



Marion County

Land Development Regulation Commission

Meeting Agenda

Wednesday, August 5, 2026

5:30 PM

McPherson Governmental
Campus Auditorium

ROLL CALL AND PLEDGE OF ALLEGIANCE

Acknowledgement of Proof of Publication

1. [Proof of Publication](#)

1. **ADOPT THE FOLLOWING MINUTES**

- 1.1. [July 20, 2026 and July 29, 2026](#)

2. **SCHEDULED ITEMS**

- 2.1. [PUBLIC HEARING: Discussion of Proposed Marion County Land Development Code \(LDC\) Amendments Presented by Staff. The LDRC will Review and Provide Recommendations Regarding Section 4.3.6 Manufactured Home, Park Trailer, and Recreational Vehicle Regulations.](#)
 - 2.2. [PUBLIC HEARING: Discussion of Proposed Marion County Land Development Code \(LDC\) Amendments Presented by Staff. The LDRC will Review and Provide Recommendations Regarding Section 4.3.12 Roadside Vendors](#)
 - 2.3. [PUBLIC HEARING: Discussion of Proposed Marion County Land Development Code \(LDC\) Amendments Presented by Staff. The Land Development Regulation Commission \(LDRC\) will Review and Provide Recommendations Regarding Proposed Updates to Section 4.3.30 Smoke Shops](#)
 - 2.4. [PUBLIC HEARING: Presentation and Consideration of Proposed Amendments to the Approved Marion County Land Development Code \(LDC\) Article 1 Administration, Division 2 Definitions](#)
 - 2.5. [PUBLIC HEARING: Presentation and Consideration of the Proposed Amendments to the Approved Marion County Land Development Code \(LDC\). The Land Development Regulation Commission \(LDRC\) will Discuss and Provide Recommendations Regarding Division 7 Tree Protection and Replacement](#)
 - 2.6. [PUBLIC HEARING: Presentation and Consideration of the Proposed Amendments to the Approved Marion County Land Development Code \(LDC\). The Land Development Regulation Commission \(LDRC\) will Discuss and Provide Recommendations Regarding Division 8 Landscaping](#)

3. NEW BUSINESS

- 3.1.** [The Next Scheduled Continuation of This Public Hearing Will Be on August 12, 2026, at 5:30 PM, Held in the McPherson Governmental Campus Auditorium](#)

[Note: The Next LDRC Workshop Will Be Held in the Growth Services Main Training Room on September 2, 2026 at 5:30 PM. There Will Be No LDRC Workshop on August 19, 2026](#)

ADJOURN



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2026-23880

Agenda Date: 8/5/2026

Agenda No.: 1.

SUBJECT:
Proof of Publication

DESCRIPTION/BACKGROUND:
Proofs of Publication with Business Impact Estimates for the August 5, 2026 LDRC Public Hearing.



**Marion County
Board of County Commissioners**

Office of the County Attorney

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

Proof of Publication

No.: 2026-0182

STATE OF FLORIDA
COUNTY OF MARION
PREPARED BY HEATHER FLYNN:

Before the undersigned authority personally appeared Heather Flynn, who on oath says that they are the Legal Services Manager of Marion County, Florida; that the attached copy of advertisement: Notice of Public Hearing by Marion County Land Development Regulation Commission to Consider A Land Development Code Amendment related to Article 4, Zoning, Division 3, Special Requirements, Section 4.3.6, Manufactured Home, Park Trailer, And Recreation Vehicle Regulations for Wednesday, August 5, 2026 was published on the publicly accessible website, MarionFL.org/LegalNotices, of Marion County, Florida on July 21, 2026. Affiant further says that the website complies with all legal requirements for publication in Chapter 50, Florida Statutes.

Signature: _____

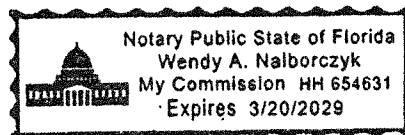
Date: 07.21.26

☒ Business Impact Estimate published with the advertisement and attached.

THIS SECTION PREPARED BY NOTARY:

Sworn and Subscribed before me this 21st day of July, 2026, by Heather Flynn who is: personally known to me ☒ or who has produced _____ as identification.

Wendy A. Nalborczyk
Signature of Notary Public



Notary Public Stamp

ATTACH COPY FROM WEBSITE POSTING



Legal Notices

NOTICE OF PUBLIC HEARING BY MARION COUNTY LAND DEVELOPMENT REGULATION COMMISSION TO CONSIDER A LAND DEVELOPMENT CODE AMENDMENT RELATED TO ARTICLE 4, ZONING, DIVISION 3, SPECIAL REQUIREMENTS, SECTION 4.3.6, MANUFACTURED HOME, PARK TRAILER, AND RECREATION VEHICLE REGULATIONS

Post Date: 07/21/2026 8:00 AM

The Marion County Land Development Regulation Commission will hold a public hearing on **Wednesday, August 5, 2026, at 5:30 p.m., or as soon thereafter**, as may be heard. The meeting will be held at the **McPherson Governmental Campus Auditorium at 601 SE 25th Avenue, Ocala, FL, 34471**, to consider the following proposed ordinance to amend the Land Development Code in regard to Article 4, Zoning, Division 3, Special Requirements, Section 4.3.6, Manufactured Home, Park Trailer, and Recreation Vehicle Regulations:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 4, ZONING, DIVISION 3, SPECIAL REQUIREMENTS, SECTION 4.3.6, MANUFACTURED HOME, PARK TRAILER, AND RECREATION VEHICLE REGULATIONS

The action of the Land Development Regulation Commission is solely advisory to the Board of County Commissioners of Marion County, Florida. All interested parties may appear at the public hearing and be heard with respect to the proposed land development code amendments. The proposed ordinance may be reviewed at the Growth Services Department Planning and Zoning Division, 2710 E. Silver Springs Blvd, Ocala, Florida, (352) 438-2600. Visit www.marioncountyfl.org and click on the meetings tab on the homepage for the most up to date information.

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

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

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

2026-0182

[Return to full list >>](#)



Marion County Board of County Commissioners

Office of the County Attorney

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

Business Impact Estimate

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

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 4, ZONING, DIVISION 3, SPECIAL REQUIREMENTS, SECTION 4.3.6 MANUFACTURED HOME, PARK TRAILER, AND RECREATION VEHICLE REGULATIONS

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

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

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

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this 21st **day of July, 2026:** (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): **Amendment to Sec. 4.3.6 of the Land Development Code as suggested by a Marion County citizen to increase the maximum amount of time permitted to occupy a Recreational Vehicle from 60 days to 90 days in an agriculture zoning with the possibility of a single 30-day extension by Growth Services Director, a limit of four travel trailers instead of five with five requiring a Special Event Permit, and parking of Recreational Vehicles needing to be beside of behind the home, unless stored in the driveway, with a 10' setback from property lines.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible;
and
(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
There are no direct compliance costs or new fees for businesses.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **It is unknown how many private, for profit businesses would be impacted but it could have a negative financial impact due to reducing the number of trailers allowed without a special use permit.**

4. Additional information the governing body deems useful (if any): **N/A**



**Marion County
Board of County Commissioners**

Office of the County Attorney

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

Proof of Publication

No.: 2026-0186

STATE OF FLORIDA
COUNTY OF MARION
PREPARED BY HEATHER FLYNN:

Before the undersigned authority personally appeared Heather Flynn, who on oath says that they are the Legal Services Manager of Marion County, Florida; that the attached copy of advertisement: Notice of Public Hearing by Marion County Land Development Regulation Commission to Consider A Land Development Code Amendment related to Article 4, Zoning, Division 3, Special Requirements, Section 4.3. 12, Roadside Vendors for Wednesday, August 5, 2026 was published on the publicly accessible website, MarionFL.org/LegalNotices, of Marion County, Florida on July 21, 2026. Affiant further says that the website complies with all legal requirements for publication in Chapter 50, Florida Statutes.

Signature: _____

Date: 07.21.26

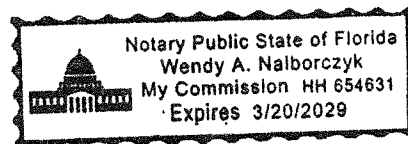
☒ Business Impact Estimate published with the advertisement and attached.

THIS SECTION PREPARED BY NOTARY:

Sworn and Subscribed before me this 21st day of July, 2026, by Heather Flynn who is:
personally known to me ☒ or who has produced _____ as identification.

Signature of Notary Public

Notary Public Stamp



ATTACH COPY FROM WEBSITE POSTING



Legal Notices

NOTICE OF PUBLIC HEARING BY MARION COUNTY LAND DEVELOPMENT REGULATION COMMISSION TO CONSIDER A LAND DEVELOPMENT CODE AMENDMENT RELATED TO ARTICLE 4, ZONING, DIVISION 3, SPECIAL REQUIREMENTS, SECTION 4.3.12, ROADSIDE VENDORS

Post Date: 07/21/2026 8:00 AM

The Marion County Land Development Regulation Commission will hold a public hearing on **Wednesday, August 5, 2026, at 5:30 p.m., or as soon thereafter**, as may be heard. The meeting will be held at the **McPherson Governmental Campus Auditorium at 601 SE 25th Avenue, Ocala, FL, 34471**, to consider the following proposed ordinance to amend the Land Development Code in regard to Article 4, Zoning, Division 3, Special Requirements, Section 4.3.12, Roadside Vendors:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 4, ZONING, DIVISION 3, SPECIAL REQUIREMENTS, SECTION 4.3.12, ROADSIDE VENDORS

The action of the Land Development Regulation Commission is solely advisory to the Board of County Commissioners of Marion County, Florida. All interested parties may appear at the public hearing and be heard with respect to the proposed land development code amendments. The proposed ordinance may be reviewed at the Growth Services Department Planning and Zoning Division, 2710 E. Silver Springs Blvd, Ocala, Florida, (352) 438-2600. Visit www.marioncountyfl.org and click on the meetings tab on the homepage for the most up to date information.

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

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

2026-0186

[Return to full list >>](#)



Marion County Board of County Commissioners

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Business Impact Estimate

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

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

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

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this 21st **day of July, 2026:** (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): **An amendment to Sec. 4.3.12 of the Land Development Code regarding Temporary Roadside Vendors that clarifies what qualifies as a roadside vendor, adds requirements for a special use permit and major/minor side plan review and approval when more than two roadside vendors are operating on a single parcel OR roadside vendors are not operating temporarily. Additionally, language for roadside stands for the sale of farm products was added, and Specialty Business (B-3) was included as a zoning classification that would allow for a temporary roadside vendor.**

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

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

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

(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **The ordinance would require applications for special use permits or site plan review that would increase costs for the business should the ordinance be approved. It is unknown at this time what the costs specifically would be as the ordinance does not address the application fees.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **It is unknown how many private, for profit businesses will be impacted, however, the proposed ordinance could have a negative financial impact on current roadside vendors by adding new requirements.**

4. Additional information the governing body deems useful (if any): **N/A**



**Marion County
Board of County Commissioners**

Office of the County Attorney

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

Proof of Publication

No.: 2026-0183

STATE OF FLORIDA
COUNTY OF MARION
PREPARED BY HEATHER FLYNN:

Before the undersigned authority personally appeared Heather Flynn, who on oath says that they are the Legal Services Manager of Marion County, Florida; that the attached copy of advertisement: Notice of Public Hearing by Marion County Land Development Regulation Commission to Consider A Land Development Code Amendment related to Article 4, Zoning, Division 3, Special Requirements, Section 4.3.30, Smoke Shops for Wednesday, August 5, 2026 was published on the publicly accessible website, MarionFL.org/LegalNotices, of Marion County, Florida on July 21, 2026. Affiant further says that the website complies with all legal requirements for publication in Chapter 50, Florida Statutes.

Signature: _____

Date: 07.21.26

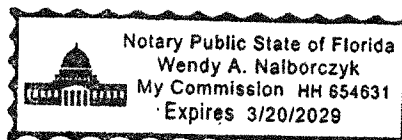
☒ Business Impact Estimate published with the advertisement and attached.

THIS SECTION PREPARED BY NOTARY:

Sworn and Subscribed before me this 21st day of July, 2026, by Heather Flynn who is: personally known to me ✓ or who has produced _____ as identification.

Wendy A. Nalborczyk
Signature of Notary Public

Notary Public Stamp



ATTACH COPY FROM WEBSITE POSTING



Legal Notices

NOTICE OF PUBLIC HEARING BY MARION COUNTY LAND DEVELOPMENT REGULATION COMMISSION TO CONSIDER A LAND DEVELOPMENT CODE AMENDMENT RELATED TO ARTICLE 4, ZONING, DIVISION 3, SPECIAL REQUIREMENTS, SECTION 4.3.30, SMOKE SHOPS

Post Date: 07/21/2026 8:00 AM

The Marion County Land Development Regulation Commission will hold a public hearing on **Wednesday, August 5, 2026, at 5:30 p.m., or as soon thereafter**, as may be heard. The meeting will be held at the **McPherson Governmental Campus Auditorium at 601 SE 25th Avenue, Ocala, FL, 34471**, to consider the following proposed ordinance to amend the Land Development Code in regard to Article 4, Zoning, Division 3, Special Requirements, Section 4.3.30, Smoke Shops:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 4, ZONING, DIVISION 3, SPECIAL REQUIREMENTS, SECTION 4.3.30, SMOKE SHOPS

The action of the Land Development Regulation Commission is solely advisory to the Board of County Commissioners of Marion County, Florida. All interested parties may appear at the public hearing and be heard with respect to the proposed land development code amendments. The proposed ordinance may be reviewed at the Growth Services Department Planning and Zoning Division, 2710 E. Silver Springs Blvd, Ocala, Florida, (352) 438-2600. Visit www.marioncountyfl.org and click on the meetings tab on the homepage for the most up to date information.

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2026-0183

[Return to full list >>](#)



Marion County Board of County Commissioners

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Business Impact Estimate

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- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this 21st **day of July, 2026:** (Date being published)

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): **Creation of Sec. 4.3.30. Smoke Shops of the Land Development Code. Minimum distance requirements were established from one smoke shop to another, as well as from a smoke shop to a school, licensed daycare center, church, place of worship, or public park. Definitions are provided, pre-existing smoke shops are addressed, and the special use permit process is outlined as a method for locating a smoke shop within the minimum distance requirements.**

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

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

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

and

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

This code will apply to Smoke Shops going forward. Existing smoke shops will not be impacted and are considered as pre-existing non-conforming uses. Should a new smoke shop wish to locate within the minimum distance requirements established with this section of code, they will need to apply for a special use permit which, at this time, carries a fee of \$1000.00

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **This code will apply to Smoke Shops going forward. Existing smoke shops will not be impacted and are considered as pre-existing non-conforming uses.**

4. Additional information the governing body deems useful (if any): **N/A**



**Marion County
Board of County Commissioners**

Office of the County Attorney

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

Proof of Publication

No.: 2026-0187

STATE OF FLORIDA
COUNTY OF MARION
PREPARED BY HEATHER FLYNN:

Before the undersigned authority personally appeared Heather Flynn, who on oath says that they are the Legal Services Manager of Marion County, Florida; that the attached copy of advertisement: Notice of Public Hearing by Marion County Land Development Regulation Commission to Consider A Land Development Code Amendment related to Article 1, Administration, Division 2, Definitions for Wednesday, August 5, 2026 was published on the publicly accessible website, MarionFL.org/LegalNotices, of Marion County, Florida on July 21, 2026. Affiant further says that the website complies with all legal requirements for publication in Chapter 50, Florida Statutes.

Signature: _____

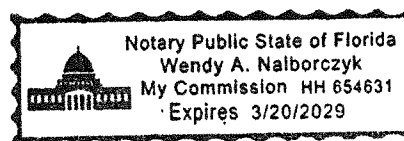
Date: 07.21.26

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Sworn and Subscribed before me this 21st day of July, 2026, by Heather Flynn who is: personally known to me ✓ or who has produced _____ as identification.

Signature of Notary Public



Notary Public Stamp

ATTACH COPY FROM WEBSITE POSTING



Legal Notices

NOTICE OF PUBLIC HEARING BY MARION COUNTY LAND DEVELOPMENT REGULATION COMMISSION TO CONSIDER A LAND DEVELOPMENT CODE AMENDMENT RELATED TO ARTICLE 1, ADMINISTRATION, DIVISION 2, DEFINITIONS

Post Date: 07/21/2026 8:00 AM

The Marion County Land Development Regulation Commission will hold a public hearing on **Wednesday, August 5, 2026, at 5:30 p.m., or as soon thereafter**, as may be heard. The meeting will be held at the **McPherson Governmental Campus Auditorium at 601 SE 25th Avenue, Ocala, FL, 34471**, to consider the following proposed ordinance to amend the Land Development Code in regard to Article 1, Administration, Division 2, Definitions related to trees:

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

The action of the Land Development Regulation Commission is solely advisory to the Board of County Commissioners of Marion County, Florida. All interested parties may appear at the public hearing and be heard with respect to the proposed land development code amendments. The proposed ordinance may be reviewed at the Growth Services Department Planning and Zoning Division, 2710 E. Silver Springs Blvd, Ocala, Florida, (352) 438-2600. Visit www.marioncountyfl.org and click on the meetings tab on the homepage for the most up to date information.

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

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

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

2026-0187

[Return to full list >>](#)



Marion County Board of County Commissioners

Office of the County Attorney

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

Business Impact Estimate

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

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

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

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

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

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **21st day of July 2026**: (Date being published)

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

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

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

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

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

The ordinance clarifies the definitions of trees that could have a negative fiscal impact on private, for-profit businesses and their ability to develop.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Unknown at this time, however, there are over 14,000 businesses in Marion County.**

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



**Marion County
Board of County Commissioners**

Office of the County Attorney

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

Proof of Publication

No.: 2026-0184

STATE OF FLORIDA
COUNTY OF MARION
PREPARED BY HEATHER FLYNN:

Before the undersigned authority personally appeared Heather Flynn, who on oath says that they are the Legal Services Manager of Marion County, Florida; that the attached copy of advertisement: Notice of Public Hearing by Marion County Land Development Regulation Commission to Consider A Land Development Code Amendment related to Article 6, Technical Standards and Requirements, Division 7, Tree Protection and Replacement for Wednesday, August 5, 2026 was published on the publicly accessible website, MarionFL.org/LegalNotices, of Marion County, Florida on July 21, 2026. Affiant further says that the website complies with all legal requirements for publication in Chapter 50, Florida Statutes.

Signature: _____

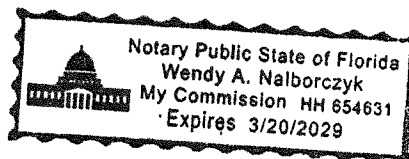
Date: 07.21.26

☒ Business Impact Estimate published with the advertisement and attached.

THIS SECTION PREPARED BY NOTARY:

Sworn and Subscribed before me this 21st day of July, 2026, by Heather Flynn who is: personally known to me ☒ or who has produced _____ as identification.

Wendy A. Nalborczyk
Signature of Notary Public



Notary Public Stamp

ATTACH COPY FROM WEBSITE POSTING



Legal Notices

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

Post Date: 07/21/2026 8:00 AM

The Marion County Land Development Regulation Commission will hold a public hearing on **Wednesday, August 5, 2026, at 5:30 p.m., or as soon thereafter**, as may be heard. The meeting will be held at the **McPherson Governmental Campus Auditorium at 601 SE 25th Avenue, Ocala, FL, 34471**, to consider the following proposed ordinance to amend the Land Development Code in regard to Article 6, Technical Standards and Requirements, Division 7, Tree Protection and Replacement:

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

The action of the Land Development Regulation Commission is solely advisory to the Board of County Commissioners of Marion County, Florida. All interested parties may appear at the public hearing and be heard with respect to the proposed land development code amendments. The proposed ordinance may be reviewed at the Growth Services Department Planning and Zoning Division, 2710 E. Silver Springs Blvd, Ocala, Florida, (352) 438-2600. Visit www.marioncountyfl.org and click on the meetings tab on the homepage for the most up to date information.

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

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

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

2026-0184

[Return to full list >>](#)



Marion County Board of County Commissioners

Office of the County Attorney

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

Business Impact Estimate

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

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

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

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

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

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **21st day of July 2026**: (Date being published)

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

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

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible;
- (c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs. **The ordinance encourages tree protection and preservation, but should preservation not be possible, could have a negative fiscal impact on private, for-profit businesses and their ability to develop.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Unknown at this time, however, there are over 14,000 businesses in Marion County.**

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



**Marion County
Board of County Commissioners**

Office of the County Attorney

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

Proof of Publication

No.: 2026-0185

STATE OF FLORIDA
COUNTY OF MARION
PREPARED BY HEATHER FLYNN:

Before the undersigned authority personally appeared Heather Flynn, who on oath says that they are the Legal Services Manager of Marion County, Florida; that the attached copy of advertisement: Notice of Public Hearing by Marion County Land Development Regulation Commission to Consider A Land Development Code Amendment related to Article 6, Technical Standards and Requirements, Division 8, Landscaping for Wednesday, August 5, 2026 was published on the publicly accessible website, MarionFL.org/LegalNotices, of Marion County, Florida on July 21, 2026. Affiant further says that the website complies with all legal requirements for publication in Chapter 50, Florida Statutes.

