

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

March 25, 2025

CALL TO ORDER:

The Marion County Board of County Commissioners met in a special session in Commission Chambers at 9:01 a.m. on Tuesday, March 25, 2025 at the Marion County Governmental Complex located in Ocala, Florida.

INTRODUCTION OF PUBLIC HEARING BY CHAIRMAN KATHY BRYANT

Chairman Bryant advised that the public hearing was scheduled this morning to consider amendments to the Marion County Land Development Code (LDC).

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

PROOF OF PUBLICATION

Deputy Clerk Windberg presented Proof of Publication of legal ad No. 11099834 entitled, "Notice of Public Hearing" published in the Star Banner newspaper on March 14, 2025. The Notice states the Board will consider the proposed amendment to the Marion County Land Development Code (LDC), related to Article 4, Division 2, Section 4.2.11 Multiple Family Dwelling (R-3) Classification.

The Deputy Clerk was in receipt of a 20 page Agenda Packet to follow along with the PowerPoint presentation.

STAFF PRESENTATION

1. PUBLIC HEARING to Consider the Land Development Code Amendments Related to Section 4.2.11 Multiple Family Dwelling (R-3) Classification

Growth Services Deputy Director Ken Weyrauch presented the following recommendation:

Description/Background: Staff has attached the proposed language to update LDC Section 4.2.11 Multiple Family Dwelling (R-3) Classification to improve separation requirements. Following several workshops, the proposed changes were considered by the Land Development Regulation Commission (LDRC) in a public hearing held on March 5, 2025. LDRC recommended approval of the Multiple Family Dwelling, Section 4.2.11.

This is the first of two (2) public hearings with the Board of County Commissioners. The second public hearing is scheduled for April 8, 2025 at 6:00 p.m.

Budget/Impact: None.

Recommended Action: No action required at this time, receive public comment.

The second Public Hearing will be held on Tuesday, April 8, 2025 at 6:00 pm.

Growth Services Deputy Director Ken Weyrauch advised that this is the first of two public hearings for the proposed LDC change for Section 4.2.11 Multiple Family Dwelling (R-3) Classification to improve buffers and separation requirements. He stated staff had not previously advertised amending Article 4, so staff had to bring it back through the process to do it properly. The proposed changes take the similar separation and height restrictions from the Plan Unit Development (PUD) requirements and were adjusted for the R-3 zoning classification. It clarifies that if R-3 uses are provided within 100 feet (ft) of the boundary adjacent to single family zoning or zoning that permits only single family residential uses, then it cannot be more than twice the height of the adjacent structure. Mr. Weyrauch advised that the Land Development Regulation Committee (LDRC) recommended putting in language as follows: "the minimum height limitation shall not be less than 30 ft" so that new development could at least go to 30 ft in case the adjacent property has a smaller single family residential unit.

Mr. Weyrauch provided a brief update on the overall buffer rewrite, noting he, Growth Services Director Chuck Varadin, and Parks and Recreation Director Jim Couillard met with the consultant yesterday and talked about the buffering process and it appears that the rewrites are trying to provide more options. He noted staff are hoping to have those going through the LDRC process very soon, probably within the next month.

In response to Chairman Bryant, Mr. Weyrauch clarified that in regard to the R-3 height restrictions, the proposed Ordinance would restrict the new development to be no more than twice the height of the abutting single family residential. He clarified that the units being restricted can be 30 ft in height or no more than twice the height from the ground to the top of the roof.

In response to Commissioner Zalak, Mr. Weyrauch stated it would be difficult to build a 3 story apartment complex and meet the 30 ft height requirement. He stated the setback from multi-family to single-family would be 100 ft if the Board chooses to go with a height of 40 ft for the new development. Mr. Weyrauch noted the proposed language is now requiring a type "D" buffer for multi-family to single family with a 20 ft width and a 6 foot opaque/concrete wall, as well as shade trees and understory trees.

