



Village of  
 \*\*\* [Redacted] \*\*\*  
**Germantown**  
*Willkommen*

**Fee must accompany application**

\$200 Berm Review Fee

Paid \_\_\_\_\_ Date \_\_\_\_\_

## BERM REVIEW APPLICATION

Pursuant to Section 17.57 of the Municipal Code

Please read and complete this application carefully. **All applications must be signed and dated.**

**APPLICANT OR AGENT**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Phone ( ) \_\_\_\_\_

Fax ( ) \_\_\_\_\_

E-Mail \_\_\_\_\_

**PROPERTY OWNER**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Phone ( ) \_\_\_\_\_

\_\_\_\_\_

**PROPERTY ADDRESS**

**NEIGHBORING USES** – Specify name and type of use, e.g. Enviro Tech – Industrial, Smith – Residential, etc.

North	South	East	West
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**SIGNATURES** – ALL APPLICATION MUST BE SIGNED BY OWNER!

\_\_\_\_\_  
 Applicant Date

\_\_\_\_\_  
 Owner Date

## **BERM PERMIT CHECKLIST**

(see Section 17.57 of the Zoning Code)

In addition to the Berm Permit application form and review fee, each Berm Permit application shall be accompanied by the following supplemental information:

### **Plans and Attachments.**

- Plat of survey of the property upon which the berm is proposed to be located;
- Site plan or plat of survey depicting the size, shape, location, setbacks to/from all property lines and existing structures; existing and proposed grade contours; existing utilities, drainage facilities and easements on the property; the location and extent of any wetlands, floodplains, or conservancy areas on the property;
- Proposed type and amount of each fill material and cover material proposed;
- A cross-section view of the proposed berm including property lines, existing and proposed finished grades, depth of fill and cover material;
- Landscaping plan including the relative location, narrative description, and table indicating the type, amount and planting size of all groundcover, shrubs, and trees, retaining walls, fencing, and all other landscaping materials to be installed;
- Proposed commencement and completion schedule (including phases) for installation of the berm;
- If a berm is proposed to straddle a lot line, a landscape easement will be required to be recorded and attached as a deed restriction to the subject property. Written evidence of the property owner's agreement along with an appropriate easement to be recorded shall be provided to the Village prior to issuance of a berm permit or erosion control permit;
- Additional information as may be required by the Zoning Administrator.

As set forth in Section 17.57(6) of the Zoning Code, all berms shall meet the following Design Requirements:

### Location.

- Berms shall not be located within any existing or future public road right-of-way, Village utility easements or drainage easements.
- Berms shall be located at least 5 feet from a road right-of-way line, and at least 10 feet from a side or rear lot line (NOTE: The setback requirements from a side or rear lot line may be waived by the Plan Commission where a berm is being constructed jointly by adjacent property owners).
- Minor berms less than 3 feet high may be located within 5 feet of a road right-of-way line if integral with peripheral edge landscape screening.
- Berms shall not be constructed to obstruct the view of vehicular traffic for ingress and egress to any public or private road, private driveway, walkway or bike trail.
- Berms shall not be placed in drainage ways, floodplains, wetlands, or conservancy-zoned areas.
- Berms shall not be located within any drainage or utility easement.

Slope, Shape, Measurement, and Maximum Height.

- The vertical height shall be measured from an average of the existing ground grade along both sides of the berm.
- Berms shall be designed and graded to have an undulating and serpentine shape, and long continuous straight berms may not be acceptable.
- The width and length of berms shall be measured along their base line or toe of slope.
- The maximum height of berms shall be determined by the Plan Commission on a case-by-case basis.

Landscaping.

- Berms shall be covered with at least 6 inches of topsoil, and, at a minimum, be landscaped with turf or groundcover. The Plan Commission may require the installation of street trees and/or other plantings as deemed necessary to satisfy the intent of this section.
- Landscape plantings shall be spaced randomly and not on the top or peak of the berm to enhance its appearance and ensure survival.
- Berm maintenance shall be by the owner in perpetuity.

