



**Marion County
Board of County Commissioners**

Parks & Recreation

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MEMORANDUM

DATE: February 13, 2026
TO: David Tillman, PE
Chairman – Land Development Regulation Commission
FROM: Jim Couillard, PLA, ASLA 
Director – Landscape Architect
SUBJECT: Tree Protection and Replacement Changes

As stewards of the Tree Protection and Replacement section of the Land Development Code (LDC), our responsibility is to establish regulations that balance growth with the preservation of natural resources. This includes ensuring the LDC is clear, practical, and enforceable.

During the recent Land Development Regulation Commission (LDRC) meeting, we identified that the revised Division 7, as presented, was difficult to interpret and would be challenging to implement and enforce. With only two staff members, the County Landscape Architect and a Certified Arborist, overseeing Divisions 7, 8, 9, and 19, clarity and enforceability are critical.

Since that meeting, we have re-evaluated Division 7 with a focus on codifying only regulations that can be realistically implemented while meeting the Board of County Commissioners' direction. We believe, and expect the LDRC will agree, that unenforceable provisions should not be included in the code.

Our process involved reviewing the previously issued Division 7, incorporating approved changes, and assessing each section for clarity, enforceability, and alignment with established goals. The result is the version presented for discussion at the February 18 LDRC meeting.

Key changes include:

- Increasing the regulated tree size threshold from 10" to 20" DBH.
- Eliminating the provision allowing removal of all trees on a site with replacement at 100" DBH per acre.

We have also highlighted sections requiring further discussion, particularly those related to field inspections, a known weakness in the LDC. Your input will be essential in finding balanced solutions.

We look forward to collaborating with the Commission to finalize this code and deliver it to the Board of County Commissioners promptly.

Cc:

Members of the Land Development Regulation Commission
Chuck Varadin, Growth Services Director
Ken Weyrauch, Growth Services Assistant Director
Susan Heyen, ISA – Project Assistant

1 **Sec. 6.6.6. - Open space.**

2 A. The provision of Natural Open Space shall comply with the following design standards:

3 (1) The preservation of environmentally sensitive lands and locally significant resources
4 shall be given priority when determining the location of natural open space.

5 (2) Natural open space shall be arranged in a contiguous manner which supports the
6 preservation and connectivity of the space, with particular attention to providing
7 connectivity to wildlife, agricultural, and/or passive recreational uses, as appropriate for the
8 characteristics of the space.

9 (3) Natural open space shall be arranged in a manner which supports compatibility with
10 surrounding areas which are not part of the proposed development.

11 (4) The buildable area resulting from the identification of natural open space shall be
12 compact and contiguous with the natural open space providing a buffering effect to
13 surrounding areas.

14 (5) Natural open space shall be designated accordingly on a plan and conveyed for
15 ownership and maintenance which will include identifying one or more entities responsible
16 for ownership and maintenance of the open space, and conveyed accordingly.

17 (6) The Board may also require that a Developer's Agreement and/or a Conservation
18 Easement conveyed to Marion County be established for the natural open space as part of
19 the plan review process.

20 (7) The natural open space shall be maintained in a healthy state consistent with the habitat
21 and use of the space and current applicable best management practices acceptable to
22 Marion County, if any, consistent with characteristics of the space.

23 (8) Constructed stormwater facilities of any kind are prohibited within areas designated as
24 natural open space.

25 (9) Structures are prohibited within natural open space; however limited minimal structural
26 improvements may be provided for passive access and agricultural or environmental
27 control such as boardwalks, trails, and fencing. Agricultural structures which are for bona
28 fide agricultural purposes and not for human occupancy for residential or non-residential
29 purposes (e.g., residence, apartment, office) may be placed within natural open space in
30 compliance with the following design requirements:

31 (a) The area where the agricultural structures may be located, either on individual
32 lots and/or on common property, as appropriate, shall be clearly designated as a
33 separate agricultural structure buildable area on the development project's primary
34 development plan and presented for approval by the Board.

35 (b) The cumulative acreage of the agricultural structure buildable areas shall not
36 exceed 10 percent of the natural open space.

1 (c) The stormwater design for the development project shall provide for and reflect
2 projected impervious surface coverage calculations for the identified agricultural
3 structure buildable areas.

4 For hamlet subdivisions platted and recorded on or before October 12, 2012,
5 agricultural structures may be located within the natural open space but items (a)
6 through (c) above will not apply; however, if all or part of the recorded hamlet
7 subdivision is re-platted, the re-plat must comply with items (a) through (c) above.

8 (10) The location, scope, and intent of any proposed limited structural improvements to be
9 placed within the natural open space shall be clearly indicated by the corresponding
10 project application and its accompanying plan.