Commissioner Zalak suggested using the number of stories as a reference point for restrictions.

General discussion ensued relating to height requirements.

PUBLIC COMMENT

Chairman Bryant opened the floor to public comment.

David Tillman, Tillman & Associates Engineering, LLC, SE 41st Place, stated he is the Chairman of the LDRC. He advised that what the LDRC was contemplating is that there is a potential that somebody picked an odd architectural style with an 8 foot ceiling and a flat roof, which equates to a house with a height of 9 ft, so it would not make sense to restrict the next door property to an 18 ft height restriction. Mr. Tillman advised that there needed to be a minimum restriction and although 30 ft may not be perfect, it offered the developer the opportunity to do 10 ft or 12 ft ceilings in a building, as well as a very steep 12 pitch roof that potentially puts them into that 26 ft to 28 ft height range. He expressed concern with placing strict height limitations in the Code, which could take away the rights of the adjacent property owner.

General discussion ensued.

Commissioner Zalak commented on concerns the BCC has heard from citizens as it relates to constructing 3 and 4 story apartment complexes next to residential homes.

General discussion resumed.

Commissioner Curry commented on noise concerns and possible shading of neighbors when you build up over neighboring lots.

Mr. Tillman opined that with the 100 ft separation criteria, there should be no shading issues.

Chairman Bryant advised that with multi-family (R-3) designations there are very few single family residential units being constructed, noting generally someone will take advantage of the fact that they can have more than 1 unit on that property.

General discussion resumed.

County Attorney Minter advised that when adopting an Ordinance, the BCC is dealing with Legislation, noting the Courts afford a much broader discretion to local governments in adopting Legislative Acts than they do for quasi-judicial matters like rezonings. However, there are still limitations on that. He stated one of the limitations is that the Legislation has to be fairly debatable in that reasonable people could disagree on it. Another one is from a substantive due process analysis; the BCC cannot enact Ordinances that are arbitrary and capricious. Mr. Minter opined that Mr. Tillman's comment about whether the Board focuses on shade issues and it can be demonstrated that it is restricting this type of development because it would have too much shade, but the adjacent, different kind of development would have the same amount of shade, the Court might view that as an arbitrary regulation.

Chairman Bryant advised that public comment is now closed.

In response to Commissioner Zalak, Mr. Weyrauch stated if an R-3 zoned property is developed first (no adjacent residential units) then the maximum height is 40 ft and their setbacks would be 25 ft in the front, 25 ft in the rear, and 8 ft on the sides. He provided a brief overview of the various buffering requirements for R-3 zoned properties next to other zoned properties (Agriculture, Residential, Commercial, etc.).

Chairman Bryant requested staff provide the Board with charts reflecting all setback and buffering requirements for each zoning classification prior to the next public hearing.

In response to Commissioner Stone, Mr. Weyrauch stated staff will also bring back proposed language that addressed the height restrictions based on the number of stories allowed versus utilizing feet requirements.

Chairman Bryant advised that the 2nd public hearing on this matter will be held on Tuesday, April 8, 2025 at 6:00 p.m. in these Commission chambers.

2. PUBLIC HEARING to Consider the Land Development Code Amendments Related to Article 1 Administration, Division 2 - Definitions and New Section 4.3.28 Limitations on Ownership and Possession of Dogs and Cats

PROOF OF PUBLICATION

Deputy Clerk Windberg presented Proof of Publication of legal ad No. 11099517 entitled, "Notice of Public Hearing" published in the Star Banner newspaper on March 14, 2025. The Notice states the Board will consider the proposed amendment to the Land Development Code (LDC) related to Article 1, Administration, Division 2 – Definitions, and Creating Article 4, Zoning, Division 3 – Special Requirements, Section 4.3.28 Limitations of Ownership and Possession of Dogs and Cats.

