

BLOOMINGTON COMMISSION ON SUSTAINABILITY AND RESILIENCE

To: All members of the Bloomington Common Council

Subject: Proposed Changes to Unified Development Ordinance § 20.04.030(h) - Tree and Forest Preservation

From: The Bloomington Commission on Sustainability and Resilience

Date: Sept. 8, 2026

Dear Councilmembers,

The Commission writes to oppose one provision within the UDO amendment package now before you: the addition to §20.04.030(h)(1) (Applicability), proposed by the Planning and Transportation Department, exempting “existing lots of record within the R₃ and R₄ zoning districts that are less than 5,000 square feet.”

We understand the problem the exemption is meant to solve. Small infill lots can be difficult to develop under standard canopy requirements. But the exemption as drafted is far broader than that problem requires, and the code already provides the flexibility it seeks.

1. The exemption is placed in the wrong part of the code, so it reaches much further than canopy retention.

Because the language sits in the Applicability clause, it removes these lots from all of subsection (h)—not just the canopy retention table that has been the focus of Council’s discussion. Exempt lots would also fall outside:

- (h)(3), which directs that preference be given to stands of native trees and to heritage trees
- (h)(6), which requires conservancy and tree preservation easements in certain circumstances
- (h)(7), which requires tree protection zones during construction

The practical result is that a builder on one of these lots would have no obligation to fence or otherwise protect a mature tree during construction. A tree the project never intended to remove could be killed by root damage or equipment strikes without any violation of code. The exemption would also apply automatically to any tree protection Council adds to subsection (h) in the future.

2. The code already provides this flexibility.

Section 20.04.030(h)(4) (Smaller Parcels) already allows the Planning and Transportation Department to modify the Table 04-8 canopy standards for any parcel under two acres (a threshold roughly seventeen times larger than 5,000 square feet) to permit preservation of individual trees, specimen trees, or tree lines in lieu of the minimum required canopy. Constrained infill lots can be, and already are, accommodated under this provision on a case-by-case basis with staff judgment.

If Council wishes to retain the provision:

We recommend moving it out of the Applicability clause and into §20.04.030(h)(4) (Smaller Parcels), scoped to the canopy retention requirements alone and applied case by case. We suggest the following language:

§ 20.04.030(h)(4) – Smaller Parcels.

For existing lots of record within the R₃ and R₄ zoning districts of less than five thousand (5,000) square feet, the Planning and Transportation Director, in consultation with the Urban Forester, may reduce or waive the requirements of Table 04-8 where those standards would preclude the reasonable development of the lots. All other requirements of this subsection (h) shall continue to apply.

This preserves the flexibility the amendment appears intended to create for small lots while leaving the remaining tree protections in force.

Thank you for your consideration.

Sincerely,

Bloomington Commission on Sustainability and Resilience

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