



ADMINISTRATIVE USE APPROVAL

General Information

A person/business needs use approval for any significant change in the way a building, structure or land is currently used. The following permits are exempted from Plan Commission review, per the City of New Berlin Municipal Code §275-15D(3):

- Re-occupancy permits (see Re-occupancy handout)
- Home occupation permits (see Home Occupation handout)
- Temporary Use permits (see Temporary Use handout)
- Sign permits (see Sign handout)
- Minor architectural modifications (as determined by the Director)
- Building and parking area **additions** requiring zoning permits that are **less than 20,000 square feet**
- Properties with legal nonconforming setbacks require only the issuance of a building permit as long as the encroachment is no greater than the current setbacks, in which case the item may be considered by the Board of Appeals
- Decks, patios, and fences for approved projects
- Fences for nonresidential properties
- Minor modifications to landscape plans. Minor modifications might include a change in a plant species, change in plant location, etc.
- Accessory buildings located within non-single-family residential zoning districts with a maximum size of 2,500 square feet. Accessory buildings in non-single-family residential zoning districts that exceed 2,500 square feet shall require Plan Commission review and approval

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.

The Administrative Permit process is authorized pursuant to the provisions of Section 275-17(B)(9) of the City of New Berlin Zoning Ordinance.

Fees

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

Application	Fee	Filing Fee
Residential	\$100/unit	\$50
Commercial / Office / Institutional	\$200 (+ \$15/1,000 sq. ft. for building additions only)	\$50
Industrial / PUD	\$500 (+ \$25/1,000 sq. ft. for building additions only)	\$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 purpose of the pre-application conference is to provide an opportunity for the applicant and staff to discuss the review process schedule, submittal requirements, the scope of the project, and compliance with the Zoning Ordinance. Staff opinions presented during pre-application 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:** 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. Any changes to the 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 action:** Applicants may appeal reasons for denial or condition of approval of Zoning Permits issued by the Department of Community Development before the Plan Commission at the meeting date written on the application. The request for appeal must be made in writing to the Director of Community Development. 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 Administrative 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) 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 and dimensions
 - Existing 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)

§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. 11" x 17" sheet **(4 color copies required)**.
 - Elevations of existing building & structures
 - Floor Plans

§275-56 Landscaping Plan

- Existing Landscaping Plan drawn to a scale no greater than 1" = 100'. Minimum sheet size of 24" x 36" **(7 copies required)**.
 - Size, location, type and height of new and existing landscaping
 - Screening materials
 - Buffer yards
 - Existing wooded areas
 - Watercourses
 - Scenic or significant vista

§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, and Plan Commission consideration.
- If reviewed plans are submitted within 19 days before the scheduled Plan Commission meeting, the application will be rescheduled for a later meeting.