



Marion County

Board of County Commissioners

Public Hearing Meeting

Meeting Agenda

Wednesday, April 22, 2026

9:00 AM

McPherson Governmental
Campus Auditorium

Public Hearing to Discuss Proposed Land Development Code (LDC) Amendments

INTRODUCTION OF PUBLIC HEARING BY CHAIRMAN CARL ZALAK III

PLEDGE OF ALLEGIANCE

ROLL CALL

COVER DOCUMENTS

[Proof of Publication](#)

STAFF PRESENTATION

1. [Consider Amendments to the Marion County Land Development Code \(LDC\) Article 4 Zoning, Division 2 Zoning Classification, Section 4.2.2. General Requirements for all Agricultural Zoning Classifications](#)
2. [Consider Amendments to the Marion County Land Development Code \(LDC\) Article 4 Zoning, Division 2, Zoning Classification, Section 4.2.6. Requirements for all Residential Zoning Classifications](#)
3. [Consider Amendments to the Marion County Land Development Code \(LDC\) Article 1 Administration, Division 2 Definitions](#)
4. [Consider Amendments to the Marion County Land Development Code \(LDC\) Article 6, Division 6 Habitat Protection, Section 6.6.6 Open Space](#)
5. [Consider Amendments to the Marion County Land Development Code \(LDC\) Article 6, Division 7 Tree Protection and Replacement](#)
6. [Consider Amendments to the Marion County Land Development Code \(LDC\) Article 6, Division 8 Landscaping](#)

PUBLIC COMMENT

BOARD DISCUSSION

CLOSING COMMENTS



Marion County
Board of County Commissioners Public
Hearing Meeting
Agenda Item

File No.: 2026-22706

Agenda Date: 4/22/2026

Agenda No.:

SUBJECT:
Proof of Publication

INITIATOR:
Ken Weyrauch, Deputy Director

DEPARTMENT:
Growth Services

DESCRIPTION/BACKGROUND:
Proofs of Publication, including Business Impact Estimates, for the April 22, 2026, BCC Public Hearing.

BUDGET/IMPACT:
None

RECOMMENDED ACTION:
For information purposes.



**Marion County
Board of County Commissioners**

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Proof of Publication

No.: 2026-0076

STATE OF FLORIDA
COUNTY OF MARION
PREPARED BY HEATHER FLYNN:

Before the undersigned authority personally appeared Heather Flynn, who on oath says that they are the Legal Services Manager of Marion County, Florida; that the attached copy of advertisement 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 2, Zoning Classification, Section 4.2.2. General Requirements For All Agricultural Zoning Classifications for Tuesday, April 22, 2026 was published on the publicly accessible website, MarionFL.org/LegalNotices, of Marion County, Florida on April 10, 2026.

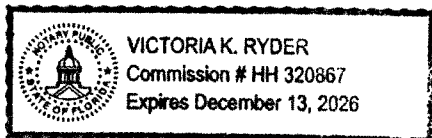
Affiant further says that the website complies with all legal requirements for publication in Chapter 50, Florida Statutes.

Signature: *Heather Flynn*
Date: 04.10.26

Business Impact Estimate published with the advertisement and attached.

THIS SECTION PREPARED BY NOTARY:

Sworn and Subscribed before me this 10th day of April, 2026, by Heather Flynn who is: personally known to me or who has produced _____ as identification.



[Signature]
Signature of Notary Public

Notary Public Stamp

ATTACH COPY FROM WEBSITE POSTING



Legal Notices

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 2, ZONING CLASSIFICATION, SECTION 4.2.2. GENERAL REQUIREMENTS FOR ALL AGRICULTURAL ZONING CLASSIFICATIONS

Post Date: 04/10/2026 8:00 AM

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE MARION COUNTY, FLORIDA, LAND DEVELOPMENT CODE (LDC) AS SPECIFIED BELOW:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 4, ZONING, DIVISION 2, ZONING CLASSIFICATION, SECTION 4.2.2. GENERAL REQUIREMENTS FOR ALL AGRICULTURAL ZONING CLASSIFICATIONS

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The Marion County Board of County Commissioners shall receive and consider public comment regarding the proposed LDC amendment in this public hearing, the second of two, pursuant to Florida Statutes and the LDC. All interested parties may appear at the public hearing and be heard with respect to the proposed land development code amendments. The proposed ordinance may be reviewed at the Growth Services Department Planning and Zoning Division, 2710 E. Silver Springs Blvd, Ocala, Florida, (352) 438-2600. Visit www.marioncountyfl.org and click on the meetings tab on the homepage for the most up to date information.

If reasonable accommodations of a disability are needed for you to participate in this meeting, please contact the ADA Coordinator/HR Director at (352) 438-2345 at least forty-eight (48) hours in advance of the hearing, so appropriate arrangements can be made.

All persons are advised that, if they decide to appeal a decision of the Board of County Commissioners of Marion County, Florida at this public hearing, they will need a record of the proceedings and, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Effective October 1, 2023, a Florida legislative act relating to local ordinances, amending F.S.125.66(3)(a), requires a Business Impact Statement to be prepared by the governing body of a county before the enactment of a proposed ordinance in accordance with the provisions of F.S., the Business Impact Estimate (BIE) must be published on the County's website and must include certain information, such as a summary of the proposed ordinance, including a statement of the public purpose, an estimate of the direct economic impact, and a good faith estimate of the number of businesses likely to be impacted, and any additional information the governing body determines may be useful. In accordance to F.S. 125.66(3)(a), a number of ordinances are exempt from complying with the business impact statement. Marion County's business impact estimates are posted on the Marion County website under Public Relations at: www.MarionFL.org/BIE. You can find the Business Impact Estimate for this particular notice **here**.

2026-0076

[Return to full list >>](#)



Marion County Board of County Commissioners

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Business Impact Estimate

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 4, ZONING, DIVISION 2, ZONING CLASSIFICATION, SECTION 4.2.2. GENERAL REQUIREMENTS FOR ALL AGRICULTURAL ZONING CLASSIFICATION

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **10th day of April 2026**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **The proposed ordinance is striking redundant language if the Fly In Community Language is approved before this item goes to public hearings.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible;
(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
There should be zero direct or indirect economic impacts of the proposed ordinance.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Zero**

4. Additional information the governing body deems useful (if any): **All new Fly In Communities are proposed to be approved by Planned Unit Development Only. Making this language out of date.**



**Marion County
Board of County Commissioners**

Office of the County Attorney

601 SE 25th Ave.
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Proof of Publication

No.: 2026-0078

STATE OF FLORIDA
COUNTY OF MARION
PREPARED BY HEATHER FLYNN:

Before the undersigned authority personally appeared Heather Flynn, who on oath says that they are the Legal Services Manager of Marion County, Florida; that the attached copy of advertisement 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 2, Zoning Classification, Section 4.2.6. Requirements For All Residential Zoning Classifications for Tuesday, April 22, 2026 was published on the publicly accessible website, MarionFL.org/LegalNotices, of Marion County, Florida on April 10, 2026.

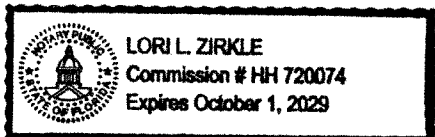
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Signature: *Heather Flynn*
Date: 04.10.26

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Sworn and Subscribed before me this 10th day of April, 2026, by Heather Flynn who is: personally known to me or who has produced _____ as identification.



Lori L. Zirkle
Signature of Notary Public

Notary Public Stamp

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Post Date: 04/10/2026 8:00 AM

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2026-0078

[Return to full list >>](#)



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Business Impact Estimate

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- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
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2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
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(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
There should be zero direct or indirect economic impacts of the proposed ordinance.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Zero**

4. Additional information the governing body deems useful (if any): **All new Fly In Communities are proposed to be approved by Planned Unit Development Only. Making this language out of date.**



**Marion County
Board of County Commissioners**

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Proof of Publication

No.: 2026-0080

STATE OF FLORIDA
COUNTY OF MARION
PREPARED BY HEATHER FLYNN:

Before the undersigned authority personally appeared Heather Flynn, who on oath says that they are the Legal Services Manager of Marion County, Florida; that the attached copy of advertisement 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 for Tuesday, April 22, 2026 was published on the publicly accessible website, MarionFL.org/LegalNotices, of Marion County, Florida on April 10, 2026.

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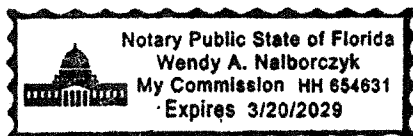
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Notary Public Stamp

Wendy A. Nalborczyk
Signature of Notary Public

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Legal Notices

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

Post Date: 04/10/2026 8:00 AM

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The public hearing will be held on **Wednesday, April 22, 2026, at 9:00 a.m., or as soon thereafter**, as may be heard. The meeting will be held at **McPherson Governmental Campus Auditorium at 601 SE 25th Avenue, Ocala, FL, 34471**, to for the purpose of considering the proposed amendment related to Marion County Land Development Code (LDC), Article 1, in Marion County, Florida, providing for revisions to Division 2, Definitions related to trees.

The Marion County Board of County Commissioners shall receive and consider public comment regarding the proposed LDC amendment in this public hearing, the second of two, pursuant to Florida Statutes and the LDC. All interested parties may appear at the public hearing and be heard with respect to the proposed land development code amendments. The proposed ordinance may be reviewed at the Growth Services Department Planning and Zoning Division, 2710 E. Silver Springs Blvd, Ocala, Florida, (352) 438-2600. Visit www.marioncountyfl.org and click on the meetings tab on the homepage for the most up to date information.

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2026-0080

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 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **10th day of April 2026**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **The proposed ordinance amends the Land Development Code to update and clarify definitions related to trees by refining and standardizing the terminology used for various tree classifications. The revisions clearly distinguish between different types to ensure consistent interpretation and application of the code by property owners, developers, and County staff. These clarifications are intended to eliminate ambiguity, improve administrative efficiency, and support uniform enforcement of tree-related regulations. Accurate and well-defined tree classifications support effective environmental protection, enhance community aesthetics, and facilitate responsible land development. By improving clarity and reducing confusion, the ordinance helps prevent disputes, supports compliance, and ensures that tree preservation and replacement requirements are applied equitably, thereby advancing the overall welfare of the community.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible;
- (c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **N/A**

This ordinance does not have a clear, direct economic impact.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **N/A**

4. Additional information the governing body deems useful (if any): **Proposed changes to the definitions of different classifications of trees provides clarity in terminology.**



**Marion County
Board of County Commissioners**

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Proof of Publication

No.: 2026-0075

STATE OF FLORIDA
COUNTY OF MARION
PREPARED BY HEATHER FLYNN:

Before the undersigned authority personally appeared Heather Flynn, who on oath says that they are the Legal Services Manager of Marion County, Florida; that the attached copy of advertisement Notice Of Public Hearing By The Board Of County Commissioners Of Marion County, Florida To Consider A Land Development Code Amendment Related to Article 6, Technical Standards And Requirements, Division 6, Habitat Protection, Section 6.6.6. Open Space for Tuesday, April 22, 2026 was published on the publicly accessible website, MarionFL.org/LegalNotices, of Marion County, Florida on April 10, 2026.

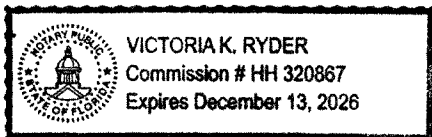
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Signature: *Heather Flynn*
Date: 04.10.26

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Sworn and Subscribed before me this 10th day of April, 2026, by Heather Flynn who is: personally known to me or who has produced _____ as identification.



[Signature]
Signature of Notary Public

Notary Public Stamp

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Legal Notices

NOTICE OF PUBLIC HEARING BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA TO CONSIDER A LAND DEVELOPMENT CODE AMENDMENT RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 6, HABITAT PROTECTION, SECTION 6.6.6. OPEN SPACE

Post Date: 04/10/2026 8:00 AM

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE MARION COUNTY, FLORIDA, LAND DEVELOPMENT CODE (LDC) AS SPECIFIED BELOW:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 6, HABITAT PROTECTION, SECTION 6.6.6. OPEN SPACE

The public hearing will be held on **Wednesday, April 22, 2026, at 9:00 a.m., or as soon thereafter**, as may be heard. The meeting will be held at **McPherson Governmental Campus Auditorium at 601 SE 25th Avenue, Ocala, FL, 34471**, for the purpose of considering the proposed amendment related to Marion County Land Development Code (LDC), Article 6, in Marion County, Florida, providing for revisions to Division 6, Habitat Protections, Section 6.6.6. Open Space.

The Marion County Board of County Commissioners shall receive and consider public comment regarding the proposed LDC amendment in this public hearing, the second of two, pursuant to Florida Statutes and the LDC. All interested parties may appear at the public hearing and be heard with respect to the proposed land development code amendments. The proposed ordinance may be reviewed at the Growth Services Department Planning and Zoning Division, 2710 E. Silver Springs Blvd, Ocala, Florida, (352) 438-2600. Visit www.marioncountyfl.org and click on the meetings tab on the homepage for the most up to date information.

If reasonable accommodations of a disability are needed for you to participate in this meeting, please contact the ADA Coordinator/HR Director at (352) 438-2345 at least forty-eight (48) hours in advance of the hearing, so appropriate arrangements can be made.

All persons are advised that, if they decide to appeal a decision of the Board of County Commissioners of Marion County, Florida at this public hearing, they will need a record of the proceedings and, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Effective October 1, 2023, a Florida legislative act relating to local ordinances, amending F.S.125.66(3)(a), requires a Business Impact Statement to be prepared by the governing body of a county before the enactment of a proposed ordinance in accordance with the provisions of F.S., the Business Impact Estimate (BIE) must be published on the County's website and must include certain information, such as a summary of the proposed ordinance, including a statement of the public purpose, an estimate of the direct economic impact, and a good faith estimate of the number of businesses likely to be impacted, and any additional information the governing body determines may be useful. In accordance to F.S. 125.66(3)(a), a number of ordinances are exempt from complying with the business impact statement. Marion County's business impact estimates are posted on the Marion County website under Public Relations at: www.MarionFL.org/BIE. You can find the Business Impact Estimate for this particular notice [here](#).

2026-0075

[Return to full list >>](#)



Marion County Board of County Commissioners

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Business Impact Estimate

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 6, HABITAT PROTECTION, SECTION 6.6.6. OPEN SPACE

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

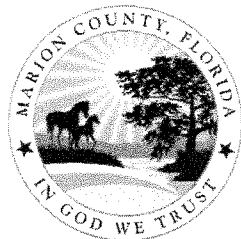
Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **10th day of April 2026**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **The proposed ordinance amends the Land Development Code to update and clarify the requirements for Improved Open Space within new residential developments. The ordinance defines the minimum standards, design criteria, and qualifying features for Improved Open Space to ensure such areas are functional, accessible, and appropriately designed to serve residents. These clarifications provide greater certainty for applicants and staff, promote consistent application of the code, and ensure that open space is meaningfully integrated into residential developments rather than treated as incidental or leftover land. The ordinance ensures that new residential developments include usable and well-designed open space that supports recreation, social interaction, and community well-being. Clear Improved Open Space standards promote physical activity, enhance neighborhood livability, and contribute to overall quality of life. Additionally, well-planned open space supports environmental benefits such as stormwater management, while providing predictable and equitable development standards that balance growth with the long-term welfare of residents and the community as a whole.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible;
(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
This ordinance will not have a direct economic impact.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Unknown at this time**

4. Additional information the governing body deems useful (if any): **Proposed changes clarify the requirements for Improved Open Space in new residential developments.**



**Marion County
Board of County Commissioners**

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Proof of Publication

No.: 2026-0077

STATE OF FLORIDA
COUNTY OF MARION
PREPARED BY HEATHER FLYNN:

Before the undersigned authority personally appeared Heather Flynn, who on oath says that they are the Legal Services Manager of Marion County, Florida; that the attached copy of advertisement Notice Of Public Hearing By The Board Of County Commissioners Of Marion County, Florida To Consider A Land Development Code Amendment Related to Article 6, Technical Standards And Requirements, Division 7 Tree Protection And Replacement for Tuesday, April 22, 2026 was published on the publicly accessible website, MarionFL.org/LegalNotices, of Marion County, Florida on April 10, 2026.

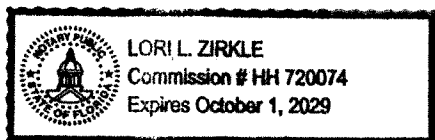
Affiant further says that the website complies with all legal requirements for publication in Chapter 50, Florida Statutes.

Signature: *Heather Flynn*
Date: 04.10.26

Business Impact Estimate published with the advertisement and attached.

THIS SECTION PREPARED BY NOTARY:

Sworn and Subscribed before me this 10th day of April, 2026, by Heather Flynn who is: personally known to me or who has produced _____ as identification.



Lori L. Zirkle
Signature of Notary Public

Notary Public Stamp

ATTACH COPY FROM WEBSITE POSTING



Legal Notices

NOTICE OF PUBLIC HEARING BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA TO CONSIDER A LAND DEVELOPMENT CODE AMENDMENT RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 7 TREE PROTECTION AND REPLACEMENT

Post Date: 04/10/2026 8:00 AM

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE MARION COUNTY, FLORIDA, LAND DEVELOPMENT CODE (LDC) AS SPECIFIED BELOW:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 7 TREE PROTECTION AND REPLACEMENT

The public hearing will be held on **Wednesday, April 22, 2026, at 9:00 a.m., or as soon thereafter**, as may be heard. The meeting will be held at **McPherson Governmental Campus Auditorium at 601 SE 25th Avenue, Ocala, FL, 34471**, for the purpose of considering the proposed amendment related to Marion County Land Development Code (LDC), Article 6, in Marion County, Florida, providing for revisions to Division 7, Tree Protection and Replacement.

The Marion County Board of County Commissioners shall receive and consider public comment regarding the proposed LDC amendment in this public hearing, the second of two, pursuant to Florida Statutes and the LDC. All interested parties may appear at the public hearing and be heard with respect to the proposed land development code amendments. The proposed ordinance may be reviewed at the Growth Services Department Planning and Zoning Division, 2710 E. Silver Springs Blvd, Ocala, Florida, (352) 438-2600. Visit www.marioncountyfl.org and click on the meetings tab on the homepage for the most up to date information.

If reasonable accommodations of a disability are needed for you to participate in this meeting, please contact the ADA Coordinator/HR Director at (352) 438-2345 at least forty-eight (48) hours in advance of the hearing, so appropriate arrangements can be made.

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Effective October 1, 2023, a Florida legislative act relating to local ordinances, amending F.S.125.66(3)(a), requires a Business Impact Statement to be prepared by the governing body of a county before the enactment of a proposed ordinance in accordance with the provisions of F.S., the Business Impact Estimate (BIE) must be published on the County's website and must include certain information, such as a summary of the proposed ordinance, including a statement of the public purpose, an estimate of the direct economic impact, and a good faith estimate of the number of businesses likely to be impacted, and any additional information the governing body determines may be useful. In accordance to F.S. 125.66(3)(a), a number of ordinances are exempt from complying with the business impact statement. Marion County's business impact estimates are posted on the Marion County website under Public Relations at: www.MarionFL.org/BIE. You can find the Business Impact Estimate for this particular notice **here**.

2026-0077

[Return to full list >>](#)



Marion County Board of County Commissioners

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Business Impact Estimate

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 7, TREE PROTECTION AND REPLACEMENT

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **10th day of April 2026**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **The proposed ordinance amends the Land Development Code to strengthen protections for larger, significant trees, recognizing their important environmental, aesthetic, and community value. The ordinance establishes enhanced preservation standards, clarifies when and how such trees may be removed, and provides clear, predictable replacement and mitigation strategies when removal is unavoidable. In addition, the ordinance introduces incentives to encourage the preservation of significant trees during development and redevelopment, including flexibility in site design and alternative compliance options. Protecting large, established trees supports neighborhood character, property values, and community aesthetics. By clarifying tree replacement requirements and offering incentives for preservation, the ordinance provides equitable, transparent, and consistent standards that balance responsible development with long-term environmental stewardship for the benefit of current and future residents.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible;
(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **This ordinance does not have a clear, direct economic impact.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Unknown at this time**

4. Additional information the governing body deems useful (if any): **Proposed changes provide additional protections to larger, significant trees, provides incentives for protection of such trees, and clarifies tree replacement strategies.**



**Marion County
Board of County Commissioners**

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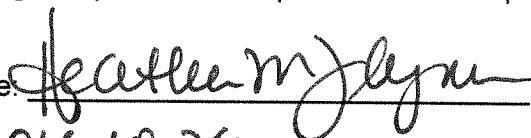
Proof of Publication

No.: 2026-0079

STATE OF FLORIDA
COUNTY OF MARION
PREPARED BY HEATHER FLYNN:

Before the undersigned authority personally appeared Heather Flynn, who on oath says that they are the Legal Services Manager of Marion County, Florida; that the attached copy of advertisement Notice Of Public Hearing By The Board Of County Commissioners Of Marion County, Florida To Consider A Land Development Code Amendment Related To Article 6, Technical Standards And Requirements, Division 8 Landscaping for Tuesday, April 22, 2026 was published on the publicly accessible website, MarionFL.org/LegalNotices, of Marion County, Florida on April 10, 2026.

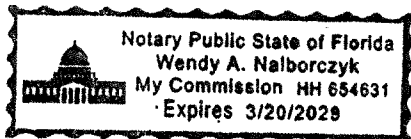
Affiant further says that the website complies with all legal requirements for publication in Chapter 50, Florida Statutes.

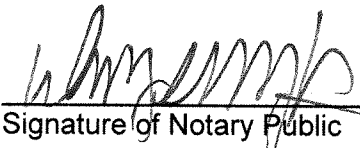
Signature: 
Date: 04.10.26

Business Impact Estimate published with the advertisement and attached.

THIS SECTION PREPARED BY NOTARY:

Sworn and Subscribed before me this 10th day of April, 2026, by Heather Flynn who is: personally known to me or who has produced _____ as identification.




Signature of Notary Public

Notary Public Stamp

ATTACH COPY FROM WEBSITE POSTING



Legal Notices

NOTICE OF PUBLIC HEARING BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA TO CONSIDER A LAND DEVELOPMENT CODE AMENDMENT RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 8 LANDSCAPING

Post Date: 04/10/2026 8:00 AM

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE MARION COUNTY, FLORIDA, LAND DEVELOPMENT CODE (LDC) AS SPECIFIED BELOW:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 8 LANDSCAPING

The public hearing will be held on **Wednesday, April 22, 2026, at 9:00 a.m., or as soon thereafter**, as may be heard. The meeting will be held at **McPherson Governmental Campus Auditorium at 601 SE 25th Avenue, Ocala, FL, 34471**, to for the purpose of considering the proposed amendment related to Marion County Land Development Code (LDC), Article 6, in Marion County, Florida, providing for revisions to Division 8, Landscape.

The Marion County Board of County Commissioners shall receive and consider public comment regarding the proposed LDC amendment in this public hearing, the second of two, pursuant to Florida Statutes and the LDC. All interested parties may appear at the public hearing and be heard with respect to the proposed land development code amendments. The proposed ordinance may be reviewed at the Growth Services Department Planning and Zoning Division, 2710 E. Silver Springs Blvd, Ocala, Florida, (352) 438-2600. Visit www.marioncountyfl.org and click on the meetings tab on the homepage for the most up to date information.

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2026-0079

[Return to full list >>](#)



Marion County Board of County Commissioners

Office of the County Attorney

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Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Business Impact Estimate

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 8, LANDSCAPING

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **10th day of April 2026**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **The proposed ordinance amends the Land Development Code to update and clarify requirements applicable to new residential developments, including revisions to land use buffer classifications and buffer maintenance standards. The ordinance refines buffer categories to better reflect adjacent land use compatibility, establishes clearer design and installation requirements, and specifies ongoing maintenance responsibilities to ensure buffers remain effective over time. These updates provide consistent, predictable standards for development review and long-term compliance, while improving the functional and visual performance of required buffers. The ordinance serves the public health, safety, morals, and general welfare by promoting compatibility between differing land uses, reducing potential conflicts, and protecting residents from noise, visual impacts, and other nuisances. Clearly defined and properly maintained buffers enhance neighborhood character, contribute to environmental quality, and support community aesthetics. By establishing uniform requirements for installation and maintenance, the ordinance improves safety, ensures long-term effectiveness of buffer areas, and balances orderly growth with the protection of existing neighborhoods and the overall welfare of the community**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible;
(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
This ordinance does not have a clear, direct economic impact

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Unknown at this time**

4. Additional information the governing body deems useful (if any): **Proposed changes include updates requirements for new residential developments, land use buffer classifications, and buffer maintenance.**



Marion County
Board of County Commissioners Public
Hearing Meeting
Agenda Item

File No.: 2026-22696

Agenda Date: 4/22/2026

Agenda No.: 1.

SUBJECT:

Consider Amendments to the Marion County Land Development Code (LDC) Article 4 Zoning, Division 2 Zoning Classification, Section 4.2.2. General Requirements for all Agricultural Zoning Classifications

INITIATOR:

Kenneth Weyrauch, Deputy Director

DEPARTMENT:

Growth Services

DESCRIPTION/BACKGROUND:

Staff will present the attached proposed language to the Land Development Code (LDC) Section 4.2.2. General Requirements for all Agricultural Zoning Classifications.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held on March 11, 2026. Following their review, the LDRC recommended approval and voted to forward the items to the Board of County Commissioners for consideration.

The BCC held the first of two required BCC Public Hearings on March 31, 2026. This meeting 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.

ORDINANCE 26 –__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 4, ZONING, DIVISION 2, ZONING CLASSIFICATION, SECTION 4.2.2. GENERAL REQUIREMENTS FOR ALL AGRICULTURAL ZONING CLASSIFICATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is authorized by general law, e.g., Section 125.01(h), Florida Statutes, to establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners (Board) has adopted a Land Development Code (LDC) as is required by Section 163.3202, Florida Statutes; and

WHEREAS, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on March 11, 2026; and

WHEREAS, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on March 31, 2026, and April 14, 2026;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Marion County, Florida, as follows:

Note: Deletions are shown in strikeout text. Additions are shown in underscore text.

SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE (LDC). The following amendments to the LDC are hereby approved and adopted pursuant to Florida Statutes and the Marion County Land Development Code:

- A. Article 4, Zoning, Division 2, Zoning Classification, Section 4.2.2. General Requirements for all Agricultural Zoning Classifications; of the Marion County Land Development Code, Zoning, is hereby amended to reflect the attached revised language:

See Attachment 1 (additions shown in underline text, deletions shown in ~~strike-through text~~).

SECTION 2. CONFLICTS. In the event that any provision of this ordinance is in conflict with any other county ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 3. SEVERABILITY. It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance. The Board of County Commissioners does not intend that this ordinance be held applicable in any case where its application would be unconstitutional, as a constitutionally permitted construction is intended and shall be given.

