

Sponsor:
Zach Ammerman

RESOLUTION 2026-XX

**ENHANCING THE CITY'S PROTECTION
OF SIGNIFICANT AND HERITAGE TREES**

- WHEREAS, Indiana was once more than 80% covered by woods, with its 20 million acres of primeval forest nearly long enough to encircle the globe one and a quarter times in a mile-wide band; early Europeans arriving in the region that would later become our state described a realm of forests without end, naturalists who had explored the jungles of South America were mesmerized by the size of our trees and the seeming endlessness of the woodland expanse, they described multitudinous trees in the range of 200 feet tall, 90 feet to the first limb, and 25 feet in girth, and sycamore trees so large that 29 men were able to stand side-by-side within one's trunk¹; and
- WHEREAS, almost immediately after the arrival of Europeans and the forced removal of the indigenous peoples of Indiana, who had managed the forest sustainably for endless generations, the once-expansive forests of Indiana declined measurably in size, and by 1870 tens of millions of acres had been consumed by ax and plow and, like the buffalo, passenger pigeon, wolves, bears, and mountain lions who once called our state home, were replaced by hubris, so that today there remains scarcely enough old growth forest in the entire state to cover the Indianapolis Motor Speedway²; and
- WHEREAS, Bloomington sits in the midst of the only region of Indiana surrounded by relatively intact forests, forests that were restored after past destruction and as such are living monuments to the potential of human stewardship and renewal, the last bastion of the state whose land remembers what it once resembled, and as such our city bears a special responsibility to maintain, restore—and yes, expand—its forest canopy for present and future generations; and
- WHEREAS, the Bloomington Commission on Sustainability and Resilience is established under BMC §2.12.100 with broad authority to advise and make recommendations to the Common Council, city administration, and other city boards and commissions on policies and programs related to sustainability and community resilience; to advise, consult, and cooperate with other agencies, boards, and commissions of the City on matters of sustainability; and to assess Bloomington's current and future sustainability status in cooperation with city staff and other boards and commissions; and
- WHEREAS, the preservation of urban tree canopy and ecosystems is central to sustainability and community resilience, and recommendations spanning the Unified Development Ordinance, the Bloomington Municipal Code, and citywide environmental policy fall squarely within this mandate; and

¹ *Indigenous Prosperity: Indiana Women of the Ohio River Valley*. Susan Sleeper-Smith

² Ibid.

- WHEREAS, the Bloomington Tree Commission under BMC §2.20.150(1)(a) is charged with advising the Board of Park Commissioners primarily on urban forestry policies as set forth in BMC Chapter 12.24, and may under §2.20.150(1)(d) advise other bodies on tree-related matters as necessary; and
- WHEREAS, this resolution addresses matters both within and beyond the Tree Commission's statutory scope, including amendments to the Unified Development Ordinance, strategies relating to enforcement of tree-related infractions, and citywide canopy policy; and
- WHEREAS, the Common Council has established several city commissions with overlapping goals and mandates, in the recognition that cooperation and collaboration are critically important aspects of good municipal government; and
- WHEREAS, the Commission on Sustainability and Resilience deeply values the Tree Commission's expertise in urban forestry operations and looks forward to its collaboration and input on the implementation of these recommendations; and
- WHEREAS, heritage and significant trees are irreplaceable ecological assets that take decades or centuries to mature, providing stormwater absorption, air filtration, carbon sequestration, urban cooling, wildlife habitat, and soil stabilization at levels that newly planted trees cannot approach for generations; a single mature tree can intercept thousands of gallons of stormwater annually, sequester hundreds of pounds of carbon, and reduce surrounding air temperatures by several degrees; and
- WHEREAS, Bloomington became the first city in Indiana to receive Tree City USA designation from the Arbor Day Foundation in 1984, has maintained that designation for over 40 consecutive years, and has been named a Tree City of the World by the Arbor Day Foundation and the United Nations Food and Agriculture Organization; the Commission commends this legacy and believes the city is well-positioned to build on it by closing the significant gaps in its code that currently leave the vast majority of Bloomington's trees unprotected; and
- WHEREAS, many cities across the country and internationally have adopted strong protections for significant and heritage trees on both public and private property, including permit requirements, mandatory replacement ratios, and meaningful penalties for unauthorized removal, and a non-exhaustive list of these include Atlanta, GA; Austin, TX; Seattle, WA; Savannah, GA; San Francisco, CA; Portland, OR; Charlotte, NC; Ann Arbor, MI; Asheville, NC; Charlottesville, VA; Somerville, MA; Chapel Hill, NC; Athens, GA; and Gainesville, FL; and
- WHEREAS, several of the aforementioned cities protect trees as small as 6 inches in diameter at breast height by right, including those that are dead, diseased, or dying and those that are on private property, requiring a permit and replacement for their removal even outside of development contexts, permits which can be and sometimes are denied³; and
- WHEREAS, very few other cities in the state of Indiana currently define or offer any degree of protection for heritage trees in development, or any degree of protection for trees on private property outside of development; and

³Some examples: Atlanta protects trees by right starting at 6" DBH, including on private property outside of development, and requires a permit for their removal, even if they are dead or dying. Seattle "generally prohibits" removing any healthy tree over 6" DBH, with few exceptions, and requires a permit for their removal. Somerville, MA, has similar rules to Atlanta, but starts protecting trees at 8" DBH. Ann Arbor's landmark tree threshold is species-specific, and starts as low as 8" for native understory trees.

