

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

May 18, 2026

CALL TO ORDER:

The Marion County Board of County Commissioners (BCC) met in a special session in Commission Chambers at 2:02 p.m. on Monday, May 18, 2026 at the Marion County Governmental Complex located in Ocala, Florida.

INTRODUCTION OF PUBLIC HEARING BY CHAIRMAN CARL ZALAK III

Chairman Zalak advised that the public hearing was scheduled this afternoon to discuss proposed Land Development Code (LDC) Amendments.

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 Carl Zalak, III, District 4; Vice-Chairman Matthew McClain, District 3; Commissioner Craig Curry, District 1; and Commissioner Kathy Bryant, District 2. Commissioner Michelle Stone, District 5, was absent due to a previous commitment. Also present were Chief Assistant County Attorney Dana Olesky, County Administrator Mounir Bouyounes, and Assistant County Administrator (ACA) Tracy Straub.

PROOF OF PUBLICATION

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

The first Proof of Publication is entitled, "Notice of Public Hearing by the Board of County Commissioners of Marion County, Florida to Consider a Land Development Code Amendment related to Article 1, Administration, Division 2, Definitions" published on the publicly accessible website Marionfl.org/LegalNotices on April 10, 2026. The Notice states the Board will consider an Ordinance amending the Marion County LDC relating to Article 1, Administration, Division 2, Definitions.

The second Proof of Publication is entitled, "Notice of Public Hearing by the Board of County Commissioners of Marion County, Florida to Consider a Land Development Code Amendment related to Article 6, Technical Standards and Requirements, Division 7 Tree Protection and Replacement" published on the publicly accessible website Marionfl.org/LegalNotices on April 10, 2026. The Notice states the Board will consider an Ordinance amending the Marion County LDC relating to Article 6, Technical Standards and Requirements, Division 7 Tree Protection and Replacement.

The third Proof of Publication is entitled, "Notice of Public Hearing by the Board of County Commissioners of Marion County, Florida to Consider a Land Development Code Amendment related to Article 6, Technical Standards and Requirements, Division 8 Landscaping" published on the publicly accessible website Marionfl.org/LegalNotices on April 10, 2026. The Notice states the Board will consider an Ordinance amending the Marion County LDC relating to Article 6, Technical Standards and Requirements, Division 8 Landscaping.

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The Deputy Clerk was in receipt of a 90 page Agenda Packet to follow along with the PowerPoint presentation.

STAFF PRESENTATION

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

The Board considered the following recommendation as presented by Parks and Recreation Director Jim Couillard:

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 previous 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 Board of County Commissioners conducted the first required public hearing on March 31, 2026, followed by the second and final required public hearing on April 22, 2026. The definitions were approved to move forward at that time. The Board also requested that an additional definition be added. During the April 22, 2026 public hearing, the Board continued the public hearing to a date certain of May 18, 2026. The new definition is being presented today for consideration.

Budget/Impact: None.

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

Parks and Recreation Director Jim Couillard stated this item is a new definition relating to a shade tree. He read the definition, noting where it is located in the Code.

Chairman Zalak opened the floor to public comment.

Matt Fabian, SW 43rd Place, requested the language relating to impervious surfaces be removed from this definition, noting a shade tree in a field is a shade tree.

Mr. Couillard advised that the language can be removed.

Mr. Fabian addressed the use of the word significant.

Mr. Couillard stated his recommendation is to remove the language after Section 6.8.10.

It was the general consensus of the Board to agree to removing the language.

Chairman Zalak advised that public comment is now closed.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Ordinance 26-20, approving staff's proposed language as amended. The motion was unanimously approved by the Board (4-0).

Ordinance 26-20 is entitled:

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.

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

The Board considered the following recommendation as presented by Parks and Recreation Director Couillard:

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 Board of County Commissioners conducted the first required public hearing on March 31, 2026, followed by the second and final required public hearing on April 22, 2026. During the April 22, 2026 public hearing, the Board continued the public hearing to a date certain of May 18, 2026. The language presented for today's consideration includes changes that the Board agreed to during the previous meetings.

Budget/Impact: None.

Recommended Action: Take public comment and motion to approve proposed language.

Parks and Recreation Director Couillard advised of updates and changes made to this section during the last public hearing, noting the changes have created some weakness and confusion especially relating to the shade tree credits. He stated as it pertains to landscaping, residential projects will have buffer trees, improved open space (IOS) trees and yard trees. Non-residential development will have buffer trees, parking lot trees, vehicle use area trees and shade trees. Mr. Couillard commented on challenges relating to determining which trees will receive the credits, noting they are given per project. He advised that for larger phased projects the credits can be given for a different phase but for individual small projects it goes awry.

Mr. Couillard referred to Section 6.7.2. Exceptions, where staff just added the paren 2 around the year, in the section where it says 2 years just for cleaning up process. He commented on the language in Item D. relating to the removal of trees in agriculturally zoned areas within the past 5 years prior to a land application, which shows evidence of the anticipation of clearing the land for development. Mr. Couillard stated the language was left off at the last workshop; however, it was included during the previous workshop and staff put it back in the Code.

