BLOOMINGTON COMMISSION ON
SUSTAINABILITY AND RESILIENCE

Passed 8-1-0

Sponsor:
Zach Ammerman

RESOLUTION 2026-07

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 trunk[1]; 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 Speedway[2]; 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

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[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 often are denied[3]; and

[3] *Some 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, 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

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 Common Council amend BMC § 12.24.010 by adding the following definitions in alphabetical order:

(a) *"Heritage tree"* means any tree with a diameter at breast height (DBH) equal to or exceeding twenty-four (24) inches.
(b) *"Significant tree"* means any tree with a diameter at breast height (DBH) equal to or exceeding twelve (12) inches.

(2) That the Common Council amend UDO Chapter 20.07 (Definitions) by adding the following definitions (identical to (1) above):
(a) *"Heritage tree"* means any tree with a diameter at breast height (DBH) equal to or exceeding twenty-four (24) inches.
(b) *"Significant tree"* means any tree with a diameter at breast height (DBH) equal to or exceeding twelve (12) inches.

(3) That the Common Council amend BMC § 12.24.010 by adding the following definition in alphabetical order:
(a) *"Exempt tree"* means a tree that has been declared dead, dying, invasive, hazardous, or highly deleterious to public infrastructure by a licensed arborist or the Urban Forester. Exempt trees shall not be subject to the protections, replacement requirements, or notification obligations established for significant trees and heritage trees under this chapter or under UDO § 20.04.030(h), except as otherwise provided.

(4) That trees felled as part of legitimate agricultural or continuously operating forestry operations shall be exempted from the provisions of this resolution, as required by Indiana law (but unlikely to legitimately apply to any context within the city limits)

SECTION 2. Recommendations for Strengthening Tree Protection During Development

(1) That the Common Council amend UDO § 20.04.030(h)(1) (Applicability) by striking the current text in its entirety and replacing it with the following:

> **"(1) Applicability**. This section shall apply to all projects requiring a permit from the Planning and Transportation Department that involve construction, land disturbance, or demolition."

(2) That the Common Council amend UDO § 20.04.030(h) by adding a new subsection (8), titled "Protection of Heritage Trees During Development," to read:

> **"(8) Protection of Heritage Trees During Development.**
>
> (A) No heritage tree shall be removed as part of any development project subject to this section unless the applicant demonstrates to the satisfaction of the Planning and Transportation Department that it is physically impossible to complete the project without removing the tree, and that no reasonable redesign of the project can avoid the removal.
>
> (B) Any application to remove a heritage tree under subsection (A) shall include a written statement from a licensed arborist or the Urban Forester documenting the infeasibility of avoidance, and shall be subject to review and approval by the Planning and Transportation Department in consultation with the Urban Forester."

(3) That the Common Council amend UDO § 20.04.030(h) by adding a new subsection (9), titled "Replacement Requirements for Significant and Heritage Trees," to read:

> **"(9) Replacement Requirements for Significant and Heritage Trees.**

(A) Any significant tree removed as part of a development project subject to this section shall be replaced at a ratio of three-to-one (3:1) caliper-inches. For example, removal of a significant tree measuring twelve (12) inches DBH shall require replacement planting cumulatively totaling thirty-six (36) caliper-inches.

(B) Any heritage tree removed as part of a development project subject to this section shall be replaced at a ratio of four-to-one (4:1) caliper-inches.

(C)Replacement trees shall be native species selected from the approved species list established under UDO § 20.04.080(d)(1).

(D) Replacement trees shall be planted on the development site. Where the applicant demonstrates that sufficient planting space does not exist on the site, the applicant shall pay the equivalent cost of the required plantings, as determined by the Urban Forester, into the city tree planting fund."

(4) That the Common Council amend UDO § 20.04.030(h) by adding a new subsection (10), titled "Enforcement of Replacement Obligations," to read:

"(10) Enforcement of Replacement Obligations. No certificate of occupancy, certificate of zoning compliance, or new development permit shall be issued for any project subject to subsection (9) until the applicant has fulfilled all replacement planting obligations or posted a performance bond in the amount of the estimated cost of the required plantings, as determined by the Urban Forester."

