



## Interoffice Memorandum

August 13, 2024

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners

FROM: Tanya Wilson, AICP, Director  
Planning, Environmental, and Development Services Department

**CONTACT PERSON: Tanya Wilson, AICP Director  
Planning Environmental and Development Services  
Department  
(407) 836-5883**

SUBJECT: August 13, 2024 – Public Hearing  
Exclusive Method for Voluntary Annexation and Land Use  
Regulation within the Rural Area

Two work sessions were held before the Board of County Commissioners on July 9<sup>th</sup> and July 30<sup>th</sup> to discuss the proposed charter amendment for voluntary annexations. At the conclusion of the second work session, the Board directed staff to prepare a draft ordinance outlining the exclusive methods and criteria for voluntary annexation. The proposed ordinance also contains associated ballot language that will be considered by the electorates of Orange County during the November 5, 2024 general election. Voters will have the opportunity to determine whether or not the proposed charter amendment for voluntary annexations should be approved.

The following list summarizes the major components contained in the draft ordinance:

- Exempt municipalities with Joint Planning Area agreements
- Require public hearings before the Board for all annexation requests
- Include noticing requirements
- Include criteria for approval within the rural areas/special protection area

- Include an appeal process
- Require that the County's Comprehensive Plan and land development regulations govern in annexed lands within the rural area/special protection areas.

Should the Board decide to approve the proposed ordinance, the following are the next steps to complete the process:

1. The ordinance will be transmitted to the Orange County Supervisor of Elections to be placed on the November 5, 2024, general election ballot.
2. Pursuant to Section 100.342, F.S Published twice in the newspaper prior to November 5. Once in the fifth week and once in the third week.

**ACTION REQUESTED:** Approval of an ordinance of the Board of County Commissioners of Orange County, Florida submitting to referendum a proposed amendment to the charter of Orange County Florida; providing for an exclusive method of municipal voluntary annexation; providing for preemptory land use regulation; calling a referendum on the proposed charter amendment; providing the ballot title and ballot summary for the referendum; conditioning the effectiveness of the charter amendment on voter approval at the referendum; providing for other related matters; providing for severability; and providing for effective dates. Countywide

Attachment

ORDINANCE NO. 2024-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA SUBMITTING TO REFERENDUM A PROPOSED AMENDMENT TO THE CHARTER OF ORANGE COUNTY, FLORIDA; PROVIDING FOR AN EXCLUSIVE METHOD OF MUNICIPAL VOLUNTARY ANNEXATION; PROVIDING FOR PREEMPTORY LAND USE REGULATION; CALLING A REFERENDUM ON THE PROPOSED CHARTER AMENDMENT; PROVIDING THE BALLOT TITLE AND BALLOT SUMMARY FOR THE REFERENDUM; CONDITIONING THE EFFECTIVENESS OF THE CHARTER AMENDMENT ON VOTER APPROVAL AT THE REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

*Section 1. Charter Amendment.* Section \_\_504\_\_ of the Orange County Charter is created to read:

**Sec. 504 . – Exclusive Method for Voluntary Annexations**

A. JOINT PLANNING AREA AGREEMENTS: The exclusive method of voluntary annexation is inapplicable in municipal joint planning areas adopted with the County by joint planning agreement or interlocal agreement; sections B and C do not apply.

B. PROCESS FOR REVIEW: After the effective date of this section, any voluntary annexation must be approved by an affirmative vote of not less than a majority plus one vote of the entire membership of the board of county commissioners at a public hearing. Approval or denial shall be at the sole and absolute discretion of the board. However, the board may consider consistency with the county comprehensive plan, infrastructure

40 impacts, whether the annexation is compact, contiguous and will not  
41 result in the creation of enclaves, whether an interlocal agreement  
42 has been proffered or executed, and whether the property is located  
43 within or outside the urban service area. The annexing municipality  
44 shall provide notice to the county 10-days prior its first scheduled  
45 public hearing. The board of county commissioners shall hear the  
46 annexation request following the first public hearing by the  
47 municipality. The annexing municipality shall enter into an  
48 interlocal agreement with the county detailing the provision of  
49 essential public services, infrastructure maintenance, and future land  
50 use. A decision of the board of county commissioners may be  
51 appealed by a Party Affected to the circuit court within thirty (30)  
52 days of the public hearing. “Party affected” means any persons or  
53 firms owning property in, or residing in, either a municipality  
54 proposing annexation or contraction or owning property that is  
55 proposed for annexation to a municipality or any governmental unit  
56 with jurisdiction over such area. Notice shall be provided within a  
57 2 mile radius of the subject area to be annexed, by US Mail 30-days  
58 prior to the board of county commissioners public hearing. The cost  
59 of such notice shall be paid by the initiating individual or group.