In response to Chairman Zalak, Mr. Couillard provided an overview of changes to Section 6.7.2.C. relating to lands where either of the two exemptions in Sections 6.7.2.A and B enabled tree removal without a permit. He advised that no applications for any land use or zoning changes from rural to urban designations shall be accepted within 2 years. Mr. Couillard stated the language previously stipulated 1 year, staff recommended changing it to 5 years prior to agreeing with the LDRC and settling on 2 years. He provided an overview of the new language in 6.7.2.B. relating to bona fide agricultural use.

Section 6.7.2.D. states, "Any removal conducted under an agricultural exemption within five (5) years prior to an application for land use or zoning changes, or site plan approval, shall be presumed to have been conducted in anticipation of development. To rebut this

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presumption, the application must provide a sworn affidavit and evidence (e.g. 2 crop yields, livestock sales, or timber receipts) proving that the clearing was part of a continuous, bona fide agricultural operation. For any parcel where trees were removed under an agricultural exemption within the preceding five (5) years, the tree mitigation and replacement requirements shall be based on the canopy density and tree count shown in aerial photography from January 1, 2024.” Mr. Couillard advised that if individuals are clearing the property with the intent to develop, staff can pursue mitigation. Commissioner McClain questioned how the utilization for the aerial photograph works and if there is software being implemented to determine how many trees there are/were. Mr. Couillard stated the same thing is done with tree surveys if there is a dense lot of trees and an applicant is requesting a waiver from survey drawings, noting applicants are allowed to do a 1 acre sample within a wooded lot. He advised that most of the issues will be in relation to the highly wooded lots and the majority of those projects are well above 100 inches per acre. Mr. Couillard stated staff use their knowledge and skills to determine the level; however, they will default to 100 inches per acre as a starting point for tree mitigation.

In response to Chairman Zalak, Mr. Couillard advised that staff did remove the 100 inches per acre relating to replacement, noting there is now a tiered structure. He stated if there is a major area where all of a sudden you have aeriels dating to 2024 with one big tree in the middle, staff are going to be able to identify what is there. If it is one tree or a cluster of five trees, and they all made up that one canopy, chances are an individual will recover what they need.

Commissioner McClain questioned why staff are looking at the preceding 5 years rather than 2 years. Mr. Couillard stated the time frames are related to different matters. The first one in 6.7.2.C. prevents individuals from coming in for residential development, land use application, changing from zoning or land use for 2 years if they have cleared the trees. He advised that this would actually help the farmer be able to clear his land and keep his existing exemption. All he has to do is provide the documentation. Mr. Couillard stated this is for bad actors and those individuals that continuously do things illegally.

Commissioner McClain questioned whether both Items J and K are necessary. Mr. Couillard clarified that there is an ability in Florida Statutes (FS) where staff can tell individuals they are not able to remove trees on their personal property, but they are allowed to do so when those trees are deemed unsafe.

It was the general consensus of the Board to keep Item K and eliminate Item J.

In response to Chairman Zalak, Mr. Couillard advised that removal is regulated on Commercial property.

Mr. Couillard referred to Section 6.7.3.B., noting staff clarified standards.

Mr. Couillard addressed Section 6.7.3.(3) relating to critical root zones (CRZs), noting these items were brought before staff by Mr. Fabian. He stated staff met with Jim Bailey and reviewed his letter line by line. Mr. Couillard provided a brief overview of the changes to 6.7.3.(3)(a), including, “Hand-digging and construction under the direct supervision of a certified arborist is allowed.”

Chairman Zalak questioned if someone must be onsite while trenching or other activities are occurring in the CRZ. Mr. Couillard advised that is correct.

Mr. Couillard commented on Section 6.7.3.(4), noting the addition of language including a certified arborist.

General discussion ensued relating to CRZs.

Mr. Couillard addressed Section 6.7.3.(5), noting the following language was added, “as approved by a Certified Arborist or the County’s Landscape Architect prior to construction activities.”

In response to Commissioner Curry, Chairman Zalak advised that some of the tree credit will be so much, that there will not be as many trees as what there is today on some projects.

Mr. Couillard stated staff encourage individuals to leave trees along the edges and integrate them into the buffers; however, clearing around them is a very careful process. Mr. Couillard referred to Section 6.7.4. relating to the minimum requirements for shade trees, noting the amount of shade trees per square foot (sf) has been amended. Section 6.7.4.(D.) addresses shade tree credits. Mr. Couillard opined that this has become a reward more than an incentive for saving trees. He advised that preserved trees used for shade tree credits shall be subject to the approval of the County's Landscape Architect or designee and then be given at the rate below, referring to the table. Mr. Couillard stated staff requested input from the LDRC but received none. There was a sample from another consultant; however, it was for a major transportation/logistics center. The tree credits were not taken into consideration with their calculations. He advised that the tree mitigation does go up due to getting rid of the 100 inches per acre baseline.

Mr. Couillard referred to the spreadsheet as seen on the overhead screens noting the data is from a gas station located at NE 35th Street and NE 25th Avenue and provided an overview of the data based on the current Code. He stated the project boundary is 2.04 acres, multiplied by 100 inches per acre results in a required replacement of 204 inches. The applicant is preserving 4 trees with a total of 136 inches. The replacement (204 inches) less the trees preserved (136 inches) leaves 68 inches that is required to be replaced.

