

CITY OF WHEATON
LAND USE PERMIT APPLICATION

APPLICATION:

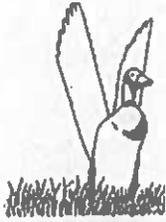
1. Applicant shall complete the **Land Use Permit Application** and submit to the City.
2. City staff will review the application for completeness. The applicant will be notified where additional information is needed.
3. City staff shall, based on submittals, compute the land use permit fee. This fee shall be paid by the applicant at the time the application is submitted. Applications will not be considered complete until the required fee has been paid. The fee is non-refundable.
4. The City will ensure that the permit fee has been collected.
5. The City will not accept applications where the applicant has past due fees or charges due to the City until the account is made current. Outstanding violations of a property owner or contractor must also be resolved prior to issuance of any new permits.
6. The City must ensure that the proposed improvements meet the requirements of the Zoning Ordinance and any other applicable regulations of the City.
7. All approved land use permits issued shall become null and void if work or construction authorized by the permit is not completed within 12 months from the date of issuance. If not completed, the applicant must submit a new application and pay a new fee. Ord. 550.7.06

GENERAL NOTES:

- Land Use/Building Permits:** Permits are required to "build, construct, erect or move any building or structure within the City of Wheaton." Permits are also required for demolition of structures with permanent foundations and most fences. Permits are issued by the City Council.
- Fences:** Fences generally require a land use permit from the City. See Section 550.5.02 of the Ordinance for specific requirements and exceptions.
- Demolition:** Demolition of buildings or other structures with a permanent foundation or whose removal would create open excavation areas or steep slopes shall require a land use permit. The application must include a restoration plan showing how the site will be filled, graded or otherwise restored to a safe condition. See Section 550.5.04 for other requirements.
- Setbacks:** Required setbacks are measured between the property line (or the back of the curb in the case of streets and the centerline of alleys) and the closest point of a structure, including overhangs.
- Minimum Width of Dwelling:** A dwelling on a parcel of land in all zoning districts must meet the width and depth requirement of 24 feet.
- Maximum Height of Building:** Building heights are limited to 36 feet. Height is measured as "the vertical distance between the highest adjoining ground level at the building or ten feet above the lowest ground level, whichever is lower, and the highest point of any roof."
- Impervious Coverage:** The percentage of your lot that is allowed to be covered by impervious (hard) surfaces is limited. Impervious surfaces include buildings, patios, walks, driveways (including those that are gravel), parking areas, and other surfaces generally impervious to the penetration of rainwater.
- Variances:** If you are unable to meet the requirements of the zoning ordinance (setbacks, height, etc...), you have the right to apply for a variance from those requirements. Variances are reviewed and decided upon by the City Council at a public hearing (after notification of neighbors and in the official city newspaper) according to specific criteria established in state law. Not all variance requests can be approved. It is recommended that you contact the City prior to making such an application to discuss your request.
- Accessory Structures:** All accessory structures require installation of a floor (wood or concrete). No dirt floors.

PLEASE NOTE: The City has 60 days in which to review and make a decision on land use applications, although it strives to process all applications soon after they are received. To avoid delays, applicants should allow themselves as much time as possible between the time they submit their application and the time they wish to begin construction. Close coordination with the City Staff during the project design phase and submittals that are complete and accurate will help applicants avoid delays. No construction can begin until the permit is complete and approved. Applications considered "incomplete" will be denied.

**For More Detailed Information, Please Consult the Full Ordinance Available on the City of Wheaton's Website:
CityofWheaton.com.**



CITY OF WHEATON

land Use, Zoning & Associated Fees for Permits and Applications

All Fees are Non-Refundable

All Violations will be Pursued in Court as Misdemeanors

LAND USE PERMIT FEES

Residential	Accessory Structure (120 - 750 square feet)	\$25.00
	Accessory Structure (over 750 square feet)	\$50.00
	Driveway	\$25.00
	Fence*	\$50.00
	New Dwelling - house garage driveway patio and deck.	
	All structures must be submitted on one application and installed concurrently	\$100.00
	Non-Commercial Wind Energy Conversion System or Turbine, < 200 kW and total height < 200'	\$100.00
	Sign, Deck, Patio or Gazebo	\$25.00
	All Others - Minimum Land Use Permit Fee	\$25.00
	Commercial, Industrial, & Agricultural	Commercial Wind Energy Conversion System or Turbine
Includes 1 Tower > 100 kW		\$500.00
Each Additional Tower		\$100.00
New Building		\$100.00
Telecommunication Tower		\$5,000.00
All Others - Minimum Land Use Permit Fee		\$50.00

*An official survey may be required if the fence will be placed within 3 feet of the required setback.