60  
61 C. LAND USE GOVERNING WITHIN RURAL  
62 AREAS: After the effective date of this section, the comprehensive  
63 plan and land development regulations of Orange County shall  
64 exclusively govern the development of lands in areas designated as  
65 rural beyond the urban service area, regardless of whether some or  
66 all of the lands lying within these areas are subsequently annexed or  
67 otherwise added into a municipality. Furthermore, the annexing  
68 municipality must enter into an interlocal agreement with the  
69 county, detailing the provision of essential public services,  
70 infrastructure maintenance, and future land use.

71  
72 D. EFFECTIVE DATE: This charter amendment shall  
73 become effective upon the date of canvassing board certification of  
74 approval by a vote of the electors of Orange County.

75  
76 ***Section 2. Referendum Called.*** A referendum election is hereby called and ordered to  
77 be held in Orange County at the time of the next general election on November 5, 2024, to  
78 determine whether the Land Use Rural Areas and Voluntary Annexations charter amendment is  
79 approved by the voters.

80           **Section 3.    Notice of Referendum.** Pursuant to Section 100.342, Florida Statutes, a  
81 Notice of Referendum shall be published twice in the *Orlando Sentinel*, a newspaper of general  
82 circulation in the County. The publications shall occur once in the fifth week and once in the third  
83 week prior to the week which includes November 5, 2024.

84           **Section 4.    Official Ballot.** Ballots to be used in the referendum shall contain a  
85 statement of the description of the proposed issue in substantially the following form:

<p style="text-align: center;"><b>Charter Amendment Establishing A Process For Voluntary Municipal Annexations And Land Use in Rural Areas</b></p> <p style="text-align: center;">Amend the County Charter to establish a process for voluntary municipal annexation and provide that the comprehensive plan and land development regulations of Orange County exclusively govern within rural areas when lands are subsequently annexed into a municipality with Orange County having the authority to approve or deny voluntary annexations by an affirmative vote of not less than a majority plus one vote of the entire county commission.</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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87           **Section 5.    Spanish Translation.** The above ballot question shall additionally appear  
88 on the ballot in Spanish and the County Attorney and Supervisor of Elections are requested to  
89 authorize, and directed to prepare, an accurate Spanish translation to be included on the ballot.

90           **Section 6.    Payment of Referendum Expenses.** The Board authorizes the payment of  
91 lawful expenses associated with conducting the referendum, as well as the cost of providing  
92 information as permitted by Section 106.113, Florida Statutes. The Orange County Comptroller  
93 is hereby authorized and directed to disburse the funds necessary to pay such expenses.

94 **Section 7. Severability.** If any section, subsection, sentence, clause, or provision of  
95 this ordinance or the application thereof to any person or circumstance is held invalid for any  
96 reason, the invalidity shall not affect any other provision or application of this ordinance, and to  
97 this end the provisions of this ordinance are declared severable.

98 **Section 8. Effective Date.** This ordinance shall take effect pursuant to general law.  
99 However, Section 1 of this ordinance, Charter Amendment, shall take effect only if and when  
100 approved by a majority of the voters voting in the referendum called by the Board of County  
101 Commissioners of Orange County, Florida in Section 2 of this ordinance.

102  
103 ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.  
104

105  
106 ORANGE COUNTY, FLORIDA  
107 By: Board of County Commissioners  
108

109 By: \_\_\_\_\_  
110 Jerry L. Demings  
111 Orange County Mayor  
112

113 ATTEST: Phil Diamond, CPA, County Comptroller  
114 As Clerk of the Board of County Commissioners  
115

116 By: \_\_\_\_\_  
117 Deputy Clerk  
118  
119  
120  
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ORDINANCE NO. 2024-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA SUBMITTING TO REFERENDUM A PROPOSED AMENDMENT TO THE CHARTER OF ORANGE COUNTY, FLORIDA; PROVIDING FOR AN EXCLUSIVE METHOD OF MUNICIPAL VOLUNTARY ANNEXATION; PROVIDING FOR ~~EXCLUSIVE~~ PREEMPTORY LAND USE REGULATION; CALLING A REFERENDUM ON THE PROPOSED CHARTER AMENDMENT; PROVIDING THE BALLOT TITLE AND BALLOT SUMMARY FOR THE REFERENDUM; CONDITIONING THE EFFECTIVENESS OF THE CHARTER AMENDMENT ON VOTER APPROVAL AT THE REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

*Section 1. Charter Amendment.* Section 504 of the Orange County Charter is created to read:

**Sec. 504 . – Exclusive Method for Voluntary Annexations ~~AND~~ Land Use Regulation Within The Rural Area**

A. JOINT PLANNING AREA AGREEMENTS: The exclusive method of voluntary annexation is inapplicable ~~for municipalities that have a in~~ municipal joint planning areas ~~adopted agreement~~ with the County ~~by joint planning agreement or interlocal agreement~~; sections B and C do not apply.