SECTION 4. INCLUSION IN COUNTY CODE. It is the intent of the Board of County Commissioners of Marion County, Florida, and it hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, specifically, the Land Development Code, and that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

SECTION 5. EFFECTIVE DATE. A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

DULY ADOPTED this 22nd day of April, 2026.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

CARL ZALAK, III, CHAIRMAN

ATTEST:

GREGORY C. HARRELL
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MATTHEW G. MINTER
COUNTY ATTORNEY

1 **Sec. 4.2.2. General requirements for all agricultural zoning classification.**

- 2 A. Contained in the following sections are the allowed land uses, building and lot standards (including minimum
3 setbacks), other general requirements, and permitted uses specified for all agricultural zoning classifications.
- 4 B. Where the setback requirements set forth herein preclude development of the parcel or tract; and where
5 the parcel or tract could be developed in conformance with the zoning code in effect prior to the adoption of
6 this Code; the prior requirements shall prevail.
- 7 C. Special requirements for all agricultural zoning classifications:
- 8 (1) All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs, pilasters,
9 chimneys and fireplaces may protrude two and one-half feet into a required setback
- 10 (2) No structure or building may be erected, placed upon or extend over any easement unless approved in
11 writing by the person or entity holding said easement
- 12 (3) Outdoor ground and building lighting shall not cast direct light on adjacent properties.
- 13 (4) The sale, either retail or wholesale, of hay, either locally grown or imported from outside the State of
14 Florida, is allowed as an accessory use on a working farm, as defined in CH 604.50 FS, where hay is
15 already produced and sold. This provision is not permitted in the A-3 zoning classification.
- 16 (5) On A-1 zone parcels residential complexes for agricultural employees are allowed as an accessory use
17 and may be clustered provided central water and sewage facilities are provided. Dwelling units may be
18 conventional construction, or manufactured housing.
- 19 (6) On legal non-conforming lots or parcels of one acre or less in size or lots up to nine and nine-tenths
20 acres in size, the density per acre limitation for horses, mules, donkeys, sheep, cattle, goats, swine,
21 beefalo and other large farm animals is as follows:
- 22 (a) The minimum square footage of contiguous open pasture area, not including the dwelling and
23 the garage (either attached or detached) shall be 9,000 square feet for the first animal and 6,000
24 square feet for each additional animal.
- 25 (b) The total number of such animals that may be kept shall not exceed four per acre except
26 offspring, which may be kept until weaned.
- 27 (7) Requirements of the Storage of Manure:
- 28 (a) Manure shall not be allowed to accumulate causing a nuisance or hazard to the health, welfare,
29 or safety of humans or animals.
- 30 (b) The outside storage of manure in piles (two cubic yards or greater) shall not be permitted within
31 100 feet of any lot line and/or any residence.
- 32 (c) Compliance with Article 5 Springs Protection Zone standards.
- 33 D. Permitted Uses:
- 34 (1) Accessory use aircraft hangars ~~in approved fly-in communities~~ on properties with legal access to a
35 private airport shall be permitted and include a maximum height of ~~30~~ 40 feet.
- 36 (2) Beekeeping Operations
- 37 (3) Pigeon lofts meeting the requirements of Sec. 4.3.20
- 38 (4) Pot-bellied pigs as pets
- 39 (5) Silos, not exceeding 100 feet in height

-
- 1 (6) Single-family guest cottage/apartment Refer to Sec. 4.3.18
2 (7) Yard sales (up to three per year)
3 E. Owners of properties located on waterbodies considered "non-ESQZ" waterbodies may elect to designate
4 the yard fronting on the waterbody as the new front or rear yard of the property.
5 (Ord. No. 17-08, § 2(Exh. A), 4-11-2017; Ord. No. 24-08, § 1(Att. 1), 4-16-2024)

Sec. 4.2.2. General requirements for all agricultural zoning classification.

- A. Contained in the following sections are the allowed land uses, building and lot standards (including minimum setbacks), other general requirements, and permitted uses specified for all agricultural zoning classifications.
- B. Where the setback requirements set forth herein preclude development of the parcel or tract; and where the parcel or tract could be developed in conformance with the zoning code in effect prior to the adoption of this Code; the prior requirements shall prevail.
- C. Special requirements for all agricultural zoning classifications:
 - (1) All setbacks shall be measured from the foundation or wall; however, eaves, roof overhangs, pilasters, chimneys and fireplaces may protrude two and one-half feet into a required setback
 - (2) No structure or building may be erected, placed upon or extend over any easement unless approved in writing by the person or entity holding said easement
 - (3) Outdoor ground and building lighting shall not cast direct light on adjacent properties.
 - (4) The sale, either retail or wholesale, of hay, either locally grown or imported from outside the State of Florida, is allowed as an accessory use on a working farm, as defined in CH 604.50 FS, where hay is already produced and sold. This provision is not permitted in the A-3 zoning classification.
 - (5) On A-1 zone parcels residential complexes for agricultural employees are allowed as an accessory use and may be clustered provided central water and sewage facilities are provided. Dwelling units may be conventional construction, or manufactured housing.
 - (6) On legal non-conforming lots or parcels of one acre or less in size or lots up to nine and nine-tenths acres in size, the density per acre limitation for horses, mules, donkeys, sheep, cattle, goats, swine, beefalo and other large farm animals is as follows:
 - (a) The minimum square footage of contiguous open pasture area, not including the dwelling and the garage (either attached or detached) shall be 9,000 square feet for the first animal and 6,000 square feet for each additional animal.
 - (b) The total number of such animals that may be kept shall not exceed four per acre except offspring, which may be kept until weaned.
 - (7) Requirements of the Storage of Manure:
 - (a) Manure shall not be allowed to accumulate causing a nuisance or hazard to the health, welfare, or safety of humans or animals.
 - (b) The outside storage of manure in piles (two cubic yards or greater) shall not be permitted within 100 feet of any lot line and/or any residence.
 - (c) Compliance with Article 5 Springs Protection Zone standards.
- D. Permitted Uses:
 - (1) Accessory use aircraft hangars on properties with legal access to a private airport shall be permitted and include a maximum height of 40 feet.
 - (2) Beekeeping Operations
 - (3) Pigeon lofts meeting the requirements of Sec. 4.3.20
 - (4) Pot-bellied pigs as pets
 - (5) Silos, not exceeding 100 feet in height

(6) Single-family guest cottage/apartment Refer to Sec. 4.3.18

(7) Yard sales (up to three per year)

E. Owners of properties located on waterbodies considered "non-ESQZ" waterbodies may elect to designate the yard fronting on the waterbody as the new front or rear yard of the property.

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017; Ord. No. 24-08, § 1(Att. 1), 4-16-2024)



Marion County Board of County Commissioners

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Business Impact Estimate

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 4, ZONING, DIVISION 2, ZONING CLASSIFICATION, SECTION 4.2.2. GENERAL REQUIREMENTS FOR ALL AGRICULTURAL ZONING CLASSIFICATION

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **10th day of April 2026**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **The proposed ordinance is striking redundant language if the Fly In Community Language is approved before this item goes to public hearings.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible;
(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
There should be zero direct or indirect economic impacts of the proposed ordinance.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Zero**

4. Additional information the governing body deems useful (if any): **All new Fly In Communities are proposed to be approved by Planned Unit Development Only. Making this language out of date.**



Marion County
Board of County Commissioners Public
Hearing Meeting
Agenda Item

File No.: 2026-22697

Agenda Date: 4/22/2026

Agenda No.: 2.

SUBJECT:

Consider Amendments to the Marion County Land Development Code (LDC) Article 4 Zoning, Division 2, Zoning Classification, Section 4.2.6. Requirements for all Residential Zoning Classifications

INITIATOR:

Kenneth Weyrauch, Deputy Director

DEPARTMENT:

Growth Services

DESCRIPTION/BACKGROUND:

Staff will present the attached proposed language to the Land Development Code (LDC) Section 4.2.6. Requirements for all Residential Zoning Classifications.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held on March 11, 2026. Following their review, the LDRC recommended approval and voted to forward the items to the Board of County Commissioners for consideration.

The BCC held the first of two required BCC Public Hearings on March 31, 2026. This meeting 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.

ORDINANCE 26 –__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 4, ZONING, DIVISION 2, ZONING CLASSIFICATION, SECTION 4.2.6. REQUIREMENTS FOR ALL RESIDENTIAL ZONING CLASSIFICATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is authorized by general law, e.g., Section 125.01(h), Florida Statutes, to establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners (Board) has adopted a Land Development Code (LDC) as is required by Section 163.3202, Florida Statutes; and

WHEREAS, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on March 11, 2026; and

WHEREAS, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on March 31, 2026, and April 14, 2026;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Marion County, Florida, as follows:

Note: Deletions are shown in strikeout text. Additions are shown in underscore text.

SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE (LDC). The following amendments to the LDC are hereby approved and adopted pursuant to Florida Statutes and the Marion County Land Development Code:

- A. Article 4, Zoning, Division 2, Zoning Classification, Section 4.2.6. Requirements for all Residential Zoning Classifications; of the Marion County Land Development Code, Zoning, is hereby amended to reflect the attached revised language:

See Attachment 1 (additions shown in underline text, deletions shown in ~~strike-through text~~).

SECTION 2. CONFLICTS. In the event that any provision of this ordinance is in conflict with any other county ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 3. SEVERABILITY. It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance. The Board of County Commissioners does not intend that this ordinance be held applicable in any case where its application would be unconstitutional, as a constitutionally permitted construction is intended and shall be given.

SECTION 4. INCLUSION IN COUNTY CODE. It is the intent of the Board of County Commissioners of Marion County, Florida, and it hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, specifically, the Land Development Code, and that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

SECTION 5. EFFECTIVE DATE. A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

DULY ADOPTED this 22nd day of April, 2026.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

CARL ZALAK, III, CHAIRMAN

ATTEST:

GREGORY C. HARRELL
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MATTHEW G. MINTER
COUNTY ATTORNEY

1 **Sec. 4.2.6. Requirements for all residential zoning classifications.**

2 A. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks),
3 and other general requirements specified for these zoning classifications.

4 B. These zoning classifications may apply for sites subject to the density exceptions provisions in Sec. 4.3.2.

5 C. General Requirements for all residential classifications:

6 (1) Lot orientation. In residential zoning classification R-1, R-2, R-3, and R-4 a single-family residential
7 dwelling, irrespective of construction method shall be situated on the lot so that the external wall
8 which, by design, is intended to be the front, generally faces a street adjoining the lot.

9 (a) This requirement shall not apply in either of the following situations:

10 1. The dwelling is located on a "flag" lot; or

11 2. The dwelling is setback at least 100 feet from the street right-of-way on an interior lot.

12 (b) Alternatively, relief to this requirement is subject to the following conditions:

13 1. Any dwelling which cannot practically be located on the subject lot in any other manner;
14 and,

15 2. The dwelling shall have sufficient architectural treatment so that the end wall does not
16 appear to be an end wall, including at a minimum an entry feature consisting of a porch
17 and an entry door. All construction of the entry feature must meet the applicable
18 construction codes for the dwelling unit type.

19 (2) Movable awnings, may not project over three feet into a required setback.

20 (3) No structure may be erected, placed upon, or extend over any easement unless approved in writing by
21 the person or entity holding said easement.

22 (4) All setbacks shall be measured from the foundation or wall if no foundation is present; however, eaves,
23 roof overhangs, pilasters, chimneys and fireplaces may protrude two feet into the setback.

24 (5) See Environmentally Sensitive Overlay Zone (ESOZ) in Article 5 for alternative lot and building
25 standards for properties within that zone.

26 (6) Residentially zoned parcels located on a waterbody that is not listed in Table 5.2.1 (ESOZ) of this code,
27 Sec. 5.2.2.A. may declare the lakeside as the front yard in determining the placement of accessory
28 structures, provided all setbacks are observed.

29 (7) Private building for housing dogs, cats or similar small domesticated pets.

30 (8) Accessory structures shall be located in the rear or side yard provided required setbacks are observed;
31 for properties one (1) acre or less, accessory structures require a minimum eight (8) feet rear and side
32 yard setbacks consistent with the Section.

33 (9) Accessory use aircraft hangars ~~in approved fly-in communities~~ on properties with legal access to a
34 private airport shall be permitted and include a maximum height of ~~30-40~~ feet.

35 (10) Outdoor ground and building lights shall not cast direct light on adjacent properties.

36 D. Requirements for keeping chickens in residential zoning classifications:

37 (1) Chicken shall mean a female of Gallus domesticus or a hen. Chicken shall not include the following:

38 (a) Any male chicken or rooster.

-
- 1 (b) Any duck, goose, turkey, peafowl, guinea fowl or other poultry or fowl.
- 2 (2) Number of chickens may not exceed six.
- 3 (3) Roosters are prohibited.
- 4 (4) Duplex, townhome, multi-family and similar units are prohibited from keeping chickens.
- 5 (5) Hens must be contained within a covered and fully enclosed chicken coop from dusk to dawn and
- 6 inside a coop and/or a fenced pen area the remainder of the time. The coop and fenced pen area must
- 7 be located in the side or rear lot behind the principal structure.
- 8 (6) It shall be unlawful for any person to allow hens to run at large upon the streets, alleys, public or
- 9 private rights-of-way or other public places, or upon the property of any other person.
- 10 (7) The coop and fenced pen area shall be setback 20 feet, based on the closest portion of the coop or
- 11 fenced pen area, from any adjacent residential principal structure or accessory that contains a
- 12 residential unit.
- 13 (8) The coop and fenced pen area shall comply with all other zoning classification setback requirements.
- 14 (9) The coop and pen area must be kept in a clean sanitary manner, free of insects and rodents, offensive
- 15 odors, excessive noise, or any other condition, which could potentially cause a nuisance (i.e. the coop
- 16 should be cleaned frequently).
- 17 (10) Stored feed must be secured in metal containers to prevent mice and other pests.
- 18 (11) No routine slaughtering of the hens is allowed on the subject site.
- 19 (12) Hens are to be kept for personal use of the residents of the site and no on-site retail sale of eggs,
- 20 manure or hens shall occur.
- 21 E. Zoning lot and building standards shall conform to the standards outlined for each residential classification
- 22 within the sections that follow.
- 23 F. General requirements in RR-1 Zoning, RE Zoning and in any zoning classification permitted by special use: For
- 24 the keeping of horses, the minimum square footage of pasture area not including the dwelling shall be 9,000
- 25 square feet for the first horse and 6,000 square feet for each additional horse. The total number of horses
- 26 shall not exceed four per acre, except foals, which may be kept until weaned.
- 27 G. Pigeon lofts meeting the requirements of Sec. 4.3.20, on lots one acre or larger except in MH and PMH
- 28 classifications.
- 29 (Ord. No. 17-08, § 2(Exh. A), 4-11-2017; Ord. No. 24-08, § 1(Att. 1), 4-16-2024)

30

Sec. 4.2.6. Requirements for all residential zoning classifications.

- A. Contained in this section are the allowed land uses, building and lot standards (including minimum setbacks), and other general requirements specified for these zoning classifications.
- B. These zoning classifications may apply for sites subject to the density exceptions provisions in Sec. 4.3.2.
- C. General Requirements for all residential classifications:
 - (1) Lot orientation. In residential zoning classification R-1, R-2, R-3, and R-4 a single-family residential dwelling, irrespective of construction method shall be situated on the lot so that the external wall which, by design, is intended to be the front, generally faces a street adjoining the lot.
 - (a) This requirement shall not apply in either of the following situations:
 - 1. The dwelling is located on a "flag" lot; or
 - 2. The dwelling is setback at least 100 feet from the street right-of-way on an interior lot.
 - (b) Alternatively, relief to this requirement is subject to the following conditions:
 - 1. Any dwelling which cannot practically be located on the subject lot in any other manner; and,
 - 2. The dwelling shall have sufficient architectural treatment so that the end wall does not appear to be an end wall, including at a minimum an entry feature consisting of a porch and an entry door. All construction of the entry feature must meet the applicable construction codes for the dwelling unit type.
 - (2) Movable awnings, may not project over three feet into a required setback.
 - (3) No structure may be erected, placed upon, or extend over any easement unless approved in writing by the person or entity holding said easement.
 - (4) All setbacks shall be measured from the foundation or wall if no foundation is present; however, eaves, roof overhangs, pilasters, chimneys and fireplaces may protrude two feet into the setback.
 - (5) See Environmentally Sensitive Overlay Zone (ESOZ) in Article 5 for alternative lot and building standards for properties within that zone.
 - (6) Residentially zoned parcels located on a waterbody that is not listed in Table 5.2.1 (ESOZ) of this code, Sec. 5.2.2.A. may declare the lakeside as the front yard in determining the placement of accessory structures, provided all setbacks are observed.
 - (7) Private building for housing dogs, cats or similar small domesticated pets.
 - (8) Accessory structures shall be located in the rear or side yard provided required setbacks are observed; for properties one (1) acre or less, accessory structures require a minimum eight (8) feet rear and side yard setbacks consistent with the Section.
 - (9) Accessory use aircraft hangars on properties with legal access to a private airport shall be permitted and include a maximum height of 40 feet.
 - (10) Outdoor ground and building lights shall not cast direct light on adjacent properties.
- D. Requirements for keeping chickens in residential zoning classifications:
 - (1) Chicken shall mean a female of Gallus domesticus or a hen. Chicken shall not include the following:
 - (a) Any male chicken or rooster.

-
- (b) Any duck, goose, turkey, peafowl, guinea fowl or other poultry or fowl.
 - (2) Number of chickens may not exceed six.
 - (3) Roosters are prohibited.
 - (4) Duplex, townhome, multi-family and similar units are prohibited from keeping chickens.
 - (5) Hens must be contained within a covered and fully enclosed chicken coop from dusk to dawn and inside a coop and/or a fenced pen area the remainder of the time. The coop and fenced pen area must be located in the side or rear lot behind the principal structure.
 - (6) It shall be unlawful for any person to allow hens to run at large upon the streets, alleys, public or private rights-of-way or other public places, or upon the property of any other person.
 - (7) The coop and fenced pen area shall be setback 20 feet, based on the closest portion of the coop or fenced pen area, from any adjacent residential principal structure or accessory that contains a residential unit.
 - (8) The coop and fenced pen area shall comply with all other zoning classification setback requirements.
 - (9) The coop and pen area must be kept in a clean sanitary manner, free of insects and rodents, offensive odors, excessive noise, or any other condition, which could potentially cause a nuisance (i.e. the coop should be cleaned frequently).
 - (10) Stored feed must be secured in metal containers to prevent mice and other pests.
 - (11) No routine slaughtering of the hens is allowed on the subject site.
 - (12) Hens are to be kept for personal use of the residents of the site and no on-site retail sale of eggs, manure or hens shall occur.
- E. Zoning lot and building standards shall conform to the standards outlined for each residential classification within the sections that follow.
 - F. General requirements in RR-1 Zoning, RE Zoning and in any zoning classification permitted by special use: For the keeping of horses, the minimum square footage of pasture area not including the dwelling shall be 9,000 square feet for the first horse and 6,000 square feet for each additional horse. The total number of horses shall not exceed four per acre, except foals, which may be kept until weaned.
 - G. Pigeon lofts meeting the requirements of Sec. 4.3.20, on lots one acre or larger except in MH and PMH classifications.
- (Ord. No. 17-08, § 2(Exh. A), 4-11-2017; Ord. No. 24-08, § 1(Att. 1), 4-16-2024)



Marion County Board of County Commissioners

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Business Impact Estimate

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 4, ZONING, DIVISION 2, ZONING CLASSIFICATION, SECTION 4.2.6. REQUIREMENTS FOR ALL RESIDENTIAL ZONING CLASSIFICATIONS

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **10th day of April 2026**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **The proposed ordinance is striking redundant language if the Fly In Community Language is approved before this item goes to public hearings.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible;
(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
There should be zero direct or indirect economic impacts of the proposed ordinance.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Zero**

4. Additional information the governing body deems useful (if any): **All new Fly In Communities are proposed to be approved by Planned Unit Development Only. Making this language out of date.**



Marion County
Board of County Commissioners Public
Hearing Meeting
Agenda Item

File No.: 2026-22698

Agenda Date: 4/22/2026

Agenda No.: 3.

SUBJECT:

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

INITIATOR:

Jim Couillard, PLA, ASLA, Director

DEPARTMENT:

Parks & Recreation

DESCRIPTION/BACKGROUND:

Staff will present the attached proposed language to the Land Development Code (LDC) Article 1 Administration, Division 2 Definitions, amendments pertaining to the enhanced clarification and definition of tree-related nomenclature.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held on March 11, 2026, and a second one on March 25, 2026. Following their review, the LDRC recommended approval and voted to forward the items to the Board of County Commissioners for consideration.

The BCC held the first of two required BCC Public Hearings on March 31, 2026. This meeting 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.

ORDINANCE 26 –__

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

WHEREAS, the Board of County Commissioners is authorized by general law, e.g., Section 125.01(h), Florida Statutes, to establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners (Board) has adopted a Land Development Code (LDC) as is required by Section 163.3202, Florida Statutes; and

WHEREAS, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on March 11, 2026; and

WHEREAS, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on March 31, 2026, and April 14, 2026;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Marion County, Florida, as follows:

Note: Deletions are shown in strikeout text. Additions are shown in underscore text.

SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE (LDC). The following amendments to the LDC are hereby approved and adopted pursuant to Florida Statutes and the Marion County Land Development Code:

- A. Article 1, Administration, Division 2, Definitions, Specifically Related to Trees of the Marion County Land Development Code, Zoning, is hereby amended to reflect the attached revised language:

See Attachment 1 (additions shown in underline text, deletions shown in ~~strike-through text~~).

SECTION 2. CONFLICTS. In the event that any provision of this ordinance is in conflict with any other county ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 3. SEVERABILITY. It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance. The Board of County Commissioners does not intend that this ordinance be held applicable in any case where its application would be unconstitutional, as a constitutionally permitted construction is intended and shall be given.

SECTION 4. INCLUSION IN COUNTY CODE. It is the intent of the Board of County Commissioners of Marion County, Florida, and it hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, specifically, the Land Development Code, and that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

SECTION 5. EFFECTIVE DATE. A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

DULY ADOPTED this 22nd day of April, 2026.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

CARL ZALAK, III, CHAIRMAN

ATTEST:

GREGORY C. HARRELL
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MATTHEW G. MINTER
COUNTY ATTORNEY

1 ***DIVISION 2. DEFINITIONS***

2 Unless otherwise expressly stated, for the purposes of this Code, the following terms shall have the meaning
3 indicated herein.

4 **TREE, CRITICAL ROOT ZONE.** The at grade and subterranean area adjacent and surrounding the existing tree's
5 trunk where the tree's roots are located that provide stability and uptake of water and minerals required for the
6 tree's survival. The tree's critical root zone, or 'CRZ',

7 **TREE, PROTECTION ZONE.** The at grade and subterranean area surrounding the trunk of an existing tree or
8 group of trees to be preserved, intended to protect roots and soil to ensure future tree health and stability. The area
9 is defined by the extent of the tree's canopy dripline.

10 **TREE, REGULATED.** Any existing non-invasive non-exotic tree species that is 20~~10~~" diameter breast height
11 (DBH) or larger, or any tree that was planted in compliance with an approved development order or to mitigate the
12 prior removal of a Regulated Tree. Pine and Palm species are also considered Regulated Trees.

13 **TREE, SPECIMEN.** A Live Oak with a 36" DBH or larger, a Southern Magnolia with a 24" DBH or larger or a Long
14 Leaf Pine with an 18" DBH or larger; in viable condition as determined from a proper evaluation by a Certified
15 Arborist or Landscape Architect and confirmation by the County Landscape Architect; and offers value due to it's
16 species type, ecological value, age, historic value, or other outstanding qualities. A comprehensive tree list is
17 available from the County's Landscape Architect.

DIVISION 2. DEFINITIONS

Unless otherwise expressly stated, for the purposes of this Code, the following terms shall have the meaning indicated herein.

TREE, CRITICAL ROOT ZONE. The at grade and subterranean area adjacent and surrounding the existing tree's trunk where the tree's roots are located that provide stability and uptake of water and minerals required for the tree's survival. The tree's critical root zone, or 'CRZ',

TREE, PROTECTION ZONE. The at grade and subterranean area surrounding the trunk of an existing tree or group of trees to be preserved, intended to protect roots and soil to ensure future tree health and stability. The area is defined by the extent of the tree's canopy dripline.

TREE, REGULATED. Any existing non-invasive non-exotic tree species that is 20" diameter breast height (DBH) or larger, or any tree that was planted in compliance with an approved development order or to mitigate the prior removal of a Regulated Tree. Pine and Palm species are also considered Regulated Trees.

TREE, SPECIMEN. A Live Oak with a 36" DBH or larger, a Southern Magnolia with a 24" DBH or larger or a Long Leaf Pine with an 18" DBH or larger; in viable condition as determined from a proper evaluation by a Certified Arborist or Landscape Architect and confirmation by the County Landscape Architect; and offers value due to its species type, ecological value, age, historic value, or other outstanding qualities. A comprehensive tree list is available from the County's Landscape Architect.



Marion County Board of County Commissioners

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Business Impact Estimate

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 1, ADMINISTRATION, DIVISION 2, DEFINITIONS

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **10th day of April 2026**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **The proposed ordinance amends the Land Development Code to update and clarify definitions related to trees by refining and standardizing the terminology used for various tree classifications. The revisions clearly distinguish between different types to ensure consistent interpretation and application of the code by property owners, developers, and County staff. These clarifications are intended to eliminate ambiguity, improve administrative efficiency, and support uniform enforcement of tree-related regulations. Accurate and well-defined tree classifications support effective environmental protection, enhance community aesthetics, and facilitate responsible land development. By improving clarity and reducing confusion, the ordinance helps prevent disputes, supports compliance, and ensures that tree preservation and replacement requirements are applied equitably, thereby advancing the overall welfare of the community.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible;

(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **N/A**

This ordinance does not have a clear, direct economic impact.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **N/A**

4. Additional information the governing body deems useful (if any): **Proposed changes to the definitions of different classifications of trees provides clarity in terminology.**



Marion County
Board of County Commissioners Public
Hearing Meeting
Agenda Item

File No.: 2026-22699

Agenda Date: 4/22/2026

Agenda No.: 4.

SUBJECT:

Consider Amendments to the Marion County Land Development Code (LDC) Article 6, Division 6 Habitat Protection, Section 6.6.6 Open Space

INITIATOR:

Jim Couillard, PLA, ASLA, Director

DEPARTMENT:

Parks & Recreation

DESCRIPTION/BACKGROUND:

Staff will present the attached proposed language to the Land Development Code (LDC) Section 6.6.6 Open Space, updating the permitted uses, special uses, and establishing development standards.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held on March 11, 2026, and a second one on March 25, 2026. Following their review, the LDRC recommended approval and voted to forward the items to the Board of County Commissioners for consideration.

The BCC held the first of two required BCC Public Hearings on March 31, 2026. This meeting 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.

ORDINANCE 26 –__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 6, HABITAT PROTECTION, SECTION 6.6.6. OPEN SPACE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is authorized by general law, e.g., Section 125.01(h), Florida Statutes, to establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners (Board) has adopted a Land Development Code (LDC) as is required by Section 163.3202, Florida Statutes; and

WHEREAS, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on March 11, 2026; and

WHEREAS, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on March 31, 2026, and April 14, 2026;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Marion County, Florida, as follows:

Note: Deletions are shown in strikeout text. Additions are shown in underscore text.

SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE (LDC). The following amendments to the LDC are hereby approved and adopted pursuant to Florida Statutes and the Marion County Land Development Code:

- A. Article 6, Technical Standards and Requirements, Division 6, Habitat Protection, Section 6.6.6. Open Space, of the Marion County Land Development Code, Zoning, is hereby amended to reflect the attached revised language:

See Attachment 1 (additions shown in underline text, deletions shown in ~~strike-through text~~).

SECTION 2. CONFLICTS. In the event that any provision of this ordinance is in conflict with any other county ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 3. SEVERABILITY. It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance. The Board of County Commissioners does not intend that this ordinance be held applicable in any case where its application would be unconstitutional, as a constitutionally permitted construction is intended and shall be given.

SECTION 4. INCLUSION IN COUNTY CODE. It is the intent of the Board of County Commissioners of Marion County, Florida, and it hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, specifically, the Land Development Code, and that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

SECTION 5. EFFECTIVE DATE. A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

DULY ADOPTED this 22nd day of April, 2026.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

CARL ZALAK, III, CHAIRMAN

ATTEST:

GREGORY C. HARRELL
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MATTHEW G. MINTER
COUNTY ATTORNEY

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 shall
4 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 connectivity
7 to wildlife corridors, 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 and potential
13 connectivity effect to surrounding areas.

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

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

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

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

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

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

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

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

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

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

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

15

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 and; streets, and/or parking lots shall not qualify as IOS.

12 (5) Parking lots and access driveways within improved open space of five(5) acres or more,
13 that serve the IOS, may qualify for up to 10 percent of the total IOS area.

14 (6) The following features qualify as IOS, provided they are accessible to all residents of the
15 associated community, and are designed for active or passive recreational use:

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

17 1. Neighborhood Parks must include at least three of the following
18 elements:

19 ~~—~~ Age-appropriate play systems with shade structures. Total shaded
20 area shall be equal to or greater than 50% of the equipment's footprint
21 area. ~~Age-appropriate play equipment~~

22 • Sports/game areas (e.g., soccer field, basketball court, racquet
23 sports such as tennis, pickleball , padel, etc., cornhole, horseshoes,
24 etc.)