APPLICATION FEES

Conditional Use Application - includes notice and recording fee	\$300.00
Interim Use Application - includes notice and recording fee	\$300.00
Variance Application - includes notice and recording fee	\$300.00
Plat Fee	\$500 + \$25 per lot
Rezoning Application	\$300.00
Planned Unit Development	\$500.00

OTHER FEES

"After the Fact" Charges	\$250.00 + FEES
Special Vehicle Permit	\$50.00
Fax	\$1.00 per page
Demolition Restoration	\$25.00
Hourly Rate to Prepare Requested Documents - Administrative Assistant	\$30.00/hour
Hourly Rate to Prepare Requested Documents - Zoning Administrator	\$50.00/hour
Land Use Permit List	\$5.00
NSF Fee	\$35.00
Permit Renewal	Half the cost of the original permit & application
Paper Copy of Zoning Ordinance (Ordinance is available on line for free)	\$15.00
Photo Copies	\$.15 one-sided \$.20 two-sided
Vacation of Street, Alley or Easement	\$500.00

Please read the city of Wheaton Zoning Ordinance carefully: payment of other fees and charges may be imposed dependent upon the project.

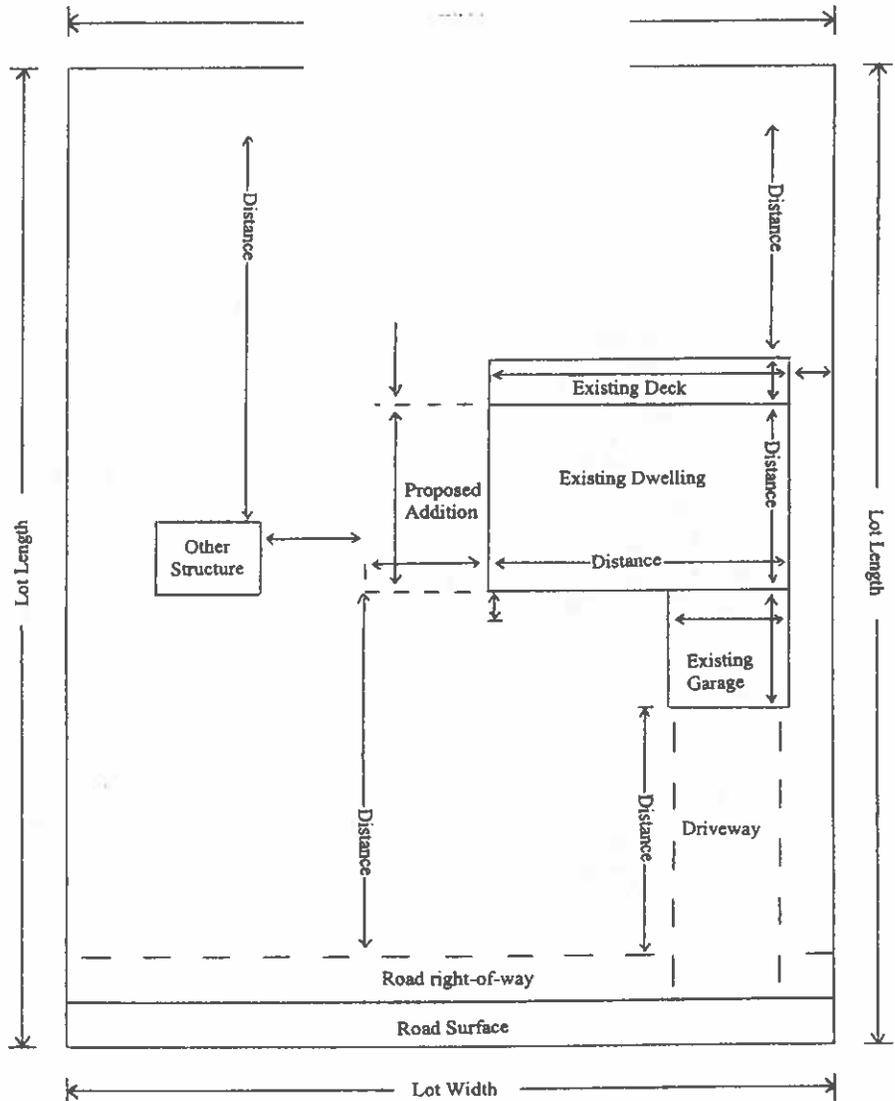
SITE/SKETCH PLAN DRAWING INSTRUCTIONS

A sketch of your site plan is a required part of the permit application. Please attach on a separate sheet of paper.

EXAMPLE SKETCH:

Required Information:

- North arrow
- Lot dimensions and size
- Water bodies and wetlands
- Roads, right-of-ways, driveways and parking areas
- Existing Easements
- Existing structures, with outside dimensions (length/width/stories)
- Proposed structures, with outside dimensions (length/width/stories)
- All impervious (i.e. hard surfaced) structures not already identified (i.e. driveways, decks, patios, sidewalks, retaining walls, areas underlain with landscape fabric, etc...). Show dimensions.
- Setback distances from existing and proposed structures to lot lines, and road and alley centerlines.
- Other information that may be necessary or required by the City to describe your proposed improvement. These may include:
 - Professional survey of all impervious surfaces (generally required when estimated impervious surface coverage is within 1-2 percentage points of the maximum allowed)



REQUIRED LOT SURVEYS: The Zoning Administrator will determine whether you are required to submit a property line survey. Generally, when it is unclear whether you will meet a required setback, a property line survey will be required. If you already have had a property line survey completed, please submit a copy as part of your application to determine whether it is sufficient to avoid the need for another survey.



5th Ave. N

Lot width

26' to street

Proposed extension of driveway

50'



driveway
garage
brezeway

26'

30'

47'

House

Xample

9th St. N
Lot length 186'