In response to Chairman Zalak, Mr. Couillard stated the diameter at breast height (DBH) is the entire amount of inches across the 2.04 acre parcel. He advised that the 550 DBH is divided by the 2.04 acres to get the average inches per acre, which is the density. Mr. Couillard stated out of the 550, minus the 204 inches that is required, the net loss is 346 inches. He commented on the 4 trees the applicant preserved totaling 136 DBH. The required replacement less the preserved trees leave a gross replacement of 68 inches divided by 3.5 (required size of replacement trees), which equals the number of replacement trees required. Mr. Couillard stated staff round up to the next whole number. Mr. Couillard referred to an example utilizing the proposed Code, noting in this example the size of regulated trees is 20 inches rather than 10.

In response to Chairman Zalak, Mr. Couillard advised that he was comfortable with the change prior to performing a few of these exercises on the spreadsheet.

Mr. Couillard referred to a spreadsheet based on the proposed Code showing there were 28 inches relating to trees between 20 inches and 29 inches, which are replaced at 75 percent (%) or 21 inches of replacement trees. The next tree on the spreadsheet is between 30 inches and 39 inches and there is only 1 tree for 30 inches of replacement based on the 1:1 requirement. Mr. Couillard stated there are 264 inches of specimen trees in this example, which must be replaced at 2:1, or 528 inches. The total replacement inches in this example are 579 inches/164 trees. He addressed tree preservation credits, noting trees between 10 and 19 inches still receive credit at 1:1; however, there are none on this project. Trees between 20 inches and 29 inches in the example total 52 inches and receive 3:1 credit or 156 credit inches. The credit for trees 30 inches to 25 inches (none in this example) is 4:1, trees 36 inches and over total 84 inches in this example at

8:1, or 672 inches, for a total of 828 credit inches or 236 trees, noting there are no preservation or replacement requirements for this project due to the credit.

Mr. Couillard referred to the spreadsheet and addressed shade tree credits. He provided a breakdown of credits relating to tree size. Trees between 10 inches and 19 inches receive 1 credit; trees 20 inches to 29 inches receive 2 credits; trees between 30 inches and 35 inches receive 3 credits; trees between 36 inches and 47 inches receive 5 credits; and trees 48 inches and larger receive 6 credits. This applicant has 2 trees between 30 inches and 29 inches (2 credits per tree) for 4 total credits; and they have 2 trees between 36 inches and 47 inches (5 credits each) for 10 credits. The total shade tree credits for this project equals 14. Mr. Couillard advised that this site is just over 2 acres and the applicant still has to put in a buffer, parking lot and meet open space requirements. He stated the tree preservation credits are giving applicants more credits than there are existing inches.

In response to Chairman Zalak, Mr. Couillard advised that for residential properties/developments, the County would give applicants credits towards their required shade tree installation. He questioned where the Board will give those credits (buffer, yard trees or IOS).

Commissioner Bryant questioned what is being done in other communities. Mr. Couillard stated other communities do not incentivize by giving away tree credits, it is done through mitigation.

In response to Commissioner Bryant, Chairman Zalak advised that the County is trying to make it valuable enough to save the tree, noting the related expense.

Mr. Couillard opined that the long-term value exceeds the cost to save the tree.

Chairman Zalak disagreed. He questioned how to incentivize individuals to stop clear cutting sites.

Mr. Couillard commented on trees around the edge of a property, noting applicants do not really have to work around them, they just offset in and work from there. It is part of their buffer.

Mr. Couillard provided another scenario with 8 existing trees. This applicant would have to replace up to the 61.85 ratio. He stated there are no 100 inches per acre, noting that is only used if the ratio exceeds that prior to clearing. This scenario uses the tiered method. Under the proposed credit format, the applicant will receive credits for tree preservation. Mr. Couillard advised that this applicant has 5 trees greater than 48 inches (6 credits per tree); 2 between 36 inches and 47 inches (5 credits per tree); and 1 between 30 inches and 35 inches (3 credits per tree). He stated the applicant will receive 43 shade tree credits under the proposed Code and 16 shade tree credits under the current code (8 trees with canopy greater than 30' radius).

Mr. Couillard addressed another scenario relating to residential development.

Project Assistant Susan Heyen, Parks and Recreation, advised that for residential projects, the area containing the residential lots is removed from the overall acreage and tree mitigation is based on what is left over. She stated in this case it was 21.54 acres out of the total 55.95 acres that is multiplied by 100 inches per acre, equaling 2,154. This model utilized the 100 inches per acre rather than the tiered method. Ms. Heyen advised that there were 1,206 inches of trees preserved, leaving the overall required replacement at 948 inches, or 270 trees at 3.5 inches each based on the current Code. She stated under the proposed Code, using the tiered method there are 1,282 replacement inches or 363 trees. Ms. Heyen referred to the table showing a breakdown of tree preservation

credits, noting this applicant would receive credits rather than being required to save any trees.

In response to Chairman Zalak, Ms. Heyen advised that the applicant was able to save over 1,000 trees due to them being small and located in the buffers around the edge of the 55.95 acre site.

Mr. Couillard stated this exercise shows the disparity relating to the different types of projects and sizes and how they are impacted by these 2 incentives. He advised that more work is needed on replacement criteria, shade tree credits and possibly where the shade tree credits will be used.

Commissioner Bryant opined that staff need to have conversations in communities where everything is not being cut down to determine what their Code says, what they are doing and how it is being done. She stated staff should perform the research and then sit back down with the LDRC.

Chairman Zalak advised that staff need to ensure that the incentives are valuable to keep the trees worth saving and then find a way to make sure it is not valuable enough for individuals to clear cut lots.

