

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

April 22, 2026

CALL TO ORDER:

The Marion County Board of County Commissioners (BCC) met in a special session in Commission Chambers at 9:03 a.m. on Wednesday April 22, 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 morning 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 County Attorney Matthew G. Minter, County Administrator Mounir Bouyounes, and Assistant County Administrator (ACA) Tracy Straub.

PROOF OF PUBLICATION

Deputy Clerk Mills-McAllister advised that there are six (6) 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 4, Zoning, Division 2, Zoning Classification, Section 4.2.2. General Requirements for All Agricultural Zoning Classifications" 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 4, Zoning, Division 2, Zoning Classification, Section 4.2.2. General Requirements for All Agricultural Zoning Classifications.

The second Proof of Publication is entitled, "Notice of Public Hearing by the Board of County Commissioners of Marion County, Florida to Consider a Land Development Code Amendment related to Article 4, Zoning, Division 2, Zoning Classification, Section 4.2.6. Requirements for all Residential Zoning Classifications" 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 4, Zoning, Division 2, Zoning Classification, Section 4.2.6. Requirements for all Residential Zoning Classifications.

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 1, Administration, Division 2, Definitions" published on the publicly accessible website Marionfl.org/LegalNotices on April 10, 2026. The Notice

April 22, 2026

states the Board will consider an Ordinance amending the Marion County LDC relating to Article 1, Administration, Division 2, Definitions.

The fourth 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 6, Habitat Protection, Section 6.6.6. Open Space" 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 6, Habitat Protection, Section 6.6.6. Open Space. The fifth 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 sixth 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 Landscape" 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 Landscape.

The Deputy Clerk was in receipt of a 145 page Agenda Packet to follow along with the PowerPoint presentation.

STAFF PRESENTATION

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

The Board considered the following recommendation as presented by Growth Services Deputy Director Ken Weyrauch:

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

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

The BCC held the first of two required BCC Public Hearings on March 31, 2026. This meeting constitutes the second and final required public hearing.

Budget/Impact: None.

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

Deputy Growth Services Director Ken Weyrauch advised that this is the second public hearing for this Item. He stated this is related to accessory use hangars on agricultural land that was brought back due to fly-in communities. Mr. Weyrauch advised of a change

in Section 4.2.2. D. (1), noting the language was changed to "Accessory use aircraft hangars on properties with legal access to a private airport shall be permitted and include a maximum height of 40 feet."

Chairman Zalak opened the floor to public comment.

There being none, Chairman Zalak advised that public comment is now closed.

A motion was made by Commissioner Bryant, seconded by Commissioner McClain, to adopt Ordinance 26-16, approving staff's proposed language. The motion was unanimously approved by the Board (4-0).

Ordinance 26-16 is entitled:

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

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

The Board considered the following recommendation as presented by Growth Services Deputy Director Weyrauch:

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

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

The BCC held the first of two required BCC Public Hearings on March 31, 2026. This meeting constitutes the second and final required public hearing.

Budget/Impact: None.

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

Deputy Growth Services Director Weyrauch commented on Section 4.2.6., requirements for all residential zoning classifications, noting C. (9) includes the same language change as the previous Item. This includes residentially zoned properties with access to a private airport.

Chairman Zalak opened the floor to public comment.

There being none, Chairman Zalak advised that public comment is now closed.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Ordinance 26-17, approving staff's proposed language. The motion was unanimously approved by the Board (4-0).

Ordinance 26-17 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 4, ZONING, DIVISION 2, ZONING

CLASSIFICATION, SECTION 4.2.6. REQUIREMENTS FOR ALL RESIDENTIAL ZONING CLASSIFICATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The BCC held the first of two required BCC Public Hearings on March 31, 2026. This meeting constitutes the second and final required public hearing.

Budget/Impact: None.

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

Parks and Recreation Director Jim Couillard commented on tree specimens, noting staff is sticking with the 36 inch diameter breast height (DBH) for a live oak; 24 inch DBH for magnolias; and 18 inch DBH for long leaf pines. He stated at the first public hearing there was discussion relating to the complexity of the tree protection Code. Staff performed work including analysis on a project that was recently before the Development Review Committee (DRC).

Mr. Couillard advised that staff are comfortable with the definition of specimen tree. He encouraged the Board stay with 36 inches DBH for live oaks, noting it is pretty much the standard across the State.

Commissioner Curry questioned what the basis was for the 48 inch recommendation. Mr. Couillard stated was something the LDRC members were trying to get approved. He advised that the LDRC believes 48 inch DBH is more of a specimen quality; however, he believes a specimen is based on characteristics not necessarily DBH.

Commissioner McClain questioned why there is a recommendation on 36 or 48 inch DBH at all if those are the qualifications. Mr. Couillard stated the current Code says any trees over 30 inches DBH requires his specific approval for removal. The classification as a specimen tree gives the process more teeth.

In response to Commissioner McClain, Mr. Couillard stated in some surrounding Counties specimen trees are identified at 36 or even 20 inched DBH. He advised that he could look at Alachua County to see if it is 45 inches. Mr. Couillard stated when looking at other Codes, he recommends reviewing what their lowest requirement trees are also.

Mr. Couillard advised that staff are proposing to move protected trees from 10 inches to 20 inches DBH, noting in other Counties it is down to 4 or 6 inches DBH. He stated Marion County is giving more leniency on trees that are being regulated. Mr. Couillard

commented on the need to look at this comprehensively due to the individual specifics possibly creating a distraction.

Chairman Zalak stated he had a good conversation when meeting with University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS) relating to the age and characteristics of trees, especially those larger than 36 inches DBH.

In response to Chairman Zalak, Mr. Couillard advised that there are various characteristics that make a tree a specimen.

Commissioner Bryant requested information relating to the purpose of the definition for specimen tree, noting she is trying to figure out trees that require a permit to be removed.

Mr. Couillard stated everything 20 inches DBH and over would require a permit.

Commissioner Bryant commented on live oaks being part of the County's branding. She expressed support for the 36 inch DBH relating to live oaks.

Commissioner McClain opined that a 36 inch DBH live oak tree does not meet what he thinks will be a specimen tree.