Chief Assistant County Attorney Dana Olesky presented the following recommendation:

March 25, 2025

Description/Background: Staff at the direction of the Board, proposed changes to the Land Development Code (LDC) to incorporate recent amendments to the Animal Control Ordinance as well as provide possible limitations on ownership and possession of dogs and cats in unincorporated Marion County. Following several workshops, the proposed amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held on March 5, 2025. LDRC recommended approval of the amendments to Article 1 Administration, Division 2-Definitions with the inclusion of definitions for Animal Related Business, Animal Related Organization, Commercial Breeder, High-Volume Owner, and Kennel (referenced as Attachment 1). Additionally, the LDRC considered staff's proposal of creation of a new section regarding limitations on ownership and possession of dogs and cats (referenced as Attachment 2), however, LDRC recommended denial of the creation of the new section in light of the approved definitions.

The proposed Ordinance is attached, including an underline/strike through version of the proposed code and a clean version of the proposed code.

This is the first of two (2) public hearings with the Board of County Commissioners. The second public hearing is scheduled for April 8, 2025 at 6:00 p.m.

Budget/Impact: None.

Recommended Action: No action required at this time, receive public comment.

The second Public Hearing will be held on Tuesday, April 8, 2025 at 6:00 pm.

Chief Assistant County Attorney Dana Olesky advised that this public hearing is in reference to Board consideration of the LDC Amendments relating to Article 1, Administration, Division 2 – Definitions, as well as the creation of a new - Section 4.3.28 Limitations of Owners of Dogs and Cats. Over the past year, staff have been going through significant revisions to Marion County's Animal Ordinance. While in the midst of doing those revisions, staff had an application for a cat sanctuary through a Special Use Permit (SUP) for a kennel. During that public hearing and subsequent public comment, staff realized there were some gaps in the regulations when it dealt with large animal rescues, commercial breeding operations, or individuals such as the sanctuary that was before the Board that needed to be addressed both in the LDC and through animal control. On February 5, 2025 the Board adopted the new animal control regulations that revised some definitions with relations to rescues and breeders, as well as what was previously known as a large kennel, which was individuals that had more than 15 dogs or cats in aggregate, which was redefined as a high volume owner. It also clarified and revised some of the requirements for individuals to obtain what was formerly known as a kennel license, now an animal permit. For instance, it allowed the Animal Services Director to approve the applications, amend the applications, or deny the applications. She advised that it also required some additional information regarding prior convictions with regards to animal cruelty and some other standards of care that were adopted if you were a breeder, a groomer, or even a rescue. Ms. Olesky stated part of the direction from the Board was to look at ways to regulate individuals who met those definitions in the LDC, noting for years there was some confusion regarding animal permits, SUPs and what a kennel was. So, it was cleaning that up and taking the definitions as adopted in the Animal Ordinance and carrying those over into the LDC, making it very clear what organizations, businesses or individuals needed animal permits, and then in the LDC, when that person triggered the need for a SUP. She noted there was some discussion during those public hearings regarding limitations on how many animals someone could have on a parcel. Ms. Olesky advised that during this process there was language

proposed, 3 workshops with the LDRC, and a lot of public comment. She stated from that public comment, staff realized what it was really trying to accomplish. The Animal Control Ordinance deals with the welfare of the animals and the LDC deals with what a person can do with their property and making sure they are a good neighbor and not being a nuisance to the neighborhood. She advised that staff really looked at just incorporating those 4 relevant definitions into the LDC and having those definitions now meeting the definition of a kennel, noting LDC already states as a kennel, you need a SUP in every category with the exception of B-4 and above where a kennel, by right, is allowed. Ms. Olesky stated the definitions that the BCC has before them are: 1) animal related business, which are boarders, groomers, etc.; 2) animal related organizations, which are the 501(c)(3); 3) commercial breeder; and 4) high-volume owners (more than 15 dogs or cats in aggregate).

