

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

May 15, 2024

CALL TO ORDER:

The Marion County Board of County Commissioners met in a workshop session in Commission Chambers at 3:34 p.m. on Wednesday, May 15, 2024 at the Marion County Governmental Complex located in Ocala, Florida.

INTRODUCTION OF WORKSHOP BY CHAIRMAN MICHELLE STONE

Chairman Stone advised that the workshop was scheduled this afternoon to discuss Land Development Code (LDC) buffer requirements and designs.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

The Deputy Clerk was in receipt of a 13 page Agenda packet to follow along with the PowerPoint presentation; a 3 page handout containing the current buffer requirements; and a 5 page handout containing the different buffer types.

WORKSHOP PRESENTATION

1. Present Marion County Buffers Workshop – May 15, 2024 at 2:00 p.m.

The following recommendation was presented by Growth Services Director Chuck Varadin:

Description/Background: This is a workshop for Marion County Growth Services and Parks and Recreation Departments to discuss landscape buffers under Section 6.8.6 of the Marion County Land Development Code (LDC). This workshop will discuss existing conditions, issues and concerns, and potential next steps in amending the LDC in regards to buffers.

Budget/Impact: None.

Recommended Action: For Discussion.

Growth Services Deputy Director Ken Weyrauch advised that the Growth Services and Parks & Recreation Departments are working together on this project, noting everyone is present today to discuss the buffers within the LDC and buffer concerns. He stated the purpose and intent of a buffer is to eliminate and reduce negative impacts on adjacent properties, provide year-round visual screen and aesthetic quality.

Mr. Weyrauch provided a brief overview of the different buffer types and requirements. He commented on the differences between buffers and screening.

In response to Commissioner Zalak, Mr. Weyrauch advised that picture examples of the screening versus buffering was not included in the presentation, but he can email them

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to the Commissioners.

Mr. Bouyounes questioned if there is a standard followed by the County for screening. Mr. Weyrauch stated the County does not have a standard for screening, noting it would be up to the applicant to design and create a 100 percent (%) opaque screening.

Mr. Bouyounes opined it may be difficult to set one standard for screening because all sites are not the same.

In response to Chairman Stone, Mr. Weyrauch advised that most developments that requires screening will come before the Board as a Special Use Permit (SUP), noting there are a few that will happen in Regional Business (B-4) and Heavy Business (B-5) by right.

Mr. Weyrauch advised of staff concerns relating to buffers between conflicting uses. Chairman Stone commented on the gas stations and carwashes without any screening or buffering.

Mr. Weyrauch advised that a 3 foot landscaping for parking lots is supposed to be installed to ensure headlights are not interfering with the roads right-of-way (ROW). He stated other than that requirement it is just a Type "C" buffer.

In response to Chairman Stone, Mr. Weyrauch advised that a carwash is permitted in Neighborhood Business (B-1), Community Business (B-2), Regional Business (B-4), Heavy Business (B-5), Rural Activity Center (RAC) and Light Industrial (M-1) zoned properties.

Commissioner Zalak stated many gas stations do not have the 3 foot landscaping installed today.

General discussion ensued.

Mr. Weyrauch addressed staff concerns relating to ROW and its relationship with the public space and maintenance of buffers post development. He commented on the limited Code Enforcement Officers available, noting most cases are reactive instead of proactive. Commissioner Zalak recommended a task force be created to address this issue similar to what has been done for litter.

In response to Commissioner Curry, Mr. Weyrauch advised that some communities have a designated Landscape Code Enforcement Officers.

Chairman Stone stated the County is not receiving complaints, noting typically people are unaware of the conditions required of the development.

Mr. Weyrauch advised that there are corridors where development took place during different time frames and under different Code requirements.

Chairman Stone commented on the Growth Services' workload and the need to prioritize activities.

Commissioner McClain questioned if there was anything the Board could do to incentivize people to maintain their buffers. Mr. Weyrauch advised that staff can look into options and bring back more information at a later date. He stated when a residential community's Homeowner's Association (HOA) dissolves the County can implement an MSTU to take over responsibility for the vegetation/landscaping.

Mr. Weyrauch commented on buffers as it relates to 55 plus communities and residential lot size differences.