Mr. Couillard commented on a project located on County Road 42 (CR 42), noting the bulk of that site was under citrus and now the trees they are proposing to cut down are 36 to 48 inches DBH and greater. He advised that goes back to an aerial photograph from the 1950s, noting it only takes 70 years in that area to get trees that large. There are some that were not part of the citrus grove that are now 84 inches DBH.

In response to Chairman Zalak, Mr. Couillard stated those trees have grown very quickly to get to that size, noting those soils are still rich with some nutrient load compared to barren pastureland.

Commissioner Bryant advised that the standard in Vero Beach is 12 inches DBH.

Mr. Couillard stated there are numerous standards for good reason, noting in urban areas in south Florida have protected trees that are different species (subtropical and tropical).

Commissioner Curry commented on water oaks and laurel oaks.

In response to Chairman Zalak, Mr. Couillard stated water and laurel oaks will be part of the count in inches on a piece of property; however, trees that large see a decline in assessment value.

Commissioner Curry stated he is comfortable with the 36 inch DBH as a standard, but is interested in what others have to say.

Mr. Bouyounes advised of discussion relating to whether to define shade trees.

Mr. Couillard stated he is willing to create a definition for Board review.

Chairman Zalak advised that he was trying to provide a list rather than a definition.

In response to Mr. Bouyounes, Mr. Couillard stated utilizing a list rather than a definition would hopefully open some eyes about different varieties that would be appropriate for this area.

Chairman Zalak opined that they would have to be an appendix to the actual Code and can hopefully be referenced.

In response to Chairman Zalak, County Attorney Matthew G. Minter advised that an appendix would be good.

Chairman Zalak stated the list could be located in the appendix and if it updates, it will not require a Code update.

ACA Tracy Straub advised that if there will not be a Code update, she recommends that it be a policy housed in the Department and it be referenced similar to the Traffic Study, which is not an appendix to the Code. She stated it will be confusing otherwise and later be viewed as part of the Code.

April 22, 2026

Chairman Zalak advised that he wants individuals to access the information and questioned if there will be a clickable link that is easily accessible through the Code/appendix. Ms. Straub stated the online Code is not housed by the County, and she is unsure if that is possible. She advised that it needs to be either codified or housed online by the County in its Code sections, but not as part of the Code itself.

Mr. Couillard stated staff has looked at communities that use the hybrid model where they have their LDC discussion page on their website and then have access to renderings. He advised that Citrus County has their own in-house version containing the data that would go to Municode and adding it to their website after it is adopted with their own renderings and everything else already incorporated. Mr. Couillard stated they do not have to pay Municode to upload the data, noting it is an in-house version of the Code mimicking Municode.

Chairman Zalak requested Mr. Bouyounes bring back a recommendation relating to the best way to ensure all of the information is available.

Commissioner McClain commented on the language in tree specimen relating to confirmation by the County Landscape Architect. He questioned if the County Landscape Architect will confirm the certification or actually confirm whether it is a specimen tree. Mr. Couillard advised that there are some redundant components, noting if they will be required to sign and seal a tree preservation plan it would give staff more confidence that it is happening.

Chairman Zalak questioned if there can be a list provided of vetted arborists that can be used and meet the County's criteria relating to how those things should be evaluated. Mr. Couillard expressed concern, noting individuals get that certification for different reasons including marketing relating to the removal of trees for profit. He stated there are others who have gone through multiple layers of risk assessment training, which are the ones the County uses for third-party assessments of trees.

In response to Commissioner McClain, Mr. Couillard advised that specimen trees are not defined in the current Code. He stated what will happen is staff will receive a certification, or a list on a plan, or a tree protection/preservation plan identifying specimen trees. If staff questions that information, they may choose to collaborate with individuals to determine the appropriate designation.

Commissioner McClain opined that it is not necessary and creates more work for Mr. Couillard.

Chairman Zalak opened the floor to public comment.

David Tillman, Tillman and Associates Engineering, LLC, SE 16th Avenue, advised that the LDRC does want to see the size requirement for specimen trees increased. He commented on the prevalence of 36 inch trees and the time it takes them to grow. Mr. Tillman advised that the County has a 1964 aerial view on its website, noting many sites did not have anything on them at that time. He stated a property in Weirsdale that was an orange grove in the 1980s until it froze, now has 50 inch oak trees lined up where the orange trees use to be. Mr. Tillman noted the trees grew to 50-plus inches in 40 years or an inch per year. He opined that the issue with the definition is that ultimately the County landscape architect makes the decision.

Chairman Zalak stated most other Counties and communities use 36 inches DBH or lower.

Mr. Tillman advised that a shade tree list is better than a definition due to the ability to modify the list.

In response to Commissioner Bryant, Mr. Bouyounes stated even if it is not included, individuals can be held to the list if it is referenced in the Code.

Commissioner Curry commented on an electronic mail (email) from Matt Fabian, noting the language in definitions relating to the critical root zone (CRZ) and tree protection zone (TPZ) should include, "or as designated by a certified arborist or landscape architect".

Mr. Couillard advised that he does not object to the additional language.

Mr. Tillman concurred.

In response to Commissioner Curry, Mr. Couillard stated it is not whether it is certified or not; however, if it is not or there is a larger tree that meets the DBH and is not being indicated as a specimen, staff may want to know why.

Mr. Tillman advised that he does not object to County staff going out and doing a field site visit and coming back and disagreeing, noting that is part of review. He stated the applicant should not be drug back out a third time.

Chairman Zalak questioned what the conflict resolution is if staff disagrees with an applicant.

Mr. Tillman advised that it would go to the Development Review Committee (DRC) and if they deny the request it is appealable to the Board.

Mr. Bouyounes concurred.

Commissioner Curry read Mr. Fabian's recommendation relating to the definition of a shade tree.

Mr. Bouyounes stated the Board chose to include a list rather than a definition.

Matt Fabian, SW 43rd Place, expressed appreciation towards Mr. Couillard for the 18 months they have been collaborating on this. He stated he is concerned about the resolution process going through the DRC if his arborist/landscape architect disagrees with Mr. Couillard and Certified Arborist Susan Heyen, noting every time there is a question relating to landscaping it is asked if Ms. Heyen is on the line. Mr. Fabian suggested possibly using someone from UF/IFAS arborist is a third party that makes the final decision.

