

**Bloomington Commission on Sustainability and Resilience  
Meeting Packet**

Tuesday, September 8, 2026, 6:00 P.M.

McCloskey Conference Room (Room 135), City Hall, 401 N Morton St, Bloomington, IN 47404

[This meeting may also be accessed by Zoom<sup>1</sup>](#)

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<sup>1</sup> <https://bloomington.zoom.us/j/84327085962?pwd=na18LVmKZSoInPUHbXuw3h7oqMyi5g.1>

Meeting ID: 843-2708-5962, Passcode: 034238

# Bloomington Commission on Sustainability and Resilience

Regular Meeting

Tuesday, September 8, 2026, 6:00pm

McCloskey Conference Room (Room 135), City Hall, 401 N Morton St, Bloomington, IN 47404

[This meeting may also be accessed by Zoom<sup>1</sup>](#)

## Commission Members & Terms

Tara Dunderdale, appointed by Common Council, February 1, 2025 through January 31, 2027

Justin Vasel, appointed by Common Council, February 1, 2025 through January 31, 2027

Rebecca Payne, appointed by Common Council, February 1, 2026 through January 31, 2028

Christopher Miles, appointed by Common Council, February 1, 2026 through January 31, 2028

Zach Ammerman, appointed by Common Council, February 1, 2026 through January 31, 2028

Dave Rollo, appointed by Common Council on January 10, 2024

Alex Jorck, appointed by the Mayor, February 1, 2026 through January 31, 2028

Maria Aarstad, appointed by the Mayor, February 1, 2026 through January 31, 2028

Diana Ogrodowski, appointed by the Mayor, February 1, 2025 through January 31, 2027

Ross Carlson, appointed by Monroe County Commissioners on November 24, 2025

## Agenda

- 1. Call to Order** **6:00 PM**
- 2. Approval of the Agenda**
- 3. Approval of Minutes**
  - a. July 14, 2026 — Regular Meeting
- 4. Public Comment** **6:05 PM**  
3 minutes per person
- 5. Commissioner Reports** **6:15 PM**
  - a. **Chair's Report**  
Justin Vasel
  - b. **Council Ex-Officio**  
Dave Rollo
- 6. Discussions Not the Subject of Resolution** **6:30 PM**
  - a. **Retrocycle Introduction**  
Presenter: Meredith Katz, Retrocycle CEO & Co-founder
  - b. **Letter to OOTM: Update on Flock**  
Presenter: Justin Vasel
    - i. Action item: Approval of letter language and transmittal
  - c. **Letter to Council: Proposed Changes to UDO re: Tree and Forest Preservation**  
Presenter: Zach Ammerman
    - i. Action item: Approval of letter language and transmittal

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- d. **Capstone Project Proposal: Social Housing Scenario Study for Bloomington/Monroe County** (Introduction; no action)  
Presenter: Zach Ammerman

**7. Resolutions for First Reading** **7:15 PM**

- a. **Resolution 2026-07: Enhancing the City's Protection of Significant and Heritage Trees**  
Presenter: Zach Ammerman

- i. Action Item: Vote to advance to a second reading

**8. Resolutions for Second Reading** **7:15 PM**

**9. Staff Liaison Report** **7:20 PM**  
Shawn Miya

**10. Member Announcements** **7:30 PM**

**11. New Business** **7:30 PM**

**12. Adjournment** **by 7:30 PM**

## JULY 2026 MEETING MINUTES

Tuesday, JULY 14, 2026, 6:01 pm  
McCloskey Conference Room – City Hall

1. **Call to Order:** Chairperson Vasel called the meeting to order at 18:01

### Roll Call:

#### Members

| Commissioner                                        | Presence      | Notes                                 |
|-----------------------------------------------------|---------------|---------------------------------------|
| Tara Dunderdale ( <i>Council</i> )                  | Present ▾     |                                       |
| Justin Vasel ( <i>Council</i> )                     | Present ▾     |                                       |
| Rebecca Payne ( <i>Council</i> )                    | Present ▾     |                                       |
| Christopher Miles ( <i>Council</i> )                | Present ▾     |                                       |
| Zachary Ammerman ( <i>Council</i> )                 | Present ▾     |                                       |
| – ( <i>IU Office of Sustainability</i> )            | Vacant ▾      |                                       |
| Alex Jorck ( <i>Mayor</i> )                         | Present ▾     | Commissioner Jorck arrived at 18:04   |
| Maria Aarstad ( <i>Mayor</i> )                      | Present ▾     |                                       |
| – ( <i>Mayor</i> )                                  | Vacant ▾      |                                       |
| Diana Ogrodowski                                    | Present ▾     |                                       |
| Ross Carlson ( <i>Monroe County Commissioners</i> ) | Present ▾     | Commissioner Carlson arrived at 18:32 |
| – ( <i>Mayor</i> )                                  | Vacant ▾      |                                       |
| – ( <i>Mayor</i> )                                  | Vacant ▾      |                                       |
| Dave Rollo ( <i>Council Ex Officio</i> )            | Not Present ▾ |                                       |

**City Staff Present:** Jolie Perry, Shawn Miya

2. **Approval of Agenda**
  - a. Commissioner Ogrodowski moved to approve the agenda as circulated, Commissioner Dunderdale seconded.
    - i. **Motion approved 7-0-0 on voice vote**



## Bloomington Commission on Sustainability and Resilience

### 3. Approval of Minutes

#### a. April 28, 2026 Special Session and June 9 Regular Meeting

- i. Commissioner Payne moved to approve both sets of minutes as circulated, Commissioner Ogradowski seconded.
  1. Motion approved 7-0-0 on voice vote

### 4. Public Comment

### 5. Commissioner Reports

#### a. Chair Report

- i. Chairperson Vassel noted that there were now four vacancies, as Commissioner Gilly has left his position at IU so is no longer a member of the Commission.
  1. Commissioner Miles asked how the IU Office of Sustainability member of the Commission is appointed. It was noted that it was typically a member of the staff of the IU Office of Sustainability.
- ii. Chairperson Vassel outlined the past process for grants and noted some changes in the procedures. There must be a community partner who leads and implements the project. \$7,000 total for 2026. \$1,000 of that money can be dedicated for supplies for the Commission, of which \$575 is remaining after the Commission's participation in the Earth Day event.
  1. Commissioner Miles asked if there was a sort of repository of ideas for funding and if not, if one could be created.
  2. Commissioner Ammerman asked if the funds were for the calendar year 2026. Applications must be received by the end of the year and a grant process initiated, but the funds may be dispersed next year.
- iii. Chairperson Vassel provided some updates on resolutions passed earlier in the year by the Commission.
- iv. Chairperson Vassel mentioned that IU's Economic Development Summit will be Aug. 3 in Alumni Hall.
- v. Chairperson Vassel briefly outlined the logistics of the potential joint session with the Environmental Commission on light pollution.
  1. Each Commission will need to notice their meeting separately.
  2. Essentially it will just be two meetings being held simultaneously at the same time and place.
  3. The only two real logistics issues are finding a date both Commissions are available and making sure that each commission records and keeps track of its own votes separately.
  4. We are currently eyeing Aug. 18 as the date, due to that being the main date that the Environmental Commission was available.
    - a. Staff member Jolie Perry indicated that the City Council chambers should be available on that date in the evening.

#### b. Council Ex Officio

- i. Councilmember Rollo was not present.
- ii. Commissioner Ammerman noted that there was an early draft of a city ordinance circulating that would strictly regulate ALPRs in Bloomington.
- iii. Commissioner Miles and Commissioner Payne discussed some legislation happening nationwide on data centers.

**6. Discussions Not the Subject of a Resolution**

**a. Kirkwood Update**

- i. Commissioner Ammerman noted that the City Council had passed its ordinance on reinstating the car-free Kirkwood program in the summer and the mayor vetoed it. There was a 5-4 majority in favor on the council, a 6-3 vote would be needed to override the veto. Commissioner Ammerman encouraged members who feel so inclined to contact members of the council who voted “no” on the ordinance to encourage them to override.

**b. Commissioner Priority Planning Meeting**

- i. September may be an ideal time to target, due to the planned special session in August.
- ii. Discussion about the format and length of the meeting, likely kept to about two hours per session, maybe one or two sessions.
- iii. Bylaws rewrite may be a good topic of conversation for the strategy sessions.
- iv. Discussion about location, various places suggested.
- v. Some discussion was held about a potential change of location for the planning meeting (to change from the Commission’s usual meeting location).

**7. Resolutions for First Reading**

**a. Resolution 2026-06: Minimizing Light Pollution and Attaining Dark Sky Certification for Bloomington**

- i. Commissioner Ammerman outlined the main points of the resolution, which recommends a suite of changes to the Unified Development Ordinance in order to bring Bloomington to a place where it could apply for Dark Sky Community Status.
  1. Main changes:
    - a. Color temperature standards would be strengthened
      - i. Commissioner Ammerman showed a chart showing skyrocketing complaints about bright or glaring streetlights immediately after transitioning to brighter LED lights.
    - b. Within 10 years, street lights would need to be brought into compliance (Dark Sky International requirement - Commissioner Ammerman noted this would be one of the hurdles to get over).
      - i. Commissioner Ammerman shared that Dark Sky International has shown some leniency to cities meeting this timeline requirement if they show good faith effort to meeting the goal.
    - c. Restricts exterior uplighting
    - d. A strict public warrant for exterior public lighting, and very strict warrant for exterior public lighting near environmentally sensitive areas.
    - e. Extending the light curfew to categories that currently have none, and moving all of them from 11 pm to 10 pm.
    - f. Putting in place stronger rules for illuminated signs (billboards)
    - g. Strengthening rules on light trespass.
  - ii. Commissioner Ammerman noted that Dark Sky Community Status is a goal that

## Bloomington Commission on Sustainability and Resilience

- would be nice for the city to aim toward, but the ultimate goal would be to reduce light pollution. Even if Bloomington does not achieve Dark Sky Community Status, a reduction in light pollution would still be very meaningful.
- iii. Commissioner Ammerman noted that he had spoken to a few council members, and they had expressed interest in this as an idea.
  - iv. Commissioner Ammerman noted that while he was the main author, he had help from Commissioners Vasel and Jorck and three members of the Environmental Commission, and that the resolution had gone through several drafts and meetings of that small group.
  - v. Commissioner Ogradowski asked about how IU would factor into this.
    - 1. Commissioner Ammerman noted that that would probably be one of the biggest question marks, as the city obviously can't force IU to do anything, so they would need to be convinced in order to get the city Dark Sky Community status.
    - 2. Commissioner Miles noted that there may be an opportunity for IU to follow once this is shown to be successful by the city
  - vi. Commissioner Ammerman noted that this resolution focuses primarily on multi-family, commercial, and institutional. Single-family homes would be subject to light trespass rules and the overall per-acre cap on lumens.
  - vii. Commissioner Aarstad noted that she had some hesitation on parts of the resolution for passing it at second reading
    - 1. She found parts of the resolution went further than what is required by Dark Sky, and worried about that making the resolution unlikely to be adopted.
    - 2. She had a question on illuminated signs. Commissioner Ammerman clarified that that requirement was primarily for large billboards.
    - 3. She thought the first introductory poetic "whereas" clause may not be helpful.
  - viii. Commissioner Jorck noted that Dark Sky International is in the process of changing its certification status, and that we had roughly a year to get certified under the current standards, and that it was unlikely we would be able to get certified under the new rules.
    - 1. Commissioner Ammerman further noted that Dark Sky International had indicated that as long as we were making a good faith effort to meet these requirements within the next 6 months to a year, he had been told that we would be able to apply and get certified under the current rules.
  - ix. Commissioner Jorck noted that he thought the main area that would be contentious is the idea that lighting = safety, despite data generally not backing that up, and that would be an area we would have to think strategically on.
  - x. Commissioner Jorck found the potential energy savings to be a good strategic point as well.
  - xi. In response to a comment by Chairperson Vasel, Commissioner Ammerman shared that there was found to be a significant increase in the duration of the pollen count due to artificial lighting.
  - xii. Commissioner Ammerman shared that Dark Sky International indicated that the Commission itself could lead the application process, potentially saving staff time.
  - xiii. Commissioner Ammerman shared that Dark Sky staff had given them information showing that the Jackson Hole, Wyoming, airport that had become Dark Sky compliant showed energy costs associated with lighting decreasing 30% in one year.

