

**Official Minutes of
MARION COUNTY
BOARD OF COUNTY COMMISSIONERS**

March 23, 2026

CALL TO ORDER:

The Marion County Board of County Commissioners (BCC) met in a special session in Commission Chambers at 1:36 p.m. on Monday, March 23, 2026 at the Marion County Governmental Complex located in Ocala, Florida.

Chairman McClain noted Commissioner Zalak should be arriving shortly.

INTRODUCTION OF PUBLIC HEARING BY CHAIRMAN CARL ZALAK, III

Chairman McClain advised that the public hearing was scheduled this afternoon to consider amending the Marion County Land Development Code (LDC).

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance to the Flag of our Country.

Commissioner Zalak arrived at 1:37 p.m.

Chairman McClain passed the gavel to Commissioner Zalak, who assumed the Chair.

ROLL CALL

Upon roll call the following members were present: Chairman Carl Zalak, III, District 4; Vice-Chairman Matthew McClain, District 3; Commissioner Craig Curry, District 1; Commissioner Kathy Bryant, District 2; and Commissioner Michelle Stone, District 5. Also present were County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes, and Assistant County Administrator (ACA) Tracy Straub.

PROOF OF PUBLICATION

Deputy Clerk Windberg advised that there are three (3) Proofs of Publication to be presented for this afternoon's meeting.

The first Proof of Publication is entitled, "Notice of Public Hearing by the Board Of County Commissioners of Marion County, Florida to consider a Land Development Code Amendment related to Article 1, Administration, Division 2, Definitions". The Notice states the Board will consider a proposed amendment related to Marion County LDC, Article 1, in Marion County, Florida, providing for revisions to Division 2, Definitions, specifically related to Private Airports and Fly-In Communities.

The second Proof of Publication is entitled, "Notice of Public Hearing by the Board Of County Commissioners of Marion County, Florida to consider a Land Development Code Amendment related to Article 4, Zoning, Division 3, Special Requirements, Section 4.3.28, Fly-in Communities". The Notice states the Board will consider a proposed amendment related to Marion County LDC, Article 4, in Marion County, Florida, providing for revisions to Section 4.3.28, Fly-In Communities.

The third Proof of Publication is entitled, "Notice of Public Hearing by the Board Of County Commissioners of Marion County, Florida to consider a Land Development Code Amendment related to Article 4, Zoning, Division 3, Special Requirements, Section 4.3.29, Private Airports". The Notice states the Board will consider a proposed

March 23, 2026

Amendment to the Marion County LDC relating to Article 4, providing for revisions to Section 4.3.29, Private Airports.

All three Notices were published on the publicly accessible website, MarionFL.org/LegalNotices, on March 10, 2026.

The Deputy Clerk was in receipt of a 47 page Agenda Packet to follow along with the PowerPoint presentation.

Chairman Zalak advised that staff is going to present each one of these items together and then the Board will take public comment on all three of these items at one time.

STAFF PRESENTATION

1. Consider Amendments to Marion County Land Development Code (LDC) Article 1, Division 2, Definitions

Growth Services Deputy Director Ken Weyrauch presented the following:

Description/Background: Staff will present the attached proposed language to add new definitions to Article 1, Division 2 Definitions of the Land Development Code (LDC), regarding Private Airports and Fly-In Communities.

The proposed LDC amendments were reviewed by the Land Development Regulation Commission (LDRC) during a public hearing on February 4, 2026, recommended for approval and to forward them to the Board of County Commissioners for consideration.

The BCC held the first of two required public hearings on February 26, 2026. The meeting today constitutes the second and final required public hearing.

Budget/Impact: None.

Recommended Action: Take public comment and motion to approve the staff's recommended changes.

2. Consider Amendments to Marion County Land Development Code (LDC) Article 4, to Add New Section 4.3.28 - Fly-In Communities

Growth Services Deputy Director Weyrauch presented the following:

Description/Background: Staff will present the attached proposed language to add a new section 4.3.28, Staff will present the attached proposed language to add a new section 4.3.28, Fly-In Communities, to the Land Development Code.

The proposed LDC amendments were reviewed by the Land Development Regulation Commission (LDRC) during a public hearing on February 4, 2026, recommended for approval and to forward them to the Board of County Commissioners for consideration.

The BCC held the first of two required public hearings on February 26, 2026. The meeting today constitutes the second and final required public hearing.

Budget/Impact: None.

Recommended Action: Take public comment and motion to approve the staff's proposed language.

3. Consider Amendments to Marion County Land Development Code (LDC) Article 4, to Add New Section 4.3.29 - Private Airports

Growth Services Deputy Director Weyrauch presented the following:

Description/Background: Staff will present the attached proposed language to add a new section 4.3.29, Private Airports, to the Land Development Code.

The proposed LDC amendments were reviewed by the Land Development Regulation Commission (LDRC) during a public hearing on February 4, 2026, recommended for approval and to forward them to the Board of County Commissioners for consideration.

The BCC held the first of two required public hearings on February 26, 2026. The meeting today constitutes the second and final required public hearing.

Budget/Impact: None.

Recommended Action: Take public comment and motion to approve the staff's proposed language.

Growth Services Deputy Director Ken Weyrauch stated this is the second of two public hearings to consider Article 1, Division 2, Definitions. Also for consideration are Article 4, Section 4.3.28 for Fly-In Communities and a new Section 4.3.29 - Private Airports. He advised that at the first public hearing held on February 26, 2026, staff provided a copy of the proposed language that came through LDRC, as well as the proposed language from staff. After the meeting with the LDRC, staff also met with stakeholders, the BCC and the County Attorney's Office and what is being presented today is the different language options from those meetings.