Signature

Heather Flynn

Date:

07-21-26

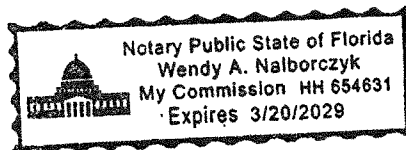
☒ Business Impact Estimate published with the advertisement and attached.

THIS SECTION PREPARED BY NOTARY:

Sworn and Subscribed before me this 21st day of July, 2026, by Heather Flynn who is: personally known to me ✓ or who has produced _____ as identification.

Wendy A. Nalborczyk
Signature of Notary Public

Notary Public Stamp



ATTACH COPY FROM WEBSITE POSTING



Legal Notices

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

Post Date: 07/21/2026 8:00 AM

The Marion County Land Development Regulation Commission will hold a public hearing on **Wednesday, August 5, 2026, at 5:30 p.m., or as soon thereafter**, as may be heard. The meeting will be held at the **McPherson Governmental Campus Auditorium at 601 SE 25th Avenue, Ocala, FL, 34471**, to consider the following proposed ordinance to amend the Land Development Code in regard to Article 6, Technical Standards and Requirements, Division 8, Landscaping:

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

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2026-0185

[Return to full list >>](#)



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

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this **21st day of July 2026**: (Date being published)

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

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

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

The ordinance establishes uniform requirements for buffer requirements, which could have a negative fiscal impact on private, for-profit businesses and their ability to develop.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Unknown at this time, however, there are over 14,000 businesses in Marion County.**

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



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2026-23885

Agenda Date: 8/5/2026

Agenda No.: 1.1.

SUBJECT:

July 20, 2026 and July 29, 2026

DESCRIPTION/BACKGROUND:

Minutes from the previous LDRC Workshops.

The Marion County Land Development Regulation Commission met on July 20, 2026, at 5:30 p.m. in the Growth Services Main Training Room, 2710 E Silver Springs Blvd, Ocala, Florida.

CALL TO ORDER

Chairman David Tillman called the meeting to order at 5:33 p.m.

ROLL CALL & PLEDGE OF ALLEGIANCE

Autumn Williams called roll, and the quorum was confirmed.

Board members present were Chairman David Tillman, Vice Chairman Gene Losito, Richard Busche, Robert Stepp, Erica Larson, and Alternate Jimmy Gooding.

Staff members present were Chief Assistant County Attorney Dana Olesky, Growth Services Director Chuck Varadin, Parks & Recreation Director Jim Couillard, Project Coordinator Susan Heyen, Development Review Coordinator Elizabeth Madeloni, and Administrative Manager Autumn Williams.

Chairman David Tillman led the Pledge of Allegiance.

There were members of the public present.

Dana Olesky, Chief Assistant County Attorney, provided clarification on the conflict of interest form and facilitated a discussion with the LDRC Board Members.

Following the adoption of the minutes, Chairman David Tillman disclosed a conflict of interest regarding the items on tonight's agenda. He informed those present that he would abstain from voting but would continue to preside over the meeting as the Board Chairman. Also, Gene Losito, Richard Busche, Robert Stepp, and Jimmy Gooding disclosed a conflict of interest regarding the items on tonight's agenda.

ACKNOWLEDGEMENT OF PROOF OF PUBLICATION

Autumn Williams read the Proof of Publication and advised that the meeting was properly advertised.

1. ADOPT THE FOLLOWING MINUTES

LDRC Board Member Richard Busche made a motion to adopt the minutes from the July 15, 2026, meeting. The motion was seconded by Board Member Robert Stepp. The motion passed unanimously (5-0).

2. SCHEDULED ITEMS

2.1. Workshop: Discussion on the Approved Marion County Land Development Code (LDC). The Land Development Regulation Commission (LDRC) will Discuss and Provide Recommendations Regarding Division 7 Tree Protection and Replacement

David Tillman, Chairman, opened the discussion regarding this item. Jessica Icerman, Attorney, presented updated proposed language to this section.

LDRC Board Members voiced their recommendations and comments regarding the current language.

The Board agreed that more discussion on the language was needed and will bring the item back to a future workshop on July 29, 2026.

2.2. Workshop: Discussion on the Approved Marion County Land Development Code (LDC). The Land Development Regulation Commission (LDRC) will Discuss and Provide Recommendations Regarding Division 8 Landscaping

Due to time constraints, this item was not addressed and is postponed to a future meeting.

2.3. Workshop: Discussion on the Approved Marion County Land Development Code (LDC). The Land Development Regulation Commission (LDRC) will Discuss and Provide Recommendations Regarding Article 1 Administration, Division 2 Definitions

David Tillman, Chairman, opened the discussion regarding this item. Jessica Icerman, Attorney, presented updated proposed language to this section.

LDRC Board Members voiced their recommendations and comments regarding the current language.

The Board agreed that more discussion on the language was needed and will bring the item back to a future workshop on July 29, 2026.

3. NEW BUSINESS

3.1 The Next LDRC Workshop is Scheduled for July 29, 2026, at 5:30 p.m., Followed by the LDRC Public Hearing on August 5, 2026, at 5:30 p.m., in the McPherson Governmental Campus Auditorium

ADJOURNMENT

The workshop adjourned at 7:03 p.m.

Attest:

David Tillman, Chairman

Autumn Williams, Administrative Manager

DRAFT

Land Development Regulation Commission Attendance Report

2026	Chairman	X																										
	Chris Howson	X	X																									
	Gene Losito	X	X	X						X	X	X	X	X	X	X		X										
	Richard Busche	X	X	X	X					X	X	X	X	X	X	X	X	X										
	Robert Stepp		X	X						X								X	X									
	Erica Larson	X								X	X	X	X	X	X			X	X									
	Nate Chambers	*		X	X					X	X	X	X	X	X	X												
	Jimmy Gooding	-													*			*										
	Marco Mariti	-																*										
																	</											

- N/A

X Present: attendance is counted towards the quorum

* Alternate Present; attendance not counted towards quorum

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Tillman Jonathan David</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Land Development Regulation Committee</i>	
MAILING ADDRESS <i>1720 SE 16th Ave Bldg 100</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Ocala</i>	COUNTY <i>Marion</i>	☐ CITY ☒ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>7/20/20</i>		NAME OF POLITICAL SUBDIVISION: <i>Marion County</i>	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Donathon David Tellman, hereby disclose that on July 20, 20 26:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of multiple clients, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

7/20/26
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Stapp Robert Lewis</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Land Development Regulation Comtee</i>	
MAILING ADDRESS <i>5804 SW 111th PL Rd. Marion</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Orcala</i>	COUNTY <i>FL</i>	☐ CITY ☒ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>7/20/24</i>		NAME OF POLITICAL SUBDIVISION: <i>Marion County</i>	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

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APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Robert Stepp, hereby disclose that on July 20, 2024:

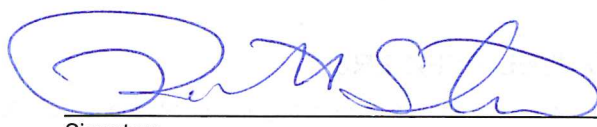
(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☒ inured to the special gain or loss of On Top of the World Communities, LLC, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

7/20/24
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Goody Willy J</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>LDRC</i>	
MAILING ADDRESS <i>1571 SE 36 Ave</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY _____ COUNTY _____		☐ CITY ☒ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>7/20/76</i>		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

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IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

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APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

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- You must disclose orally the nature of your conflict in the measure before participating.
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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, W. Jay Gordy III, hereby disclose that on 7/20, 20 26:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of * see (b) below, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I represent, as an attorney, a lot of developers who will be financially impacted by this including entities owned or controlled by Harvey Venderen, Ho Mett Fabian, Chris Armstrong & John & Todd Rudman.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed 7/20/26

Signature [Signature]

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

The Marion County Land Development Regulation Commission met on July 29, 2026, at 5:30 p.m. in the Marion County Office of the County Engineer, Building 1, Conference Room A, 412 SE 25th Avenue, Ocala, Florida.

CALL TO ORDER

Chairman David Tillman called the meeting to order at 5:32 p.m.

ROLL CALL & PLEDGE OF ALLEGIANCE

Kimberly Lamb called roll, and the quorum was confirmed.

Board members present were Chairman David Tillman, Vice Chairman Gene Losito, Robert Stepp, Erica Larson, Nate Chambers, Alternates Jimmy Gooding and Marco Mariti.

Staff members present were Chief Assistant County Attorney Dana Olesky, Growth Services Director Chuck Varadin, Growth Services Deputy Director Ken Weyrauch, Parks & Recreation Director Jim Couillard, Project Coordinator Susan Heyen, Development Review Coordinator Elizabeth Madeloni, and Administrative Staff Assistant Kimberly Lamb.

Chairman David Tillman led the Pledge of Allegiance.

There were members of the public present.

Dana Olesky, Chief Assistant County Attorney, provided clarification on the conflict of interest form and facilitated a discussion with the LDRC Board Members.

Chairman David Tillman disclosed a conflict of interest regarding the items on tonight's agenda. He informed those present that he would continue to preside over the meeting as the Board Chairman. Also, Robert Stepp and Jimmy Gooding disclosed a conflict of interest regarding the items on tonight's agenda.

ACKNOWLEDGEMENT OF PROOF OF PUBLICATION

Kimberly Lamb read the Proof of Publication and advised that the meeting was properly advertised.

- 1. ADOPT THE FOLLOWING MINUTES**
- 2. SCHEDULED ITEMS**

2.1. Workshop: Discussion on the Approved Marion County Land Development Code (LDC). The Land Development Regulation Commission (LDRC) will Discuss and Provide Recommendations Regarding Division 7 Tree Protection and Replacement

David Tillman, Chairman, opened the discussion regarding this item. Jessica Icerman, Attorney, presented updated proposed language to this section.

LDRC Board Members voiced their recommendations and comments regarding the current language.

The Board agreed that more discussion on the language was needed and will bring the item back to the Public Hearing on August 5, 2026.

2.2. Workshop: Discussion on the Approved Marion County Land Development Code (LDC). The Land Development Regulation Commission (LDRC) will Discuss and Provide Recommendations Regarding Division 8 Landscaping

David Tillman, Chairman, opened the discussion regarding this item. Jessica Icerman, Attorney, presented updated proposed language to this section.

LDRC Board Members voiced their recommendations and comments regarding the current language.

The Board agreed that more discussion on the language was needed and will bring the item back to the Public Hearing on August 5, 2026.

2.3. Workshop: Discussion on the Approved Marion County Land Development Code (LDC) Article 1 Administration, Division 2 Definitions

David Tillman, Chairman, opened the discussion regarding this item. Jessica Icerman, Attorney, presented updated proposed language to this section.

LDRC Board Members voiced their recommendations and comments regarding the current language.

The Board agreed that more discussion on the language was needed and will bring the item back to the Public Hearing on August 5, 2026.

3. NEW BUSINESS

3.1 The Next Scheduled Meeting is the LDRC Public Hearing on August 5, 2026, at 5:30 p.m., in the McPherson Governmental Campus Auditorium. A Continued Public Hearing is Scheduled for August 12, 2026 in the Same Location

ADJOURNMENT

The workshop adjourned at 7:07 p.m.

Attest:

David Tillman, Chairman

Kimberly Lamb, Administrative Staff Assistant

DRAFT

Land Development Regulation Commission Attendance Report

2026		January 7	January 21	February 4	February 18	February 25	March 4	March 11	March 25	April 15	May 6	May 20	June 3	June 17	July 1	July 15	July 20	July 29	August 5	August 19	September 2	September 16	October 7	October 21	November 4	November 18	December 2	December 16
David Tillman	Chairman	X		X	X	X	X	X	X	X		X	X	X	X	X	X	X										
Chris Howson	Board Member	X	X		X	X	X		X		X																	
Gene Losito	Vice Chairman	X	X		X		X			X	X	X	X	X	X		X	X										
Richard Busche	Board Member	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X											
Robert Stepp	Board Member		X	X					X			X	X	X	X	X	X	X										
Erica Larson	Board Member	X			X	X	X	X	X		X	X	X	X		X	X	X										
Nate Chambers	Board Member *As of 1/20/26	*		X	X			X	X	X	X	X	X	X	X			X										
Jimmy Gooding	Alt. Board Member *As of 6/17/26	-												*		*	*	*										
Marco Mariti	Alt. Board Member *As of 6/17/26	-													*	*		*										

- N/A

X Present: attendance is counted towards the quorum

* Alternate Present; attendance not counted towards quorum

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Tillman Jonathan David</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Land Development Regulation Committee</i>	
MAILING ADDRESS <i>1700 SE 16th Ave Bldg 100</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Ocala</i>	COUNTY <i>Marion</i>	☐ CITY ☒ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>7/29/26</i>		NAME OF POLITICAL SUBDIVISION: <i>Marion</i>	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTEE	

WHO MUST FILE FORM 8B

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Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

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APPOINTED OFFICERS (continued)

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- The form must be read publicly at the next meeting after the form is filed.

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jonathan David Tillman, hereby disclose that on July 28th, 20 22:

(a) A measure came or will come before my agency which (check one or more)

- ☐ insured to my special private gain or loss;
- ☐ insured to the special gain or loss of my business associate, _____;
- ☐ insured to the special gain or loss of my relative, _____;
- ☐ insured to the special gain or loss of _____, by whom I am retained; or
- ☐ insured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I represent multiple clients

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

7/29/22
Date Filed

[Signature]
Signature

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FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Gooding William James</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>LDRC</i>	
MAILING ADDRESS <i>1731 1st St NE</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Ocala</i>	COUNTY <i>FL</i>	☐ CITY ☒ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>7/29/26</i>		NAME OF POLITICAL SUBDIVISION: <i>Marion County</i>	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTEE	

WHO MUST FILE FORM 8B

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, William Joe Gaudy III, hereby disclose that on 7/29, 20 26:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of see below to, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Div 1, 7 & 8

* Developers
including

or controlled by

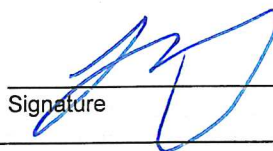
* Entities owned by Harvey Vandeven / Matt Rabian /
Chris Armstrong / John Redman.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

7/29/26

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Stess Robert Lewis</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Land Development Regulation Comm</i>	
MAILING ADDRESS <i>5804 SW 111th PL Rd</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Ocala</i>	COUNTY <i>Marion</i>	☐ CITY ☒ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>7/29/24</i>		NAME OF POLITICAL SUBDIVISION: <i>Marion County</i>	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Robert Stepp, hereby disclose that on 7/29/24, 20__ :

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____ ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☐ inured to the special gain or loss of _____ , by
whom I am retained; or
- ☒ inured to the special gain or loss of On Top of the World Communities LLC , which
is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

7/29/24
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2026-23888

Agenda Date: 8/5/2026

Agenda No.: 2.1.

SUBJECT:

PUBLIC HEARING: Discussion of Proposed Marion County Land Development Code (LDC) Amendments Presented by Staff. The LDRC will Review and Provide Recommendations Regarding Section 4.3.6 Manufactured Home, Park Trailer, and Recreational Vehicle Regulations.

DESCRIPTION/BACKGROUND:

Staff have attached the proposed language to update LDC Section 4.3.6 Manufactured Home, Park Trailer, and Recreational Vehicle Regulations.

ORDINANCE 26 –

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 4, ZONING, DIVISION 3, SPECIAL REQUIREMENTS, SECTION 4.3.6, MANUFACTURED HOME, PARK TRAILER, AND RECREATION VEHICLE REGULATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on May 6, 2026 and August 5, 2026; and

WHEREAS, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on August 25, 2026, and September 14, 2026;

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

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

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

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

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

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

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

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

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

DULY ADOPTED this 14th day of September, 2026.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

CARL ZALAK, III, CHAIRMAN

ATTEST:

GREGORY C. HARRELL
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MATTHEW G. MINTER
COUNTY ATTORNEY

1 **Sec. 4.3.6. Manufactured home, park trailer, and recreational vehicle regulations.**

2 A. Temporary Use.

- 3 (1) A manufactured home, park trailer or travel trailer may be used as a temporary residence incidental to
4 construction on or development of property for a residential use on which the manufactured home,
5 park trailer or travel trailer is located only during the time in which construction or development is
6 actively underway with an active building permit, and in no case for more than six months, subject to
7 renewal. Except that a manufactured home is prohibited from use as temporary residence on R-1
8 zoned property. Such use is subject to the approval of the Growth Services Director
- 9 (2) A single recreational vehicle which has a self-contained disposal system shall be permitted to be
10 occupied in any residential zoning as a non-commercial guest of the resident of the property involved,
11 for a period not to exceed 21 days in any 60-day period by a Temporary Use Permit through the
12 Growth Services Planning and Zoning Division.
- 13 (3) Recreational vehicles which have a self-contained disposal system shall be permitted to be occupied in
14 any agriculture zoning as a non-commercial guest of the owner or resident of the property involved, for
15 a period not to exceed ~~90~~60 days in any 365-day period. A single 30-day extension may be granted with
16 Growth Services Director approval. A limit of ~~five~~four travel trailers or recreation vehicles is permitted
17 at one time by a Temporary Use Permit through the Growth Services Planning and Zoning Division, ~~six~~
18 five or more by Special Event Permit with the approval of the Marion County Department of Health and
19 the County Administrator.

20 B. Parking of recreational vehicles. Recreational vehicles and trailers may be permitted to be parked beside or
21 behind the residence unless stored in the driveway ~~within the front yard~~ provided that the vehicle ~~shall~~ be
22 setback a minimum of 10 feet from the edge of the adjacent public right-of-way, easement, property line, or
23 sidewalk and shall not obstruct or interfere with the maintenance or use of ~~such~~the right-of-way or
24 sidewalk, and shall not obstruct the neighboring property owner's view of oncoming vehicular traffic,
25 pedestrians, or bicyclists.

26 Use of manufactured homes and recreational vehicles.

- 27 (1) Manufactured homes, recreational vehicles, park trailers, boats, and vans, shall only be used for their
28 designed and intended purpose as evidenced by the manufacturer's certification.
- 29 (2) It shall be a violation of the County's Land Development Code for any person, firm or corporation to
30 keep, dump, store, place or deposit abandoned, unlicensed, inoperable, junked, disabled, wrecked,
31 discarded or otherwise unused recreational vehicles, park trailers, or manufactured homes on any
32 property, street, or highway, except;
- 33 (a) When such property is located upon the premises of a lawfully established and maintained
34 junkyard, vehicle repair business, or other similar facility as allowable by law.
- 35 (b) For the storage, service or repair of such property, when located within the confines of a
36 completely enclosed permitted structure, not to include open carports.
- 37 (3) Unoccupied recreational vehicles, park trailers, manufactured homes shall not be used for storage or
38 any other non-residential use for which it was not designed and manufactured as evidenced by the
39 manufacturer's certification.
- 40 (4) A recreational vehicle that is not occupied must be owned or leased by the property owner or tenant

41 (Ord. No. 17-08, § 2(Exh. A), 4-11-2017)

42

Sec. 4.3.6. Manufactured home, park trailer, and recreational vehicle regulations.

A. Temporary Use.

- (1) A manufactured home, park trailer or travel trailer may be used as a temporary residence incidental to construction on or development of property for a residential use on which the manufactured home, park trailer or travel trailer is located only during the time in which construction or development is actively underway with an active building permit, and in no case for more than six months, subject to renewal. Except that a manufactured home is prohibited from use as temporary residence on R-1 zoned property. Such use is subject to the approval of the Growth Services Director
- (2) A single recreational vehicle which has a self-contained disposal system shall be permitted to be occupied in any residential zoning as a non-commercial guest of the resident of the property involved, for a period not to exceed 21 days in any 60-day period by a Temporary Use Permit through the Growth Services Planning and Zoning Division.
- (3) Recreational vehicles which have a self-contained disposal system shall be permitted to be occupied in any agriculture zoning as a non-commercial guest of the owner or resident of the property involved, for a period not to exceed 90 days in any 365-day period. A single 30-day extension may be granted with Growth Services Director approval. A limit of four travel trailers or recreation vehicles is permitted at one time by a Temporary Use Permit through the Growth Services Planning and Zoning Division, five or more by Special Event Permit with the approval of the Marion County Department of Health and the County Administrator.

- B. Parking of recreational vehicles.** Recreational vehicles and trailers may be permitted to be parked beside or behind the residence unless stored in the driveway provided that the vehicle shall not obstruct or interfere with the maintenance or use of the right-of-way or sidewalk, and shall not obstruct the neighboring property owner's view of oncoming vehicular traffic, pedestrians, or bicyclists.

Use of manufactured homes and recreational vehicles.

- (1) Manufactured homes, recreational vehicles, park trailers, boats, and vans, shall only be used for their designed and intended purpose as evidenced by the manufacturer's certification.
- (2) It shall be a violation of the County's Land Development Code for any person, firm or corporation to keep, dump, store, place or deposit abandoned, unlicensed, inoperable, junked, disabled, wrecked, discarded or otherwise unused recreational vehicles, park trailers, or manufactured homes on any property, street, or highway, except;
 - (a) When such property is located upon the premises of a lawfully established and maintained junkyard, vehicle repair business, or other similar facility as allowable by law.
 - (b) For the storage, service or repair of such property, when located within the confines of a completely enclosed permitted structure, not to include open carports.
- (3) Unoccupied recreational vehicles, park trailers, manufactured homes shall not be used for storage or any other non-residential use for which it was not designed and manufactured as evidenced by the manufacturer's certification.
- (4) A recreational vehicle that is not occupied must be owned or leased by the property owner or tenant

(Ord. No. 17-08, § 2(Exh. A), 4-11-2017)



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2026-23890

Agenda Date: 8/5/2026

Agenda No.: 2.2.

