Conditional Use Permit Application fee: **$300.00**
+ Professional Service Fees
Receipt No. _____
Date _____
Staff _____

BERM PERMIT APPLICATION
CONDITIONAL USE

A berm shall include any mound or wall of soil extending vertically higher than four feet above the natural grade for the lot. A berm is determined as starting at the base where natural grade changes. No berm may be located, erected, moved, reconstructed, extended, enlarged, reduced, converted, or altered without obtaining all permits required by Town Code and without being in conformity with the provisions of Section 320-56 and Article V. A permit is **NOT** needed for the following:

1) Temporary topsoil piles on construction sites.
2) Mound septic systems.
3) Landscaping areas less than four feet above the natural grade with a slope not exceeding one foot vertical to three feet horizontal.
4) Berms under four feet above the natural grade.

Applicant:
Name: _____
Address: _____
Phone No. (____) _____ Email: _____
Abbreviated Legal: _____¼ of Section_____

LOCATION (ADDRESS) OF THE PROPOSED BERM: _____

Total Lot Area: _____Acres Zoning District: _____

Name of the owner or lessee of the property: _____
If this property is owned by someone other than the applicant, written consent of the owner or lessee of the land is required.

Mailing address: _____
_____

Name of the person, firm, corporation or business working on the berm:
_____
Address: _____
Phone: (_____) _____ Email: _____

Applicant Signature: _____ Date: _____

Owner Signature (if different) _____ Date: _____

This application is based upon the Town of Cedarburg Zoning Code and is subject to revision.

The Berm Conditional Use Permit process and requirements are as follows:

Please note:

- ✓ Materials **must** be submitted **four weeks** before the desired meeting date; see the meeting schedule on the Town website for submittal deadlines.
- ✓ Incomplete applications will not be accepted and/or processed.
- ✓ The Berm Conditional Use Permit process **may take 2-4 months** because of meeting schedules and associated legal notices and public hearing requirements.
- ✓ Reimbursement agreement must be submitted at the time of application submittal, or prior to engaging professional services staff, or the application will be considered incomplete.

Step 1: Submittal: This application, fee, reimbursement agreement, and other materials listed below must be submitted four weeks before the Plan Commission meeting. This application requires a $300 base application fee, as well as a fee to reimburse the actual cost to the Town of Cedarburg and/or consultants for professional services related to the application. If the application requires consulting planner or other professional services review prior to application submittal, the reimbursement agreement must be completed and submitted prior to the consulting planner or other professional services being engaged.

Step 2: Public Hearing notices occur. Class 2 notice occurs in the News Graphic prior to the Plan Commission meeting. The owners of record in whole or in part as listed in the office of the Ozaukee County Register of Deeds and who are situated within 1,000 feet of the boundaries of the properties affected shall be sent a notice postmarked at least 10 days prior to the date of consideration by the Plan Commission.

Step 3: Plan Commission Meeting. The next step is placement on a Plan Commission meeting agenda at which the applicant or their agent should attend the meeting. The Plan Commission will conduct a public hearing at this meeting, and may make a recommendation to the Town Board regarding the application. The Plan Commission may also ask the applicant to modify the plan and return for another Plan Commission review. The Plan Commission shall make an advisory recommendation to the Town Board within 30 days of the public hearing unless extended by the applicant. If such recommendation has not been forwarded to the Town Board by the Plan Commission within the time prescribed, the Town Board may act without such recommendation. In making its recommendation to the Town Board, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance in order to ensure the standards of approval of §320-51 are met.

Step 4: The Town Board will consider final action to approve, approve with conditions, or to deny the conditional use permit application.

Step 5: If approved, your conditional use permit will be signed by an authorized Town staff person or designee. The conditional use permit will become valid following the Town recording the conditional use permit with the office of the Ozaukee County Register of Deeds (recording fees shall be paid by the applicant). In addition, the Town of Cedarburg shall keep a record of all such conditional uses and permits which shall be available to the public.

Step 6: Notify the Town Director of Public Works within two working days of commencing any land development and land-disturbing activity, and at the completion of berm construction but prior to planting the berm to allow inspection of the berm. All berms shall be completed, including all landscaping, within 18 months of the date of issuance of the conditional use permit or a time period otherwise established by the Plan Commission and Town Board.

<u>REQUIRED MATERIALS:</u> The following materials must be submitted with the application four weeks before the Plan Commission meeting; Town staff will direct if the other items are necessary.

1. Berm plan depicting location, setbacks, property lines, and proposed and existing grade contours. The Plan Commission shall have the authority to recommend the height, location, slope and landscaping of the berm to the Town Board.
2. Proposed type of fill material.
3. Planting plan, including grasses, shrubbery and tree types with spacing. It is recommended that the landscape plantings be spaced randomly to help visually break up the continuous line of the berm and that the berm be constructed in such a way as to be undulating and serpentine in appearance. It is also required that at least six inches of topsoil be placed on all berms in addition to suitable plantings.
4. Proposed schedule for all phases of work.
5. Erosion control and stormwater permitting, as applicable (Director of Public Works/Town Engineer).
6. Additional information as may be required by the Town.

The Town Board, Plan Commission, Town Staff, Town Attorney, consultants, Fire Department, or Building Inspector may require other information (See Article V).

<u>NOTES:</u>

1. The applicant shall apply for and obtain approvals from all other necessary regulatory agencies, such as Ozaukee County, State of Wisconsin, and the U.S. Army Corps of Engineers, and file them with the Town once obtained.

Updated 11/2026