Mr. Minter commented on the manpower capacity of UF/IFAS, noting mediation in Circuit Court often requires days or weeks just to schedule the mediator's time. He advised that it could hold up applicants unless UF/IFAS has a lot of individuals able to quickly go out and mediate these issues.

Commissioner McClain questioned why the County cannot trust other certified arborists and landscape architects to make the call.

Mr. Bouyounes stated when plans are submitted for review and approval, they go through the same process with engineers reviewing the work of other engineers, noting many times they disagree.

Commissioner McClain opined that engineering is different when talking about safety; however, in this instance the discussion is about a tree.

Chairman Zalak advised that individuals can still appeal the DRC decision to the Board.

Mr. Bouyounes stated more often than not those matters are able to be worked out between the parties.

Mr. Fabian advised that he has a great working relationship with Mr. Couillard and Ms. Heyen; however, he is unsure who will take over their roles in the future, and he has concerns about that.

Commissioner Bryant stated she has faith in the County's team to ensure whoever is in that position is someone that can work with applicants.

April 22, 2026

Mr. Fabian opined that the clearer the definitions, the easier it will be for individuals to understand. The Code as written is difficult to understand relating to shade trees.

Chairman Zalak questioned whether Mr. Fabian would be okay if staff provides a list of what is defined as shade trees. Mr. Fabian advised that he is okay with the list.

Mr. Tillman commented on the process to add a tree.

Chairman Zalak stated the list is robust.

Mr. Tillman advised that if the list is codified, there is a waiver process for applicants through the DRC.

Commissioner Curry questioned whether Mr. Couillard is opposed to adding language stating, "as designated by a certified arborist or landscape architect." Mr. Couillard stated he is not.

Chairman Zalak advised that staff would take the list and codify those agreed upon shade trees and if a different tree is needed there can be a waiver.

Mr. Couillard stated staff will create a simple definition here, but it will be listed in the tree in the landscape code. He noted Alachua County uses the term "landmark live oak" for the 45 inch DBH category, in addition to a numerical ranking system to come up with their quality. Mr. Couillard cautioned against comparing County Code to City Code due to infill. Chairman Zalak noted in Lake County individuals have to get a permit to remove a 4 inch or above tree.

Commissioner Bryant stated all the Board is doing is adding the list of shade trees.

Mr. Couillard advised that the Board is also adding Commissioner Curry's recommendation on the CRZ and TPZ definition including "designated by a certified arborist or landscape architect".

Commissioner Bryant opined that it all be added now.

In response to Commissioner Curry, Commissioner Bryant stated the Board has settled on 36 inch DBH.

Commissioner McClain advised that he does not agree with the 36 inch DBH.

General discussion ensued relating to regulated trees versus specimen trees.

Mr. Couillard stated the way the Code is proposed right now, anything less than 20 inches and individual can go out and thin. Anything 20 inches and above is regulated and requires approval to be removed. He advised that the 36 inch tree is a whole other level of protection and replacement criteria, which is in the tree protection Code.

In response to Chairman Zalak, Mr. Couillard stated this Code is giving a tremendous amount of credit.

Mr. Tillman referred to Section 6.7.8, noting existing trees measuring 20 to 29 inches DBH shall be replaced with 75% of inches removed. Trees 30 to 35 inches DBH shall be replaced with 100% of inches removed, and for 36 inches and above 35 inches relating to specimen trees the replacement criteria is 200%. He noted there are significant save values. Mr. Tillman opined that if this Code is implemented, staff should revisit it again within 6 months to determine what the implications are, noting he expects applicants to be coming in for a lot of DRC waivers. He advised that a significant difference from before relates to trees in lot areas for subdivisions, which previously did not have to be counted. Mr. Tillman stated the replacement criteria of 100 inches per acre is now gone, noting there is no cap.

In response to Mr. Tillman, Commissioner Curry advised that he would err on the conservative side.

Mr. Minter questioned what lines in the definitions will include the language from Mr. Fabian relating to being designated by a certified arborist or landscape architect. Ms. Straub stated it is on lines 6 and 9 in the CRZ and TPZ, respectively.

In response to Chairman Zalak, Mr. Couillard advised that if it is included in the Code, the certified arborist or landscape architect will have to sign off.

Chairman Zalak stated the list of shade trees does not go in the definitions.

Mr. Couillard advised that it will be included in the landscape Code.

Commissioner Bryant questioned if it is necessary to note where the list is located in the definitions section.

Ms. Straub clarified that there is no definition of shade tree today and opined that what was submitted by Mr. Fabian does not define a shade tree.

General discussion ensued relating to the definition of a shade tree.

In response to Chairman Zalak, Mr. Bouyounes stated the Board can approve the definitions and when the Board gets to landscape and planting, they can provide the list and what constitutes a shade tree in that section.

Mr. Couillard requested to bring back a definition for shade trees, noting these definitions can be approved as they are today.

Chairman Zalak advised that public comment is now closed.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Ordinance 26-18, approving staff's proposed language. The motion was unanimously approved by the Board (4-0).

Ordinance 26-18 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.

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

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) Section 6.6.6 Open Space, updating the permitted uses, special uses, and establishing development standards.

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

The BCC held the first of two required BCC Public Hearings on March 31, 2026. This meeting constitutes the second and final required public hearing.

Budget/Impact: None.

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

Parks and Recreation Director Couillard referred to Section 6.6.6. open space, noting previous discussion relating to specifics on improved open space primarily around percentage of parking. He referred to Item 5 under Table 6.6.6.1., which states, "Parking lots and access driveways within improved open space of five (5) acres or more, that serve the IOS, may qualify for up to 10 percent (%) of the total IOS area."

Chairman Zalak opened the floor to public comment.

LDRC Chairman David Tillman, Tillman and Associates Engineering, LLC, SE 16th Avenue, advised that the last time this matter went through the LDRC, the 5 acre criteria was not included. He stated a 5 acre improved open space (IOS) site serves 622 units, noting the site will be well over 150 acres. He opined that 1 acre IOS would equate to 124 units and will be walkable. Mr. Tillman commented on the requirement under (6) 1. relating to age-appropriate play systems with shade structures requiring the total shade area be equal to or greater than 50% of the equipment's footprint area.

Mr. Couillard advised that the language was presented at the last public hearing.

Mr. Tillman opined that this requirement would encourage individuals to make smaller footprints due to the costs associated with the shade structure.