Drainage.

- All berm construction shall not impede surface water drainage or disturb existing drain tile systems.
- Berms shall not interfere with surface drainage and public utility easements and/or drainage easements.

Fencing.

- Fencing shall not be placed on a berm unless approved by the Plan Commission.

Erosion Control.

- All berm construction shall adhere to the Village's construction and erosion control ordinance where applicable.
- The property owner shall obtain an Erosion Control Permit prior to grading activities.

Inspection and Post-Construction.

- All berms shall be completed, including all landscaping, in accordance with the schedule approved by the Plan Commission.
- Notify the Village when the berm is finally graded, but prior to installing any landscaping to provide for a pre-final inspection of the berm.
- Obtain approval from the Plan Commission to modify the berm after completion.
- Maintain all road drainage systems, storm water drainage systems, best management practices and other facilities identified in the berm plan.

shall remove the antenna, tower or any other structure at the owner's and operator's expense. In the event that the cost of removal is not paid, the Village may assess the cost of such removal against the property upon which the wireless communications facility is located.

- (d) **Site Restoration.** Whenever a tower is removed from a wireless communications facility, the remainder of the site shall be restored to its preexisting condition and all buildings, equipment and other devices accessory to the tower shall be removed from the site.
  - (e) **[Irrevocable Letter of Credit.]** An applicant shall provide, as a condition of issuance of a conditional use permit, an irrevocable letter of credit or cash in the amount of \$25,000.00 to guaranty facilities removal and site restoration.
- (8) **LEGAL NONCONFORMING FACILITIES.** Preexisting towers, antenna support structures, antennas or wireless communication facilities which do not conform to the requirements of this chapter, shall be permitted to continue in accordance with the provisions of the zoning code of the Village of Germantown which deals with nonconforming buildings, structures and uses.
- (9) **ENFORCEMENT.** The provisions of this chapter shall be enforced by the Planning Department and the Village Building Inspector. Any person who violates any provision of this chapter shall, upon a conviction be subject to a penalty as detailed in section 25.04 of the Germantown Municipal Code.

**State law references—**Regulation of antennas, Wis. Stats. §§ 61.35, 62.23(7)(he), (7)(hf).

**17.57 BERMS.** (Cr. Ord. #4-03)

- (1) **PURPOSE.** This section regulates the location, design and visual appearance of new berms to discourage excessive length and height, provide for ease of maintenance, assure proper stormwater drainage, avoid interfering with safe visual sight distance for motorists, and promote the attractive aesthetic appearance of areas where berms are located.
- (2) **BERM DEFINED.** A "berm" is a man-made landscape feature consisting of mounded soil. Rock or concrete rubble may be included in a berm if completely covered with topsoil.
- (3) **APPLICABILITY.** These requirements shall not apply to the following:
  - (a) Minor berms not vertically higher than 3 feet above the average ground grade along both sides of the berm.
  - (b) Landscaping areas lower than 3 feet in height.

- (c) Landscape areas not meeting the berm definition in subparagraph (b) above.
  - (d) Temporary topsoil or fill piles on active construction sites.
- (4) **APPROVAL REQUIRED.**
- (a) Plan Commission Approval Required. Berms exceeding 3 feet in vertical height above the average grade of the ground along both sides of the berm shall require review and approval by the Plan Commission prior to any construction or alteration thereof.
- (5) **APPLICATION.** Applications to construct or alter a berm shall be made on forms provided by the Village. The application and review fee shall be submitted to the Planning Department. The application shall include the following information:
- (a) Name, address and telephone number of the applicant, and location of building, structure, or lot where the berm is to be constructed.
  - (b) Name of person, firm, corporation, or business that is constructing or altering the berm.
  - (c) Written consent of the owner or lessee of the land upon which the berm is proposed to be located.
  - (d) Plans and attachments.
    - 1. Berm plan depicting its location, setbacks, property lines, proposed and existing grade contours, any related drainage facilities, and any existing easements on the subject property.
    - 2. Proposed type of fill material and cover material.
    - 3. Landscaping plan including grasses or groundcover, shrubbery, and tree types specifying the spacing and size of all plantings.
    - 4. Proposed schedule for all phases of work.
  - (e) Additional information as may be required.
- (6) **DESIGN REQUIREMENTS.**
- (a) Location.
    - 1. Berms shall not be located within any existing or future public road right-of-way, Village utility easements or drainage easements. Berms shall be located at least 5 feet from a road right-of-way line, and at least 10 feet from a side or rear lot line. The offset requirements from a side or rear lot line may be waived where a berm is being constructed jointly by adjacent property owners. If berm straddles a lot line, a landscape easement shall