25 • Open turf areas suitable for informal play or gathering

- 1 • Multi-purpose fields
- 2 • Outdoor fitness stations
- 3 • Picnic area with tables and grills
- 4 • Gazebos, pergolas or pavilions for group activities and events
- 5 2. Neighborhood Parks shall include a minimum of two of the following
- 6 elements: benches, picnic tables, or other seating areas.
- 7 3. Neighborhood Parks shall include a minimum of one ~~s~~Shade ~~t~~Tree per
- 8 3,000 square feet of park area shall be provided within the park boundary.
- 9 Existing Shade Trees may be counted towards this requirement.
- 10 4. Neighborhood Parks must include a sign or monument marker that
- 11 establishes it as a common open space.
- 12 b. Golf Courses may satisfy up to 50% of the total IOS requirement.
- 13 c. Nature preserves, with public access that include an improved recreation trail
- 14 around the perimeter of the preserve and other elements such as information
- 15 stations, seating areas or other publicly accessible improvements.
- 16 d. Improved multi-use recreation trails a minimum of eight (8) feet in width,
- 17 excluding on street sidewalks. A multi-use recreation trail is a designated path or
- 18 route designed to accommodate a variety of non-motorized recreational
- 19 activities, such as walking, running, cycling, inline skating, etc. These trails must
- 20 be accessible and open to people of all ages and abilities and are intended to
- 21 promote safe, shared use by different types of users. Recreation trails must be
- 22 constructed of asphalt, concrete, or other hard, permanent surfaces. For area
- 23 calculations, the IOS contribution includes the width of the recreation trail plus
- 24 five (5) feet, or the width of the trail plus adjacent landscaped or preserved natural
- 25 area within the dedicated IOS tract, =whichever is greater
- 26 e. ~~Publicly accessible~~ cCommon squares, plazas and gathering spaces improved
- 27 with seating, paving, landscaping, or other features that encourage active or
- 28 passive recreation and social interaction.
- 29 f. Recreation courts and active sports areas including facilities such as tennis,
- 30 basketball, pickleball, or other similar features intended for organized or informal
- 31 sport activity.
- 32 g. Dog Parks or pet-friendly play areas fenced with pet amenities, at least 0.255
- 33 acres in size and shall be subdivided for large and small dog breeds.
- 34 a.h. ~~Central R~~ Central Rrecreation and Aamenity A areas that include multi-use recreational
- 35 buildings, neighborhood pools, neighborhood centers, passive recreational
- 36 areas, or other indoor/outdoor amenities.

1 ~~(2) Stormwater facilities and golf courses may be located within designated IOS.~~

2 ~~(3) No more than 25 percent of stormwater facilities may be counted to satisfy area/acreage requirements~~
3 ~~for required IOS. A higher percentage may be approved by DRC, depending on the design and lay of the~~
4 ~~facility.~~

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

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

8 i. Where a development provides a central recreation amenity area with the
9 following minimum components, at the discretion of the Growth Services
10 Director, the area of the amenity facility and improvements shall count at a 2:1
11 ratio for the required IOS acreage. For example, a 1.5 acre amenity area satisfying
12 this section shall satisfy 3.0 acres of required IOS. The minimum components
13 must include:

14 1. A 2,500 square foot minimum structured, air-conditioned amenity center
15 building with meeting and recreation space and indoor restroom
16 facilities.

17 2. An improved outdoor area including a neighborhood swimming pool. The
18 swimming pool at the water surface shall be a minimum of 1,500 square
19 feet.

20 3. A minimum of two improved sport courts such as tennis, pickleball,
21 basketball, racquetball, or similar sport court subject to the approval of
22 the Growth Services Director.

23 4. An open play field, playground, or similar.

24
25 j. Other similar uses that provide recreational opportunities for residents within the
26 development, subject to the approval of the Growth Services Director.

27 (7) The following uses are not considered to satisfy IOS requirements:

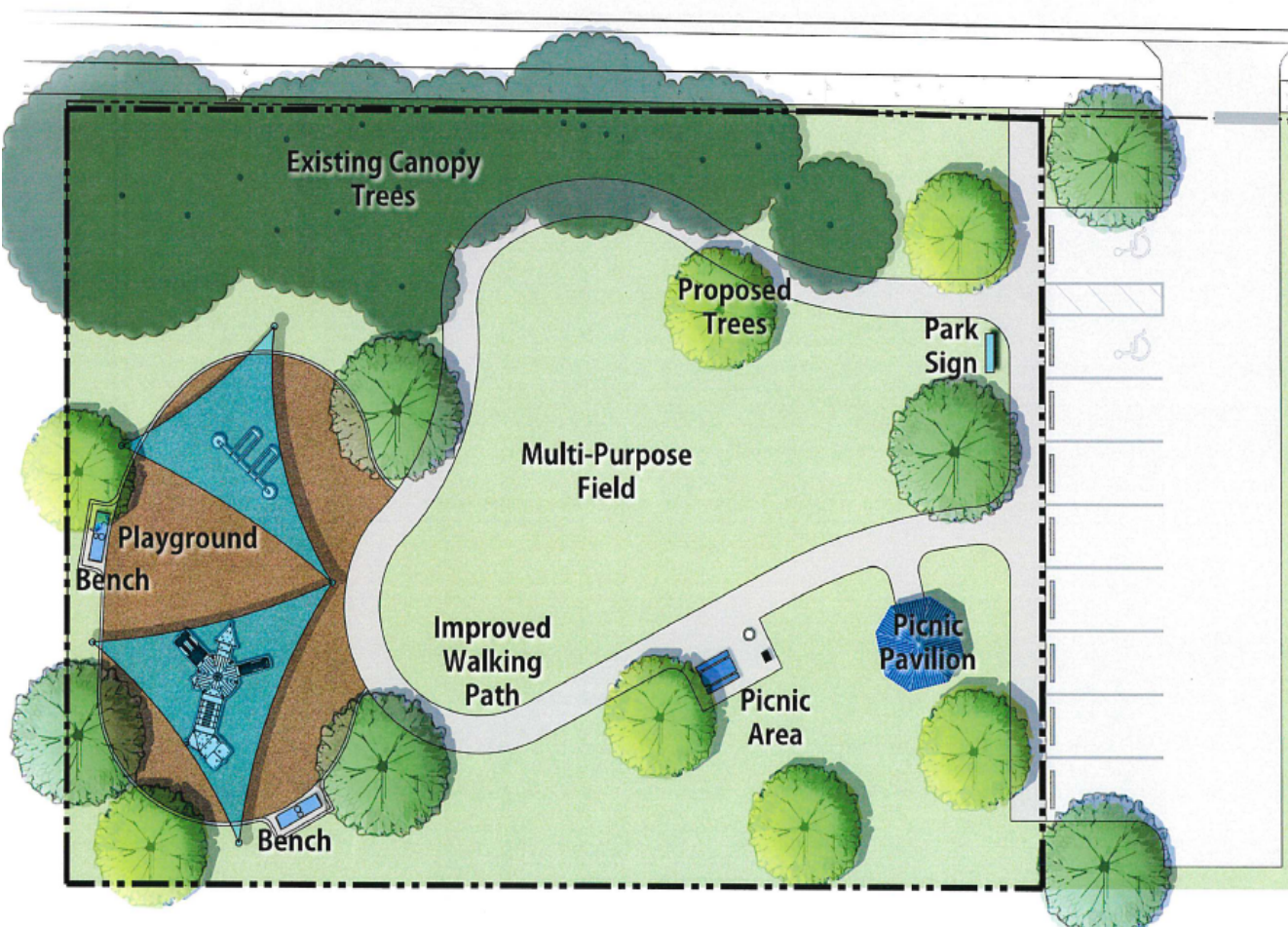
28 a. Drainage retention areas.

29 b. Roads and/or streets.

30 c. Parking lots and access driveways within IOS less than five (5) acres
31 and/or parking lots.

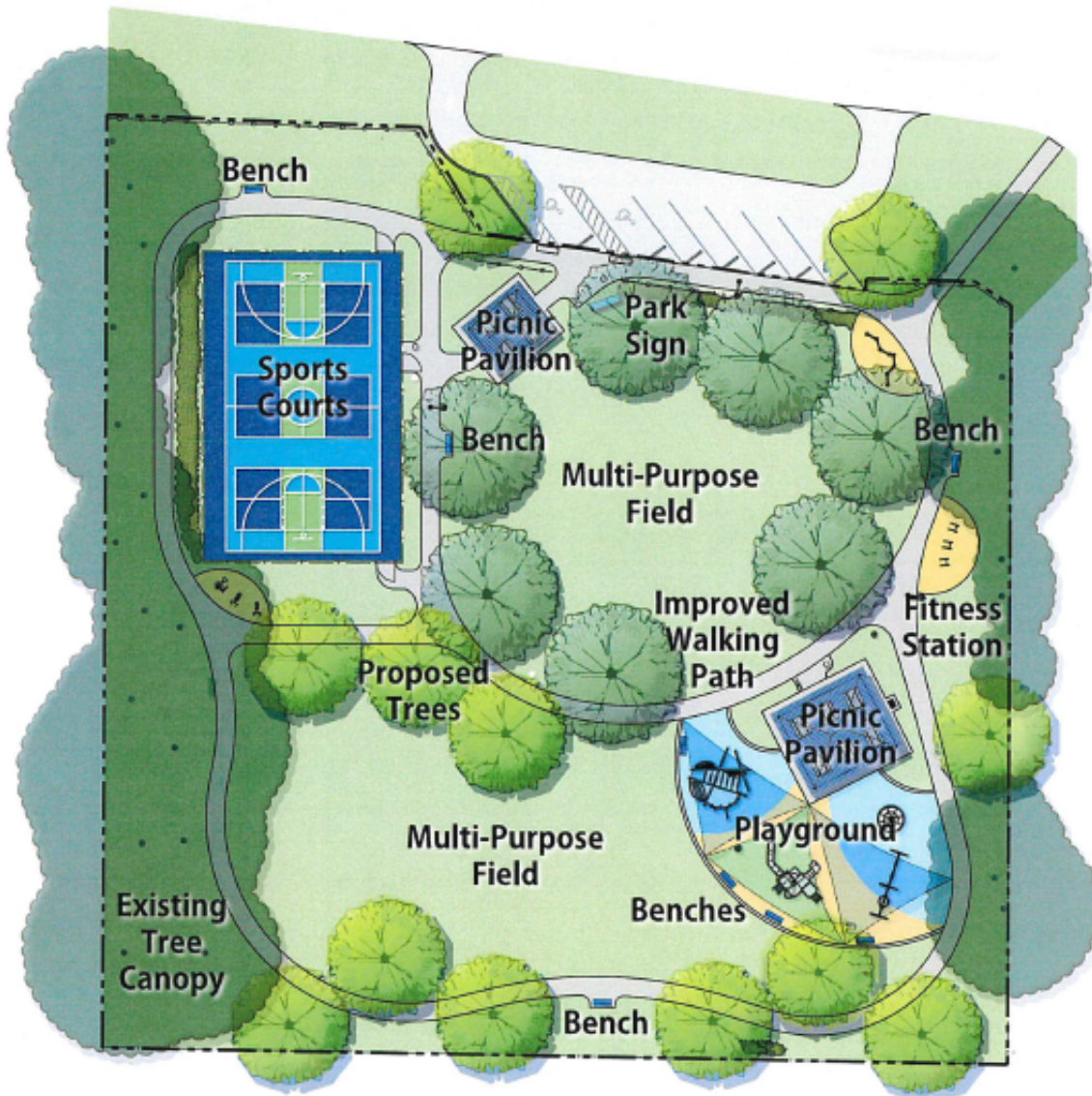
32 d. Recreation activity areas within drainage retention areas
33 as approved by DRC (i.e. a play field at the bottom of a drainage retention area or similar).

34 e. Landscape buffers, unless such buffers include an integrated and paved multi-
35 use recreational trail at least eight feet in width.



- 0.5 Acre Neighborhood Park Serves 62 Dwelling Units**
- Plan Provides Minimum Three Elements:
- Multi Purpose Field
 - Playground
 - Picnic Area with Tables and Grills
 - Pavilion
- Plan Provides Minimum of Two Listed Seating Elements
- Benches
 - Picnic Tables
- Plan Provides Required Tree Canopy
- Plan Provides a Park Sign

**Small Neighborhood Park
+/- 0.5 Acres**



**Medium Neighborhood Park
+/- 1.9 Acres**

**1.9 Acre Neighborhood Park
Serves 236 Dwelling Units**

**Plan Provides Minimum Three
Elements:**

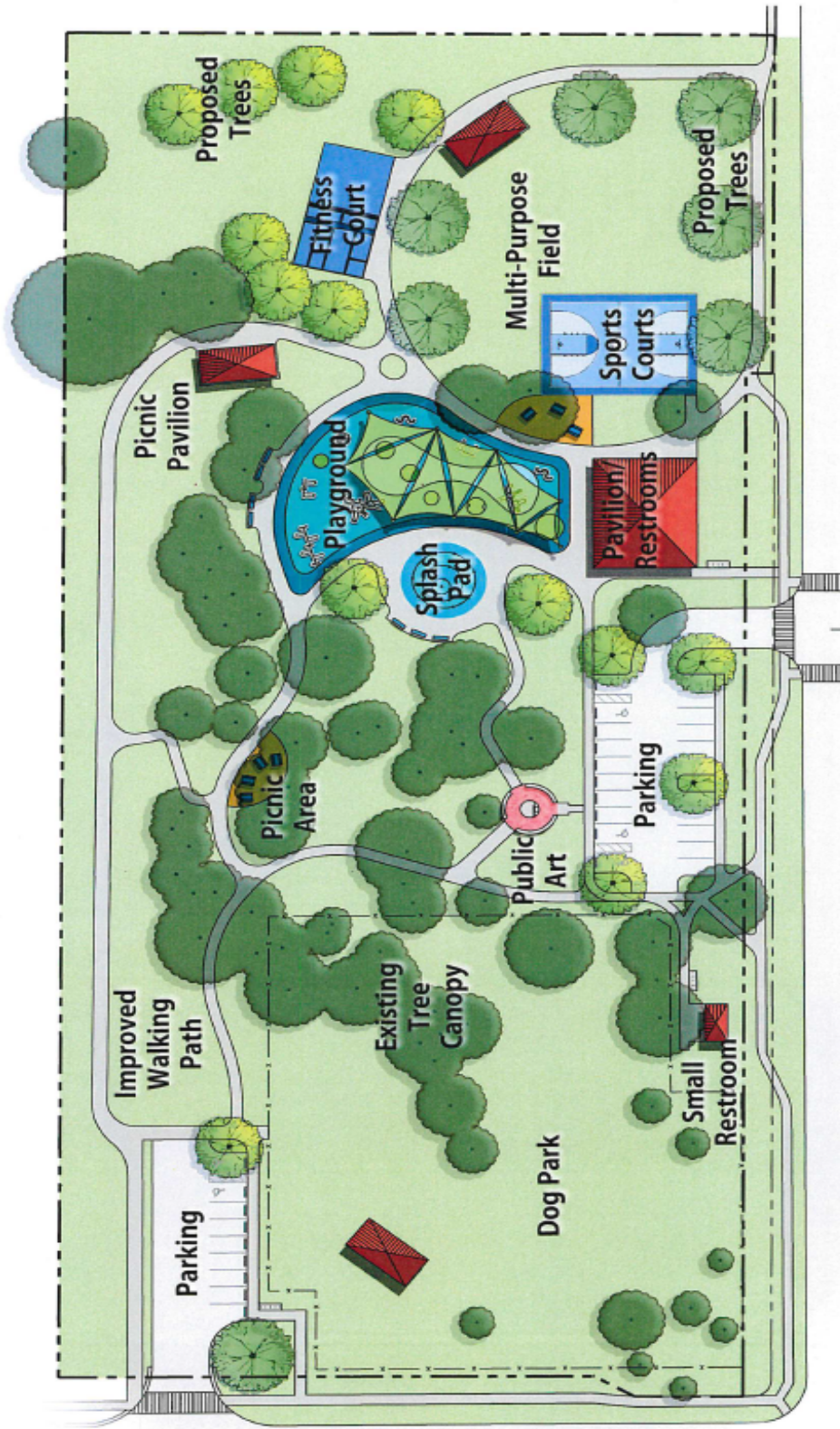
- Multi Purpose Field
- Playground
- Picnic Area with Tables and Grills
- Pavilion
- Fitness Stations
- Sport Courts

**Plan Provides Minimum of Two
Listed Seating Elements**

- Benches
- Picnic Tables

Plan Provides Required Tree Canopy

Plan Provides a Park Sign



Large Neighborhood Park
 +/- 6.8 Acres



LEGEND

- 1 Entry Drive And Drop-Off
- 2 Parking
- 3 Amenity Building/Clubhouse
- 4 Swimming Pool
- 5 Pool Deck With Seating
- 6 Building Restrooms That Also Serve Pool
- 7 Event Lawn
- 8 Multipurpose Field
- 9 Dog Park
- 10 Existing Trees
- 11 Sport/Game Area (Pickleball)
- 12 Sidewalk
- 13 Shade Trees And Landscape
- 14 Shade Structure

- Plan Provides Minimum Elements:**
- 2500 SF Minimum Amenity Center Building
 - 1500 SF Minimum Swimming Pool
 - Minimum of 2 Improved Sport Court Areas
 - Open Play Multi Purpose Field
 - Plan Provides Required Tree Canopy
 - Plan Provides a Park Sign

4.3 Acre Amenity Area
 8.6 Acres of Improved Open Space (IOS)
 Serves 1070 Dwelling Units

Prototypical Amenity Area

Sec. 6.6.6. - Open space.

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

- (1) The preservation of environmentally sensitive lands and locally significant resources shall be given priority when determining the location of natural open space.
- (2) Natural open space shall be arranged in a contiguous manner which supports the preservation and connectivity of the space, with particular attention to providing connectivity to wildlife corridors, agricultural, and/or passive recreational uses, as appropriate for the characteristics of the space.
- (3) Natural open space shall be arranged in a manner which supports compatibility with surrounding areas which are not part of the proposed development.
- (4) The buildable area resulting from the identification of natural open space shall be compact and contiguous with the natural open space providing a buffering and potential connectivity effect to surrounding areas.
- (5) Natural open space shall be designated accordingly on a plan and conveyed for ownership and maintenance and/or management which will include identifying one or more entities responsible for ownership and maintenance of the open space, and conveyed accordingly.
- (6) The Board may also require that a Developer's Agreement and/or a Conservation Easement conveyed to Marion County be established for the natural open space as part of the plan review process.
- (7) The natural open space shall be maintained and/or managed in a healthy state consistent with the habitat and use of the space and current applicable best management practices acceptable to Marion County, if any, consistent with characteristics of the space.
- (8) Constructed stormwater facilities of any kind are prohibited within areas designated as natural open space.
- (9) Structures are prohibited within natural open space; however limited minimal structural improvements may be provided for passive access and agricultural or environmental control such as boardwalks, trails, and fencing. Agricultural structures which are for bona fide agricultural purposes and not for human occupancy for residential or non-residential purposes (e.g., residence, apartment, office) may be placed within natural open space in compliance with the following design requirements:
 - (a) The area where the agricultural structures may be located, either on individual lots and/or on common property, as appropriate, shall be clearly designated as a separate agricultural structure buildable area on the development project's primary development plan and presented for approval by the Board.

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

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

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

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

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

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

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

Table 6.6.6.1 - Required Improved Open Space (IOS)

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

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

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

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

(4) Roads and streets, shall not qualify as IOS.

- (5) Parking lots and access driveways within improved open space of five(5) acres or more, that serve the IOS, may qualify for up to 10 percent of the total IOS area.
- (6) The following features qualify as IOS, provided they are accessible to all residents of the associated community, and are designed for active or passive recreational use:
- a. Neighborhood parks designed for passive or active recreation.
 1. Neighborhood Parks must include at least three of the following elements:
 - Age-appropriate play systems with shade structures. Total shaded area shall be equal to or greater than 50% of the equipment’s footprint area.Sports/game areas (e.g., soccer field, basketball court, racquet sports such as tennis, pickleball , padel, etc., cornhole, horseshoes, etc.)
 - Open turf areas suitable for informal play or gathering
 - Multi-purpose fields
 - Outdoor fitness stations
 - Picnic area with tables and grills
 - Gazebos, pergolas or pavilions for group activities and events
 2. Neighborhood Parks shall include a minimum of two of the following elements: benches, picnic tables, or other seating areas.
 3. Neighborhood Parks shall include a minimum of one Shade Tree per 3,000 square feet of park area shall be provided within the park boundary. Existing Shade Trees may be counted towards this requirement.
 4. Neighborhood Parks must include a sign or monument marker that establishes it as a common open space.
 - b. Golf Courses may satisfy up to 50% of the total IOS requirement.
 - c. Nature preserves, with public access that include an improved recreation trail around the perimeter of the preserve and other elements such as information stations, seating areas or other publicly accessible improvements.
 - d. Improved multi-use recreation trails a minimum of eight (8) feet in width, excluding on street sidewalks. A multi-use recreation trail is a designated path or route designed to accommodate a variety of non-motorized recreational activities, such as walking, running, cycling, inline skating, etc. These trails must be accessible and open to people of all ages and abilities and are intended to promote safe, shared use by different types of users. Recreation trails must be constructed of asphalt, concrete, or other hard, permanent surfaces. For area

calculations, the IOS contribution includes the width of the recreation trail plus five (5) feet, or the width of the trail plus adjacent landscaped or preserved natural area within the dedicated IOS tract, whichever is greater

- e. Common squares, plazas and gathering spaces improved with seating, paving, landscaping, or other features that encourage active or passive recreation and social interaction.
- f. Recreation courts and active sports areas including facilities such as tennis, basketball, pickleball, or other similar features intended for organized or informal sport activity.
- g. Dog Parks or pet-friendly play areas fenced with pet amenities, at least 0.25 acres in size and shall be subdivided for large and small dog breeds.
- h. Central recreation and amenity areas that include multi-use recreational buildings, neighborhood pools, neighborhood centers, passive recreational areas, or other indoor/outdoor amenities.
- i. Where a development provides a central recreation amenity area with the following minimum components, at the discretion of the Growth Services Director, the area of the amenity facility and improvements shall count at a 2:1 ratio for the required IOS acreage. For example, a 1.5 acre amenity area satisfying this section shall satisfy 3.0 acres of required IOS. The minimum components must include:
 - 1. A 2,500 square foot minimum structured, air-conditioned amenity center building with meeting and recreation space and indoor restroom facilities.
 - 2. An improved outdoor area including a neighborhood swimming pool. The swimming pool at the water surface shall be a minimum of 1,500 square feet.
 - 3. A minimum of two improved sport courts such as tennis, pickleball, basketball, racquetball, or similar sport court subject to the approval of the Growth Services Director.
 - 4. An open play field, playground, or similar.
- j. Other similar uses that provide recreational opportunities for residents within the development, subject to the approval of the Growth Services Director.

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

- a. Drainage retention areas.

- b. Roads and/or streets.
- c. Parking lots and access driveways within IOS less than five (5) acres.
- d. Recreation activity areas within drainage retention areas, as approved by DRC (i.e. a play field at the bottom of a drainage retention area or similar).
- e. Landscape buffers, unless such buffers include an integrated and paved multi-use recreational trail at least eight feet in width.



Marion County Board of County Commissioners

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Business Impact Estimate

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 6, HABITAT PROTECTION, SECTION 6.6.6. OPEN SPACE

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **10th day of April 2026**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **The proposed ordinance amends the Land Development Code to update and clarify the requirements for Improved Open Space within new residential developments. The ordinance defines the minimum standards, design criteria, and qualifying features for Improved Open Space to ensure such areas are functional, accessible, and appropriately designed to serve residents. These clarifications provide greater certainty for applicants and staff, promote consistent application of the code, and ensure that open space is meaningfully integrated into residential developments rather than treated as incidental or leftover land. The ordinance ensures that new residential developments include usable and well-designed open space that supports recreation, social interaction, and community well-being. Clear Improved Open Space standards promote physical activity, enhance neighborhood livability, and contribute to overall quality of life. Additionally, well-planned open space supports environmental benefits such as stormwater management, while providing predictable and equitable development standards that balance growth with the long-term welfare of residents and the community as a whole.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible;
(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
This ordinance will not have a direct economic impact.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Unknown at this time**

4. Additional information the governing body deems useful (if any): **Proposed changes clarify the requirements for Improved Open Space in new residential developments.**



Marion County
Board of County Commissioners Public
Hearing Meeting
Agenda Item

File No.: 2026-22701

Agenda Date: 4/22/2026

Agenda No.: 5.

SUBJECT:

Consider Amendments to the Marion County Land Development Code (LDC) Article 6, Division 7 Tree Protection and Replacement

INITIATOR:

Jim Couillard, PLA, ASLA, Director

DEPARTMENT:

Parks & Recreation

DESCRIPTION/BACKGROUND:

Staff will present the attached proposed language to the Land Development Code (LDC) Article 6, Division 7 Tree Protection and Replacement, updating the permitted uses, special uses, and establishing development standards.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held on March 11, 2026, and a second one on March 25, 2026. Following their review, the LDRC recommended approval and voted to forward the items to the Board of County Commissioners for consideration.

The BCC held the first of two required BCC Public Hearings on March 31, 2026. This meeting 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.

ORDINANCE 26 –__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 7, TREE PROTECTION AND REPLACEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is authorized by general law, e.g., Section 125.01(h), Florida Statutes, to establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners (Board) has adopted a Land Development Code (LDC) as is required by Section 163.3202, Florida Statutes; and

WHEREAS, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on March 11, 2026; and

WHEREAS, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on March 31, 2026, and April 14, 2026;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Marion County, Florida, as follows:

Note: Deletions are shown in strikeout text. Additions are shown in underscore text.

SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE (LDC). The following amendments to the LDC are hereby approved and adopted pursuant to Florida Statutes and the Marion County Land Development Code:

- A. Article 6, Technical Standards and Requirements, Division 7, Tree Protection and Replacement, of the Marion County Land Development Code, Zoning, is hereby amended to reflect the attached revised language:

See Attachment 1 (additions shown in underline text, deletions shown in ~~strike-through text~~).

SECTION 2. CONFLICTS. In the event that any provision of this ordinance is in conflict with any other county ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 3. SEVERABILITY. It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance. The Board of County Commissioners does not intend that this ordinance be held applicable in any case where its application would be unconstitutional, as a constitutionally permitted construction is intended and shall be given.

SECTION 4. INCLUSION IN COUNTY CODE. It is the intent of the Board of County Commissioners of Marion County, Florida, and it hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, specifically, the Land Development Code, and that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

SECTION 5. EFFECTIVE DATE. A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

DULY ADOPTED this 22nd day of April, 2026.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

CARL ZALAK, III, CHAIRMAN

ATTEST:

GREGORY C. HARRELL
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MATTHEW G. MINTER
COUNTY ATTORNEY

1 **DIVISION 7. TREE PROTECTION AND REPLACEMENT**

2 **Sec. 6.7.1. Purpose and intent.**

3 A. The purpose of this division is to regulate the protection, removal, replacement, and maintenance of trees
4 ~~in~~ on public and private property, excluding existing residential properties. Tree protection and replacement
5 shall work cooperatively with landscaping requirements to preserve and enhance the aesthetic quality of
6 Marion County, complementing the natural and built environments, while providing shade and habitat
7 through:

- 8 (1) Preservation of existing trees and native plant ~~communities~~; communities.
- 9 (2) Replacement of trees that are ~~removed~~; removed.
- 10 (3) Maintenance of trees ~~and~~;
- 11 (4) Prevention of tree abuse; and
- 12 (5) Enforcement.

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

14 B. The preservation of trees, along with the planting of new trees as required in Division 8, shall be considered
15 as a priority in the development of improvement plans. The process of site design, from the PUD/Master Plan
16 level, through specific design details, shall take the protection of existing trees and the mature sizes of
17 proposed trees into consideration.