Chairman Zalak stated it has been done successfully in other areas.

Mr. Couillard provided an overview of the safety considerations for playgrounds for children 2 to 5 years as well as 5 to 12 years of age.

Chairman Zalak advised that the intent is to cover the play unit (castle).

Mr. Tillman stated applicants should get credit if the playground is being built in a treed area where there are shade trees.

Mr. Couillard stated the playgrounds can be placed near trees as long as they do not have an unfavorable assessment that the developer will preserve for credit.

Chairman Zalak opined that a good example is the park in Reddick, noting no shade structures are necessary due to the park being treed.

Mr. Tillman proffered the language, "Shade may be provided via structure or other natural means."

Mr. Couillard advised that it needs to be an existing tree and not a planted tree.

Chairman Zalak stated the language should be, "That existing natural qualifier that qualifies."

Mr. Tillman readdressed the parking areas and questioned if the parking lots are going to be required without giving any credit despite the significant cost.

General discussion ensued.

Ms. Straub commented on traditional parking lots requiring a treed island every 15 spaces and questioned if the islands count towards the open space, noting at that point an applicant is already at 10%.

Commissioner Bryant questioned the definition and intent of open space.

Mr. Tillman advised that there are criteria for a certain number of amenities that fit into the open space based on the way the Code is written. The remainder of it winds up being just open space (area that is turf, trees or just set aside).

Mr. Couillard stated the definition of open space is, "land area restricted or not developed depending upon its designation as a natural open space or improved open space consistent with the provisions in Section 6.6.6."

Chairman Zalak opined that the Board should not count a parking lot as part of the open space criteria.

In response to Commissioner Bryant, Mr. Couillard advised that the purpose of open space is to protect it from being completely developed and for recreation use, public use, recharge, springs protection, etc.

Chairman Zalak stated IOS is supposed to be geared toward improvements of amenities. Commissioner McClain commented on individuals having to drive to get to the amenities. Chairman Zalak advised that is why 5 acres was chosen, noting in that scenario individuals are likely driving. He stated he does not want to see small parks turned into parking lots.

Chairman Zalak advised that the way developments are being built now with 50 foot lots, with 300 units or less, it is likely less than a 10 minute walk for most of the houses.

Mr. Couillard commented on the definition for neighborhood parks, noting those have a coverage buffer of 0.5 mile. He stated it serves a community of 5,000 individuals within 0.5 mile.

Commissioner McClain advised that his family goes to many parks in the community and they do not walk to any of them.

Mr. Couillard noted in certain areas there are no sidewalks.

In response to Commissioner Bryant, Commissioner McClain stated he could easily walk on the sidewalk all the way to the park; however, his family does not.

Mr. Tillman opined that if the parks should be walkable within 0.5 miles, there should not be a requirement for a parking lot. He questioned if the parks are broken up into separate locations is it cumulative or just 1 park over 5 acres.

Chairman Zalak advised that when the park is being split up, the theory is that usually it will end up being an 800-plus neighborhood. He stated the applicant can request additional credit in the Planned Unit Development (PUD) process.

Mr. Tillman opined that the number is too high. He requested clarification relating to the shade requirement for pools and courts, noting it is not defined.

Mr. Couillard stated the language identifies age appropriate play systems with shade structures, which do not reference courts or pools.

Chairman Zalak advised that public comment is now closed.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to adopt Ordinance 26-19 approving staff's proposed language. The motion was unanimously approved by the Board (4-0).

Ordinance 26-19 is entitled:

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

There was a recess at 10:24 a.m.

The meeting reconvened at 10:32 a.m. with all members present.

Chairman Zalak advised of examples relating to park sizes, noting Mr. Bouyounes is requesting the Board give him permission to add them to the Code.

It was the general consensus of the Board to agree.

April 22, 2026

5. 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 BCC held the first of two required BCC Public Hearings on March 31, 2026. This meeting constitutes the second and final required public hearing.

Budget/Impact: None.

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

Parks and Recreation Director Couillard addressed Division 7., tree protection and replacement.

In response to Mr. Couillard, Chairman Zalak opined that Items 5 and 6 will likely be continued due to ongoing debate; however, he wants to identify the "to do" list and finish this at the next hearing. He clarified that the Board will not be voting on these items today. Mr. Tillman stated the Board should also bring back the matter relating to shade trees, noting he has never seen the shade tree list.

Chairman Zalak advised that the information is located on the UF/IFAS website and Mr. Tillman's clients have that list.

Mr. Couillard referred to Section 6.7.1.A. and commented on an email from Mr. Fabian questioning whether UF/IFAS has been consulted on the purpose and intent, noting their "right plant, right place" concept seems fitting. He stated the section is included in landscaping. Mr. Couillard advised that staff have referenced the Florida friendly standards and that is Principle 1.

In response to Chairman Zalak, Mr. Couillard stated the "right place, right plant" is part of the County's Code under landscaping.

Mr. Couillard addressed Section 6.7.1.B. the preservation of trees. He stated this should be addressed in Division 8, landscaping. Mr. Couillard advised that Mr. Fabian's email indicated the language too vague, which he disagrees with. He stated it definitely is something that needs to be considered early on in the design process and considering it a priority is intentionally open that way.

Chairman Zalak questioned if Mr. Fabian's concern relates to when the discussion of the trees happens and which part of the process it is addressed in, before the PUD, into the Master Plan, if it happens in the Improvement Plan, etc. Mr. Fabian stated that is correct. Mr. Couillard advised that he and Mr. Fabian are in different locations in the Code, noting this the broader look or concept of tree protection. He stated this comes together later in this section of the Code. Mr. Couillard advised that it was under PUD Conceptual Plan; however, staff agreed with Mr. Tillman that was too early decided to bring it back with the PUD Master Plan. He stated by then the developer has been given the consultant's approval for the concept. He stated the applicant is going to go out and do more investing,

more assessments and everything else for the site to bring back more finalized plans for staff and the Board to continue that review process.

In response to Chairman Zalak, Mr. Fabian advised that this would allow it to happen prior to the site work starts.

Mr. Couillard advised that the next Item in Mr. Fabian's letter relates Section 6.7.3. B (2) (a) and states, "Hand digging or digging under the supervision of an arborist should be allowed as it is sometimes needed to be dug. Pictures can be provided if necessary."