In response to Chairman Zalak, Mr. Couillard commented on Section 6.7.8. protected tree replacement requirements, noting he wants to discuss this with LDRC.

Mr. Couillard presented a 1 page handout entitled, "Sec. 6.7.10. Tree mitigation fund", noting there was a modification presented to him this morning.

Commissioner Bryant out at 2:58 p.m.

Chairman Zalak opened the floor to public comment.

Robert Stepp, SW 111th Place Road, stated when considering how many inches of trees should or should not be on a particular site, it is important not to lose sight of the fact that these trees are going to hopefully mature to specimen trees. He commented on an applicant being required to have 14 to 15 trees on a 1 acre fast food restaurant site, noting the same standards identified in the Code for this newly revised section state only four to six mature live oak trees are viable on a 1 acre parcel. Mr. Stepp advised that these are certainly demonstrably more stringent Codes than existed before, noting he does not know how they would stand up to a Senate Bill (SB) 180 challenge.

David Tillman, Tillman and Associates Engineering, LLC, SE 16th Avenue, addressed Section 6.7.2.D. under exceptions, which he thought was removed but sees that it is back. He opined that it tramples on the right to farm.

Chairman Zalak stated that is not the case. He advised that individuals who can show a bona fide agriculture operation will not have a problem.

Mr. Couillard stated farmers keep this documentation all the time.

Mr. Tillman advised that he wants to ensure that if he clears trees and sells them, he will not have someone come back and require him to replant. He expressed concern relating to the use of aerial photographs to identify tree specimens.

Commissioner Bryant returned at 3:02 p.m.

Mr. Tillman referred to Section 6.7.3.B.(1) relating to the ANSI A300 (Part 5) construction management standards manual and opined that the language should be reviewed.

Mr. Tillman commented on the second example Mr. Couillard presented, noting it required the planting of 40 additional shade trees beyond parking lot of buffer trees. He opined that the shade tree requirements on top of all the other required trees, is excessive. Mr. Tillman stated once those trees mature they will be choking one another out.

John Rudniansyn, NE 3rd Street, expressed concern relating to the 5 year requirement under Section 6.7.2.D. He advised that he planted pine trees 25 to 30 years ago in

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commercially zoned properties. Under the Florida Right to Farm Act, he should be able to remove those trees without being penalized. Mr. Rudnianyn requested the language be addressed. He commented on the calculations Mr. Couillard performed. Mr. Rudnianyn requested the Board apply rules being established to the BCC property including the Property Appraiser's Office (PAO), identify the number of trees that would be on the site and see what it would do relating to parking requirements. He opined that it would impact them dramatically.

Matt Fabian, SW 43rd Place, questioned whether all of Division 7 will be coming back to the LDRC. Chairman Zalak stated that has yet to be determined.

Mr. Fabian advised that the example relating to residential property did not reference the 7 inches per lot that would be required under the new Code (3.5 inch tree in both the front and back yard).

Todd Rudnianyn, NE 3rd Street, commented on the 5 year requirement under Section 6.7.2.D, noting LDRC went from 5 years to 2 years on the bona fide agricultural use. He stated while the intent is to maintain trees, if you force someone to think 5 years ahead when they do not have a game plan, it creates an incentive for individuals to clear cut now and wait for the development to come. If the requirement is left at 2 years, individuals can work with the existing tree canopies to better incorporate preservation of specimen and regulated trees into the development. Mr. Rudnianyn advised that relating to the examples provided earlier, he looked at several self-storage facility developments that were done over the past years and often ended up with more preservation credits than what were needed on the parcel. He stated there are examples where the Code as proposed becomes very punitive, increasing the cost by up to 5 or 6 times and forcing developments that would have been fine under the current code to pay into the tree mitigation fund as much as several hundred thousand dollars. Mr. Rudnianyn advised that he will provide those examples to Mr. Couillard.

Commissioner Bryant questioned the cost per acre associated with clear cutting a piece of property. Mr. Rudnianyn stated he is unsure.

Harvey Vandeven, SE 12th Court, commented on the examples Mr. Couillard provided. He advised that if the Board ensures there are no credits given back for the required 2 trees per a lot, and do not allow the front buffer to be altered, then the credits are used when dealing with trees that are scattered through the lawn. Mr. Vandeven stated there is a townhouse project with approximately 10 specimen trees that are impossible to save; however, if two of them can be saved, then the requirement can be satisfied without a penalty of a couple hundred thousand dollars.

In response to Chairman Zalak, Mr. Vandeven advised that if credits are given away resulting in the loss of a buffer or yard trees, it defeats the goal, noting perhaps those items should not be eligible for the credits.

Chairman Zalak stated the goal is if individuals can save the big tree, they get the credit, helps both parties achieve their goal. He advised that if individuals get more credits, well, the Board will not give them to someone in their yard trees due to that still being a requirement.

Chairman Zalak advised that public comment is now closed.

(Ed. Note: The Deputy Clerk did not receive a copy of Mr. Bailey's letter.)

Chairman Zalak stated if a project hits the credit number the County still has the mandates relating to buffers and yard trees, noting possibly there can be mitigation of secondary open space zones if the credits work, otherwise everything else stays the same.