Mr. Weyrauch referred to pages 15 through 18 of the Agenda packet, which addresses Article 1, Division 2 Definitions, noting the LDRC has proposed definitions for airport, fly-in community and private airport; whereas staff have also proposed to include definitions for airport facilities and private airport of public interest. Since the last public hearing, the only two definitions that have changed are fly-in community and private airport. For the definition of fly-in community, staff have recommended taking out the language "operated exclusively for the residents of the community". He opined that since a fly-in community is required to go through the Planned Unit Development (PUD) process, the Board can address the Conditions at that time. For example, the Board can address the proposed maximum commercial, if any, that the project is allowed to have and who it serves through that PUD. Mr. Weyrauch stated there was the question of how many residential units would equate to a fly-in community, noting the consultant recommended 5 and the LDRC recommended 10. This would be up to the Board to determine. He stated in regard to the definitions relating to private airport staff are recommending to strike the language "without fee" for various reasons, with the biggest reason being that it would be very difficult to enforce. Mr. Weyrauch clarified that private airport applications are being required to go through a Special Use Permit (SUP) process and Conditions can be required through the SUP.

Mr. Weyrauch referred to pages 24 through 32 of the Agenda packet, which addresses Article 4, Section 4.3.28 for Fly-In Communities. He provided a brief overview of the discussions that occurred at the first public hearing as it related to the maximum height for accessory hangars in approved fly-in communities, noting the County's Code currently has a maximum height of 30 feet (ft) for both residential and agricultural properties. Mr. Weyrauch stated the LDRC proposed a 50 ft maximum height and the County's consultant Kimley-Horn and Associates (KHA) recommended a 40 ft.

In response to Commissioner Byrant, Mr. Weyrauch advised that if somebody has the need for a 50 ft hangar, they can always come back to the BCC and ask for a waiver.

Richard Busche, KHA, SE 17th Street, stated his team spoke with staff after the last meeting and in looking at the different hangar heights that were recommended by Federal Aviation Administration (FAA) guidance documents, as well as looking at some of the heights that were recently constructed at the City of Ocala Airport it was their

March 23, 2026

recommendation to staff that 40 ft would be a reasonable number in their opinion.

General discussion ensued in regard to hangar/accessory building heights.

In response to Chairman Zalak, Mr. Weyrauch clarified that the current Code height is a maximum of 30 ft and any request for increases (up to 50 ft) requires a Variance and anything over 50 ft requires a SUP.

Mr. Weyrauch referred to page 25 and commented on the requirement for fly-in communities to provide a Zoning Compatibility Analysis in its PUD application.

In response to Chairman Zalak, Mr. Weyrauch stated staff have not proposed any language that would limit who could be the guest because if you are in a residential community, the County does not regulate who can be a guest to that community.

Mr. Weyrauch addressed the importance of knowing where the planes would be taxing through the community versus the cars, people on bicycles, pedestrians, as well as lighting levels within the community that are not associated with taxiways, but do occur in residential communities. He noted other language included in this Section is as follows "policies shall be submitted with the PUD application to confirm the entity responsible for maintaining infrastructure, storm water facilities, roads and taxiways within the fly-in community".

Mr. Weyrauch referred to pages 38 through 45 of the Agenda packet, which addresses Article 4, Section 4.3.29 - Private Airports, noting this will be a new Section in the LDC. He stated after the first public hearing staff has reworded some of the language as follows "airport expansion is defined as a modification to the existing runway layout and or a geographic expansion beyond the limits of the previously approved private airport". Mr. Weyrauch stated an SUP is not required for the expansion of an existing private airport if required for safety improvements that do not include lengthening the runway as to be determined by the Growth Services Director as long as the expansion is de minimis.

In response to Chairman Zalak, Mr. Weyrauch stated staff will bring back a clear definition of de minimis as it relates to airport expansions, as well as who will get to determine what is considered a safety improvement (i.e., FAA, Florida Department of Transportation (FDOT), etc.).

Mr. Weyrauch advised that heliport facilities for hospitals, first responders, and government agencies, including their contractors, are exempt from the SUP requirements. He clarified that current Code already allows private airports to have a heliport.

Chairman Zalak commented on smaller hospitals and Emergency Rooms (ERs) that are being constructed in neighborhoods and expressed concern with giving them the right to construct a heliport.

County Attorney Matthew Minter, Legal, advised that new hospitals are required to have a Certificate of Public Convenience and Necessity (COPCN), noting staff can check those requirements to see if that answers the question as to whether or not they are entitled by right to a heliport.

General discussion ensued.

Mr. Weyrauch advised that Florida Statute (FS) 395.002(12) defines a hospital as "an establishment that offers services more intensive than those required for room and board, personal services, general nursing care, and that offers facilities and beds used for beyond 24 hours by individuals requiring diagnosis, treatment or care for illness, injury, deformity, infirmity, abnormality or pregnancy".

Mr. Weyrauch stated all private airports, new ones or expanded ones beyond what they are currently approved for today would require a SUP. He referred to page 39 Section "3

(f)", noting staff is proposing to strike out the language that states "provisions for screening and buffering of the similar uses and or adjacent properties". Mr. Weyrauch stated that is already addressed in item "C" as it relates to the proposed buffers, setbacks and structure heights for uses within the private airport. He referred to Section "3 (h)", noting staff is proposing to strike out the language "provisions for meeting any special requirements required by the site analysis for the private airport special use" as being redundant as it is also contained in the Zoning Compatibility Analysis. Mr. Weyrauch provided a brief overview of other language changes under this Section, including the addition of the following "private airports lawfully established or vested before the effective date of this Ordinance shall be a legal conforming use regardless of their future land use designation or zoning classification and shall not be required to obtain either a SUP or PUD approval". He stated there is one private airport that was approved by FDOT, noting staff reviewed those documents to create a guide as to what it was that they are approved for today. Mr. Weyrauch advised that staff are looking at doing that for all of the private airports, just not as fast as they had hoped that it would be, noting staff are sending the documents to Gainesville to review and see which ones need to be scanned.