(5) That the Common Council amend UDO § 20.04.110(c) (Incentives, Sustainable Development) by adding a new incentive to read:

"Canopy Retention Incentive. Developments that meet or exceed the canopy retention requirements of § 20.04.030(h)(2) shall be eligible for increased density incentives as provided in this subsection."

(6) That the Common Council amend UDO § 20.04.030(h)(2) replacing the values in column 2 of Table 04-8 with the values in column 3 below:

Proposed changes to UDO Table 04-8

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

(7) That the Common Council add the following sentence to the end of UDO § 20.04.030(h)(2):

> "Compliance with the canopy retention requirements of this subsection shall not relieve an applicant of the obligations established under subsections (8), (9), and (10) for the protection and replacement of individual significant and heritage trees."

(8) That the Common Council amend UDO § 20.04.030(h)(4) (Smaller Parcels) by adding the following sentence at the end:

> "This subsection shall not apply to any site containing one or more heritage trees as defined in Chapter 20.07."

SECTION 3. Recommendations for Tree Protection Outside of Development Contexts.

(1) That the Common Council amend BMC § 12.24.000 (Purpose and intent) by striking the current text in its entirety and replacing it with the following:

> "It is the purpose of this chapter to regulate any and all work, care, enforcement, and maintenance of all flora on public property and in the public right-of-way, and to protect heritage trees throughout the city regardless of land ownership.
>
> It is the intent of this chapter to establish the responsibilities of the city and its residents regarding all flora subject to these provisions and to assure regulations and policies maintain and increase the tree canopy within the city.
>
> The Common Council finds 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 Chapter 12.24 by adding a new section, BMC § 12.24.055, titled "Heritage tree protection on private property," to read:

> "12.24.055 **Heritage tree protection on private property.**
>
> **(1) Notification Requirement.** Any property owner intending to remove a heritage tree, as defined in § 12.24.010, outside of any development activity subject to UDO § 20.04.030(h) shall provide written notice to the Urban Forester at least thirty (30) days before removal. The notice shall identify the tree by species, location, and approximate diameter at breast height. No fee shall be charged for filing such notice.
>
> **(2) Replacement Obligation**. Upon removal of a heritage tree under this section, the property owner shall complete replacement planting at a ratio of four-to-one (4:1) caliper-inches using native species from the approved species list established under UDO § 20.04.080(d)(1). Where the property owner demonstrates that sufficient planting space does not exist on the site, the property owner shall pay the equivalent cost of the required plantings, as determined by the Urban Forester, into the city tree planting fund.

(3) Contractor Requirements. Property owners shall provide a copy of the written notice acknowledged by the Urban Forester to any contractor performing the removal of a heritage tree under this section. Contractors shall retain a copy of such notice on file for a period of not less than three (3) years. A contractor found to have removed a heritage tree without a copy of the acknowledged notice on file shall be subject to a fine as provided in § 12.24.120 and may be subject to suspension of tree work permit eligibility for a period no less than three months and no more than one year.

(4) Emergency Exception. A heritage tree that presents a documented, verifiable, and imminent hazard to persons or property may be removed without prior thirty-day notice to the Urban Forester. The property owner shall notify the Urban Forester within five (5) business days following emergency removal, and shall provide documentation of the imminent hazard, which may include photographs, a written statement from a licensed arborist, or other evidence. If the Urban Forester determines upon review that the tree did not meet the standard for imminent hazard, the replacement obligation under subsection (2) shall apply.

(5) Exempt Trees. Trees meeting the definition of 'exempt tree' under § 12.24.010 shall not be subject to the notification or replacement requirements of this section."

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.

The contractor requirements in proposed subsection (3) above are recommended for enforcement and compliance purposes.

The emergency exception in proposed subsection (4) above allows for emergency tree removal in the event of a documented, verifiable, and imminent hazard, while preserving the replacement obligation where the hazard standard was not met.