B. PROCESS FOR REVIEW: After the effective date of this section, any voluntary annexation must be approved by an affirmative vote of not less than a majority plus one vote of the entire membership of the board of county commissioners at a public hearing. Approval or denial shall be at the sole and absolute

39 discretion of the board. However, the board may consider  
40 consistency with the county comprehensive plan, infrastructure  
41 impacts, whether the annexation is compact, contiguous and will not  
42 result in the creation of enclaves, whether an interlocal agreement  
43 has been proffered or executed, and whether the property is located  
44 within or outside the urban service area. The annexing municipality  
45 shall provide notice to the county 10-days prior ~~its to the~~ first  
46 scheduled public hearing. The board ~~of county commissioners~~ shall  
47 hear the annexation request following the first public hearing by the  
48 municipality. ~~The annexing municipality shall enter into an~~  
49 ~~interlocal agreement with the county detailing the provision of~~  
50 ~~essential public services, infrastructure maintenance, and future land~~  
51 ~~use.~~ A decision of the board of county commissioners may be  
52 appealed by a Party Affected to the circuit court within thirty (30)  
53 days of the public hearing. “Party affected” means any persons or  
54 firms owning property in, or residing in, either a municipality  
55 proposing annexation or contraction or owning property that is  
56 proposed for annexation to a municipality or any governmental unit  
57 with jurisdiction over such area. Notice shall be provided within a  
58 ~~600-foot radius~~ ~~2 mile radius~~ of the subject area to be annexed, by  
59 US Mail ~~14-days~~ ~~30-days~~ prior to the board of county  
60 commissioners public hearing. The cost of such notice shall be paid  
61 by the initiating individual or group.

62  
63 C. LAND USE GOVERNING WITHIN ~~THE~~ RURAL  
64 AREAS: ~~In an effort to protect and preserve the County’s natural~~  
65 ~~systems and agricultural lands, after~~ After the effective date of this  
66 section, the comprehensive plan and land development regulations  
67 of Orange County shall exclusively govern the development of lands  
68 ~~lying within the Rural Area in areas designated as rural beyond the~~  
69 ~~urban service area, regardless of whether some or all of the lands~~  
70 ~~lying within these areas are subsequently annexed or otherwise~~  
71 ~~added into a municipality. Except as specified otherwise, Orange~~  
72 ~~County regulations shall govern when lands lying within the Rural~~  
73 ~~Area are subsequently annexed or otherwise added into a~~  
74 ~~municipality.~~ Furthermore, the annexing municipality must enter  
75 into an interlocal agreement with the county, detailing the provision  
76 of essential public services, infrastructure maintenance, and future  
77 land use.

78  
79 D. EFFECTIVE DATE: This charter amendment shall  
80 become effective upon the date of canvassing board certification of  
81 approval by a vote of the electors of Orange County.  
82



83           **Section 2.     Referendum Called.** A referendum election is hereby called and ordered to  
84 be held in Orange County at the time of the next general election on November 5, 2024, to  
85 determine whether the Land Use Rural Areas and Voluntary Annexations charter amendment is  
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92 statement of the description of the proposed issue in substantially the following form:

<p style="text-align: center;"><b>Charter Amendment Establishing A Process For Voluntary Municipal Annexations And Land Use in Rural Areas</b></p> <p style="text-align: center;">Amend the County Charter to establish a process for voluntary municipal annexation and provide that the comprehensive plan and land development regulations of Orange County exclusively govern within <del>the</del> rural areas when lands are subsequently annexed into a municipality with Orange County having the authority to approve or deny voluntary annexations by an affirmative vote of not less than a majority plus one vote of the entire county commission.</p> <p style="text-align: center;">___ Yes ___ No</p>
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94           **Section 5.     Spanish Translation.** The above ballot question shall additionally appear  
95 on the ballot in Spanish and the County Attorney and Supervisor of Elections are requested to  
96 authorize, and directed to prepare, an accurate Spanish translation to be included on the ballot.

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98 lawful expenses associated with conducting the referendum, as well as the cost of providing  
99 information as permitted by Section 106.113, Florida Statutes. The Orange County Comptroller  
100 is hereby authorized and directed to disburse the funds necessary to pay such expenses.

101           **Section 7.     Severability.** If any section, subsection, sentence, clause, or provision of  
102 this ordinance or the application thereof to any person or circumstance is held invalid for any  
103 reason, the invalidity shall not affect any other provision or application of this ordinance, and to  
104 this end the provisions of this ordinance are declared severable.

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106 However, Section 1 of this ordinance, Charter Amendment, shall take effect only if and when  
107 approved by a majority of the voters voting in the referendum called by the Board of County  
108 Commissioners of Orange County, Florida in Section 2 of this ordinance.

109  
110           ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.  
111

112  
113   ORANGE COUNTY, FLORIDA  
114   By: Board of County Commissioners

115  
116   By: \_\_\_\_\_  
117   Jerry L. Demings  
118   Orange County Mayor

119  
120           ATTEST: Phil Diamond, CPA, County Comptroller  
121           As Clerk of the Board of County Commissioners

122  
123           By: \_\_\_\_\_  
124   Deputy Clerk  
125  
126  
127  
128