In response to Commissioner Stone, Mr. Weyrauch clarified that none of the language being proposed by staff is taking away any current rights of any vested properties.

In response to Commissioner Curry, Mr. Weyrauch advised that currently in the County's Comprehensive Plan, it states that all new private airports are required to have a SUP and the private airport language, as proposed, is just clarifying that process to make it a little bit more predictable. He clarified that all of the things that staff are asking for in the applications are things that they currently require. As for fly-in communities, almost every residential community that comes in front of the Board today goes through the PUD process. However, if somebody had property and were able to plat it or create some kind of subdivision (i.e., agriculture lot split) and are adjacent to a private airport and have an easement to get to that private airport the County does not have anything that would require that to become a PUD.

In response to Commissioner Curry, Mr. Weyrauch provided Leeward Air Ranch as an example, noting any undeveloped property already in its Master Plan, would not be required to go through the PUD process to develop those properties within the boundaries of that Master Plan.

In response to Commissioner Stone, Mr. Weyrauch advised that per State Statute a plat must be filed when subdividing a parcel of land into 3 or more smaller lots/residential units for sale or development unless a property owner goes through the exemptions of the LDC. Some of those exemptions include family divisions where a property owner can create up to four lots, an agricultural lot split where the owner can do up to ten 10 acre lots outside of the urban growth boundary (UGB), etc. Commissioner Stone questioned if the Statute stipulates 3 or more residential units, why would staff's proposed language for fly-in community be more than five residential units (page 15, line item 10), noting her suggestion would be to change that language to 3 units to be consistent with the Statute.

PUBLIC COMMENT

Chairman Zalac advised that there are several attorneys in the audience and stated if representing a client, please put the client's names on record and if representing more than two or three clients, then the Board will extend the public comment time to 10 minutes.

Commissioner Bryant out at 2:14 p.m.

March 23, 2026

Chairman Zalak opened the floor for public comment.

Truett Gardner, North Ashley Drive, Tampa, advised that he is here on behalf of John Travolta and the Hawker Investment Trust. He expressed his appreciation to County staff and the BCC for all their efforts during this process. Mr. Gardner addressed the definition of fly-in community and in particular under a strict reading of the way it is currently stated it could be read to exclude his client from his use of the runway. He advised that he spoke with County Attorney Minter as it relates to proposed definitions to Article 1, Division 2, Definitions, noting the current definition ends with the words "invited guest" (page 15). Mr. Gardner stated he submitted a letter to the BCC, noting he was fine with Mr. Minter's amended proposed language as long as it is clear that it protects his client's interest.

Mr. Gardner advised that the language he proposed would expand on that and to say "Or a property owner operating pursuant to a common plan of development that provides legally enforceable access to a private airport, including without limitation, property subject to a common Master Declaration, easement or other recorded instruments that are members of or subject to a governing association responsible to the operation, maintenance or management of the private airport or related facilities".

Commissioner Bryant returned at 2:16 p.m.

Mr. Gardner clarified that the reason he proposed this language is that Mr. Travolta is not "per se" in the Jumbolair mixed-use development, instead he is under a Master Declaration and has a perpetual easement to use that runway. He reiterated that he wanted to ensure his clients' rights to use the runway are preserved.

Chairman Zalak referred to line 11, which reads "access to a private airport that is utilized by the aircraft or the residents of the community and their invited guests" and questioned whether the language can be amended to include "residents and or easement holders to the airport".

Mr. Minter stated the additional language he proposed to Mr. Gardner is "this definition shall not defeat or supersede any existing lawful easement or rights of access to a private airport".

In response to Chairman Zalak, Mr. Gardner stated other than the language Article 1, Division 2, Definitions, he and his client agree to all of the other language.

It was the general consensus of the Board to include the additional language as proposed by Mr. Minter.

Rob Batsel, SE 36th Avenue, advised that he is present on behalf of what he will collectively refer to as Leeward Air Ranch, noting he submitted a one page letter to the Clerk with the entities that he is here to represent, as well as a 4 page electronic mail (email) dated March 23, 2026 relating to Senate Bill (SB) 180. Those entities he represents include Dirk and Kent Leeward, who are here today both individually and as co-representatives of a trust that owns quite a bit of property is being discussed, as well as Leeward Air Ranch Airport Inc.; RAF Group 45, LLC; Leeward Development Group LLC; as well as the Leeward Property Owners Associations. He provided a brief history of the Leeward Air Ranch and advised that Jimmy Leeward came up with this vision in the 1970's, after traveling the Country and visiting up to 30 different air parks to fine tune what he was envisioning, which is known today as Leeward Air Ranch.

Mr. Batsel opined that staff have been doing a great job in trying to obtain a vested rights determination, noting his clients are confident that Leeward Air Ranch will be determined to be a vested project and will be recognized as vested for all of the reasons that underpin statutory and common law vesting theories. He advised that there are undeveloped portions of the property that were entitled under a host of different site plans, Master

Plans, private road subdivisions, and rezonings over the years as zoning came into and went out of effectiveness in Marion County and at the end of the day, his clients are confident they are vested. Mr. Batsel stated because the vesting process is not over the finish line technically, and there still remains a few things that need to be addressed, property owners have to assume worst case scenario and are back to relying on the text, which is why it is extremely important to get the text right. He opined that haste makes waste and it would be prudent for staff and the Board to go through today's hearing, and go back to the drawing board and make some fine tunes after today.