In response to Chairman Zalak, Mr. Couillard confirmed this relates to the CRZ, noting the words excavation, construction or otherwise disruption of the root zone implies equipment. He stated the additional language is acceptable if the Board decides it should be included.

Chairman Zalak commented on an applicant keeping a natural buffer around the outside as the Board is requesting and questioned how irrigation can be installed when needed.

Mr. Fabian advised that it is the intent for applicants to be allowed to hand dig in a swale or provide pictures or have an arborist supply a report in the event a CRZ is disturbed.

Mr. Bouyounes requested language stating, "Hand digging under the supervision of an arborist would be acceptable."

Mr. Fabian requested the language also say, "or a landscape architect."

Mr. Couillard stated the next Item is 6.7.3. (B) (3), and requested the same language relating to the supervision of an arborist or landscape architect also be added.

Mr. Couillard advised that the next Section referenced in Mr. Fabian's letter is 6.7.4 A (2) relating to the minimum shade tree requirements across broader sites. He stated this has already been raised with the first 5 acres requiring 1 shade tree per 3,000 sf and 1 shade tree per 5,000 sf for the remainder.

Mr. Bouyounes clarified that the first 5 acres will require 15 trees per acre, the remaining acres would be approximately 9 trees per acre.

Mr. Fabian stated he believes that is too high.

In response to Chairman Zalak, Mr. Fabian advised that he agrees with that relating to residential development; however, this is more commercial.

Commissioner McClain stated this is one of the things that Todd Rudniansyn addressed at the previous public hearing relating to cost, noting the costs are not included in the business impact estimates (BIEs).

Mr. Tillman advised that this was 1 per 3,000 sf across the Board; however, he worked with Mr. Couillard, and they landed on 5 acres. He stated the issues is when working on industrial sites with large parking areas for trucks, individuals wind up always having to pay into a tree mitigation fund.

Mr. Couillard clarified that shade trees are not necessarily replacement trees, noting it is a separate requirement. He advised that there is a waiver process for one-off situations. General discussion ensued.

In response to Commissioner Bryant, Mr. Couillard stated staff does not address this in residential development due to new Code with yard trees. He advised that the Board made the decision to go with 2 trees per lot instead of requiring shade trees across the site. Mr. Couillard stated he checked with Ms. Heyen and challenges or waivers towards the shade tree requirements as they stand at 1 to 3,000 are very infrequent. He advised that staff hear complaints, but they seldom have a waiver requesting a reduction come across their desks.

Commissioner McClain opined that 15 trees per acre is too much and 5,000 sf across the board is better.

April 22, 2026

Mr. Tillman stated he does not disagree.

Chairman Zalak questioned where this requirement is an issue.

Ms. Straub advised that the Board has said 2 shade trees on a 0.25 acre lot, which means 8 trees per acre.

Davis Dinkins, NE 1st Avenue, stated he assisted Mr. Fabian on a very high level, noting currently individuals can count pine trees as shade trees. He advised that pine trees are often put in clusters in the buffers to meet the minimum count. Mr. Dinkins commented on the new animal center (inside City of Ocala), which would need 98 additional shade trees and that site would be required to meet with the new Code of 1 per 5,000 sf.

Chairman Zalak questioned if there can be a mixture of pine and shade trees.

Mr. Dinkins advised that he has yet to see the definition of a shade tree.

In response to Commissioner Bryant, Mr. Couillard stated there is the shade tree requirement and the buffer requirement that dictates how many trees per 100 feet are required depending on the decision on the buffer, noting staff rarely see challenges or waivers relating to the shade tree requirements as they stand at 1 to 3,000 due to all of the other things that can be included in the requirement. Mr. Couillard stated tree mitigation does not apply to shade trees, it is strictly for replacement trees. He clarified shade, buffer and parking lot trees all count towards replacement trees.

Commissioner McClain advised that the matter is coming back.

Chairman Zalak stated staff can provide a list, noting long leaf pine is included.

Mr. Couillard concurred and provided additional examples of trees included in the list.

In response to Commissioner Bryant, Mr. Dinkins advised that he believes in the assessment the total tree count for the animal center was used versus the required shade tree count; however, he will double check and provide that information.

Chairman Zalak stated the list of shade trees will be expanded.

Mr. Tillman advised that the City of Ocala's criteria is 1 shade tree per 10,000 sf.

Mr. Couillard stated the City is focused on more compact sites where they do not have room compared to a rural landscape with adequate space.

Mr. Couillard referred to Section 6.7.4.D. and advised that Mr. Fabian's email states, "Preserving Trees requires significant work and effort. The shade trees credited on this effort should provide additional bonus credits. The table should show double the number of shade trees credited on the right hand side of the table. Additionally, not sure why the credits would be subject to the approval of the County Landscape architect. They are either allowed or not allowed for credit. Lastly, quality shade trees that are saved less than 10" DBH should be credited towards mitigation requirements. A good quality 4-8" oak will be very nice tree in a shorter time than a transplanted 3.5" oak." He advised that there is language in the Code that accounts for all of that, noting as far as giving credit to trees less than 10 inches, conservation trees are already included in the Code.

Mr. Couillard referred to the overhead screens and provided a comparison of the current and proposed tree replacement standards relating to the Tractor Supply project in Silver Springs Shores (SSS). He stated this Code is very heavy on the incentive.

Chairman Zalak questioned the difference between the current and proposed Code language from a cost and replacement perspective. Mr. Couillard advised that applicants are now required to plant less replacement trees.

General discussion ensued relating to requirements for tree replacement.

Mr. Tillman addressed the table in Section 6.7.4.D. relating to shade tree credits, noting the request was for double what is listed. He stated in the 10 to 19 inch category it is 1, which is only 3.5 inches of credit, if it were doubled it would go to 7 inches. For trees 20

to 29 inches, it is 7 inches; however, if doubled as requested it would be 14 inches of credit for that tree. Mr. Tillman advised that 14 inches is still less than what is being saved. Chairman Zalak stated the math will zero this out and then some, noting it will go backwards. He advised that the math Mr. Tillman is talking about plus 20 inches is negative and the County will owe applicants trees.