The proposed language also amends the kennel definition to clarify that the kennel includes an animal related business, an animal related organization, and a commercial breeder. She clarified that even if the Board did not adopt any changes to that kennel definition, if the entity meets the criteria of those definitions, you already need a SUP. It would also add that if you are a high volume owner with more than 30 animals in aggregate you need a SUP. Ms. Olesky stated in response to these proposed changes, the LDRC reviewed the amendments and recommended approval of the new definitions, but did not recommend approval of the limitations section of the Ordinance. She advised that these changes are designed to coordinate with the Animal Control Ordinance already adopted by the Board, which introduced new standards of care and requirements for animal permits based on the number of animals owned.

In response to Chairman Bryant, Ms. Olesky stated the requirements also apply to agricultural related properties, but does not include livestock, only cats and dogs.

Ms. Olesky stated the application process now requires that the animal owners have to have proof of rabies vaccinations for all animals, as well as County licensure, a written emergency plan to say what would happen in the case of natural disaster, death, or incapacitation. The County needs to know what that plan is and how the owner plans on disposing of those animals. The applicant also has to have proof of a current working relationship with a veterinarian. There has to be a Certificate of Inspection that now includes some standards of care in the Ordinance that Animal Control would be specifically looking for based on the type of operation that is being applied for. It also states the applicant cannot have been convicted of cruelty to animals, have any outstanding animal citations, etc.

In response to Chairman Bryant, Ms. Olesky advised that currently, the way that the license or the kennel fees are set up is it would cost \$100.00 for the application fee, and then there are semiannual inspection fees based on the number of animals you have. For example, if you are at 15 animals, there would be a \$45.00 semiannual inspection fee, so \$90.00 annually and then if there is a need to do a reinspection of the kennel, it's another \$50.00.

General discussion ensued.

LDRC Chairman David Tillman, SE 41st Place, stated the LDRC meeting relating to this matter had the largest public attendance he had ever seen. He advised that there was a lot of good public comment regarding this matter that the LDRC took into consideration, although there were some that were outside of the LDRC purview. Mr. Tillman commented on the difficulty of putting numbers into the costs associated with the application process, licensing, etc. He commented on 501(c)(3) organizations that have

March 25, 2025

shelters in place and taking in animals that help take the burden off of the Marion County Animal Shelter and save taxpayer dollars.

PUBLIC COMMENT

Julie Karson, Avenue H, McIntosh, advised that she is fine with the number of animals allowed; however, expressed concern with the potential financial strain that licensing fees and special permits could impose on responsible breeders and show dog owners, particularly those on fixed incomes such as seniors.

Commissioner Curry out at 9:45 a.m.

Ms. Karson commented on the importance of considering the responsible nature of many pet owners, who may already face challenges such as covering veterinary expenses.

Commissioner Curry returned at 9:45 a.m.

Ms. Karson commented on the economic impact generated by dog shows, noting the World Equestrian Center (WEC) has an upcoming 3 day dog show.

Florence Sanstrom, NE 21st Avenue Road, opined that when setting limits on the number of animals allowed, the size of the dogs should be taken into context, as larger breeds require more space and resources than smaller ones. She provided an example of her own experience, noting that she owns 16 small Jack Russell's that require much less space than larger breeds like Great Danes. Ms. Sanstrom recommended that any Ordinance consider these differences in breed size and space requirements to ensure fair and sensible regulations for all dog owners.

Sue Harrison, SW 20th Court, advised that she has show dogs (German Shorthair Pointers), noting she has been a top competitor for over 50 years and has even won at the Westminster Kennel Club (WKC) Dog Show. She stated she cannot neuter her show dogs, or she will be eliminated from American Kennel Club (AKC) competition. Ms. Harrison expressed concern about how the proposed changes might inadvertently affect reputable breeders who strive for high-quality and well-tempered dogs. She expressed concern that imposing stringent regulations could drive people towards unregulated rescue operations where the background and health of animals are more uncertain.

Chairman Bryant requested Ms. Harrison setup an appointment to meet with her and Ms. Olesky prior to the next public hearing to discuss this matter further and to address any unintended consequences.