Mr. Couillard advised that staff have reiterated the Board's goal several times during this process (saving big trees, not clear cutting, keeping the buffer appearance good). He stated whatever the mechanism is to do that needs to be clear and simple. Mr. Couillard opined that staff should look at the shade tree credits and where they can be used, noting it is not stipulated in the Code.

Chairman Zalak directed staff to provide dates so the Board can continue this Item.

(Ed. Note: this Item was addressed again later in the meeting.)

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

The Board considered the following recommendation as presented by Parks and Recreation Director Couillard:

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 Board of County Commissioners conducted the first required public hearing on March 31, 2026, followed by a second and final required public hearing on April 22, 2026. During the April 22, 2026 public hearing, this item had not yet been heard, and the Board continued the public hearing to a date certain of May 18, 2026. The language presented for today's consideration includes changes that the Board agreed to during the previous meetings.

Budget/Impact: None.

Recommended Action: Take public comment and motion to approve the proposed language. Parks and Recreation Director Couillard addressed Division 7., tree protection and replacement.

Commissioner Bryant out at 3:19 p.m.

Mr. Couillard referred to Division 8, landscaping, noting Section 6.8.2.B.(1) was updated to say, "Florida Invasive Species Council Category".

Commissioner Bryant returned at 3:20 p.m.

Mr. Couillard referred to Section 6.8.4. relating to non-residential development, noting this is where the shade tree and replacement tree requirements are located.

Mr. Couillard commented on Section 6.8.5. new residential development, which includes the requirements for yard trees.

Chairman Zalak questioned whether saving 2 trees in the process of clearing a lot will meet the requirement. Mr. Couillard stated it would. He advised that in plans staff have seen that it is usually included in the applicant's IOS.

Mr. Couillard commented on Section 6.8.6.E., noting the deletion of much of the language relating to sharing buffers in commercial properties or mixed developments.

Chairman Zalak questioned if buffering exists on an adjoining property will it count for the new development/project's buffer. Mr. Couillard advised that is not typically allowed.

Mr. Couillard addressed Item K. relating to the requirement for buffers being sealed by registered landscape architects, noting this has been seen across the State. He stated there are more communities that are limiting what engineers can sign and seal. Mr.

Couillard advised that staff have done a lot of research and evaluated the Statutes Mr. Dinkins proposed be reviewed, noting when the work is incidental to the work they are doing, or if it is within an area they are proficient in, or within their professional expertise, the engineer can sign and seal. He stated Charlotte County, Volusia County, Pembroke Pines and Davie are already saying it is not just the buffering plans, but also the landscaping plans as a whole should be signed by a landscape architect due to their expertise. Mr. Couillard opined that if the Board wants to see high quality designed buffers it is important to allow the landscape architects to do that work.

Mr. Couillard commented on Section 6.8.6.J.(2) relating to buffer shrubs. He stated previously there was a plant size included in this language, now they are being specified appropriately so they reach the stipulated size.

Chairman Zalak stated he thought 6 feet was the size for the shrubs.

Mr. Couillard clarified that this is within buffers, noting one of the buffer problems that the County has is that all shrubs that were specified were going to be 15 gallons or 7 gallons, and individuals do not need all shrubs it is really just for the screening, especially without a wall. He advised that layered landscaping includes the shrubs, ornamentals, shade trees and everything working together. Mr. Couillard stated the old Code had 6 foot continuous hedges, which the Board wanted to change.

In response to Chairman Zalak, Mr. Couillard stated this language does what is being stated everywhere and is better than it was when staff first brought it to the Board.

In response to Chairman Zalak, Mr. Couillard advised that Item 4 states "if required" due to the buffer table not requiring ground cover for a Type-E buffer. He stated he will add language to Items 3 and 4 in regard to the buffer table.

Chairman Zalak commented on language in Item 4 and questioned at what height the groundcovers are to attain 80% opacity. Mr. Couillard advised that to reach 6 feet within a year the species is limited to sweet viburnum.

Harvey Vandeven stated 1 year is not enough time to reach 6 feet. He stated most homeowners' associations (HOAs) are still run by the developer for 2 to 3 years prior to turning them over, noting the goal is to ensure the full height at the time it is turned over by the developer.

Chairman Zalak advised that he is okay with 3 feet at 1 year and 6 feet at 2 or 3 years; however, the goal is to get it to be better than the fence or the wall. He stated if there are going to be buffers rather than walls or fences it is okay, but they have to get to that height and be opaque.

In response to Commissioner Bryant, Chairman Zalak advised that this would apply to projects where it has been more than a year and is nowhere near opaque at 3 feet, never mind 6 feet. He stated the Code needs to get the buffer what it was meant to be, noting it should cover the fence or wall at some point. Chairman Zalak requested Mr. Couillard provide a timeline for when the buffer will reach the first goal at 1 year and the optimum goal at year 2 or 3.

Mr. Couillard advised that it varies based on the selected plant material. He stated staff are looking for more diversity, more natives, which grow slower, but are better over the long haul.

Commissioner McClain questioned why the Board is trying to provide opacity on the roadways. Commissioner Bryant advised that when an individual's backyard is located along the roadway where vehicles are travelling at 40 to 50 miles per hour (mph), there needs to be a wall.

Mr. Couillard stated if the buffer has a wall, no changes are needed. If there is no wall there should be a newer minimum height that reaches 6 feet at some point and is opaque. Commissioner Bryant expressed concern relating to plantings dying out and not being maintained.