In response to Mr. Couillard, Mr. Tillman stated he is dividing the size of the tree by 3.5. In response to Chairman Zalak, Mr. Tillman advised that it was requested that Mr. Dinkins look at one of his projects and he did multiples.

Commissioner Bryant stated the issue is that individuals were not aware of what could be counted, noting now that there is a better understanding, the outcomes will likely be much better.

Mr. Couillard stated the next matter for discussion is Section 6.7.7.A. and 6.7.7.A.(3), noting Mr. Fabian's email states, "This is very broad authority, need appeals process to a board, other than DRC, or use the resolution language that allows an appeal to County Admin." He advised that this is old Code with the only changes relate to Paren 1 and 2.

Mr. Fabian stated this and the next 3 comments have already been addressed.

In response to Commissioner Bryant, Mr. Fabian stated the next Section for discussion is 6.7.13.E.

Mr. Couillard advised that Section 6.7.13.E. is related to violation and enforcement.

Commissioner Bryant stated that language is included due to it being stated at the last public hearing that if the Code is too stringent, individuals will cut everything down prior to coming in.

Mr. Fabian requested clarification relating to whether this applies during active construction if a sub-contractor takes down a tree that is supposed to be saved. Mr. Couillard advised that Section 6.7.13.A. addresses this concern.

Mr. Fabian stated if a mistake is made he will fix it; however, Item E. indicates the County can take additional action other than what is listed in Items A. through D.

Mr. Minter advised that the County should never be able to double fine an individual, noting the Board should clarify the language.

Commissioner Bryant questioned if language can be added stating, "In addition to all other remedies provided herein, the County may seek injunctive relief or the imposition of fines and penalties for any violation not already addressed".

Chairman Zalak stated "without a remediation plan that has been approved" can be added to the end of E.

Mr. Minter questioned if someone is issued a fine that ends up in front of a judge, will it be clear to the judge how the County computed the fine based on this language.

In response to Mr. Minter, Mr. Couillard advised that the fine will be based on predevelopment density of trees per acre discovered through the use of aerial photographs and at the same rate established by the use of the tree mitigation fund. He stated the individual can pay into the tree mitigation fund and it would be the same amount as the fine, noting individuals can pay into the tree mitigation fund as part of the remediation process or replace what they took down.

Mr. Minter advised that he is good with that process.

Chairman Zalak commented on adding language referencing an accepted remediation plan at the end of the first sentence in E.

Mr. Minter stated if an applicant has a remediation plan by definition that is not a violation.

Ms. Straub advised that timing is also a factor and commented on a scenario where an individual clears a parcel and provides a remediation plan but does not actually proceed forward with doing anything.

Chairman Zalak directed staff to work on language to fix this matter, noting it is complicated.

Commissioner Bryant stated the product will be better that way.

Mr. Tillman referred to Section 6.7.6.E., noting he is unsure how many sheets the County is going to start requiring the TPZ's to be located on as it is becoming excessive. He expressed concern relating to Item 6.7.7., but is willing to work with Mr. Couillard on those items.

In response to Chairman Zalak, Mr. Couillard advised that it is smart to have the TPZs on the grading and utility plans, noting it is just a layer in AutoCAD.

Mr. Tillman opined that Section 6.7.8. should contain a cap on the number relating to protected tree replacement requirements.

Chairman Zalak directed Mr. Tillman to bring back a proposal, noting at the next public hearing he will not change Items without examples proving there is a real issue, not a one-off.

Commissioner Bryant opined that staff should be provided those examples prior to the public hearing so they can evaluate the information as well.

Mr. Tillman commented on language in Section 6.7.13.A. and stated it is not reasonable for site work to cease in the event a tree is taken down in error. He stated mitigation should occur prior to the final Certificate of Occupancy (CO) for the site.

Commissioner Bryant advised that the language does not say "will", it says "may".

Mr. Tillman addressed Section 6.7.3.B. and opined that it is harsh to take the matter before the Code Enforcement Board.

Chairman Zalak requested Mr. Tillman provide a proposal relating to this Item.

Commissioner Curry opined that reasonableness would prevail.

Commissioner McClain questioned if a stop work order would be appealable to the DRC.

Chairman Zalak advised that the individual would come to the Board.

6. 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 BCC held the first of two required BCC Public Hearings on March 31, 2026. This meeting constitutes the second and final required public hearing.

Budget/Impact: None.

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

Parks and Recreation Director Couillard addressed Chairman Zalak's comments from the previous public hearing relating to diversity in buffers, noting it is an overall arching way that the County already has in the design standards. As far as plants growing on the side of walls, that is already covered and individuals can be a little bit more creative with shade tolerant plants if needed. It does not need to be a monoculture.

Chairman Zalak commented on what has been seen in the past with 1 small shade tree, 100 feet, another tree, etc. He stated the renderings that are often provided are not achieved in the field.

Chairman Zalak questioned if the requirement for shade trees on the new list be 15 feet from the building and/or utility easement. Mr. Couillard advised that the language has been changed.

Commissioner Bryant questioned whether there is anything to cover prior to Section 6.8.6. Commissioner Curry commented on soil requirements for Commercial development and questioned if there is anything relating to soil specifications to encourage adequate growth of what the Board is trying to see planted. Mr. Couillard stated there is not. He advised that he would expect the specifiers to know what type of soil they are planting in and amend it accordingly.

Chairman Zalak advised that there is no requirement relating to soil specifications and it will not be done.

Commissioner McClain expressed concern relating to the front and backyard tree requirement for residential development.

In response to Commissioner Curry, Mr. Couillard stated the soil requirement is of parking lot islands.

Mr. Couillard referred to Section 6.8.6.J., description of buffer classifications, noting there is no need to address specifics on plants versus walls. He advised that the buffer tables for trees per 100 feet do not need to be every 25 ft.

Mr. Fabian stated the language stating "Landscape plans for required buffers shall be prepared by a registered landscape architect" is not consistent with the Statute, noting civil engineers can prepare landscape plans, planting plans as landscape plans for required buffers.

Commissioner Bryant questioned what Statute Mr. Fabian is referencing. Mr. Dinkins advised that the comment above came from him and he does not have any desire to do buffer plans for big landscape buffers. He stated the Statutes are 481.301 and 481.231.

Chairman Zalak stated this matter is coming back and will be fixed if necessary.

Mr. Fabian requested clarification relating to the requirement for Section 6.8.6.J.(2).