SUBJECT:

PUBLIC HEARING: Discussion of Proposed Marion County Land Development Code (LDC) Amendments Presented by Staff. The LDRC will Review and Provide Recommendations Regarding Section 4.3.12 Roadside Vendors

DESCRIPTION/BACKGROUND:

Staff have attached the proposed language to update LDC Section 4.3.12.

ORDINANCE 26 –

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 4, ZONING, DIVISION 3, SPECIAL REQUIREMENTS, SECTION 4.3.12, ROADSIDE VENDORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on July 1, 2026 and August 5, 2026; and

WHEREAS, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on August 25, 2026 and September 14, 2026;

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

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

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

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

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

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

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

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

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

DULY ADOPTED this 14th day of September, 2026.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

CARL ZALAK, III, CHAIRMAN

ATTEST:

GREGORY C. HARRELL
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MATTHEW G. MINTER
COUNTY ATTORNEY

LDC CODE UPDATE	
DATE:	May 20, 2026
LDC SECTION:	Section 4.3.12 Roadside Vendors
COMP PLAN REFERENCE:	N/A
DISCUSSION:	
Background Text changes to Section 4.3.12 Roadside vendors are proposed to address recent issues as identified by County staff. The following memo is intended to summarize the recommended text changes, and provide clarity for staff and applicants as to when a roadside vendor operation would require approval under a Minor Site Plan or Major Site Plan. Changes to the LDC Section Changes to the text of Section 4.3.12 Roadside Vendors address the following topics. • Correct the reference to the permitting agency name from the “Florida Department of Business and Regulation, Division of Hotels and Restaurants” to the “Florida Department of Business and <u>Professional</u> Regulation, Division of Hotels and Restaurants.” • Clarify what qualifies as a roadside vendor by removing the descriptor, “cart: food such as but not limited to hot dogs or sausages, barbecued meat and uncooked seafood” and replacing it with “Hot Dog Cart or Mobile Food Dispensing Vehicle (aka “Food Truck”).” This change makes the LDC consistent with State definitions and terms. • Add requirements for <u>Special Use Permit and</u> -Minor or Major Site Plan review and approval where more than one roadside vendor operates on a single parcel of land. Revise subsection lettering sequence accordingly. • Clarify the intended temporary nature of roadside vendors. Attachments: Redline LDC Changes to Section 4.3.12 Roadside Vendors	

1 **Sec. 4.3.12. Temporary Roadside vendors**

2 A. ~~A. — Roadside~~ Temporary roadside vendors as used herein shall mean a person or business who sells goods as
3 follows:

- 4 (1) From a roadside stand: fruit, vegetables, produce, peanuts, ~~fireworks,~~ Christmas trees, firewood, or like
5 items; and, dry goods, homemade crafts, etc.; and or
- 6 (2) From a Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants
7 approved ~~cart: food such as but not limited to hot dogs or sausages, barbecued meat and uncooked~~
8 ~~seafood.~~ Hot Dog Cart or Mobile Food Dispensing Vehicle (aka "Food Truck").

9 B. The maximum number of temporary roadside vendors per parcel or area is two vendors. ~~B. — Sale of~~
10 ~~the above listed merchandise shall be conducted from a flame retardant tent or pole barn type facility with~~
11 ~~the Seasonal firework sales are an exception of peanuts, food vendors and Christmas trees, which are not~~
12 ~~required to have a structure on the land. This facility shall be located on private property which is either owned~~
13 ~~or leased by the vendor. Sale to temporary roadside vendor regulations. These sales require a temporary use~~
14 ~~permit from the zoning department and a building permit.~~

15 C. ~~C. — Temporary roadside vendor sales~~ are prohibited within the public ~~County~~ -right-of-way or public easement.

16 ~~C. — Roadside vendors~~ DD. Temporary roadside vendors are intended to function temporarily and independently.
17 Services such as electric, water, and sewer shall not be permitted ~~on vacant land~~. Permanent structures such as,
18 but not limited to, sheds, carports, modular buildings, etc., shall be prohibited.

19 ~~D. — Permitted Zoning Classifications. Sale of listed merchandise will be~~ EE. Temporary roadside vendors
20 conducting sales from a tent, pole-barn type facility, or other temporary structure shall obtain all applicable
21 Building and Safety dDepartment approvals for permitting.

22 ~~FF. Temporary roadside vendors are~~ allowed by right in the following zoning classifications: A-1, A-2, A-3, B-1, B-2,
23 B-3, B-4, B-5, M-1, and RAC, upon meeting and shall at a minimum comply with the following ~~conditions~~ criteria:

24 (1) ~~Hours of operation may be between 6 a.m. and 10 p.m.~~

25 (1) Driveway access shall be controlled, and driveway permits shall be obtained from the appropriate
26 permitting agency.

27 (2) Adequate parking area shall be provided on site for customers including ~~handicapped persons~~ with
28 disabilities, who shall be provided service without leaving their vehicle if requested.

29 (3) ~~Parking areas shall be covered with a layer (minimum 1½" thick) of bark chips, sawdust, shavings or~~
30 ~~combination thereof, or construct a stabilized base parking area or pave the parking area.~~

31 (4) On site temporary restroom facilities are to be provided when more than two ~~persons~~ employees are
32 employed on the site present.

33 (5) Water and soap for the washing of hands shall be available on site.

34 (6) A covered trash or garbage receptacle with a plastic liner will be kept on site.

35 (7) ~~Products to be sold will be covered overnight or removed from the site and if required by State law,~~
36 ~~refrigeration will be provided.~~

37 (7) Overnight food, vegetables, produce, etc. storage is not permitted.

38 (8) All advertising signs, trash, and other necessities shall be removed when the temporary roadside vendor
39 ceases business for the day. The maximum number of signs shall not exceed four signs per vendor and shall
40 be no larger than six square feet in size. Signage shall not be placed in public right of way or public easement.

(8) Tables and chairs are not permitted

(9) A roadside ~~stand~~stands for the sale of farm products raised or produced on the premises shall be permitted in accordance with Florida Statutes (e.g. Florida Right to Farm Act Sec. 823.14 F.S.) provided such stands are located not less than 30 feet from any street, highway or right of way. A site plan will be submitted as part of the building permit process for a permanent structure or for the installation of electrical, water or rest room facilities. The applicable site plan shall be submitted as set forth in Article 2 of this Code. at least 30 feet from the right of way. Non temporary roadside stands for farm products shall be regulated by applicable Site Plan and Building Plan regulations.

~~(9) All advertising signs shall be removed when the temporary roadside vendor ceases business for the day. The maximum number of signs shall not exceed four signs per vendor and shall be no larger than six square feet in size.~~

H.G. Operation of more than two temporary roadside vendors, mobile food dispensing vehicles, food trucks, etc. on a single parcel of land or shared area, or roadside vendors not operating on a temporary basis, shall require a Special Use Permit and either a Minor Site Plan or Major Site Plan approval as set forth in Article 2 of this Code, and be consistent with the underlying land use designation and zoning classification for the property. The Special Use Permit, at a minimum, shall address the following;

(1) Maximum number of vendors

(2) Layout of the site

(3) Access to the site

(4) Parking, including ADA Parking

(5) Restroom and handwashing facilities

(6) Lighting

(7) Signage

(8) Buffering

(9) Trash/dumpster placement and pickup

(10) Overnight storage

LDC CODE UPDATE	
DATE:	May 20, 2026
LDC SECTION:	Section 4.3.12 Roadside Vendors
COMP PLAN REFERENCE:	N/A
DISCUSSION:	
Background Text changes to Section 4.3.12 Roadside vendors are proposed to address recent issues as identified by County staff. The following memo is intended to summarize the recommended text changes, and provide clarity for staff and applicants as to when a roadside vendor operation would require approval under a Minor Site Plan or Major Site Plan. Changes to the LDC Section Changes to the text of Section 4.3.12 Roadside Vendors address the following topics. • Correct the reference to the permitting agency name from the “Florida Department of Business and Regulation, Division of Hotels and Restaurants” to the “Florida Department of Business and <u>Professional</u> Regulation, Division of Hotels and Restaurants.” • Clarify what qualifies as a roadside vendor by removing the descriptor, “cart: food such as but not limited to hot dogs or sausages, barbecued meat and uncooked seafood” and replacing it with “Hot Dog Cart or Mobile Food Dispensing Vehicle (aka “Food Truck”).” This change makes the LDC consistent with State definitions and terms. • Add requirements for Special Use Permit and Minor or Major Site Plan review and approval where more than one roadside vendor operates on a single parcel of land. Revise subsection lettering sequence accordingly. • Clarify the intended temporary nature of roadside vendors. Attachments: Redline LDC Changes to Section 4.3.12 Roadside Vendors	

1 **Sec. 4.3.12. Temporary Roadside Vendors.**

2 A. Temporary roadside vendors as used herein shall mean a person or business who sells goods as follows:

- 3 (1) From a roadside stand: fruit, vegetables, produce, peanuts, Christmas trees, firewood, or like items; or
4 (2) From a Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants
5 approved Hot Dog Cart or Mobile Food Dispensing Vehicle (aka "Food Truck").

6 B. The maximum number of temporary roadside vendors per parcel or area is two vendors. Vendor shall obtain
7 notarized written permission from the parcel owner.

8 C. Temporary roadside vendor sales are prohibited within the public right-of-way or public easement.

9 D. Temporary roadside vendors are intended to function temporarily and independently. Services such as electric,
10 water, and sewer shall not be permitted. Permanent structures such as, but not limited to, sheds, carports,
11 modular buildings, etc., are prohibited.

12 E. Temporary roadside vendors conducting sales from a tent, pole-barn type facility, or other temporary structure
13 shall obtain all applicable Building and Safety Department approvals for permitting.

14 F. Temporary roadside vendors are allowed by right in the following zoning classifications: A-1, A-2, A-3, B-1, B-2,
15 B-3, B-4, B-5, M-1, and RAC, and shall at a minimum comply with the following criteria:

16
17 (1) Driveway access shall be controlled, and driveway permits shall be obtained from the appropriate
18 permitting agency.

19 (2) Adequate parking area shall be provided on site for customers including persons with disabilities, who shall
20 be provided service without leaving their vehicle if requested.

21 (3) On site temporary restroom facilities are to be provided when more than two employees are present.

22 (4) Water and soap for the washing of hands shall be available on site.

23 (5) A covered trash or garbage receptacle with a plastic liner will be kept on site.

24 (6) Overnight food, vegetables, produce, etc. storage is not permitted.

25 (7) All advertising signs, trash, tables and chairs, and other necessities shall be removed when the temporary
26 roadside vendor ceases business for the day. The maximum number of signs shall not exceed four signs per
27 vendor and shall be no larger than six square feet in size. Signage shall not be placed in public right of way
28 or public easement.

29 (8) Tables and chairs are limited to two tables with chairs.

30 (9) A roadside stands for the sale of farm products raised or produced on the premises shall be permitted in
31 accordance with Florida Statutes (e.g. Florida Right to Farm Act Sec. 823.14 F.S.).

32 G. Operation of more than two temporary roadside vendors, mobile food dispensing vehicles, food trucks, etc. on
33 a single parcel of land or shared area, or roadside vendors not operating on a temporary basis, shall require a
34 Special Use Permit and either a Minor Site Plan or Major Site Plan approval as set forth in Article 2 of this Code,
35 and be consistent with the underlying land use designation and zoning classification for the property. The Special
36 Use Permit, at a minimum, shall address the following;

37 (1) Maximum number of vendors

38 (2) Layout of the site

39 (3) Access to the site

-
- 1 (4) Parking, including ADA Parking
 - 2 (5) Restroom and handwashing facilities
 - 3 (6) Lighting
 - 4 (7) Signage
 - 5 (8) Buffering
 - 6 (9) Trash/dumpster placement and pickup
 - 7 (10) Overnight storage
 - 8
 - 9



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2026-23891

Agenda Date: 8/5/2026

Agenda No.: 2.3.

SUBJECT:

PUBLIC HEARING: Discussion of Proposed Marion County Land Development Code (LDC) Amendments Presented by Staff. The Land Development Regulation Commission (LDRC) will Review and Provide Recommendations Regarding Proposed Updates to Section 4.3.30 Smoke Shops

DESCRIPTION/BACKGROUND:

Staff have attached the proposed language to add LDC Section 4.3.30 Smoke Shops.

ORDINANCE 26 –

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 4, ZONING, DIVISION 3, SPECIAL REQUIREMENTS, SECTION 4.3.30, SMOKE SHOPS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on July 1, 2026 and August 5, 2026; and

WHEREAS, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on August 25, 2026 and September 14, 2026;

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

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

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

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

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

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

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

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

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

DULY ADOPTED this 14th day of September, 2026.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

CARL ZALAK, III, CHAIRMAN

ATTEST:

GREGORY C. HARRELL
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MATTHEW G. MINTER
COUNTY ATTORNEY

1 **Sec. 4.3.30. Smoke Shops.**

2 A. No commercial establishment used for the on-premises sale and consumption of
3 tobacco, tobacco products, or tobacco paraphernalia, including providing an area
4 for smoking products as the primary use, but excluding any grocery store,
5 convenience store or similar retail establishment that sells products incidental to its
6 principal business, shall be permitted to locate within 1,500 ~~1,000~~ feet of any
7 school, ~~licensed daycare center~~, church or place of worship, or public park, or
8 within 2,500 feet of another smoke shop. ~~in existence on the date certificate of~~
9 ~~occupancy permit is issued.~~

10 B. The term "public park" as used in this section shall mean a park open to the general
11 public owned either by Federal, State, County or City Governmental Agencies. ~~or~~
12 ~~church parks adjacent to churches.~~

13 C. Establishments existing on the effective date of this Code which do not meet the
14 above requirements shall be deemed pre-existing non-conforming uses.

15 D. For the purposes of this section a school, ~~licensed daycare center~~, church or public
16 park ~~establishment~~ shall be deemed to be existing if all necessary permits for
17 construction have been acquired and remain active.

18 E. For purposes of distance limitations, the measurement shall be made by extending
19 a straight line from the nearest building line point of the regulated establishment to
20 the nearest property line point of improved school grounds used as part of the
21 school, or the nearest property line point of the park grounds.

22 F. If a school, ~~licensed daycare center~~, church or park is located within the limits of an
23 incorporated city or town or within another county and within the vicinity of the
24 smoke shop which is located within unincorporated Marion County, the
25 requirements specified in Sections 4.3.30.A, 4.3.30.B and 4.3.30.E above shall
26 apply.

27 G. An applicant may request a ~~Special Use Permit~~ for an establishment proposing
28 sales of tobacco, tobacco products, or tobacco paraphernalia, including providing
29 an area for smoking products, but excluding any grocery store, convenience store
30 or similar retail establishment that sells products incidental to its principal business,
31 where the above referenced spacing requirements cannot be met. Notification of all
32 schools, ~~licensed daycare centers~~, church or public park facilities within the
33 prescribed spacing distances above is required.

1 **Sec. 4.3.30. Smoke Shops.**

2 A. No commercial establishment used for the on-premises sale and consumption of
3 tobacco, tobacco products, or tobacco paraphernalia, including providing an area for
4 smoking products as the primary use, but excluding any grocery store, convenience
5 store or similar retail establishment that sells products incidental to its principal
6 business, shall be permitted to locate within 1,500 feet of any school, licensed
7 daycare center, church or place of worship, or public park, or within 2,500 feet of
8 another smoke shop.

9 B. The term "public park" as used in this section shall mean a park open to the general
10 public owned either by Federal, State, County or City Governmental Agencies.

11 C. Establishments existing on the effective date of this Code which do not meet the
12 above requirements shall be deemed pre-existing non-conforming uses.

13 D. For the purposes of this section a school, licensed daycare center, church or public
14 park shall be deemed to be existing if all necessary permits for construction have
15 been acquired and remain active.

16 E. For purposes of distance limitations, the measurement shall be made by extending
17 a straight line from the nearest building line point of the regulated establishment to
18 the nearest property line point of improved school grounds used as part of the school,
19 or the nearest property line point of the park grounds.

20 F. If a school, licensed daycare center, church or park is located within the limits of an
21 incorporated city or town or within another county and within the vicinity of the smoke
22 shop which is located within unincorporated Marion County, the requirements
23 specified in Sections 4.3.30.A, 4.3.30.B and 4.3.30.E above shall apply.

24 G. An applicant may request a Special Use Permit for an establishment proposing sales
25 of tobacco, tobacco products, or tobacco paraphernalia, including providing an area
26 for smoking products, but excluding any grocery store, convenience store or similar
27 retail establishment that sells products incidental to its principal business, where the
28 above referenced spacing requirements cannot be met. Notification of all schools,
29 licensed daycare centers, church or public park facilities within the prescribed
30 spacing distances above is required.



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2026-23893

Agenda Date: 8/5/2026

Agenda No.: 2.4.

SUBJECT:

PUBLIC HEARING: Presentation and Consideration of Proposed Amendments to the Approved Marion County Land Development Code (LDC) Article 1 Administration, Division 2 Definitions

DESCRIPTION/BACKGROUND:

The Board of County Commissioners approved the Land Development Code (LDC) Article 1 Administration, Division 2 Definitions. On July 8, 2026, the Board directed staff to work with the Land Development Regulation Commission (LDRC) and the Development Community to review the approved Ordinance in relation to the items that may become more burdensome to the Development Community.

ORDINANCE 26-

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

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

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

WHEREAS, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on March 11, 2026, June 17, 2026, July 29, 2026, and August 5, 2026; and

WHEREAS, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on March 31, 2026, April 22, 2026, May 18, 2026, August 25, 2026, and September 14, 2026;

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

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

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

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

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

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

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

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

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

DULY ADOPTED this 14th day of September, 2026.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

CARL ZALAK, III, CHAIRMAN

ATTEST:

GREGORY C. HARRELL
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MATTHEW G. MINTER
COUNTY ATTORNEY

DIVISION 2. DEFINITIONS

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

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

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

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

TREE, SPECIMEN. A Live Oak with a 36" DBH or larger, a Southern Magnolia with a 24" DBH or larger or a Long Leaf Pine with an ~~20~~¹⁸" DBH or larger; in viable condition as determined from a proper evaluation by a Certified Arborist or Landscape Architect and confirmation by the County Landscape Architect; and offers value due to its species type, ecological value, age, historic value, or other outstanding qualities. A comprehensive tree list is available from the County's Landscape Architect.

TREE, SHADE. A deciduous or evergreen tree characterized by a broad, spreading branching habit and dense foliage, specifically utilized to provide a high degree of shade by its canopy. These trees are typically "Large Tree" species included on the list provided in Sec. 6.8.10 ~~and provide significant shade over impervious surfaces, such as parking lots, sidewalks, and streets.~~

1
2 **DIVISION 2. DEFINITIONS**

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

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

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

12 **TREE, REGULATED.** Any existing non-invasive non-exotic tree species that is 20" diameter breast height (DBH)
13 or larger, or any tree that was planted in compliance with an approved development order or preserved to mitigate
14 the prior removal of a Regulated Tree.

15 **TREE, SPECIMEN.** A Live Oak with a 36" DBH or larger, a Southern Magnolia with a 24" DBH or larger or a Long
16 Leaf Pine with an 20" DBH or larger; in viable condition as determined from a proper evaluation by a Certified
17 Arborist or Landscape Architect and confirmation by the County Landscape Architect; and offers value due to it's
18 species type, ecological value, age, historic value, or other outstanding qualities. A comprehensive tree list is
19 available from the County's Landscape Architect.
20

21 **TREE, SHADE.** A deciduous or evergreen tree characterized by a broad, spreading branching habit and dense
22 foliage, specifically utilized to provide a high degree of shade by its canopy. These trees are typically "Large Tree"
23 species included on the list provided in Sec. 6.8.10.
24



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2026-23896

Agenda Date: 8/5/2026

Agenda No.: 2.5.

SUBJECT:

PUBLIC HEARING: Presentation and Consideration of the Proposed Amendments to the Approved Marion County Land Development Code (LDC). The Land Development Regulation Commission (LDRC) will Discuss and Provide Recommendations Regarding Division 7 Tree Protection and Replacement

DESCRIPTION/BACKGROUND:

The Board of County Commissioners approved Division 7 Tree Protection and Replacement on July 8, 2026. At that time, the Board directed staff to work with the Land Development Regulation Commission (LDRC) and the Development Community to review the approved Ordinance in relation to items that may become more burdensome to the Development Community.

ORDINANCE 26 –26

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

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

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

WHEREAS, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on March 11, 2026, June 17, 2026, July 20, 2026, July 29, 2026, and August 5, 2026; and

WHEREAS, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on March 31, 2026, April 14, 2026, and May 18, 2026, August 25, 2026, and September 14, 2026;

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

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

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

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

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

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

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

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

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

DULY ADOPTED this 14th day of September, 2026.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

CARL ZALAK, III, CHAIRMAN

ATTEST:

GREGORY C. HARRELL
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MATTHEW G. MINTER
COUNTY ATTORNEY

DRAFT

DIVISION 7. TREE PROTECTION AND REPLACEMENT

Sec. 6.7.1. Purpose and intent.

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

Sec. 6.7.2. Exceptions.