Mr. Couillard advised that there is a 2 year inspection.

Chairman Zalak opined that the 2 year inspection should be the timeline to have the buffer at a certain level.

Commissioner McClain stated 2 years is not enough time. He advised that if individuals begin at 3 feet in 1 year, depending on the plant species, the likelihood of it getting where the Board wants it, is good.

Chairman Zalak opined that the generic every 100 feet looks terrible and questioned how to get it to fill in. Mr. Couillard referred to language in Item J. stating, "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."

Commissioner Bryant advised that if a landscape architect is required to draw that plan, they will know what plantings need to be used to meet the requirement of the County's Code.

Mr. Couillard commented on measuring the success of storm water management systems, versus the subjectivity to landscape design, noting the County needs to be a little bit more assertive in how it reviews those landscape designs and looks for quality instead of just numbers.

Chairman Zalak commented on the challenges associated with long term maintenance.

Mr. Couillard opined that commercial properties are the worst offenders. He stated there is a decline in the appearance after a year and the nexus is handing it over from the developer/applicant to the manager.

Commissioner Curry out at 3:38 p.m.

Mr. Couillard referred to Section 6.8.6.I. (6) relating to the preservation of existing natural vegetation within buffers, noting language was added at the Board's direction to clarify that statement. He advised that this lets applicants know they are able to get staff onsite when they want to indicate a section of buffer or landscaping should count towards their buffer. Mr. Couillard stated staff already do it, but this codifies the process.

Mr. Couillard referred to the video seen on the overhead screens relating to a project in Wildwood that Commissioner Bryant provided.

Commissioner Curry returned at 3:40 p.m.

Commissioner Bryant commented on the video she submitted of a project in Wildwood, noting Sumter County is requiring the wall along the back yard of the development.

Mr. Couillard stated the table in the Code now for right-of-way (ROW) defines it as arterial or collector ROW and then indicated, or road easement, noting staff added arterial/collector road easement. He advised that there probably needs to be clarification when dealing with a 2 lane road that is not an arterial road. He commented on where to justify when that occurs (e.g. all 2 lane roads, roads within the transportation improvement plan (TIP), roads included in the long range transportation plan (LRTP) that require ROW acquisition or expansion in the future).

Commissioner Bryant stated if it is included in the TIP or LRTP staff will know ahead of time and hopefully prevent individuals from building in that ROW.

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County Administrator Mounir Bouyounes advised that during the design process the additional ROW requirements are determined and staff works with the developer. He stated there is a map showing all of the classified roads in the County. The map can be used for what Mr. Couillard asked about relating to the roads for that requirement or it can be limited to arterials and collectors.

Chairman Zalak questioned if the buffer goes on the current easement or new easement today. Ms. Straub advised that if staff know a project is in the 5 year TIP and that they are widening that road, they are negotiating the ROW up front with that development and telling them to put the buffer back in their new property line.

Commissioner Bryant questioned if an individual develops along a roadway that is in the LRTP and the County then has to purchase ROW, it will either be purchasing homes or constructing a wall.

Mr. Bouyounes stated if staff know a road project is in the LRTP (no design and no exact amount off ROW determined), but staff can estimate how much additional ROW is needed it would be in a perfect situation to talk to the developer. He advised that the County would have to pay for it, but that will be the appropriate time to do it due to having a new development coming in.

Commissioner McClain commented on Commissioner Bryant's concern relating to safety and the appearance of developments along major roads. He questioned why the Board cannot require lots to be fenced along major roadways.

Commissioner Bryant opined that the wall provides sound mitigation from the roadway, provides safety and it looks much better.

Commissioner Bryant commented on the amount of funds the County has spent on ROW. She stated other communities have walls and opined that it is a much cleaner look.

Commissioner Curry advised that a wall is needed in some places, but in others it is not.

Commissioner Bryant opined that a wall would look better long-term than a board fence to plastic/vinyl fence.

Mr. Couillard stated currently the buffer requirements on single family against ROW or multi-family or ROW is Type-C, which has no wall, noting the Board would have to elect to go to a Type-B buffer or a Type-D buffer. The Type-B buffer is 30 feet or 20 feet with a wall and a Type-D buffer is 25 feet or 15 feet with a wall. He advised that the superscript in the current table shows C¹ which references properties within the limits of 6.8.6.J., which is the agricultural looking themed fences shall comply with this buffer requirement. Commissioner Bryant stated individuals can always come in and ask for a waiver or ask for an exception.

Chairman Zalak advised that if this is included in the Code and an applicant does not need a PUD, it is not going to come before Board and then the applicant has to go through the waiver process. If it is in the Code, and the applicant has a PUD and has a different idea, they can ask for something different than what is in the Code.

Mr. Bouyounes stated the Board should include collector roads, arterial roads and anything in the LRTP, which will cover most of the County's major roads.

Commissioner Bryant requested a definition of arterial and collector roads.

County Engineer Steven Cohoon, Office of the County Engineer (OCE), advised that there are different definitions, noting he does not have the definition in the County's Code memorized. He stated a lot of it is going to have to do with the road ROW widths, as well as the amount of vehicles that travel on it, in addition to speeds. Department of Transportation (DOT) classifications refer to something that goes through the County (i.e., US 301). Collector roads are bringing a lot of those trips to your arterials. The same

concept is true with Marion County's roads. Mr. Cohoon advised that Highway 484 is a collector road when looking at DOT'S definitions and for the County's purposes it is also identified as a collector, but it functions more as an arterial.