Mr. Couillard stated the sweet viburnum is a fast growing shrub. He advised that it was specifically requested when buffers are planted that they perform to a certain level immediately.

Chairman Zalak stated if staff are going to go back and look at these buffers and have a requirement it will be okay as long as the desired result is achieved in one year.

Commissioner Bryant commented on the staff required to perform that work.

Mr. Fabian addressed the buffer certification required every 2 years, which would be on the applicant to certify.

Commissioner Bryant advised that if this was changed, there would have to be a certification done in the first year and then every 2 years.

Chairman Zalak stated it can be changed to reach a specific goal within 2 years.

Commissioner Bryant advised that the goal was to see the desired result in 1 year.

Mr. Fabian questioned if the goal is 7 gallons in size at planting or 36 inches at 1 year.

April 22, 2026

Mr. Couillard stated the Department was requested to review specific plant qualities and heights just for buffers, noting this only applies to buffers.

In response to Chairman Zalak, Mr. Couillard stated the goal is 36 inches at 1 year.

Chairman Zalak questioned what the remedy is if the plantings do not reach 36 inches within 1 year. Mr. Couillard opined that the buffer plant size should be big at installation, noting as far as the certification goes on that first year, this is really just a performance specification. It is not an inspection requirement.

Chairman Zalak advised that he does not want County staff to police this, he wants the applicant to provide a certified plan.

Mr. Couillard advised that is where the 2 year plan comes in and the growth will be seen. He stated the specification should remain at 7 gallons, noting all shrubs are not viburnums.

Mr. Tillman commented on the additional costs applicants will incur.

Chairman Zalak advised that relating to PUDs, if individuals are going to put the fences up, especially on the sides and the backs of these projects, he would rather have the shade tree requirement and then plant something that is reasonable and cheaper like a long leaf pine or other things that are cost effective and are going to give vertical growth due to the fence being in place.

Commissioner Bryant stated applicants should break up the look of that white fence and have the ability to do groupings or clumps of different things.

Mr. Couillard opined that the shrub requirement should not be eliminated. He questioned if the Board wants the community's look to be that of all white and tan polyvinyl chloride (PVC) fences with glare and heat gain, noting it is a way to soften the buffer/wall.

Commissioner Bryant questioned if there could be some kind of grouping required if there is a fence being constructed.

Mr. Fabian advised that Chairman Zalak is talking about single-family to single-family homes back to back. He stated there is nothing preventing neighboring properties from putting up fencing. Mr. Fabian advised that right now, individuals would be required to plant the shrubs to the fence that may be backing up to another fence from the neighbor. He stated he does not disagree with the road facing portions or if there is a different use.

Mr. Couillard advised that in the proposed Code under the land use categories for buffers, single-family to single-family is a Type E, which says a six foot opaque fence may be used in lieu of a vegetative buffer.

Mr. Fabian commented on Section 6.8.6.J.(6) relating to PUD buffers. He stated on previous projects, applicants have done the clearing and grading and then realized that a lot of the native buffers could be saved; however, to use that buffer individuals have to come in and do a PUD modification. Mr. Fabian advised that part of the modification requires a field visit with staff to verify what was left is adequate. He stated when a PUD comes forward, if approved, he would prefer the Board let an applicant know what they want but allow them to work it out in the field with the landscape architect, which would incentivize individuals to save as much natural buffer as possible. Mr. Fabian advised that he would welcome getting approval through a field visit with Mr. Couillard and Ms. Heyen without having to go through the modification process to get to that step. He stated the Board still approves the Master Plan, providing a stop gap.

Mr. Tillman opined that the language would need to be in the Conditions of the PUD. He advised that it has not been allowed and if an applicant wants to save trees it has to go through a 90 day process.

Chairman Zalak stated the problem is that on some projects there are neighbors who need some type of guarantee and questioned how to fix that later.

Commissioner Bryant advised that the language indicates what was just stated.

Chairman Zalak commented on individuals not looking at it until after the Master Plan.

Mr. Fabian disagreed and stated he was looking for language to prevent applicants from coming back for a PUD modification.

Chairman Zalak stated applicants should be able to change what they need to in the Master Plan. He advised that relating to 1 project the issue was not the buffer; it was wanting to shift the amenities area and save trees. Chairman Zalak stated the Board wants to incentivize that process.

Mr. Tillman opined that it would need to be written into the PUD Conditions, noting right now the way it is being interpreted when applicants leave the PUD hearing, DRC is unwilling to make any waivers on that PUD. He advised that in the past there was the ability to work through some of those processes and send some of those waivers back through. Mr. Tillman opined that it would be nice to have a little bit of flexibility put back in for the opportunity of saving trees.

Chairman Zalak noted things were being waived that the Board did not want waived.

Ms. Straub stated if the PUD included a buffer pictorial that included a wall or something like that, even though perhaps the type of buffer has changed and there is an "or" scenario, staff are interpreting what was presented to the public and the Board showed a wall that is what they want. She advised that discussion is needed to determine if it can come back in the Master Plan rather than a PUD modification and staff will work on this matter.

Ms. Straub stated there is time reserved to come back on May 18, 2026 at 2:00 p.m.

Mr. Fabian referred to Section 6.8.6.D.(2), and opined that if the adjoining property is a vacant field, that should constitute a buffer. A development can designate the land for buffers, but a fence should suffice when backing up to an agricultural field.

Chairman Zalak advised that the matter will be addressed during the PUD process.

Mr. Couillard stated this is addressed in 6.8.6.E. of the proposed Code, noting the opening language ties in the land use buffers.

Chairman Zalak clarified that Mr. Fabian is saying if there is a buffer that is next to you that already meets the requirements, you do not have to buffer.

Mr. Fabian concurred. He commented on the requirement relating to buffering to an open field.

Mr. Couillard stated that is correct based on the land use buffer table.

Commissioner Bryant advised that if it is agriculture and the owner is doing agriculture production on it, they are probably going to want protection from a subdivision.

Mr. Couillard stated the direction from the Board is protecting agricultural land from development.

Commissioner McClain questioned what the buffer requirement is for residential to agriculture. Mr. Couillard stated it is a Type C buffer. He advised that the section relating to buffers will still require some work.