- WHEREAS, Bloomington's current code only provides relatively limited protection for trees on public property or in the public right-of-way, and limited protections in development review but only on sites with “closed-canopy wooded areas”; and
- WHEREAS, BMC §12.24.075 provides some protections for trees during construction and the Urban Forester currently applies an “equal value” replacement standard based on professional discretion; the Commission commends this practice and the quality and value of the work generally provided by the Urban Forester, and believes that formally codifying clear, consistent standards for tree replacement would strengthen and build upon the framework the Urban Forester has already established; and
- WHEREAS, Bloomington’s municipal code currently contains no explicit special protections for significant or heritage trees and, while the term “heritage tree” is used, it does not explicitly define any of these terms; and
- WHEREAS, outside of extremely limited and specific exceptions, there are no significant protections in Bloomington's municipal code for trees on private property, regardless of their size, age, species, or ecological value; a property owner may remove any tree, including an enormous heritage tree that has stood for centuries, without notice, permit, replacement, or consequence; and
- WHEREAS, the urban tree canopy is one of the most effective and cost-efficient tools available to municipalities for adapting to the effects of climate change, including increasing temperatures, more intense rainfall events, declining air quality, and urban heat island effects; and
- WHEREAS, according to the draft 2026-2036 Urban Forestry Master Plan, Bloomington's canopy coverage currently stands at approximately 38% and has declined by 2% over the past two decades, a trend that if left unchecked will compound the impacts of climate change on the city's residents, infrastructure, and ecosystems at precisely the time those impacts are accelerating.

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE BLOOMINGTON COMMISSION ON SUSTAINABILITY AND RESILIENCE, THAT:

The Commission respectfully recommends that the Common Council make the following changes to the Unified Development Ordinance (UDO) and the Bloomington Municipal Code (BMC) in order to bring Bloomington into line with or exceed national and international peer city benchmarks on tree protection in our city. Upon review of peer cities, it is noted that the protections to trees under the UDO would make Bloomington a national leader in tree protection in development contexts, and the changes to the BMC would make the city the first in the state to pass any type of protection for heritage trees on private property.

SECTION 1. Definitions and General Recommendations

1. That the city formally codify a definition of significant and heritage trees, with the following suggestions. Whenever these terms are used in this resolution, these definitions should apply:
 - a. **Significant Trees:** Those with diameter-at-breast-height (DBH) equal to or exceeding 12 inches
 - b. **Heritage Trees:** Those with DBH equal to or exceeding 24 inches

2. That trees that are declared dead, dying, invasive, hazardous, or highly deleterious to public infrastructure by a licensed arborist or the Urban Forester be generally exempted from the recommendations of this resolution.
3. That trees felled as part of legitimate agricultural or continuously operating forestry operations be exempted from these provisions (as required by Indiana law, but highly unlikely to legitimately apply to any context within the city limits).

SECTION 2. Recommendations for Strengthening Tree Protection During Development

4. That the Common Council, through the UDO, extend tree protections to all projects requiring a permit from the Planning and Transportation Department that involves construction, land disturbance, or demolition, (protections are currently limited only to sites with “closed-canopy wooded areas,” a subjective term that has no definition within the code) and that they should be expanded to include, at a minimum, the following new protections:
 - a. A prohibition on removing any heritage trees during any development project, unless it is physically impossible to complete the project without doing so, and no redesign can work around them
 - b. That the developer must plant replacement trees at the rate of 3:1 caliper-inches for any significant trees removed and 4:1 caliper-inches for any heritage trees (e.g. if a significant tree of 12 inches DBH is felled, the developer would be required to plant trees cumulatively totalling 36 inches DBH to replace it).
 - c. That these protections be enforced in part by barring the issuance of certificates of occupancy, new permits, or certificates of zoning compliance to developers until they have fulfilled their replanting obligations or bonded, in addition to the enforcement mechanisms recommended in Section 4.
 - d. That developments that meet or exceed the canopy retention requirements be rewarded increased density incentives in the UDO’s Section 20.04.110(c) Incentives, Sustainable Development
 - e. That canopy retention requirements be increased by 10% per tier in UDO Table 04-08 as shown below, and
 - i. that it be made clear that the recommended protections and replacement rules for individual significant and heritage trees in (a) and (b) above remain in force,
 - ii. and that the existing exception at §20.04.030(h)(4) that allows the Director to waive canopy standards on parcels under 2 acres shall not apply to any site containing heritage trees.