LP tank

63'
To property line

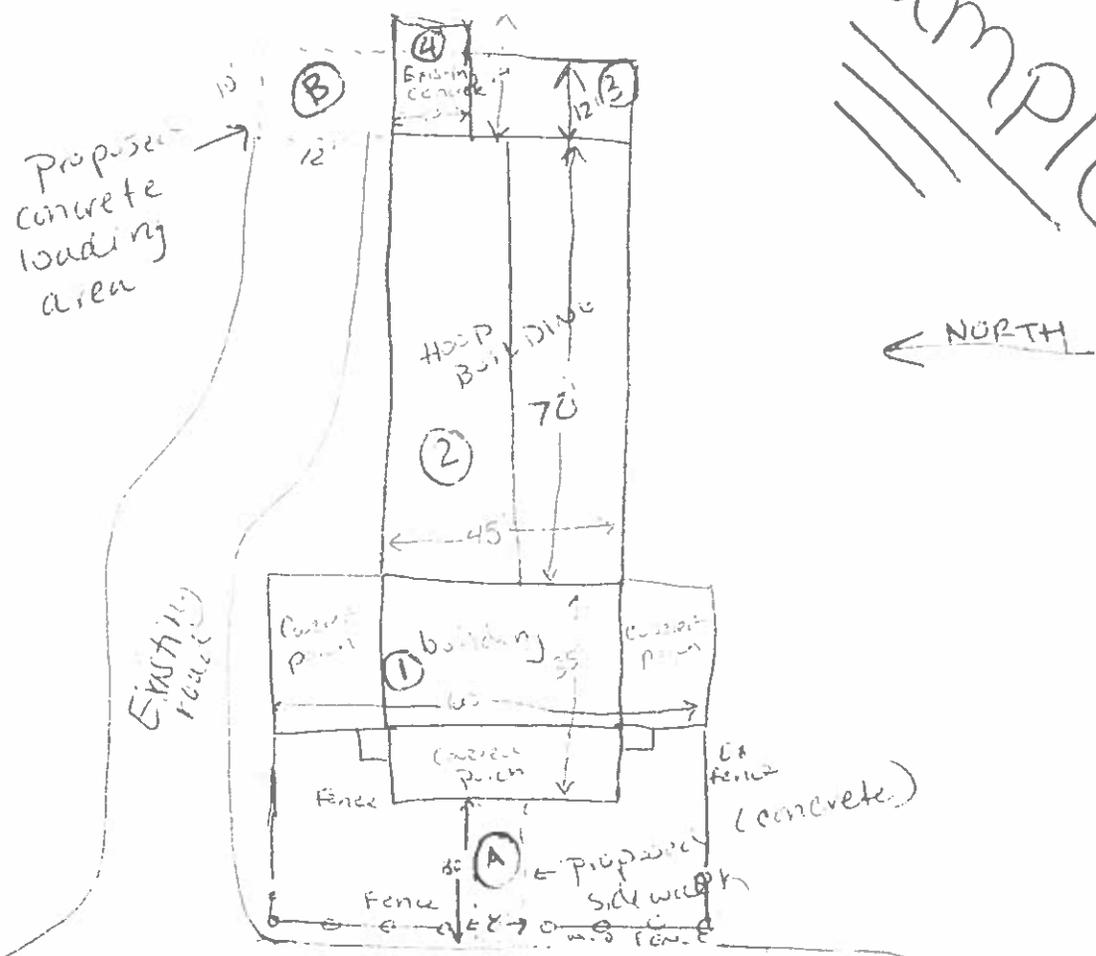
Proposed shed
12x20

Lot 347-13

9/7/23

SKETCH DRAWING

Example



Existing Parking (gravel)

Impervious Surface Calculation

List all existing structures* or other improvements on the property and their outside dimensions.

List all proposed structures* or other improvements on the property and their outside dimensions.

Type of Structure or Improvement	Footprint - incl. eaves (in square feet)	Type of Structure or Improvement	Footprint - incl. eaves (in square feet)
1 building w/ 3 porches	35' x 160' (2100)	- A) sidewalk	8' x 30' (240)
2 hoop buildings	45' x 70' (3150)	B) loading pad	12' x 10' (120)
3 storage building	15' x 12' (180)	- C) 4x4 posts + signs	4' x 4' (16)
4 concrete pad	14' x 10' (140)		

Total Coverage (Existing) 5570 (.122 ac)

Total Coverage (Proposed) 376 (.008 ac)

*Note: Include all roof structures including eaves, gutters, decks, driveways, parking areas, retaining walls, fences, sidewalks, porches, patios, and all other structures on the property.

Total Lot Size = 53.14 ac

Total Impervious Coverage = 5946 sq ft = 0.134 ac

ARTICLE 4. ZONING DISTRICTS AND DISTRICT PROVISIONS

550.4.01 GENERAL

- A.) The City is hereby divided into Zoning Districts as shown on the official Zoning Map.
- B.) The boundaries are generally on the center of the streets, on lot lines, on the center of streams or rivers, and following the contour of the land.
- C.) The following districts are hereby established

Residential District	R
Commercial/Light Industrial	C
Industrial	I
Agricultural District	AG
Open Space District	OS

550.4.02 RESIDENTIAL DISTRICT (R)

A.) Purpose

The purpose of the Residential District is to provide for development characterized primarily by single-unit or two-unit attached dwellings and limited numbers of higher density residential buildings on lot sizes which allow for efficient use of street and utility infrastructure.

Areas of the City generally appropriate for this zoning classification include those adjacent to the Commercial/Light Industrial District nearest the traditional center of the City and those areas which would represent desirable extensions of residential areas within the City.

B.) Prohibited Uses

- 1.) Animal Feedlots
- 2.) Uses identified as Conditional or Prohibited Uses within the Industrial District.