SECTION 4. Recommendations for Enforcement

1. That the Common Council amend BMC § 12.24.120 (Violation and penalties) by striking the current text in its entirety and replacing it with the following, 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:

"**12.24.120 Violation and penalties.**

(1) Any person violating any of the provisions of this chapter may be issued an official warning.

(2) Any person violating any of the provisions of this chapter shall, upon a written notice of violation (NOV), be subject to a penalty up to the statutory limit as described in Indiana Code Section 36-1-3-8, as amended.

(3) Each individual tree removed in violation of this chapter shall constitute a separate offense subject to a separate penalty under subsection (2).

(4) Failure to complete required replacement planting under § 12.24.055(2) or under UDO § 20.04.030(h)(9) within the time period specified by the Urban Forester shall constitute a continuing violation, with each calendar day of noncompliance constituting a separate offense subject to a separate penalty under subsection (2).

(5) No certificate of occupancy, certificate of zoning compliance, or new development permit shall be issued to any person who has outstanding, unresolved replacement planting obligations under UDO § 20.04.030(h)(9) until such obligations are fulfilled or bonded.

(6) In addition to the penalties provided in this section, the city may seek court orders through civil proceedings to recover costs associated with the remedy of violations under IC 36-1-6-2 and IC 36-1-6-4.

(7) Before any permitted removal of a heritage tree during a development project subject to UDO § 20.04.030(h), the applicant shall post a performance bond in an amount determined by the Urban Forester sufficient to cover the full cost of required replacement plantings."

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

1. That the Common Council amend BMC § 12.24.025 (Replacement of the urban tree stock) by striking the current text in its entirety and replacing it with the following:

"**12.24.025 Replacement of the urban tree stock.**

It is the policy of the city to maintain and expand the tree cover of the city as a whole and of individual streets and neighborhoods in particular by planting trees in accordance with practices observed by certified urban foresters. Overall, the city's annual goal shall be to plant at least twice as many trees as it removes, in order to maintain a planting-to-removal ratio of at least two-to-one (2:1). For significant trees removed from public property, the city shall replace at a ratio of three-to-one (3:1) caliper-inches, and for heritage trees removed from public property, at a ratio of four-to-one (4:1) caliper-inches. Once a tree has been removed, it shall be replaced, wherever possible, at or near its original location as soon as the planting season permits. Further, an ongoing program of replacing previously removed trees and of planting in new areas shall be conducted. The city shall monitor and publicly report its annual planting-to-removal ratios on the city website or other appropriate platform."

2. That the Common Council amend BMC Chapter 12.24 by adding a new section, BMC § 12.24.026, titled "Citywide canopy goals," to read:

"**12.24.026 Citywide canopy goals.**

(1) It is the goal of the city that there shall be no net loss of tree canopy coverage from the 2018 baseline of thirty-eight percent (38%) citywide coverage as reported in the Bloomington Tree Canopy Summary Report (published September 2019, using 2018 NAIP data).

(2) 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 established in subsection (1)."

SECTION 6. Transmittal

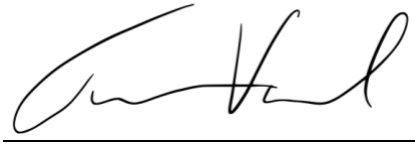
1. The Chair shall, within ten (10) business days of the date of passage, transmit copies of this resolution, or delegate such task to the Vice Chair or Secretary, to the Mayor, to all members of the Common Council, to the Director of Economic and Sustainable Development, to the Director of Parks and Recreation, to the Bloomington Urban Forester, to the Director of Planning and Transportation, 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.

2. The Chair shall additionally transmit a courtesy copy of the resolution to the Executive Director of Canopy Bloomington.

3. The staff liaison is requested to post a copy of the resolution on the Commission website within ten (10) business days of passage.

4. The Commission further authorizes the resolution author and any co-sponsor(s) to speak before the Common Council on behalf of the Commission in order to communicate the recommendations of this resolution as adopted.

PASSED AND ADOPTED by the Bloomington Commission on Sustainability and Resilience upon this 10th day of November, 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.