## Bloomington Commission on Sustainability and Resilience

- xiv. **Commissioner Jorck moved to approve Resolution 2026-06 and advance to a second reading, Commissioner Ogrodowski seconded, motion passed 9-0-0 on roll call vote**

### 8. **Resolutions for Second Reading**

### 9. **Staff Liaison Report**

- a. The city has published its 2024 greenhouse gas report, a press release will come out soon. Commissioner Ammerman is acknowledged in the report for advocating for switching to Environmental Insights Explorer data for transportation emissions.
- b. The city will be launching a new solar grant for homeowners, providing a 5 KW system to income-qualified homeowners, less than 80% AMI, covering 100% of the cost, with no out-of-pocket cost for the homeowners.
- c. Neighborhood Sustainability Grants are also available.

### 10. **Member Announcements**

### 11. **New Business**

***Commissioner Ogrodowski moved to adjourn, Commissioner Dunderdale seconded. Motion passed 9-0-0 on voice vote. The meeting was adjourned at 19:20. Our next meeting is Aug. 11.***

# BLOOMINGTON COMMISSION ON SUSTAINABILITY AND RESILIENCE

September 8, 2026

Mayor Kerry Thomson  
City of Bloomington  
401 N. Morton Street  
Bloomington, Indiana 47404

## **Re: Status of the City's transition away from Flock Safety products and services**

Dear Mayor Thomson:

The Bloomington Commission on Sustainability and Resilience (BCOSR) respectfully requests an update on the status of the City's transition away from Flock Safety products and services. The Commission brings this request pursuant to BMC 2.02.120(8)(B), which charges it to advise and make recommendations to the Common Council, the city administration, and city boards and commissions on policies and programs that infuse the work of city government with an operating philosophy based on sustainability and community resilience, and in follow-up to BCOSR Resolution 2026-02<sup>1</sup>, which the Commission adopted unanimously on March 10, 2026. At its regular meeting on September 8, 2026, the Commission voted [X-Y] to transmit this request.

The Commission recognizes the significance of the decision announced on April 15, 2026<sup>2</sup> not to renew the City's agreement for Flock license plate reader services, and notes the Office of the Mayor's confirmation in late July that all license plate readers have been removed<sup>3</sup>. The questions below are informed by contract documents the City released in response to public records requests and by payment records published on the City's financial transparency portal. The Commission asks them so that it may accurately advise the Common Council and the administration on this matter, as contemplated by BMC 2.02.120(8)(B).

The Commission respectfully requests responses to the following:

### **1. Status of equipment.**

The April 15, 2026 announcement disclosed 11 permanently mounted license plate reader cameras, four permanently mounted video cameras, and four mobile trailer systems. The Office of the Mayor's late-July statement addressed the license plate readers, and the Commission has not identified a subsequent public statement addressing the video

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<sup>1</sup> [BCOSR Resolution 2026-02](#)

<sup>2</sup> [News Release: "City of Bloomington Transitions Away from Flock Use After Months-Long Evaluation"](#)

<sup>3</sup> [B Square Bulletin: "Monroe County Commissioners Vote To End Flock Contract; Remove Six License Plate Cameras"](#)

cameras or the mobile trailers, which the City's agreements indicate remain the property of Flock Group Inc.

For each category of equipment disclosed on April 15, 2026, on what date did the equipment cease operating, and has it been removed and returned to Flock Group Inc.? If any equipment remains installed or in the City's possession, what is the anticipated timeline for its removal or return?

**2. Status of the October 2025 agreement.** An order form<sup>4</sup> executed on or about October 1, 2025 between Flock Group Inc. and the Bloomington Police Department provides for a 24-month initial term, an annual recurring amount of \$90,000, and a contract total of \$180,000, and provides that it renews automatically unless either party gives notice of non-renewal at least 30 days before the end of the then-current term.

Is that agreement currently in effect? What is its expiration date, and has the City given notice of non-renewal? The Commission would welcome a copy of the operative agreement and of any notice of non-renewal or, if more convenient, a citation to where these are publicly available.

**3. Relationship between agreements.** The same order form provides, under Special Terms, that "[t]his Agreement supersedes any and all previously executed agreement between the Parties, relating to the provision of services by Flock to Customer," and that "[u]pon execution of this Agreement, all previously executed agreements pertaining to the Services provided shall run coterminous with the Term of this Agreement."

How does the expiration of the license plate reader services agreement on March 5, 2026 relate to that provision? The Commission has not been able to reconcile the two and would appreciate additional insight.

**4. Agreements currently in effect.** The City's published payment records<sup>5</sup> include a payment of \$15,000 on February 28, 2025 for four Flock Condor PTZ cameras and an implementation fee, and a payment of \$12,000 on January 16, 2026 described as year two of service for those cameras. The Commission has not located an order form or agreement governing that purchase.

Please identify every agreement, order form, addendum, or subscription between the City of Bloomington and Flock Group Inc. that is currently in effect, together with its term and expiration date, including the instrument governing the Condor PTZ cameras. The Commission would welcome copies or, if more convenient, citations to where they are publicly available.

**5. Access to the Flock Safety Platform.** The October 2025 order form includes a subscription to the Flock Safety Platform (Essentials), the described features of which include Community Network Access, State Network and Nationwide Network license

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<sup>4</sup> [INV-76020 and accompanying purchase form](#)

<sup>5</sup> [Bloomington Open Finance Platform](#)

plate lookup, and Law Enforcement Network Access. These capabilities operate independently of cameras owned or operated by the City.

Do the Bloomington Police Department or any other City department or personnel currently have access to the Flock Safety Platform, including any of the network features described above? If such access has been terminated, on what date was it terminated?

**6. Data disposition and replacement technology.** The April 15, 2026 announcement stated that the City would evaluate other technologies and providers. Common Council Resolution 2026-04<sup>6</sup>, adopted March 4, 2026, paused expansion of the City's automated license plate reader program and stated the Council's intent to develop a surveillance governance ordinance.

Has the City sought or obtained confirmation from Flock Group Inc. that data collected by City cameras has been deleted, and do any provisions of the City's agreements grant Flock Group Inc. a continuing right to retain or use that data following termination? Separately, has the City entered into, or begun negotiating, any agreement with any vendor for automated license plate reader technology or comparable surveillance systems?

The Commission would be grateful to receive a written response by Friday, September 4, 2026, so that it may consider the response at its regular meeting on September 8, 2026. If the City is unable to provide a response to any individual item, the Commission would appreciate an indication of the reason. In addition to a written response, the Commission would welcome the opportunity to receive a briefing from the administration at one of its regular meetings.

We appreciate the administration's attention to this matter and look forward to your response.

Respectfully,

Justin Vasel  
Chair, Bloomington Commission on Sustainability and Resilience  
[justin.vasel@gmail.com](mailto:justin.vasel@gmail.com)

*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.*

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<sup>6</sup> [Bloomington Common Council Resolution 2026-04](#)



# 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 R<sub>3</sub> and R<sub>4</sub> 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 R<sub>3</sub> and R<sub>4</sub> 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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## **Bloomington Common Council**

### **Ordinance 2026-20**

#### **Amendments to Title 20 of the Bloomington Municipal Code to Improve Sustainability and Housing Affordability pursuant to Council Resolution 2026-05.**

##### **Preamble**

Whereas, the Common Council by its Resolution 18-01, approved a new Comprehensive Plan for the City of Bloomington, which took effect March 21, 2018; and

Whereas, on December 18, 2019, the Common Council passed Ordinance 19-24 to repeal and replace Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance” (UDO); and

Whereas, the Unified Development Ordinance became effective on April 18, 2020; and

Whereas, pursuant to Indiana Code 36-7-4-604, the Common Council unanimously passed Resolution 2026-05 directing the Plan Commission to bring forward amendments to the UDO per directives within the Resolution; and

Whereas, on August 10, 2026, the Plan Commission voted to favorably recommend this amendment proposal to the Common Council, after providing notice and holding public hearings on the proposal as required by law; and

Whereas, the Plan Commission certified this amendment proposal to the Common Council on August 18, 2026; and

Whereas, in preparing and considering this proposal, the Plan Commission and Common Council have paid reasonable regard to:

- 1) The Comprehensive Plan;
- 2) Current conditions and character of current structures and uses in each district;
- 3) The most desirable use for which land in each district is adapted;
- 4) The conservation of property values throughout the jurisdiction; and
- 5) Responsible development and growth.

**Be It Ordained by the Common Council of the City of Bloomington, Monroe County, Indiana, That:**

##### **Section 1. Adopting Amendments to the UDO.**

An amended Title 20 of the Bloomington Municipal Code, entitled “Unified Development Ordinance”, including other materials that are incorporated therein by reference, is hereby adopted. Said replacement ordinance consists of the following documents which are attached hereto and incorporated herein:

1. The Proposal forwarded to the Common Council by the Plan Commission with a favorable recommendation, consisting of:
  - A. ZO2026-06-006 Amended Unified Development Ordinance per Resolution #2026-05 (hereinafter “Attachment A”)

B. Any Council amendment thereto (Attachment "B").

**Section 2. Clerk to Consolidate Document.**

The Clerk of the City is hereby authorized and directed to oversee the process of consolidating all of the documents referenced in Section 2 into a single text document for codification.

**Section 4. Severability.**

If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, or provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Section 5. Effective Date.**

This Ordinance shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

**Section 6. Clerk to Enter Effective Date.**

The Clerk of the City is directed to enter the effective date of the ordinance wherever it appears in the body of the ordinance.

**Passed**

Passed by the Common Council of the City of Bloomington, Monroe County, Indiana, upon the     day of                      , 2026.

Signature of Common Council President Isak Nti Asare

**Attestation of Bloomington City Clerk:**

Signature of Bloomington City Clerk Nicole Bolden

**Presentation by Bloomington City Clerk:**

Presented by me to the Mayor of Bloomington, Monroe County, Indiana, upon this day of \_\_\_\_\_, 2026.

Signature of Bloomington City Clerk Nicole Bolden

**Approval by the Mayor:**

Signature of Mayor Kerry Thomson

**Synopsis**

This Ordinance contains amendments to the Unified Development Ordinance per directives outlined in Resolution 2026-05 - A Resolution to Initiate a Proposal to Amend Title 20 (Unified Development Ordinance) of the Bloomington Municipal Code in order to Improve Sustainability and Housing Affordability.