In response to Chairman Zalak, Mr. Cohoon stated everything will be captured if the Board includes arterials, collectors and what is included in the LRTP.

Mr. Cohoon advised that anything that would switch in the classification due to being included in the TIP, that would then be captured by that other clause, for anything that is in the long range for the TIP and has a lower functional classification.

In response to Chairman Zalak, Commissioner Bryant stated the walls should be 8 feet tall.

Commissioner Bryant referred to Table 6.8.2, land use categories for buffers and advised that since the Board already has it at C¹ and the wall is being added, it would make more sense to move it to D¹ because it has the same amount of buffer width there.

Mr. Couillard questioned whether the Board still wants the look of the agriculturally themed buffers. Commissioner Bryant advised that if it happens to be in an overlay zone that has that, then it can be handled through the PUD process.

Chairman Zalak opined that this should apply within the Urban Growth Boundary (UGB) and leave the other part for roadways in the Farmland Preservation Area (FPA).

Commissioner Bryant stated single-family and multi-family residential both say D¹.

Mr. Couillard concurred. He referred to Item K.(3) relating to buffer walls and berms.

Commissioner Bryant opined that the language, "to achieve a minimum final elevation of six feet in height" can be removed and new language should state how tall that wall should be, noting it is supposed to be an engineered wall that is 8 feet.

Mr. Bouyounes commented on a scenario where there is a 2 foot berm with a 6 foot wall on top to accomplish the desired height.

Mr. Couillard stated staff workshopped this matter in 2024/25. He advised that there was discussion relating to wall heights, the exceptional increase in costs and the engineering associated with walls that are 8 feet or taller.

In response to Chairman Zalak, Commissioner Bryant advised that a total of 8 feet (wall and berm) is acceptable as long as it does not end up with a 6 foot berm and a 2 foot wall.

Commissioner Bryant commented on making the language require an 8 foot wall and applicants who come in with a PUD application can show the proposal of what they are going to do, rather than leaving the current language in the Code.

Commissioner McClain stated every PUD will make that request.

Commissioner Bryant advised that the Board would know what it is getting when approving those PUDs.

Ms. Straub commented on the changes to the table to reflect single-family and multi-family as D¹ and questioned if that is only when it is against an arterial or collector road and if other roads will be the existing Type-C buffer, which is the same buffer as a Type-D buffer, just without a wall.

In response to Commissioner Bryant, Ms. Straub stated she does not believe the fencing is being required on the back side of the property's perimeter due to it being changed out for a wall.

Chairman Zalak questioned whether Ms. Straub is saying the back side of the property would still need the fencing and vegetation. Ms. Straub advised that the County does not have that language included now.

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Ms. Straub stated single-family and multi-family against an arterial or collector road ROW will be a wall, lesser classification will be an opaque fence.

Mr. Couillard advised that the way it is now is C¹ (no wall) contains agriculturally themed 3 or 4 board fence in the overlay zone. He stated outside of the overlay zone, it is just plantings.

Chairman Zalak directed staff to change the language to require a fence and landscaping along roads outside of the overlay zone that are lesser classification than arterial or collector.

Commissioner Bryant advised that it can be discussed as part of the PUD process in instances where it does not make sense.

Ms. Straub stated there are a lot of old, historical ROWs where the County has ROW reserved due to work relating to section line roads. She advised that if the road is anticipated to be built, treat it like it needs to meet whatever the Code is, but if it is just treed, unconstructed ROW or easement, leave it alone.

It was the general consensus of the Board to agree.

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

Commissioner Zalak out at 4:06 p.m.

Mr. Couillard referred to Section 6.8.8. building landscaping, Item B, noting language was added relating to requiring building landscaping to be provided for all sides facing public or private streets.

Mr. Couillard addressed Table 6.8.4. tree recommendations for Marion County, which is the list provided by University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS). There are small and medium trees in the first section then large trees.

Commissioner Zalak returned at 4:07 p.m.

Chairman McClain returned the gavel to Commissioner Zalak, who resumed the Chair.

Mr. Couillard advised that there are a few shrubs included in the small tree list, noting those trees would need to be specified to be limbed up, not just a shrub in the front yard. In response to Chairman Zalak, Mr. Couillard advised that when staff review the plans, they will ensure those specifications call that out.

Chairman Zalak opined that he wants individuals to be aware going in and questioned if it can be starred and added to the bottom of the table. Mr. Couillard stated that is not unreasonable and there are likely a couple more that need to fit into that category.

Chairman Zalak expressed gratitude towards Mr. Couillard for working with UF/IFAS and providing a solid tree list.

Mr. Couillard opined that the list will help individuals diversify their shade tree specifications rather than making everything a live oak.

Chairman Zalak opened the floor to public comment.

Jim Bailey, SE 16th Place, opined that the tree list, although it says recommended, should say not inclusive due to there being lot of trees on there that are used and are not necessarily native, but very Florida friendly, readily available and do well in the commercial landscape.

Commissioner Bryant requested Mr. Bailey provide a list of the ones he uses that are not included.

Mr. Bailey stated he can provide a list; however, there may be trees that somebody wants to use that work well. He advised that 40% of the trees on that list he never specifies due to availability and size.