Commissioner Zalak opined that the requirement should be the maximum buffer, noting waivers and exceptions should be made from there and not from the minimum necessary buffer. He stated new residential should not go up against old residential without a buffer, noting any development next to a 55 plus community should have a higher buffer requirement.

General discussion ensued.

Parks and Recreation Director Jim Couillard advised that perpetuity of maintenance was not implemented in the Code until 2013. He opined that reviewing businesses with failed buffers and failed hedges will be a hard task, noting creating an incentive would be a great idea. Mr. Couillard stated the requirement to have a certain number of trees per 100 feet means that allotment of trees can be situated any way the developer would like within the 100 feet buffer strip.

In response to Commissioner Zalak, Mr. Couillard opined that in order to fix the buffer issue the developers need to hire professionals who understand the biology of the plant material. He stated some of the PUD requirements are tough to achieve as it relates to plantings.

Chairman Stone questioned if it would be appropriate to require applicants to coordinate with Parks and Recreation staff on landscape buffers. Mr. Couillard advised that parameters would need to be put in place.

Mr. Couillard opined that waivers are overused.

In response to Commissioner Zalak, Mr. Couillard advised that there are many different reasons waiver requests that are being brought before the Development Review Committee (DRC). He commented on the DRC waiver request process.

Commissioner Curry questioned if an applicant could go before the DRC for a waiver of a PUD condition set by the Board. Mr. Couillard advised that any changes to a PUD have to come back before the Board.

Commissioner Zalak stated in the past, Master Plans not required to come back before the Board for approval have gone through DRC and some waivers were granted.

General discussion ensued.

ACA Tracy Straub advised that she has directed staff to ask the Board if they want the Condition included to bring the Master Plan back before the Board for approval.

Mr. Bouyounes stated if the Conditions are clear in the PUD the Master Plan may not need to come before the Board.

Mr. Weyrauch advised that a majority of the Master Plans that are required to come back before the Board are due to the amenities. He stated when the individuals/businesses are submitting their application staff is telling them that details relating to amenities are necessary.

Mr. Bouyounes stated when the Master Plan comes back, the Board is litigating with the public all over again because the public thinks that they can convince the Board to change their mind on the development.

Commissioner Zalak stated if the Master Plan does not have to come back before the Board it will create a lot of burden on the applicant beforehand, noting the applicant will have to have all the details available for Board review at the time of approving the PUD.

Commissioner Bryant commented on the importance of having a complete application submitted by the developer, noting if one cannot be provided a continuance is needed until the information can be provided.

General discussion ensued.

Commissioner Zalak commented on the changes made in 2010 to incentivize business and the impact it had on the County. He stated staff needs to be made aware that the Board is not in favor of landscape waivers.

Mr. Bouyounes advised that landscape waivers can be handled similar to water and sewer connection waivers.

Ms. Straub stated there is not a criteria in place for PUD buffers, noting it is completely

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flexible.

Commissioner Zalak opined that the standard can be based on the actual use of the PUD. General discussion ensued.

David Tillman, Tillman & Associates Engineering, LLC, SE 16th Avenue, recommended the Board address buffering in the LDC and not the Comprehensive Plan, noting by doing so it will give the Board the ability to waive or make changes to the buffer if they so choose. He commented on the cost associated with increased buffering and current housing affordability.

Commissioner Zalak advised that there are over 50,000 lots available in Silver Springs Shores (SSS) and Marion Oaks.

Mr. Tillman stated SSS and Marion Oaks do not have centralized water and sewer. He opined that is not the right area to send housing until a utilities solution has been determined.

Mr. Tillman expressed support for implementing the maintenance criteria for businesses along the gateway corridors.

Commissioner Zalak advised that some developers are adhering to the minimum requirements without considering the community. He stated the community does not want to look like Orlando, noting some of the developments being built are too similar to Orlando. Commissioner Zalak opined that live oak trees need to be included back into the buffer requirements.

Mr. Tillman advised that a landscape architect will put more thought than an engineer into the plan.

Commissioner Bryant advised that she is in agreeance with Commissioner Zalak.

General discussion ensued.

In response to Commissioner Zalak, Mr. Couillard advised that in the tree preservation and protection section of the Code, the County encourages the protection of trees and incorporating them within the development. He stated the product the major home builders are requiring have tight lots, which is a challenge. Mr. Couillard advised that the County has to hold the developer to the Code, noting any tree over 30 inches requires his permission to remove. He stated residential developments are not required to perform tree preservation or have any shade tree requirements.