11 (11) Natural open space is not eligible to be awarded TDCs as provided in Division 3.4
12 Transfer of Rights Programs.

1 B. The provision of Improved Open Space shall comply with the following design standards:

2 (1) All residential projects shall provide IOS at a minimum ratio of 350 square feet per
3 dwelling unit, consistent with the Comprehensive Plan.

4 **Table 6.6.6.1 - Required Improved Open Space (IOS)**

<u># Residential Dwelling Units</u>	<u>Required IOS (Acres) **</u>
<u>50</u>	<u>0.40</u>
<u>100</u>	<u>0.80</u>
<u>200</u>	<u>1.61</u>
<u>500</u>	<u>4.02</u>
<u>1,000</u>	<u>8.03</u>

5 ** Calculate required IOS for developments based on 350 sf/dwelling unit

6 (2) IOS shall consist of active or passive recreational spaces in single or linked multiple
7 tracts within the residential development, and such spaces shall be accessible to all
8 residents within the development.

9 (3) IOS must be located in common tracts or properties and may not be located within any
10 residential lots or tracts.

11 (4) Roads, streets, and/or parking lots shall not qualify as IOS.

12 (5) The following features qualify as IOS, provided they are accessible to all residents and
13 are designed for active or passive recreational use:

14 a. Neighborhood parks designed for passive or active recreation.

15 1. Neighborhood Parks must include at least three of the following
16 elements:

- 17 • Age-appropriate play equipment
- 18 • Sports/game areas (e.g., soccer field, basketball court, racquet
19 sports such as tennis, pickleball, padel, etc., cornhole, horseshoes,
20 etc.)
- 21 • Open turf areas suitable for informal play or gathering
- 22 • Multi-purpose fields
- 23 • Outdoor fitness stations
- 24 • Picnic area with tables and grills

- 1 • Gazebos, pergolas or pavilions for group activities and events
- 2 2. Neighborhood Parks shall include a minimum of two of the following
- 3 elements: benches, picnic tables, or other seating areas.
- 4 3. Neighborhood Parks shall include a minimum of one shade tree per
- 5 3,000 square feet of park area shall be provided within the park
- 6 boundary. Existing Shade Trees may be counted towards this
- 7 requirement.
- 8 4. Neighborhood Parks must include a sign or monument marker that
- 9 establishes it as a common open space.
- 10 b. Golf Courses may satisfy up to 50% of the total IOS requirement.
- 11 c. Nature preserves, with public access that include an improved recreation trail
- 12 around the perimeter of the preserve and other elements such as information
- 13 stations, seating areas or other publicly accessible improvements.
- 14 d. Improved multi-use recreation trails a minimum of 8 feet in width, excluding on
- 15 street sidewalks. A multi-use recreation trail is a designated path or route
- 16 designed to accommodate a variety of non-motorized recreational activities,
- 17 such as walking, running, cycling, inline skating, etc. These trails must be
- 18 accessible and open to people of all ages and abilities and are intended to
- 19 promote safe, shared use by different types of users. Recreation trails must be
- 20 constructed of asphalt, concrete, or other hard, permanent surfaces. For area
- 21 calculations, the IOS contribution includes the width of the recreation trail plus
- 22 five (5) feet, or the width of the trail plus adjacent landscaped or preserved
- 23 natural area within the dedicated IOS tract—whichever is greater
- 24 e. Publicly accessible common squares, plazas and gathering spaces improved
- 25 with seating, paving, landscaping, or other features that encourage active or
- 26 passive recreation and social interaction.
- 27 f. Recreation courts and active sports areas including facilities such as tennis,
- 28 basketball, pickleball, or other similar features intended for organized or
- 29 informal sport activity.
- 30 g. Dog Parks or pet-friendly play areas fenced with pet amenities, at least 0.5 acres
- 31 in size.
- 32 a.h. Central Recreation and Amenity Areas that include multi-use recreational
- 33 buildings, neighborhood pools, neighborhood centers, passive recreational
- 34 areas, or other indoor/outdoor amenities.
- 35 ~~(2) — Stormwater facilities and golf courses may be located within designated IOS.~~
- 36 ~~(3) — No more than 25 percent of stormwater facilities may be counted to satisfy area/acreage requirements~~
- 37 ~~for required IOS. A higher percentage may be approved by DRC, depending on the design and lay of the~~
- 38 ~~facility.~~

1 ~~(4) IOS shall be designated accordingly on any development plan and shall also include identifying the~~
2 ~~ownership and maintenance entity of the IOS.~~