## **Title 20**

# **UNIFIED DEVELOPMENT ORDINANCE<sup>1</sup>**

### **Chapters:**

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<sup>1</sup>Editor's note(s)—An amendment of Jan. 14, 2020, amended in entirety Tit. 20, Ch. 20.01, §§ 20.01.010—20.01.050; Ch. 20.02, §§ 20.02.010—20.02.060; Ch. 20.03, §§ 20.03.010—20.03.030; Ch. 20.04, §§ 20.04.010—20.04.120; Ch. 20.05, §§ 20.05.010—20.05.050; Ch. 20.06, §§ 20.06.010—20.06.100; and Ch. 20.07, § 20.07.010; and enacted a new Tit. 20 as set out herein. The former Tit. 20 pertained to similar subject matter and derived from Ord. 06-24, adopted 2006; Ord. No. 09-12, adopted Sept. 16, 2009; Ord. No. 10-20, adopted Dec. 15, 2010; Ord. No. 13-02, adopted Jan. 16, 2013; Ord. No. 14-05, adopted June 11, 2014; Ord. No. 14-12, adopted July 9, 2014; Ord. No. 14-17, adopted Sept. 17, 2014; Ord. No. 15-06, adopted April 1, 2015; Ord. No. 15-26, adopted Dec. 16, 2015; Ord. No. 16-01, adopted May 18, 2016; Ord. No. 16-04, adopted May 4, 2016; Ord. No. 16-44, adopted Dec. 14, 2016; Ord. No. 17-28, adopted June 28, 2017; Ord. No. 17-29, adopted Sept. 6, 2017; Ord. No. 17-35, adopted Nov. 1, 2017; Ord. No. 17-45, adopted Dec. 20, 2017; Ord. No. 18-01, adopted March 7, 2018; Ord. No. 18-04, adopted April 18, 2018; and Ord. No. 19-24, adopted Dec. 18, 2019.

|                                             |                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mechanical equipment and elevator bulkheads | Roof-mounted mechanical equipment including, but not limited to, utility boxes, telecommunication devices, cables, conduits, vents, chillers and fans, may extend up to 10 feet above the roof's highest point. In such cases, roof-mounted equipment shall comply with the requirements of Section 20.04.080(m)(1) (Roof-Mounted Mechanical Equipment). |
| Communication facilities                    | Communication facilities are exempt from height restrictions, subject to the limitations of Section 20.03.030(f)(1) (Communication Facility).                                                                                                                                                                                                            |

(g) Building Floor Plate.

- (1) The area of the lot covered by the primary building shall be included in the calculation of building floor plate in all districts.
  - (2) The area of a lot covered by accessory buildings, parking garages, carports, and utility and storage sheds shall not be included in this calculation.
- (h) Minor Modification. Minor modifications to some of the dimensional standards in this section may be available through the minor modification process in Section 20.06.080(a) (Minor Modification), which may be approved by staff during the petition process without the need to apply for a variance, provided that the criteria in Section 20.06.080(a) are met.

(Amd. of 1-14-2020; Ord. No. 21-15, § II (Att. A), 4-21-2021; Ord. No. 21-18, § II (Att. A), 4-21-2021; Ord. No. 21-22, § II (Att. A), 4-21-2021; Ord. No. 22-08, § II(Att. A), 5-18-2022; Ord. 22-10, § II(Att. A), 5-18-2022; Ord. No. 23-04, § 2(Att. A), 4-19-2023; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

## 20.04.030 Environment.

- (a) Purpose. The Bloomington area is characterized by a wide variety of environmental features that affect the way land is developed. These features include karst geology (sinkholes, caves, springs, etc.), wetland areas, steep slopes, mature tree stands, and water resources such as lakes, streams and other surface watercourses. It is prudent and necessary that every area that becomes the subject of a petition for development be routinely scrutinized for the presence of environmental features in order to protect and enhance these environmental features and help mitigate the climate and extinction emergencies as well as the public health, ecology, and welfare.
- (b) Applicability. Compliance with this Section 20.04.030 (Environment) shall be required pursuant to Section 20.04.010 (Applicability) and the specific applicability criteria established in Sections 20.04.030(c) (Steep Slopes) through 20.04.030(i) (Lake Watershed Areas).
- (c) Steep Slopes.
  - (1) Applicability. This section shall apply to all land-disturbing activities on properties that contain naturally occurring steep or excessive slopes.
  - (2) Slope Measurement. For the purposes of this section, the percent slope shall be calculated by dividing the number of feet of elevation change between the top and toe of the slope in question by the horizontal distance of the slope in question, then multiply by one hundred to acquire a percent figure.
  - (3) Easements. All slope areas required to be preserved subject to this section shall be placed within conservation easements pursuant to the standards of Section 20.05.040 (Easements).

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- (4) Excessive Slopes. Areas of land where the pre-development slopes are twenty-five percent or greater shall not be disturbed for any improvements with the exception of utility lines.
- (5) Steep Slopes. Any development on slopes between twelve percent and less than twenty-five percent shall be allowed a maximum disturbance of fifty percent of the total slope area. Priority for slope preservation shall be given to slope areas that exhibit one or more of the following characteristics:
- (A) Presence of highly erodible soils as identified in the Web Soil Survey produced by the National Cooperative Soil Services and operated by the USDA Natural Resources Conservation Service;
  - (B) Adjacent to slopes of greater than eighteen percent;
  - (C) Adjacent to water resources;
  - (D) Adjacent to other environmental features that are required to be preserved as part of this UDO; or
  - (E) Presence of tree cover on fifty percent or more of the surface area of the slope.
- (6) Construction Measures. Any development on slopes twelve percent or greater and less than twenty-five percent shall incorporate construction measures such as retaining walls and walkout basements as well as current preferred practices for erosion control measures during construction, as provided in Title 13 (Stormwater) of the Bloomington Municipal Code.
- (7) Street Grades. Arterial and collector streets shall not exceed grades of six percent and local streets or alleys shall not exceed grades of eight percent unless the petitioner demonstrates that steeper grades will minimize disturbances to existing topography.
- (8) Street Design. All drives and streets shall follow the topography with a minimum of cutting and filling.
- (9) Soil Constraints. When unstable or contaminated soils are found, the effect of cutting and filling, alterations to slope, and the stabilization measures required to either avoid or address unstable or contaminated soils shall be minimized to the maximum extent practicable, given the soil condition to be avoided or mitigated.
- (10) Overlapping Preservation Areas. Where acreage set aside to fulfill the conservation or buffer requirements in Section 20.04.030(d), Section 20.04.030(f), Section 20.04.030(g), and Section 20.04.030(h) also meets the requirements for steep slope preservation under this section, such acreage shall be counted toward fulfillment of all applicable requirements.
- (d) Drainage.
- (1) Applicability. All proposed site plans submitted for approval, under the provisions of this UDO, shall provide for the collection and management of all surface water drainage.
  - (2) Exemption. The construction of single-family, duplex, triplex, fourplex, Mobile home, and manufactured home dwellings on existing lots of record where fully engineered drainage infrastructure is in place prior to occupancy of the home shall be exempt from the requirements of this Section 20.04.030 (Environment).
  - (3) Poorly Drained Sites. Development proposed for sites that are adjacent to a floodplain area, located in an area with converging drainage flows, located in an area characterized by documented drainage problems, or located in an area with closed, depressed contour lines as shown on the City's GIS maps shall be subject to a higher level of drainage plan review. Site plans for these areas shall submit documentation that finished floor elevations of structures shall be at least two feet above areas that would be flooded during a one hundred-year storm event.
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- (4) Dry Hydrants. Any development that incorporates a retention pond with a standing pool of water of at least ten thousand cubic feet in volume shall provide a dry hydrant that meets the specifications of the National Fire Protection Association (NFPA) Standard on Water Supplies for Suburban and Rural Fire Fighting, NFPA 1142 Chapter 9 (2001 Edition), or any subsequent amendment thereto.
- (e) Riparian Buffers.
- (1) Applicability.
- (A) This subsection shall apply to all land development activities on properties that are contiguous with or contain intermittent or perennial streams. However, lots of record of less than one-half acre in size shall not be subject to 20.04.030(e)(6) (Intermediate Zone) nor 20.04.030(e)(7) (Fringe Zone) of this section.
- (B) Any new, non-single-family development that is exempt from providing riparian buffer zones as outlined in 20.04.030(e)(1), shall provide at least a twenty-five-foot wide streamside buffer zone in compliance with the design standards of 20.04.030(e)(5). Additionally, two of the following best management practices, including plans for post-installation maintenance of such practices, shall be incorporated into the site design:
- i. Use of one hundred percent native vegetation;
  - ii. Use of permeable pavement for one hundred percent of all the on-site parking areas;
  - iii. Biofiltration swales; or
  - iv. Fifty percent vegetated roof.
- (2) Adjacent Properties. Where intermittent or perennial streams are present on adjacent properties, and where required buffer zones for such streams would extend onto the subject property, the buffer zones required by this subsection (e) shall be established.
- (3) Easements. All riparian buffer zones required to be preserved subject to this subsection (e) shall be placed within riparian buffer easements pursuant to the standards of Section 20.05.040 (Easements).
- (4) Graduated Buffer Zones. All intermittent or perennial streams shall be protected by a riparian buffer composed of three distinct zones. These zones shall be defined as:
- (A) Streamside Zone (Zone 1). The primary function of the streamside zone is to ensure stream-bank stabilization.
  - (B) Intermediate Zone (Zone 2). The primary function of the intermediate zone is to protect soil particles that trap nutrients and chemicals.
  - (C) Fringe Zone (Zone 3). The primary function of the fringe zone is to filter runoff, and to maximize infiltration, water storage, and nutrient absorption.
- (5) Streamside Zone Design. The streamside zone (Zone 1) shall be designed as follows:
- (A) Location. Immediately adjacent to the stream channel.
  - (B) Buffer Width.
    - i. For the main branches of Jackson Creek south of 2nd Street and Clear Creek south of Grimes Lane, the width of this zone shall be a minimum of fifty feet on each side of the stream, measured from the centerline of the stream.
    - ii. For all other streams, the width of this zone shall be a minimum of twenty-five feet on each side of the stream, measured from the centerline of the stream.
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- (C) Vegetation Requirements. All vegetative cover within this zone shall consist of undisturbed, existing vegetation, except that invasive and nonnative plants may be removed with permission from the Planning and Transportation Department. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Acceptable species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with current preferred practices for each plant type.
- (D) Disturbance Activities. Only the following land disturbance activities may be allowed within this zone, subject to approval of the City Planning and Transportation Department:
- i. Utility installation; if no alternative location is available;
  - ii. Street crossings, where necessary to achieve connectivity;
  - iii. Bicycle and/or pedestrian crossings, where necessary to achieve connectivity;
  - iv. Connector path and multi-use trail constructed with a permeable surface.
- (6) Intermediate Zone Design. The intermediate zone (Zone 2) shall be designed as follows:
- (A) Location. Immediately outside the streamside zone (Zone 1).
- (B) Buffer Width. The required width shall be a minimum twenty-five feet on each side, measured perpendicularly from the outer boundary of Zone 1.
- (C) Vegetation Requirements. All vegetative cover within this zone shall consist of undisturbed, existing vegetation, except that invasive and nonnative plants may be removed with permission from the Planning and Transportation Department. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Acceptable species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with current preferred practices for each plant type.
- (D) Disturbance Activities. Only the following land disturbance activities may be allowed within this zone, subject to approval of the City Planning and Transportation Department:
- i. Utility installation; if no alternative location is available;
  - ii. Street crossings, where necessary to achieve connectivity;
  - iii. Bicycle and/or pedestrian crossings, where necessary to achieve connectivity;
  - iv. Connector path and multi-use trail constructed with a permeable surface.
- (6) Intermediate Zone Design. The intermediate zone (Zone 2) shall be designed as follows:
- (A) Location. Immediately outside the streamside zone (Zone 1).
- (B) Buffer Width. The required width shall be a minimum twenty-five feet on each side, measured perpendicularly from the outer boundary of Zone 1.
- (C) Vegetation Requirements. Vegetative cover within this zone shall consist of undisturbed, existing vegetation, supplemented by native, groundcover and edge vegetation except that invasive and non-native plants may be removed with permission from the Planning and Transportation Department. In cases where little or no existing vegetation is present, only native, water tolerant species shall be planted. Appropriate species for planting within buffer zones are listed in Section 20.04.050(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with current preferred practices for each plant type.
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- (D) Disturbance Activities. Only the following land-disturbing activities may be allowed within this zone, subject to approval of the Planning and Transportation Department:
- i. All activities allowed in Zone 1 (streamside zone); and
  - ii. Stormwater management facilities.
- (7) Fringe Zone Design. The fringe zone (Zone 3) shall be designed as follows:
- (A) Location. Immediately outside the intermediate zone (Zone 2).
  - (B) Buffer Width. The required width shall be a minimum of twenty-five feet measured perpendicular from the outer boundary of Zone 2.
  - (C) Vegetation Requirements. The vegetative cover for the outer zone shall be native grasses, sedges, and forbs that perform phytofiltration, except that invasive and non-native plants may be removed with permission from the Planning and Transportation Department. In addition, woody plants may be utilized where appropriate. Appropriate species for planting within buffer zones are listed in Section 20.04.080(d) (Permitted Plant Species). Plant spacing and density for new vegetation within buffer zones shall comply with current preferred practices for each plant type.
  - (D) Disturbance Activities. Only the following land-disturbance activities may be allowed within this zone, subject to approval of the City Planning and Transportation Department:
    - i. All activities allowed within Zones 1 and 2.
    - ii. Streets, as needed to achieve connectivity where no reasonable alternative route can be identified and where a need for new streets has been established, as required by adopted City regulations and Common Council policy.
- (8) Additional Riparian Buffer Design Standards.
- (A) Riparian buffer design shall be fitted to the topography and soil conditions of the site. Preference shall be given to preserving existing vegetation within riparian buffer areas. Protection of tree crowns and root zones within the dripline shall be required for all trees planned for retention.
  - (B) Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. New plantings shall be given sufficient water and protection to ensure reestablishment.
  - (C) In order to ensure vegetative diversity, a minimum of nine different plant species shall be used within the overall riparian buffer area. At least three of these species shall be trees selected from Section 20.04.080(d) (Permitted Plant Species).
  - (D) No alteration to the shoreline or bed of a stream or creek shall be made unless written approval is obtained from the appropriate governmental agencies. Alterations subject to this requirement include, but are not limited to, filling, damming, or dredging of a stream, creek, ditch, or wetland.
- (9) Riparian Buffer Maintenance. Management of riparian buffers shall be limited to the minimum necessary, with no alterations of forest understory, except for the removal of nonnative or invasive species. Limited mowing may occur in Zone 3 but shall be prohibited in Zones 1 and 2.
- (f) Karst Geology.
- (1) Applicability.
    - (A) This section shall apply to all land-disturbing activities on properties that contain surface and subsurface karst features.
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- (B) In the event an undetected karst feature is formed on a developed lot or parcel, the Planning and Transportation Director may authorize emergency remediation measures subject to guidance from the City Senior Environmental Planner.
- (2) Adjacent Properties. Where surface or subsurface karst features are present on adjacent properties, and where required conservation areas for such karst features would extend onto the subject property, the buffer zones required by this subsection (f) shall be established.
- (3) Compound Karst Features. For the purposes of this subsection, compound karst features shall be defined as any two or more karst features where the last closed contour of the features are located within one hundred feet of each other. The outer boundary of the compound karst feature shall be drawn by connecting the last closed contour at its widest point of each individual karst feature with a tangential line.
- (4) Karst Conservancy Easement (KCE). All karst features shall be protected by Karst Conservancy Easements (KCE). Such easements shall be established in accordance with the following standards:
- (A) No land-disturbing activity, permanent or temporary structures, or the placement of any fill material shall be allowed within a KCE.
- (B) The outer perimeter of the KCE shall be protected with silt fencing and/or tree protection fencing during the entire period of construction.
- (C) For all individual karst features, the KCE shall encompass the entire feature and all of the area within twenty-five feet horizontally from the last closed contour line of the feature. The last closed contour line shall be as shown on the City's Geographic Information System (GIS) using a contour interval of two feet. When the City has reason to doubt the accuracy of the GIS data, the City shall use field verification to determine the location of the last closed contour.
- (D) For all compound karst features, the KCE shall encompass the entire outer boundary of the compound karst feature as defined in Section 20.04.030(f)(3) (Compound Karst Features) above and all of the area within twenty-five feet horizontally from the outer boundary of the compound karst feature.
- (5) Setback. No structures shall be located within ten feet of a Karst Conservancy Easement.
- (6) Stormwater Discharge. Stormwater discharge into a karst feature shall not be increased over, or substantially reduced below its pre-development rate.
- (7) Stormwater Detention. Karst conservancy easements shall not be used for stormwater detention. Drainage shall be designed to route runoff through vegetative filters or other filtration measures before entering a karst feature.
- (8) Disturbance. No land-disturbing activity, mowing, or temporary or permanent structure shall be allowed within the sinkhole nor within twenty-five feet of the last closed contour of the sinkhole.
- (9) Spring or Cave Entrances. Spring or cave entrances shall not be modified except for the placement of a gate to prevent human access.
- (g) Wetlands.
- (1) Applicability. This section shall apply to all land-disturbing activities on properties containing wetlands.
- (2) Adjacent Properties. Where wetlands are present on adjacent properties, and where required buffer areas for such wetlands would extend onto the subject property, the buffer zones required by this subsection (g) shall be established.
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- (3) Compliance with Other Regulations Also Required. In addition to the standards of this UDO, all determined and delineated jurisdictional wetlands subject to disturbance shall be governed by Indiana Department of Natural Resources (DNR), Indiana Department of Environmental Management (IDEM), and Army Corps of Engineers regulations.
- (4) Disturbance. No land-disturbing activity, mowing, or temporary or permanent structure shall be allowed within twenty-five feet of a wetland.
- (5) Wetland Conservancy Easement. A wetland buffer area extending twenty-five feet from a delineated wetland shall be placed within a conservancy easement consistent with the standards of Section 20.05.040 (Easements) and shall be protected with silt fencing, tree protection fencing, or both, during the entire period of construction.
- (6) Draining. Draining of a delineated wetland is prohibited.
- (7) Stormwater Discharge. Stormwater discharge into a wetland shall not be increased over, or substantially reduced below, its preexisting rate.
- (h) Tree and Forest Preservation.
  - (1) Applicability. This section shall apply to all land-disturbing activities on properties containing closed-canopy wooded areas **except existing lots of record within the R3 and R4 zoning districts that are less than 5,000 square feet.**
  - (2) Retention of Existing Canopy. The following table shall be used to determine the minimum amount of existing vegetation canopy that must be retained during land-disturbance activity.