- The preservation and replacement of trees and protected plant species shall apply to all development with the following exceptions:
- A. The removal of trees for purposes of conducting bona fide agricultural uses such as field crops, landscape nursery, citrus nursery, forest crops, animal husbandry, greenhouses, aquaculture, silviculture and the like, on lands with an agricultural zoning classification.
- B. Property used for bona fide agricultural use, as listed in Section 6.7.2.A above, zoned other than agriculture and possessing an agriculture classification from the County Property Appraiser per § 193.461 FS.
- C. On lands where either of the two exemptions in Sections 6.7.2.A and B above has enabled tree removal without a permit, no applications for any land use or zoning changes from rural to urban designations shall be accepted within two (2) years of the tree removal date unless:
- (1) The applicant provides tree replacement at 100 inches DBH of native trees per acre, or lower based on the pre-clearing density of existing trees; or
 - (2) The applicant/owner provides payment into a Tree Mitigation fund in the equivalent amount of planting 100 inches DBH of native trees per acre, or lower based on the pre-clearing density of existing trees.
- ~~D. Any removal conducted under an agricultural exemption within two (2) 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. For any parcel where trees were removed within the preceding two (2) years, the tree mitigation and replacement requirements shall be based on the canopy density and tree count shown in aerial photography provided by the Marion County Information Technology Department, flown between December 2023 and February 2024, representing the legally mandated January 1, 2024 benchmark. To rebut this~~

~~presumption, the application must provide a sworn affidavit and evidence (e.g. crop yields, livestock sales, or timber receipts) proving that the clearing was part of a bona fide agricultural operation.~~

~~D.E.~~ The removal of trees which have a DBH of less than 20 inches, except those trees which have been designated as replacement ~~and conservation~~ trees pursuant to Section 6.7.9.G.

~~E.F.~~ The removal of trees on an individual parcel of record used or to be used for single-family or duplex dwelling units.

~~F.G.~~ The removal of trees associated with construction, rehabilitation, or routine maintenance of roads, utilities, and drainage systems within public rights-of-way or easements, by the County or agencies having local jurisdiction.

~~G.H.~~ The removal of trees associated with the rehabilitation or routine maintenance of roads, utilities and drainage systems within private rights-of-way or easements.

~~H.I.~~ Tree removal or trimming for the construction of firebreaks and firelines by the County or agencies having local jurisdiction and surveying associated with this construction.

~~I.J.~~ The removal of trees which pose an immediate and direct threat to persons or property, and the removal of trees that are dead or dying due to natural causes as determined by a Landscape Architect or a Certified Arborist.

~~J.K.~~ Transplanting of any size tree.

~~K.L.~~ Removal of trees required by a development plan which has been fully approved by the County.

~~L.M.~~ Removal of exotic or nuisance tree or plant species as listed by the UF/IFAS Assessment of Non-native Plants, "Prohibited" or "Invasive - Not Recommended" tables, as updated.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.3. Tree ~~P~~rotection, ~~g~~General.

A. Design for the protection of trees.

(1) Site development shall consider tree preservation by balancing the requirements of site and utility design with preserving existing trees in an integrated manner across the site.

(2) The preservation of existing trees and vegetation for use as perimeter land use buffers shall be considered early in the site design process to provide required buffers while preserving habitat and lowering the cost of development.

(3) In all cases, a post-development ratio of Shade Trees to the area of the site must be provided as required in Section 6.7.4.

(4) All Regulated ~~T~~rees shall be considered protected trees.

(5) After a ~~t~~ree ~~s~~urvey is completed, an evaluation by a Certified Arborist or Landscape Architect of all trees proposed to be preserved or proposed to be removed as nonviable shall be made to determine if existing Regulated Trees, or groups of existing Regulated Trees, are suitable candidates for preservation before final site plans are developed. If the applicant proposes preserving existing trees, or if the site contains Specimen Trees, this evaluation shall be submitted with the PUD Master Plan, Site Plan and/or Improvement Plan. The evaluation shall be used to guide decisions about tree preservation, tree protection, and tree removal and shall ~~include~~address, as needed and as determined by the Certified Arborist or Landscape Architect, the following factors:

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

- (b) Evaluation of the condition of the tree(s) to be preserved based on the species, age, observations of internal or external signs of disease or impacts, and possible longevity based on species type, site conditions, or location. If no evaluation is provided, all Regulated trees are considered viable;
 - (c) Assessment of the size (DBH) and canopy of the tree(s) to be preserved;
 - (d) Identification of Specimen Trees; and
 - (e) Illustration of TPZ and CRZ areas for trees to be preserved.
- B. Tree protection measures shall be denoted on tree removal permit or site development review plans by illustrating and dimensioning the following:
- (1) Tree protection standards are based on successful implementation of ANSI A300 (Part 5) – Construction Management Standards manual.
 - (2) Extents of the Tree Protection Zone (TPZ) for trees proposed for preservation. For tree protection requirements, the TPZ shall be indicated on the grading and utility construction sheets as well as the Tree Removal and Preservation Plan or Landscape Plan as required in Section 6.7.6.E.
 - (3) Extents of the Tree Critical Root Zone (CRZ) for trees proposed for preservation when construction within the TPZ is planned.
 - (a) No excavation, construction, or otherwise disruption of the root zone is allowed within the CRZ. Hand-digging and construction under the direct supervision of a Certified Arborist is allowed.
 - (b) The CRZ is established by definition or based on an on-site review and assessment by either a Landscape Architect or a Certified Arborist prior to construction.
 - (4) No reduction of the TPZ or removal of barricades may occur without prior written authorization from a Certified Arborist or the County's Landscape Architect.
 - (5) The TPZ may be temporarily reduced in size and/or barricades may be temporarily removed to allow for minor construction or maintenance within the TPZ, as approved by a Certified Arborist or the County's Landscape Architect prior to construction activities. Barricades shall be reinstalled as soon as work within the TPZ is completed.

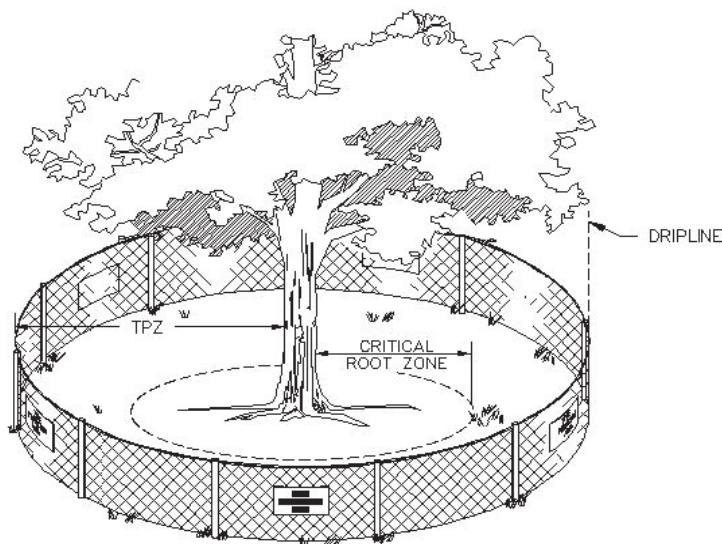


Figure 6.7-1 Tree Protection Zones

-
- 1 C. Tree protection barricades shall be:
- 2 (1) No less than four feet (4) in height;
- 3 (2) Constructed of rigid material capable of surviving for the duration of the construction; and
- 4 (3) Posted with highly visible signs placed on the tree protection barricades at each quadrant of single
- 5 protected trees and along driplines of groups of trees being protected at 50-foot intervals or less. Signs
- 6 shall include the words "Tree Protection Zone."
- 7 D. Pre-construction tree protection.
- 8 (1) The owner, applicant or Design Professional of Record shall be responsible for ensuring that all possible
- 9 measures are taken to avoid damage to trees not approved for removal.
- 10 (2) Prior to any clearing, grubbing, or any construction, tree protection barricades shall be erected around
- 11 all trees, or groups of trees, within the construction area which are to be preserved.
- 12 (3) The County's Landscape Architect or their designee shall be given a 10-day notice requesting a pre-
- 13 clearing/grubbing/grading on-site review of all required tree protection barricades. If the County fails to
- 14 inspect within the 10-day period, the applicant may proceed with site work, provided the
- 15 preconstruction inspection requirement in Sec. 6.7.12 has been met.
- 16 E. Tree protection shall continue throughout construction. The following requirements shall be conditions of tree
- 17 removal permits, all permits for private construction in public rights-of-way, and all development permits
- 18 issued under and pursuant to this Code:
- 19 (1) No cleaning of construction equipment or material or the disposal of waste materials including but not
- 20 limited to, paint, oil, solvents, asphalt, concrete, and mortar shall be permissible within the TPZ of any
- 21 tree which is being protected.
- 22 (2) The movement of equipment or the storage of equipment, materials, debris, or fill within the TPZ of any
- 23 tree which is being protected is not allowed.
- 24 (3) The contractor shall inspect all tree protection barricades and signs on a weekly basis throughout
- 25 construction. Any barricade or sign which has been damaged or is missing shall be replaced immediately.
- 26 (4) If any tree which has not been approved to be removed is destroyed, or receives major damage during
- 27 construction, with the exception of natural events, so as to place its long term survival in question, the
- 28 tree(s) must be replaced at an inch-to-inch basis of the total (combined) DBH of the tree(s) so destroyed
- 29 or damaged. The replacement tree(s) shall be of comparable species of the destroyed or damaged tree(s)
- 30 with a minimum replacement size of 3.5-inch caliper. The County reserves the right to establish a
- 31 replacement value for such trees and payment into the Tree Mitigation Fund may be authorized by the
- 32 County's Landscape Architect.

33 (Ord. No. 13-20, § 2, 7-11-2013)

34 **Sec. 6.7.4. Shade Trees, Minimum Requirements**

- 35 A. The post-development ratio of Shade Trees to the area of the site for all developments excluding single-family
- 36 or duplex residential developments shall be as follows:
- 37 (1) For the first five (5) acres, a minimum of one (1) Shade Tree per 3,000 square feet.
- 38 (2) For the remaining acres, a minimum of one (1) Shade Tree per 5,000 square feet.
- 39 B. Shade ~~T~~rees may include:
-

- (1) Specimen Trees; and/or
 - (2) Protected and preserved trees with a favorable ~~assessment~~evaluation; and/or
 - (3) Trees as required for buffers, parking areas, vehicle use areas, screening, and building areas which are classified as Shade Trees; and/or
 - (4) Trees as required as ~~tree mitigation~~ replacement trees, except that palm species may not be considered a Shade Tree.
- C. Priority shall be given to preserve Specimen Trees and those existing trees that are the highest rated per the tree ~~assessment~~evaluation.
- D. Credits towards the Shade Tree requirement shall be given for preserved existing ~~Regulated~~ Shade Trees -as follows:

Preserved Regulated <u>Shade</u> Tree (DBH)	Number of Shade Trees Credited
<u>4" – 9"</u>	<u>One</u> ¹
10" – 24 9"	One
20" – 29"	One
30" – 35"	Two
36" – 47"	Three
36 48" and above	Three

1. To receive credit, preserved Shade Trees under 10" shall be Florida No. 1 quality or better, as established by Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida, as amended.
- E. Required Shade Trees shall have a minimum caliper of 3.5 inches and a height and crown diameter as per Florida Grades and Standards. ~~meet the minimum size requirements in Section 6.8.10.D.(3)(a)~~
- (Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.5. Tree trimming and tree removal permit.

- A. For tree removals not associated with any development as outlined in this division, refer to Section 2.22.4. For all other tree removal applications, the approved development plans shall serve as the tree removal permit.
- B. A tree removal permit shall be required for the removal of any Regulated Tree except for exempt activities as outlined in Section 6.7.2. A tree removal permit shall be obtained from the County's Landscape Architect or their designee prior to any site clearing, grading, or for any construction which requires a permit from the Marion County Building Department. The failure to obtain any such permit when required shall be a violation of this Code, subject to penalties provided herein.
- C. A tree removal permit shall be obtained by any public or private utility or communications company undertaking construction activities that require tree removal. Prior to trimming or removal of any trees in the public right of way, related to the utilities operations and not associated with road construction or road maintenance activities, the contactor shall:
1. Contact the County's Landscape Architect and provide a map of where all vegetation management practices and tree trimming or removal will be performed.
 2. Conduct an on-site review of the vegetation management and/or tree removal to review potential impacts.

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3. Consideration will be given to the removal of trees and palms which have been topped or have been "directionally pruned" to the extent that the appearance and/or the long-term viability of the tree or palms is unlikely.
 4. After removal of trees all stumps must be ground to a depth of no less than two (2) inches below grade and remove grinding refuse.
 5. Stabilize all disturbed areas in an acceptable manner.
- D. Tree removal permits shall expire within one year or upon expiration of the building permit, whichever comes first. Trees authorized to be removed may not be removed after the permit expires unless a new permit is obtained pursuant to this division.

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

Sec. 6.7.6. Submittal requirements.

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

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

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.7. Review and approval procedures.

A. During review of tree preservation submittals, the County's Landscape Architect or their designee may determine that modifications of the proposed plans or calculations are necessary. Conditions that may require changes include, but are not limited to, the following:

- (1) Required preservation of any Specimen Trees;
- (2) Proposed grading or clearing activities within the TPZ; and/or
- (3) Proposed habitat destruction which conflicts with the requirements in Division 6-6.

B. ~~The applicant will be required to revise and update the tree preservation information according to review comments.~~

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.8. Protected tree replacement requirements.

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

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

- (1) Existing trees measuring 20 inches DBH to 29 inches DBH shall be replaced with 75% of inches removed.
- (2) Existing trees measuring 30 inches DBH to 35 inches DBH shall be replaced with 100% of inches removed.
- (3) Replacement trees must be a minimum of 3.5 inch caliper, unless otherwise approved by the County Landscape Architect. In no case shall the replacement tree inch count exceed 100 inches per acre.
- (4) Regulated Trees which do not have a favorable evaluation per a Certified Arborist or Registered Landscape Architect are exempt from the replacement requirements.

B. Removal of Specimen Trees is ~~permissible~~permissible following review and approval by the County's Landscape Architect. Such approval shall be given if:

- (1) The Specimen Tree does not have a favorable ~~assessment~~evaluation per a Certified Arborist or Registered Landscape Architect; or
- (2) The Specimen Tree is located within or materially interferes with the proposed building footprint, required fire access, required utility corridors, or required parking or drainage areas ~~and the applicant demonstrates that an alternative site configuration has been evaluated~~; and either (a) or (b).
 - (a) Preservation of the Specimen Tree would prevent compliance with zoning standards or reduce the site's buildable area or required parking; or
 - (b) Redesign would require elimination or reduction of a permitted principal use or result in disproportionate site inefficiencies not customarily required for similar development.
- (3) The determination of the County Landscape Architect may be appealed to the Development Review Committee.
- (4) If approved for removal, Specimen Trees shall be replaced with 200% of inches removed and the minimum replacement tree size is 3.5-inch caliper.

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- 1 C. ~~Existing~~Preserved trees that have experienced tree abuse as part of landscape maintenance or site
2 development activities that cause critical impact as determined by the County Landscape Architect will require
3 mitigation. Tree abuse may include:
- 4 (1) Hatracking a tree; or
5 (2) Destroying the natural habit of tree growth; or
6 (3) Pruning which leaves stubs or results in a flush cut or splitting of limb ends; or grading and/or clearing
7 and grubbing resulting in ripping and tearing of roots within the TPZ of trees to be preserved; or
8 (4) Removing tree bark to the extent that if a line is drawn at any height around the circumference of the
9 tree, over 1/3 of the length of the line falls on portions of the tree where bark no longer remains; or
10 (5) Using climbing spikes, nails, or hooks, except for purposes of total tree removal or as specifically
11 permitted by standards set by the ANSI, as updated; or
12 (6) Pruning that does not conform to standards or recommendations set by the ANSI A300 Part 1, as
13 updated; or
14 (7) Pruning of live palm fronds which initiate above the horizontal plane; or
15 (8) Overlifting a tree; or
16 (9) Shaping a tree; or
17 (10) Removing more than 25% of the tree's canopy without the approval of a Certified Arborist or Registered
18 Landscape Architect.
- 19 D. Existing trees that have had their CRZ or TPZ impacted by activities prohibited above will require tree
20 mitigation. Replacement trees for these impacted trees will be determined on a case-by-case basis by the
21 County's Landscape Architect.
- 22 E. If replanting replacement trees on site is not practical per best landscape design practices, then a fee in lieu
23 of planting may be provided as per Section 6.7.10.
- 24 F. Trees removed pursuant to a permit for construction in rights-of-way, approved by the County, State or
25 Federal authority, are exempt from protected tree removal requirements if such authority demonstrates that
26 such trees conflict with proposed utilities, drainage, or roadway construction.
- 27 (Ord. No. 13-20, § 2, 7-11-2013)

28 **Sec. 6.7.9. Replacement trees.**

- 29 A. Replacement trees are a part of the comprehensive tree program and shall work in combination with required
30 ~~Shade T~~Shade Trees, buffer trees, and any other required landscaping.
- 31 B. All trees and/or palms used for tree replacement purposes shall be nursery grown and Florida No. 1 quality or
32 better, as established by Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida,
33 as amended.
- 34 C. Replacement trees shall meet the minimum tree requirements established in Section 6.7.8.
- 35 D. Replacement trees shall be Florida native species compatible to the site.
- 36 E. Palms may only be used to replace palms that are permitted for removal. Replacement palms shall have a clear
37 trunk height of 10-foot minimum. The use of palms shall comply with the required palm ratio as required in
38 Section 6.8.10.C.
-

F. For trees removed pursuant to a stand alone tree removal permit or development plan approval, required replacement trees shall be located within the parcel boundaries and shown on the site plan. If space constraints are such that the replacement trees cannot be located within the parcel boundaries using sound horticultural and design principles, then the replacement trees may be located on public property at the County Landscape Architect's discretion as determined at the time of the permit or site development review. The public property location shall be specifically designated by the County, and such replacement trees shall be donated to the County. The County will be responsible for planting and maintenance of donated trees on public property.

G. The preservation of existing ~~Regulated-noninvasive T~~ trees with a favorable ~~assessment-evaluation~~ will count towards satisfying the required ~~r~~Replacement ~~t~~Tree amount at the following ratios:

- (1) Preserved trees measuring 10 inches DBH to 19 inches DBH shall count towards the replacement tree criteria at a ratio of one (1) inch of replacement value per one (1) inch preserved.
- (2) Preserved trees measuring 20 inches DBH to 29 inches DBH shall count towards the replacement tree criteria at a ratio of two (2) inches of replacement value per one (1) inch preserved.
- (3) Preserved trees measuring 30 inches DBH to 35 inches DBH shall count towards the replacement tree criteria at a ratio of three (3) inches of replacement per one (1) inch preserved.
- (4) Specimen Trees preserved shall count towards the replacement criteria at a ratio of six (6) inches of replacement per one (1) inch preserved.

~~H. — As an alternative to replacement, the property owner may comply with the requirement of Section 6.7.8 by designating existing trees on-site which are native tree species and less than 20 inches DBH as conservation trees, provided that the property owner takes steps to designate and protect such conservation trees. If the owner chooses to utilize this provision, then the location, number, size, and type (genus and species) of those trees or groups of trees requested as conservation trees shall be included in the tree survey.~~

I. A property owner ~~designating conservation~~preserving trees ~~less than 20" DBH~~ shall record ~~in the covenant and restrictive deeds,~~ a notice to subsequent property owners that the site contains ~~conservation~~preserved trees, subject to maintenance requirements, with reference to the development plan on file with the County designating such trees. A copy of such recorded notice on a form provided by the County shall be supplied to the Growth Services Director or their designee prior to the issuance of a Certificate of Occupancy. In no event shall the notice be required as part of the plat. Death of a preserved tree by natural causes shall be replaced by one tree which is the same or similar species with a minimum of 3.5 inch caliper. The intentional removal of a preserved tree is a violation and shall be replaced in accordance with the replacement standards set forth in Sec. 6.7.8.A.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.10. Tree mitigation fund.

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

B. An application to pay in lieu of installing any required ~~tree mitigation~~replacement trees is made through the County's Landscape Architect. The "pay in lieu" option shall only be used for ~~tree mitigation~~replacement trees.

C. At the County's discretion, in lieu of installing replacement trees, a permittee may pay a fee into the Tree Mitigation Fund at the per-inch replacement rate provided to the Development Review Committee by the County's Landscape Architect. The County's Landscape Architect shall determine the per-inch replacement

rate no less than once per year using the average of three (3) publicly solicited bids based on the wholesale cost of material, cost of labor, and cost of maintenance for two years. If approved by the Development Review Commission, the applicant may pay an alternative rate based on the applicant's estimate of the per-inch replacement rate.

D. Payment into the Tree Mitigation Fund ~~shall~~ may be approved by the County's Landscape Architect. If not approved by the Landscape Architect, the applicant may appeal to the Development Review Commission. ~~and approved by the Board prior to issuance of the tree removal permit or development approval.~~ Approval of payment into the Tree Mitigation Fund is required prior to issuance of the tree removal permit.

E. The County Landscape Architect shall provide an annual report to the Board describing the available funds, annual expenditures, and a narrative describing the disbursement and utilization of tree mitigation funds.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.11. Tree maintenance and management.

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

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

(2) All replacement trees shall be maintained in a living, healthy condition, or else be replaced, by the owner, successor, or assignee.