Ms. Straub advised that the County has not been aggressively addressing these issues. She stated every developer that comes in and develops more than 1 acre of land is required to file a notice of intent with DEP indicating when they clear their property it will be done in stages, and they shall restabilize within 7 days. This encourages people to develop in phases and not do the mass grading and clear cuts. Ms. Straub advised that this is something that the State is responsible for enforcing, but at the direction of the Board, County staff can be more aggressive.

General discussion resumed.

Mr. Tillman commented on possible incentives the County could provide to a developer to encourage tree preservation.

Commissioner Zalak out at 4:38 p.m.

Chairman Stone advised that the point of the buffer workshop is to assist the Board in achieving a more balanced approach to developments. She stated in the future the Growth Services staff will utilize the Parks and Recreation Department to assist with Conditions prior to coming before the Board for PUDs.

Commissioner Zalak returned at 4:40 p.m.

Mr. Weyrauch advised that staff visited the Institute of Food and Agricultural Science

(IFAS) location in Citra where they were able to see how a variation of cedar, eucalyptus, pine and poplar trees are used to create a visual layered buffer. He stated staff will bring back similar buffer options.

Chairman Stone directed staff to work on the descriptives relating to urban versus rural and determine what is needed to begin auditing existing buffers.

In response to Chairman Stone, Building Safety Director/DRC Chairman Michael Savage advised that he has been listening to the Board and understands the intention of the Board and how they want the DRC to move forward.

Chairman Stone directed staff to bring back buffer options for the Boards review relating to the multi-family to single family, 55 plus, intensified walls, and lots size differences.

Mr. Weyrauch advised that staff also included new residential versus existing residential options.

Commissioner Zalak requested the height requirement be increased to 10 feet, noting the height can be negotiated during the PUD process. He stated B-2, B-4, and B-5 would have to come before the Board for a waiver if they wanted to do something different. Commissioner Zalak opined that the standard should be set higher and if the applicant has a good reason the Board can consider making it lower.

Mr. Weyrauch advised that the developer can come before the Board with a waiver request if they can show they meet or exceed the intent of the buffer Code.

General discussion ensued.

Commissioner Bryant advised that the County could be divided into quadrants and staff can send letters to the property owners advising of the necessary buffer improvements.

Chairman Stone stated staff has indicated that they are able to perform that task.

Commissioner Zalak commented on the possibility of beautifying some of the ROW corners owned by the County.

Mr. Couillard advised that beautifying these areas can be done easily, noting a contest can be created to decorate the traffic control boxes.

Commissioner Zalak expressed appreciation to Parks and Recreation for their work at the 4 way stop on NW 35th Street to beautify the area.

Mr. Couillard commented on the importance of continued maintenance.

In response to Commissioner Curry, Mr. Couillard advised that the Code does require water for the maintenance of the buffer. He stated the vegetation needs to be watered to establishment and then irrigation needs to be used to supplement rain fall.

General discussion ensued relating to clear cutting properties and tree farming.

Chairman Stone provided a brief overview of the items the Board would like brought back for review and action, such as to ensure that car washes and gas stations are buffered from the roadway; variations between urban and rural ROW buffers; audit existing buffers and send letters to property owners; and review all types of buffering and bring back options including layering and wall heights.

Mr. Bouyounes advised that additional buffering types may be needed.

Commissioner Zalak opined that there are some PUDs where a wall may not be necessary, but in a Commercial corridor it is required.

Mr. Bouyounes commented on the amount of space needed for a 10 foot berm.

In response to Commissioner Curry, Chairman Stone advised that staff would bring back buffer options.

Commissioner Zalak stated staff should bring back for Board review options relating to clear cut land, incentives to save trees and what is the right percentage of natural growth. He opined that a live oak tree should not be permitted to be cut down without a good

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reason.

General discussion ensued.

Chairman Stone advised that the direction of the Board is to begin at the maximum buffer and have various options with the layering, as well as correct the clear-cut loophole.

Ms. Straub advised that a meeting is being scheduled between Growth Services, Parks and Recreation and herself to address this matter, noting a milestone project schedule will be created. She stated the milestone schedule can be placed on the June 4, 2024 Agenda under County Administrator Items.