**Table 04-8. Minimum Required Vegetation Canopy**

| Baseline Canopy Cover                                                                                                                                                             | Retained Canopy Cover        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| 80—100%                                                                                                                                                                           | 0.50 × Baseline canopy cover |
| 60—79%                                                                                                                                                                            | 0.60 × Baseline canopy cover |
| 40—59%                                                                                                                                                                            | 0.70 × Baseline canopy cover |
| 20—39%                                                                                                                                                                            | 0.80 × Baseline canopy cover |
| 0—19%                                                                                                                                                                             | 0.90 × Baseline canopy cover |
| Example: For a property of 20 acres with 50 percent canopy cover (i.e., 10 acres), a development would be required to maintain at least 7 acres (10 acres × 0.70) of canopy cover |                              |

- (3) Preference to Stands of Vegetation. The retention standards outlined above shall be applied to retain high-quality stands of native trees, undisturbed woodlands, and corridors of contiguous vegetation in priority over individual specimen trees, or younger stands of vegetation. No more than ten percent of the canopy retention standard shall be met by preserving individual trees not included within preferred wooded areas as defined in this subsection (h). Where individual specimen trees are to be preserved, preference shall be given to protecting heritage trees that are of particular value due to their type, size or age.
- (4) Smaller Parcels. For parcels of land less than two acres, the preservation standards in Table 04-8 (Minimum Required Vegetation Canopy) may be altered by the City Planning and Transportation Director to allow preservation of individual specimen trees or tree lines along property borders in lieu of the minimum required vegetation canopy.

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- (5) Overlapping Preservation Areas. Where acreage set aside to fulfill the conservation or buffer requirements found in Sections 20.04.030(c) (Steep Slopes), 20.04.030(d) (Drainage), 20.04.030(f) (Karst Geology), and 20.04.030(g) (Wetlands) also meets the requirements for tree and forest preservation under Section 20.04.030(h)(2) (Retention of Existing Canopy), such acreage shall be counted toward fulfillment of all applicable requirements.
- (6) Conservancy or Tree Preservation Easement. Where contiguous areas of at least eight thousand seven hundred twelve feet (one-fifth acre) of tree cover are required to be preserved, a conservancy and/or tree preservation easement shall be required per Section 20.05.040 (Easements). The edges of such easements shall be delineated ten feet beyond the driplines of the trees to be preserved.
- (7) Tree Protection During Construction. A tree protection zone shall be installed per Section 20.04.080(c)(3) and inspected by the Planning and Transportation Department prior to any land-disturbing activities. The tree protection zone and the tree protection barrier shall remain undamaged and unmoved during the entire duration of construction. If a petitioner believes the conditions of a tree protection zone cannot be established, they shall contact the Planning and Transportation Department and the Urban Forester in order to develop an individual plan for tree protection.
- (i) Lake Watershed Areas.
- (1) Applicability. This section shall apply to all land-disturbing activities on properties located within the watersheds of Lake Monroe and Griffy Lake as delineated on the City's Geographic Information System (GIS).
- (2) Exception. Single-family, duplex, triplex, fourplex, mobile home, and manufactured home dwellings on existing lots of record shall not be subject to the requirements of this section.
- (3) Geotechnical Report. When required by the Planning and Transportation Director, based on potential development impacts, site plans, subdivision plats, and Planned Unit Development plans shall include a report prepared by a geotechnical consultant that addresses soil stabilization, erosion/siltation control and stormwater runoff quality. The geotechnical consultant who prepares the required report shall be a licensed professional engineer.
- (4) Site Design. Site design shall locate structures and land-disturbing activities so as to avoid tree concentrations. Streets, parking areas, and building pads shall conform closely to existing contours and minimize grading.
- (5) Steep Slopes. The maximum slope on which buildings may be constructed shall be twelve percent. No disturbance shall occur on any slope greater than twelve percent, measured as described in Section 20.04.020 (Dimensional Standards).
- (6) Redundant Stormwater Quality Measures. Sites greater than one acre shall incorporate redundant stormwater runoff quality mitigation measures. The ongoing maintenance of these measures shall be ensured through a binding, recordable commitment that provides for all the following:
- (A) Periodic third-party inspection and report;
- (B) A homeowner's association with financing capability;
- (C) City authorization to order maintenance;
- (D) City authorization to seek injunctive relief;
- (E) City authorization to perform necessary maintenance and charge the homeowner's association for such work; and
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- (F) Provisions, meeting the standards of the administrative manual, for responsibility of individual lot owners in the event the owners' association fails or refuses to perform.

(Amd. of 1-14-2020; Ord. No. 21-18, § II (Att. A), 4-21-2021; Ord. No. 23-06, § 2(Att. A), 4-19-2023; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-03, § II(Att. A), 4-10-2024; Ord. No. 2024-04, § II(Att. A), 4-10-2024; Ord. No. 2024-17, § II(Att. A), 9-18-2024; Ord. No. 2025-12, § II(Att. A), 5-21-2025)

## **20.04.040 Floodplain.**

- (a) Purpose. The flood hazard areas of the City of Bloomington are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted. It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
- (1) Protect human life and health;
  - (2) Minimize expenditure of public money for costly flood control projects;
  - (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  - (4) Minimize prolonged business interruptions;
  - (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
  - (6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight area;
  - (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
  - (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
  - (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
  - (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
  - (11) Prevent floodplain uses that are either hazardous or environmentally incompatible;
  - (12) Meet community participation requirements of the National Flood Insurance Program;
  - (13) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
  - (14) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
  - (15) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
  - (16) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and
  - (17) Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

# Capstone Project Proposal: Social Housing Scenario Study for Bloomington/Monroe County

**Sponsor:** [Bloomington Commission on Sustainability and Resilience](#)

**Primary Contacts:** Zach Ammerman, Vice Chair; Alex Jorck, Commissioner

## Purpose

Local governments across the U.S. are launching publicly owned, mixed-income (“social housing”) programs modeled on long-running systems in Vienna, France, Singapore, and elsewhere. The most developed American example is in [Montgomery County, Maryland](#), where the local Housing Opportunities Commission created an initial \$50 million revolving Housing Production Fund that finances construction, takes a public ownership stake upon project completion, and recycles the capital into the next project. The fund performed so well that the County Council doubled the fund to \$100 million<sup>1</sup>, and it is now projected to support roughly 6,000 new units over 20 years, about 30% of them permanently affordable<sup>2</sup>, at a net annual cost to the county of well under \$1 million. All of this was done in a county with a much higher population than Monroe County, and with higher housing and construction costs. Local demand for housing produced under the program is very high.