C.) Permitted Uses

The following are permitted uses in the Residential District:

- 1.) Any pre-existing use that was legally created or located in accordance with applicable regulations at the time, subject to other local, state or federal regulations that may apply.
- 2.) Single-unit detached dwellings (one per lot)
- 3.) Public Parks, Playgrounds

- 4.) Residential accessory buildings, including private garages, carports, detached gazebos and screen rooms, and storage buildings consistent with the performance standards of this section.
- 5.) Home occupations provided that such occupations are carried on in the main building, and further provided that not more than twenty-five (25) percent of the floor space of the dwelling is used for such occupations, and that only articles made on the premises shall be sold on the premises, and that no articles for sale shall be displayed so as to be visible from the street.

D.) Conditional Uses

The following are conditional uses in the Residential District only upon the issuance of a conditional use permit as specified in this Ordinance.

- 1.) Accessory dwellings
- 2.) Two-unit residential buildings (one per lot)
- 3.) Three- and higher unit residential buildings
- 4.) Apartment buildings
- 5.) Churches, and other places of worship.
- 6.) Government/civic buildings
- 7.) Medical Facility
- 8.) School
- 9.) Other uses of the same general character provided they are deemed fitting and compatible to the district by the City Council.

E.) Lot Requirements

- 1) The following minimum lot requirements shall apply to all lots created in the R-1 zone after the date this ordinance is enacted:

Lot Width – single unit dwelling (including those with accessory dwellings)	60 feet
Lot Width – 2 unit dwellings	60 feet
Lot Depth	100 feet

- 2.) The following minimum structure setback requirements shall apply to any structure or building constructed, placed or moved on a property, except as specifically authorized otherwise by this Ordinance:

Setback, alley – minimum (measured from centerline)	20 feet*
Setback, City Street – minimum	30 feet**
Setback, County Road – minimum	30 feet**

Setback, State Highway-- minimum (measured from right-of-way)	30 feet*
Setback, side - feet, minimum	3 feet*
Setback, rear – minimum	25 feet* (primary building) 10 feet* (accessory building)
Impervious coverage – maximum	50%
Building height - feet, maximum	36
Dwelling width – feet, minimum	24

* Setbacks shall be measured between the property line (or the back of the curb in the case of streets and the centerline in the case of alleys) and the closest point of a structure, including overhangs, unless otherwise specified.

** In already developed areas, the right-of-way setback may be reduced to coincide with the average setback of the two adjacent properties fronting the same right-of-way, or 15 feet – whichever is greater. If an adjacent lot is undeveloped, it shall be considered to have a 30 foot setback. The above calculation shall apply separately to primary buildings and accessory dwellings.

- 1.) Lot Frontage: All newly created lots shall front on and have ingress and egress by means of a public right-of-way.
- 2.) Accessory Dwelling: An accessory dwelling may be allowed as a conditional use, and may be permitted within a dwelling (i.e. basement or second story) or above a garage (whether the garage is attached or detached), but not as a stand-alone building.
- 3.) Fences and Other Constructed Screening
 - a.) Fences or other constructed screening not exceeding 72 inches in height may be constructed no closer than two (2) feet from the public right-of-way or as otherwise approved by conditional use permit so as to allow sufficient room for maintenance.
 - b.) Under no circumstances shall a fence be constructed closer than 10 feet from the surface of a public road and in all cases not within the public right-of-way.
 - c.) All fences, including boundary line fences, shall be subject to the other requirements of Section 505.5.02.
- 4.) Accessory Buildings. Accessory buildings may be built or placed on lots regardless of whether a principal structure is also located on the property.
- 5.) Vegetation. No trees, hedges or other living plant material or inorganic material may be sited, placed, or planted closer than three (3) feet from any property line. Landowners are responsible for identifying their property lines.

AMENDMENT TO ORDINANCE NO. 550.5.02

**ORDINANCE DEALING WITH FENCES
IN THE CITY OF WHEATON**

Findings.

1. The City of Wheaton has enacted a Zoning Ordinance which regulates the use of fencing within the City of Wheaton.
2. There have been recent issues in interpreting the fencing provisions that have caused confusion about what type of fencing requires a Land Use Permit.
3. The City Council believes that it is in the best interests of the citizens of the City of Wheaton to amend the Zoning Ordinance so as to make it easier to understand its fencing requirements.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHEATON ORDAINS AS FOLLOWS:

That Ordinance No. 550.5.02 of the Code of Ordinance for the City of Wheaton is hereby amended to read as follows:

"A.) Definitions.