General discussion ensued.

In response to Commissioner Zalak, Ms. Olesky advised that with the information Ms. Harrison provided this morning, it would appear that she, for LDC purposes, would not fall into any of those categories, and she most certainly, because of the numbers of dogs that she has, would not trigger the need for a SUP.

General discussion resumed.

Jody Gray, E. Highway 316, Citra, advised that she is a high-volume breeder in Marion County, and her business (Butterball Kennel) was grandfathered in (Policy 120 Letter) by former Zoning Director Mike May. She expressed concern relating to the impact that substantial licensing fees would have on breeders who have been operating responsibly for years. Ms. Gray commented on her experience of managing her kennel, which she inherited from her mother, and the financial investments required to maintain a high-quality breeding program. She expressed concern that the increased financial burden might lead to less compliance and hinder the ability of breeders to sustain their operations effectively.

Chairman Bryant advised that public comment is now closed.

BOARD DISCUSSION:

Commissioner McClain expressed concern relating to the fee for the SUP, noting he would like to see the Board work on that a little bit.

Ms. Olesky clarified that the kennel animal permitting, licensing, and the high volume owner (previously under large kennel) licensing have been in place since 2019, noting the regulations that the BCC is putting in the LDC are not increasing any regulations that the Animal Services Department is going to be in charge of. The only new regulation that this language change is creating is for a high volume owner who has more than 30 personal pets. She advised that under the current kennel definition, when you have 4 or more dogs or cats that you are breeding, boarding, raising, or grooming for compensation or income, you need a SUP. Ms. Olesky advised that currently, if a person owns more than 15 dogs or cats, they needed a large kennel license, and that has been in the Animal Ordinance since 2019. So, at 16 animals, it will trigger the need for the animal permit, formerly known as a kennel license. She clarified that under the new Ordinance staff just changed the definition from a large kennel to a high volume owner. Ms. Olesky stated if someone owns more than 15 animals in aggregate it will trigger the need for Animal Services to perform an inspection.

In response to Commissioner Zalak, Mr. Minter advised that if the Board could articulate a public purpose rationale to distinguish why it is reducing the Special Permit application fees for animals as opposed to all the other SUP applications, then it could be done.

Commissioner McClain suggested lowering the SUP application fee for a specific amount of time (i.e., one year) to help the animal owners to get in compliance with the LDC.

General discussion ensued in regard to SUP fees.

Commissioner Zalak stated it costs the County a lot of money to run the advertisements, staff time, etc. for every SUP application. He advised that when someone has over 30 animals of any sort and they go out of business or if something unexpected happens, that is when Animal Services has to step in, and it puts a huge strain on the general taxpayers. Ms. Olesky requested clarification that there is a consensus from the Board to not bring back the recommendation for the newly created Special Requirements, Section 4.3.28 Limitations of Owners of Dogs and Cats. Chairman Bryant stated there is consensus from the Board.

Ms. Olesky stated she will work with staff and bring back more information at the next public hearing in April, 2025.

NEW BUSINESS: County Attorney Minter presented a 6 page electronic mail (email) from the law firm of Nabors Giblin & Nickerson (NGN). He advised that under County Code, the County Attorney's Office can negotiate with an outside counsel for particular matters: however, in this instance he is requesting Board authorization to engage the services of outside counsel. Mr. Minter stated he would like to recommend engaging the services of Heather Encinosa, NGN, to assist staff with the development of the Transportation Impact Fee (TIF) update and the Fire Impact Fee assessment to ensure the County has legally sustainable Ordinances. He advised that Ms. Encinosa has a good working relationship with Nilgun Kamp, Benesch Consulting, who is the County's Impact Fee Consultant, noting she recently was involved in developing Fire Impact Fees for Osceola County. In response to Commissioner Zalak, Mr. Minter stated Ms. Encinosa's services will help to ensure the County has legally sustainable Ordinances.