Chairman Zalak stated this is a struggle because the discussion relates to a Master Plan that was approved back in the 1980's that does not have the things that a current plan would have. He advised that the Board does not want to take away anyone's property rights, but it does not want to just give things that were not in those previous Master Plans. General discussion ensued.

Commissioner Curry questioned if Leeward Air Ranch had requested a letter from County staff to define the vested rights and entitlements that Leeward Air Ranch has at this time. Mr. Batsel stated he had a meeting with staff to do 2 things, both discussing vesting rights and to go through, line by line, the initial draft that the Board considered a couple weeks ago. He advised that he has a draft letter that summarizes where his clients are at this point; however, staff have not seen that yet because it is his understanding that they want to see any documentation from DOT concerning the initial airport boundary. Mr. Batsel advised that the documentation has shown that there is a 36 acre grass runway on the northwest side of the property and when the Comprehensive Plan was adopted for the Leeward Air Ranch it was assigned future land use designations, and has always carried Employment Center and M1 (Light Industrial) zoning. He noted M1 is a zone that allows for an airport and that is why that occurred. Mr. Batsel advised that is also consistent with the master plan as approved by the County Commission in 1991 in conjunction with a private road subdivision, noting there were a lot of Master Plans approved over the following years.

Mr. Batsel referred to Article 1, Division 2, Definitions, specifically page 15, line 12, noting the last clause of this paragraph provides that the private airport that is utilized by "the aircraft of the residents of the community and their invited guests". He stated his client wants to ensure that the latter portion of that clause modifies aircraft so that it reads "the aircraft of residents and the aircraft of their invited guests are allowed".

In response to Chairman Zalak, Mr. Batsel stated his clients just want to ensure that the language "and the aircraft of invited guests" is included.

In response to Chairman Zalak, Mr. Minter opined that generally the intent is pretty clear, but the Board can add those few more words. It was the general consensus of the Board to concur.

Mr. Batsel commented on previous Board discussion relating to hangar height and opined that 35 or 40 ft would be the proper height. He advised that out of the 200 residents at Leeward, about 20 of them have had to go through the variance process. Mr. Batsel stated it is a cumbersome process that can take several months and can potentially lead to someone not buying property there because they may find property elsewhere where they can utilize a 40 foot hangar by right.

Mr. Batsel referred to page 25 as it relates to Article 4, Zoning, Division 3, Special Requirements, Section 4.3.28, Fly-in Communities, Sections 3 and 4 (lines 5 through 23). He commented on the Zoning Compatibility Analysis and expressed concern about preemption in some of these areas and the extent to which this Code seeks to regulate

March 23, 2026

things that the County cannot properly regulate. Mr. Batsel opined that staff's recent changes have helped to clarify this, but he wants to ensure that those things will be evaluated only within the boundary of the fly-in community that is the subject of any application. For example, an applicant cannot regulate an airport's noise through a PUD for a fly-in community. He opined that by staff restricting the Compatibility Analysis to expected traffic patterns including pedestrian, bicycle, and automobiles on taxiways, it helps to clarify this. Mr. Batsel opined that it is important that these be analyzed at the front end, but not made into Conditions of approval that the County then enforces on an ongoing basis.

Chairman Zalak questioned why zoning rules should not apply for fly-in communities over the years, noting that is what they are meant to do. He stated the County might not be able to regulate the air traffic or anything like that, but the County can certainly regulate the fly-in community zoning rules over the course of time. Chairman Zalak stated that is the entire point of going through the PUD process. He advised that through the SUP process the Board can evaluate the impact of the airport on the community, noting the entire intent is to evaluate the impact of the airport. Chairman Zalak clarified that there are so many options out there in the aviation world of what an airport could do and what it was intended to do and the need for reliability that somebody buying into a fly-in community should have about the aspects of that airport that they are buying into, whether by easement or by fly-in community or something else.

Mr. Batsel expressed concern with a process that places conditions on a fly-in community now that are enforceable 20 years later.

General discussion ensued.

Mr. Batsel referred to line 18, which states "A fly-in community shall encourage best practices for its residents and invited guests that include rules and policies for the operation of aircrafts within the fly-in Community", which he opined was fair. He recommended striking the second sentence "Draft community rules and policies shall be submitted with the PUD application to confirm the entity responsible for maintaining infrastructure, stormwater facilities, roads, and taxiways within the Fly-In Community", which is already in the Code and applicants are obligated to do prior to platting.

Chairman Zalak opined that the problem with deleting that is that the draft covenants and community rules are where someone is going to find out what the relationship is, how it works, what is going to be coming in and out and how all of that stuff works, noting it is important to the County to have some understanding of that. He requested the Board hold off on this issue until it gets input from the County Attorney and staff.

Mr. Batsel referred to page 25, lines 27 through page 26, line 10, noting this is the vesting language which his client intends to take advantage of or to be recognized under. He referred to page 30, Section A (lines 1 through 6), which states "Only the geographic property boundary beyond the limits of a previously approved fly-in Community property boundary or the increase in land use types, densities, or intensities shall be required to obtain PUD approval. Mr. Batsel advised that in the event that there is a geographic boundary expansion or an increase in land use types, densities, or intensities of an existing fly-in community that would require a PUD, the County may only review the expanded area and may not condition the previously approved fly-in community", noting it was proposed to be removed; however, his client would like for it to remain intact.