Commissioner Zalak requested staff schedule a workshop to discuss amenities.

Chairman Stone advised that Parks and Recreation staff need to review the Conditions prior to them coming to the Board for review.

In response to Commissioner Zalak, Mr. Weyrauch provided a brief overview of the PUD application process. He stated staff does not take the buffering conditions to the Parks and Recreation Department to review the vegetation, but will go forward.

Commissioner Zalak stated the Parks and Recreation Department needs to review the buffers and confirm the mix of trees is compatible and will survive, which will make it easier for the Board to make decision at the hearings.

Commissioner McClain commented on the possibility of developments pooling resources to provide a common park area instead of amenities at each location.

General discussion ensued.

Ms. Straub commented on the PUD review process, noting staff tries not to overwork applicants.

Commissioner Zalak stated the Board needs to know what parameters need to be in place to ensure the buffer will work.

Chairman Stone advised that setbacks also need to be reviewed and brought back to the Board for review.

In response to Chairman Stone, Ms. Straub reiterated a timeline will be brought before the Board under County Administrator Agenda Item at the June 4, 2024 meeting.

Commissioner Zalak questioned if the Board wanted overlay zones on Highway 27 and Highway 40 relating to the Horse Capital of the World corridors. Chairman Stone stated the Board can have that discussion, noting the overlay zone on Highway 475A never took off.

Mr. Couillard advised that the Board is planting the trees now for 20 years in the future.

Commissioner Zalak advised that the Board should consider what the view will be going down the road from the new interchange, noting the County should own the presence at all the entrances going towards the World Equestrian Center (WEC).

Chairman Stone advised that the Spires development has already begun and it looks great. She stated it is the general consensus of the Board to move forward with overlay options on the roads leading to the WEC.

In response to Chairman Stone, Ms. Straub advised that the preliminary engineering report (PER) for the multi-modal path and sidewalk along SW 38th Street will be brought back to the Board for consideration in July or August 2024. She provided a brief overview of the potential design.

Chairman Stone opined that the project does not need to be extended east of SW 38th Street and SW 60th Avenue.

Ms. Straub advised that staff coordinated with On Top of the World (OTOW) relating to the trail path on SW 38th street on the north side of Calesa. She stated the recommendation was to place the path against the sportsplex and the high school.

Commissioner Zalak expressed concern with the proposed placement.
General discussion ensued.

Mr. Bouyounes expressed the need for 120 foot of ROW in order to accommodate future growth and utilities within the proposed paths.

Chairman Stone questioned if a multi-modal path is necessary on SW 38th Street all the way to the Sam's Club. Mr. Bouyounes advised that is what staff is recommending.

Ms. Straub clarified that the road is not being designed all the way to the Sam's Club, but instead to the cross street behind the Sam's Club.

Mr. Bouyounes advised that SW 43rd Court will tie into SW 49th Avenue and will go all the way down to Highway 484 and contain a trail. He stated it would be nice if it could be connected to the proposed trail, noting if they do not connect there will be a gap.

In response to Chairman Stone, Ms. Straub advised that this is a 4 lane road with 120 feet of ROW and adjustments have been made in order to fit the trail within the corridor.

Mr. Bouyounes advised that the trail can be moved to the south side of the road if the Board desires.

General discussion ensued.

Mr. Bouyounes questioned if the Board would like buffer waiver requests to come before the Board. Commissioner Zalak opined that buffer waivers should be handled the same as water connections, noting if the Code requires the buffer and it makes sense than DRC should not waive it and instead send it to the Board.

Mr. Savage commented on a recent request for a buffer waiver where a wall would be required, but the area was along a heavily covered Drainage Retention Area (DRA). He stated in that case the buffer was waived, noting only that portion of the wall requirement was waived. Mr. Savage advised that anytime a Buffer waiver is requested he reaches out to Growth Services and Parks and Recreation staff to ensure they have had a chance to review the request.

In response to Commissioner Zalak, Mr. Couillard advised that there is not a plant list available, noting applicants are encouraged to use their creativity.

BOARD DISCUSSION AND CLOSING COMENTS

There being no further business to come before the Board, the meeting thereupon adjourned at 5:21 p.m.

Michelle Stone, Chairman

Attest:

Gregory C. Harrell, Clerk

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