

**VILLAGE OF WILMETTE  
TREE PROTECTION REQUIREMENTS**

**EFFECTIVE NOVEMBER 2, 2003**

On October 14, 2003, the Village Board approved an amendment to Chapter 9 of the Village Code that requires tree protection measures on private property and notification to neighboring properties of construction work where there is a tree within 15' of the lot line.

## **Summary of Requirements**

### Tree Protection Measures Required

- Any construction work that results in a change to the footprint of the structure on the property is required to provide **tree protection measures** for protected trees, which are defined as **any tree that is 10" or greater** in DBH (diameter at breast height).
- Work that results in a change to the footprint of the structure includes:
  - New construction (new principal structure, new accessory structures)
  - Additions
  - New accessory structures (detached garages, swimming pools, etc)
  - Expansion of driveways, sidewalks, decks, patios, etc)
  - Does **not** include exact replacement of driveways, sidewalks, decks, patios, etc)
- For protected trees, temporary fencing must be provided. Please see the **Tree Protection Guidelines for Contractors** for a complete description of appropriate tree protection measures. Contact the Community Development Department or the Forestry Division for a brochure. The ordinance requires that the Critical Root Zone of protected trees must be fenced. The area of the CRZ is defined as 1' for every 1" of tree diameter at breast height.

### Neighbor Notification

- The **property owner(s) of any tree within 15 feet of the lot line** must be notified prior to a building permit being issued for work that results in a change to the footprint of the structure on the applicant's property. The form and a summary of the ordinance to send out is at the end of this handout.
- **No building permit will be issued until five (5) days after the notice of construction** has been received by adjacent property owners.
- The applicant must **submit an affidavit** attesting either that there are no neighboring trees within 15 feet of the lot line or that he/she has provided proper notice to the adjoining property owner(s), indicating who was notified and when on the affidavit. The affidavit form is attached.

For more information on tree protection requirements, please contact the Forestry Division of Public Works at (847) 853-7500 or forestry@wilmette.com.

For more information on the building permit process, please contact the Community Development Department at (847) 853-7550 or comdev@wilmette.com.

This Affidavit of Compliance is required *only* for those building permit applications involving construction work which will change the footprint of any structure on the subject property. In such cases, written notice must be served upon all adjacent property owners whose property contains a tree within 15 feet of the property line. Notice must be *received* by all adjacent property owners to which notice is required at least *5 business days* prior to the issuance of the Building Permit.

**Village of Wilmette  
Notice of Construction  
Affidavit of Compliance/Tree Protection**

**INSTRUCTIONS:**

1. Identify all adjacent properties that contain a tree within 15 feet of the property line.
2. For all properties identified in #1 above, serve written notice, in the form provided by the Village, upon all persons to whom the current real estate tax bills are sent, as shown on the record of the local real estate tax collector, and all parties residing on or in possession of any portion of the property. Notice may be served by registered or certified mail return receipt requested; or by hand delivery.
3. Complete this Affidavit with the information requested below.

ADDRESS OF SUBJECT PROPERTY: \_\_\_\_\_

I, \_\_\_\_\_, state upon oath that I have complied with the applicable  
(Print Name of Person Completing Affidavit)

notice requirements of Section 9-4.5 of the Wilmette Village Code in that (*check A or B*):

- A. There are no adjacent properties that contain a tree within 15 feet of the property line.
- B. Written notice has been served and received by all adjacent properties owners who have a tree within 15 feet of the property line as identified below.