Chairman Zalak stated the trees are either part of the tree list or something being submitted, noting County staff will be reviewing the plans.

Mr. Bailey advised that IFAS has a list that is more inclusive than that list of trees that grow well in this climate. He opined that as long as it does well in the local climate and there is evidence to prove that then it should be able to be used.

Mr. Couillard stated going back to the shade tree definition, these trees are typically large tree species included; however, but it does not say only, so it is not prescriptive. He advised that staff would work with whatever plant species the applicant wants to propose. Mr. Couillard stated the list works great for the residential developments.

Mr. Bailey advised that he has encountered other municipalities that say recommended, and if it does not say non-inclusive, then he is held to that list.

Chairman Zalak stated the word non-inclusive can be added.

Mr. Bailey addressed shrubs reaching a height of 30 inches in one year, noting there is a buffer shrub height of 3 foot, (36 inches) and another area that says shrubs shall reach 30 inches in one year. He requested clarification from Mr. Couillard.

Mr. Couillard advised that there are 2 different references.

Mr. Bailey stated he is okay with the buffer shrub reference on page 7 of 21.

Mr. Couillard commented on the language relating to shrubs reaching a minimum of 30 inches within 1 year of planting. He advised that was 18 inches; however, it can go back down if there is an acceptable recommendation on height to keep that pallet diverse.

Mr. Couillard stated the County has strong buffer shrub requirements in there, but for parking lot islands, if the Board is expecting something that is smaller, that is not really a screening requirement they can go down to 18 inches, this number probably got caught up in the buffer discussion.

Chairman Zalak advised that a lot of parking lots have a poor appearance after a year and do not actually cover. He stated 18 inches is barely good enough and most of the time 2 feet are required to cover the headlights.

Mr. Bailey expressed concern relating to required height, diversity and the cost of plant material.

Chairman Zalak advised that maybe it is better to put the other hardier shrubs in than what is currently being done, noting they do not grow and half of them get chopped out after the first year.

Mr. Bailey stated it is a maintenance issue, which hopefully will be achieved with the two year inspections.

Commissioner Bryant questioned why the Board does not have the height it wants to see reached and then let the landscape architects bring in plans. Mr. Bailey stated the hedge is planted against the parking lot and then there are additional shrubs and ground cover required out front, noting they do not all need to reach 30 inches or there will not be a layered landscape.

Mr. Couillard advised that the language started with shrubs reaching a minimum height of 18 inches within 1 year of planting.

In response to Mr. Couillard, Mr. Bailey indicated he wished to revert back to the previous language prior to the beginning of this process.

Chairman Zalak commented on the language relating to groundcovers requiring those species of plants to reach a height of 24 inches maximum.

Mr. Couillard stated that is to differentiate between a shrub and ground cover, which is fine. He advised that the language should state, "shrubs shall reach a minimum height of 18 inches."

Robert Stepp, SW 80th Street, stated he understands the desire to elevate the aesthetic look of the community; however, that is a very subjective standard. He expressed concern

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relating to buffer walls and possibly 8 foot engineered buffer walls. Mr. Stepp commented on the cost to add a wall to a project that has a major collector road going through it, noting an 8 foot engineered wall would add roughly \$200.00 per foot or \$6,500,000.00 to the project. He opined that it would look like a prison.

Commissioner Bryant advised that applicants are being given the option to do a combination and that is for backyards that are up against those types of roadways.

Mr. Stepp stated it does not cost less to move dirt and build a berm.

Chairman Zalak advised that each property/project is a little different and the applicant will bring in a PUD, which gives them an opportunity to request something different than a wall.

Mr. Stepp stated there is more than 1 way to do it without prescribing 1 fix for every situation throughout the County. He opined that On Top of the World (OTOW) has proven there are ways to incorporate walls in an attractive and necessary way when adjacent to particular roadways.

Todd Rudnianyn, NE 3rd Street, advised that he previously requested if additional buffers are going to be imposed, that there be a cost benefit analysis and an understanding of the benefit. He stated the calculations he performed showed for every 100 linear feet there was an increase of \$1,900.00 to \$7,000.00 in additional cost for the buffer. Mr. Rudnianyn questioned what the Legal Department thinks relating to the implications of SB 180 considering the business impact estimate (BIE) directly states that this will have a negative financial implication for developers.

Matt Fabian, SW 43rd Place, commented on Division 7 coming back and requested the Board do the same relating to Division 8.

Chairman Zalak advised that public comment is now closed.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to approve staff's proposed language with the changes as noted. The motion passed 3 to 1 with Commissioner McClain dissenting.

BOARD DISCUSSION

CLOSING COMMENTS

Ms. Straub advised that the matter would come back before the Board on July 8, 2026 from 9:00 a.m. until 11:30 a.m., noting there is already time reserved. She stated if the matter is brought back to the LDRC, they will have to conduct their workshop and there will be a public hearing with them.

Chief Assistant County Attorney Dana Olesky clarified that LDRC will hold a workshop and then a public hearing, allowing staff the necessary time to bring the matter back before the Board on July 8, 2026.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry to continue the public hearing for Division 7, tree protection and replacement to July 8, 2026 at 9:00 a.m. The motion was unanimously approved by the Board (4-0).

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There being no further business to come before the Board, the meeting thereupon adjourned at 4:31 p.m.

Carl Zalak, III, Chairman

Attest:

Gregory C. Harrell, Clerk

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