March 25, 2025

It was the general consensus to direct the County Attorney to engage the services of Ms. Encinosa relating to assisting staff with the development of the TIF update and the Fire Impact Fee assessment.

NEW BUSINESS: Chairman Bryant advised that she reached out to Mr. Minter this morning regarding Senate Bill (SB) 482, which has new language being proposed relating to “Extraordinary Circumstances” for Impact Fee calculations.

Mr. Minter stated the language that Chairman Bryant sent him appears to be consistent with the SB 1118 regarding the definition of Extraordinary Circumstances. He stated the definition would relate to population, both estimates and projections, from the University of Florida (UF) Bureau of Economic and Business Research (BEBR). The SB contains language relating to population estimates that exceed 1.25% times the highest level of BEBR projections for the immediate period preceding the adoption of the Bill. Mr. Minter clarified that BEBR states in its introduction that it utilizes low, medium and high series of predictions and recommends using the medium series for most purposes because this has historically provided the most accurate forecast. He noted the formula in this Bill is asking Counties to use the high level, which is not what BEBR recommends. Mr. Minter advised that calculations based on BEBR estimates from April 1, 2023 for Marion County was 403,966 and their 2020 projection (as opposed to estimates) at the high level was 380,300. For the year 2025 their high projection is 416,900. He advised that if the 416,900 is multiplied by 1.25 it would be 521,125, which would not meet the threshold required by the Bill.

Chairman Bryant expressed concern that the proposed bill would tie the hands of future Boards when it comes to the ability to utilize “Extraordinary Circumstances”. She requested Board consensus to send a Letter regarding the importance of being allowed to utilize Extraordinary Circumstances, especially as it relates to impact fees.

Mr. Minter commented on circumstances that the prior Amendment gave relating to the criteria for the Extraordinary Circumstances and how it does not treat every County equally, noting Marion County is at only one-tenth of the impact fees that other Counties have imposed for transportation needs.

General discussion ensued.

She requested Board consensus to send a Letter regarding this matter, as well as the importance of protecting Home Rule.

Commissioner Zalak commented on SB 482 and advised that Polk County, the fastest growing community in the state of Florida, does not even meet this particular criteria. So, hopefully, the Legislature will look at some different mathematics. He requested the Letter contain a reasonable proposal for the Legislature’s review and consideration.

General discussion resumed.

Mr. Minter opined that it comes back to the whole idea of the discretion of a legislative body to make a determination as to what is in the public interest for their community, and as long as the determination made is not arbitrary and capricious, then a Court will review that and decide. He noted because a Court is not a super Legislative body it does not have to give account to the voters of setting the budget for Marion County.

General discussion resumed.

Commissioner Curry out at 10:38 a.m.

Mr. Minter opined that the SB should have provisions (guardrails) that make differentiation from one County to another that are in different circumstances.

Commissioner Stone questioned the possibility of doing away with TIFs in order to circumvent the proposed process, noting the County could come back in and then set them where they need to be. She clarified that instead of declaring an Extraordinary Circumstance, the County could just do away with TIFs, and then bring them back after a certain period of time and set them where they need to be.

Commissioner Curry returned at 10:40 a.m.

Commissioner McClain expressed concern with Counties in the State that were always trying to find some loophole and circumvent everything, and opined that if they would not keep doing this, other Counties would not have to be coming back here each year to keep writing a letter. He advised that when the impact fees were first put in place and this whole discussion was happening about how Counties could increase these impact fees over time, they ended up coming down to some kind of agreement that put in this Extraordinary Circumstance loophole and Counties have been exploiting it. Commissioner McClain expressed concern with not knowing the effect that these things have when Counties are pulling millions and millions of dollars out of the economy due to the fact that it takes 5, 10 or 20 years to build roads. He advised that there are things that have to be considered when talking about impact fees, noting it is not just about funding local government.

Chairman Bryant disagreed and stated although it might take a new project 5 to 6 years to begin with, the County has ongoing projects, and those impact fees are part of the fuel for that engine as the projects continue moving forward.