3 ~~(Ord. No. 13-20, § 2, 7-11-2013)~~

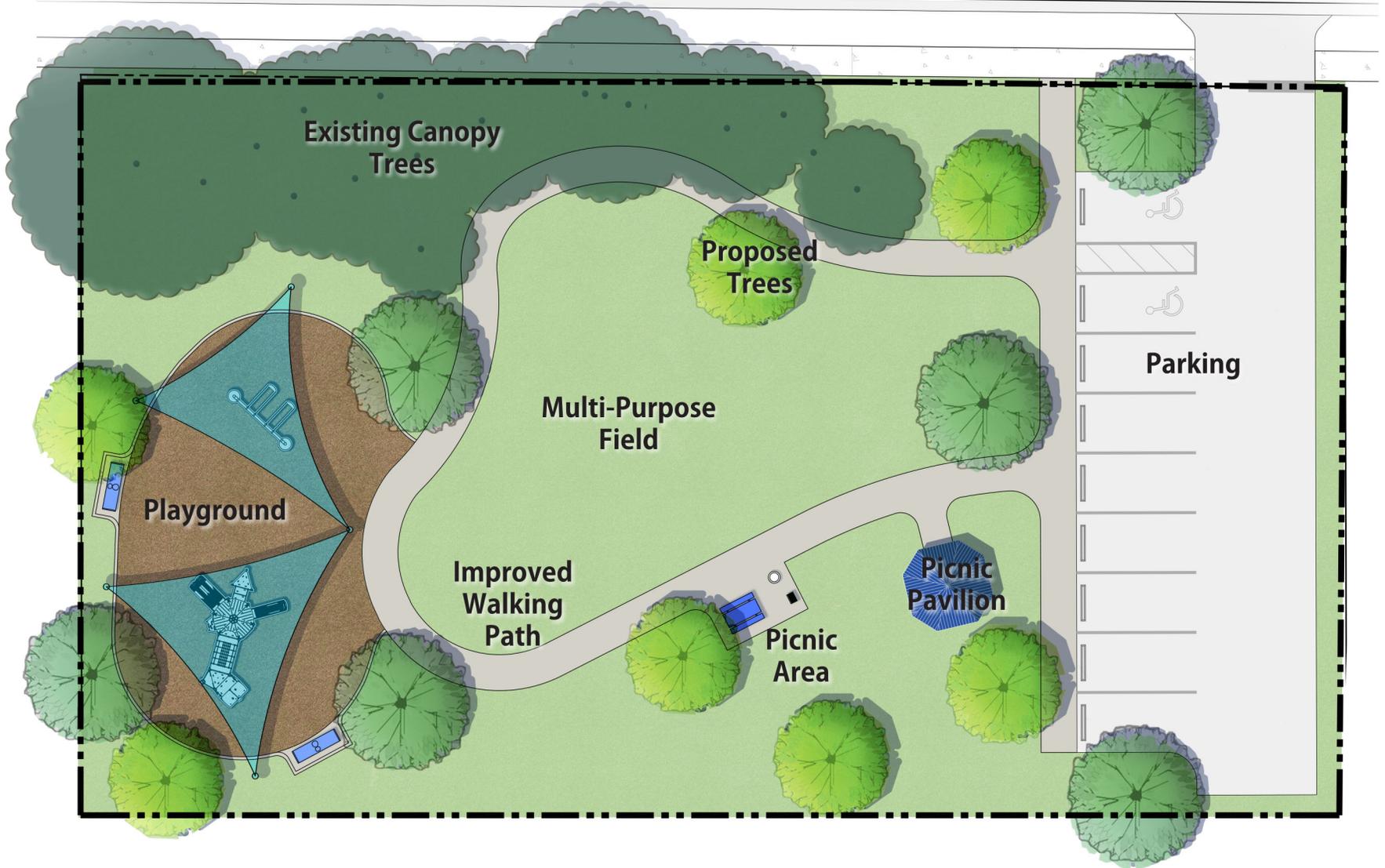
4 i. Where a development provides a central recreation amenity area with
5 the following minimum components, the area of the amenity facility and
6 improvements shall count at a 2:1 ratio for the required IOS acreage. For
7 example, a 1.5 acre amenity area satisfying this section shall satisfy 3.0
8 acres of required IOS. The minimum components must include:

- 9 1. A 2,500 square foot minimum structured, air-conditioned
10 amenity center building with meeting and recreation space and
11 indoor restroom facilities.
- 12 2. An improved outdoor area including a neighborhood swimming
13 pool. The swimming pool at the water surface shall be a
14 minimum of 1,500 square feet.
- 15 3. A minimum of two improved sport courts such as tennis,
16 pickleball, basketball, racquetball, or similar sport court subject
17 to the approval of the Growth Services Director.
- 18 4. An open play field, playground, or similar.