(3) The permittee or the property owner shall record appropriate notice in the governing documents for the community ~~in the covenants and restrictive deeds appropriate notice~~ to subsequent owners of the maintenance period or replacement requirement for replacement trees with reference to the development plans on file with the County identifying such trees. A copy of such recorded notice shall be supplied to the County prior to the issuance of a Certificate of Occupancy.

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

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.12. Tree inspections.

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

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

noted by the County's Landscape Architect or their designee on the permit and shall constitute notice to proceed with tree removal.

- B. A final inspection shall be conducted by the County's Landscape Architect or their designee or the appropriately licensed Design Professional designated by the applicant after completion of tree removal and replacement in accordance with the approved plans. It is the Owner's responsibility to notify the County's Landscape Architect of completion of tree removal activities. Approval, after final inspection, shall be noted by the County's Landscape Architect or their designee on the permit and shall constitute notice of commencement of the required maintenance period of replacement trees if replacement is required.

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

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.13. Violation and enforcement.

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

- A. If unauthorized tree removal or site grading occurs, the County's Landscape Architect or their designee may issue a stop work order for the affected project area of such unauthorized tree removal and all related site work will cease until a restoration plan is prepared by the owner, developer, contractor, or agent, and then submitted to, and approved by the County's Landscape Architect or their designee.
- B. If a restoration plan is not presented within 30 days, the owner, developer, contractor, or agent will be cited by the County's Landscape Architect, or designee, and referred to the Code Enforcement Board.
- C. A Certificate of Occupancy will not be granted until all trees and vegetation shown upon the approved restoration plan have been installed and all site grades restored.
- D. All trees and vegetation shown upon the approved site restoration plan must be installed on the property and the site grade restored even if project termination occurs before completion of the project. Failure to complete the approved restoration plan is a violation of this Code and the owner, developer, contractor, or agent will be cited by the County's Landscape Architect or their designee and referred to the Code Enforcement Board.
- E. In addition to all other remedies provided herein, the County may seek injunctive relief or the imposition of fines and penalties for any violation of this division, if no restoration plan is submitted. Fines may be assessed by the County based on pre-development density of trees per acre discovered through aerial photos and at the same rate established by the County for use in the Tree Mitigation Fund established ~~Replacement Rate~~ in 6.7.10.C. Fines shall be assessed at inch-per-inch up to 100" per acre across entire site affected by unauthorized tree removal.

(Ord. No. 13-20, § 2, 7-11-2013)

DIVISION 7. TREE PROTECTION AND REPLACEMENT

Sec. 6.7.1. Purpose and intent.

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

Sec. 6.7.2. Exceptions.

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

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

16 **Sec. 6.7.3. Tree protection, general.**

- 17 A. Design for the protection of trees.
- 18 (1) Site development shall consider tree preservation by balancing the requirements of site and utility design
19 with preserving existing trees in an integrated manner across the site.
- 20 (2) The preservation of existing trees and vegetation for use as perimeter land use buffers shall be
21 considered early in the site design process to provide required buffers while preserving habitat and
22 lowering the cost of development.
- 23 (3) In all cases, a post-development ratio of Shade Trees to the area of the site must be provided as required
24 in Section 6.7.4.
- 25 (4) All Regulated Trees shall be considered protected trees.
- 26 (5) After a tree survey is completed, an evaluation by a Certified Arborist or Landscape Architect of all trees
27 proposed to be preserved or proposed to be removed as nonviable shall be submitted with the PUD
28 Master Plan, Site Plan and/or Improvement Plan. The evaluation shall be used to guide decisions about
29 tree preservation, tree protection, and tree removal and shall address, as needed and as determined by
30 the Certified Arborist or Landscape Architect, the following factors:
- 31 (a) Identification of species of tree(s) proposed for preservation;
- 32 (b) Evaluation of the condition of the tree(s) to be preserved based on the species, age, observations
33 of internal or external signs of disease or impacts, and possible longevity based on species type,
34 site conditions, or location. If no evaluation is provided, all Regulated trees are considered viable;
- 35 (c) Assessment of the size (DBH) and canopy of the tree(s) to be preserved;
- 36 (d) Identification of Specimen Trees; and
- 37 (e) Illustration of TPZ and CRZ areas for trees to be preserved.
- 38 B. Tree protection measures shall be denoted on tree removal permit or site development review plans by
39 illustrating and dimensioning the following:
-

-
- (1) Tree protection standards are based on successful implementation of ANSI A300 (Part 5) – Construction Management Standards manual.
 - (2) Extents of the Tree Protection Zone (TPZ) for trees proposed for preservation. For tree protection requirements, the TPZ shall be indicated on the grading and utility construction sheets as well as the Tree Removal and Preservation Plan or Landscape Plan as required in Section 6.7.6.E.
 - (3) Extents of the Tree Critical Root Zone (CRZ) for trees proposed for preservation when construction within the TPZ is planned.
 - (a) No excavation, construction, or otherwise disruption of the root zone is allowed within the CRZ. Hand-digging and construction under the direct supervision of a Certified Arborist is allowed.
 - (b) The CRZ is established by definition or based on an on-site review and assessment by either a Landscape Architect or a Certified Arborist prior to construction.
 - (4) No reduction of the TPZ or removal of barricades may occur without prior written authorization from a Certified Arborist or the County's Landscape Architect.
 - (5) The TPZ may be temporarily reduced in size and/or barricades may be temporarily removed to allow for minor construction or maintenance within the TPZ, as approved by a Certified Arborist or the County's Landscape Architect prior to construction activities. Barricades shall be reinstalled as soon as work within the TPZ is completed.

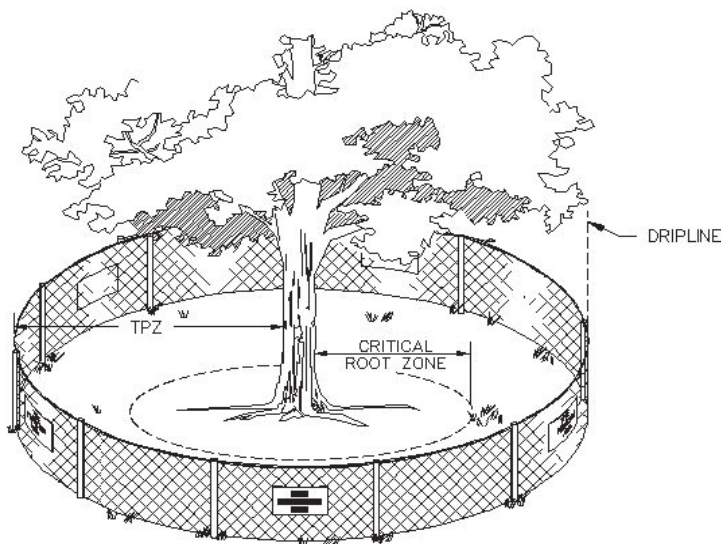


Figure 6.7-1 Tree Protection Zones

- C. Tree protection barricades shall be:
 - (1) No less than four feet (4) in height;
 - (2) Constructed of rigid material capable of surviving for the duration of the construction; and
 - (3) Posted with highly visible signs placed on the tree protection barricades at each quadrant of single protected trees and along driplines of groups of trees being protected at 50-foot intervals or less. Signs shall include the words "Tree Protection Zone."
- D. Pre-construction tree protection.

-
- 1 (1) The owner, applicant or Design Professional of Record shall be responsible for ensuring that all possible
2 measures are taken to avoid damage to trees not approved for removal.
- 3 (2) Prior to any clearing, grubbing, or any construction, tree protection barricades shall be erected around
4 all trees, or groups of trees, within the construction area which are to be preserved.
- 5 (3) The County's Landscape Architect or their designee shall be given a 10-day notice requesting a pre-
6 clearing/grubbing/grading on-site review of all required tree protection barricades. If the County fails to
7 inspect within the 10-day period, the applicant may proceed with site work, provided the
8 preconstruction inspection requirement in Sec. 6.7.12 has been met.
- 9 E. Tree protection shall continue throughout construction. The following requirements shall be conditions of tree
10 removal permits, all permits for private construction in public rights-of-way, and all development permits
11 issued under and pursuant to this Code:
- 12 (1) No cleaning of construction equipment or material or the disposal of waste materials including but not
13 limited to, paint, oil, solvents, asphalt, concrete, and mortar shall be permissible within the TPZ of any
14 tree which is being protected.
- 15 (2) The movement of equipment or the storage of equipment, materials, debris, or fill within the TPZ of any
16 tree which is being protected is not allowed.
- 17 (3) The contractor shall inspect all tree protection barricades and signs on a weekly basis throughout
18 construction. Any barricade or sign which has been damaged or is missing shall be replaced immediately.
- 19 (4) If any tree which has not been approved to be removed is destroyed, or receives major damage during
20 construction, with the exception of natural events, so as to place its long term survival in question, the
21 tree(s) must be replaced at an inch-to-inch basis of the total (combined) DBH of the tree(s) so destroyed
22 or damaged. The replacement tree(s) shall be of comparable species of the destroyed or damaged tree(s)
23 with a minimum replacement size of 3.5-inch caliper. The County reserves the right to establish a
24 replacement value for such trees and payment into the Tree Mitigation Fund may be authorized by the
25 County's Landscape Architect.
- 26 (Ord. No. 13-20, § 2, 7-11-2013)

27 **Sec. 6.7.4. Shade Trees, Minimum Requirements**

- 28 A. The post-development ratio of Shade Trees to the area of the site for all developments excluding single-family
29 or duplex residential developments shall be as follows:
- 30 (1) For the first five (5) acres, a minimum of one (1) Shade Tree per 3,000 square feet.
- 31 (2) For the remaining acres, a minimum of one (1) Shade Tree per 5,000 square feet.
- 32 B. Shade Trees may include:
- 33 (1) Specimen Trees; and/or
- 34 (2) Protected and preserved trees with a favorable evaluation; and/or
- 35 (3) Trees as required for buffers, parking areas, vehicle use areas, screening, and building areas which are
36 classified as Shade Trees; and/or
- 37 (4) Trees as required as replacement trees, except that palm species may not be considered a Shade Tree.
- 38 C. Priority shall be given to preserve Specimen Trees and those existing trees that are the highest rated per the
39 tree evaluation.

D. Credits towards the Shade Tree requirement shall be given for preserved existing Shade Trees as follows:

Preserved Shade Tree (DBH)	Number of Shade Trees Credited
4" – 9"	One ¹
10" – 29"	One
30" – 35"	Two
36" and above	Three

1. To receive credit, preserved Shade Trees under 10" shall be Florida No. 1 quality or better, as established by Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida, as amended.

E. Required Shade Trees shall have a minimum caliper of 3.5 inches and a height and crown diameter as per Florida Grades and Standards.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.5. Tree trimming and tree removal permit.

A. For tree removals not associated with any development as outlined in this division, refer to Section 2.22.4. For all other tree removal applications, the approved development plans shall serve as the tree removal permit.

B. A tree removal permit shall be required for the removal of any Regulated Tree except for exempt activities as outlined in Section 6.7.2. A tree removal permit shall be obtained from the County's Landscape Architect or their designee prior to any site clearing, grading, or for any construction which requires a permit from the Marion County Building Department. The failure to obtain any such permit when required shall be a violation of this Code, subject to penalties provided herein.

C. A tree removal permit shall be obtained by any public or private utility or communications company undertaking construction activities that require tree removal. Prior to trimming or removal of any trees in the public right of way, related to the utilities operations and not associated with road construction or road maintenance activities, the contactor shall:

1. Contact the County's Landscape Architect and provide a map of where all vegetation management practices and tree trimming or removal will be performed.
2. Conduct an on-site review of the vegetation management and/or tree removal to review potential impacts.
3. Consideration will be given to the removal of trees and palms which have been topped or have been "directionally pruned" to the extent that the appearance and/or the long-term viability of the tree or palms is unlikely.
4. After removal of trees all stumps must be ground to a depth of no less than two (2) inches below grade and remove grinding refuse.
5. Stabilize all disturbed areas in an acceptable manner.

D. Tree removal permits shall expire within one year or upon expiration of the building permit, whichever comes first. Trees authorized to be removed may not be removed after the permit expires unless a new permit is obtained pursuant to this division.

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

Sec. 6.7.6. Submittal requirements.

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

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

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.7. Review and approval procedures.

- A. During review of tree preservation submittals, the County's Landscape Architect or their designee may determine that modifications of the proposed plans or calculations are necessary. Conditions that may require changes include, but are not limited to, the following:
 - (1) Required preservation of any Specimen Trees;
 - (2) Proposed grading or clearing activities within the TPZ; and/or
 - (3) Proposed habitat destruction which conflicts with the requirements in Division 6.

B.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.7.8. Protected tree replacement requirements.

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

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

- (1) Existing trees measuring 20 inches DBH to 29 inches DBH shall be replaced with 75% of inches removed.
- (2) Existing trees measuring 30 inches DBH to 35 inches DBH shall be replaced with 100% of inches removed.
- (3) Replacement trees must be a minimum of 3.5 inch caliper, unless otherwise approved by the County Landscape Architect. In no case shall the replacement tree inch count exceed 100 inches per acre.
- (4) Regulated Trees which do not have a favorable evaluation per a Certified Arborist or Registered Landscape Architect are exempt from the replacement requirements.

B. Removal of Specimen Trees is permissible following review and approval by the County's Landscape Architect. Such approval shall be given if:

- (1) The Specimen Tree does not have a favorable evaluation per a Certified Arborist or Registered Landscape Architect; or
- (2) The Specimen Tree is located within or materially interferes with the proposed building footprint, required fire access, required utility corridors, or required parking or drainage areas; and either (a) or (b).
 - (a) Preservation of the Specimen Tree would prevent compliance with zoning standards or reduce the site's buildable area or required parking; or
 - (b) Redesign would require elimination or reduction of a permitted principal use or result in disproportionate site inefficiencies not customarily required for similar development.
- (3) The determination of the County Landscape Architect may be appealed to the Development Review Committee.
- (4) If approved for removal, Specimen Trees shall be replaced with 200% of inches removed and the minimum replacement tree size is 3.5-inch caliper.

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

- (1) Hatracking a tree; or
- (2) Destroying the natural habit of tree growth; or
- (3) Pruning which leaves stubs or results in a flush cut or splitting of limb ends; or grading and/or clearing and grubbing resulting in ripping and tearing of roots within the TPZ of trees to be preserved; or
- (4) Removing tree bark to the extent that if a line is drawn at any height around the circumference of the tree, over 1/3 of the length of the line falls on portions of the tree where bark no longer remains; or
- (5) Using climbing spikes, nails, or hooks, except for purposes of total tree removal or as specifically permitted by standards set by the ANSI, as updated; or
- (6) Pruning that does not conform to standards or recommendations set by the ANSI A300 Part 1, as updated; or

-
- 1 (7) Pruning of live palm fronds which initiate above the horizontal plane; or
2 (8) Overlifting a tree; or
3 (9) Shaping a tree; or
4 (10) Removing more than 25% of the tree's canopy without the approval of a Certified Arborist or Registered
5 Landscape Architect.
- 6 D. Existing trees that have had their CRZ or TPZ impacted by activities prohibited above will require tree
7 mitigation. Replacement trees for these impacted trees will be determined on a case-by-case basis by the
8 County's Landscape Architect.
- 9 E. If replanting replacement trees on site is not practical per best landscape design practices, then a fee in lieu
10 of planting may be provided as per Section 6.7.10.
- 11 F. Trees removed pursuant to a permit for construction in rights-of-way, approved by the County, State or
12 Federal authority, are exempt from protected tree removal requirements if such authority demonstrates that
13 such trees conflict with proposed utilities, drainage, or roadway construction.
- 14 (Ord. No. 13-20, § 2, 7-11-2013)

15 **Sec. 6.7.9. Replacement trees.**

- 16 A. Replacement trees are a part of the comprehensive tree program and shall work in combination with required
17 Shade Trees, buffer trees, and any other required landscaping.
- 18 B. All trees and/or palms used for tree replacement purposes shall be nursery grown and Florida No. 1 quality or
19 better, as established by Grades and Standards for Nursery Plants, Department of Agriculture, State of Florida,
20 as amended.
- 21 C. Replacement trees shall meet the minimum tree requirements established in Section 6.7.8.
- 22 D. Replacement trees shall be Florida native species compatible to the site.
- 23 E. Palms may only be used to replace palms that are permitted for removal. Replacement palms shall have a clear
24 trunk height of 10-foot minimum. The use of palms shall comply with the required palm ratio as required in
25 Section 6.8.10.C.
- 26 F. For trees removed pursuant to a stand alone tree removal permit or development plan approval, required
27 replacement trees shall be located within the parcel boundaries and shown on the site plan. If space
28 constraints are such that the replacement trees cannot be located within the parcel boundaries using sound
29 horticultural and design principles, then the replacement trees may be located on public property at the
30 County Landscape Architect's discretion as determined at the time of the permit or site development review.
31 The public property location shall be specifically designated by the County, and such replacement trees shall
32 be donated to the County. The County will be responsible for planting and maintenance of donated trees on
33 public property.
- 34 G. The preservation of existing noninvasive trees with a favorable evaluation will count towards satisfying the
35 required replacement tree amount at the following ratios:
- 36 (1) Preserved trees measuring 10 inches DBH to 19 inches DBH shall count towards the replacement
37 tree criteria at a ratio of one (1) inch of replacement value per one (1) inch preserved.
- 38 (2) Preserved trees measuring 20 inches DBH to 29 inches DBH shall count towards the replacement
39 tree criteria at a ratio of two (2) inches of replacement value per one (1) inch preserved.

-
- 1 (3) Preserved trees measuring 30 inches DBH to 35 inches DBH shall count towards the replacement
2 tree criteria at a ratio of three (3) inches of replacement per one (1) inch preserved.
- 3 (4) Specimen Trees preserved shall count towards the replacement criteria at a ratio of six (6) inches
4 of replacement per one (1) inch preserved.
- 5 I. A property owner preserving trees less than 20" DBH shall record a notice to subsequent property owners that
6 the site contains preserved trees, subject to maintenance requirements, with reference to the development
7 plan on file with the County designating such trees. A copy of such recorded notice on a form provided by the
8 County shall be supplied to the Growth Services Director or their designee prior to the issuance of a Certificate
9 of Occupancy. In no event shall the notice be required as part of the plat. Death of a preserved tree by natural
10 causes shall be replaced by one tree which is the same or similar species with a minimum of 3.5 inch caliper.
11 The intentional removal of a preserved tree is a violation and shall be replaced in accordance with the
12 replacement standards set forth in Sec. 6.7.8.A.
- 13 (Ord. No. 13-20, § 2, 7-11-2013)

14 **Sec. 6.7.10. Tree mitigation fund.**

- 15 A. The Tree Mitigation Fund has been created in the general trust fund of Marion County for the purpose of
16 accepting and disbursing the contributions made to the Board as part of the tree replacement monies
17 deposited for tree replacement purposes. This fund shall be used to enhance tree replacement in Marion
18 County and to enhance the Marion County Parks system.
- 19 B. An application to pay in lieu of installing any required replacement trees is made through the County's
20 Landscape Architect. The "pay in lieu" option shall only be used for replacement trees.
- 21 C. At the County's discretion, in lieu of installing replacement trees, a permittee may pay a fee into the Tree
22 Mitigation Fund at the per-inch replacement rate provided to the Development Review Committee by the
23 County's Landscape Architect. The County's Landscape Architect shall determine the per-inch replacement
24 rate no less than once per year using the average of three (3) publicly solicited bids based on the wholesale
25 cost of material, cost of labor, and cost of maintenance for two years. If approved by the Development Review
26 Commission, the applicant may pay an alternative rate based on the applicant's estimate of the per-inch
27 replacement rate.
- 28 D. Payment into the Tree Mitigation Fund may be approved by the County's Landscape Architect. If not approved
29 by the Landscape Architect, the applicant may appeal to the Development Review Commission. Approval of
30 payment into the Tree Mitigation Fund is required prior to issuance of the tree removal permit.
- 31 E. The County Landscape Architect shall provide an annual report to the Board describing the available funds,
32 annual expenditures, and a narrative describing the disbursement and utilization of tree mitigation funds.
- 33 (Ord. No. 13-20, § 2, 7-11-2013)

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

- 35 A. The following requirements shall be conditions of any tree removal permit which includes a requirement for
36 replacement trees:
- 37 (1) Replacement trees required in conjunction with a commercial or industrial development or subdivision
38 approval shall be considered required improvements and shall be subject to certification of satisfactory
39 completion contained in this Code.

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- 1 (2) All replacement trees shall be maintained in a living, healthy condition, or else be replaced, by the owner,
2 successor, or assignee.
- 3 (3) The permittee or the property owner shall record appropriate notice in the governing documents for the
4 community to subsequent owners of the maintenance period or replacement requirement for
5 replacement trees with reference to the development plans on file with the County identifying such
6 trees. A copy of such recorded notice shall be supplied to the County prior to the issuance of a Certificate
7 of Occupancy.
- 8 (4) For developments where tree preservation and replacement requirements may be fulfilled by future or
9 subsequent developers or builders, the developer shall require future property owners of lots where
10 trees have been preserved to continue to protect and preserve such trees. Such requirements shall run
11 with the parcel until replacement of the tree(s) is required due to age, declining health, or for the
12 protection of public safety.