18 **Sec. 6.7.2. Exceptions.**

19 The preservation and replacement of trees and protected plant species shall apply to all development with the
20 following exceptions:

- 21 A. The removal of trees for purposes of conducting bona fide agricultural uses such as field crops, landscape
22 nursery, citrus nursery, forest crops, animal husbandry, greenhouses, aquaculture, silviculture and the like, on
23 lands with an agricultural zoning classification.
- 24 B. Property used for bona fide agricultural use, as listed in Section 6.7.2.A above, zoned other than agriculture
25 and possessing an agriculture classification from the County Property Appraiser per § 193.461 FS. ~~Lands with~~
26 ~~an urban land use designation may not use this exemption.~~
- 27 C. On lands where either of the two exemptions in Sections 6.7.2.A and B above has enabled tree removal without
28 a permit, no applications for any land use or zoning changes from rural to urban designations, ~~or development~~
29 ~~plans~~, shall be ~~made~~ accepted within ~~one year~~ five two years of the tree removal date unless:
 - 30 (1) The applicant provides tree replacement at 100 inches DBH of native trees per acre, or lower based on
31 the pre-clearing density of existing trees, or
 - 32 (2) The applicant/owner provides payment into a Tree Mitigation fund in the equivalent amount of planting
33 100 inches DBH of native trees per acre, or lower, based on the pre-clearing density of existing trees.
- 34 D. The removal of trees which have a DBH of less than ~~1020~~ inches, except those trees which have been
35 designated replacement and conservation trees pursuant to Section 6.7.9.G.

- 1 E. The removal of trees on an individual parcel of record used or to be used for single-family ~~dwelling~~ or duplex
2 dwelling units.
- 3 F. The removal of trees associated with ~~the County's~~ construction, rehabilitation, or routine maintenance of
4 roads, utilities, and drainage systems within public rights-of-way or easements, by the County or agencies
5 having local jurisdiction.
- 6 G. The removal of trees associated with the rehabilitation or routine maintenance of roads and drainage systems
7 within private rights-of-way or easements.
- 8 H. Tree removal or trimming for the construction of firebreaks, and firelines, by the County or agencies having
9 local jurisdiction and surveying associated with this construction.
- 10 I. The removal of trees which pose an immediate and direct threat to persons or property, and the removal of
11 trees that are dead or dying due to natural causes, as determined by a Landscape Architect or a Certified
12 Arborist.
- 13 ~~J.~~ J. The removal of trees on residential property that pose an unacceptable risk to persons or property as per
14 §Florida Statute 163.045 FS "Tree pruning, trimming, or removal on residential property."
- 15 K. Transplanting of any size tree.
- 16 L. ~~Removal of K.~~ ~~Removal of~~ trees required by a development plan which has been fully approved by the
17 County.
- 18 M. ~~Removal of L.~~ ~~Removal of~~ exotic ~~tree~~ or nuisance tree or plant species as listed by the UF/IFAS
19 Assessment of Non-native Plants, "Prohibited" or "Invasive - Not Recommended" tables, as updated.
- 20 (Ord. No. 13-20, § 2, 7-11-2013)

21 **Sec. 6.7.3. Tree ~~protection~~ Protection, General.**

- 22 A. Design for the protection of trees.
 - 23 (1) ~~Every reasonable effort should be made to minimize tree removal. Tree~~ Site development shall consider
24 tree preservation shall be an integral part of by balancing the requirements of site planning or
25 subdivision and utility design process. Tree preservation shall be conceived with preserving existing trees
26 in a total pattern throughout an integrated manner across the site, integrating the various elements of
27 site design, preserving and enhancing the particular identity of the site.
 - 28 (2) The preservation of existing trees and vegetation for use as perimeter land use buffers shall be
29 considered during early in the site design process and implemented to preserve provide required buffers
30 while preserving habitat while and lowering the cost of development.
 - 31 (3) In all cases, a post-development ratio of shade trees to ~~the area~~ of the site must be provided as required
32 in Section 6.7.4.
 - 33 (4) All ~~r~~ Regulated trees ~~with a DBH of 10 inches or larger~~ shall be considered protected trees, ~~unless listed~~
34 by the UF/IFAS Assessment of Non-native Plants, "Prohibited" or "Invasive - Not Recommended" tables,
35 as updated.
 - 36 (5) ~~A proper~~ After a Tree Survey is completed, an evaluation by a Certified Arborist or Landscape Architect
37 shall be made to determine if existing ~~protected trees~~ Regulated Trees, or groups of ~~trees~~ existing
38 Regulated Trees, are good suitable candidates for preservation before final site plans are developed. If
39 the site applicant proposes preserving existing trees, or if the site contains Specimen Trees, this
40 evaluation shall be submitted with the development application- PUD Master Plan, Site Plan and -/or

1 Improvement Plan. The evaluation shall be used to guide decisions about tree preservation, tree
2 protection, and tree removal and shall include:

3 (a) ~~Determination~~Identification of species of tree(s); proposed for preservation;

4 (b) ~~Assessment of the health of the tree(s);~~

5 ~~(c) — Determination~~Evaluation of the condition of the tree(s) to be preserved based on the species,
6 ~~health~~age, observations of external internal or external signs of disease or impacts, and ~~age and~~
7 ~~whether the tree(s) will provide a lasting value to the finished project (trees with fast growth habits~~
8 ~~and have a shorter life span may not be desirable);~~ possible longevity based on species type, site
9 conditions, or location. If no evaluation is provided, all ~~r~~Regulated trees are considered viable.

10 ~~(d)~~ Assessment of the size (DBH) and canopy) of the tree(s); to be preserved;

11 ~~(e) — Assessment of the rarity, uniqueness, and character of the tree(s);~~

12 ~~(f) — Assessment of the historic value, status as a specimen tree, or other outstanding quality;~~

13 ~~(g) — An general overview of the site and whether the tree(s) will provide a lasting and positive~~
14 ~~contribution to the site and general surroundings, and~~

15 ~~(h) — Determination if any minor alternations to the site topography will impact the long-term viability~~
16 ~~of preserving existing trees.~~

17 (d) Identification of Specimen Trees. Any Specimen Tree proposed for removal for any reason requires
18 field verification and approval by the County Landscape Architect.

19 (e) Illustration of TPZ and CRZ areas for trees to be preserved.

20 B. Tree protection ~~zones are as follows:~~measures shall be denoted on tree removal permit or site development
21 review plans by illustrating and dimensioning the following:

22 (1) Extents of the Tree Protection Zone (TPZ) is a defined area surrounding the trunk of a tree (or group of
23 trees) to be preserved, intended to protect roots and soil to ensure future tree health and stability.

24 ~~(a) — All tree measurements for tree protection and preservation shall be made at 4.5 feet above grade to~~
25 ~~establish the correct diameter at breast height (DBH).~~

26 ~~(b) — The TPZ shall be located at the dripline of the tree (or group of trees) to be preserved.~~for trees proposed
27 for preservation. For tree protection requirements, the ~~dripline~~TPZ shall be indicated on ~~a plan~~the
28 grading and utility construction sheets as well as the Tree Removal and Preservation Plan or Landscape
29 Plan as required in Section 6.7.6.E ~~and determined by either of the following methods:~~

30 1. ~~Field location by either a Surveyor and Mapper, a Landscape Architect, or a Certified Arborist,~~
31 ~~or~~

32 ~~(2. — Utilizing a "desktop canopy" rule generally understood as using one foot for every inch.)~~
33 Extents of DBH. For example, a 30-inch diameter tree would have a 30-foot radius
34 dripline.

35 ~~(2) — The~~the Tree Critical Root Zone (CRZ) ~~is the area of soil around a tree trunk where roots are located that~~
36 ~~provide stability and uptake of water and minerals required for tree survival.~~ For trees proposed for
37 preservation when construction within the TPZ is planned.

38 (a) No excavation, ~~filling, trenching~~construction, or ~~other intense~~otherwise disruption of the root zone
39 is allowed within the CRZ.

40 (b) The CRZ is established ~~on a tree-by-tree basis through~~ definition, or based on an on-site review and
41 assessment by either a Landscape Architect or a Certified Arborist prior to construction.

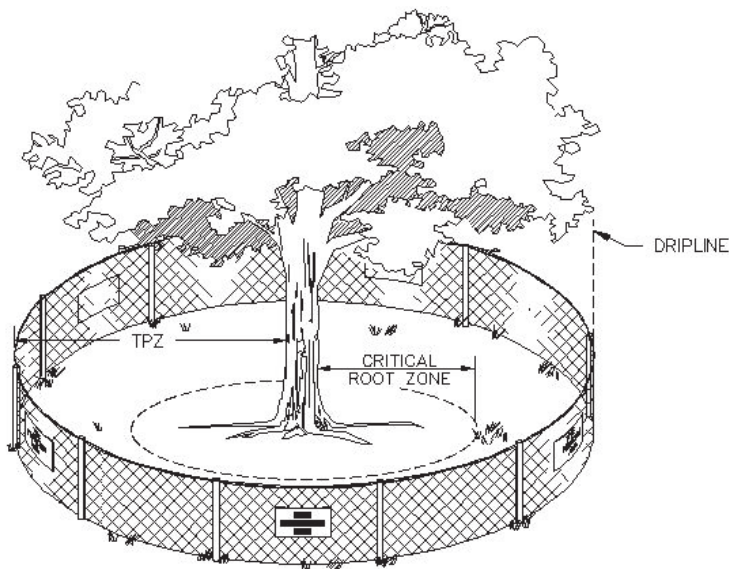
1 ~~(c) Damage to roots in this area may result in penalties or fines.~~

2 ~~(3) The County's Landscape Architect or his designee may reduce the limits of the TPZ to allow authorized~~
3 ~~construction to occur.~~

4 ~~(4)(3)~~ No reduction of the TPZ or removal of barricades may occur without prior written authorization from
5 the County's Landscape Architect.

6 ~~(54)~~ The TPZ may be temporarily reduced in size and/or barricades may be temporarily removed to allow for
7 minor construction or maintenance within the TPZ, as approved by the County's Landscape Architect
8 prior to construction activities. Barricades shall be reinstalled as soon as work within the TPZ is
9 completed.

10 ~~(6) The TPZ shall not be reduced to any point within the CRZ.~~



11
12 **Figure 6.7-1 Tree Protection Zones** ~~Zones~~
13

14 C. Tree protection barricades shall be:

15 (1) No less than four feet in height.

16 (2) Constructed of rigid material capable of surviving for the duration of the construction.

17 (3) Posted with highly visible signs placed on the tree protection barricades at each quadrant of single
18 protected trees and along driplines of groups of trees being protected at 50-foot intervals or less. Signs
19 shall include the words "Tree Protection Zone."

20 D. Pre-construction tree protection.

21 (1) The owner shall be responsible for ~~insuring~~ensuring that all possible measures are taken to avoid damage
22 to trees not approved for removal.

23 (2) Prior to any clearing, grubbing, or any construction, tree protection barricades shall be erected around
24 all trees, or groups of trees, within the construction area which are to be preserved.

25 ~~(3) The County Landscape Architect shall be notified given a 10-day notice requesting—and a pre-~~
26 ~~clearing/grubbing/grading on-site review of all required tree protection barricades will be conducted.~~

E. Tree protection shall continue ~~during the course of~~ throughout construction. The following requirements shall be conditions of tree removal permits, all permits for private construction in public rights-of-way, and all development permits issued under and pursuant to this Code:

- (1) ~~The~~ No cleaning of construction equipment or material or the disposal of waste materials including but not limited to, paint, oil, solvents, asphalt, concrete, and mortar shall be permissible within the TPZ of any tree which is being protected ~~is not allowed.~~
- (2) The movement of equipment or the storage of equipment, materials, debris, or fill within the TPZ of any tree which is being protected is not allowed.
- (3) The contractor shall inspect all tree protection barricades and signs on a weekly basis ~~during the course of~~ throughout construction. Any barricade or sign which has been damaged or is missing shall be replaced immediately.
- (4) If any tree which has not been approved to be removed is destroyed, or receives major damage during construction, with the exception of natural events, so as to place its long term survival in question, the tree(s) must be replaced at an inch-to-inch basis of the total (combined) DBH of the tree(s) so destroyed or damaged. The replacement tree(s) shall be of comparable species of the destroyed or damaged tree(s) with a minimum replacement size of 3.5-inch caliper. The County reserves the right to establish a replacement value for such trees and payment into the Tree Mitigation Fund may be authorized by the County's Landscape Architect.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.4. ~~Shade trees.~~ Trees, Minimum Requirements

~~Shade trees are required for all developments excluding residential developments.~~

A. ~~A.~~ The post-development ratio of shade trees to the area of the site ~~shall be a minimum of one shade tree per 3,000 square feet~~ for all developments excluding single-family or duplex residential developments shall be as follows:

(1) For the first five (5) acres, a minimum of one shade tree per 3,000 square feet.

~~(1)~~ (2) For the remaining acres, a minimum of one shade tree per 5,000 square feet.

B. Shade trees may include:

(1) Specimen Trees and/or;

(2) Protected and preserved trees which have with a favorable assessment; and/or;

(2) Trees as required for buffers, parking areas, vehicle use areas, screening, and building areas, and/or;

(3) Trees as required as tree mitigation replacement trees.

C. ~~When mature~~ Priority shall be given to preserve Specimen Trees and those existing trees with a full canopy of 30-foot radius or larger, with a favorable ~~that are the highest rated per the tree assessment;~~

D. Credits towards the Shade Tree requirement shall be given for existing Regulated Trees that are preserved on the project site, a credit of two shade ~~by the development. Preserved trees may be used towards the overall shade tree requirement.~~ for Shade Tree credits shall be subject to the approval of the County Landscape Architect or designee. Tree credits shall be given for preserved Regulated Trees as follows:

~~D. Required shade trees shall meet the minimum size requirements in Section 6.8.10.C.~~

<u>Preserved Regulated Tree</u>	<u>Number of Shade Trees Credited</u>
---------------------------------	---------------------------------------

(DBH)	
<u>10" – 19"</u>	<u>One</u>
<u>20" – 29"</u>	<u>Two</u>
<u>30" – 35"</u>	<u>Three</u>
<u>36" – 47" Specimen Trees</u>	<u>Five</u>
<u>48" and above</u>	<u>Six</u>

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.5. Tree trimming and tree removal permit.

- A. For tree removals not associated with any development as outlined in this division, refer to Section 2.22.4. For all other tree removal applications, the approved development plans shall serve as the tree removal permit.
- B. A tree removal permit shall be required for the removal of any ~~tree with a DBH of 10 inches or larger,~~ Regulated Tree except for exempt activities as outlined in Section 6.7.2. A tree removal permit shall be obtained from the County's Landscape Architect or ~~his~~their designee prior to any site clearing, grading, or for any construction which requires a permit from the Marion County Building Department. The failure to obtain any such permit when required shall be a violation of this Code, subject to penalties provided herein.
- C. A tree removal permit shall be obtained by any public or private utility or communications company undertaking construction activities that require tree removal. Prior to trimming or removal of any trees in the public right of way, related to the utilities operations and not associated with road construction or road maintenance activities, the contactor shall:
 - 1. Contact the County's Landscape Architect and ~~providing~~provide a map of where all vegetation management practices and tree trimming or removal will be performed.
 - 2. Conduct an on-site review of the vegetation management and/or tree removal to review potential impacts.
 - 3. Consideration will be given to the removal of trees and palms which have been topped or have been "directionally pruned" ~~as to where recovery~~the extent that the appearance and/or the long term long-term viability of the ~~tree~~tree or palms is unlikely.
 - 4. After removal of trees all stumps must be ground to a depth of no less than two inches below grade and remove grinding refuse.
 - 5. Stabilize all disturbed areas in an acceptable manner
- D. Tree removal permits shall expire within one year or upon expiration of the building permit, whichever comes first. Trees authorized to be removed may not be removed after the permit expires unless a new permit is obtained pursuant to this division.

(Ord. No. 13-20, § 2, 7-11-2013; Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

Sec. 6.7.6. Submittal requirements.

The following requirements shall apply to the application for stand alone tree removal permits and site development review plans and are in addition to the Minimum Plan Requirements:

-
- 1 A. Depending on the density of existing trees, the applicant may provide a separate "Tree Removal and
2 Preservation Plan." For development sites with lower density of trees, such information may be indicated on
3 the Site Plan or the Landscape Plan. Either method used shall indicate the location of all ~~trees, with a DBH of~~
4 ~~10 inches and larger,~~ Regulated Trees to be removed and trees to be preserved. Preserved trees and
5 replacement trees shall be indicated on the Landscape Plan to demonstrate the final appearance of the site.
- 6 B. Tree calculations shall include:
- 7 (1) The total numbers of existing ~~trees~~ Regulated Trees within the site and the respective DBH of each tree;
8 and
- 9 (2) The pre-development ratio of ~~native tree~~ Regulated Tree inches-per-acre; and
- 10 (3) The total DBH inches of ~~native trees~~ Regulated Trees to be removed; and
- 11 (4) The total DBH inches of ~~native trees~~ Regulated Trees to be preserved; and
- 12 (5) The native status of trees to be preserved.
- 13 C. A tree protection detail which graphically indicates the requirements of tree protection as required by this
14 division.
- 15 D. ~~List~~ Listing general prohibitions ~~on the plan~~ as stated in Section 6.7.3.E.
- 16 E. Indication of all TPZs on the site plan, grading plan and on ~~which ever~~ whichever plan is used to demonstrate
17 tree preservation and replacement.
- 18 F. Fees required for review and issuance of tree removal permits, inspections, and restoration plans shall be
19 established by the Board, by resolution. Tree removal permit application fees for projects associated with any
20 development (excluding stand alone permits) shall be included in the overall plan review and application fees
21 available at the Office of the County Engineer.
- 22 (Ord. No. 13-20, § 2, 7-11-2013)

23 **Sec. 6.7.7. Review and approval procedures.**

- 24 A. During review of tree preservation submittals, the County's Landscape Architect or ~~his~~ their designee may
25 determine that modifications of the proposed plans or calculations are necessary. Conditions that may require
26 changes include, but are not limited to, the following:
- 27 (1) ~~Preserving~~ Required preservation of any ~~tree due to their age, size, rarity, uniqueness, historic value,~~
28 ~~status as a specimen tree, or other outstanding quality.~~ Specimen Trees,
- 29 (2) Proposed grading or clearing activities ~~do not follow the requirements of this division. W~~ within the TPZ
30 and/or,
- 31 (3) Proposed habitat destruction which conflicts with the requirements in Division 6.6.
- 32 B. The applicant will be ~~asked~~ required to revise and update the tree preservation information according to review
33 comments.
- 34 ~~C. After approval, the County's Landscape Architect or his designee shall issue a tree removal permit if such tree~~
35 ~~removal is in accordance with all provisions of this Code. The approved development plans shall serve as the~~
36 ~~Tree Removal Permit.~~
- 37 (Ord. No. 13-20, § 2, 7-11-2013)

1 **Sec. 6.7.8. Protected tree replacement requirements.**

2 ~~All trees not permitted~~ Regulated Trees that are proposed for removal ~~must be protected and maintained. For those~~
3 ~~protected trees permitted for removal, trees~~ shall be replaced in accordance with the minimum standards set forth
4 below.

5 ~~A. A.~~ Replacement is not required where the property owner retains existing trees on the site which
6 total an average of 100 inches DBH per acre. If replacement is necessary, a minimum of 100 inches DBH per
7 acre on the average shall be achieved.

8 ~~B.~~ If the pre-development number of inches is less than 100 DBH per acre on the average, the property owner
9 shall replace trees to equal the pre-development number of DBH inches.

10 ~~B.A. C.~~ Removal of trees Regulated Trees less than 30 36 inches DBH and permitted for
11 removal shall be as described below is permissible if the following replacement requirements are met:

12 (1) ~~Existing trees measuring 10 inches DBH to 19 inches DBH shall be replaced with a ratio of one inch~~
13 ~~replacement per two inches removed and the minimum replacement tree size is 3.5 inch caliper.~~ 2

14 (2) ~~Existing trees measuring 20 inches DBH to 29 inches DBH shall be replaced with 75% of inches a ratio of~~
15 ~~1.5 inches replacement per two inches removed and the minimum replacement tree size is 3.5 inch~~
16 ~~caliper.~~ 2

17 ~~D.~~ Replacement of (32) Existing trees measuring 30 inches DBH or to 35 inches DBH shall be replaced
18 with a 100% of inches atio of 2 inches replacement per 2 inches removed.

19 (3) Replacement trees must be a minimum of 3.5 inch caliper, unless otherwise approved by the County
20 Landscape Architect. ~~greater and than 100 DBH per acre, the property owner shall replace trees equal to~~
21 ~~100 DBH per acre~~

22 ~~E.C.~~ Removal of Specimen Trees may only be permitted ~~for removal shall be~~ following review and approval by the
23 County's Landscape Architect and as described below:

24 (1) ~~All trees which receive a favorable assessment may be approved for removal by the County's Landscape~~
25 ~~Architect or his designee under~~ per the following circumstances:

26 (a) ~~The tree~~ (a1) The Specimen Tree does not have a favorable assessment per an Certified a Arborist's
27 assessment and confirmed during a pre-development on site review meeting with the County Landscape
28 Architect; and/or,

29 (b2) ~~The Specimen Tree is located within the proposed building footprint, required fire access, required utility~~
30 ~~corridors, or code-required parking or drainage areas; and~~

31 (a) The applicant demonstrates that reasonable alternative site configurations have been evaluated; and

32 (b) Preservation of the Specimen Tree would prevent compliance with zoning standards or reduce the
33 site's buildable area or required parking; or

34 (c) Redesign would require elimination or reduction of a permitted principal use or result in
35 disproportionate site inefficiencies not customarily required for similar development.

36 (1) ~~(d3)~~ The determination of the County Landscape Architect may be appealed to the
37 Development Review Committee. The Specimen Tree materially interferes with the proposed location,
38 service or function of the utility lines or services, or rights-of-way, and

39 (b) ~~The tree project site plan and the Specimen Tree cannot be preserved through re-designa~~ redesign of
40 the site infrastructure.

1 ~~(2) All trees which receive a favorable assessment~~⁽³⁴⁾ If the County Landscape Architect approves
2 removal, then Specimen Trees shall be replaced ~~at a~~with 200% of inches removed ~~ratio of 3.0 inches~~
3 ~~replacement for 1 inch for inch removed~~ and the minimum replacement tree size is ~~4.0~~3.5-inch caliper.

4 FD. Existing trees that have experienced tree abuse as part of landscape maintenance or site development
5 activities that cause critical impact as determined by the County Landscape Architect will require mitigation.
6 Tree abuse may include:

7 (a1) Hatracking a tree; or

8 (2b) Destroying the natural habit of tree growth; or

9 (e3) Pruning which leaves stubs or results in a flush cut; or splitting of limb ends; or grading and/or clearing
10 and grubbing resulting in ripping and tearing of roots within the TPZ of trees to be preserved; or

11 (e4) Removing tree bark to the extent that if a line is drawn at any height around the circumference of the
12 tree, over 1/2 of the length of the line falls on portions of the tree where bark no longer remains; or

13 (e5) Using climbing spikes, nails, or hooks, except for purposes of total tree removal or as specifically
14 permitted by standards set by the ANSI, as updated; or

15 (f)6) Pruning that does not conform to standards or recommendations set by the ANSI, as updated; or

16 (g7) Pruning of live palm fronds which initiate above the horizontal plane; or

17 (h8) Overlifting a tree; or

18 (i9) Shaping a tree~~(3)~~ ~~All trees which receive;~~ or

19 (j10) Removing more than 25% of the tree's canopy.

20 GE. Existing trees that have had their CRZ or TPZ impacted by activities prohibited above will require tree
21 mitigation.- Replacement trees for these impacted trees will be determined on a case-by-case basis by the
22 County's Landscape Architect.

23 ~~H. Regardless of size, any Regulated Tree proposed for removal that receives an unfavorable assessment at the~~
24 ~~predesign on site review shall be replaced with a ratio of 1.5 inches replacement per two inches removed and~~
25 ~~the minimum replacement tree size is 3.5-inch caliper.~~

26 EF. If replanting replacement trees on site is not practical~~le~~ per best landscape design practices, then a fee in
27 lieu of planting may be provided as per Section 6.7.10.

28 GJ. Trees removed pursuant to a permit for construction in rights-of-way, approved by the County, State or
29 Federal authority, ~~shall not be required to replace the DBH of trees removed~~are exempt from protected tree
30 removal requirements if such authority demonstrates that such trees conflict with proposed utilities, drainage,
31 or roadway construction.

32 (Ord. No. 13-20, § 2, 7-11-2013)

33 **Sec. 6.7.9. Replacement trees.**

34 A. Replacement trees are a part of the comprehensive tree program and shall work in combination with required
35 shade trees, buffer trees, and any other required landscaping.

36 B. All trees and/or palms used for tree replacement purposes shall be nursery grown and Florida No. 1 quality or
37 better, as established by Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida,
38 as amended.

39 C. Replacement trees shall meet the minimum tree requirements established in Section 6.7.8.

- 1 D. Replacement trees shall be Florida native species compatible to the site.
- 2 E. Palms may only be used to replace palms that are permitted for removal. Replacement palms shall have a clear
3 trunk height of 10-foot minimum. The use of palms shall ~~work~~comply with the required palm ratio as required
4 in Section 6.8.10.C.
- 5 F. For trees removed pursuant to a stand alone tree removal permit or development plan approval, required
6 replacement trees shall be located within the parcel boundaries and shown on the site plan. If space
7 constraints are such that the replacement trees cannot be located within the parcel boundaries using sound
8 horticultural and design principles, then the replacement trees may be located on public property at the
9 County's Landscape Architect's discretion, and as determined at the time of the permit or site development
10 review. The public property location shall be specifically designated by the ~~County~~County, and such
11 replacement trees shall be donated to the County. The County will be responsible for planting and
12 maintenance of donated trees on public property.
- 13 ~~G.~~ G. The preservation of existing Regulated Trees with a favorable assessment will count towards satisfying the
14 required Replacement Tree amount at the following ratios:
- 15 (1) ~~(1)~~ Preserved trees measuring 10 inches DBH to 19 inches DBH shall count towards the
16 replacement tree criteria at a ratio of one inch of replacement value per one-inch preserved.
- 17
- 18 (2) ~~(2)~~ Preserved trees measuring 20 inches DBH to 29 inches DBH shall count towards the replacement
19 tree criteria at a ratio of three (3) inches of replacement per one (1) inch preserved.
- 20 (3) ~~(3)~~ Preserved trees measuring 30 inches DBH to 35 inches DBH shall count towards the replacement
21 tree criteria at a ratio of four (4) inches of replacement per one (1) inch preserved.
- 22 (4) ~~(4)~~ Specimen Trees preserved shall count towards the replacement criteria at a ratio of eight (8) inches
23 of replacement per one (1) inch preserved.
- 24 H. As an alternative to replacement, the property owner may comply with the requirement of Section 6.7.8 by
25 designating existing trees on site which are native tree species and less than ~~10~~20 inches DBH as conservation
26 trees, provided that the property owner takes steps to designate and protect such conservation trees. If the
27 owner chooses to utilize this provision, then the location, number, size, and type (genus and species) of those
28 trees or groups of trees requested as conservation trees shall be included in the tree survey.
- 29 ~~H.~~ A property owner designating conservation trees shall record in the covenant and restrictive deeds~~public~~
30 ~~records of Marion County~~, a notice to subsequent property owners that the site contains conservation trees,
31 subject to maintenance requirements, with reference to the development plan on file with the County
32 designating such trees. A copy of such recorded notice on a form provided by the County shall be supplied to
33 the ~~Planning/Zoning Manager~~Growth Service Director or ~~his~~their designee prior to the issuance of a Certificate
34 of Occupancy.
- 35 (Ord. No. 13-20, § 2, 7-11-2013)

36 **Sec. 6.7.10. Tree mitigation fund.**

- 37 A. The Tree Mitigation Fund has been created in the general trust fund of Marion County for the purpose of
38 accepting and disbursing the contributions made to the Board as part of the tree replacement monies
39 deposited for tree replacement purposes. This fund shall be used to enhance tree replacement in Marion
40 County and to enhance the Marion County Parks system.