Chairman Zalak stated he disagreed with keeping that language, noting everything he has ever read about zoning law says that it needs to be compatible and that the County needs to take into consideration the compatibility of the adjacent property.

General discussion ensued.

Chairman Zalak opined that if a PUD comes back in and is back under review under current standards that are in place today, the Board should be able look at the PUD in entirety.

ACA Tracy Straub clarified that when a PUD comes back in front of the BCC for modification or expansion, the Board does get to take a look at whether the buffer is what it would expect or maybe it is an older buffer and the County now has different standards. Relating to a request for an increase in density, the Board can ask them to upgrade that buffer.

Commissioner McClain opined that there is probably some middle ground to where the County is more specific about what it is going to be considering when a PUD comes back in front of the BCC.

General discussion resumed.

Mr. Batsel stated the preferred language is: "If there is a geographic boundary expansion or an increase in land use types, densities, or intensities of any portion of an existing fly-in community requiring a PUD, the County may only review such portions included within the application for PUD and may not review, modify, or place additional conditions upon other portions of the fly-in community". He advised that his client, over 50 years, has built 200 homes and platted 7 different portions of the property and has some left to go under the Master Plans that were previously approved. He stated he wants to ensure that it is clear that if or when they come in for PUD, it does not open the door for this Board to say that the buffers were not big enough in 1991 and the applicant needs to enhance those buffers on the existing portions of the improved community.

General discussion resumed.

Mr. Minter advised that after listening to all this discussion, he opined that a good case could be made for leaving the red-lined language in Section 3, because even if the property owner has an existing PUD and then requests an expansion the County could come in and say it wants the applicant to expand the buffers. The Board needs to remember that there are private individuals who own these properties that are impacted by the buffers. So now the County is going to go back and tell a private property owner that now the County wants to impose a new buffer on their private property. He recommended the Board leave the proposed language in Section 3 in the Code.

Ms. Straub advised that the BCC has never made decisions that would go after individual property owners, but have made decisions that when somebody asked for an expansion of their PUD and requested an increase in their density, the Board did ask for things to be updated and upgraded as part of the PUD negotiation that occurred.

General discussion resumed.

Ms. Straub stated much of the language from Section 3 was actually restated on page 24 in Section C.

Mr. Batsel referred to page 40, lines 7 through 11, as it relates to Article 4, Zoning, Division 43, Special Requirements, Section 4.3.29, Private Airports, which reads "Expansion is defined as a modification to the existing runway layout and/or a geographic expansion beyond the limits of a previously approved Private Airport. However, a SUP is not required for the expansion of an existing Private Airport if required for safety improvements that do not include the lengthening of the runway as to be determined by the Growth Services Director", noting the only requested change is the words "runway layout" be changed to "runway alignment". He referred to lines 25 through 33 and opined that the language is redundant. Mr. Batsel commented on the process where the applicant gets the land use

March 23, 2026

approval first, then goes to DOT to apply through their application process and things are changed to the extent that a conceptual plan is adopted as part of a PUD or SUP, that is then subject to change with the need to come back to the County to advise of DOT changes.

Chairman Zalak advised that if an applicant brings a conceptual plan to the BCC stating what it is going to do and then DOT changes it, it definitely needs to come back to the County for review.

Mr. Batsel opined that part of the problem with the County trying to regulate what the State already regulates is the fact that the State might make changes.

General discussion ensued.

Ted Schatt, Schatt Law Firm, E. Silver Springs Boulevard, advised that he is present on behalf of Robert Moses, a homeowner in Jumbolair. He commented on the Leeward Air Ranch and their expansion into additional property, noting its Master Plan is for residential; however, the land is currently zoned for Industrial. Mr. Schatt referred to page 38, Section 4.3.29 lines 2 through 9 and questioned why that language is being removed. Mr. Minter opined that staff deleted the provision about intensity because once FDOT has registered a private airport, the County does not have any jurisdiction and is pre-empted from regulating.

Mr. Schatt stated it is his understanding that FS 330.361 allows local government to control location of airports by zoning requirements. He urged the Board to go back to the original language so that if there is a change in the development plan, it would have to come back before the BCC.

Mr. Bouyounes advised that the reason staff deleted that first part and moved it to the end of that paragraph is because those are elements that can be controlled in the SUP. He clarified that the BCC could learn from the applicant what exactly they want to do and it would be part of the SUP, noting staff tried to do it that way because they did not want to encroach in one way or another on the vested airports and the rights they have to use today.

General discussion ensued.

Mr. Minter clarified that the County has had a reference in the Comprehensive Plan requiring a SUP for an airport. The County also has had a reference to a fly-in community with no definition of it and no regulations. So, for all these years the County has had almost no regulations whatsoever. He stated public airports are licensed by FDOT and private airports are registered by FDOT. Mr. Minter stated if the Board looks at the case law in the State of Florida, there is not a whole lot of direction on a number of aspects about the interplay between local government regulations and the airport. He advised that Mr. O'Donnell from KHA has told staff at the last meeting that the FDOT actually wants local governments to provide them with zoning and land use approvals at the front end so they can decide at the first instance whether or not they themselves are going to approve an airport in a particular location. Mr. Minter noted the issue is that once FDOT has approved a private airport it is under their jurisdiction. For example, if the original SUP that came before the County had 10 hangars and then they go to FDOT and get an approval and five years later they request to have 40 more hangars within their airport the question would be who has jurisdiction to approve that request.

General discussion resumed.

Commissioner Bryant out at 3:14 p.m.