13 (Ord. No. 13-20, § 2, 7-11-2013)

14 **Sec. 6.7.12. Tree inspections.**

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

- 19 A. A preconstruction inspection shall be conducted by the County's Landscape Architect or their designee or the
20 appropriately licensed Design Professional designated by the applicant prior to any demolition or site
21 construction in order to confirm that the permittee has marked trees permitted to be removed and has
22 installed tree protection barricades around trees, or groups of trees, to be preserved prior to any clearing,
23 grubbing, or construction. Any deficiencies noted during this inspection shall be cause to withhold approval
24 until they are corrected by the permittee and reinspected. Approval, after preliminary inspection, shall be
25 noted by the County's Landscape Architect or their designee on the permit and shall constitute notice to
26 proceed with tree removal.
- 27 B. A final inspection shall be conducted by the County's Landscape Architect or their designee or the
28 appropriately licensed Design Professional designated by the applicant after completion of tree removal and
29 replacement in accordance with the approved plans. It is the Owner's responsibility to notify the County's
30 Landscape Architect of completion of tree removal activities. Approval, after final inspection, shall be noted
31 by the County's Landscape Architect or their designee on the permit and shall constitute notice of
32 commencement of the required maintenance period of replacement trees if replacement is required.

33
34 (Ord. No. 13-20, § 2, 7-11-2013)

35 **Sec. 6.7.13. Violation and enforcement.**

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

- 39 A. If unauthorized tree removal or site grading occurs, the County's Landscape Architect or their designee may
40 issue a stop work order for the affected project area of such unauthorized tree removal and all related site

work will cease until a restoration plan is prepared by the owner, developer, contractor, or agent, and then submitted to, and approved by the County's Landscape Architect or their designee.

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

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

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

E. In addition to all other remedies provided herein, the County may seek injunctive relief or the imposition of fines and penalties for any violation of this division, if no restoration plan is submitted. Fines may be assessed by the County based on pre-development density of trees per acre discovered through aerial photos and at the same rate established by the County for use in the Tree Mitigation Fund established in 6.7.10.C. Fines shall be assessed at inch-per-inch up to 100" per acre across entire site affected by unauthorized tree removal.

(Ord. No. 13-20, § 2, 7-11-2013)



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2026-23897

Agenda Date: 8/5/2026

Agenda No.: 2.6.

SUBJECT:

PUBLIC HEARING: Presentation and Consideration of the Proposed Amendments to the Approved Marion County Land Development Code (LDC). The Land Development Regulation Commission (LDRC) will Discuss and Provide Recommendations Regarding Division 8 Landscaping

DESCRIPTION/BACKGROUND:

The Board of County Commissioners approved Division 8 - Landscaping on May 18, 2026. During the Public Hearing on July 8, 2026, the Board directed staff to work with the Land Development Regulation Commission (LDRC) and the development community to review the approved ordinance, focusing on items that may be more burdensome to the development community.

ORDINANCE 26 –

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

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

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

WHEREAS, pursuant to LDC Section 2.4.3, the Land Development Regulation Commission held a duly noticed public hearing on this proposed ordinance amending the LDC on March 11, 2026, June 17, 2026, July 20, 2026, July 29, 2026, and August 5, 2026; and

WHEREAS, pursuant to LDC Section 2.4.4, the Board of County Commissioners held duly noticed public hearings on this proposed ordinance amending the LDC on March 31, 2026, April 14, 2026, May 18, 2026, August 25, 2026, and September 14, 2026;

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

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

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

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

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

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

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

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

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

DULY ADOPTED this 14th day of September, 2026.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA

CARL ZALAK, III, CHAIRMAN

ATTEST:

GREGORY C. HARRELL
CLERK OF CIRCUIT COURT

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MATTHEW G. MINTER
COUNTY ATTORNEY

DIVISION 8. LANDSCAPING

Sec. 6.8.1. Purpose and intent.

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

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.2. Landscape plan requirements.

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

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

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

Sec. 6.8.3. Landscape design standards.

- A. All new landscapes in Marion County shall be designed to protect the County's unique natural resources by conserving water, protecting the quality of groundwater, reducing waste and pollution, creating wildlife habitat, and preventing erosion by implementation of Florida-Friendly Landscaping (FFL) by UF/IFAS and FDEP, including but not limited to:
 - (1) Right plant, right place;
 - (2) Water efficiently;
 - (3) Fertilize appropriately;
 - (4) Mulch;
 - (5) Attract wildlife;
 - (6) Manage yard pests responsibly;
 - (7) Recycle yard waste;
 - (8) Reduce stormwater runoff; and
 - (9) Protect the waterfront.
- B. Prohibited Plants. Prohibited vegetation based on the following sources:
 - (1) Florida Invasive Species Council Category I & II List of *Invasive* Plant Species,
 - (2) Prohibited Aquatic Plants per F.A.C. 5B-64.011, and
 - (3) Center for Aquatic and *Invasive* Plants, University of Florida, IFAS.
- C. Removal and eradication of Prohibited Plant species from the proposed development site shall be a condition of development approval. The development site shall be maintained free of Prohibited Plant species. ~~For areas on-site not developed, a containment management plan is required for all Prohibited Plant Species.~~
- D. Landscaping within rights-of-way shall require approval by the County Engineer or ~~his~~ their designee.
- E. Trees shall not be located in areas that will cause conflict with overhead or underground utilities. Large Shade trees ~~species as listed in 6.8.10~~ shall not be located within 30 feet of overhead electric lines. Alternative design

strategies may be approved by the County's Landscape Architect or their designee when conflicts with existing utilities cannot be avoided.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.4. Non-residential development.

For non-residential development, at least 20 percent of the development project area shall be landscape areas as defined below. The development project area is defined as the overall parcel to be developed, or if less than the size of the overall parcel, the outer extent perimeter of all disturbed areas of the project.

A. Landscape areas shall include:

- (1) Buffers;
- (2) Landscaping required for parking areas;
- (3) Shade ~~t~~rees and/or ~~r~~eplacement ~~t~~rees;
- (4) Landscaped or sodded side slopes and/or landscaped or sodded bottoms of dry stormwater management areas with a depth of four feet or less, and the planted littoral zones of wet stormwater management areas;
- (5) Building landscaping;
- (6) Service and equipment area screening.

B. Credit towards the landscape area requirements may be allowed on a 1:1.25 basis for all or part of preserved native habitat if the applicant demonstrates that it includes one or more of the following:

- (1) Preserved existing trees or tree clusters including preserved native vegetation under the tree dripline.
- (2) Preserved areas of existing native vegetation.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.5. New residential developments.

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

A. Yard Tree Requirements.

- (1) For all new residential developments, or single-family and duplex new construction, each individual single-family or duplex lot shall contain two (2) Shade Trees. A minimum of one (1) Shade Tree shall be located in the front yard. One (1) tree shall be of a large tree species as listed in 6.8.10. Front yard trees shall be installed within the residential lot area between the road right of way and the residential structures. Yard trees may be deferred until the home construction.
- (2) For multi-family or mixed-use developments where the residential structures are adjacent to parking areas instead of streets, the required trees for building landscaping, parking lot landscaping and screening shall serve in lieu of yard trees.
- (3) Trees may not be planted in the right-of-way or utility easements, or within fifteen (15) feet of any foundation.

B. In new single-family residential developments with more than 20 lots, the developer shall ~~also~~ promote the practices and principles of FFL as described in the 'Florida-Friendly Landscaping Handbook for Home Landscapes', as amended. A program which promotes these principles shall be provided to the County as part of the development application materials, and incorporated into and made part of the restrictive covenants and shall include:

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

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.6. Buffers.

- A. It is the intent of this section to eliminate or reduce the negative impacts of adjacent uses upon each other such that the long-term continuance of either use is not threatened by such impacts and the uses may be considered compatible.
- B. Buffers shall provide a year-round screen, with a maximum of 50~~25~~% deciduous trees, and provide an aesthetic quality, especially along public rights-of-way, which enhance travel corridors and screen developed areas from public view.
- C. A diverse number of plant species shall be incorporated into buffer plantings to provide habitat and appeal.
- D. Buffers may consist of landscaping, fencing, buffer walls, berms, or combinations thereof which work cohesively to achieve the intent of buffering.
- E. If no buffering exists on the adjoining property, or if the existing buffer fails to meet the requirements of this section, buffering shall be required with the exception of the construction of an individual single-family residence or duplexes on an individual parcel of record.
- (1) In interpreting and applying the provisions of buffers, development is classified into categories shown in Table 6.8-1. and as based on the project's proposed use(s).
 - (2) Table 6.8-2 provides the type of buffer required between a proposed use and an existing use, or in the absence of an existing use.
- F. If buffers are required, the length shall be measured along each property line and shall exclude driveways and other access points and easements.
- G. No buildings, structures (other than lighting, signs, buffer walls, decorative hardscape, or fences), storage of materials, or parking shall be permitted within the buffer area. Pedestrian trails, sidewalks, etc. are permitted in buffers when integrated into the design of the buffer areas.
- H. Buffers shall not be located on any portion of an existing or dedicated right-of-way, or on individual single-family residential or duplex parcels.
- I. Arrangement of plantings in buffers shall:
- (1) Provide maximum screening to adjacent properties.
 - (2) Avoid damage to existing trees and plant material both within the development and in those areas outside of but directly adjacent to the project development.

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

(4) Offer interesting layouts -where appropriate and a variety of textures and colors.

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

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

(1) All landscaping required as part of a buffer shall be installed on the public view side of any buffer fence or wall, if a fence or wall is required. Plant selection shall be made in consideration of shade and sun patterns along fences and walls. The DRC may approve the placement of all required buffer landscaping on the interior side of a fence or wall provided that a buffer already exists on the adjacent property and the overall purpose of the buffer is still met.

(2) Buffer shrubs, used for screening within a buffer, if required by the following, shall be specified appropriately to reach a minimum of three (3) feet in height within one (1) year of installation and shall be spaced no further apart than 48 inches on center unless otherwise approved by the County's or their designee.

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

(4) Shrubs and groundcovers, if required by Table 6.8-3, shall be arranged to form a layered landscape screen. If a buffer fence or wall is not required, then shrubs and groundcovers shall attain eighty (80) percent opacity within 12 months of planting. If a buffer fence or wall is required, then shrubs and groundcovers shall attain fifty (50) percent opacity in front of the buffer fence or wall within 12 months of planting.

(5) Buffers adjacent to the following roadways shall require a ~~12~~5-foot Type C buffer width and planting requirements, and shall also require an equestrian or agricultural-themed 3-rail or 4-rail wooden fence of a 48" height at least 50% of the buffer's linear footage and distributed throughout that linear footage:

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

i. Within the Farmland Preservation Area.

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

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

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

v. Classified as a Scenic Road.

(6) The preservation of existing natural vegetation within buffers is permitted and encouraged to meet buffering requirements. In order to utilize natural vegetation as a portion of required buffer plantings, or in lieu of required buffer plantings, the applicant may review existing trees and or vegetation on-site with the County's Landscape Architect or their designee to determine if the existing trees and or vegetation will satisfy the required buffer.

-
- 1 (7) A post-construction inspection of preserved existing natural vegetation and trees shall be conducted in
2 accordance with Section 6.7.12. Damaged or removed vegetation, damaged or trees which are no longer
3 considered viable, including those with heavily impacted root zones as determined by the County's
4 Landscape Architect or their designee, shall be supplemented and/or replaced.
- 5 K. Buffer fences, walls and berms.
- 6 (1) Buffer fences may be used to as a substitute for buffer walls with approval of the DRC.
- 7 (2) Buffer fences, walls and berms shall:
- 8 (a) Not be constructed or installed in a manner which creates a threat to public safety or interferes
9 with vehicular circulation;
- 10 (b) Be designed to be compatible with existing and proposed site architecture and the character of the
11 surrounding and adjacent settings including the style and selection of materials; and
- 12 (c) Be situated so that the fences, walls and berms are within the buffer limits and any required
13 landscaping shall be installed on the public view side of the fence or wall.
- 14 ~~(2) The substitution of required buffer walls along a public right-of-way requires Board approval.~~
- 15 (3) When a buffer fence or wall is required, the buffer fence or wall may be used in conjunction with a berm
16 to achieve a minimum final elevation of ~~eight-six (68)~~ feet in height. When buffer fences, walls, berms
17 and/or combinations of each are used, they shall be constructed to ensure that historic and/or proposed
18 drainage, stormwater, or other surface water flow patterns or facilities are not impacted.
- 19 (4) The maximum side slope for a berm planted with shrubs and woody groundcovers shall be 3:1. The
20 maximum side slope for a berm planted with turfgrass shall be 3.5:1. Trees or shrubs may not be planted
21 along the ridgeline of the berm.
- 22 (5) Buffer areas shall be continually maintained and kept free of all trash and debris.
- 23 (Ord. No. 13-20, § 2, 7-11-2013)
- 24

Table 6.8-1 Buffer Type Requirements

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

Table 6.8-2 Land Use Categories for Buffers

		Adjacent Permitted or Existing Use						
		AG	SFR	MF	COM	IND	PUB	ROW ¹
Proposed Use	AG	-	-	-	-	-	-	-
	SFR	<u>E¹</u>	E ³	C	A	B	C	D ^{1,4}
	MF	A <u>or</u> B	D	-	A	B	C	D ^{1,4}
	COM	D	B	B	-	B	C	C
	IND	B	B	B	B	-	B	C <u>or</u> D ²
	PUB	A <u>or</u> B	B	C	C	C	-	C
	ROW	-	-	-	-	-	-	-

- Properties within the limits of 6.8.6.J(5) shall comply with that buffer requirement.
- A D-Type D Buffer ~~if~~ is required where residential is adjacent to opposite ROW on a road with less than 4 lanes.
- A 6'-foot opaque fence may be used in lieu of a vegetative buffer.
- If a 6 foot wall (precast, CMU, or other similar durable paneled material) is provided in lieu of the required fence, the required buffer width shall be reduced by 50% but in no event less than 10 feet in width. The required understory trees and other plantings (except shade trees) shall also be reduced proportionally.

1 **TABLE 6.8-3 – Buffer Classification Requirements**

BUFFER CLASSIFICATION	BUFFER WIDTH	PLANTING REQUIREMENTS (Per 100 lineal feet)	WALL REQUIRED?
A	3 40 feet	Three Shade Trees Five Understory Trees 30% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
	30 feet	Four Shade Trees Six Understory Trees 70% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
B	2 30 feet	Two Shade Trees Three Understory Trees 50% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	Yes
	20 feet	Three Shade Trees Four Understory Trees 75% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	Yes
C	1 25 feet	Two Three Shade Trees Three Four Understory Trees 50% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
	15 feet	Three Shade Trees Five Understory Trees 80% Shrubs and Groundcover, excluding turf grass and with continuous shrubs	No
D	1 25 feet	Two Shade Trees Three Understory Trees 25% Shrubs and Groundcover, excluding turf grass	Yes
	15 feet	Three Shade Trees Three Understory Trees 60% Shrubs and Groundcover, excluding turf grass	Yes
E	15 feet	Four Shade Trees Single Double row of continuous Shrubs	No
	5 feet	Five Shade Trees Double row of continuous Shrubs	No

Sec. 6.8.7. Parking areas and vehicular use areas.

- A. A minimum five (5) foot wide landscape area consisting of shrubs and groundcovers, excluding turfgrass, shall be provided around the perimeter of parking areas to form a landscape screen with a minimum height of three (3) feet achieved within one (1) year of planting. A land use buffer that abuts a parking area may satisfy this requirement.
- B. Landscaping adjacent to parking areas and vehicular use areas shall be protected from being damaged by vehicles using these areas. Landscaping at the nose of parking stalls shall be offset two and a half feet from the face of curb or wheelstop to allow for vehicle overhang. The area between the landscape and parking stall shall be mulched and contain no vertical irrigation components.
- C. A landscaped parking lot island shall be located every fifteen parking spaces. Where Shade Trees are required, to provide sufficient space for health root development, parking lot islands shall be at least the size of two proposed parking spaces ~~a minimum of 360 square feet in size~~. Unsuitable soils, including limerock road base, shall be excavated and replaced with properly drained soils. For paved parking areas within a Primary SPZ, including those with permeable or porous surfaces, parking lot islands shall be completely planted with shrubs or groundcovers; the use of turfgrass is prohibited.
- D. Each row of parking spaces shall be terminated by a landscaped island.
- E. Divider medians may be used to meet parking area landscape requirements.
- (1) The minimum width of a divider median shall be eight (8) feet.
- (2) One (1) Shade Tree shall be provided per 50 lineal feet of divider median.
- F. To offset heat gain from paved surfaces, Shade Trees as required in Section 6.7.4 should be located to provide as much shade as possible on such surfaces.
- G. Parking lot screening must be achieved regardless of other landscaping requirements in this article. Shade trees as required in Section 6.7.4 shall be integrated into the parking area landscaping.
- H. All landscaping in parking areas and street frontages shall be placed so that it will not obstruct any sight triangle.
- I. Trees within parking areas.
- (1) All trees required for parking areas and vehicular use areas shall be Shade Trees, unless required otherwise by provisions in this section.
- (2) All parking lot islands, including terminal parking lot islands, shall contain one (1) Shade Tree unless site lighting fixtures are proposed in said island.
- (3) In parking lot islands with site lighting fixtures, an arrangement of one (1) or two (2) accent/ornamental trees shall be installed depending on the size and configuration of the island.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.8. Building landscaping.

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

1 B. Building landscape shall be provided for all sides facing public or private streets, and shall extend a minimum
2 of 60 percent of the total length of the wall, excluding those areas required for access to the building.

3 C. Landscape areas shall be a minimum of five feet wide allowing for a minimum distance of two (2) feet from the
4 façade to the innermost plants.

5 D. Large Shade Trees shall not be located within 20 feet of a building.

6 (Ord. No. 13-20, § 2, 7-11-2013)

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

8 A. Garbage collection areas (dumpster pad) shall be screened with a wall, opaque fencing, or a landscape screen
9 capable of reaching a minimum height of six (6) feet within three (3) years and maintained to preserve an
10 opaque screening quality.

11 B. Shade ~~t~~rees shall remain fifteen feet while other trees and shrubs shall remain eight (8) feet from any fire
12 service connection.

13 C. Trees and shrubs shall remain offset three (3) feet from any electrical transformer and shall not be proposed
14 along the access door face of the transformer within the distance provided by the power provider.

15 D. Exterior air conditioning components shall be screened by locating the equipment away from public view or
16 through the use of a landscape screen with a minimum height of three (3) feet offset a minimum of three (3)
17 feet from the equipment.

18 (Ord. No. 13-20, § 2, 7-11-2013)

19 **Sec. 6.8.10. General planting requirements.**

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

23 B. Plant selection shall be appropriate for the development site and provide the highest level of diversity as
24 practicable.

25 C. Diversity requirements: Landscape design that includes a diversity of tree and plant species is required. ~~For~~
26 ~~projects in which 20 or more trees are required, o~~ne species may not account for more than ~~50~~25% of the
27 total number of trees unless otherwise approved by the County Landscape Architect. At least three species of
28 shrubs or groundcover shall be specified unless otherwise approved by the County Landscape Architect.

29 D. Planting specifications are listed as follows:

30 (1) Native plant requirements:

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

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

35 (c) A minimum of 50 percent of the required Shade ~~t~~rees shall be Florida native species suitable for
36 use in Marion County.

37 (2) The use of invasive plant species based on the following sources, shall be prohibited:

38 (a) Florida Invasive Species ~~-Council Category I & II List of Invasive Plant Species,~~

- (b) Prohibited Aquatic Plants per F.A.C. 5B-64.011, and
- (c) Center for Aquatic and Invasive Plants, University of Florida, IFAS.
- (3) Trees.
- (a) Shade trees shall have a minimum caliper of 3.5 inches and a height and crown diameter as per Florida Grades and Standards.
- (b) Understory trees shall have a minimum caliper of two (2) inches and a height and crown diameter as per Florida Grades and Standards.
- (c) To promote a sustainable and biodiverse tree canopy, Marion County recommended trees can be found in Table 6.8-4.