Mr. Fabian addressed Section 6.8.10.D. relating to diversity requirements and opined that there should be a list from IFAS on planting requirements and species.

Mr. Couillard questioned why that is required, noting if landscape architects are being asked to design the buffers, they already know this information.

April 22, 2026

In response to Chairman Zalak, Mr. Couillard stated there is only a shade tree list right now, not a plant list; however, there are diversity requirements and a heavy requirement on the use of non-native plants that is already in the Code.

Commissioner Bryant out at 11:59 a.m.

Commissioner McClain advised that it does not hurt to leave the IFAS list.

Mr. Couillard stated staff can add whatever the Board wants in the Code; however, once certain things are prescribed, that is all the Board will see. Keeping it open to interpretation by qualified designers is preferable.

Mr. Bouyounes advised that this provides more flexibility for them as designers.

Chairman Zalak questioned whether this would actually fit under 6.8.10.D.(1)(c) where the minimum 50% of the required shade trees shall be Florida native species suitable for Marion County.

Commissioner Bryant returned at 12:00 p.m.

Mr. Couillard stated this section is all about general planting requirements, or specifications sheet.

Chairman Zalak advised that if it is necessary it will be added.

Mr. Fabian referred to Section 6.8.12.B. and questioned what recourse the County has if a subdivision is turned over to the homeowners' association (HOA) but they fail to comply with the 2 year certification requirement.

Chairman Zalak commented on bond options.

Mr. Couillard stated there is no requirement to bond in that scenario.

Ms. Straub advised that Major Site Plans and Improvement Plans are required to be signed on the front cover by the owner that says my successors and assigns will do this, and while there is still controversy regarding the Municipal Service Benefit Units (MSBU) component, it can be made to show they have the HOA, the authority and the wherewithal. She stated the County would have to go after the HOA, noting the issue is if the HOA never actually comes to fruition.

Mr. Couillard advised that it is not just residential properties.

In response to Commissioner Bryant, Mr. Couillard stated it will become a Code Enforcement action once certifications begin.

Commissioner Bryant advised that HOAs have a Board, president and many are now utilizing property management companies due to the amount of documentation that is required.

Mr. Fabian questioned if the Code Enforcement action is against the HOA.

Chairman Zalak requested Mr. Minter review what occurs if the HOA is delinquent.

Commissioner Bryant stated staff can reach out to other Counties or review their Code.

Mr. Tillman addressed Section 6.8.6.E.(3) and advised that he is not required to have internal buffers relating to a master planned community unless they were Conditions of the PUD. He stated this language insinuates he is required to put in buffers.

Mr. Tillman advised that he has objected to this language on multiple occasions. He expressed concern relating to Items (4) and (5), noting Item (5) would require an applicant adjoining a pre-existing developed site with a higher intensity use that does not provide a buffer consistent with this Code, to provide the required land use buffer. Mr. Tillman opined that a lower intensity use should not be required to make up for the buffer another individual did not build.

Commissioner Bryant opined that the intent of the language is for the new development to install its required buffer.

Mr. Minter stated the language should be clarified.

Mr. Tillman commented on Section 6.8.6.J.(1), which states all of the landscape buffers be installed on the outside of the wall. He opined that the tree material should be allowed on the inside of the wall.

Chairman Zalak advised that individuals could request variations during the PUD process or it can be a waiver.

Mr. Tillman referred to Section 6.8.6.J.(5) relating to buffers adjacent to roadways. He stated the buffer has been increased to 25 feet, which is a borderline taking.

In response to Commissioner Bryant, Mr. Tillman advised that the LDRC did not spend time on this language.

Ms. Straub stated LDRC did have discussion in the buffer table form relating to this matter, noting staff agreed to reduce one of the buffer widths for A.

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

Commissioner Zalak out at 12:15 p.m.

Ms. Straub advised that there was discussion relating to C, noting it provides applicants with options.

Mr. Tillman stated in the scenic road routes and in this list of roadways there is no option, individuals are required to use the 25 ft width.

Mr. Tillman commented on Table 6.8.2. land use categories for buffers containing a new category called right-of-way (ROW). He questioned whether the County is planning to build walls and plant these buffers adjacent to every new roadway. Mr. Couillard advised that this is related to Commissioner Bryant's previous request for walls to be installed behind developments going along collector and arterial roads.

Commissioner Zalak returned at 12:16 p.m.

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

Ms. Straub questioned whether the Office of the County Engineer (OCE) has seen this yet. Mr. Couillard stated they have not, noting staff knew this would come before the Board for discussion.

Mr. Tillman opined that this section should be struck.

Mr. Bouyounes advised that the language would require the County to construct a wall if they are widening an existing road to 4 lanes, acquire additional ROW and are adjacent to a residential subdivision.

Commissioner Bryant stated that is not the intent and requested staff fix the language.

Mr. Couillard advised that staff can prescribe a certain section in the buffer Code that addresses that specifically without having it in a table.

Commissioner Bryant opined that it looks really bad to have backyards exposed to a 4 lane corridor.

In response to Mr. Tillman, Mr. Bouyounes stated the project Commissioner Bryant is talking about is located on SW 95th Street.

Commissioner Bryant advised that the language needs to be in the Code.

Mr. Tillman opined that it would be appropriate to require fencing of the backyards with an opaque fence rather than a concrete wall.

Commissioner Bryant stated the opaque fences look terrible after some time.

Commissioner McClain opined that there should be something different than a wall.

Chairman Zalak stated it was probably missed in the PUD process.

Commissioner Bryant advised that staff did not catch it due to it not being included in the Code.

Chairman Zalak stated the objective is to make the Code a better backstop.

April 22, 2026

Mr. Tillman requested staff strike that bottom line of the table relating to ROW, noting the vertical ROW column is where to change the intensity of what is being requested.

A motion was made by Commissioner Bryant, seconded by Commissioner Curry, to continue this public hearing to May 18, 2026 at 2:00 p.m. with Items 5 and 6 still to be considered, as well as the definition of a shade tree to be brought back. The motion was unanimously approved by the Board (4-0).

BOARD DISCUSSION: NONE

CLOSING COMMENTS: NONE

There being no further business to come before the Board, the meeting thereupon adjourned at 12:24 p.m.

Carl Zalak, III, Chairman

Attest:

Gregory C. Harrell, Clerk