- 1 B. An application to pay in lieu of installing any required tree mitigation replacement trees is made through the
 2 County's Landscape Architect. The "pay in lieu" option shall only be used for tree mitigation replacement trees
 3 ~~and for no other landscape or tree planting requirement as stated in this Code.~~
- 4 C. At the County's discretion, in lieu of installing replacement trees, a permittee may pay a fee into the Tree
 5 Mitigation Fund at ~~a per tree cost. The amount of such fee shall be determined on a case by case basis through~~
 6 ~~the public solicitation for bids and the amount shall be based on the tree replacement fee as listed in the~~
 7 ~~County's annual fee list~~ the per-inch replacement rate provided to the Development Review Committee by the
 8 County's Landscape Architect.
- 9 ~~(1) The wholesale cost of material~~
 10 ~~(2) Cost of labor for installation~~
 11 ~~(3) Cost of maintenance for two years~~
- 12 D. Payment into the Tree Mitigation Fund shall be ~~recommended~~approved by the County's Landscape Architect
 13 and approved by the Board prior to issuance of the tree removal permit or development approval.
- 14 ~~E. Tree mitigation funds shall be used by the County for the installation, establishment, and maintenance of trees~~
 15 ~~on public property within Marion County.~~
- 16 E. The County Landscape Architect shall provide an annual report to the Board describing the available funds,
 17 annual expenditures, and a narrative describing the disbursement and utilization of tree mitigation funds.

18 (Ord. No. 13-20, § 2, 7-11-2013)

19 **Sec. 6.7.11. Tree maintenance and management.**

- 20 ~~A. Unless otherwise permitted by this division, no person shall cause or authorize:~~
- 21 ~~(1) The removal of any protected tree without first obtaining a tree removal permit as required by this Code.~~
 22 ~~(2) Tree abuse which includes:~~
- 23 ~~(a) Hatracking a tree; or~~
 24 ~~(b) Destroying the natural habit of tree growth; or~~
 25 ~~(c) Pruning which leaves stubs or results in a flush cut; or splitting of limb ends; or~~
 26 ~~(d) Removing tree bark to the extent that if a line is drawn at any height around the circumference of~~
 27 ~~the tree, over 1/3 of the length of the line falls on portions of the tree where bark no longer remains;~~
 28 ~~or~~
- 29 ~~(e) Using climbing spikes, nails, or hooks, except for purposes of total tree removal or as specifically~~
 30 ~~permitted by standards set by the ANSI, as updated; or~~
- 31 ~~(f) Pruning that does not conform to standards or recommendations set by the ANSI, as updated; or~~
 32 ~~(g) Pruning of live palm fronds which initiate above the horizontal plane; or~~
 33 ~~(h) Overlifting a tree; or~~
 34 ~~(i) Shaping a tree.~~
- 35 ~~(3) Any encroachments, excavations, or change the natural grade within the Tree Protection Zone (TPZ), as~~
 36 ~~defined herein, of a tree unless it can be demonstrated to the County's Landscape Architect prior to~~
 37 ~~commencement of said activity, that the activity will not negatively impact any tree.~~

~~(4) Land clearing or the operation of heavy equipment in the vicinity of a protected tree without placing and maintaining a protective barrier around the TPZ.~~

~~(5) The storage or use of materials or equipment within the TPZ of any protected tree, or attachments, other than those of a protective and non-damaging nature, to any tree.~~

~~(6) Land clearing, including the removal of understory, without first obtaining authorization as herein provided.~~

B. The following requirements shall be conditions of any tree removal permit which includes a requirement for replacement trees:

(1) Replacement trees required in conjunction with a commercial or industrial development or subdivision approval shall be considered required improvements and shall be subject to certification of satisfactory completion contained in this Code.

(2) All replacement trees shall be maintained in a living, healthy condition ~~for a period of two years following final inspection and approval~~, or else be replaced, by the owner, successor, or assignee. ~~No replacement shall be required beyond such two-year period. After the two-year period, the owner of record shall be responsible for maintaining the replacement trees in a healthy condition.~~

(3) The permittee or the property owner shall record in the covenants and restrictive deeds public records of Marion County, appropriate notice to subsequent owners of the maintenance period or replacement requirement for replacement trees with reference to the development plans on file with the County identifying such trees. A copy of such recorded notice shall be supplied to the Planning/Zoning Manager or his designee County prior to the issuance of a Certificate of Occupancy.

(4) For ~~residential and mixed-use~~ developments where tree preservation and replacement requirements ~~are approved with any application~~ may be fulfilled by future or subsequent developers or builders, the developer shall require future property owners of lots where protected trees have been preserved to continue to protect and preserve such trees. Such requirements shall run with the parcel until ~~removal~~ replacement of the tree(s) is required due to age, declining health, or for the protection of public safety.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.12. Tree inspections.

The following tree preservation and/or replacement inspections shall be required to ensure compliance with this division and with the requirements of permits issued hereunder. No Certificate of Occupancy or Certificate of Completion, as appropriate, may be issued for any development involving the removal of trees requiring a permit until all of the following inspections have been completed and approval is granted:

A. A preliminary preconstruction inspection shall be conducted by the County's Landscape Architect or his ~~their~~ designee prior to any demolition or site construction in order to confirm that the permittee has marked trees permitted to be removed and has installed tree protection barricades around trees, or groups of trees, to be preserved prior to any clearing, grubbing, or construction. Any deficiencies noted during this inspection shall be cause to withhold approval until they are corrected by the permittee and reinspected. Approval, after preliminary inspection, shall be noted by the County's Landscape Architect or his ~~their~~ designee on the permit and shall constitute notice to proceed with tree removal.

B. A final inspection shall be conducted by the County's Landscape Architect or his ~~their~~ designee after completion of tree removal and replacement in accordance with the approved plans. It is the Owner's responsibility to notify the County Landscape Architect of completion of tree removal activities. Approval, after final inspection,

1 shall be noted by the County's Landscape Architect or ~~his~~their designee on the permit and shall constitute
2 notice of commencement of the required maintenance period of replacement trees if replacement is required.

3 C. During the final inspection, if trees preserved towards tree preservation credits, Shade Trees, or any other
4 preserved Regulated Trees, which are damaged during site construction and deemed unviable by the County's
5 Landscape Architect or their designee, may require replacement at the ratios provided in Section 6.7.9 above
6 prior to final approval.

7 (Ord. No. 13-20, § 2, 7-11-2013)

8 **Sec. 6.7.13. Violation and enforcement.**

9 It shall be a violation of this Code to fail to obtain a tree removal permit when required, to fail to comply with
10 any condition of any tree removal permit issued, or to violate any provision of this division. When such violations
11 occur, the following sanctions apply:

12 A. If unauthorized tree removal or site grading occurs, the County's Landscape Architect or ~~his~~their designee may
13 issue a stop work order for the ~~affected project area of such unauthorized tree removal~~project and all related
14 site work will cease until a restoration plan is prepared by the owner, developer, contractor, or agent, and
15 then submitted to, and approved by the County's Landscape Architect or ~~his~~their designee.

16 B. If a restoration plan is not presented within 30 days, the owner, developer, contractor, or agent will be cited
17 by the County's Landscape Architect, or designee, and referred to the Code Enforcement Board.

18 C. A Certificate of Occupancy will not be granted until all trees and vegetation shown upon the approved
19 restoration plan have been installed and all site grades restored.

20 D. All trees and vegetation shown upon the approved site restoration plan must be installed on the property and
21 the site grade restored even if project termination occurs before completion of the project. Failure to complete
22 the approved restoration plan is a violation of this Code and the owner, developer, contractor, or agent will
23 be cited by the County's Landscape Architect or ~~his~~their designee and referred to the Code Enforcement Board.

24 E. In addition to all other remedies provided herein, the ~~Landscape Architect~~County may seek injunctive relief or
25 the imposition of fines and penalties for any violation of this division. Fines may be assessed by the County
26 based on pre-development density of trees per acre discovered through aerial photos and at the same rate
27 established by the County for use in the Tree Mitigation Replacement Rate in 6.7.10.C. Fines shall be assessed
28 at up to 100" per acre across entire site affected by unauthorized tree removal.

29 (Ord. No. 13-20, § 2, 7-11-2013)

DIVISION 7. TREE PROTECTION AND REPLACEMENT

Sec. 6.7.1. Purpose and intent.

- A. The purpose of this division is to regulate the protection, removal, replacement, and maintenance of trees on public and private property, excluding existing residential properties. Tree protection and replacement shall work cooperatively with landscaping requirements to preserve and enhance the aesthetic quality of Marion County, complementing the natural and built environments, while providing shade and habitat through:
- (1) Preservation of existing trees and native plant communities.
 - (2) Replacement of trees that are removed.
 - (3) Maintenance of trees;
 - (4) Prevention of tree abuse; and
 - (5) Enforcement.
- B. The preservation of trees, along with the planting of new trees as required in Division 8, shall be considered as a priority in the development of improvement plans. The process of site design, from the PUD/Master Plan level, through specific design details, shall take the protection of existing trees and the mature sizes of proposed trees into consideration.

Sec. 6.7.2. Exceptions.

The preservation and replacement of trees and protected plant species shall apply to all development with the following exceptions:

- A. The removal of trees for purposes of conducting bona fide agricultural uses such as field crops, landscape nursery, citrus nursery, forest crops, animal husbandry, greenhouses, aquaculture, silviculture and the like, on lands with an agricultural zoning classification.
- B. Property used for bona fide agricultural use, as listed in Section 6.7.2.A above, zoned other than agriculture and possessing an agriculture classification from the County Property Appraiser per § 193.461 FS.
- C. On lands where either of the two exemptions in Sections 6.7.2.A and B above has enabled tree removal without a permit, no applications for any land use or zoning changes from rural to urban designations shall be accepted within two years of the tree removal date unless:
- (1) The applicant provides tree replacement at 100 inches DBH of native trees per acre, or lower based on the pre-clearing density of existing trees, or
 - (2) The applicant/owner provides payment into a Tree Mitigation fund in the equivalent amount of planting 100 inches DBH of native trees per acre, or lower based on the pre-clearing density of existing trees.
- D. The removal of trees which have a DBH of less than 20 inches, except those trees which have been designated replacement and conservation trees pursuant to Section 6.7.9.G.
- E. The removal of trees on an individual parcel of record used or to be used for single-family or duplex dwelling units.

-
- F. The removal of trees associated with construction, rehabilitation, or routine maintenance of roads, utilities, and drainage systems within public rights-of-way or easements, by the County or agencies having local jurisdiction.
 - G. The removal of trees associated with the rehabilitation or routine maintenance of roads and drainage systems within private rights-of-way or easements.
 - H. Tree removal or trimming for the construction of firebreaks and firelines by the County or agencies having local jurisdiction and surveying associated with this construction.
 - I. The removal of trees which pose an immediate and direct threat to persons or property, and the removal of trees that are dead or dying due to natural causes as determined by a Landscape Architect or a Certified Arborist.
 - J. The removal of trees on residential property that pose an unacceptable risk to persons or property as per § 163.045 FS "Tree pruning, trimming, or removal on residential property."
 - K. Transplanting of any size tree.
 - L. Removal of trees required by a development plan which has been fully approved by the County.
 - M. Removal of exotic or nuisance tree or plant species as listed by the UF/IFAS Assessment of Non-native Plants, "Prohibited" or "Invasive - Not Recommended" tables, as updated.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.3. Tree Protection, General.

- A. Design for the protection of trees.
 - (1) Site development shall consider tree preservation by balancing the requirements of site and utility design with preserving existing trees in an integrated manner across the site.
 - (2) The preservation of existing trees and vegetation for use as perimeter land use buffers shall be considered early in the site design process to provide required buffers while preserving habitat and lowering the cost of development.
 - (3) In all cases, a post-development ratio of shade trees to of the site must be provided as required in Section 6.7.4.
 - (4) All Regulated trees shall be considered protected trees.
 - (5) After a Tree Survey is completed, an evaluation by a Certified Arborist or Landscape Architect shall be made to determine if existing Regulated Trees, or groups of existing Regulated Trees, are suitable candidates for preservation before final site plans are developed. If the applicant proposes preserving existing trees, or if the site contains Specimen Trees, this evaluation shall be submitted with the PUD Master Plan, Site Plan and/or Improvement Plan. The evaluation shall be used to guide decisions about tree preservation, tree protection, and tree removal and shall include:
 - (a) Identification of species of tree(s) proposed for preservation;
 - (b) Evaluation of the condition of the tree(s) to be preserved based on the species, age, observations of internal or external signs of disease or impacts, and possible longevity based on species type, site conditions, or location. If no evaluation is provided, all Regulated trees are considered viable.
 - (c) Assessment of the size (DBH)and canopy of the tree(s) to be preserved;
 - (d) Identification of Specimen Trees.

- (e) Illustration of TPZ and CRZ areas for trees to be preserved.
- B. Tree protection measures shall be denoted on tree removal permit or site development review plans by illustrating and dimensioning the following:
- (1) Extents of the Tree Protection Zone (TPZ) for trees proposed for preservation. For tree protection requirements, the TPZ shall be indicated on the grading and utility construction sheets as well as the Tree Removal and Preservation Plan or Landscape Plan as required in Section 6.7.6.E.
 - (2) Extents of the Tree Critical Root Zone (CRZ) for trees proposed for preservation when construction within the TPZ is planned.
 - (a) No excavation, construction, or otherwise disruption of the root zone is allowed within the CRZ.
 - (b) The CRZ is established by definition, or based on an on-site review and assessment by either a Landscape Architect or a Certified Arborist prior to construction.
 - (3) No reduction of the TPZ or removal of barricades may occur without prior written authorization from the County's Landscape Architect.
 - (4) The TPZ may be temporarily reduced in size and/or barricades may be temporarily removed to allow for minor construction or maintenance within the TPZ, as approved by the County's Landscape Architect prior to construction activities. Barricades shall be reinstalled as soon as work within the TPZ is completed.

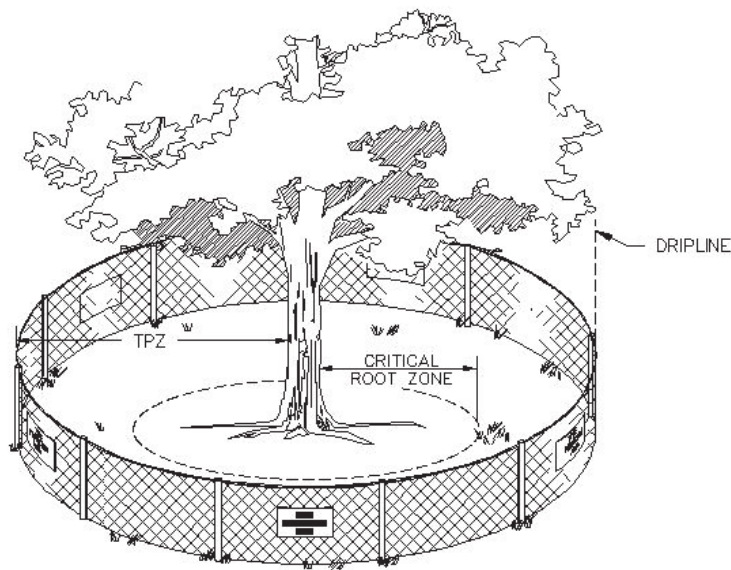


Figure 6.7-1 Tree Protection Zones

- C. Tree protection barricades shall be:
- (1) No less than four feet in height.
 - (2) Constructed of rigid material capable of surviving for the duration of the construction.
 - (3) Posted with highly visible signs placed on the tree protection barricades at each quadrant of single protected trees and along driplines of groups of trees being protected at 50-foot intervals or less. Signs shall include the words "Tree Protection Zone."
- D. Pre-construction tree protection.

-
- (1) The owner shall be responsible for ensuring that all possible measures are taken to avoid damage to trees not approved for removal.
 - (2) Prior to any clearing, grubbing, or any construction, tree protection barricades shall be erected around all trees, or groups of trees, within the construction area which are to be preserved.
 - (3) The County Landscape Architect shall be given a 10-day notice requesting a pre-clearing/grubbing/grading on-site review of all required tree protection barricades.
- E. Tree protection shall continue throughout construction. The following requirements shall be conditions of tree removal permits, all permits for private construction in public rights-of-way, and all development permits issued under and pursuant to this Code:
- (1) No cleaning of construction equipment or material or the disposal of waste materials including but not limited to, paint, oil, solvents, asphalt, concrete, and mortar shall be permissible within the TPZ of any tree which is being protected.
 - (2) The movement of equipment or the storage of equipment, materials, debris, or fill within the TPZ of any tree which is being protected is not allowed.
 - (3) The contractor shall inspect all tree protection barricades and signs on a weekly basis throughout construction. Any barricade or sign which has been damaged or is missing shall be replaced immediately.
 - (4) If any tree which has not been approved to be removed is destroyed, or receives major damage during construction, with the exception of natural events, so as to place its long term survival in question, the tree(s) must be replaced at an inch-to-inch basis of the total (combined) DBH of the tree(s) so destroyed or damaged. The replacement tree(s) shall be of comparable species of the destroyed or damaged tree(s) with a minimum replacement size of 3.5-inch caliper. The County reserves the right to establish a replacement value for such trees and payment into the Tree Mitigation Fund may be authorized by the County's Landscape Architect.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.4. Shade Trees, Minimum Requirements

- A. The post-development ratio of shade trees to the area of the site for all developments excluding single-family or duplex residential developments shall be as follows:
 - (1) For the first five (5) acres, a minimum of one shade tree per 3,000 square feet.
 - (2) For the remaining acres, a minimum of one shade tree per 5,000 square feet.
- B. Shade trees may include:
 - (1) Specimen Trees and/or;
 - (2) Protected and preserved trees with a favorable assessment and/or;
 - (2) Trees as required for buffers, parking areas, vehicle use areas, screening, and building areas, and/or;
 - (3) Trees as required as tree mitigation replacement trees.
- C. Priority shall be given to preserve Specimen Trees and those existing trees that are the highest rated per the tree assessment.
- D. Credits towards the Shade Tree requirement shall be given for existing Regulated Trees that are preserved by the development. Preserved trees used for Shade Tree credits shall be subject to the approval of the County Landscape Architect or designee. Tree credits shall be given for preserved Regulated Trees as follows:

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(Supp. No. 5)

Preserved Tree (DBH)	Number of Shade Trees Credited
10" – 19"	One
20" – 29"	Two
30" – 35"	Three
36" – 47"	Five
48" and above	Six

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.5. Tree trimming and tree removal permit.

- A. For tree removals not associated with any development as outlined in this division, refer to Section 2.22.4. For all other tree removal applications, the approved development plans shall serve as the tree removal permit.
- B. A tree removal permit shall be required for the removal of any Regulated Tree except for exempt activities as outlined in Section 6.7.2. A tree removal permit shall be obtained from the County's Landscape Architect or their designee prior to any site clearing, grading, or for any construction which requires a permit from the Marion County Building Department. The failure to obtain any such permit when required shall be a violation of this Code, subject to penalties provided herein.
- C. A tree removal permit shall be obtained by any public or private utility or communications company undertaking construction activities that require tree removal. Prior to trimming or removal of any trees in the public right of way, related to the utilities operations and not associated with road construction or road maintenance activities, the contactor shall:
 - 1. Contact the County's Landscape Architect and provide a map of where all vegetation management practices and tree trimming or removal will be performed.
 - 2. Conduct an on-site review of the vegetation management and/or tree removal to review potential impacts.
 - 3. Consideration will be given to the removal of trees and palms which have been topped or have been "directionally pruned" to the extent that the appearance and/or the long-term viability of the tree or palms is unlikely.
 - 4. After removal of trees all stumps must be ground to a depth of no less than two inches below grade and remove grinding refuse.
 - 5. Stabilize all disturbed areas in an acceptable manner
- D. Tree removal permits shall expire within one year or upon expiration of the building permit, whichever comes first. Trees authorized to be removed may not be removed after the permit expires unless a new permit is obtained pursuant to this division.

(Ord. No. 13-20, § 2, 7-11-2013; Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

Sec. 6.7.6. Submittal requirements.

The following requirements shall apply to the application for stand alone tree removal permits and site development review plans and are in addition to the Minimum Plan Requirements:

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- A. Depending on the density of existing trees, the applicant may provide a separate "Tree Removal and Preservation Plan." For development sites with lower density of trees, such information may be indicated on the Site Plan or the Landscape Plan. Either method used shall indicate the location of all Regulated Trees to be removed and trees to be preserved. Preserved trees and replacement trees shall be indicated on the Landscape Plan to demonstrate the final appearance of the site.
 - B. Tree calculations shall include:
 - (1) The total numbers of existing Regulated Trees within the site and the respective DBH of each tree; and
 - (2) The pre-development ratio of Regulated Tree inches-per-acre; and
 - (3) The total DBH inches of Regulated Trees to be removed; and
 - (4) The total DBH inches of Regulated Trees to be preserved; and
 - (5) The native status of trees to be preserved.
 - C. A tree protection detail which graphically indicates the requirements of tree protection as required by this division.
 - D. Listing general prohibitions as stated in Section 6.7.3.E.
 - E. Indication of all TPZs on the site plan, grading plan and on whichever plan is used to demonstrate tree preservation and replacement.
 - F. Fees required for review and issuance of tree removal permits, inspections, and restoration plans shall be established by the Board, by resolution. Tree removal permit application fees for projects associated with any development (excluding stand alone permits) shall be included in the overall plan review and application fees available at the Office of the County Engineer.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.7. Review and approval procedures.

- A. During review of tree preservation submittals, the County's Landscape Architect or their designee may determine that modifications of the proposed plans or calculations are necessary. Conditions that may require changes include, but are not limited to, the following:
 - (1) Required preservation of any Specimen Trees,
 - (2) Proposed grading or clearing activities within the TPZ and/or,
 - (3) Proposed habitat destruction which conflicts with the requirements in Division 6.6.
- B. The applicant will be required to revise and update the tree preservation information according to review comments.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.8. Protected tree replacement requirements.

Regulated Trees that are proposed for removal shall be replaced in accordance with the minimum standards set forth below.

- A. Removal of Regulated Trees less than 36 inches DBH is permissible if the following replacement requirements are met:

-
- (1) Existing trees measuring 20 inches DBH to 29 inches DBH shall be replaced with 75% of inches removed.
 - (2) Existing trees measuring 30 inches DBH to 35 inches DBH shall be replaced with 100% of inches removed.
 - (3) Replacement trees must be a minimum of 3.5 inch caliper, unless otherwise approved by the County Landscape Architect.
- C. Removal of Specimen Trees may only be permitted following review and approval by the County's Landscape Architect and as per the following circumstances:
- (1) The Specimen Tree does not have a favorable assessment per a Certified Arborist's assessment and confirmed during a pre-development on site review meeting with the County Landscape Architect; and/or,
 - (2) The Specimen Tree is located within the proposed building footprint, required fire access, required utility corridors, or code-required parking or drainage areas; and
 - (a) The applicant demonstrates that reasonable alternative site configurations have been evaluated; and
 - (b) Preservation of the Specimen Tree would prevent compliance with zoning standards or reduce the site's buildable area or required parking; or
 - (c) Redesign would require elimination or reduction of a permitted principal use or result in disproportionate site inefficiencies not customarily required for similar development.
 - (3) The determination of the County Landscape Architect may be appealed to the Development Review Committee.
 - (4) If the County Landscape Architect approves removal, then Specimen Trees shall be replaced with 200% of inches removed and the minimum replacement tree size is 3.5-inch caliper.
- D. Existing trees that have experienced tree abuse as part of landscape maintenance or site development activities that cause critical impact as determined by the County Landscape Architect will require mitigation. Tree abuse may include:
- (1) Hatracking a tree; or
 - (2) Destroying the natural habit of tree growth; or
 - (3) Pruning which leaves stubs or results in a flush cut or splitting of limb ends; or grading and/or clearing and grubbing resulting in ripping and tearing of roots within the TPZ of trees to be preserved; or
 - (4) Removing tree bark to the extent that if a line is drawn at any height around the circumference of the tree, over 1/3 of the length of the line falls on portions of the tree where bark no longer remains; or
 - (5) Using climbing spikes, nails, or hooks, except for purposes of total tree removal or as specifically permitted by standards set by the ANSI, as updated; or
 - (6) Pruning that does not conform to standards or recommendations set by the ANSI, as updated; or
 - (7) Pruning of live palm fronds which initiate above the horizontal plane; or
 - (8) Overlifting a tree; or
 - (9) Shaping a tree; or
 - (10) Removing more than 25% of the tree's canopy.
- E. Existing trees that have had their CRZ or TPZ impacted by activities prohibited above will require tree mitigation. Replacement trees for these impacted trees will be determined on a case-by-case basis by the County's Landscape Architect.

-
- F. If replanting replacement trees on site is not practical per best landscape design practices, then a fee in lieu of planting may be provided as per Section 6.7.10.
 - G. Trees removed pursuant to a permit for construction in rights-of-way, approved by the County, State or Federal authority, are exempt from protected tree removal requirements if such authority demonstrates that such trees conflict with proposed utilities, drainage, or roadway construction.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.9. Replacement trees.

- A. Replacement trees are a part of the comprehensive tree program and shall work in combination with required shade trees, buffer trees, and any other required landscaping.
- B. All trees and/or palms used for tree replacement purposes shall be nursery grown and Florida No. 1 quality or better, as established by Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida, as amended.
- C. Replacement trees shall meet the minimum tree requirements established in Section 6.7.8.
- D. Replacement trees shall be Florida native species compatible to the site.
- E. Palms may only be used to replace palms that are permitted for removal. Replacement palms shall have a clear trunk height of 10-foot minimum. The use of palms shall comply with the required palm ratio as required in Section 6.8.10.C.
- F. For trees removed pursuant to a stand alone tree removal permit or development plan approval, required replacement trees shall be located within the parcel boundaries and shown on the site plan. If space constraints are such that the replacement trees cannot be located within the parcel boundaries using sound horticultural and design principles, then the replacement trees may be located on public property at the County Landscape Architect's discretion as determined at the time of the permit or site development review. The public property location shall be specifically designated by the County, and such replacement trees shall be donated to the County. The County will be responsible for planting and maintenance of donated trees on public property.
- G. The preservation of existing Regulated Trees with a favorable assessment will count towards satisfying the required Replacement Tree amount at the following ratios:
 - (1) Preserved trees measuring 10 inches DBH to 19 inches DBH shall count towards the replacement tree criteria at a ratio of one inch of replacement value per one-inch preserved.
 - (2) Preserved trees measuring 20 inches DBH to 29 inches DBH shall count towards the replacement tree criteria at a ratio of three (3) inches of replacement per one (1) inch preserved.
 - (3) Preserved trees measuring 30 inches DBH to 35 inches DBH shall count towards the replacement tree criteria at a ratio of four (4) inches of replacement per one (1) inch preserved.
 - (4) Specimen Trees preserved shall count towards the replacement criteria at a ratio of eight (8) inches of replacement per one (1) inch preserved.
- H. As an alternative to replacement, the property owner may comply with the requirement of Section 6.7.8 by designating existing trees on site which are native tree species and less than 20 inches DBH as conservation trees, provided that the property owner takes steps to designate and protect such conservation trees. If the owner chooses to utilize this provision, then the location, number, size, and type (genus and species) of those trees or groups of trees requested as conservation trees shall be included in the tree survey.

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- I. A property owner designating conservation trees shall record in the covenant and restrictive deeds, a notice to subsequent property owners that the site contains conservation trees, subject to maintenance requirements, with reference to the development plan on file with the County designating such trees. A copy of such recorded notice on a form provided by the County shall be supplied to the Growth Service Director or their designee prior to the issuance of a Certificate of Occupancy.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.10. Tree mitigation fund.

- A. The Tree Mitigation Fund has been created in the general trust fund of Marion County for the purpose of accepting and disbursing the contributions made to the Board as part of the tree replacement monies deposited for tree replacement purposes. This fund shall be used to enhance tree replacement in Marion County and to enhance the Marion County Parks system.
- B. An application to pay in lieu of installing any required tree mitigation replacement trees is made through the County's Landscape Architect. The "pay in lieu" option shall only be used for tree mitigation replacement trees.
- C. At the County's discretion, in lieu of installing replacement trees, a permittee may pay a fee into the Tree Mitigation Fund at the per-inch replacement rate provided to the Development Review Committee by the County's Landscape Architect.
- D. Payment into the Tree Mitigation Fund shall be approved by the County's Landscape Architect and approved by the Board prior to issuance of the tree removal permit or development approval.
- E. The County Landscape Architect shall provide an annual report to the Board describing the available funds, annual expenditures, and a narrative describing the disbursement and utilization of tree mitigation funds.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.11. Tree maintenance and management.