General discussion ensued.

Commissioner McClain suggested the BCC work through its Legislative Manager and lobbyists that it has on retainer and actually work through the process that way rather than just sending a letter.

General discussion resumed.

Commissioner Stone commented on the importance of telling Marion County's story and what it has been able to accomplish over the years of being a conservative decision making body.

Legislative Manager Matthew Cretul presented a 7 page handout entitled, "lobbytools", and provided a brief overview of upcoming Bills that may have an effect on Marion County. He commented on SB 0810 "Stormwater Management Systems", which would require each political subdivision to perform annual inspections (by a specified date), for each of the known works under its normal and customary control. Mr. Cretul noted that County Engineer Steven Cohoon is aware of the proposed Bill and is tracking its progress.

Mr. Cretul addressed HB 0105 "Pari-mutual Wagering" and SB 0408 "Thoroughbred Permitholders", noting SB 0408 has moved through the House, but has not been moved in the Senate.

Mr. Cretul commented on SB 1202 "Benefits for Firefighters Injured During Training Exercises", noting the language was proposed by Marion County. He advised that he recently received correspondence from Fire Chief James Banta relaying that the Chief has been in contact with Alachua County Fire Chief and they would like to setup a call with District 20 Representative Judson Sapp to discuss potential amendments to ensure official training exercises are specified even fuller so there are no "gray" areas in the proposed language.

Mr. Cretul commented on SB 1118 "Land Use Development Regulations", which has previously been discussed by the Board, as well as HB 0665 "Local Governmental Impact Fees and Development Permits and Orders".

March 25, 2025

In response to Commissioner Zalak, Mr. Cretul stated SB 0784 "Platting" had been moving forward through the process.

Mr. Cretul advised that SB 1822 "Regulation of Auxiliary Containers" would preempt the County's ability to restrict the types of containers that anyone can have on the Rainbow River and preempts the County's control to define what auxiliary single use containers are, noting he has spoken to Parks and Recreation Director Jim Couillard who will also be following this.

Mr. Cretul addressed SB 0184 "Affordable Housing", noting the language really focuses on accessory dwelling units. The language looks at adding manufactured homes and tiny homes. He stated some of the language in that Bill stipulates that those units cannot be rented for less than a month to keep that Airbnb status. There is a minimum month that you would have to rent that. Mr. Cretul commented on adding those accessory dwelling units without having to expand the parking space. He noted Growth Services is definitely aware of this Bill.

Commissioner Stone opined that this Bill could be an issue, noting although it opens up additional affordable housing, it does take away what the neighborhood is going to look like. She clarified that it would allow for someone to place a modular or tiny home on a R-1 (Residential) zoned property and rent it out, which will change the complexion of communities. Commissioner Stone noted this Bill would not apply to gated communities. Mr. Cretul stated he would provide Commissioners with a copy of the Bill in its entirety. General discussion ensued.

Mr. Cretul read part of the Bill as follows: "A local government shall adopt an Ordinance to allow accessory dwelling units without any corresponding increase in parking requirements in any area zoned for single family residential use. Such Ordinances may not require that the owner of a parcel on which an accessory dwelling unit is constructed resides on such parcel and does not apply to a planned unit development (PUD) or a master planned community as those terms are defined in the Florida Statutes (FS). An accessory dwelling unit may not be leased for a term of less than 1 month". He stated the Bill further states "The owner of a property with an accessory dwelling unit may not be denied a homestead exemption for those portions of the property on which the owner maintains a permanent residence solely on the basis of the property containing an accessory dwelling unit that is or may be rented to another person. However, if the accessory dwelling unit is rented to another person, the accessory dwelling unit must be assessed separately from the homestead property".

In response to Chairman Bryant, Mr. Cretul stated there are two companion Bills HB 0247 and HB 0943.

General discussion resumed.

