepared plan
 - Fiscal security – installation & maintenance bond or letter of credit
 - Limits of Disturbance boundary, §275-54A
 - Size, location, type & height of new & existing landscaping
 - Screening materials
 - Location of electric, gas & 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 & 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 & vegetation protection shown on Landscaping Plan
 - Location & size of all significant trees (deciduous trees with a DBH of 5 inches or larger or conifers trees 10 foot & taller)
 - Significant trees to be removed shall be identified
 - Location & 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 stacking request application form
 - All C-2 zoning boundaries shall be field verified unless the area has an previously approved field verified wetland survey
 - Survey financial assurance

§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 45 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, & 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.