- A. The following requirements shall be conditions of any tree removal permit which includes a requirement for replacement trees:
 - (1) Replacement trees required in conjunction with a commercial or industrial development or subdivision approval shall be considered required improvements and shall be subject to certification of satisfactory completion contained in this Code.
 - (2) All replacement trees shall be maintained in a living, healthy condition, or else be replaced, by the owner, successor, or assignee.
 - (3) The permittee or the property owner shall record in the covenants and restrictive deeds appropriate notice to subsequent owners of the maintenance period or replacement requirement for replacement trees with reference to the development plans on file with the County identifying such trees. A copy of such recorded notice shall be supplied to the County prior to the issuance of a Certificate of Occupancy.
 - (4) For developments where tree preservation and replacement requirements may be fulfilled by future or subsequent developers or builders, the developer shall require future property owners of lots where protected trees have been preserved to continue to protect and preserve such trees. Such requirements shall run with the parcel until replacement of the tree(s) is required due to age, declining health, or for the protection of public safety.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.12. Tree inspections.

The following tree preservation and/or replacement inspections shall be required to ensure compliance with this division and with the requirements of permits issued hereunder. No Certificate of Occupancy or Certificate of Completion, as appropriate, may be issued for any development involving the removal of trees requiring a permit until all of the following inspections have been completed and approval is granted:

- A. A preconstruction inspection shall be conducted by the County's Landscape Architect or their designee prior to any demolition or site construction in order to confirm that the permittee has marked trees permitted to be removed and has installed tree protection barricades around trees, or groups of trees, to be preserved prior to any clearing, grubbing, or construction. Any deficiencies noted during this inspection shall be cause to withhold approval until they are corrected by the permittee and reinspected. Approval, after preliminary inspection, shall be noted by the County's Landscape Architect or their designee on the permit and shall constitute notice to proceed with tree removal.
- B. A final inspection shall be conducted by the County's Landscape Architect or their designee after completion of tree removal and replacement in accordance with the approved plans. It is the Owner's responsibility to notify the County Landscape Architect of completion of tree removal activities. Approval, after final inspection, shall be noted by the County's Landscape Architect or their designee on the permit and shall constitute notice of commencement of the required maintenance period of replacement trees if replacement is required.
- C. During the final inspection, if trees preserved towards tree preservation credits, Shade Trees, or any other preserved Regulated Trees, which are damaged during site construction and deemed unviable by the County's Landscape Architect or their designee, may require replacement at the ratios provided in Section 6.7.9 above prior to final approval.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.13. Violation and enforcement.

It shall be a violation of this Code to fail to obtain a tree removal permit when required, to fail to comply with any condition of any tree removal permit issued, or to violate any provision of this division. When such violations occur, the following sanctions apply:

- A. If unauthorized tree removal or site grading occurs, the County's Landscape Architect or their designee may issue a stop work order for the project and all related site work will cease until a restoration plan is prepared by the owner, developer, contractor, or agent, and then submitted to, and approved by the County's Landscape Architect or their designee.
- B. If a restoration plan is not presented within 30 days, the owner, developer, contractor, or agent will be cited by the County's Landscape Architect, or designee, and referred to the Code Enforcement Board.
- C. A Certificate of Occupancy will not be granted until all trees and vegetation shown upon the approved restoration plan have been installed and all site grades restored.
- D. All trees and vegetation shown upon the approved site restoration plan must be installed on the property and the site grade restored even if project termination occurs before completion of the project. Failure to complete the approved restoration plan is a violation of this Code and the owner, developer, contractor, or agent will be cited by the County's Landscape Architect or their designee and referred to the Code Enforcement Board.
- E. In addition to all other remedies provided herein, the County may seek injunctive relief or the imposition of fines and penalties for any violation of this division. Fines may be assessed by the County based on pre-development density of trees per acre discovered through aerial photos and at the same rate established by

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the County for use in the Tree Mitigation Replacement Rate in 6.7.10.C. Fines shall be assessed at up to 100” per acre across entire site affected by unauthorized tree removal.

(Ord. No. 13-20, § 2, 7-11-2013)



Marion County Board of County Commissioners

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Business Impact Estimate

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 7, TREE PROTECTION AND REPLACEMENT

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **10th day of April 2026**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **The proposed ordinance amends the Land Development Code to strengthen protections for larger, significant trees, recognizing their important environmental, aesthetic, and community value. The ordinance establishes enhanced preservation standards, clarifies when and how such trees may be removed, and provides clear, predictable replacement and mitigation strategies when removal is unavoidable. In addition, the ordinance introduces incentives to encourage the preservation of significant trees during development and redevelopment, including flexibility in site design and alternative compliance options. Protecting large, established trees supports neighborhood character, property values, and community aesthetics. By clarifying tree replacement requirements and offering incentives for preservation, the ordinance provides equitable, transparent, and consistent standards that balance responsible development with long-term environmental stewardship for the benefit of current and future residents.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible;
(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **This ordinance does not have a clear, direct economic impact.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Unknown at this time**

4. Additional information the governing body deems useful (if any): **Proposed changes provide additional protections to larger, significant trees, provides incentives for protection of such trees, and clarifies tree replacement strategies.**



Marion County
Board of County Commissioners Public
Hearing Meeting
Agenda Item

File No.: 2026-22704

Agenda Date: 4/22/2026

Agenda No.: 6.

SUBJECT:

Consider Amendments to the Marion County Land Development Code (LDC) Article 6, Division 8 Landscaping

INITIATOR:

Jim Couillard, PLA, ASLA, Director

DEPARTMENT:

Parks & Recreation

DESCRIPTION/BACKGROUND:

Staff will present the attached proposed language to the Land Development Code (LDC) Article 6, Division 8 Landscaping, updating the permitted uses, special uses, and establishing development standards.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held on March 11, 2026, and a second one on March 25, 2026. Following their review, the LDRC recommended approval and voted to forward the items to the Board of County Commissioners for consideration.

The BCC held the first of two required BCC Public Hearings on March 31, 2026. This meeting 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.

ORDINANCE 26 –__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 8, LANDSCAPING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is authorized by general law, e.g., Section 125.01(h), Florida Statutes, to establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public; and

WHEREAS, the Board of County Commissioners (Board) has adopted a Land Development Code (LDC) as is required by Section 163.3202, Florida Statutes; and

WHEREAS, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on March 11, 2026; and

WHEREAS, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on March 31, 2026, and April 14, 2026;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Marion County, Florida, as follows:

Note: Deletions are shown in strikeout text. Additions are shown in underscore text.

SECTION 1. AMENDMENTS TO THE LAND DEVELOPMENT CODE (LDC). The following amendments to the LDC are hereby approved and adopted pursuant to Florida Statutes and the Marion County Land Development Code:

- A. Article 6, Technical Standards and Requirements, Division 8, Landscaping of the Marion County Land Development Code, Zoning, is hereby amended to reflect the attached revised language:

See Attachment 1 (additions shown in underline text, deletions shown in ~~strike-through text~~).

SECTION 2. CONFLICTS. In the event that any provision of this ordinance is in conflict with any other county ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 3. SEVERABILITY. It is hereby declared to be the intent of the Board of County Commissioners of Marion County that if any section, subsection, clause, phrase, or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance. The Board of County Commissioners does not intend that this ordinance be held applicable in any case where its application would be unconstitutional, as a constitutionally permitted construction is intended and shall be given.

SECTION 4. INCLUSION IN COUNTY CODE. It is the intent of the Board of County Commissioners of Marion County, Florida, and it hereby provided that the provisions of this ordinance be incorporated into the Marion County Code of Ordinances, specifically, the Land Development Code, and that the sections of this ordinance may be re-numbered or re-lettered to accomplish such intent.

SECTION 5. EFFECTIVE DATE. A certified copy of this ordinance shall be filed with the Secretary of State by the Clerk within ten days after enactment by the Board of County Commissioners, and shall take effect upon such filing as provided in Section 125.66(2)(b), Florida Statutes.

DULY ADOPTED this 22nd day of April, 2026.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

CARL ZALAK, III, CHAIRMAN

ATTEST:

GREGORY C. HARRELL
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MATTHEW G. MINTER
COUNTY ATTORNEY

1 **DIVISION 8. LANDSCAPING**

2 **Sec. 6.8.1. Purpose and intent.**

3 The purpose and intent of this division is to provide landscaping guidelines establishing minimum standards
4 and criteria for the design, installation, and maintenance of landscaping which enhances the aesthetic
5 appearance of Marion County, complimenting the natural and built environments, reducing noise and glare,
6 improving air and water quality, providing shade and habitat, and buffering the aspects of development.

7 (Ord. No. 13-20, § 2, 7-11-2013)

8 **Sec. 6.8.2. Landscape plan requirements.**

9 A landscape plan which indicates the following is required for all development except for individual single-
10 family homes and duplexes:

- 11 A. All existing landscaping, indigenous open space, and natural features;
- 12 B. Locations of existing protected trees, labeled and with sizes provided, groups of trees, landscaping and
13 other vegetation to be preserved;
- 14 C. Vegetation and tree protection barricades;
- 15 D. All replacement trees as required per Section 6.7.8;
- 16 E. All proposed landscape areas, labeled and with sizes of each landscape area provided;
- 17 F. Construction details as applicable, including but not limited to:
 - 18 (1) Tree protection;
 - 19 (2) Tree, palm, and shrub installation;
 - 20 (3) Details for specialized installations;
 - 21 (4) Elevation drawings of walls proposed for buffers and/or screening; and
 - 22 (5) Cross section of proposed walls/berms/combination for buffers.
- 23 G. Plant schedule:
 - 24 (1) A key matching the plants being specified (may be plant symbols or written)
 - 25 (2) Quantities of plants being specified
 - 26 (3) Common plant names
 - 27 (4) Scientific plant names
 - 28 (5) Plant specifications including height, spread, and spacing
 - 29 (6) Native status
- 30 H. Calculations for required landscaping:
 - 31 (1) Tree preservation and replacement

- 1 (2) Shade tree requirements
- 2 (3) Buffers
- 3 (4) Parking areas
- 4 (5) Vehicle use areas
- 5 ~~H.~~ Proposed street and/or parking lot light pole locations.
- 6 J. All proposed sign locations, including advertisement and internal vehicular control signs.
- 7 K. Notes including installation instructions and special requirements related to contractor licensing, utility
- 8 locating, tree protection, maintenance, fertilizer use, and watering.
- 9 ~~J.~~ Notes. Tree barricade locations and details as well as notes regarding tree protection and
- 10 inspections as outlined in Section 6.7.3 and 6.7.12 ~~and~~ shall also be provided on the ~~site and~~
- 11 ~~grading~~ landscape plan sheets.
- 12 (Ord. No. 13-20, § 2, 7-11-2013)

13 **Sec. 6.8.3. Landscape design standards.**

- 14 A. All new landscapes in Marion County shall be designed to protect the County's unique natural resources by
- 15 conserving water, protecting the quality of groundwater, reducing waste and pollution, creating wildlife
- 16 habitat, and preventing erosion by implementation of Florida-Friendly Landscaping (FFL) by UF/IFAS and FDEP,
- 17 including but not limited to:
 - 18 (1) Right plant, right place;
 - 19 (2) Water efficiently;
 - 20 (3) Fertilize appropriately;
 - 21 (4) Mulch;
 - 22 (5) Attract wildlife;
 - 23 (6) Manage yard pests responsibly;
 - 24 (7) Recycle yard waste;
 - 25 (8) Reduce stormwater runoff; and
 - 26 (9) Protect the waterfront.
- 27 ~~B. All plant species listed as "Prohibited" in the UF/IFAS Assessment of Non-native Plants (Central Zone) shall be~~
- 28 ~~removed from proposed development sites. Plant species listed as "Invasive - Not Recommended" shall be~~
- 29 ~~removed from all proposed development sites outside of the Urban Growth Boundary (UGB); they may remain~~
- 30 ~~within the UGB with authorization from the County Landscape Architect.~~
- 31 ~~C.B.~~ Prohibited Plants. Prohibited vegetation based on the following sources:
 - 32 (1) Florida Exotic Pest Plant Council Category I & II List of Invasive Plant Species,
 - 33 (2) Prohibited Aquatic Plants per F.A.C. 5B-64.011, and
 - 34 (3) Center for Aquatic and Invasive Plants, University of Florida, IFAS.
- 35 C. Removal and eradication of Prohibited Plant species shall be a condition of development approval. For areas
- 36 on-site not developed, a containment management plan is required for all Prohibited Plant Species.

- 1 D. Landscaping within rights-of-way shall require approval by the County Engineer or his designee.
- 2 ~~D~~E. Trees shall not be located in areas that will cause conflict with overhead or underground utilities. ~~Large~~Shade
- 3 trees shall not be located within 30 feet of ~~power~~overhead electric lines. Alternative design strategies may be
- 4 approved by the County's Landscape Architect or their designee when conflicts with existing utilities cannot
- 5 be avoided.

6 (Ord. No. 13-20, § 2, 7-11-2013)

7 **Sec. 6.8.4. Non-residential development.**

8 For non-residential development, at least 20 percent of the ~~land to be developed shall be~~

9 ~~landscaped~~development project area shall be landscape areas as defined below. The development project

10 area is defined as the outer extent perimeter of all disturbed areas of the project.

11 ~~A. When a project area is less than the size of the overall parcel to be developed, the required landscape~~

12 ~~area calculation may be reduced to apply to the project area as authorized by the County Landscape~~

13 ~~Architect. All other requirements directed by the Board, DRC, or included in this division shall apply.~~

14 ~~B~~A. Landscape areas shall include:

- 15 (1) Buffers;
- 16 (2) Landscaping required for parking areas;
- 17 (3) ~~Building landscaping;~~Shade Trees and/or Replacement Trees;
- 18 (4) ~~Service~~Landscaped side slopes and equipment area screening.

19 ~~C. Landscape areas may also include planted~~Landscaped side slopes and/or landscaped sodded

20 bottoms of dry stormwater management areas with a depth of four feet or less, and the planted

21 littoral zones of wet stormwater management areas;

22 ~~D~~(5) Building landscaping;

23 (6) Service and equipment area screening.

24 B. Credit towards the landscape area requirements may be allowed on a 1:1.25 basis for all or part of

25 preserved native habitat if the applicant demonstrates that it includes one or more of the following:

- 26 (1) ~~Tree~~Preserved existing trees or tree clusters including preserved native ~~vegetative communities~~
- 27 ~~are protected from development impact.~~vegetation under the tree ir dripline.
- 28 (2) ~~Vegetative~~Preserved areas with of existing native ~~understory flora are protected from~~
- 29 ~~development impact.~~vegetation.

30 (Ord. No. 13-20, § 2, 7-11-2013)

31 **Sec. 6.8.5. New residential developments.**

32 For new residential developments and mixed-use developments, landscape plans shall demonstrate the

33 following:

34 ~~A. The landscape design standards in Section 6.8.3 shall be provided for any proposed landscaping in the~~

35 ~~following areas:~~

- 36 ~~(1) Development entry areas.~~
- 37 ~~(2) Medians and/or boulevards.~~

1 ~~(3) Community buildings.~~

2 ~~(4) Recreation and common areas.~~ A. Yard Tree Requirements.

3 (1) For all

4 ~~B. New residential and mixed use developments shall create Marion Friendly Landscape Areas (MFLA) to~~
5 ~~minimize impacts to the quality and quantity of natural groundwater recharge.~~

6 ~~(1) Non residential components of mixed use development shall adhere to the landscape~~
7 ~~requirements as in accordance with Section 6.8.4.~~

8 ~~(2) MFLA shall not be located on residential lots.~~

9 ~~(3) The MFLA requirements for the residential components are as follows:~~

10 ~~(a) Within the Primary SPZ, 20 percent of the project area shall be MFLA.~~

11 ~~(b) Outside of the Primary SPZ, 15 percent of the project area shall be MFLA.~~

12 ~~(4) Water retention/detention areas that meet the stormwater quality criteria of Section 6.13.6 and~~
13 ~~land use buffers which use Marion friendly landscaping qualify as MFLAs.~~

14 ~~(5) The area limitations under Section 6.8.5 above may be reduced in accordance with a mitigation~~
15 ~~strategy approved by the County.~~

16 ~~C. The developer shall inform future owners within residential developments that all permit applications~~
17 ~~for construction shall include a landscape plan which meets the requirements of this division.~~

18 ~~D. New residential developments, or single-family and duplex new construction, each individual~~
19 ~~single-family or duplex lot shall contain two Shade Trees. A minimum of One Shade Tree shall~~
20 ~~be located in the front yard and one shall be located in the rear yard. Front yard trees shall be~~
21 ~~installed within the residential lot area between the road right of way and the residential~~
22 ~~structures. Yard trees may be deferred until the home construction.~~

23 (2) For multi-family or mixed-use developments where the residential structures are adjacent to
24 parking areas instead of streets, the required ~~ments~~ trees for building landscaping, parking lot
25 landscaping and screening shall serve in lieu of yard trees.

26 ~~(23) All yard trees shall be Shade Trees. Front yard trees must be planted within a minimum of five (5)~~
27 ~~feet and a maximum of twenty (20) feet of the right of way line.~~

28 (343) Front yard ~~T~~ trees may not be planted in the right-of-way or utility easements, or within fifteen (15)
29 feet of any foundation.

30 B. ~~In new single-family residential developments with more than 50 lots,~~ the developer shall also promote
31 the practices and principles of FFL as described in the 'Florida ~~Yards and Neighborhoods~~ Friendly
32 Landscaping Handbook for Home Landscapes', as amended. A program which promotes these principles
33 shall be provided to the County as part of the development application materials, and incorporated into
34 and made part of the restrictive covenants and shall include:

35 (1) Information about the applicable landscaping requirements under this division and under Division
36 6.8;

37 (2) Procedures for future owners to follow when implementing FFL on individual lots, and

38 (3) Water conservation and FFL educational materials to all new homeowners; and

39 (4) Information regarding landscape irrigation scheduling as stipulated in Section 6.9.9.

40 (Ord. No. 13-20, § 2, 7-11-2013)

1 **Sec. 6.8.6. Buffers.**

- 2 A. It is the intent of this section to eliminate or reduce the negative impacts of ~~the~~ adjacent uses upon each other
3 such that the long-term continuance of either use is not threatened by such impacts and the uses may be
4 considered compatible.
- 5 B. Buffers shall provide a year-round screen, ~~meaning with a maximum of 25% no 100% deciduous trees,~~ and
6 provide an aesthetic quality, especially along public rights-of-way, which enhance travel corridors and screen
7 ~~developed~~ unsightly areas from public view.
- 8 C. ~~Plant~~ A diverse number of plant species shall be ~~mixed~~ incorporated into buffer plantings to provide
9 ~~diversity~~ habitat and appeal.
- 10 D. Buffers may consist of landscaping, buffer walls, ~~fencing,~~ berms, or combinations thereof which work
11 cohesively to achieve the intent of buffering.
- 12 ~~E. Every development,~~ E. If no buffering exists on the adjoining property, or if the existing buffer fails to
13 meet the requirements of this section, buffering shall be required with the exception of the construction of an
14 individual single-family residence or duplexes on an individual parcel of record, ~~shall provide sufficient~~
15 ~~buffering when topographical or other barriers do not provide reasonable screening.~~
- 16 ~~(1) In order to utilize a F. If buffers are required, the length shall be measured along each property line,~~
17 ~~and shall exclude driveways and other access points.~~
- 18 ~~G. No buildings, structures (other than buffer walls or buffer fences), storage of materials, or parking shall be~~
19 ~~permitted within~~ on an adjoining property to meet the regulations, the buffer area.
- 20 ~~H. Buffers shall not be located on any portion of an existing or dedicated right-of-way.~~
- 21 ~~I. Arrangement of plantings in buffers shall provide maximum protection to adjacent properties, avoid damage~~
22 ~~to existing trees and plant material, and take mature growing sizes into consideration regarding shade, root~~
23 ~~damage, and interference with nearby utilities.~~
- 24 ~~J. Required buffer types between land uses.~~
- 25 ~~(1) Specialized Commerce Districts include a mix of both commercial and industrial land uses, therefore,~~
26 ~~buffer requirements shall apply only to lots on the perimeter of the district.~~
- 27 ~~(2) Buffer installation and maintenance shall be provided concurrently with the adjoining property~~
28 ~~must have been required by a development of the more intense land use, with the following~~
29 ~~deviations:~~ order issued by Marion County or a municipality in Marion County.
- 30 ~~(2) If a buffer exists on the adjoining property that meets the requirements of this section, no~~
31 ~~additional buffering shall be required.~~
- 32 ~~(3) Commercial properties within a master planned commercial center, or mixed-use PUD may utilize~~
33 ~~the buffer installed on adjacent parcels within the same development if such buffers were required~~
34 ~~by a development order issued by Marion County.~~
- 35 ~~(4) Commercial properties within a master planned commercial center if an adjacent commercial~~
36 ~~parcel is vacant, only fifty (50) percent of the buffer width and plants shall be required for the~~
37 ~~commercial parcel being developed. The adjacent vacant commercial parcel shall install the~~
38 ~~remaining fifty (50) percent of the buffer when it is developed.~~
- 39 ~~(5) When a new but less intense land use is developed adjoining a pre-existing developed site with a~~
40 ~~higher intensity use that does not provide a buffer consistent with this code, the new use is subject~~
41 ~~to providing the required land use buffer.~~

~~(b) When a new but less intense land use is responsible for providing the required land use buffer~~ In this case, the developer may reduce the required buffer by one buffer type with acknowledgement of the buffer reduction clearly noted on the development plan.

~~(c) The 46) Regardless of type of land use adjoining it, the development of an individual single-family residence or duplex is exempt from providing the required buffer buffers.~~

~~(357) In interpreting and applying the provisions of buffers, development is classified into categories shown in Table 6.8-1. and as based on the project's proposed use(s).~~

~~(468) Table 6.8-2 provides the type of buffer required between a proposed use and an existing use, or in the absence of an existing use.~~

F. If buffers are required, the length shall be measured along each property line and shall exclude driveways and other access points and easements.

G. No buildings, structures (other than lighting, signs, buffer walls, decorative hardscape, or fences), storage of materials, or parking shall be permitted within the buffer area. Pedestrian trails, sidewalks, etc. are permitted in buffers when integrated into the design of the buffer areas.

H. Buffers shall not be located on any portion of an existing or dedicated right-of-way, or on individual single-family residential or duplex parcels.

I. Arrangement of plantings in buffers shall: ~~(Landscape to be given priority in buffers.)~~

~~(1) Provide maximum screening to adjacent properties.~~

~~(2) Avoid damage to existing trees and plant material both within the development and in those areas outside of but directly adjacent to the project development.~~

~~(3) Account for mature growing sizes of preserved existing and proposed trees regarding shade, root damage, and interference with nearby utilities and signage.~~

~~(4) Offer interest with a meandering, organic layout where appropriate and a variety of textures and colors.~~

~~Table 6.8-1 Buffer Type Requirements~~

AG	Agriculture, Rural Lands, Natural Reservation
SFR	Single family, duplex residential
MF	Multi-family residential
COM	Commercial, RV parks, Commercial Recreation
IND	Industrial uses
PUB	Public Use (including Government, Institutional, and related Professional Offices)
ROW	Arterial or Collector Right of Way or Road Easement

~~Table 6.8-2 Land Use Categories for Buffers~~

AG	SFR	ME	COM	IND	PUB	ROW

	AG	-	-	-	-	-	-	-
	SFR	E	-	E	A	B	E	E
	MF	E	A	-	A	B	E	E
	COM	D	B	B	-	B	E	E
	IND	B	B	B	B	-	B	D
	PUB	E	B	E	E	E	-	E

1 J

2

3 K. Description of buffer classifications. The content and composition of each buffer type is described in the
 4 following items. ~~The design professional~~ Landscaping Plans for required buffers shall be prepared by a
 5 Registered Landscape Architect, who shall use these requirements to design buffers that are thoughtfully
 6 designed and enhance the perimeter of the development site. Visual screening shall be achieved through the
 7 use of proper plant material, arrangement, and layering. The plant quantities and parameters in the buffer
 8 type descriptions may be used to develop a total quantity of plants for the entire buffer length and then utilized
 9 to achieve an appealing, comprehensive landscape design. Desirable buffers are creatively designed, minimize
 10 the implementation of evenly spaced trees or a cookie-cutter appearance, and consider the specific character
 11 and topography of the proposed development.

12 Required landscaping as per below shall meet Section 6.8.10 General Planting Requirements.

13 (1) ~~A-Type~~ All landscaping required as part of a buffer shall ~~consist of a 30-foot wide landscape strip without~~
 14 ~~a~~ be installed on the public view side of any buffer wall. ~~The buffer shall contain at least three shade~~
 15 ~~trees and five accent/ornamental trees for every 100 lineal~~, if a wall is required. Plant selection shall be
 16 made in consideration of shade and sun patterns along walls.

17 (2) Shrubs, if required per the following, shall be a minimum of seven (7) gallon in size, or equivalent,
 18 reaching a minimum height of three (3) feet ~~or fractional part thereof~~, within one year of planting and
 19 shall be spaced no further apart than 48 inches on center unless otherwise approved by the County's
 20 Landscape Architect or their designee.

21 (3) Groundcovers, if required per the following, shall be spaced no further apart than 30 inches on center.

22 (4) Shrubs and groundcovers, ~~excluding turfgrass, shall comprise at least 50 percent of the required buffer~~
 23 ~~area and shall if required, shall be arranged to form a layered landscape screen with a minimum height~~
 24 ~~of three feet achieved within one year of planting~~. If a buffer wall is not required, then shrubs and
 25 groundcovers shall attain eighty (80) percent opacity within 12 months of planting. If a buffer wall is
 26 required, then shrubs and groundcovers shall attain fifty (50) percent opacity in front of the buffer wall
 27 within 12 months of planting.

28 (2) ~~B-5~~ Type ~~buffer~~ C Buffers adjacent to the following roadways shall ~~consist of a 20~~ require the 25-foot
 29 wide landscape strip with a buffer wall. The buffer shall contain at least two shade trees ~~buffer width~~
 30 and three accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs ~~planting~~
 31 requirements, and groundcovers, excluding turfgrass, shall comprise at least 50 percent of the required
 32 buffer.

33 ~~(shall also require an equestrian or agricultural-themed 3)~~ C-Type buffer shall consist of a 15-foot wide
 34 landscape strip without a buffer wall. The buffer shall contain at least two shade trees and three
 35 accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers,
 36 excluding turfgrass, shall comprise at least 50 percent of the required buffer and form a layered
 37 landscape screen with a minimum ~~rail~~ or 4-rail wooden fence of a 48" height of three feet achieved
 38 within one year.

~~(4) D Type buffer shall consist of a 15-foot wide landscape strip with a buffer wall. The buffer shall contain at least two shade trees and three accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise at least 25 percent at least 50% of the required buffer.~~ buffer's linear footage and distributed throughout that linear footage:

~~(5) E Type buffer shall consist of a five-foot wide landscape strip without a buffer wall. The buffer shall contain at least four shade trees for every 100 lineal feet or fractional part thereof. Shrubs shall be planted in a double-staggered row and be capable of reaching a maintained height of six feet within three years. Groundcovers and/or turfgrass shall not be used in this buffer.~~

a) ~~l~~ All roadways classified as a Collector or above in the following locations:

i. Within the Farmland Preservation Area.

ii. Outside of the Urban Growth Boundary, west of I-75.

iii. US 27 and SR 40 within the Urban Growth Boundary, west of I-75.

iv. US HWY 301/441 within the Urban Growth Boundary, north of the Ocala City Limits.

v. Classified as a Scenic Road.

