



USE APPROVAL NO 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 significant change in the way a building, structure or land is currently used.

A simplified process has been developed for the re-occupation of existing buildings by the same use; see the [Re-occupancy handout](#) for more information. This handout only refers to Use Approval Applications that do not involve any new construction, exterior modifications, major interior modifications, or grading of land. If the project includes these activities, please see either the [Use Approval – Construction](#) or [Use Approval – Façade Change handout](#) for more information.

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
Commercial Uses	\$300	\$50	\$350
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.

- 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 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.



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3. **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.
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) 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 schedule Plan Commission meeting, the application will be rescheduled for a later meeting.