This project aims to answer a simple question: What would that model produce here? If Bloomington (or Monroe County) made an initial investment similar to Montgomery County, Maryland, in a similarly structured revolving housing production fund, how many publicly owned, mixed-income units could be built, on what timeline and at what net public cost?<sup>3</sup>

## Suggested Research Questions:

1. **How do established social housing systems work – *briefly*,** at the structural level (Vienna, France, and Montgomery County, plus newer systems in Chicago and Seattle)? What are the common mechanics that make them self-sustaining? *The background review here should be concise. The goal of this question is to ground students and readers of the report unfamiliar with social housing, but not to conduct a full literature review. The value of this project is in the final numbers – Question 3.*

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<sup>1</sup> [About the Housing Production Fund](#)

<sup>2</sup> [Probuilder: An Innovative Financing Model for Affordable Housing](#)

<sup>3</sup> **Note on Commission Mandate:** *This study falls within the Commission’s purview under Bloomington Municipal Code (BMC) 2.02.120, which states that the UN Sustainable Development Goals (SDGs) “shall guide the commission’s work” and defines sustainability across environmental, social, and economic dimensions. Access to adequate, affordable housing is a core target of the SDGs (Goal 11.1) and housing is additionally addressed in the sustainability components of the city’s comprehensive plan. A study of publicly owned, mixed-income housing which aims to increase the availability of affordable housing in Bloomington (and which additionally includes an explicit evaluation of energy-efficiency implications) combines aspects of all three dimensions that the BMC directs the Commission to use to guide its work.*

2. **Briefly, what does Indiana law permit?** What legal, statutory, and budgetary constraints would shape a local program? In particular, students could examine whether the Bloomington Housing Authority would be an appropriate vehicle: What functions does the BHA have under current law, and what would it need that it currently lacks? *If specific provisions of state or local law present obstacles, students should identify potential workarounds or alternative structures that achieve the same or substantially similar ends, or identify specific statutory changes that would be required, and then proceed with the scenario modeling on that basis. Legal difficulty is an input to the model. This does not need to be an in-depth/comprehensive legal review, just a section flagging potential obstacles and possible workarounds.*
3. **The core of the project**, and this should be the bulk of the study: **A scenario model for a local revolving housing production fund.** At initial investments of several different sizes, how many units could be built over 1, 5, 10, 20 years? The exact range of years may be changed based on class needs, but a range of timelines should be modeled. What is the projected net annual cost to the local government under each scenario? How do outcomes change as key inputs change; e.g. fund size, interest rate charged on construction loans, local land and construction costs, rent mix (different percentage market rate vs. affordable), project scale, etc.? Which inputs matter most, and *what combination of inputs produces the greatest output per public dollar?*
  - i. Possible sub-question: What tenure and recertification rules should a local program adopt for income-restricted units? Options range from annual recertification with income ceilings, common with many housing programs in the U.S., to the Vienna approach, where tenants instead certify income once upon initial occupation but may remain in their homes permanently if/when their incomes rise. Students should briefly assess how each choice affects the program's finances (i.e. does following the Vienna model of allowing tenants with rising incomes to remain in their homes strengthen the cross-subsidy rather than weaken it?) and recommend an approach.
4. Possible additional question: Briefly, should the program be structured at the **city level, county level, or perhaps regional level**, or should it be operated jointly?

## Parameters

The end state being modeled is public ownership of the housing with mixed income levels present in all buildings, consistent with the Vienna approach and the standard definition of social housing. This is not a study of vouchers, subsidies to private developers or traditional low-income-only public housing.

**The Commission requests a bold, concrete, quantifiable answer to “what could we build here and what would it cost,” including ambitious but defensible scenarios, not only conservative ones. Recommendations and questions should all be structured around answering the core question of producing the greatest number of units per public dollar.**



As one modeled input, **students should include the cost and operating implications of building to a high energy-efficiency standard**, so the Commission can see how sustainability requirements affect the financial picture rather than treating them separately. Montgomery County itself treats efficiency as a financing input.<sup>4</sup>

## Deliverables

A written report centered on the scenario model (Question 3), with clear tables showing investment levels, units produced, timelines, and net public cost; a summary of the path under current Indiana law; and a brief set of recommendations on the most feasible structure to pursue and investment levels. A presentation will be held during a public hearing at the end of the project in order to present the findings to the Commission.

## Logistics

The Commission meets monthly and will be available to students to answer questions and provide interim feedback throughout the project, through the primary contacts between meetings or directly at our monthly public meetings, which are held the second Tuesday of every month at 6 pm in the McCloskey Conference Room of City Hall (Room 135 on the first floor, just past the City Council chambers) and online via Zoom ([meeting information is posted here](#)). Connections with the [Bloomington Housing Authority](#) or other city or county agencies ([HAND](#), [Monroe County Building Department](#), etc.) can also be facilitated through the Commission, or contacted independently.

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<sup>4</sup> [MoCo leaders break ground on 413-unit mixed-income community near Shady Grove Metro](#)

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<sup>1</sup>; 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<sup>2</sup>; 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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<sup>1</sup> *Indigenous Prosperity: Indiana Women of the Ohio River Valley*. Susan Sleeper-Smith

<sup>2</sup> Ibid.

## BLOOMINGTON COMMISSION ON SUSTAINABILITY AND RESILIENCE

- 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<sup>3</sup>; and

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<sup>3</sup>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.

## BLOOMINGTON COMMISSION ON SUSTAINABILITY AND RESILIENCE

- 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**

## BLOOMINGTON COMMISSION ON SUSTAINABILITY AND RESILIENCE

- (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:
  - (a) “**(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:
  - (a) “**(8) Protection of Heritage Trees During Development.**
    - (i) (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.
    - (ii) (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:
  - (a) “**(9) Replacement Requirements for Significant and Heritage Trees.**
    - (i) (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.
    - (ii) (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.

## BLOOMINGTON COMMISSION ON SUSTAINABILITY AND RESILIENCE

- (iii) (C) Replacement trees shall be native species selected from the approved species list established under UDO § 20.04.080(d)(1).
- (iv) (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:
  - (a) **“(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:
  - (a) **“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**

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

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



## BLOOMINGTON COMMISSION ON SUSTAINABILITY AND RESILIENCE

- (a) “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.
  - (b) 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.
  - (c) 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:
- (a) “12.24.055 **Heritage tree protection on private property.**
    - (i) **(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.
    - (ii) **(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.
    - (iii) **(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.
    - (iv) **(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.
    - (v) **(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.”
  - (b) 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.

## BLOOMINGTON COMMISSION ON SUSTAINABILITY AND RESILIENCE

- (c) The contractor requirements in subsection (iii) above are recommended for enforcement and compliance purposes.
- (d) The emergency exception in subsection (iv) 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:
  - a. **“12.24.120 Violation and penalties.**
  - b. (1) Any person violating any of the provisions of this chapter may be issued an official warning.
  - c. (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.
  - d. (3) Each individual tree removed in violation of this chapter shall constitute a separate offense subject to a separate penalty under subsection (2).
  - e. (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).
  - f. (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.
  - g. (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.
  - h. (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:
  - a. **“12.24.025 Replacement of the urban tree stock.**
  - b. 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



## BLOOMINGTON COMMISSION ON SUSTAINABILITY AND RESILIENCE

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:
  - a. **“12.24.026 Citywide canopy goals.**
  - b. (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).
  - c. (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 \_\_\_\_ day of \_\_\_\_\_, 2026.

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Justin Vasel, Chair

Bloomington Commission on Sustainability and  
Resilience

# 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.*

DRAFT

# MEMORANDUM

**To:** All members of the Bloomington Commission on Sustainability and Resilience

**From:** Zach Ammerman, Vice Chair

**Date:** Sept. 1, 2026

**Subject:** Explanations of Proposed Changes to Enhance Tree Protection in the City of Bloomington (Resolution 2026-07), a Closer Look at Bloomington's Current Canopy, and Comparison of Proposed Changes to Selected Cities

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1. Introduction
2. Bloomington's Current Urban Canopy and Recent Trends
  - a. Map 1: Bloomington's Tree Canopy Height from Meta/WRI High Resolution 1m Global Canopy Height Dataset
  - b. Map 2: Bloomington Canopy Change from National Urban Tree Canopy Assessment
  - c. Map 3: Forest Loss in Bloomington 2000–2024 based on Hansen et al.
  - d. Selected historical satellite photos demonstrating areas with large canopy losses
3. Comparison Table of Proposed Changes to Indiana and Selected National and Indiana Cities
4. Proposed changes to the code in context

## Introduction

I have introduced resolution 2026-07 which, if adopted by the Commission and implemented by the Common Council, would represent an ambitious leap forward in Bloomington's tree protections, making us the city with the strongest tree protections in the state and one of only a small handful to define or protect heritage trees, would bring us into line with the strongest national and international benchmarks on tree protection in development, extend protections to heritage trees on private property (for what appears to be the first time in Indiana), and strengthen the city's own urban canopy goals.

This is a detailed proposal. As such, I've provided a brief explanation of what each of the main measures would do if adopted by the Council below, as well as the rationale behind some of the choices. Additionally, I've added some maps to help you understand Bloomington's current canopy baseline, and I've attached a table that compares Bloomington's current policies on tree protection to those proposed here, as well as comparing both to a few other Indiana and selected national cities. As you will see, the proposals I'm suggesting would make us a leader in Indiana and bring us into line with the most protective national cities.

Currently, trees have only limited legal protection in Bloomington. Those limited protections are extended mostly in development contexts and only then on sites that have "closed-canopy wooded areas," a subjective term with no legal definition in the code, and as such could be subject to arbitrary distinctions between different sites, depending on who is interpreting the law. The current code states that in these cases, up to 50% of the trees on the most wooded lots may be removed with no obligation to replant or pay into a tree planting fund.

That's essentially the end of the city's statutorily required protections for trees in development. There is no protection or definition of heritage trees. There is no obligation for developers to replant.

And on private property, the limited protections essentially end: There is no significant protection for trees of any size, species, importance, or type on private property: A land owner can legally chop down a several-acre forest filled with massive trees that are hundreds of years old with no notification, no permit, no obligation to replant, no fees, and no say for the city or public. Ideally, that would be replaced with a permit requirement for significant and heritage trees on private property and strict limitation on removing heritage trees at all except in very narrow circumstances. That is what the tree protection plans require in the most ambitious cities nationally, some going so far as to require permits even for the removal of dead or dying trees on private property, and more than one requiring permits for removing trees on private property as small as 6 to 9 inches in diameter. Seattle goes the farthest—its tree protection ordinance “*generally prohibits*” removing any tree as small as 6 inches in diameter (including on private property) unless it's dead, dying, or hazardous, and then requires a permit and includes strict replanting requirements. The realities of Indiana's pre-emption binge of recent years, however, makes that perhaps an unwise strategy for Bloomington. Instead, I've attempted to craft recommendations that are less likely to be subject to state interference while still substantially accomplishing the same goals, albeit in a less ambitious fashion on private property. Protections for trees through the zoning code during development, however, appear to be on much firmer legal ground, and so I propose more ambitious protections through the UDO than for trees outside of the development process.