(6) The preservation of existing natural vegetation within buffers is permitted and encouraged to meet buffering requirements. In order to utilize natural vegetation as a portion of required buffer plantings, or in lieu of required buffer plantings, the applicant shall prepare an assessment of the existing trees vegetation and conduct a field meeting with the County Landscape Architect or their designee. Utilization of existing natural vegetation to satisfy buffer requirements is subject to approval by the County Landscape Architect or their designee.

(7) A post-construction inspection of preserved existing natural vegetation and trees shall be conducted in accordance with Section 6.7.12. Damaged or removed vegetation, damaged or trees which are no longer considered viable, including those with heavily impacted root zones as determined by the County's Landscape Architect or their designee, shall be supplemented and/or replaced.

K. ~~Buffer walls, buffer fences, and berms.~~

~~(1) Where buffer walls are required by this article, a combination of buffer walls and berms may be used to meet the intent of buffering. Buffer fences may be used to as a substitute for buffer walls with approval of the DRC. The buffer walls, buffer fences, and berms shall:~~ (1) Buffer walls and berms shall:

(a) Not be constructed or installed in a manner which creates a threat to public safety or interferes with vehicular circulation;

(b) Be designed to be compatible with existing and proposed site architecture and the character of the surrounding and adjacent settings including the style and selection of materials; and

(c) Be situated so that the ~~wall or fence components~~ walls and berms are within the buffer limits and any required landscaping shall be installed on the public view side of the wall.

(2) The substitution of required buffer walls along a public right-of-way requires Board approval.

~~(3)~~ (2) When a buffer wall is required, the buffer wall may be used in conjunction with a berm to achieve a minimum final elevation of six feet in height. When buffer walls, berms and/or combinations of each are used, they shall be constructed to e:

~~(a)~~ Ensure that historic and/or proposed drainage, stormwater, or other surface water flow patterns or facilities are accommodated not impacted.;

~~(b)~~ Not interfere with or obstruct any stormwater facilities; and

1 ~~(c) Provide sufficient ingress/egress for bicycle traffic and pedestrians access with proper arrangement to~~
2 ~~limit visibility into the proposed development.~~

3 ~~(3) If planted berms are used, the top of the berm shall have a four foot wide maintainable area. (34)~~

4 ~~_____~~ The maximum side slope for a berm planted with shrubs and woody groundcovers shall be 3:1.

5 The maximum side slope for a berm planted with turfgrass shall be 3.5:1. ~~Planting trees~~ Trees or shrubs

6 ~~on may not be planted along the very top ridgeline of a the berm is discouraged.~~

7 ~~M. Buffer plantings shall be irrigated appropriately for the specific plant species and characteristics of the~~
8 ~~site to promote healthy growth.~~

9 ~~N. (45)~~ Buffer areas shall be continually maintained and kept free of all trash and debris.

10 (Ord. No. 13-20, § 2, 7-11-2013)

1 **Table 6.8-1 Buffer Type Requirements**

<u>AG</u>	<u>Agriculture, Rural Lands, Rural Residential, Natural Preservation</u>
<u>SFR</u>	<u>Single family or duplex residential</u>
<u>MF</u>	<u>Multi-family residential</u>
<u>COM</u>	<u>Commercial, RV parks, Commercial Recreation</u>
<u>IND</u>	<u>Industrial uses</u>
<u>PUB</u>	<u>Public Use (including Government, Institutional, and related Professional Offices)</u>
<u>ROW</u>	<u>Arterial or Collector Right-of-Way or Road Easement</u>

2

3 **Table 6.8-2 Land Use Categories for Buffers**

		Adjacent Permitted or Existing Use						
		<u>AG</u>	<u>SFR</u>	<u>MF</u>	<u>COM</u>	<u>IND</u>	<u>PUB</u>	<u>ROW</u>
Proposed Use	<u>AG</u>	=	=	=	=	=	=	=
	<u>SFR</u>	<u>AC</u> ¹	<u>E</u> ³	<u>C</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u> ¹ <u>C</u> ¹
	<u>MF</u>	<u>A/B</u>	<u>D</u>	=	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u> ¹ <u>C</u> ¹
	<u>COM</u>	<u>D</u>	<u>B</u>	<u>B</u>	=	<u>B</u>	<u>C</u>	<u>C</u>
	<u>IND</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	=	<u>B</u>	<u>C/D</u> ²
	<u>PUB</u>	<u>A/B</u>	<u>B</u>	<u>C</u>	<u>C</u>	<u>C</u>	=	<u>C</u>
	<u>ROW</u>	=	<u>D</u>	<u>D</u>	<u>C</u>	<u>D</u>	<u>C</u>	=

4

1. Properties within the limits of 6.8.6.J(5) shall comply with that buffer requirement

5

2. D Type Buffer if residential is adjacent to opposite ROW

6

3. A 6' opaque fence may be used in lieu of a vegetative buffer

7

1 **TABLE 6.8.3 – BUFFER CLASSIFICATION REQUIREMENTS**

BUFFER CLASSIFICATION	BUFFER WIDTH	PLANTING REQUIREMENTS (Per 100 lineal feet)	WALL REQUIRED?
A	40 50 feet	Three Shade Trees Five Understory Trees 30% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
	30 feet	Four Shade Trees Six Understory Trees 70% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
B	30 feet	Two Shade Trees Three Understory Trees 50% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	Yes
	20 feet	Three Shade Trees Four Understory Trees 75% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	Yes
C	25 feet	Two Shade Trees Three Understory Trees 50% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
	15 feet	Three Shade Trees Five Understory Trees 80% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
D	25 feet	Two Shade Trees Three Understory Trees 25% Shrubs and Groundcover, excluding turf grass	Yes
	15 feet	Three Shade Trees Three Understory Trees 60% Shrubs and Groundcover, excluding turf grass	Yes
E	15 feet	Four Shade Trees Single row of continuous Shrubs	No
	5 feet	Five Shade Trees Double row of continuous Shrubs	No

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(Supp. No. 5)

1 **Sec. 6.8.7. Parking areas and vehicular use areas.**

2 A. A minimum five-foot wide landscape area consisting of shrubs and groundcovers, excluding turfgrass, shall be
3 provided around the perimeter of parking areas to form a landscape screen with a minimum height of three
4 feet achieved within one year of planting. A land use buffer that abuts a parking area may satisfy this
5 requirement.

6 B. Landscaping adjacent to parking areas and vehicular use areas shall be protected from being damaged ~~by~~
7 vehicles using these areas. Landscaping at the ~~end~~nose of parking stalls shall be offset ~~away~~two and a half feet
8 from the ~~parking stall~~face of curb or wheelstop to allow for vehicle overhang. The area between the landscape
9 ~~screening and the end of the~~and parking stall shall be mulched and contain no vertical irrigation components.

10 C. A landscaped parking lot island shall be located every ~~fifteen~~ten parking spaces ~~and~~. Where Shade Trees are
11 required, to provide sufficient space for health root development, parking lot islands shall be a minimum of
12 ~~200~~360~~400~~ square feet in size. Unsuitable soils, including limerock road base, shall be excavated and replaced
13 with properly drained soils. For paved parking areas within a Primary SPZ, including those with permeable or
14 porous surfaces, parking lot islands shall be completely planted with shrubs or groundcovers; the use of
15 turfgrass is prohibited.

16 ~~D. Trees within parking areas.~~

17 ~~(1) All trees required for parking areas and vehicular use areas shall be shade trees, unless required~~
18 ~~otherwise by provisions in this section.~~

19 ~~(2) All parking lot islands, including terminal parking lot islands, shall contain one shade tree unless site~~
20 ~~lighting fixtures are proposed in said island. Double parking lot islands (where double-loaded parking~~
21 ~~bays are proposed) shall contain two shade trees.~~D. _____

22 ~~(3) In parking lot islands with site lighting fixtures, an arrangement of one or two accent/ornamental trees~~
23 ~~shall be installed depending on the size and configuration of the island.~~

24 ~~(4) Parking lot islands with control signage may contain other tree (or palm) species, in lieu of shade trees,~~
25 ~~which will not conflict with the visibility of such signage.~~

26 E. Each row of parking spaces shall be terminated by a landscaped island.

27 F. Divider medians may be used to meet parking area landscape requirements.

28 (1) The minimum width of a divider median shall be eight feet.

29 (2) One ~~shade tree~~Shade Tree shall be provided per 50 lineal feet of divider median.

30 G. To offset heat gain from paved surfaces, ~~shade trees~~Shade Trees as required in Section 6.7.4 should be located
31 to provide as much shade as possible on such surfaces.

32 H. Parking lot screening must be achieved regardless of other landscaping requirements in this article. Shade
33 trees as required in Section 6.7.4 ~~may~~shall be integrated into the parking area landscaping.

34 I. All landscaping in parking areas and street frontages shall be placed so that it will not obstruct any sight
35 triangle.

36 J. Trees within parking areas.

37 (1) All trees required for parking areas and vehicular use areas shall be Shade Trees, unless required
38 otherwise by provisions in this section.

39 (2) All parking lot islands, including terminal parking lot islands, shall contain one Shade Tree unless site
40 lighting fixtures are proposed in said island.

1 (3) In parking lot islands with site lighting fixtures, an arrangement of one or two accent/ornamental trees
2 shall be installed depending on the size and configuration of the island.

3
4 (Ord. No. 13-20, § 2, 7-11-2013)

5 **Sec. 6.8.8. Building landscaping.**

6 A. Landscape plantings shall be provided along the public view sides of all proposed structures to reduce the
7 monotony of large blank walls, reduce heat gain and glare, and enhance the aesthetic appearance of the
8 building.

9 ~~B. Landscape areas shall be provided adjacent to or within 25 feet from the building walls and shall extend along~~
10 ~~60 percent of the total length of the wall, excluding those areas required for access to the building.~~

11 B.C. Landscape areas shall be a minimum of five feet wide allowing for a minimum distance of two feet from the
12 façade to the innermost plants.

13 ~~D. Large trees shall not be located within 20 feet of a building. Accent/ornamental trees shall be located~~
14 ~~sufficiently to allow for healthy growth and to minimize the need for pruning.~~

15 (Ord. No. 13-20, § 2, 7-11-2013)

16 **Sec. 6.8.9. Service and equipment areas.**

17 ~~A. Utility areas and loading/unloading areas shall be screened as follows:~~

18 ~~(1) A planting area a minimum of three feet wide and shall form a continuous three-foot high landscape~~
19 ~~screen, or~~

20 ~~(2) Buffer fencing with a minimum height of three feet.~~

21 B.A. Garbage collection areas (dumpster pad) shall be screened with a wall, buffer opaque fencing, or a landscape
22 screen capable of reaching a minimum height of six feet within three years. and maintained to preserve an
23 opaque screening quality.

24 C.B. Shade Trees shall remain fifteen feet while other trees and shrubs shall remain eight feet from any fire service
25 connection.

26 ~~D.C.~~ Trees and shrubs shall remain offset three feet from any electrical transformer and shall not be proposed along
27 the access door face of the transformer within the distance provided by the power provider.

28 E.D. Exterior air conditioning components shall be screened by locating the equipment away from public view or
29 through the use of a landscape screen with a minimum height of three feet. offset a minimum of three feet
30 from the equipment.

31 (Ord. No. 13-20, § 2, 7-11-2013)

32 **Sec. 6.8.10. General planting requirements.**

33 A. All trees, palms, shrubs, and groundcovers shall be nursery grown and Florida No. 1 quality or better, as
34 established by Florida Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida,
35 including latest updates, (‘Florida Grades and Standards’) as amended.

1 B. Plant ~~palettes~~selection shall be appropriate for the development site and provide the highest level of diversity
2 as practicable.

3 ~~C.~~ Diversity requirements: Landscape design that includes a diversity of tree and plant species is required. For
4 projects in which 20 or more trees are required, one species may not account for more than 2525% of the total
5 number of trees unless otherwise approved by the County Landscape Architect. At least three species of
6 shrubs or groundcover shall be specified unless otherwise approved by the County Landscape Architect.

7 D. Planting specifications are listed as follows:

8 (1) Native plant requirements:

9 (a) Within the Urban Growth Boundary (UGB), a minimum of 25 percent of all proposed plant
10 quantities, excluding turfgrass, shall be Florida native species suitable for use in Marion County.

11 (b) Outside of the UGB a minimum of 35 percent of all proposed plant quantities, excluding turfgrass,
12 shall be Florida native species suitable for use in Marion County.

13 (c) A minimum of 50 percent of the required ~~shade trees~~Shade Trees shall be Florida native species
14 suitable for use in Marion County.

15 ~~(d) To promote biological diversity, no more than 50 percent of the required shade trees for a~~
16 ~~development shall be of one species.~~

17 (2) The use of invasive plant species ~~is~~ based on the UF/IFAS Assessment of Non-native Plants (Central Zone)
18 ~~as updated~~ following sources, shall be prohibited:

19 (a) Florida Exotic Pest Plant species listed as "Council Category I & II List of Invasive Plant Species,

20 Prohibited" are not permitted for use in any proposed development. Aquatic Plants per F.A.C. 5B-
21 64.011, and

22 ~~(b) Plant species listed as "Invasive — Not Recommended" are not permitted for use in any~~
23 ~~development outside of the UGB. This group of plants may be used within the UGB with subject to~~
24 ~~approval by the County Landscape Architect.~~

25 ~~(c) Plant species listed as "Caution" may be used provided specific management strategies and~~
26 ~~monitoring are included in the project's BMP manual.~~

27 (c) Center for Aquatic and Invasive Plants, University of Florida, IFAS.

28 (3) Trees.

29 (a) Shade trees shall have a minimum caliper of 3.5 inches ~~and a height and crown diameter as per~~
30 Florida Grades and Standards.

31 ~~Accent or ornamental (understory)~~Understory trees shall have a minimum ~~overall height caliper of~~
32 ~~six feet and a minimum spread of 42~~2 inches ~~upon installation, and a height and crown diameter~~
33 as per Florida Grades and Standards.

34 (4) Palms.

35 (a) Not more than 25 percent of all required trees shall be palm trees unless a higher percentage is
36 authorized as stated in Section 6.7.9.

37 (b) Additional palms may be provided in excess of the 25 percent threshold when three palms are used
38 to substitute one required tree. ~~Where specimen palms are specified, substitution may be a one-~~
39 ~~to one ratio.~~

40 (c) Palm trees shall not be substituted for Shade Trees required ~~shade trees~~ to meet tree mitigation
41 plantings.

1 (d) Palms shall have a clear trunk height of 10 feet minimum.

2 (5) Shrubs shall ~~be reach~~ a ~~minimum~~-height of ~~1830~~ inches within one year of planting, unless specified
3 differently elsewhere in this Section, and be spaced appropriately for the species and ~~the~~-required
4 ~~screening and maintenance height.~~

5 (6) Groundcovers shall be those species of plants with a mature growing height of 24 inches maximum and
6 spaced up to ~~2'-3'~~24 inches minimum and 30 inches on-center maximum.

7 (7) Vining groundcovers shall have a minimum of three runners per plant. Vines may be spaced accordingly
8 for the proposed use. Stakes of vines shall be removed upon planting, and vines shall be trained to the
9 wall or fence for which they are proposed.

10 (8) Turfgrass may be of any variety which is adapted and suitable for use in Marion County and that meets
11 FFL requirements. The use of rolled turf is prohibited on property with public access unless the
12 supportive netting is removed prior to or during installation and the integrity of the turf is not
13 jeopardized during installation.

14 D. Mulch types shall be of a renewable resource or a recycled product. The use of cypress mulch is ~~discouraged~~not
15 allowed.

16 (Ord. No. 13-20, § 2, 7-11-2013)

17 **Sec. 6.8.11. Landscape installation.**

18 A. Any person providing landscape installation services for hire shall meet the licensing and certification
19 requirements under Section 6.8.15.

20 B. All plantings shall be installed according to current best management practices.

21 C. Trees and palms shall be properly planted and guyed or staked.

22 D. All plantings shall be properly ~~watered during installation and through the establishment period~~irrigated for
23 healthy growth as recommended by Florida Grades and Standards and UF/IFAS literature.

24 E. Installation shall mean survival in perpetuity, and replacement if necessary, of all materials. Dead and/or dying
25 plant material shall be replaced by the owner ~~within 30 days of notification by the County~~.

26 (Ord. No. 13-20, § 2, 7-11-2013)

27 **Sec. 6.8.12. Landscape completion and ongoing inspection requirements.**

28 A. Upon completion of the installation, of the ~~contractor shall request an inspection by the design professional.~~
29 ~~A project a~~ Landscape and Irrigation As-Built Certification shall be signed and sealed by the design professional
30 and submitted to the County Landscape Architect prior to the issuance of a Certificate of Occupancy.

31 B. Where landscape buffers are required under this code as a condition of development approval, the responsible
32 maintenance entity shall every 24 months prepare a written certification, on a form provided by the County,
33 that the buffers are in good health and maintenance, and that all plantings required in the buffer are meeting
34 the requirements of the development approval. The certification must be signed by a responsible design
35 professional and submitted to the Growth Services Department.

36 (Ord. No. 13-20, § 2, 7-11-2013)

1 **Sec. 6.8.13. Landscape maintenance.**

2 A. All landscape areas shall be maintained in accordance with the Florida-Friendly Best Management Practices
3 for Protection of Water Resources by the Green Industries, FFL, UF/IFAS and FDEP.

4 B. Trees or palms shall not be severely pruned or shaped. If over 25% of the crown is trimmed during one
5 trimming, then that tree is considered critically impacted and will require replanting at the cost of the Owner.
6 The natural growth habit of a tree or palm shall be considered during the design phase to avoid maintenance
7 conflicts.

8 C. Trees or palms which are guyed or braced shall have such guying or bracing removed ~~once sufficient root~~
9 ~~growth has enable the tree or palm to support itself.~~ within one year of planting. Damaging trees with guying
10 devices shall be considered a violation of this Code. Damaged trees shall be replaced at the expense of the
11 owner.

12 D. The alteration of any required and approved landscape area without obtaining prior written approval from the
13 County is prohibited. The expansion of drought tolerant landscaping, excluding the replacement of planted
14 areas with turfgrass, or replacing dying or diseased plants with similar plant material is excluded.

15 E. Buffers and screening plantings shall provide healthy appearance year-round and be maintained at the
16 required minimum heights.

17 (Ord. No. 13-20, § 2, 7-11-2013)

18 **Sec. 6.8.14. Fertilizers and other landscape chemicals.**

19 A. Applicability.

20 (1) This section shall be applicable to and shall regulate any and all applicators of fertilizer and areas of
21 application of fertilizer within the unincorporated area of Marion County, unless such applicator is
22 specifically exempted by the terms of this section from the regulatory provisions of this Code. This
23 section shall be prospective only, and shall not impair any existing contracts.

24 (2) This section requires the use of BMPs which provide specific management guidelines to minimize
25 negative secondary and cumulative environmental effects associated with the misuse of fertilizers.

26 B. Exemptions. The provisions set forth in Section 6.8.14 above in this section shall not apply to:

27 (1) Bona fide farm operations as defined in the Florida Right to Farm Act, § 823.14 FS, provided that
28 fertilizers are applied in accordance with the appropriate Best Management Practices Manual adopted
29 by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for
30 the crop in question.

31 (2) Any lands used for bona fide scientific research, including, but not limited to, research on the effects of
32 fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

33 C. Fertilizer content and application rates.

34 (1) Fertilizers applied to turfgrass and/or landscape plants within Marion County shall be applied in
35 accordance with directions provided by FAC Rule 5E-1.003(2), Labeling Requirements for Urban Turf
36 Fertilizers.

37 (2) Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site, and
38 shall not be applied for the first 30 days after seeding or sodding.

(3) Fertilizers should be applied to turf and/or landscape plants at the lowest rate necessary. Nitrogen shall not be applied at an application rate greater than 0.7 lbs of readily available nitrogen per 1,000 square feet at any one time based on the soluble fraction of formulated fertilizer, with no more than 1 pound total nitrogen per 1,000 square feet applied at any one time, and not to exceed the nitrogen recommendations set forth below on an annual basis:

Table 6.8-3 Fertilizer Application Rates

Grass Species	Maximum N Application Rate (Lbs/1,000 sf ² /year)
Bahia	3
Bermuda	4
Centipede	2
St. Augustine	3
Zoysia	4

(4) No phosphorus fertilizer shall be applied to existing turf and/or landscape Plants within the County at application rates which exceed 0.25 pounds phosphorus per 1,000 square feet per application nor exceed 0.50 pounds phosphorus per 1,000 square feet per year.

(5) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in Section 6.8.14.C(1) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.

D. Timing of fertilizer application. No applicator shall apply fertilizers containing nitrogen and/or phosphorus when soils are saturated.

E. Fertilizer-free zones.

(1) Fertilizer shall not be applied to turf or landscape plants within 30 feet of any pond, stream, watercourse, lake, canal or wetland. The use of macro-tab slow release fertilizer tablets for landscape plants which are installed within the plant pits during plant installation is allowed.

(2) Fertilizer shall not be applied to turf grass within the following areas:

(a) Seventy-five feet of the WBSL of any spring, pond, stream, watercourse, lake, wetland or sinkhole or other karst feature that has an opening at the surface.

(b) Fifteen feet from the top of the bank of any drainage retention area, canal, or from the top of a seawall, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge, is used, in which case a minimum of 3 feet shall be maintained.

(3) In the event an area is included in one or more of the areas described in Section 6.8.14.E(2) above, the more restrictive provision (i.e., the larger distance) shall apply.

(4) Newly planted turf and/or landscape plants may be fertilized in this zone only for a 60-day period beginning 30 days after planting if need to allow the plants to become well established. Caution shall be used to prevent the direct deposit of nutrients into the water.

F. Low maintenance zones. A 10-foot low maintenance zone is required from any pond, stream, water course, lake, wetland, or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent County regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed

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- 1 or cut vegetative material shall be deposited or left remaining in this zone or deposited in the water. Care
2 should be taken to prevent the over-spray of aquatic weed products in this zone.
- 3 G. Impervious surfaces. Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders.
4 Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces,
5 fertilizer-free zones and water bodies, including wetlands. Fertilizer shall not be applied, spilled, or otherwise
6 deposited on any impervious surfaces. Any fertilizer applied, spilled, or deposited, either intentionally or
7 accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent
8 practicable. Fertilizer released on an impervious surface must be immediately contained and either legally
9 applied to turf or any other legal site, or returned to the original or other appropriate container. In no case
10 shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches,
11 conveyances, or water bodies.
- 12 H. Management of grass clippings and vegetative matter. In no case shall grass clippings, vegetative material,
13 and/or vegetative debris be washed, swept, piled or blown off into stormwater drains, ditches, conveyances,
14 water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be
15 immediately removed to the maximum extent practicable.
- 16 I. Training for fertilizer applicators.
- 17 (1) Commercial applicators of fertilizer within the unincorporated area of Marion County, shall maintain
18 current Limited Urban Commercial Fertilizer Applicator Certification through the Florida Department of
19 Agriculture and Consumer Services by January 1, 2014, per § 482.1562 FS.
- 20 (2) Any other person whose duties include the application of fertilizer not required to maintain certification
21 in Section 6.8.14.I(1) above, shall obtain a GI-BMP Certificate of Completion within six months of
22 assuming such duties.
- 23 (3) Private homeowners are required to follow the recommendations of the Florida Yards and
24 Neighborhoods Handbook by FDEP and UF/IFAS, as amended except to the extent this Code provides
25 more stringent requirements.
- 26 J. Enforcement.
- 27 (1) In addition to county code enforcement officers, the County Administrator may also delegate
28 enforcement responsibility for this section to agencies and departments of Marion County government,
29 in accordance with state and local law.
- 30 (2) Funds generated by penalties imposed under this section shall be used by the County for the
31 administration and enforcement of § 403.9337 FS, and the corresponding sections of this Code, and to
32 further water conservation and nonpoint pollution prevention activities.
- 33 K. Penalties.
- 34 (1) Violation of any provision of this section shall be subject to the following penalties:
- 35 (a) First violation: Written Notification and Education.
- 36 (b) Second violation: Written Notification and Education.
- 37 (c) Third violation: Fifty dollars (\$50.00).
- 38 (d) Fourth and subsequent violation(s): One Hundred dollars (\$100.00).
- 39 (2) Each day in violation of this section within a 365-day period, beginning the date of the first violation,
40 shall constitute a separate offense. The Board may take any other appropriate legal action, including but
41 not limited to emergency injunctive action, to enforce the provisions of this section.
- 42 (Ord. No. 13-20, § 2, 7-11-2013)

1 **Sec. 6.8.15. Landscape installation and maintenance licensing and certification.**

2 A. Landscape installation professionals performing work for hire within the unincorporated areas of Marion
3 County shall be landscape contractors licensed by the Marion County Building Department, unless otherwise
4 licensed by the State of Florida.

5 (1) Unless subject by Florida Statutes to certain continuing education requirements, contractors licensed
6 under this section are required to complete a minimum of eight Professional Development Hours or
7 Continuing Education Units in Florida Friendly Landscaping Practices from a continuing education
8 organization approved by the County before each succeeding license renewal or bi-annually, whichever
9 is shortest. Compliance with this requirement will be confirmed at the time of license renewal, or by an
10 approved audit procedure.

11 (2) A list of required and approved courses or certifications for Section 6.8.15.A(1) above will be maintained
12 by the Marion County Licensing Board.

13 (3) A course or certification may be added to or withdrawn from the approved list using an approved petition
14 procedure.

15 B. Landscape maintenance professionals performing work for hire within the unincorporated areas of Marion
16 County shall possess current GI-BMP Certificate of Completion.

17 C. Any person providing services for hire regarding any aspect of landscape maintenance that includes the
18 application of fertilizer or pesticide shall meet the applicable state and County licensing and certification
19 requirements included herein.

20 (Ord. No. 13-20, § 2, 7-11-2013)

DIVISION 8. LANDSCAPING

Sec. 6.8.1. Purpose and intent.

The purpose and intent of this division is to provide landscaping guidelines establishing minimum standards and criteria for the design, installation, and maintenance of landscaping which enhances the aesthetic appearance of Marion County, complimenting the natural and built environments, reducing noise and glare, improving air and water quality, providing shade and habitat, and buffering the aspects of development.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.2. Landscape plan requirements.

A landscape plan which indicates the following is required for all development except for individual single-family homes and duplexes:

- A. All existing landscaping, indigenous open space, and natural features;
- B. Locations of existing protected trees, labeled and with sizes provided, groups of trees, landscaping and other vegetation to be preserved;
- C. Vegetation and tree protection barricades;
- D. All replacement trees as required per Section 6.7.8;
- E. All proposed landscape areas, labeled and with sizes of each landscape area provided;
- F. Construction details as applicable, including but not limited to:
 - (1) Tree protection;
 - (2) Tree, palm, and shrub installation;
 - (3) Details for specialized installations;
 - (4) Elevation drawings of walls proposed for buffers and/or screening; and
 - (5) Cross section of proposed walls/berms/combinations for buffers.
- G. Plant schedule:
 - (1) A key matching the plants being specified (may be plant symbols or written)
 - (2) Quantities of plants being specified
 - (3) Common plant names
 - (4) Scientific plant names
 - (5) Plant specifications including height, spread, and spacing
 - (6) Native status
- H. Calculations for required landscaping:
 - (1) Tree preservation and replacement

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- (2) Shade tree requirements
 - (3) Buffers
 - (4) Parking areas
 - (5) Vehicle use areas
 - I. Proposed street and/or parking lot light pole locations.
 - J. All proposed sign locations, including advertisement and internal vehicular control signs.
 - K. Notes including installation instructions and special requirements related to contractor licensing, utility locating, tree protection, maintenance, fertilizer use, and watering.
 - L. Tree barricade locations and details as well as notes regarding tree protection and inspections as outlined in Section 6.7.3 and 6.7.12 shall also be provided on the landscape plan sheets.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.3. Landscape design standards.