Address of Adjacent Property	Name of Property Owner(s)	Service		Date Notice Received
		Hand Delivery	Mail	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	
		<input type="checkbox"/>	<input type="checkbox"/>	

Subscribed and sworn before me  
this \_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
(Signature of Person Completing Affidavit)

Date: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC



# VILLAGE OF WILMETTE

1200 WILMETTE AVENUE  
WILMETTE, ILLINOIS 60091-0040

## NOTIFICATION TO ADJACENT PROPERTY OWNERS

**Address of Subject Property** \_\_\_\_\_  
**Name of Property Owner** \_\_\_\_\_  
**Phone No. of Property Owner** \_\_\_\_\_  
**Name of Contact Person** \_\_\_\_\_  
**Phone No. of Contact Person** \_\_\_\_\_

PLEASE BE ADVISED that a building permit application has been submitted to the Village of Wilmette which will change the footprint of the structure located on the above-referenced property. Pursuant to Section 9-4.5 of the Wilmette Village Code, no building permit subject to the notification requirements can be issued by the Village until five (5) business days after receipt of notice by any and all adjacent property owners.

Notice is being provided to you as an adjacent property owner whose property contains one or more trees within 15' of the property lot line. This notice is intended to give you the opportunity prior to the initiation of construction to discuss what impact, if any, there may be to the tree(s) on your property. You may contact the person(s) listed above in this regard.

A copy of the tree protection requirements is enclosed for your convenience. Should you have additional questions regarding the requirements feel free to contact the Forestry Division at (847) 853-7600 and TDD (847) 853-7634 between the hours of 7:00 a.m. and 3:00 pm. Monday through Friday.

## **9-4.5 TREE PROTECTION DURING CONSTRUCTION**

### **9-4.5.1 GENERAL REGULATION**

Except as otherwise provided, all Protected Trees located on private property where construction work which would change the footprint of the structure is occurring pursuant to a building permit issued under this Chapter shall be protected from damage by means of the requirements stated herein.

### **9-4.5.2 DEFINITIONS**

(a) Critical Root Zone: That circular area under a tree as determined by a one-foot radius for each one inch in DBH.

(b) Diameter Breast Height or DBH: The diameter of a tree measured at four and one-half feet (4 1/2') above the existing grade at the base of the tree.

(c) Protected Tree: Any tree on private property that is 10" or greater in DBH.

### **9-4.5.3 TREE PROTECTION REQUIREMENTS**

(a) All Protected Trees on private property shall be protected with temporary fencing placed along the Critical Root Zone. The temporary fencing shall be made of plastic, wood or metal and shall be secured with metal posts set no farther apart than 5' on center. Where the property owner has demonstrated to the Village that it is not reasonably practical to install a temporary fence along the entire Critical Root Zone, the Director of Public Works shall have the authority and discretion to modify the requirements stated herein, including requiring that a surface barrier such as mulch or plywood be placed on those areas unprotected by fencing.

(b) Construction materials shall not be stored within that area protected by fencing and shall not be stored on the construction site so as to cause the natural drainage flow to be diverted toward the Protected Trees.

(c) Upon a showing of good cause by the property owner, the Director of Public Works shall have the authority and discretion to modify the requirements stated herein.

### **9-4.5.4 NOTIFICATION TO ADJACENT PROPERTY OWNERS**

(a) Prior to the issuance of any building permit for construction work which would change the footprint of the structure, the property owner shall provide written notice of the intended construction work, in a form to be provided by the Village, to any adjacent property owner whose property contains a tree(s) within 15' of the property line. Proof of notice shall be the submission of an Affidavit signed by the property owner stating that written notice has been served and received by all adjacent property owners. No Building Permit shall be issued until five (5) business days after receipt of notice by the adjacent property owner(s).

(b) Nothing in this subsection, nor any decision made pursuant hereto, shall be

construed to limit the right of any person to initiate any action, at law or in equity, for redress, relief or damages caused by activities regulated by this subsection.

**9-4.5.5 VIOLATIONS AND PENALTIES.**

(a) It shall be unlawful for any person to remove, partially remove, or fail to maintain any tree protection required under this subsection 9-4.5 and further subsections herein.

(b) Any person who violates any of the provisions of subsection 9-4.5 and further subsections herein shall be guilty of a violation punishable by a fine of not less than one hundred and fifty dollars (\$150.00) and not more than seven hundred and fifty dollars (\$750.00) for each offense. A separate offense shall be deemed committed for each day that an offense continues.