I want to conclude by saying that I am not opposed to new development, particularly development that brings in new housing units. Bloomington needs *a lot more* housing development, not less. That being said, new development should, to the greatest degree possible, work around the existing environment, particularly the largest heritage trees, and not bulldoze over it, as is too often the case now. This resolution, if adopted as city code, would aim to make that a reality.

### **Abridged summary of main changes proposed by this resolution:**

1. **Greatly expands and more clearly defines cases where tree protections apply during the development process through the UDO**, to all sites undergoing development. Currently, limited tree protections only extend to sites with “closed-canopy woodlands,” a subjective term with no legal definition in the code.
2. **Strengthens protections for all trees during development** through the UDO:
  - a. Defines significant and heritage trees (12 inches and 24 inches DBH<sup>1</sup>, respectively)
  - b. Significantly strengthens protections for both categories, and makes ironclad protections for heritage trees during development through the UDO, with high replanting requirements for both types of trees that do get felled;
  - c. Increases the canopy retention requirements by 10% across the board. Currently, for example, developers of the most heavily wooded sites are allowed to deforest up to 50% of the site. This would decrease that to 40%.
3. **Adds first-of-its-kind-in-Indiana protection for heritage trees on private property outside of development** through the BMC, structured in such a way as to limit the possibility of pre-emption. The

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<sup>1</sup> DBH = Diameter at breast height

resolution requires that the private property owner notify the city of their intention to remove any heritage tree (24 inches in diameter or greater) and either replant at the ratio of 4:1 DBH<sup>2</sup> or pay the equivalent value into a city tree planting fund, and suggest some measures for enforcement. 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

4. **Suggest strategies for significantly strengthening enforcement** while remaining in compliance with the limitations imposed by state law.
5. **Increases the city's urban canopy goal:**
  - a. Requires the city to maintain baseline 2018 canopy coverage (38%);
  - b. Requires the city administration to base all of its actions regarding trees with the goal of steadily increasing the canopy beyond the 2018 baseline.

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<sup>2</sup> This is also sometimes referred to as 4:1 caliper-inches. For example, if an owner wishes to remove a 30-inch DBH tree, a cumulative total of 120 inches of replacement trees (e.g. sixty 2-inch DBH nursery trees would satisfy the replanting requirement in this example) would need to be replanted to satisfy a 4:1 caliper-inch replanting requirement, or the equivalent value paid into the city tree planting fund, at a rate determined by the Urban Forester. A high replanting requirement recognizes the fact that smaller trees are nowhere near equivalent to the ecological value of a well-established, mature heritage tree—or at least will not be for many decades or longer. This is also intended to disincentivize unnecessary heritage tree removal by creating a financial cost to the property owner without requiring a permit or authorization from the city. Trees that are certified as dead, dying, hazardous, invasive, or highly deleterious to public infrastructure by a licensed arborist or the urban forester would be exempt from these requirements.

## Bloomington's Current Urban Canopy and Recent Trends

Important context for this entire discussion is the status of Bloomington's current urban canopy. A [Sept. 2019 report commissioned by the city from Davey Resource Group](#) (based on analysis of 2018 data from the USDA's National Agricultural Imagery Program) found that the city's urban canopy covered 38% of the area of Bloomington, with that percentage having dropped about 2% over the previous two decades. My independent geo-analysis more or less confirms the *approximate* coverage and broad trends, although I find very slightly more pessimistic figures for current coverage and a more rapid loss of canopy. Using very high resolution (1 m) data from Meta and WRI, a 2024 dataset that measures canopy height on a global scale using a combination of satellite photos and algorithmic analysis, I find that Bloomington's urban canopy covers 37% of the city's area using a threshold of 3 m canopy height, and 34% using a threshold of 5 m. In other words, according to this data, 37% of the city is covered by tree canopy at least 3 m in height, and 34% by canopy at least 5 m in height. See Map 1 on the following page which shows Bloomington's canopy coverage in detail at 1 m resolution.

As for the trend, using National Urban Tree Canopy Assessment data from the U.S. Forest Service and Arbor Day Foundation, which provides historic data on tree canopy coverage for urban areas across the United States by Census tract, I find that Bloomington tracts lost on average 7.6 acres of canopy coverage from 2016 to 2022, and that the average canopy coverage in Bloomington Census tracts dropped from 38% to 35% over the same period. See Map 2 on the following pages for more details. *It is important to note that Census tracts do not exactly match city boundaries*, so there are significant portions of that data that come from just outside of the city itself, but the data nonetheless helps tell a more complete picture of Bloomington's canopy coverage and recent trends.

Additionally, on Map 3, you can see forest loss within the city limits of Bloomington as mapped from the Hansen et al forest loss dataset, which captures forest loss on a global scale that took place between 2000 and 2025 using analysis from annual satellite photos and an algorithm. It's the gold standard for measuring forest loss on a global scale — I use it in mapping work for environmental organizations measuring deforestation around the world all the time. Using that dataset, I calculated that **Bloomington has lost 200 acres of forest from 2000 to 2025**. 2018 was the year with the largest single loss, with nearly 60 acres lost in that year alone (almost all of it due to large stands of trees being lost at the IU golf course northeast of the bypass and construction of the new hospital nearby). I've attached a few before and after satellite images showing major sources of canopy loss on the pages following the maps.

It should also be noted that it is not unusual to find slightly different figures for canopy coverage data as different datasets naturally use different sources, methods, and tools, and all of these cover slightly different time periods. The same applies to the maps: They are using different data sources including satellite photos from different years, and are measuring at different scales. But my additional analysis does confirm the broad trend: **Bloomington's urban canopy coverage percentage is somewhere in the mid-to-upper 30s, and this figure is on a downward trajectory compared to the relatively recent past.**



# Bloomington's Tree Canopy Height

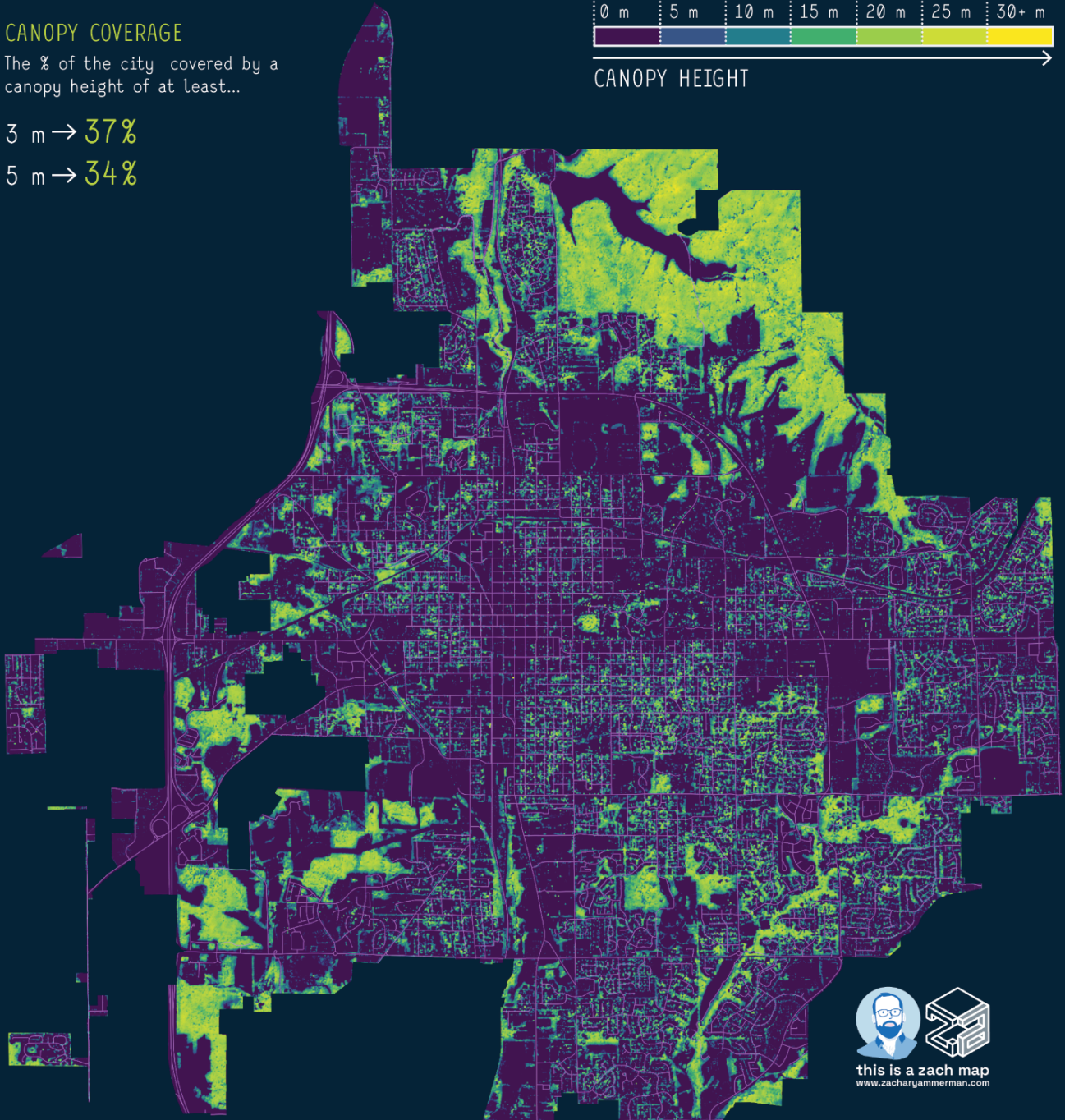
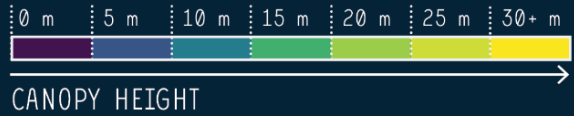
HIGH RESOLUTION 1M GLOBAL CANOPY HEIGHT DATA FROM META/WRI

## CANOPY COVERAGE

The % of the city covered by a canopy height of at least...