TABLE 6.8-4 – Tree Recommendations for Marion County – Non-Inclusive

Scientific name	Common name (<40ft height)	Native	Zone	Mature Height (ft)	Est. Crown Spread (ft)	Lifespan (years)
Small / Medium Trees						
<i>Acacia farnesiana</i>	Sweet acacia	Yes	8B - 11	20-40	20-30	12-50
<i>Aesculus pavia</i>	Red buckeye	Yes	6A - 9A	15-30	15-25	30-50
<i>Callistemon linearis</i> / <i>Callistemon rigidus</i>	Bottlebrush	No	8B - 11	15-20	15-20	20-40
<i>Carpinus caroliniana</i>	American Hornbeam	Yes	8 - 9A	20-30	20-30	50-150
<i>Cephalanthus occidentalis</i> ¹	Buttonbush	Yes	5 -10	5-20	4-12	20-40
<i>Cercis canadensis</i>	Redbud	Yes	4B - 9A	20-30	20-35	20-70
<i>Chionanthus virginicus</i>	Fringetree	Yes	8 - 9	12-20	12-20	25-60
<i>Ilex cassine</i>	Dahoon holly	Yes	7A - 11	20-40	8-12	25-100
<i>Ilex vomitoria</i>	Yaupon holly	Yes	7A - 9B	15-25	15-20	30-75
<i>Ilex x attenuata</i> 'East Palatka'	East Palatka holly	Yes	7-9	30-45	10-15	20-40
<i>Magnolia grandiflora</i> 'Little Gem'	Little Gem magnolia	Yes	7 - 10	20-40	8-12	50-100
<i>Magnolia Xsoulangiana</i>	Saucer Magnolia	No	8 - 9A	20-30	20-30	50-120
<i>Myrcianthes fragrans</i> ¹	Simpson stopper	Yes	8B -11	10-30	15-20	20-40
<i>Ostrya virginiana</i>	Hop-hornbeam	Yes	3-9A	20-40	25-30	100-150
<i>Prunus angustifolia</i>	Chickasaw plum	Yes	6A - 9B	10-25	10-20	15-25
<i>Prunus umbellata</i>	Flatwoods or hog plum	Yes	6A - 9B	10-20	10-30	30-40
<i>Vaccinium arboreum</i>	Sparkleberry	Yes	8 - 10B	10-25	10-15	20-30
<i>Viburnum obovatum</i> ¹	Walter's viburnum	Yes	7 - 10	10-20	10-15	30-60
<i>Viburnum odoratissimum</i> ¹	Sweet Viburnum	No	8B -10A	15-30	10-25	40-60
Large Trees						
	(40*ft height)					
<i>Acer barbatum floridanum</i>	Florida maple	Yes	6B-9A	50-60	20-30	80-130

<i>Acer rubrum</i>	Red maple	Yes	4-9	60-75	25-35	80-150
<i>Betula nigra</i>	River birch	Yes	4 - 9a	50-90	25-30	50-75
<i>Carya glabra</i>	Pignut hickory	Yes	5-9	50-65	30-40	200-300
<i>Carya tomentosa</i>	Mockernut hickory	Yes	4-9	50-100	40-60	200-500
<i>Carya illinoensis</i>	Pecan	Yes	5B-9A	70-130	40-75	100-300
<i>Diospyros virginiana</i>	Persimmon	Yes	4B-9B	40-60	20-35	50-150
<i>Fraxinus americana</i>	White ash	Yes	3-9A	50-80	50-80	200-300
<i>Fraxinus pennsylvanica</i>	Green ash	Yes	3-9A	60-70	35-50	100-120
<i>Juniperus virginiana</i>	Red cedar	Yes	8 to 9	25-50	10-30	100-450
<i>Liriodendron tulipifera</i>	Tulip poplar	Yes	8 to 9a	80-100	30-50	200-300
<i>Magnolia grandiflora</i>	Southern Magnolia	Yes	8 to 9	60-120	30-50	80-120
<i>Nyssa sylvatica</i>	Black tupelo	Yes	4B-9B	65-75	25-35	150-300
<i>Pinus palustris</i>	Longleaf pine	Yes	8 to 9	60-125	30-40	250-500
<i>Quercus austrina</i>	Bluff oak	Yes	8A-9B	40-90	35-50	200-300
<i>Quercus chapmanii</i>	Chapman oak	Yes	7B-10B	10-50	10-25	200-500
<i>Quercus falcata</i>	Southern red oak	Yes	7A-9B	60-80	60-70	150-275
<i>Quercus geminata</i>	Sand live oak	Yes	8A-10B	50-90	50-80	200-300
<i>Quercus lyrata</i>	Overcup oak	Yes	6-9A	30-70	30-60	150-300
<i>Quercus michauxii</i>	Swamp chestnut oak	Yes	5-9	60-100	30-50	100-200
<i>Quercus virginiana</i>	Live oak	Yes	7B-10B	60-80	60-120	250-500
<i>Taxodium ascendens</i>	Pond cypress	Yes	8A-10B	50-85	15-30	300-600
<i>Taxodium distichum</i>	Bald cypress	Yes	5A-10B	100-150	20-35	400-1000
<i>Ulmus alata</i>	Winged elm	Yes	6A-9B	45-70	30-40	50-100
<i>Ulmus americana floridan</i>	Florida elm	Yes	8-10A	60-80	50-60	100-150
<i>Ulmus crassifolia</i>	Cedar elm	Yes	6-9	40-90	40-60	50-100

¹ Shall be specified as tree form

(4) Palms.

- (a) Not more than 25 percent of all required trees shall be palm trees unless a higher percentage is authorized as stated in Section 6.7.9.
- (b) Additional palms may be provided in excess of the 25 percent threshold when three (3) palms are used to substitute one (1) required tree.
- (c) Palm trees ~~shall~~ may not ~~be substituted for~~ serve as Shade Trees ~~required to meet tree mitigation plantings.~~
- (d) Palms shall have a clear trunk height of 10 feet minimum.

- (5) Shrubs shall reach a minimum height of 18 inches within one year of planting, unless specified differently elsewhere in this Section, and be spaced appropriately for the species and required maintenance.

-
- 1 (6) Groundcovers shall be those species of plants with a mature growing height of 24 inches maximum and
2 spaced up to 24 inches maximum and 30 inches on-center maximum.
- 3 (7) Vining groundcovers shall have a minimum of three runners per plant. Vines may be spaced accordingly
4 for the proposed use. Stakes of vines shall be removed upon planting, and vines shall be trained to the
5 wall or fence for which they are proposed.
- 6 (8) Turfgrass may be of any variety which is adapted and suitable for use in Marion County and that meets
7 FFL requirements. The use of rolled turf is prohibited on property with public access unless the
8 supportive netting is removed prior to or during installation and the integrity of the turf is not
9 jeopardized during installation.
- 10 E. Mulch types shall be of a renewable resource or a recycled product. The use of cypress mulch is not allowed.
11 (Ord. No. 13-20, § 2, 7-11-2013)

12 **Sec. 6.8.11. Landscape installation.**

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

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

- 23 A. Upon completion of the installation of the project a Landscape and Irrigation As-Built Certification shall be
24 signed and sealed by the design professional and submitted to the County Landscape Architect prior to the
25 issuance of a Certificate of Occupancy.
- 26 B. Where landscape buffers are required under this code as a condition of development approval, the responsible
27 maintenance entity shall, after the first ~~every~~ 24 months of the maintenance period, prepare a written
28 certification, on a form provided by the County, that the buffers are in good health and maintenance, and that
29 all plantings required in the buffer are meeting the requirements of the development approval. The
30 certification must be signed by a responsible design professional and submitted to the Growth Services
31 Department.
- 32 (Ord. No. 13-20, § 2, 7-11-2013)

33 **Sec. 6.8.13. Landscape maintenance.**

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

-
- 1 B. Trees or palms shall not be severely pruned or shaped. If over 25% of the crown is trimmed during one
2 trimming, then that tree is considered critically impacted and will require replanting at the cost of the Owner
3 unless such trimming is approved by a Certified Arborist for survival. The natural growth habit of a tree or palm
4 shall be considered during the design phase to avoid maintenance conflicts.
- 5 C. Trees or palms which are guyed or braced shall have such guying or bracing removed within one year of
6 planting. Damaging trees with guying devices shall be considered a violation of this Code. Damaged trees shall
7 be replaced at the expense of the owner.
- 8 D. The alteration of any required and approved landscape area without obtaining prior written approval from the
9 County is prohibited. The expansion of drought tolerant landscaping, excluding the replacement of planted
10 areas with turfgrass, or replacing dying or diseased plants with similar plant material is excluded.
- 11 E. Buffers and screening plantings shall provide healthy appearance year-round and be maintained at the
12 required minimum heights.
- 13 (Ord. No. 13-20, § 2, 7-11-2013)

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

15 A. Applicability.

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

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

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

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

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

29 C. Fertilizer content and application rates.

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

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

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

40 **Table 6.8-3 Fertilizer Application Rates**

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

- (4) No phosphorus fertilizer shall be applied to existing turf and/or landscape Plants within the County at application rates which exceed 0.25 pounds phosphorus per 1,000 square feet per application nor exceed 0.50 pounds phosphorus per 1,000 square feet per year.
- (5) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in Section 6.8.14.C(1) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.
- D. Timing of fertilizer application. No applicator shall apply fertilizers containing nitrogen and/or phosphorus when soils are saturated.
- E. Fertilizer-free zones.
- (1) Fertilizer shall not be applied to turf or landscape plants within 30 feet of any pond, stream, watercourse, lake, canal or wetland. The use of macro-tab slow release fertilizer tablets for landscape plants which are installed within the plant pits during plant installation is allowed.
- (2) Fertilizer shall not be applied to turf grass within the following areas:
- (a) Seventy-five feet of the WBSL of any spring, pond, stream, watercourse, lake, wetland or sinkhole or other karst feature that has an opening at the surface.
- (b) Fifteen feet from the top of the bank of any drainage retention area, canal, or from the top of a seawall, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge, is used, in which case a minimum of 3 feet shall be maintained.
- (3) In the event an area is included in one or more of the areas described in Section 6.8.14.E(2) above, the more restrictive provision (i.e., the larger distance) shall apply.
- (4) Newly planted turf and/or landscape plants may be fertilized in this zone only for a 60-day period beginning 30 days after planting if need to allow the plants to become well established. Caution shall be used to prevent the direct deposit of nutrients into the water.
- F. Low maintenance zones. A 10-foot low maintenance zone is required from any pond, stream, water course, lake, wetland, or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent County regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material shall be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone.
- G. Impervious surfaces. Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands. Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces. Any fertilizer applied, spilled, or deposited, either intentionally or

1 accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent
2 practicable. Fertilizer released on an impervious surface must be immediately contained and either legally
3 applied to turf or any other legal site, or returned to the original or other appropriate container. In no case
4 shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches,
5 conveyances, or water bodies.

6 H. Management of grass clippings and vegetative matter. In no case shall grass clippings, vegetative material,
7 and/or vegetative debris be washed, swept, piled or blown off into stormwater drains, ditches, conveyances,
8 water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be
9 immediately removed to the maximum extent practicable.

10 I. Training for fertilizer applicators.

11 (1) Commercial applicators of fertilizer within the unincorporated area of Marion County, shall maintain
12 current Limited Urban Commercial Fertilizer Applicator Certification through the Florida Department of
13 Agriculture and Consumer Services by January 1, 2014, per § 482.1562 FS.

14 (2) Any other person whose duties include the application of fertilizer not required to maintain certification
15 in Section 6.8.14.I(1) above, shall obtain a GI-BMP Certificate of Completion within six months of
16 assuming such duties.

17 (3) Private homeowners are required to follow the recommendations of the Florida Yards and
18 Neighborhoods Handbook by FDEP and UF/IFAS, as amended except to the extent this Code provides
19 more stringent requirements.

20 J. Enforcement.

21 (1) In addition to county code enforcement officers, the County Administrator may also delegate
22 enforcement responsibility for this section to agencies and departments of Marion County government,
23 in accordance with state and local law.

24 (2) Funds generated by penalties imposed under this section shall be used by the County for the
25 administration and enforcement of § 403.9337 FS, and the corresponding sections of this Code, and to
26 further water conservation and nonpoint pollution prevention activities.

27 K. Penalties.

28 (1) Violation of any provision of this section shall be subject to the following penalties:

29 (a) First violation: Written Notification and Education.

30 (b) Second violation: Written Notification and Education.

31 (c) Third violation: Fifty dollars (\$50.00).

32 (d) Fourth and subsequent violation(s): One Hundred dollars (\$100.00).

33 (2) Each day in violation of this section within a 365-day period, beginning the date of the first violation,
34 shall constitute a separate offense. The Board may take any other appropriate legal action, including but
35 not limited to emergency injunctive action, to enforce the provisions of this section.

36 (Ord. No. 13-20, § 2, 7-11-2013)

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

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

-
- 1 (1) Unless subject by Florida Statutes to certain continuing education requirements, contractors licensed
2 under this section are required to complete a minimum of eight (8) Professional Development Hours or
3 Continuing Education Units in Florida Friendly Landscaping Practices from a continuing education
4 organization approved by the County before each succeeding license renewal or bi-annually, whichever
5 is shortest. Compliance with this requirement will be confirmed at the time of license renewal, or by an
6 approved audit procedure.
- 7 (2) A list of required and approved courses or certifications for Section 6.8.15.A(1) above will be maintained
8 by the Marion County Licensing Board.
- 9 (3) A course or certification may be added to or withdrawn from the approved list using an approved petition
10 procedure.
- 11 B. Landscape maintenance professionals performing work for hire within the unincorporated areas of Marion
12 County shall possess current GI-BMP Certificate of Completion.
- 13 C. Any person providing services for hire regarding any aspect of landscape maintenance that includes the
14 application of fertilizer or pesticide shall meet the applicable state and County licensing and certification
15 requirements included herein.
- 16 (Ord. No. 13-20, § 2, 7-11-2013)

DIVISION 8. LANDSCAPING

Sec. 6.8.1. Purpose and intent.

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

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.2. Landscape plan requirements.

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

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

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

Sec. 6.8.3. Landscape design standards.

- A. All new landscapes in Marion County shall be designed to protect the County's unique natural resources by conserving water, protecting the quality of groundwater, reducing waste and pollution, creating wildlife habitat, and preventing erosion by implementation of Florida-Friendly Landscaping (FFL) by UF/IFAS and FDEP, including but not limited to:
 - (1) Right plant, right place;
 - (2) Water efficiently;
 - (3) Fertilize appropriately;
 - (4) Mulch;
 - (5) Attract wildlife;
 - (6) Manage yard pests responsibly;
 - (7) Recycle yard waste;
 - (8) Reduce stormwater runoff; and
 - (9) Protect the waterfront.
- B. Prohibited Plants. Prohibited vegetation based on the following sources:
 - (1) Florida Invasive Species Council Category I & II List of *Invasive* Plant Species,
 - (2) Prohibited Aquatic Plants per F.A.C. 5B-64.011, and
 - (3) Center for Aquatic and *Invasive* Plants, University of Florida, IFAS.
- C. Removal and eradication of Prohibited Plant species from the proposed development site shall be a condition of development approval. The development site shall be maintained free of Prohibited Plant species.
- D. Landscaping within rights-of-way shall require approval by the County Engineer or their designee.
- E. Trees shall not be located in areas that will cause conflict with overhead or underground utilities. Large tree species as listed in 6.8.10 shall not be located within 30 feet of overhead electric lines. Alternative design strategies may be approved by the County's Landscape Architect or their designee when conflicts with existing utilities cannot be avoided.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.4. Non-residential development.

For non-residential development, at least 20 percent of the development project area shall be landscape areas as defined below. The development project area is defined as the overall parcel to be developed, or if less than the size of the overall parcel, the outer extent perimeter of all disturbed areas of the project.

A. Landscape areas shall include:

- (1) Buffers;
- (2) Landscaping required for parking areas;
- (3) Shade trees and/or replacement trees;
- (4) Landscaped or sodded side slopes and/or landscaped or sodded bottoms of dry stormwater management areas with a depth of four feet or less, and the planted littoral zones of wet stormwater management areas;
- (5) Building landscaping;
- (6) Service and equipment area screening.

B. Credit towards the landscape area requirements may be allowed on a 1:1.25 basis for all or part of preserved native habitat if the applicant demonstrates that it includes one or more of the following:

- (1) Preserved existing trees or tree clusters including preserved native vegetation under the tree dripline.
- (2) Preserved areas of existing native vegetation.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.5. New residential developments.

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

A. Yard Tree Requirements.

- (1) For all new residential developments, or single-family and duplex new construction, each individual single-family or duplex lot shall contain two (2) Shade Trees. A minimum of one (1) Shade Tree shall be located in the front yard. One (1) tree shall be of a large tree species as listed in 6.8.10. Front yard trees shall be installed within the residential lot area between the road right of way and the residential structures. Yard trees may be deferred until the home construction.
- (2) For multi-family or mixed-use developments where the residential structures are adjacent to parking areas instead of streets, the required trees for building landscaping, parking lot landscaping and screening shall serve in lieu of yard trees.
- (3) Trees may not be planted in the right-of-way or utility easements, or within fifteen (15) feet of any foundation.

B. In new single-family residential developments with more than 20 lots, the developer shall promote the practices and principles of FFL as described in the 'Florida-Friendly Landscaping Handbook for Home Landscapes', as amended. A program which promotes these principles shall be provided to the County

as part of the development application materials, and incorporated into and made part of the restrictive covenants and shall include:

- (1) Information about the applicable landscaping requirements under this division;
- (2)
- (3) Water conservation and FFL educational materials to all new homeowners; and
- (4) Information regarding landscape irrigation scheduling as stipulated in Section 6.9.9.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.6. Buffers.

- A. It is the intent of this section to eliminate or reduce the negative impacts of adjacent uses upon each other such that the long-term continuance of either use is not threatened by such impacts and the uses may be considered compatible.
- B. Buffers shall provide a year-round screen, with a maximum of 50% deciduous trees, and provide an aesthetic quality, especially along public rights-of-way, which enhance travel corridors and screen developed areas from public view.
- C. A diverse number of plant species shall be incorporated into buffer plantings to provide habitat and appeal.
- D. Buffers may consist of landscaping, fencing, buffer walls, berms, or combinations thereof which work cohesively to achieve the intent of buffering.
- E. If no buffering exists on the adjoining property, or if the existing buffer fails to meet the requirements of this section, buffering shall be required with the exception of the construction of an individual single-family residence or duplexes on an individual parcel of record.
 - (1) In interpreting and applying the provisions of buffers, development is classified into categories shown in Table 6.8-1. and as based on the project's proposed use(s).
 - (2) Table 6.8-2 provides the type of buffer required between a proposed use and an existing use, or in the absence of an existing use.
- F. If buffers are required, the length shall be measured along each property line and shall exclude driveways and other access points and easements.
- G. No buildings, structures (other than lighting, signs, buffer walls, decorative hardscape, or fences), storage of materials, or parking shall be permitted within the buffer area. Pedestrian trails, sidewalks, etc. are permitted in buffers when integrated into the design of the buffer areas.
- H. Buffers shall not be located on any portion of an existing or dedicated right-of-way, or on individual single-family residential or duplex parcels.
- I. Arrangement of plantings in buffers shall:
 - (1) Provide maximum screening to adjacent properties.
 - (2) Avoid damage to existing trees and plant material both within the development and in those areas outside of but directly adjacent to the project development.
 - (3) Account for mature growing sizes of preserved existing and proposed trees regarding shade, root damage, and interference with nearby utilities and signage.
 - (4) Offer interesting layouts where appropriate and a variety of textures and colors.

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

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

- (1) All landscaping required as part of a buffer shall be installed on the public view side of any buffer fence or wall, if a fence or wall is required. Plant selection shall be made in consideration of shade and sun patterns along fences and walls. The DRC may approve the placement of all required buffer landscaping on the interior side of a fence or wall provided that a buffer already exists on the adjacent property and the overall purpose of the buffer is still met.
- (2) Buffer shrubs, used for screening within a buffer, if required by the following, shall be specified appropriately to reach a minimum of three (3) feet in height within one (1) year of installation and shall be spaced no further apart than 48 inches on center unless otherwise approved by the County's or their designee.
- (3) Groundcovers, if required per the following, shall be spaced no further apart than 30 inches on center.
- (4) Shrubs and groundcovers, if required by Table 6.8-3, shall be arranged to form a layered landscape screen. If a buffer fence or wall is not required, then shrubs and groundcovers shall attain eighty (80) percent opacity within 12 months of planting. If a buffer fence or wall is required, then shrubs and groundcovers shall attain fifty (50) percent opacity in front of the buffer fence or wall within 12 months of planting.
- (5) Buffers adjacent to the following roadways shall require a 15-foot Type C buffer width and planting requirements, and shall also require an equestrian or agricultural-themed 3-rail or 4-rail wooden fence of a 48" height at least 50% of the buffer's linear footage and distributed throughout that linear footage:
 - a) All roadways classified as a Collector or above in the following locations:
 - i. Within the Farmland Preservation Area.
 - ii. Outside of the Urban Growth Boundary, west of I-75.
 - iii. US 27 and SR 40 within the Urban Growth Boundary, west of I-75.
 - iv. US HWY 301/441 within the Urban Growth Boundary, north of the Ocala City Limits.
 - v. Classified as a Scenic Road.
- (6) The preservation of existing natural vegetation within buffers is permitted and encouraged to meet buffering requirements. In order to utilize natural vegetation as a portion of required buffer plantings, or in lieu of required buffer plantings, the applicant may review existing trees and or vegetation on-site with the County's Landscape Architect or their designee to determine if the existing trees and or vegetation will satisfy the required buffer.
- (7) A post-construction inspection of preserved existing natural vegetation and trees shall be conducted in accordance with Section 6.7.12. Damaged or removed vegetation, damaged or trees which are no longer

-
- 1 considered viable, including those with heavily impacted root zones as determined by the County's
2 Landscape Architect or their designee, shall be supplemented and/or replaced.
- 3 K. Buffer fences, walls and berms.
- 4 (1) Buffer fences may be used to as a substitute for buffer walls with approval of the DRC.
- 5 (2) Buffer fences, walls and berms shall:
- 6 (a) Not be constructed or installed in a manner which creates a threat to public safety or interferes
7 with vehicular circulation;
- 8 (b) Be designed to be compatible with existing and proposed site architecture and the character of the
9 surrounding and adjacent settings including the style and selection of materials; and
- 10 (c) Be situated so that the fences, walls and berms are within the buffer limits and any required
11 landscaping shall be installed on the public view side of the fence or wall.
- 12
- 13 (3) When a buffer fence or wall is required, the buffer fence or wall may be used in conjunction with a berm
14 to achieve a minimum final elevation of six (6) feet in height. When buffer fences, walls, berms and/or
15 combinations of each are used, they shall be constructed to ensure that historic and/or proposed
16 drainage, stormwater, or other surface water flow patterns or facilities are not impacted.
- 17 (4) The maximum side slope for a berm planted with shrubs and woody groundcovers shall be 3:1. The
18 maximum side slope for a berm planted with turfgrass shall be 3.5:1. Trees or shrubs may not be planted
19 along the ridgeline of the berm.
- 20 (5) Buffer areas shall be continually maintained and kept free of all trash and debris.
- 21 (Ord. No. 13-20, § 2, 7-11-2013)
- 22

Table 6.8-1 Buffer Type Requirements

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

Table 6.8-2 Land Use Categories for Buffers

		Adjacent Permitted or Existing Use						
		AG	SFR	MF	COM	IND	PUB	ROW ¹
Proposed Use	AG	-	-	-	-	-	-	-
	SFR	E	E ³	C	A	B	C	D ⁴
	MF	A or B	D	-	A	B	C	D ⁴
	COM	D	B	B	-	B	C	C
	IND	B	B	B	B	-	B	C or D ²
	PUB	A or B	B	C	C	C	-	C

- Properties within the limits of 6.8.6.J(5) shall comply with that buffer requirement.
- A Type D Buffer is required where residential is adjacent to opposite ROW on a road with less than 4 lanes.
- A 6 foot opaque fence may be used in lieu of a vegetative buffer.
- If a 6 foot wall (precast, CMU, or other similar durable paneled material) is provided in lieu of the required fence, the required buffer width shall be reduced by 50% but in no event less than 10 feet in width. The required understory trees and other plantings (except shade trees) shall also be reduced proportionally.