- A. All new landscapes in Marion County shall be designed to protect the County's unique natural resources by conserving water, protecting the quality of groundwater, reducing waste and pollution, creating wildlife habitat, and preventing erosion by implementation of Florida-Friendly Landscaping (FFL) by UF/IFAS and FDEP, including but not limited to:
 - (1) Right plant, right place;
 - (2) Water efficiently;
 - (3) Fertilize appropriately;
 - (4) Mulch;
 - (5) Attract wildlife;
 - (6) Manage yard pests responsibly;
 - (7) Recycle yard waste;
 - (8) Reduce stormwater runoff; and
 - (9) Protect the waterfront.
- B. Prohibited Plants. Prohibited vegetation based on the following sources:
 - (1) Florida Exotic Pest Plant Council Category I & II List of *Invasive* Plant Species,
 - (2) Prohibited Aquatic Plants per F.A.C. 5B-64.011, and
 - (3) Center for Aquatic and *Invasive* Plants, University of Florida, IFAS.
- C. Removal and eradication of Prohibited Plant species shall be a condition of development approval. For areas on-site not developed, a containment management plan is required for all Prohibited Plant Species.
- D. Landscaping within rights-of-way shall require approval by the County Engineer or his designee.
- E. Trees shall not be located in areas that will cause conflict with overhead or underground utilities. Shade trees shall not be located within 30 feet of overhead electric lines. Alternative design strategies may be approved by the County's Landscape Architect or their designee when conflicts with existing utilities cannot be avoided.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.4. Non-residential development.

For non-residential development, at least 20 percent of the development project area shall be landscape areas as defined below. The development project area is defined as the outer extent perimeter of all disturbed areas of the project.

- A. Landscape areas shall include:
 - (1) Buffers;
 - (2) Landscaping required for parking areas;
 - (3) Shade Trees and/or Replacement Trees;
 - (4) Landscaped side slopes and/or landscaped bottoms of dry stormwater management areas with a depth of four feet or less, and the planted littoral zones of wet stormwater management areas;
 - (5) Building landscaping;
 - (6) Service and equipment area screening.
 - B. Credit towards the landscape area requirements may be allowed on a 1:1.25 basis for all or part of preserved native habitat if the applicant demonstrates that it includes one or more of the following:
 - (1) Preserved existing trees or tree clusters including preserved native vegetation under the tree dripline.
 - (2) Preserved areas of existing native vegetation.
- (Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.5. New residential developments.

For new residential developments and mixed-use developments, landscape plans shall demonstrate the following:

- A. Yard Tree Requirements.
 - (1) For all new residential developments, or single-family and duplex new construction, each individual single-family or duplex lot shall contain two Shade Trees. A minimum of one Shade Tree shall be located in the front yard . Front yard trees shall be installed within the residential lot area between the road right of way and the residential structures. Yard trees may be deferred until the home construction.
 - (2) For multi-family or mixed-use developments where the residential structures are adjacent to parking areas instead of streets, the required trees for building landscaping, parking lot landscaping and screening shall serve in lieu of yard trees.
 - (3) Trees may not be planted in the right-of-way or utility easements, or within fifteen (15) feet of any foundation.
- B. In new single-family residential developments the developer shall also promote the practices and principles of FFL as described in the 'Florida-Friendly Landscaping Handbook for Home Landscapes', as amended. A program which promotes these principles shall be provided to the County as part of the development application materials, and incorporated into and made part of the restrictive covenants and shall include:

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- (1) Information about the applicable landscaping requirements under this division and under Division 6.8;
 - (2) Procedures for future owners to follow when implementing FFL on individual lots, and
 - (3) Water conservation and FFL educational materials to all new homeowners; and
 - (4) Information regarding landscape irrigation scheduling as stipulated in Section 6.9.9.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.6. Buffers.

- A. It is the intent of this section to eliminate or reduce the negative impacts of adjacent uses upon each other such that the long-term continuance of either use is not threatened by such impacts and the uses may be considered compatible.
- B. Buffers shall provide a year-round screen, with a maximum of 25% deciduous trees, and provide an aesthetic quality, especially along public rights-of-way, which enhance travel corridors and screen developed areas from public view.
- C. A diverse number of plant species shall be incorporated into buffer plantings to provide habitat and appeal.
- D. Buffers may consist of landscaping, buffer walls, berms, or combinations thereof which work cohesively to achieve the intent of buffering.
- E. If no buffering exists on the adjoining property, or if the existing buffer fails to meet the requirements of this section, buffering shall be required with the exception of the construction of an individual single-family residence or duplexes on an individual parcel of record.
 - (1) In order to utilize a buffer on an adjoining property to meet the regulations, the buffer on the adjoining property must have been required by a development order issued by Marion County or a municipality in Marion County.
 - (2) If a buffer exists on the adjoining property that meets the requirements of this section, no additional buffering shall be required.
 - (3) Commercial properties within a master planned commercial center, or mixed-use PUD may utilize the buffer installed on adjacent parcels within the same development if such buffers were required by a development order issued by Marion County.
 - (4) Commercial properties within a master planned commercial center if an adjacent commercial parcel is vacant, only fifty (50) percent of the buffer width and plants shall be required for the commercial parcel being developed. The adjacent vacant commercial parcel shall install the remaining fifty (50) percent of the buffer when it is developed.
 - (5) When a new but less intense land use is developed adjoining a pre-existing developed site with a higher intensity use that does not provide a buffer consistent with this code, the new use is subject to providing the required land use buffer. In this case, the developer may reduce the required buffer by one buffer type with acknowledgement of the buffer reduction clearly noted on the development plan.
 - (6) Regardless of type of land use adjoining it, the development of an individual single-family residence or duplex is exempt from providing buffers.
 - (7) In interpreting and applying the provisions of buffers, development is classified into categories shown in Table 6.8-1. and as based on the project's proposed use(s).

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- (8) Table 6.8-2 provides the type of buffer required between a proposed use and an existing use, or in the absence of an existing use.
- F. If buffers are required, the length shall be measured along each property line and shall exclude driveways and other access points and easements.
- G. No buildings, structures (other than lighting, signs, buffer walls, decorative hardscape, or fences), storage of materials, or parking shall be permitted within the buffer area. Pedestrian trails, sidewalks, etc. are permitted in buffers when integrated into the design of the buffer areas.
- H. Buffers shall not be located on any portion of an existing or dedicated right-of-way, or on individual single-family residential or duplex parcels.
- I. Arrangement of plantings in buffers shall:
- (1) Provide maximum screening to adjacent properties.
 - (2) Avoid damage to existing trees and plant material both within the development and in those areas outside of but directly adjacent to the project development.
 - (3) Account for mature growing sizes of preserved existing and proposed trees regarding shade, root damage, and interference with nearby utilities and signage.
 - (4) Offer interest with a meandering, organic layout where appropriate and a variety of textures and colors.
- J. Description of buffer classifications. The content and composition of each buffer type is described in the following items. Landscaping Plans for required buffers shall be prepared by a Registered Landscape Architect, who shall use these requirements to design buffers that are thoughtfully designed and enhance the perimeter of the development site. Visual screening shall be achieved through the use of proper plant material, arrangement, and layering. The plant quantities and parameters in the buffer type descriptions may be used to develop a total quantity of plants for the entire buffer length and then utilized to achieve an appealing, comprehensive landscape design. Desirable buffers are creatively designed, minimize the implementation of evenly spaced trees or a cookie-cutter appearance, and consider the specific character and topography of the proposed development.

Required landscaping as per below shall meet Section 6.8.10 General Planting Requirements.

- (1) All landscaping required as part of a buffer shall be installed on the public view side of any buffer wall, if a wall is required. Plant selection shall be made in consideration of shade and sun patterns along walls.
- (2) Shrubs, if required per the following, shall be a minimum of seven (7) gallon in size, or equivalent, reaching a minimum height of three (3) feet within one year of planting and shall be spaced no further apart than 48 inches on center unless otherwise approved by the County's Landscape Architect or their designee.
- (3) Groundcovers, if required per the following, shall be spaced no further apart than 30 inches on center.
- (4) Shrubs and groundcovers, if required, shall be arranged to form a layered landscape screen. If a buffer wall is not required, then shrubs and groundcovers shall attain eighty (80) percent opacity within 12 months of planting. If a buffer wall is required, then shrubs and groundcovers shall attain fifty (50) percent opacity in front of the buffer wall within 12 months of planting.
- (5) Type C Buffers adjacent to the following roadways shall require the 25-foot buffer width and planting requirements, and shall also require an equestrian or agricultural-themed 3-rail or 4-rail wooden fence of a 48" height at least 50% of the buffer's linear footage and distributed throughout that linear footage:
 - a) All roadways classified as a Collector or above in the following locations:
 - i. Within the Farmland Preservation Area.

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- ii. Outside of the Urban Growth Boundary, west of I-75.
 - iii. US 27 and SR 40 within the Urban Growth Boundary, west of I-75.
 - iv. US HWY 301/441 within the Urban Growth Boundary, north of the Ocala City Limits.
 - v. Classified as a Scenic Road.
- (6) The preservation of existing natural vegetation within buffers is permitted and encouraged to meet buffering requirements. In order to utilize natural vegetation as a portion of required buffer plantings, or in lieu of required buffer plantings, the applicant shall prepare an assessment of the existing trees vegetation and conduct a field meeting with the County Landscape Architect or their designee. Utilization of existing natural vegetation to satisfy buffer requirements is subject to approval by the County Landscape Architect or their designee.
- (7) A post-construction inspection of preserved existing natural vegetation and trees shall be conducted in accordance with Section 6.7.12. Damaged or removed vegetation, damaged or trees which are no longer considered viable, including those with heavily impacted root zones as determined by the County's Landscape Architect or their designee, shall be supplemented and/or replaced.
- K. Buffer walls and berms.
- (1) Buffer walls and berms shall:
- (a) Not be constructed or installed in a manner which creates a threat to public safety or interferes with vehicular circulation;
 - (b) Be designed to be compatible with existing and proposed site architecture and the character of the surrounding and adjacent settings including the style and selection of materials; and
 - (c) Be situated so that the walls and berms are within the buffer limits and any required landscaping shall be installed on the public view side of the wall.
- (2) The substitution of required buffer walls along a public right-of-way requires Board approval.
- (3) When a buffer wall is required, the buffer wall may be used in conjunction with a berm to achieve a minimum final elevation of six feet in height. When buffer walls, berms and/or combinations of each are used, they shall be constructed to ensure that historic and/or proposed drainage, stormwater, or other surface water flow patterns or facilities are not impacted.
- (4) The maximum side slope for a berm planted with shrubs and woody groundcovers shall be 3:1. The maximum side slope for a berm planted with turfgrass shall be 3.5:1. Trees or shrubs may not be planted along the ridgeline of the berm.
- (5) Buffer areas shall be continually maintained and kept free of all trash and debris.

(Ord. No. 13-20, § 2, 7-11-2013)

Table 6.8-1 Buffer Type Requirements

AG	Agriculture, Rural Lands, Rural Residential, Natural Preservation
SFR	Single family or duplex residential
MF	Multi-family residential
COM	Commercial, RV parks, Commercial Recreation
IND	Industrial uses
PUB	Public Use (including Government, Institutional, and related Professional Offices)
ROW	Arterial or Collector Right-of-Way or Road Easement

Table 6.8-2 Land Use Categories for Buffers

		Adjacent Permitted or Existing Use						
		AG	SFR	MF	COM	IND	PUB	ROW
Proposed Use	AG	-	-	-	-	-	-	-
	SFR	C ¹	E ³	C	A	B	C	C ¹
	MF	A/B	D	-	A	B	C	C ¹
	COM	D	B	B	-	B	C	C
	IND	B	B	B	B	-	B	C/D ²
	PUB	A/B	B	C	C	C	-	C
	ROW	-	D	D	C	D	C	-

1. Properties within the limits of 6.8.6.J(5) shall comply with that buffer requirement
2. D Type Buffer if residential is adjacent to opposite ROW
3. A 6' opaque fence may be used in lieu of a vegetative buffer

TABLE 6.8.3 – BUFFER CLASSIFICATION REQUIREMENTS

BUFFER CLASSIFICATION	BUFFER WIDTH	PLANTING REQUIREMENTS (Per 100 lineal feet)	WALL REQUIRED?
A	40 feet	Three Shade Trees Five Understory Trees 30% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
	30 feet	Four Shade Trees Six Understory Trees 70% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
B	30 feet	Two Shade Trees Three Understory Trees 50% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	Yes
	20 feet	Three Shade Trees Four Understory Trees 75% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	Yes
C	25 feet	Two Shade Trees Three Understory Trees 50% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
	15 feet	Three Shade Trees Five Understory Trees 80% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
D	25 feet	Two Shade Trees Three Understory Trees 25% Shrubs and Groundcover, excluding turf grass	Yes
	15 feet	Three Shade Trees Three Understory Trees 60% Shrubs and Groundcover, excluding turf grass	Yes
E	15 feet	Four Shade Trees Single row of continuous Shrubs	No
	5 feet	Five Shade Trees Double row of continuous Shrubs	No

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(Supp. No. 5)

Sec. 6.8.7. Parking areas and vehicular use areas.

- A. A minimum five-foot wide landscape area consisting of shrubs and groundcovers, excluding turfgrass, shall be provided around the perimeter of parking areas to form a landscape screen with a minimum height of three feet achieved within one year of planting. A land use buffer that abuts a parking area may satisfy this requirement.
- B. Landscaping adjacent to parking areas and vehicular use areas shall be protected from being damaged by vehicles using these areas. Landscaping at the nose of parking stalls shall be offset two and a half feet from the face of curb or wheelstop to allow for vehicle overhang. The area between the landscape and parking stall shall be mulched and contain no vertical irrigation components.
- C. A landscaped parking lot island shall be located every fifteen parking spaces. Where Shade Trees are required, to provide sufficient space for health root development, parking lot islands shall be a minimum of 360 square feet in size. Unsuitable soils, including limerock road base, shall be excavated and replaced with properly drained soils. For paved parking areas within a Primary SPZ, including those with permeable or porous surfaces, parking lot islands shall be completely planted with shrubs or groundcovers; the use of turfgrass is prohibited.
- D. E. Each row of parking spaces shall be terminated by a landscaped island.
- F. Divider medians may be used to meet parking area landscape requirements.
 - (1) The minimum width of a divider median shall be eight feet.
 - (2) One Shade Tree shall be provided per 50 lineal feet of divider median.
- G. To offset heat gain from paved surfaces, Shade Trees as required in Section 6.7.4 should be located to provide as much shade as possible on such surfaces.
- H. Parking lot screening must be achieved regardless of other landscaping requirements in this article. Shade trees as required in Section 6.7.4 shall be integrated into the parking area landscaping.
- I. All landscaping in parking areas and street frontages shall be placed so that it will not obstruct any sight triangle.
- J. Trees within parking areas.
 - (1) All trees required for parking areas and vehicular use areas shall be Shade Trees, unless required otherwise by provisions in this section.
 - (2) All parking lot islands, including terminal parking lot islands, shall contain one Shade Tree unless site lighting fixtures are proposed in said island.
 - (3) In parking lot islands with site lighting fixtures, an arrangement of one or two accent/ornamental trees shall be installed depending on the size and configuration of the island.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.8. Building landscaping.

- A. Landscape plantings shall be provided along the public view sides of all proposed structures to reduce the monotony of large blank walls, reduce heat gain and glare, and enhance the aesthetic appearance of the building.
- B. Landscape areas shall be a minimum of five feet wide allowing for a minimum distance of two feet from the façade to the innermost plants.

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(Supp. No. 5)

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.9. Service and equipment areas.

- A. Garbage collection areas (dumpster pad) shall be screened with a wall, opaque fencing, or a landscape screen capable of reaching a minimum height of six feet within three years and maintained to preserve an opaque screening quality.
- B. Shade Trees shall remain fifteen feet while other trees and shrubs shall remain eight feet from any fire service connection.
- C. Trees and shrubs shall remain offset three feet from any electrical transformer and shall not be proposed along the access door face of the transformer within the distance provided by the power provider.
- D. Exterior air conditioning components shall be screened by locating the equipment away from public view or through the use of a landscape screen with a minimum height of three feet offset a minimum of three feet from the equipment.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.10. General planting requirements.

- A. All trees, palms, shrubs, and groundcovers shall be nursery grown and Florida No. 1 quality or better, as established by Florida Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida, including latest updates, ('Florida Grades and Standards') as amended.
- B. Plant selection shall be appropriate for the development site and provide the highest level of diversity as practicable.
- C. Diversity requirements: Landscape design that includes a diversity of tree and plant species is required. For projects in which 20 or more trees are required, one species may not account for more than 25% of the total number of trees unless otherwise approved by the County Landscape Architect. At least three species of shrubs or groundcover shall be specified unless otherwise approved by the County Landscape Architect.
- D. Planting specifications are listed as follows:
 - (1) Native plant requirements:
 - (a) Within the Urban Growth Boundary (UGB), a minimum of 25 percent of all proposed plant quantities, excluding turfgrass, shall be Florida native species suitable for use in Marion County.
 - (b) Outside of the UGB a minimum of 35 percent of all proposed plant quantities, excluding turfgrass, shall be Florida native species suitable for use in Marion County.
 - (c) A minimum of 50 percent of the required Shade Trees shall be Florida native species suitable for use in Marion County.
 - (2) The use of invasive plant species based on the following sources, shall be prohibited:
 - (a) Florida Exotic Pest Plant Council Category I & II List of Invasive Plant Species,
 - (b) Prohibited Aquatic Plants per F.A.C. 5B-64.011, and
 - (c) Center for Aquatic and Invasive Plants, University of Florida, IFAS.
 - (3) Trees.

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- (a) Shade trees shall have a minimum caliper of 3.5 inches and a height and crown diameter as per Florida Grades and Standards.
 - (b) Understory trees shall have a minimum caliper of 2 inches and a height and crown diameter as per Florida Grades and Standards.
 - (4) Palms.
 - (a) Not more than 25 percent of all required trees shall be palm trees unless a higher percentage is authorized as stated in Section 6.7.9.
 - (b) Additional palms may be provided in excess of the 25 percent threshold when three palms are used to substitute one required tree.
 - (c) Palm trees shall not be substituted for Shade Trees required to meet tree mitigation plantings.
 - (d) Palms shall have a clear trunk height of 10 feet minimum.
 - (5) Shrubs shall reach a height of 30 inches within one year of planting, unless specified differently elsewhere in this Section, and be spaced appropriately for the species and required maintenance.
 - (6) Groundcovers shall be those species of plants with a mature growing height of 24 inches maximum and spaced up to 24 inches minimum and 30 inches on-center maximum.
 - (7) Vining groundcovers shall have a minimum of three runners per plant. Vines may be spaced accordingly for the proposed use. Stakes of vines shall be removed upon planting, and vines shall be trained to the wall or fence for which they are proposed.
 - (8) Turfgrass may be of any variety which is adapted and suitable for use in Marion County and that meets FFL requirements. The use of rolled turf is prohibited on property with public access unless the supportive netting is removed prior to or during installation and the integrity of the turf is not jeopardized during installation.
- D. Mulch types shall be of a renewable resource or a recycled product. The use of cypress mulch is not allowed.
- (Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.11. Landscape installation.

- A. Any person providing landscape installation services for hire shall meet the licensing and certification requirements under Section 6.8.15.
 - B. All plantings shall be installed according to current best management practices.
 - C. Trees and palms shall be properly planted and guyed or staked.
 - D. All plantings shall be properly irrigated for healthy growth as recommended by Florida Grades and Standards and UF/IFAS literature.
 - E. Installation shall mean survival in perpetuity, and replacement if necessary, of all materials. Dead and/or dying plant material shall be replaced by the owner.
- (Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.12. Landscape completion and ongoing inspection requirements.

- A. Upon completion of the installation of the project a Landscape and Irrigation As-Built Certification shall be signed and sealed by the design professional and submitted to the County Landscape Architect prior to the issuance of a Certificate of Occupancy.
- B. Where landscape buffers are required under this code as a condition of development approval, the responsible maintenance entity shall every 24 months prepare a written certification, on a form provided by the County, that the buffers are in good health and maintenance, and that all plantings required in the buffer are meeting the requirements of the development approval. The certification must be signed by a responsible design professional and submitted to the Growth Services Department.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.13. Landscape maintenance.

- A. All landscape areas shall be maintained in accordance with the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries, FFL, UF/IFAS and FDEP.
- B. Trees or palms shall not be severely pruned or shaped. If over 25% of the crown is trimmed during one trimming, then that tree is considered critically impacted and will require replanting at the cost of the Owner. The natural growth habit of a tree or palm shall be considered during the design phase to avoid maintenance conflicts.
- C. Trees or palms which are guyed or braced shall have such guying or bracing removed within one year of planting. Damaging trees with guying devices shall be considered a violation of this Code. Damaged trees shall be replaced at the expense of the owner.
- D. The alteration of any required and approved landscape area without obtaining prior written approval from the County is prohibited. The expansion of drought tolerant landscaping, excluding the replacement of planted areas with turfgrass, or replacing dying or diseased plants with similar plant material is excluded.
- E. Buffers and screening plantings shall provide healthy appearance year-round and be maintained at the required minimum heights.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.14. Fertilizers and other landscape chemicals.

- A. Applicability.
 - (1) This section shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the unincorporated area of Marion County, unless such applicator is specifically exempted by the terms of this section from the regulatory provisions of this Code. This section shall be prospective only, and shall not impair any existing contracts.
 - (2) This section requires the use of BMPs which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers.
- B. Exemptions. The provisions set forth in Section 6.8.14 above in this section shall not apply to:
 - (1) Bona fide farm operations as defined in the Florida Right to Farm Act, § 823.14 FS, provided that fertilizers are applied in accordance with the appropriate Best Management Practices Manual adopted

by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for the crop in question.

- (2) Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

C. Fertilizer content and application rates.

- (1) Fertilizers applied to turfgrass and/or landscape plants within Marion County shall be applied in accordance with directions provided by FAC Rule 5E-1.003(2), Labeling Requirements for Urban Turf Fertilizers.
- (2) Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site and shall not be applied for the first 30 days after seeding or sodding.
- (3) Fertilizers should be applied to turf and/or landscape plants at the lowest rate necessary. Nitrogen shall not be applied at an application rate greater than 0.7 lbs of readily available nitrogen per 1,000 square feet at any one time based on the soluble fraction of formulated fertilizer, with no more than 1 pound total nitrogen per 1,000 square feet applied at any one time, and not to exceed the nitrogen recommendations set forth below on an annual basis:

Table 6.8-3 Fertilizer Application Rates

Grass Species	Maximum N Application Rate (Lbs/1,000 sf ² /year)
Bahia	3
Bermuda	4
Centipede	2
St. Augustine	3
Zoysia	4

- (4) No phosphorus fertilizer shall be applied to existing turf and/or landscape Plants within the County at application rates which exceed 0.25 pounds phosphorus per 1,000 square feet per application nor exceed 0.50 pounds phosphorus per 1,000 square feet per year.
- (5) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in Section 6.8.14.C(1) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.

D. Timing of fertilizer application. No applicator shall apply fertilizers containing nitrogen and/or phosphorus when soils are saturated.

E. Fertilizer-free zones.

- (1) Fertilizer shall not be applied to turf or landscape plants within 30 feet of any pond, stream, watercourse, lake, canal or wetland. The use of macro-tab slow release fertilizer tablets for landscape plants which are installed within the plant pits during plant installation is allowed.
- (2) Fertilizer shall not be applied to turf grass within the following areas:
 - (a) Seventy-five feet of the WBSL of any spring, pond, stream, watercourse, lake, wetland or sinkhole or other karst feature that has an opening at the surface.

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- (b) Fifteen feet from the top of the bank of any drainage retention area, canal, or from the top of a seawall, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge, is used, in which case a minimum of 3 feet shall be maintained.
 - (3) In the event an area is included in one or more of the areas described in Section 6.8.14.E(2) above, the more restrictive provision (i.e., the larger distance) shall apply.
 - (4) Newly planted turf and/or landscape plants may be fertilized in this zone only for a 60-day period beginning 30 days after planting if need to allow the plants to become well established. Caution shall be used to prevent the direct deposit of nutrients into the water.
- F. Low maintenance zones. A 10-foot low maintenance zone is required from any pond, stream, water course, lake, wetland, or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent County regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material shall be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone.
- G. Impervious surfaces. Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands. Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.
- H. Management of grass clippings and vegetative matter. In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, piled or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.
- I. Training for fertilizer applicators.
- (1) Commercial applicators of fertilizer within the unincorporated area of Marion County, shall maintain current Limited Urban Commercial Fertilizer Applicator Certification through the Florida Department of Agriculture and Consumer Services by January 1, 2014, per § 482.1562 FS.
 - (2) Any other person whose duties include the application of fertilizer not required to maintain certification in Section 6.8.14.I(1) above, shall obtain a GI-BMP Certificate of Completion within six months of assuming such duties.
 - (3) Private homeowners are required to follow the recommendations of the Florida Yards and Neighborhoods Handbook by FDEP and UF/IFAS, as amended except to the extent this Code provides more stringent requirements.
- J. Enforcement.
- (1) In addition to county code enforcement officers, the County Administrator may also delegate enforcement responsibility for this section to agencies and departments of Marion County government, in accordance with state and local law.
 - (2) Funds generated by penalties imposed under this section shall be used by the County for the administration and enforcement of § 403.9337 FS, and the corresponding sections of this Code, and to further water conservation and nonpoint pollution prevention activities.

K. Penalties.

- (1) Violation of any provision of this section shall be subject to the following penalties:
 - (a) First violation: Written Notification and Education.
 - (b) Second violation: Written Notification and Education.
 - (c) Third violation: Fifty dollars (\$50.00).
 - (d) Fourth and subsequent violation(s): One Hundred dollars (\$100.00).
- (2) Each day in violation of this section within a 365-day period, beginning the date of the first violation, shall constitute a separate offense. The Board may take any other appropriate legal action, including but not limited to emergency injunctive action, to enforce the provisions of this section.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.15. Landscape installation and maintenance licensing and certification.

- A. Landscape installation professionals performing work for hire within the unincorporated areas of Marion County shall be landscape contractors licensed by the Marion County Building Department, unless otherwise licensed by the State of Florida.
 - (1) Unless subject by Florida Statutes to certain continuing education requirements, contractors licensed under this section are required to complete a minimum of eight Professional Development Hours or Continuing Education Units in Florida Friendly Landscaping Practices from a continuing education organization approved by the County before each succeeding license renewal or bi-annually, whichever is shortest. Compliance with this requirement will be confirmed at the time of license renewal, or by an approved audit procedure.
 - (2) A list of required and approved courses or certifications for Section 6.8.15.A(1) above will be maintained by the Marion County Licensing Board.
 - (3) A course or certification may be added to or withdrawn from the approved list using an approved petition procedure.
- B. Landscape maintenance professionals performing work for hire within the unincorporated areas of Marion County shall possess current GI-BMP Certificate of Completion.
- C. Any person providing services for hire regarding any aspect of landscape maintenance that includes the application of fertilizer or pesticide shall meet the applicable state and County licensing and certification requirements included herein.

(Ord. No. 13-20, § 2, 7-11-2013)



Marion County Board of County Commissioners

Office of the County Attorney

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Ocala, FL 34471
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Business Impact Estimate

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 6, TECHNICAL STANDARDS AND REQUIREMENTS, DIVISION 8, LANDSCAPING

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **10th day of April 2026**: (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare): **The proposed ordinance amends the Land Development Code to update and clarify requirements applicable to new residential developments, including revisions to land use buffer classifications and buffer maintenance standards. The ordinance refines buffer categories to better reflect adjacent land use compatibility, establishes clearer design and installation requirements, and specifies ongoing maintenance responsibilities to ensure buffers remain effective over time. These updates provide consistent, predictable standards for development review and long-term compliance, while improving the functional and visual performance of required buffers. The ordinance serves the public health, safety, morals, and general welfare by promoting compatibility between differing land uses, reducing potential conflicts, and protecting residents from noise, visual impacts, and other nuisances. Clearly defined and properly maintained buffers enhance neighborhood character, contribute to environmental quality, and support community aesthetics. By establishing uniform requirements for installation and maintenance, the ordinance improves safety, ensures long-term effectiveness of buffer areas, and balances orderly growth with the protection of existing neighborhoods and the overall welfare of the community**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible;
(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
This ordinance does not have a clear, direct economic impact

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Unknown at this time**

4. Additional information the governing body deems useful (if any): **Proposed changes include updates requirements for new residential developments, land use buffer classifications, and buffer maintenance.**