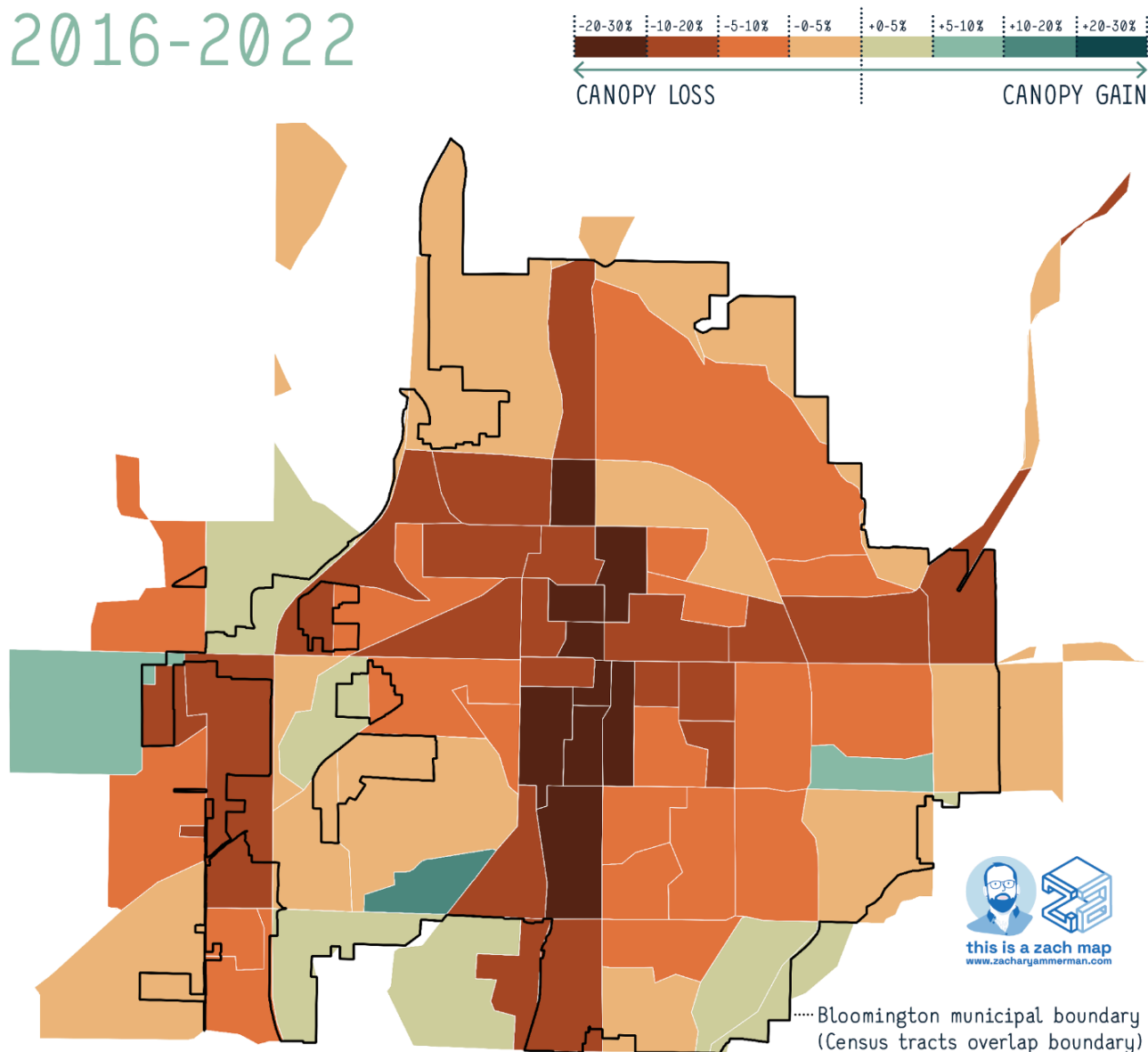
3 m → 37%

5 m → 34%



# Bloomington Canopy Change

BY CENSUS TRACT, ARBOR DAY FOUNDATION WITH U.S. FOREST SERVICE  
2016-2022

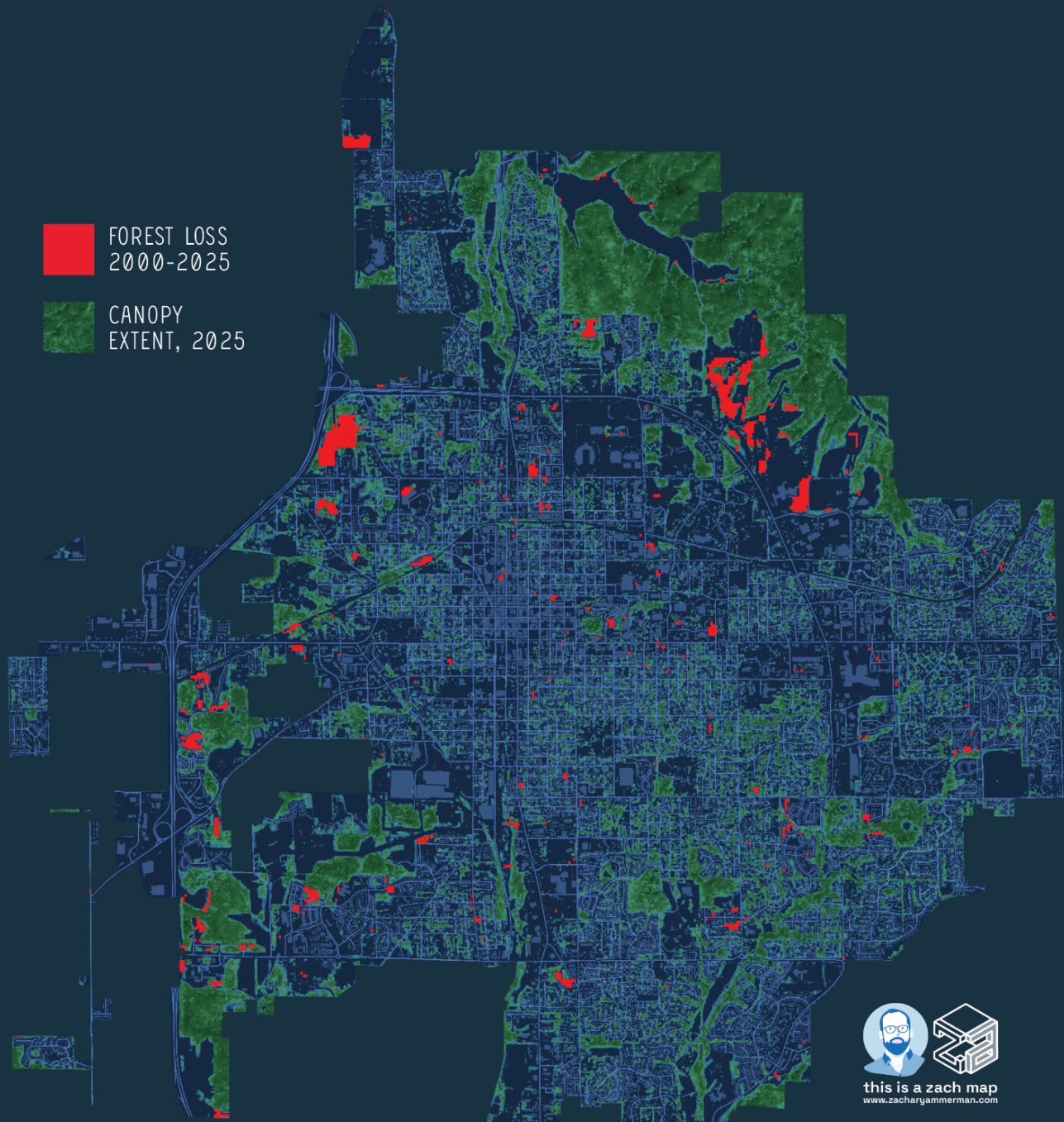


On average, Bloomington Census tracts lost 7.6 acres of canopy coverage between 2016 and 2022, with the average percentage covered by canopy per Census tract dropping 3 points, from 38% to 35%.



# Bloomington Forest Loss 2000-2025

HANSEN GLOBAL FOREST CHANGE DATASET



Source: Hansen, M. C., P. V. Potapov, R. Moore, M. Hancher, S. A. Turubanova, A. Tyukavina, D. Thau, S. V. Stehman, S. J. Goetz, T. R. Loveland, A. Kommareddy, A. Egorov, L. Chini, C. O. Justice, and J. R. G. Townshend. 2013. "High-Resolution Global Maps of 21st-Century Forest Cover Change." *Science* 342 (15 November): 850-53. 10.1126/science.1244693  
Data available on-line at: <https://glad.earthengine.app/view/global-forest-change>



## Midwest Historic Land Cover 1630

There was very little change in land cover between the 1600s and the early 1800s

Land Cover

- Prairie
- Forest
- Wetland
- Pasture
- Urban



## Midwest Historic Land Cover 1830

Noticeable forest and prairie loss starts almost immediately after many indigenous peoples were forcibly removed from much of the region.

Land Cover

- Prairie
- Forest
- Wetland
- Pasture
- Urban



## Midwest Historic Land Cover 1860

By around the time of the Civil War, prairie and forest loss has become widespread and increases pace rapidly.

Land Cover

- Prairie
- Forest
- Wetland
- Pasture
- Urban



## Midwest Historic Land Cover 1930

Only a few pockets of prairies remained in the lower Midwest by the time of the Great Depression.

Land Cover

- Prairie
- Forest
- Wetland
- Pasture
- Urban



# Midwest Historic Land Cover 2020

Essentially all prairies have been lost by the present-day, and the only areas with intact forest are in places that are difficult to farm or settle.

Land Cover

- Prairie
- Forest
- Wetland
- Pasture
- Urban



©2020-2021 (2021-2021) Land use and land cover changes in the contiguous United States from 1850 to 2020. Gilling, Kevin K. et al. 1000-10.1007/978-1-4939-922-2-2.103-11



## IU GOLF COURSE



## NEW HOSPITAL



## ARLINGTON COMMONS





# Proposed Additions to the Bloomington Municipal Code and Unified Development Ordinance for Enhanced Tree Protection

(Reference BCOSR Resolution 2026-XX)

additions ~~deletions~~

## PART 1: Bloomington Municipal Code — Chapter 12.24

*This shows **excerpts** of BMC § 12.24, only showing sections with proposed additions and deletions, which are highlighted throughout.*

### § 12.24.000 — Purpose and intent

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.

### § 12.24.010 — Definitions

[Existing definitions remain unchanged. The following are added in alphabetical order:]

“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.

“Heritage tree” means any tree with a diameter at breast height (DBH) equal to or exceeding twenty-four (24) inches.

“Significant tree” means any tree with a diameter at breast height (DBH) equal to or exceeding twelve (12) inches.

### § 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 ~~twenty percent more trees than it removes, in order to maintain a planting to removal ratio of at least one point two to one.~~ 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.

#### § 12.24.026 – Citywide canopy goals [NEW]

(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).

#### § 12.24.055 – Heritage tree protection on private property [NEW]

**(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.

**(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.

#### § 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.

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## PART 2: Unified Development Ordinance — § 20.04.030(h)

*This shows UDO § 20.04.030(h) Tree and Forest Preservation in its entirety, with proposed additions and deletions highlighted throughout.*

### (h) Tree and Forest Preservation

#### (1) Applicability

This section shall apply to all ~~land-disturbing activities on properties containing closed canopy wooded areas.~~ projects requiring a permit from the Planning and Transportation Department that involve construction, land disturbance, or demolition.

#### (2) Retention of Existing Canopy

The following table shall be used to determine the minimum amount of existing vegetation canopy that must be retained during land-disturbance activity.

Table 04-8: Minimum Required Vegetation Canopy

| Baseline Canopy Cover | Retained Canopy Cover                               |
|-----------------------|-----------------------------------------------------|
| 80–100%               | <del>0.50</del> <b>0.60</b> × Baseline canopy cover |
| 60–79%                | <del>0.60</del> <b>0.70</b> × Baseline canopy cover |
| 40–59%                | <del>0.70</del> <b>0.80</b> × Baseline canopy cover |
| 20–39%                | <del>0.80</del> <b>0.90</b> × Baseline canopy cover |

0–19%

~~0.90~~ **1.00** × Baseline canopy cover

Example: For a property of 20 acres with 50 percent canopy cover (i.e., 10 acres), a development would be required to maintain at least ~~seven acres (10 acres × 0.70)~~ eight acres (10 acres × 0.80) of canopy cover.

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.

### **(3) Preference to Stands of Vegetation**

The retention standards outlined above shall be applied to retain high-quality stands of native trees, undisturbed woodlands, and corridors of contiguous vegetation in priority over individual specimen trees, or younger stands of vegetation. No more than 10 percent of the canopy retention standard shall be met by preserving individual trees not included within preferred wooded areas as defined in this subsection (h). Where individual specimen trees are to be preserved, preference shall be given to protecting heritage trees that are of particular value due to their type, size or age.

### **(4) Smaller Parcels**

For parcels of land less than two acres, the preservation standards in Table 04-8: Minimum Required Vegetation Canopy, may be altered by the City Planning and Transportation Director to allow preservation of individual specimen trees or tree lines along property borders in lieu of the minimum required vegetation canopy. This subsection shall not apply to any site containing one or more heritage trees as defined in Chapter 20.07.

### **(5) Overlapping Preservation Areas**

Where acreage set aside to fulfill the conservation or buffer requirements found in 20.04.030(c), 20.04.030(d), 20.04.030(f), and 20.04.030(g) also meets the requirements for tree and forest preservation under 20.04.030(h)(2), such acreage shall be counted toward fulfillment of all applicable requirements.