be recorded and attached as a deed restriction to the property, evidence of owner's agreement and easement to be provided to the Village prior to issuance of an Erosion Control Permit.

2. Minor berms less than 3 feet high may be located within 5 feet of a road right-of-way line if integral with peripheral edge landscape screening.
  3. Berms shall not be constructed to obstruct the view of vehicular traffic for ingress and egress to any public or private road, private driveway, walkway or bike trail.
  4. Berms shall not be placed in drainage ways, floodplains, wetlands, or conservancy-zoned areas.
  5. Berms shall not be located within any drainage or utility easement.
- (b) Slope, Shape, Measurement, and Maximum Height. The vertical height shall be measured from an average of the existing ground grade along both sides of the berm. Berms shall be designed and graded to have an undulating and serpentine shape, and long continuous straight berms may not be acceptable. The width and length of berms shall be measured along their base line or toe of slope. The maximum height of berms shall be determined by the Plan Commission on a case-by-case basis.
- (c) Landscaping. Berms shall be covered with at least 6 inches of topsoil, and shall be landscaped with turf or groundcover. In addition, it is recommended that landscape plantings be spaced randomly on the berm to enhance its appearance. Berm maintenance shall be by the owner in perpetuity.
- (d) Drainage. All berm construction shall not impede surface water drainage or disturb existing drain tile systems. The provisions of this ordinance shall apply to prevent berms from interfering with surface drainage and public utility easements and drainage easements.
- (e) Fencing. Fencing shall not be placed on a berm unless approved by the Plan Commission.
- (f) Erosion Control. All berm construction shall adhere to the Village's construction and erosion control ordinance where applicable. The property owner shall obtain an Erosion Control Permit prior to grading activities.
- (g) Completion. All berms shall be completed, including all landscaping, in accordance with the schedule approved by the Plan Commission.

- (h) **Approval Conditions.** Approval conditions shall require the applicant to:
1. Notify the Village when the berm is finally graded, but prior to installing any landscaping to provide for a pre-final inspection of the berm.
  2. Obtain approval from the Plan Commission to modify the berm after completion.
  3. Maintain all road drainage systems, stormwater drainage systems, best management practices and other facilities identified in the berm plan.
- (7) **INSPECTION.** Berms shall be inspected by the Engineering Department and/or the Planning Department. If berm development or berm activities are being carried out without a permit, Village personnel shall enter the land pursuant to the provisions of §§66.122 and 66.123, Wis. Stats.
- (8) **FEES.** Fees referred to in this section shall be the fee for a minor Plan Commission review.
- (9) **GRANDFATHER CLAUSE.** Berms existing prior to the adoption of this amendment that do not comply with the requirements in this amendment shall be considered a nonconforming berm. Such nonconforming berms may be maintained and continued, but any changes or substitutions thereto shall comply with the provisions in this amendment.

**17.58, 17.59 RESERVED.**

**17.60 TREES.** (Cr. Ord. #31-02)

- (1) **PURPOSE AND INTENT.** This section establishes policies, regulations, and standards necessary to ensure that the Village of Germantown will continue to realize the benefits provided by its urban forest. The provisions of this chapter are enacted to:
- (a) Establish and maintain the maximum amount of tree cover on public and private lands in the Village of Germantown.
  - (b) Maintain trees in a healthy and nonhazardous condition through good arboricultural practices.
  - (c) Establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forest.