- 1.) Permanent Fence. A permanent fence is one which is permanently secured or anchored to the ground or other building or structure, by posts or footings. Permanent fences are installed in a fixed or enduring manner.
 - 2.) Temporary Fence. A temporary fence is one which is not permanently secured or anchored to the ground or other building or structure, by posts or footings. The length of time a fence is in place in a given period of time, such as a seasonal fence, is irrelevant. Portable and seasonal fences are considered to be temporary fencing in this Ordinance.
 - 3.) Portable Fence. A portable fence is one whose location and orientation can be easily moved and/or manipulated by human or non-mechanical means.
 - 4.) Seasonal Fence. A seasonal fence is one which is temporary or semi-permanent in nature and installed for a specific period of time, often to address seasonal needs like containing snow during winter months or protecting gardens from wildlife during growing seasons.
- B.) Location and Orientation. All fences shall be located a minimum of two (2) feet from any property line. Landowners are responsible for identifying their property lines.
- C.) Fence Materials. Allowable construction materials for fences shall consist of metal, wood, chain link, plastic, concrete, brick or smooth wire and be constructed and maintained in such a way that it does not create a visual blight or safety hazard.
- D.) Finished Side. The finished side of the fence shall face the adjacent landowner or right-of-way. The finished side is the side opposite the structural elements of the fence (posts, rails, a framing or other supporting elements). Fences where the non-structural

CITY OF WHEATON
Land Use Application

Site Address:

Parcel Number:

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Legal Description (Lot, Block & Subdivision Name or attach full legal description):

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Property Owner Info:

Name:		
Mailing Address:		
City:	State:	Zip Code:
Home Phone:	Cell Phone:	Fax/Email:

Applicant Info:

Name:		
Mailing Address:		
City:	State:	Zip Code:
Home Phone:	Cell Phone:	Fax/Email:

Applicant Is: Owner Licensed Contractor Design Prof. Contract Buyer Other: _____

Describe the Proposed Improvement/Project (note type of structure(s), number of stories, any associated grading or landscaping associated with the project, and other relevant info not already mentioned):

Signature of Applicant*: _____	Date: _____
Signature of Property/ Title Holder* (required): _____	Date: _____

By signing, the applicant or agent hereby makes application for a permit to construct as herein specified, agreeing to do all such work in strict accordance with all City of Wheaton and other applicable ordinances or federal and state laws. Applicant or agent agrees that site plan, sketches, and other attachments submitted herewith and which are approved by the City are true and accurate, and shall become part of the permit. Applicant or agent agrees that, in making said application for a permit, applicant grants permission to Wheaton's designated zoning or building inspection officials, at reasonable times during the application process and thereafter, to enter applicant's premises covered by said permit, to determine the feasibility of granting said permit or for compliance of that permit with any applicable city, state, or federal ordinances or statutes. Applicant or agent understands that it is applicant's sole responsibility to contact any other federal, state, county or local agencies to make sure applicant has complied with all relevant Municipal, State, Federal or other applicable laws concerning applicant's project described above.

***** (for office use only) *****

Permit Approval:

Zoning Administrator: _____ Date: ____/____/____

SKETCH DRAWING



Impervious Surface Calculation

<u>List all existing structures* or other improvements on the property and their outside dimensions</u>		<u>List all proposed structures* or other improvements on the property and their outside dimensions:</u>	
Type of Structure or Improvement	Footprint – incl. eaves (in square feet)	Type of Structure or Improvement	Footprint – incl. eaves (in square feet)
1.			
2.			
3.			
4.			
5.			
Total Coverage (Existing)		Total Coverage (Proposed)	

***Note:** Include all roofed structures (including eaves), patios, decks, driveways, parking areas, retaining walls, stairways, sidewalks, propane tanks, landscaping underlain with fabric/plastic, etc...

Total Lot Size = _____ sq ft or acres

Total Impervious Coverage (From Above → Total Coverage Proposed) / Total Lot Size) * 100 = _____ %