1 **TABLE 6.8-3 – Buffer Classification Requirements**

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

Sec. 6.8.7. Parking areas and vehicular use areas.

- A. A minimum five (5) foot wide landscape area consisting of shrubs and groundcovers, excluding turfgrass, shall be provided around the perimeter of parking areas to form a landscape screen with a minimum height of three (3) feet achieved within one (1) year of planting. A land use buffer that abuts a parking area may satisfy this requirement.
- B. Landscaping adjacent to parking areas and vehicular use areas shall be protected from being damaged by vehicles using these areas. Landscaping at the nose of parking stalls shall be offset two and a half feet from the face of curb or wheelstop to allow for vehicle overhang. The area between the landscape and parking stall shall be mulched and contain no vertical irrigation components.
- C. A landscaped parking lot island shall be located every fifteen parking spaces. Where Shade Trees are required, to provide sufficient space for health root development, parking lot islands shall be at least the size of two proposed parking spaces. Unsuitable soils, including limerock road base, shall be excavated and replaced with properly drained soils. For paved parking areas within a Primary SPZ, including those with permeable or porous surfaces, parking lot islands shall be completely planted with shrubs or groundcovers; the use of turfgrass is prohibited.
- D. Each row of parking spaces shall be terminated by a landscaped island.
- E. Divider medians may be used to meet parking area landscape requirements.
 - (1) The minimum width of a divider median shall be eight (8) feet.
 - (2) One (1) Shade Tree shall be provided per 50 lineal feet of divider median.
- F. To offset heat gain from paved surfaces, Shade Trees as required in Section 6.7.4 should be located to provide as much shade as possible on such surfaces.
- G. Parking lot screening must be achieved regardless of other landscaping requirements in this article. Shade trees as required in Section 6.7.4 shall be integrated into the parking area landscaping.
- H. All landscaping in parking areas and street frontages shall be placed so that it will not obstruct any sight triangle.
- I. Trees within parking areas.
 - (1) All trees required for parking areas and vehicular use areas shall be Shade Trees, unless required otherwise by provisions in this section.
 - (2) All parking lot islands, including terminal parking lot islands, shall contain one (1) Shade Tree unless site lighting fixtures are proposed in said island.
 - (3) In parking lot islands with site lighting fixtures, an arrangement of one (1) or two (2) accent/ornamental trees shall be installed depending on the size and configuration of the island.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.8. Building landscaping.

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

-
- B. Building landscape shall be provided for all sides facing public or private streets, and shall extend a minimum of 60 percent of the total length of the wall, excluding those areas required for access to the building.
 - C. Landscape areas shall be a minimum of five feet wide allowing for a minimum distance of two (2) feet from the façade to the innermost plants.
 - D. Large Shade Trees shall not be located within 20 feet of a building.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.9. Service and equipment areas.

- A. Garbage collection areas (dumpster pad) shall be screened with a wall, opaque fencing, or a landscape screen capable of reaching a minimum height of six (6) feet within three (3) years and maintained to preserve an opaque screening quality.
- B. Shade trees shall remain fifteen feet while other trees and shrubs shall remain eight (8) feet from any fire service connection.
- C. Trees and shrubs shall remain offset three (3) feet from any electrical transformer and shall not be proposed along the access door face of the transformer within the distance provided by the power provider.
- D. Exterior air conditioning components shall be screened by locating the equipment away from public view or through the use of a landscape screen with a minimum height of three (3) feet offset a minimum of three (3) feet from the equipment.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.10. General planting requirements.

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

(Supp. No. 5)

- (b) Prohibited Aquatic Plants per F.A.C. 5B-64.011, and
- (c) Center for Aquatic and Invasive Plants, University of Florida, IFAS.
- (3) Trees.
- (a) Shade trees shall have a minimum caliper of 3.5 inches and a height and crown diameter as per Florida Grades and Standards.
- (b) Understory trees shall have a minimum caliper of two (2) inches and a height and crown diameter as per Florida Grades and Standards.
- (c) To promote a sustainable and biodiverse tree canopy, Marion County recommended trees can be found in Table 6.8-4.

TABLE 6.8-4 – Tree Recommendations for Marion County – Non-Inclusive

Scientific name	Common name (<40ft height)	Native	Zone	Mature Height (ft)	Est. Crown Spread (ft)	Lifespan (years)
Small / Medium Trees						
<i>Acacia farnesiana</i>	Sweet acacia	Yes	8B - 11	20-40	20-30	12-50
<i>Aesculus pavia</i>	Red buckeye	Yes	6A - 9A	15-30	15-25	30-50
<i>Callistemon linearis</i> / <i>Callistemon rigidus</i>	Bottlebrush	No	8B - 11	15-20	15-20	20-40
<i>Carpinus caroliniana</i>	American Hornbeam	Yes	8 - 9A	20-30	20-30	50-150
<i>Cephalanthus occidentalis</i> ¹	Buttonbush	Yes	5 -10	5-20	4-12	20-40
<i>Cercis canadensis</i>	Redbud	Yes	4B - 9A	20-30	20-35	20-70
<i>Chionanthus virginicus</i>	Fringetree	Yes	8 - 9	12-20	12-20	25-60
<i>Ilex cassine</i>	Dahoon holly	Yes	7A - 11	20-40	8-12	25-100
<i>Ilex vomitoria</i>	Yaupon holly	Yes	7A - 9B	15-25	15-20	30-75
<i>Ilex x attenuata</i> 'East Palatka'	East Palatka holly	Yes	7-9	30-45	10-15	20-40
<i>Magnolia grandiflora</i> 'Little Gem'	Little Gem magnolia	Yes	7 - 10	20-40	8-12	50-100
<i>Magnolia Xsoulangiana</i>	Saucer Magnolia	No	8 - 9A	20-30	20-30	50-120
<i>Myrcianthes fragrans</i> ¹	Simpson stopper	Yes	8B -11	10-30	15-20	20-40
<i>Ostrya virginiana</i>	Hop-hornbeam	Yes	3-9A	20-40	25-30	100-150
<i>Prunus angustifolia</i>	Chickasaw plum	Yes	6A - 9B	10-25	10-20	15-25
<i>Prunus umbellata</i>	Flatwoods or hog plum	Yes	6A - 9B	10-20	10-30	30-40
<i>Vaccinium arboreum</i>	Sparkleberry	Yes	8 - 10B	10-25	10-15	20-30
<i>Viburnum obovatum</i> ¹	Walter's viburnum	Yes	7 - 10	10-20	10-15	30-60
<i>Viburnum odoratissimum</i> ¹	Sweet Viburnum	No	8B -10A	15-30	10-25	40-60
Large Trees						
	(40*ft height)					
<i>Acer barbatum floridanum</i>	Florida maple	Yes	6B-9A	50-60	20-30	80-130

<i>Acer rubrum</i>	Red maple	Yes	4-9	60-75	25-35	80-150
<i>Betula nigra</i>	River birch	Yes	4 - 9a	50-90	25-30	50-75
<i>Carya glabra</i>	Pignut hickory	Yes	5-9	50-65	30-40	200-300
<i>Carya tomentosa</i>	Mockernut hickory	Yes	4-9	50-100	40-60	200-500
<i>Carya illinoensis</i>	Pecan	Yes	5B-9A	70-130	40-75	100-300
<i>Diospyros virginiana</i>	Persimmon	Yes	4B-9B	40-60	20-35	50-150
<i>Fraxinus americana</i>	White ash	Yes	3-9A	50-80	50-80	200-300
<i>Fraxinus pennsylvanica</i>	Green ash	Yes	3-9A	60-70	35-50	100-120
<i>Juniperus virginiana</i>	Red cedar	Yes	8 to 9	25-50	10-30	100-450
<i>Liriodendron tulipifera</i>	Tulip poplar	Yes	8 to 9a	80-100	30-50	200-300
<i>Magnolia grandiflora</i>	Southern Magnolia	Yes	8 to 9	60-120	30-50	80-120
<i>Nyssa sylvatica</i>	Black tupelo	Yes	4B-9B	65-75	25-35	150-300
<i>Pinus palustris</i>	Longleaf pine	Yes	8 to 9	60-125	30-40	250-500
<i>Quercus austrina</i>	Bluff oak	Yes	8A-9B	40-90	35-50	200-300
<i>Quercus chapmanii</i>	Chapman oak	Yes	7B-10B	10-50	10-25	200-500
<i>Quercus falcata</i>	Southern red oak	Yes	7A-9B	60-80	60-70	150-275
<i>Quercus geminata</i>	Sand live oak	Yes	8A-10B	50-90	50-80	200-300
<i>Quercus lyrata</i>	Overcup oak	Yes	6-9A	30-70	30-60	150-300
<i>Quercus michauxii</i>	Swamp chestnut oak	Yes	5-9	60-100	30-50	100-200
<i>Quercus virginiana</i>	Live oak	Yes	7B-10B	60-80	60-120	250-500
<i>Taxodium ascendens</i>	Pond cypress	Yes	8A-10B	50-85	15-30	300-600
<i>Taxodium distichum</i>	Bald cypress	Yes	5A-10B	100-150	20-35	400-1000
<i>Ulmus alata</i>	Winged elm	Yes	6A-9B	45-70	30-40	50-100
<i>Ulmus americana floridan</i>	Florida elm	Yes	8-10A	60-80	50-60	100-150
<i>Ulmus crassifolia</i>	Cedar elm	Yes	6-9	40-90	40-60	50-100

¹ Shall be specified as tree form

(4) Palms.

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

(b) Additional palms may be provided in excess of the 25 percent threshold when three (3) palms are used to substitute one (1) required tree.

(c) Palm trees may not serve as Shade Trees.

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

(5) Shrubs shall reach a minimum height of 18 inches within one year of planting, unless specified differently elsewhere in this Section, and be spaced appropriately for the species and required maintenance.

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

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- 1 (7) Vining groundcovers shall have a minimum of three runners per plant. Vines may be spaced accordingly
2 for the proposed use. Stakes of vines shall be removed upon planting, and vines shall be trained to the
3 wall or fence for which they are proposed.
- 4 (8) Turfgrass may be of any variety which is adapted and suitable for use in Marion County and that meets
5 FFL requirements. The use of rolled turf is prohibited on property with public access unless the
6 supportive netting is removed prior to or during installation and the integrity of the turf is not
7 jeopardized during installation.
- 8 E. Mulch types shall be of a renewable resource or a recycled product. The use of cypress mulch is not allowed.
9 (Ord. No. 13-20, § 2, 7-11-2013)

10 **Sec. 6.8.11. Landscape installation.**

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

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

- 21 A. Upon completion of the installation of the project a Landscape and Irrigation As-Built Certification shall be
22 signed and sealed by the design professional and submitted to the County Landscape Architect prior to the
23 issuance of a Certificate of Occupancy.
- 24 B. Where landscape buffers are required under this code as a condition of development approval, the responsible
25 maintenance entity shall, after the first 24 months of the maintenance period, prepare a written certification,
26 on a form provided by the County, that the buffers are in good health and maintenance, and that all plantings
27 required in the buffer are meeting the requirements of the development approval. The certification must be
28 signed by a responsible design professional and submitted to the Growth Services Department.
- 29 (Ord. No. 13-20, § 2, 7-11-2013)

30 **Sec. 6.8.13. Landscape maintenance.**

- 31 A. All landscape areas shall be maintained in accordance with the Florida-Friendly Best Management Practices
32 for Protection of Water Resources by the Green Industries, FFL, UF/IFAS and FDEP.
- 33 B. Trees or palms shall not be severely pruned or shaped. If over 25% of the crown is trimmed during one
34 trimming, then that tree is considered critically impacted and will require replanting at the cost of the Owner
35 unless such trimming is approved by a Certified Arborist for survival. The natural growth habit of a tree or palm
36 shall be considered during the design phase to avoid maintenance conflicts.

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- C. Trees or palms which are guyed or braced shall have such guying or bracing removed within one year of planting. Damaging trees with guying devices shall be considered a violation of this Code. Damaged trees shall be replaced at the expense of the owner.
- D. The alteration of any required and approved landscape area without obtaining prior written approval from the County is prohibited. The expansion of drought tolerant landscaping, excluding the replacement of planted areas with turfgrass, or replacing dying or diseased plants with similar plant material is excluded.
- E. Buffers and screening plantings shall provide healthy appearance year-round and be maintained at the required minimum heights.
- (Ord. No. 13-20, § 2, 7-11-2013)

Sec. 6.8.14. Fertilizers and other landscape chemicals.

- A. Applicability.
- (1) This section shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the unincorporated area of Marion County, unless such applicator is specifically exempted by the terms of this section from the regulatory provisions of this Code. This section shall be prospective only, and shall not impair any existing contracts.
 - (2) This section requires the use of BMPs which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers.
- B. Exemptions. The provisions set forth in Section 6.8.14 above in this section shall not apply to:
- (1) Bona fide farm operations as defined in the Florida Right to Farm Act, § 823.14 FS, provided that fertilizers are applied in accordance with the appropriate Best Management Practices Manual adopted by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for the crop in question.
 - (2) Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.
- C. Fertilizer content and application rates.
- (1) Fertilizers applied to turfgrass and/or landscape plants within Marion County shall be applied in accordance with directions provided by FAC Rule 5E-1.003(2), Labeling Requirements for Urban Turf Fertilizers.
 - (2) Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site and shall not be applied for the first 30 days after seeding or sodding.
 - (3) Fertilizers should be applied to turf and/or landscape plants at the lowest rate necessary. Nitrogen shall not be applied at an application rate greater than 0.7 lbs of readily available nitrogen per 1,000 square feet at any one time based on the soluble fraction of formulated fertilizer, with no more than 1 pound total nitrogen per 1,000 square feet applied at any one time, and not to exceed the nitrogen recommendations set forth below on an annual basis:

Table 6.8-3 Fertilizer Application Rates

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

Centipede	2
St. Augustine	3
Zoysia	4

- 1
2
- 3 (4) No phosphorus fertilizer shall be applied to existing turf and/or landscape Plants within the County at
4 application rates which exceed 0.25 pounds phosphorus per 1,000 square feet per application nor exceed
5 0.50 pounds phosphorus per 1,000 square feet per year.
- 6 (5) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in
7 Section 6.8.14.C(1) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable
8 gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved
9 test.
- 10 D. Timing of fertilizer application. No applicator shall apply fertilizers containing nitrogen and/or phosphorus
11 when soils are saturated.
- 12 E. Fertilizer-free zones.
- 13 (1) Fertilizer shall not be applied to turf or landscape plants within 30 feet of any pond, stream, watercourse,
14 lake, canal or wetland. The use of macro-tab slow release fertilizer tablets for landscape plants which are
15 installed within the plant pits during plant installation is allowed.
- 16 (2) Fertilizer shall not be applied to turf grass within the following areas:
- 17 (a) Seventy-five feet of the WBSL of any spring, pond, stream, watercourse, lake, wetland or sinkhole
18 or other karst feature that has an opening at the surface.
- 19 (b) Fifteen feet from the top of the bank of any drainage retention area, canal, or from the top of a
20 seawall, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply
21 defined edge, is used, in which case a minimum of 3 feet shall be maintained.
- 22 (3) In the event an area is included in one or more of the areas described in Section 6.8.14.E(2) above, the
23 more restrictive provision (i.e., the larger distance) shall apply.
- 24 (4) Newly planted turf and/or landscape plants may be fertilized in this zone only for a 60-day period
25 beginning 30 days after planting if need to allow the plants to become well established. Caution shall be
26 used to prevent the direct deposit of nutrients into the water.
- 27 F. Low maintenance zones. A 10-foot low maintenance zone is required from any pond, stream, water course,
28 lake, wetland, or from the top of a seawall. A swale/berm system is recommended for installation at the
29 landward edge of this low maintenance zone to capture and filter runoff. If more stringent County regulations
30 apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed
31 or cut vegetative material shall be deposited or left remaining in this zone or deposited in the water. Care
32 should be taken to prevent the over-spray of aquatic weed products in this zone.
- 33 G. Impervious surfaces. Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders.
34 Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces,
35 fertilizer-free zones and water bodies, including wetlands. Fertilizer shall not be applied, spilled, or otherwise
36 deposited on any impervious surfaces. Any fertilizer applied, spilled, or deposited, either intentionally or
37 accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent
38 practicable. Fertilizer released on an impervious surface must be immediately contained and either legally
39 applied to turf or any other legal site, or returned to the original or other appropriate container. In no case
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shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

H. Management of grass clippings and vegetative matter. In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, piled or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.

I. Training for fertilizer applicators.

(1) Commercial applicators of fertilizer within the unincorporated area of Marion County, shall maintain current Limited Urban Commercial Fertilizer Applicator Certification through the Florida Department of Agriculture and Consumer Services by January 1, 2014, per § 482.1562 FS.

(2) Any other person whose duties include the application of fertilizer not required to maintain certification in Section 6.8.14.I(1) above, shall obtain a GI-BMP Certificate of Completion within six months of assuming such duties.

(3) Private homeowners are required to follow the recommendations of the Florida Yards and Neighborhoods Handbook by FDEP and UF/IFAS, as amended except to the extent this Code provides more stringent requirements.

J. Enforcement.

(1) In addition to county code enforcement officers, the County Administrator may also delegate enforcement responsibility for this section to agencies and departments of Marion County government, in accordance with state and local law.

(2) Funds generated by penalties imposed under this section shall be used by the County for the administration and enforcement of § 403.9337 FS, and the corresponding sections of this Code, and to further water conservation and nonpoint pollution prevention activities.

K. Penalties.

(1) Violation of any provision of this section shall be subject to the following penalties:

(a) First violation: Written Notification and Education.

(b) Second violation: Written Notification and Education.

(c) Third violation: Fifty dollars (\$50.00).

(d) Fourth and subsequent violation(s): One Hundred dollars (\$100.00).

(2) Each day in violation of this section within a 365-day period, beginning the date of the first violation, shall constitute a separate offense. The Board may take any other appropriate legal action, including but not limited to emergency injunctive action, to enforce the provisions of this section.

(Ord. No. 13-20, § 2, 7-11-2013)

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

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

(1) Unless subject by Florida Statutes to certain continuing education requirements, contractors licensed under this section are required to complete a minimum of eight (8) Professional Development Hours or

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- 1 Continuing Education Units in Florida Friendly Landscaping Practices from a continuing education
2 organization approved by the County before each succeeding license renewal or bi-annually, whichever
3 is shortest. Compliance with this requirement will be confirmed at the time of license renewal, or by an
4 approved audit procedure.
- 5 (2) A list of required and approved courses or certifications for Section 6.8.15.A(1) above will be maintained
6 by the Marion County Licensing Board.
- 7 (3) A course or certification may be added to or withdrawn from the approved list using an approved petition
8 procedure.
- 9 B. Landscape maintenance professionals performing work for hire within the unincorporated areas of Marion
10 County shall possess current GI-BMP Certificate of Completion.
- 11 C. Any person providing services for hire regarding any aspect of landscape maintenance that includes the
12 application of fertilizer or pesticide shall meet the applicable state and County licensing and certification
13 requirements included herein.
- 14 (Ord. No. 13-20, § 2, 7-11-2013)



Marion County

Land Development Regulation Commission

Agenda Item

File No.: 2026-23899

Agenda Date: 8/5/2026

Agenda No.: 3.1.

SUBJECT:

The Next Scheduled Continuation of This Public Hearing Will Be on August 12, 2026, at 5:30 PM, Held in the McPherson Governmental Campus Auditorium

Note: The Next LDRC Workshop Will Be Held in the Growth Services Main Training Room on September 2, 2026 at 5:30 PM. There Will Be No LDRC Workshop on August 19, 2026

DESCRIPTION/BACKGROUND:

Provided for Informational Purposes Only