### **(6) Conservancy or Tree Preservation Easement**

Where contiguous areas of at least 8,712 square feet (0.20 acres) of tree cover are required to be preserved, a conservancy and/or tree preservation easement shall be required per Section 20.05.040 (Easements). The edges of such easements shall be delineated 10 feet beyond the driplines of the trees to be preserved.

### **(7) Tree Protection During Construction**

A tree protection zone shall be installed per Section 20.04.080(c)(3) and inspected by the Planning and Transportation Department prior to any land-disturbing activities. The tree protection zone and the tree protection barrier shall remain undamaged and unmoved during the entire duration of construction. If a petitioner believes the conditions of a tree protection zone cannot be established, they shall contact the Planning and Transportation Department and the Urban Forester in order to develop an individual plan for tree protection.

### **(8) Protection of Heritage Trees During Development [NEW]**

(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.

#### **(9) Replacement Requirements for Significant and Heritage Trees [NEW]**

(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.

#### **(10) Enforcement of Replacement Obligations [NEW]**

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.

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## **PART 3: Unified Development Ordinance – § 20.04.110(c)**

### **Related Amendment to Section 20.04.110(c) (Incentives, Sustainable Development)**

**Canopy Retention Incentive.** Developments that meet or exceed the canopy retention requirements of § 20.04.030(h)(2) by a margin of ten percent (10%) or more shall be eligible for increased density incentives as provided in this subsection.

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## **PART 4: Unified Development Ordinance – § 20.07 (Definitions)**

### **Related Definitions to Be Added to § 20.07**

“Heritage tree” means any tree with a diameter at breast height (DBH) equal to or exceeding twenty-four (24) inches.

“Significant tree” means any tree with a diameter at breast height (DBH) equal to or exceeding twelve (12) inches.

## **General Exemption**

Trees felled as part of legitimate agricultural or continuously operating forestry operations are exempted from these provisions, as required by Indiana law.

| City                    | Defines Heritage/Significant Trees | Heritage DBH Threshold                                                               | Other Tree Threshold(s)                                                                                                                                | Heritage Tree Removal Prohibition                                                                                                                       | Development Replacement Requirement                                                                                                                          | Heritage Trees Protected Outside Development                                                                               | City's Municipal Replacement Ratio                                                            | Canopy Retention Rules                                                                     | Fee-in-Lieu Tree Fund                                                                                                                | Per-Tree Violation                                                                                                            |
|-------------------------|------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Bloomington<br>CURRENT  | No, term used but undefined        | None                                                                                 | "Specimen Trees," subjective definition provided: essentially trees on public land deemed specimen trees by Urban Forester, recommends protecting them | None                                                                                                                                                    | No                                                                                                                                                           | No                                                                                                                         | 1.2:1 codified as "goal shall be" which is less strong the ideal                              | Yes, tiered requirements but only for sites with Closed-Canopy Wooded Areas                | No                                                                                                                                   | No, capped at \$2,500 (state cap)                                                                                             |
| Bloomington<br>PROPOSED | Yes                                | 24" DBH                                                                              | Significant 12"                                                                                                                                        | Yes, during all development, requires replacement; notification + replacement outside of development                                                    | Yes, 3:1 caliper-inches significant, 4:1 caliper-inches heritage (approx. 5x the requirement of Indianapolis)                                                | Heritage Trees Notification + 4:1 caliper-inch Replacement                                                                 | 2:1 statutory for public trees, 3:1 and 4:1 caliper-inches for significant and heritage trees | Yes, extended to all developments, increased retention rules +10% per tier                 | Yes                                                                                                                                  | Yes, per day and per tree, city may pursue damages in civil court, certificates of occupancy not issued until trees replanted |
| Indianapolis            | Yes                                | 18" limited to 15 listed species only                                                | None                                                                                                                                                   | Yes, but only on lots over 20,000 sq feet, excludes single and two-family residences                                                                    | Yes, uses a per-tree rather than caliper-inch system, so varies but roughly 0.8–1:1 caliper-inches for heritage trees, less for other trees, with exceptions | No                                                                                                                         | None                                                                                          | None                                                                                       | No                                                                                                                                   | No, capped at \$500 per violation                                                                                             |
| Carmel                  | No                                 | None                                                                                 | None                                                                                                                                                   | None                                                                                                                                                    | No                                                                                                                                                           | Trees are only protected if part of a Tree Preservation Easement                                                           | 1:1 plan in city documents, not codified, aspirational                                        | None                                                                                       | No                                                                                                                                   | Yes                                                                                                                           |
| Ann Arbor, MI           | Yes (Landmark Trees)               | 24" for any tree, smaller (down to 8") depending species for natives in Table 5.23–1 | Woodland trees, any tree 8" DBH or greater in a qualifying woodland                                                                                    | Not prohibited, but code structured to strongly discourage removing landmark trees, monitored and protected up to three years after development as well | Yes, at least 50% of the DBH or the landmark tree being replaced, increases to 200% of the DBH in the event the tree was removed without apprval             | No                                                                                                                         | None                                                                                          | No explicit ratio, canopy loss fee of \$250/inch for city trees removed by development     | Yes, up to 50% can be satisfied through payment, and trees may be planted elsewhere on public land instead of onsite if not feasible | Yes                                                                                                                           |
| Atlanta, GA             | Yes                                | Designated by Commission based on characteristics, no threshold, case-by-case        | Any non-pine 6" DBH or greater, pines 12" or greater — all species ALL PROPERTY                                                                        | Yes, requires explicit approval from the Tree Conservation Commission                                                                                   | Cumulative DBH must meet or exceed DBH of removed trees                                                                                                      | Yes, ANY tree 6" DBH or greater, even dead trees, require a permit that can be denied and replacement on private property. | 1:1 cumulative DBH                                                                            | Minimum tree density requirements codified by zoning district, no net loss policy citywide | Yes, Tree Trust Fund, formula based on DBH                                                                                           | Yes, up to \$200,000 per acre where count unattainable                                                                        |

|                |     |                                                                                   |                                                                                                                                 |                                                                                                                                                                                                                    |                                                                                                                                                            |                                                                                                                                                                                                                                       |                                         |                                                                                                                   |                                                                                |                                                                                       |
|----------------|-----|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Athens, GA     | Yes | Landmark trees by size and age, but designation is voluntary and owner must apply | Any healthy tree 2"+ DBH is "conservable" during development; all public trees protected regardless of size                     | Only for voluntarily designated landmark trees and only on non-residential lots                                                                                                                                    | 1:1 inch-for-inch replacement but only in designated Tree Preservation Areas                                                                               | No                                                                                                                                                                                                                                    | 45% coverage goal codified in city code | Minimum canopy by zoning district during development; must be maintained in perpetuity for commercial/multifamily | Yes                                                                            | Yes, per day and per tree, certificates of occupancy not issued until trees replanted |
| Somerville, MA | Yes | NA                                                                                | All native trees 8" DBH or greater are "significant" trees                                                                      | NA                                                                                                                                                                                                                 | 1:1 caliper-inch or \$600/inch payment into tree fund                                                                                                      | Yes, ANY tree 8" DBH or greater requires permit and replacement on private property                                                                                                                                                   | Unclear                                 | Unclear                                                                                                           | Yes, \$600 per caliper-inch of removed tree (owner-occupants pay 10%, \$60/in) | Yes, per day and per tree                                                             |
| Austin, TX     | Yes | Certain species 24" DBH or greater                                                | Protected Trees, Any tree 19" DBH or greater, Trees 8" DBH or greater are encouraged to be protected during development by code | Yes, nearly impossible for heritage trees                                                                                                                                                                          | 300% of DBH for heritage trees, 100% for protected trees, 50% for other trees                                                                              | Yes, any tree greater than 19" DBH requires a permit which may be denied                                                                                                                                                              | Unclear                                 | Unclear                                                                                                           | Yes                                                                            | Yes                                                                                   |
| Seattle, WA    | Yes | Four-tier system, Tier 1 designated by city; Tier 2 24+ DBH                       | Tier 3 12-24 DBH, Tier 4, 6-12 DBH                                                                                              | Tier 1 (heritage) and Tier 2: cannot be removed unless hazardous or emergency, even during development; Tier 3 and 4 removal in Neighborhood Residential only if maximum lot coverage cannot otherwise be achieved | Yes, 1:1 or greater; monitored for 5 years                                                                                                                 | Yes — removal of all Tier 1-4 trees prohibited outside of development; exceptions for hazardous, dead, or diseased trees, those severely interfering with infrastructure. Removal of all healthy trees 6"+ DBH "generally prohibited" | Unclear                                 | Unclear                                                                                                           | Yes                                                                            | Yes, up to 3x the tree's appraised value per tree                                     |
| Charlotte, NC  | Yes | 30" DBH for NC native species                                                     | Specimen tree: 20-29" DBH                                                                                                       | Permit required on all property types, both in and outside of development                                                                                                                                          | Yes, 1:1 or greater with financial rewards for higher ratios (there is a \$500 for removal, reduces down to zero as more trees are planted in replacement) | Yes, permit required for all heritage trees in all contexts                                                                                                                                                                           | Unclear                                 | Unclear                                                                                                           | Yes                                                                            | Yes, \$200 per inch DBH plus replanting costs                                         |
|                |     |                                                                                   |                                                                                                                                 |                                                                                                                                                                                                                    |                                                                                                                                                            |                                                                                                                                                                                                                                       |                                         |                                                                                                                   |                                                                                |                                                                                       |
|                |     |                                                                                   |                                                                                                                                 |                                                                                                                                                                                                                    |                                                                                                                                                            |                                                                                                                                                                                                                                       |                                         |                                                                                                                   |                                                                                |                                                                                       |
|                |     | KEY                                                                               |                                                                                                                                 |                                                                                                                                                                                                                    |                                                                                                                                                            |                                                                                                                                                                                                                                       |                                         |                                                                                                                   |                                                                                |                                                                                       |
|                |     |                                                                                   | No protection                                                                                                                   |                                                                                                                                                                                                                    |                                                                                                                                                            |                                                                                                                                                                                                                                       |                                         |                                                                                                                   |                                                                                |                                                                                       |
|                |     |                                                                                   | Limited Protection                                                                                                              |                                                                                                                                                                                                                    |                                                                                                                                                            |                                                                                                                                                                                                                                       |                                         |                                                                                                                   |                                                                                |                                                                                       |
|                |     |                                                                                   | Significant                                                                                                                     |                                                                                                                                                                                                                    |                                                                                                                                                            |                                                                                                                                                                                                                                       |                                         |                                                                                                                   |                                                                                |                                                                                       |

|  |  |  |                        |  |  |  |  |  |  |  |
|--|--|--|------------------------|--|--|--|--|--|--|--|
|  |  |  | Protection             |  |  |  |  |  |  |  |
|  |  |  | Standout<br>protection |  |  |  |  |  |  |  |

# Tree Commission Approval of Bloomington Commission on Sustainability and Resilience Resolution.

**July 20, 2026**

## **To Whom it may concern**

We wish to formally acknowledge and express our approval of the Bloomington Commission on Sustainability and Resilience's resolution to enhance the City of Bloomington's protection of significant trees and heritage trees. Strengthening these protections is an important step toward safeguarding the ecological, cultural, and community value that mature trees provide.

Significant and heritage trees contribute meaningfully to Bloomington's environmental resilience, neighborhood character, and long-term sustainability. By advancing clearer standards, stronger preservation measures, and more intentional stewardship, this resolution supports a healthier urban forest and reinforces the City's commitment to responsible land-use practices.

We appreciate the Commission's thoughtful work on this issue and affirm our support for the resolution and its goals. We encourage continued collaboration among City departments, community partners, and residents to ensure that Bloomington's tree canopy remains protected for future generations.

Sincerely, The Tree Commission  
George Hegeman  
Mia Williams  
Julie Roberts  
Stephanie Freeman-Day  
Karl Gaiser  
Travis Harding