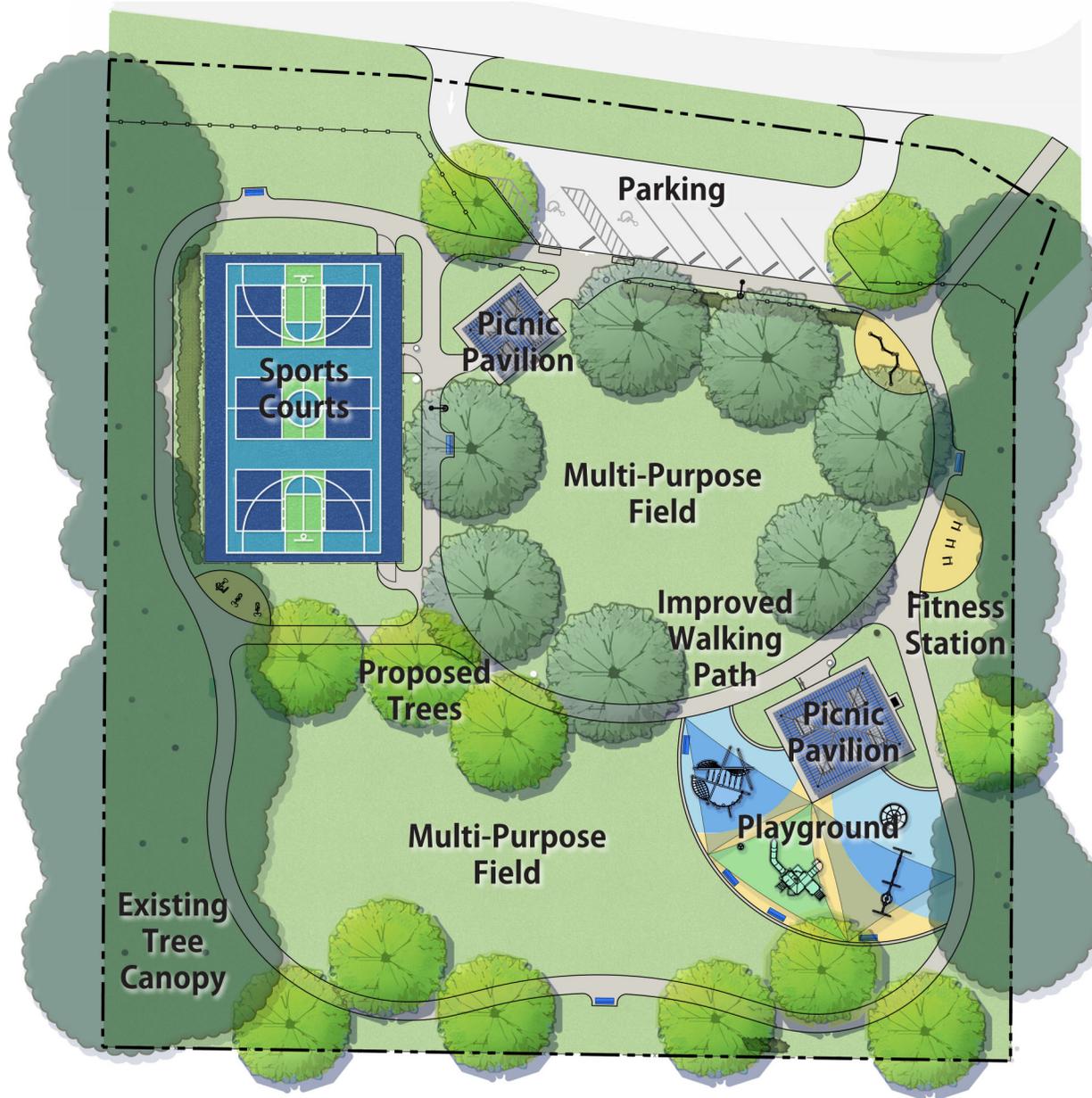
19 i. Other similar uses that provide recreational opportunities for residents within
20 the development, subject to the approval of the Growth Services Director.

21 (6) The following uses are not considered to satisfy IOS requirements:

- 22 a. Drainage retention areas.
- 23 b. Roads, streets, and/or parking lots.
- 24 c. Recreation activity areas within drainage retention areas (i.e. a play field at the
25 bottom of a drainage retention area or similar).
- 26 d. Landscape buffers, unless such buffers include an integrated and paved multi-
27 use recreational trail at least eight feet in width.



Small Neighborhood Park
+/- 0.6 Acres



Medium Neighborhood Park
 +/- 2.0 Acres



Large Neighborhood Park
 +/- 6.8 Acres