Reggie Bouthillier, Stearns, Weaver, Miller, East College Avenue, advised that he is representing Jumbolair Aviation Operations, LLC, the operator of Jumbolair, and

Jumbolair Development, LLC, the master developer of Jumbolair Aviation Estates. He expressed his appreciation to LDRC members, County staff, and the County Attorney's Office for all their hard work, noting everyone has been working hard between public hearings to try to discern and understand the revisions that are being made along the way. Mr. Bouthillier advised that at the beginning, his firm filed a letter notifying the Board under Senate Bill 180 to preserve his clients' vested rights. He stated he intends to continue to work with County staff and the County Attorney's Office after the Board makes its decision today to confirm that whatever is adopted here is not going to negatively impact the vested rights of either the Jumbolair Aviation Estates or the airport itself. Mr. Bouthillier noted he would like to confirm those concerns in writing and is hopeful that the County will be able to reach a positive resolution, so they do not have to exercise his client's rights under SB 180.

David Tillman, SE 16th Avenue, advised that he is the LDRC Chairman. He wanted to advise the Board that he does have a conflict of interest as he works for Jumbolair; however, State Statutes does not exclude him from giving his opinion on anything. Mr. Tillman pointed out that several definitions were added after they came back from the LDRC, and a lot has been added since the LDRC saw it, so the language did not get vetted by the group.

Commissioner Bryant returned at 3:17 p.m.

Mr. Tillman advised that there is no Code that he is aware of that riggers a number of units to require PUD; however, there are lot of other things in the Code that trigger number of units that require water and sewer, etc. He commented on the language in regard to the number of units for the airport to trigger a PUD being pushed down from the LDRC recommendation of 10. Mr. Tillman stated there is some language from either DOT or FAA that defined fly-in airports as being 10 or more residential units. He commented on height for the hangars, noting the LDRC recommended 50 ft because the Agricultural land designation allows property owners to build structures to 50 ft. Mr. Tillman advised that there are vested rights that exist and if the County starts adding language whether loosening it up or tightening it up to where it is not recognizing those rights, then the Board is making a significant change that does trample all over existing vested rights.

In response to Commissioner Bryant, Mr. Tillman clarified that adding an additional hangar would not trigger having to go to FDOT to get permission.

Mr. Tillman addressed language relating to heliport facilities for hospitals, first responders, and government agencies, noting there are small Emergency Rooms being constructed that may possibly want to utilize a heliport. He opined that the County is writing more restrictive language that competes with Senate Bill 180.

Tim Gant, SW 3rd Street, Micanopy, advised from his seat that he did not want to speak. Andre Alexsen, West Anthony Road, advised that he served this great Country in the military for over 14 years with Special Operations Command and then another six years as a Private Military Contractor. He addressed the Board in regard to the American Honor Foundation, and the fantastic job Mr. Robert Bull has done at Jumbolair over the years. He stated he lives right on their flight path of where they fly, noting they do not fly at night, or early in the morning and there is not a lot of loud noise like a lot of people would think or say. Mr. Alexsen commented on the maintenance of their aircraft, which is impeccable, noting it is comparable to the military. He stated the Bull family sent 10 aircraft for the 250th anniversary of our nation when President Trump had the parade and opined that what Mr. Bull and his family want to continue to do for this Country is amazing and it is a blessing.

March 23, 2026

Chairman Zalak expressed his appreciation to Mr. Alexsen for his service to the Country. Brian Donnelly, West Anthony Road, advised that his property used to be peaceful, but it is not peaceful anymore. He stated he used to think it was a luxury that it was peaceful, but it is actually a legal right that has been taken away from him. Mr. Donnelly noted within 3 miles of Jumbolair there is \$2,000,000,000.00 in real estate. Appraisers tell him that low fly-in and loud aircraft can devalue properties by 15%. That is the equivalent of \$300,000,000.00 of lost community wealth in this County. For a homeowner with a \$800,000.00 home, that's \$120,000.00 loss in value. He questioned if a neighbor devalues a home to serve their own interests, who pays for that, noting the Supreme Court says the neighbor does. A \$300,000,000.00 loss in County value equates to a \$2,250,000.00 loss in tax revenue every single year to this County. Mr. Donnelly questioned whether the rest of taxpayers should foot the bill for one person's private airport. He requested that the BCC requires an economic impact analysis for all such applications, noting it needs an independent study and from an appraisal of the loss to land owners within a three mile radius of any airport that comes in front of the Board. Mr. Donnelly opined that if an applicant wants to impact property values, they must be prepared to compensate the people they are hurting.

Patrick Jenkins, NE 15th Court Road, stated from 1980 to 2001 Jumbolair was an airport and in 2001, the hamlet subdivision was built to the east side of the runway and that was built as an adjacent use to the runway. He opined that if a person buys property next to an airport, they have to assume that there are going to be airplanes at the airport. If someone buys a house on the water, they cannot complain about boats going behind it. Mr. Jenkins advised that he was told at the last meeting that all he had to do was set an appointment and his voice would be heard, noting he set an appointment, and his voice was not heard. He stated if he scheduled an appointment, he would like to at least get some kind of follow up.

Michael Peters did not appear when called upon to speak.

James W. Martin, Dunnellon, stated the helicopter section does not mention anything about volunteer rescue helicopter companies, nor does it mention anything like existing helicopter services, not personal, but medical flights.

Chairman Zalak clarified that those will not be allowed by right and would have to come in front of the Board through the SUP process.