Mr. Cretul addressed HB 0432 "The Power of County Commissioners to Levy Special Assessments", noting he has spoken with Municipal Services Director Chad Wicker who is tracking the Bill.

Mr. Cretul commented on HB 0695 "Private Provider Building Inspection Services", which would allow the private providers to come in and offer building inspections and issue permits. Building Director Michael Savage is aware of this Bill.

Mr. Cretul stated the final Bill on the list is HB 357, which is "Property Tax Exemptions", noting neither this Bill nor SB 1554 has had any movement through the Legislative process.

In response to Commissioner Curry, Mr. Cretul stated HB 357 states "This Section and the amendments to Section 3 of Article 7 creating a \$100,000.00 exemption from the assessed value of real property for all levy shall take effect on January 1, 2027.

Commissioner Stone requested Mr. Cretul research this matter to determine whether this language is a consolidation of all of the current exemptions into the \$100,000.00.

Mr. Cretul noted the companion is SB 1016 "Increased Homestead Property Exemptions", noting this is proposing a Constitutional Amendment, so there would be the additional step of placing this on a ballot.

NEW BUSINESS: Commissioner Curry presented a 2 page handout entitled, "Florida Regional Planning Councils: SB 1264 & HB 1125 Fact Sheet", noting he and Mr. Cretul are current members of the East Central Florida Regional Planning Council (ECFRPC) representing Marion County. He noted there are a total of 10 Regional Planning Councils. Commissioner Curry commented on some of the services provided by those Planning Councils, including Emergency Preparedness (RPCs work closely with first responders and State Emergency Management staff to ensure that communities are prepared for hurricanes and other natural disasters, as well as provide first responder training for large scale medical emergencies, hazardous materials emergencies, and urban search and rescue throughout the State). Commissioner Curry advised that ECFRPC would be asking for Marion County to execute an Interlocal Agreement (ILA), noting RPCs are funded by member Counties, Cities, federal grants, and specific State contracts for services. RPCs do not receive general appropriation dollars and are not staffed by State personnel. He advised that there is proposed language to portions of SB 1264 and House Bill (HB) 1125 that would remove all references to Florida's 10 RPC) from FS.

County Administrator Mounir Bouyounes advised that staff is preparing a draft ILA that would be coming back to the BCC at its next regularly scheduled BCC meeting, noting the Planning Council would like to hear back from the County by April 1, 2025. He stated he will be holding one-on-ones with each Commissioner. Mr. Bouyounes advised that currently every County has to participate and pay dues in those RPCs, noting what could happen at the State level may make that optional. He requested some feedback and direction from the Board, as to what Marion County's position would be in entering into an ILA or not.

Commissioner Zalak advised that he hopes Counties and Cities are given an option, noting he has always hated being mandated to be paying into this, noting he would be a no vote. He opined that the County does not receive a return for its buck and does not see the value in it. Commissioner Zalak stated he would rather be able to negotiate with each regional planning zone if they were actually doing something for Marion County. He clarified that he is not going to be in favor of just signing some blank check every year to keep them running.

Mr. Bouyounes stated he was told that Sumter County was not interested in an ILA at this point.

Commissioner Curry advised that he would bring back more information as it relates to the Return on Investment (ROI) for each County.

Mr. Cretul advised that those 2 Bills have not moved through Committee at this time.

Commissioner Stone requested more information on the Central Florida Metropolitan Planning Organization (CFMPO) and how it operates, noting she believes that the organization is a big duplication for RPCs.

March 25, 2025

Chairman Bryant requested staff review all of these types of organization to determine whether services are being duplicated.

CLOSING COMMENTS:

Chairman Bryant expressed her appreciation to fellow Board members for the great discussions. She thanked Commissioner Zalak for stepping in for her at the Rotary groundbreaking event after she twisted her ankle.

There being no further business to come before the Board, the meeting thereupon adjourned at 11:08 a.m.

Kathy Bryant, Chairman

Attest:

Gregory C. Harrell, Clerk