Proposed changes to UDO Table 04-8

Baseline Tree Canopy Cover	CURRENT Retention Requirement	PROPOSED Retention Requirement
80-100%	50%	60%
60-79%	60%	70%
40-59%	70%	80%
20-39%	80%	90%
0-19%	90%	100%

SECTION 3. Recommendations for Tree Protection Outside of Development Contexts

1. That the Common Council rewrite the purpose statement of BMC Chapter 12.24 (in order to more firmly establish the city's legal authority to protect trees of significance on private property) to state that heritage trees provide measurable public environmental services including stormwater absorption, urban cooling, air quality improvement and particulate filtration, noise reduction, carbon storage, reduction of urban heat island effects linked to heat-related illness, mental health benefits associated with access to mature tree canopy, and wildlife habitat, and that their protection is therefore an exercise of the city's police power to safeguard public health and welfare.
2. That the Common Council amend BMC 12.24 to require that any property owner intending to remove a heritage tree (24 in + DBH) outside of any development activity notify the Urban Forester at least 30 days before removal and complete replacement planting at 4:1 caliper-inches for heritage trees using native species from the UDO's approved list. As above for developers, if there is not sufficient room on the site for the planting, that the property owner be required to pay the equivalent cost of the plantings into the city tree planting fund.
 - a. In order to limit possibilities of pre-emption by the state, it is recommended that this remain a notification and replacement obligation, not a permit, and that it be free-of-cost to file the notice. It is noted that a city requiring paid permits and prior approval for tree removal on private property would appear to not be explicitly barred by the state at this time, although it also appears that no jurisdiction in Indiana has yet attempted to do so.
 - b. For enforcement and compliance purposes, it is recommended that property owners be required to provide a copy of their receipt of written notice of tree removal from the Urban Forester to any contractors removing heritage trees, and that contractors be required to keep this copy on file, and be subject to a fine or tree work permit eligibility suspension if they are found to have removed a heritage tree without a copy of the notice on file.
 - c. Exceptions should be put in place that allow for emergency tree removal in the event of a documented, verifiable, and imminent hazard without prior 30-day notice to the Urban Forester, but that if the Urban Forester determines upon review that the tree did not meet the standard for imminent hazard, that the planting obligation should apply.

SECTION 4. Recommendations for Enforcement

1. In order to remain compliant with Indiana code (which limits fines for violations of municipal ordinances to \$2,500 for first violations) while maintaining strict enforcement of these policies, it is recommended that enforcement for tree violations outlined here be structured in the following ways:
 - a. By treating each individual tree removed in violation as a separate fineable offense
 - b. By treating failure to plant replacements as a daily ongoing violation
 - c. By withholding certificates of occupancy and future permits until replacements are planted or bonded
 - d. By allowing the city to seek court orders through civil court to recover costs under IC 36-1-6-2 and IC 36-1-6-4
 - e. And by requiring a bond before any permitted heritage tree removal during development

SECTION 5. Recommendations for the City's Own Tree Standards

1. It is recommended that the Common Council increase the city's current goal of replacing the trees it removes on public property at the ratio of 1.2:1 (BMC §12.24.025) to 2:1, and that this should be monitored and publicly reported on the city website or other appropriate context.

- a. Additionally, to match the requirements imposed on developers above, the Common Council should consider increasing the requirement to 3:1 caliper-inches for significant trees removed from public property, and 4:1 caliper-inches for heritage trees.
2. Finally, it is recommended that the Common Council formally codify the following citywide goals:
 - a. That there will be no net loss of canopy from the 2018 baseline of 38% coverage as reported in the Bloomington Tree Canopy Summary Report, (published September 2019, but baseline coverage coming from 2018 NAIP data)
 - b. That the city administration shall base all actions taken and policy developed regarding trees with the goal of increasing the city's canopy coverage beyond the 2018 baseline above.

SECTION 6. Transmittal

Copies of this Resolution shall be transmitted to the Mayor, to all members of the Common Council, to the Director of Economic and Sustainable Development, to the Director of Parks and Recreation, to the Bloomington Urban Forester, to the Director of Public Works, to the Director of Housing and Neighborhood Development, to the Chair of the Tree Commission, and to the Chair of the Environmental Commission. Additionally, it is requested that a courtesy copy be provided to the Executive Director of Canopy Bloomington.

PASSED AND ADOPTED by the Bloomington Commission on Sustainability and Resilience upon this ____ day of _____, 2026.

Justin Vasel, Chair

Bloomington Commission on Sustainability and
Resilience

The views expressed here are solely those of the Bloomington Commission on Sustainability and Resilience, as approved in their public meetings, and do not necessarily reflect the views, policies, or positions of the City of Bloomington. Only the Office of the Mayor has the authority to issue policy statements on behalf of the Executive Branch of the City of Bloomington.