Alyson Scotti, NW 14th Avenue, requested four specific clarifications to ensure that these rules protect the community. She advised that the first clarification relates to the term vesting, noting vesting should only protect the specific details that occurred or were granted when an airport, a private airport or fly-in community was vested. If a facility was established for transporting civilian planes, it should not be allowed to do something else that is beyond what it was vested to do. Secondly, staff need to close the invited guest loophole. Ms. Scotti requested the Board clarify that invited guests do not include the general public attending large scale events or exhibitions. If the facility hosts hundreds of people for shows or exhibitions, they are no longer invited guests of a resident, they are a public audience. The third request is to maintain the 30 foot height limit of the hangars. She asked the Board to confirm that this limit applies to all new construction regardless of a community or airports vested status. And finally make best practices something that is enforceable instead of just encouraging best practices, the Board should mandate that they be written into enforceable PUD agreements. This should include things such as no-fly zones over livestock areas and restricted hours for engine testing.

Chairman Zalk opined that the point of having the best practices in the language here is

to talk about those and then whatever future Commission is up here, they would have the ability to put the best management practices into effect in the PUD or the SUP, just like what this Board does on a regular basis. He stated the Board needs to go back and look at the invited guest piece and the other suggestions Ms. Scotti had.

Jennifer Schuck, NE 100th Street, stated she lived a little north of the runaway at Jumbolair and runs a horse operation. She advised that although she acknowledges the contributions that the Bull family has done for the community, it is difficult to run a horse business with the noise. Ms. Schuck opined that the noise is incompatible with what she does and having guests and clients at her farm and expressed concern with safety factors. In response to Chairman Zalak, Ms. Schuck stated she has been running her business there for about 10 years.

Chairman Zalak advised that public comment is now closed.

BOARD DISCUSSION

Commissioner Stone stated she is sticking with her recommendation that staff's proposed language to divide and plat for fly-in community be three or more residential units to be consistent with the Statute. She advised that this gives the Board the opportunity to look at anything that is going to increase intensities to what exists out there if it is outside of the geographical boundaries of that vested property today.

In response to Commissioner Bryant, Mr. Weyrauch advised that as long as a person is outside of the urban growth boundary (UGB), they can do an agricultural lot split and be adjacent to a private airport. He stated he has not found anything in the Code that says that if this is the specific number the County can require you to go through the PUD process. Mr. Weyrauch clarified that it would not be a fly-in community, but rather just be 6 lots that have access to the airport.

Commissioner Curry stated he has studied this and tried to come up with what is middle ground and what is fair. He advised that there are developers and other people that want to do something with their property, but there are adjacent property owners that have to be considered and opined that the Board has addressed this matter as best it can. He expressed concern with the cost of a PUD being approximately \$100,000.00 no matter what number the Board picks, which is a lot when you are looking at 3 units for a fly-in community.

General discussion ensued.

In response to Commissioner Curry, Richard Busche, KHA, stated a PUD requires an applicant to get a survey, an environmental assessment and a whole list of things besides the plan so the cost could reach \$100,000.00, noting it is part of the cost of the project and getting the entitlements. He advised that the LDRC advisory committee looked at different examples of what might now be considered a fly-in community throughout the County, noting there are a few of them out there that only have three or four people that utilize a private airstrip. Mr. Busche opined that the LDRC's intent was to put this proposed language in there for the BCC to talk about some threshold where just a couple of people using a private airstrip was small enough that they would not need to go through the PUD process.

General discussion resumed in regard to how many units should trigger the need to request a PUD.

Mr. Minter commented on the definition of fly-in community and advised that this is where Mr. Gardner had requested that additional language and that is where he suggested adding at the end as follows "This definition shall not defeat or supersede any existing

March 23, 2026

lawful easement or rights of access to a private airport". He clarified that this potentially protects anybody who has an easement or some other legal right of access to an airport. In response to Chairman Zalak, Mr. Weyrauch stated he would ensure that the language is included.

Chairman Zalak advised that there are 3 votes in favor of adopting the language in Section 4.3.28 as follows "Fly-In Community – A residential or mixed-use development of more than five residential units that have legal taxiway access to a Private Airport that is utilized by the aircraft of the residents of the community and their invited guests."

Chairman Zalak stated the next item to address is hangar/accessory building heights

Commissioner Bryant stated she was comfortable with 40 ft.

Commissioner McClain stated he was comfortable with 40 ft.

Commissioner Curry stated he was comfortable with 40 ft.

Chairman Zalak advised that there are 3 votes in favor of the following language "Accessory use of aircraft hangars is limited to a maximum of 40 feet in height."

Chairman Zalak addressed Ms. Scotti's request to clarify "that invited guests do not include the general public attending large scale events or exhibitions. If the facility hosts hundreds of people for shows or exhibitions, they are no longer invited guests of a resident, they are a public audience", noting he concurred that for that type of event a Special Event Permit should be required. Commissioner McClain concurred.

Mr. Bouyounes clarified that the County requires Special Event Permits for a special event that is not allowed by zoning or regulations. He questioned if people gather at the airport for an airport related function (i.e., air show), what would the Special Event Permit be for. Growth Services Director Chuck Varadin stated in regard to Special Event Permits, what staff have done in the past is if it was a flight or air show, the County would not require Special Event Permit because that is a normal use for the private airport; however, if it was a car show on the ground, staff did require a Special Event Permit.

Commissioner Bryant referred to page 15, lines 13 and 14, which states "An airport which is not open or available for use by the public, but may be made available to others by invitation of the owners or managers". She recommended staff add a line that clarifies that when it is a fee driven event, the County requires a Special Event Permit.

General discussion ensued.

Mr. Varadin stated this matter could be addressed at a later date when staff bring forward the Special Event Permit language that is being proposed for Board consideration.

Chairman Zalak opined that an air show is not a normal everyday use at an airport and is very different than a plane landing and taking off, which would be a normal use.

Mr. Minter clarified that the BCC does not require a Special Event Permit for every horse show at the World Equestrian Center (WEC).

Chairman Zalak advised that the WEC has a PUD that contains an Event Center inside a PUD and it went through a public hearing and received public comment.

Mr. Bouyounes stated the private airport will be required to have a SUP, which will also have to go through public comments and public hearing process.

In response to Chairman Zalak, Mr. Minter stated it would be his preference to address this matter under the upcoming proposed Special Event Permit language.

Mr. Minter referred to Section 4.3.29 – Private Airports as it relates to regulations for heliports and advised that he reviewed the previous suggestion made about the Certificate of Public Convenience and Necessity (COPCN), noting the State actually did away with those for hospitals in 2021, so the County cannot use that as a standard. He expressed concern that the Statutory definition of a hospital, per se, leaves a lot of things

open that the County may not want and he is unsure if staff have a good definition for the Board to consider today.

Chairman Zalak stated he is comfortable with the language that staff has presented today as it relates to heliports. It was the general consensus of the Board to concur.

Mr. Weyrauch commented on language as it relates to the expansion of private airports beyond vested or approved rights.

Chairman Zalak opined that the language as staff has presented is good.

Commissioner Bryant stated the Board had discussion on adding when someone goes to FDOT to expand the use of their airport, then that also triggers them to have to come back to the Board. Commissioner Stone noted staff added that language, which can be found on page 38.

Commissioner Stone referred to page 38, line 10, noting it was requested that the word "layout" be replaced with the word "alignment".

Mr. Weyrauch referred to page 38, lines 10 through 14, as it relates to expansion for safety purposes for a private airport.

Commissioner Bryant opined that the following language is clear and understandable as follows, "Expansion is defined as a modification to the existing runway alignment, expansion of FDOT approvals and or a geographic expansion beyond the limits of a previously approved private airport. However, a SUP is not required for the expansion of an existing private airport if required for safety improvements that do not include the lengthening of the runways to be determined by the Growth Services Director".

In response to Chairman Zalak, Mr. Bouyounes stated for example, if a property owner wanted to add 4 feet of shoulders to a runway it would not change anything to the operation of that airport. He clarified that this would not allow them to lengthen or extend the runway.

Commissioner Bryant suggested the language be amended to state "to be determined by the Growth Services Director and the County Administrator". It was the general of the Board to include the amended language.

In response to Mr. Minter, Commissioner Bryant advised that on page 38, line 10, she wanted to insert the following language, "expansion is defined as a modification to the existing runway alignment or addition of FDOT approved services or activities would have to come back to the Board".

Mr. Minter advised that it is conceivable that the amended language may result in a challenge, but the Board has to cross that bridge when it occurs.

General discussion ensued.

Commissioner Stone stated the Board was requested by a citizen to make whatever comments it wants today and then pause on approving it as a final today and bringing it back at a later date to allow everybody, including members in the audience, an opportunity to look at this again and see the final product.

General discussion ensued.

It was the general consensus of the Board to move forward and consider adoption of the Ordinances at this time.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Ordinance 26-12 amending the Marion County Land Development Code with the changes as directed by the Board and presented by staff. The motion was unanimously approved by the Board (5-0).

Ordinance 26-12 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF

March 23, 2026

MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 1, DIVISION 2, DEFINITIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Ordinance 26-13 amending the Marion County Land Development Code with the changes as directed by the Board and presented by staff. The motion was unanimously approved by the Board (5-0).

Ordinance 26-13 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 4, ZONING, DIVISION 3 SPECIAL REQUIREMENTS, SECTION 4.3.28, FLY-IN COMMUNITIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Ordinance 26-14 amending the Marion County Land Development Code with the changes as directed by the Board and presented by staff. The motion was unanimously approved by the Board (5-0).

Ordinance 26-14 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 4, ZONING, DIVISION 3 SPECIAL REQUIREMENTS, SECTION 4.3.29, PRIVATE AIRPORTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Curry advised that all of the Commissioners have received emails and calls from constituents about the problems with planes that are flying over their property, noting the Board has no connection of any kind with FAA. He stated he has gone to the County Administrator to try and schedule a meeting with the FAA, but they are not obliged. He questioned whether there is some way that the BCC can contact their State or US Senator to try and create some sort of relationship with FAA going forward.

Commissioner Bryant stated she had prior contacts with them and had some meetings with them in the past out at the Dunnellon airport. She suggested the BCC go back into that database and try to find those contacts again or who their predecessors are and maybe the Board can go through that channel.

Mr. Bouyounes advised that the Board had a list of complaints sent to FAA and during the latest conversation with the FAA, the Board was informed that the FAA are not interested in a meeting. He stated staff have asked for a list of all the concerns and complaints and were told they do not have any. Mr. Bouyounes advised that in the last email staff received from the FAA, they stated they are not interested in a meeting.

Commissioner Curry stated his recommendation would be to get in touch with the County's US Senator where the FAA is funded and talk about the issue.

March 23, 2026

Mr. Bouyounes advised that if the Board wants staff to proceed with that request through the political process, it will do that.

NEW BUSINESS:

Chairman Zalak advised that a public hearing is scheduled for April 14, 2026 to discuss other proposed changes to the LDC, but due to scheduling conflicts that public hearing needs to be rescheduled to Wednesday, April 22, 2026 at 9:00 a.m.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to schedule the LDC public hearing to Wednesday, April 22, 2026 at 9:00 a.m. The motion was unanimously approved by the Board (5-0).

CLOSING COMMENTS

There being no further business to come before the Board, the meeting thereupon adjourned at 4:16 p.m.

Carl Zalak, III, Chairman

Attest:

Gregory C. Harrell, Clerk

March 23, 2026

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