

BCC Work Session



Proposed Preservation Districts District 4 and 5

February 25, 2025



Presentation Outline

- **Commissioner's Report - Creation of Preservation Districts**
- **Preservation Districts**
- **Annexation Process**
- **Summary**
- **Board Direction**



Commissioner Report

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- **October 8, 2024 – BCC Commissioners Report requesting the creation of nine Preservation Districts for Rural Settlements in East Orange County (Districts 4 & 5).**
- **Request came amid:**
 - **Dispute with Orlando regarding Sunbridge Annexation**
 - **Recent voluntary annexation by Deseret Ranch**
 - **Prior to charter amendments (annexation and rural boundary) consideration by voters**
- **Board direction was to wait for the outcome of the November referendums and return with a work session.**



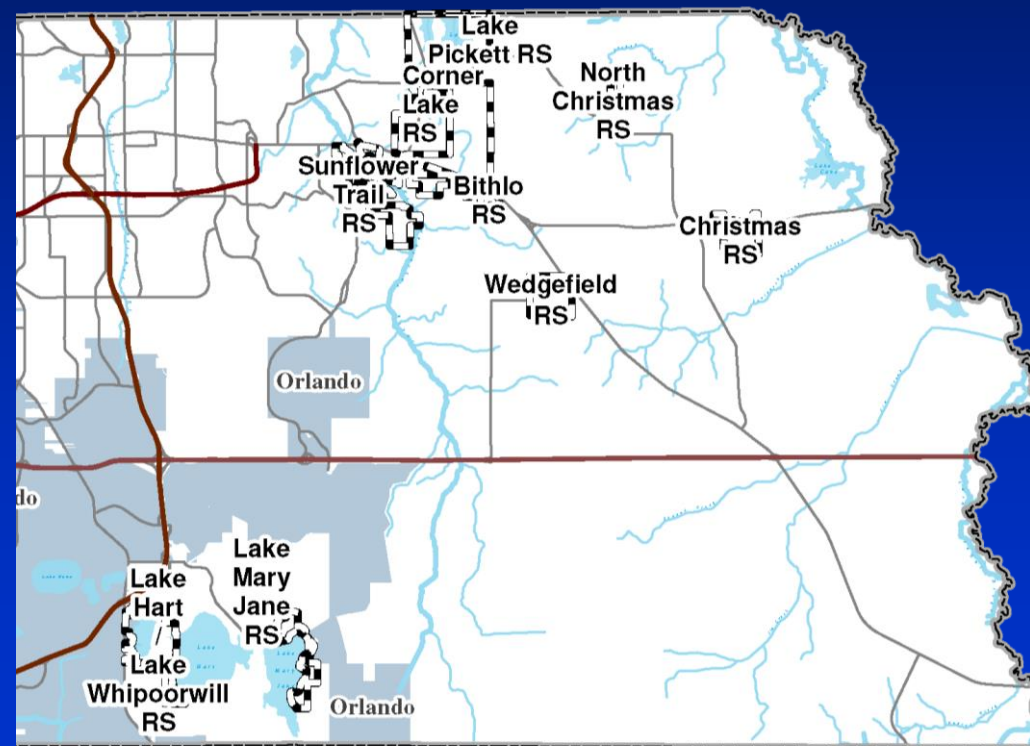
Commissioner Report

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Existing Rural Settlements to Consider as Preservation Districts

1. Lake Hart/Lake Whippoorwill
2. Lake Mary Jane
3. Bithlo
4. Christmas
5. Corner Lake
6. Lake Pickett
7. North Christmas
8. Sunflower Trail
9. Wedgefield

Rural Settlements in D4 and D5





Preservation Districts

Authority to Create Preservation Districts:

- **Section 171.044(4), Florida Statutes**
 - Allows charter counties to provide exclusive methods for municipal annexation in their charters.
- **Section 505 – Orange County Charter (November of 1992)**
 - Allows for Preservation Districts in areas not within municipalities and that have existing historical and cohesive residential communities;
 - Sets forth an exclusive procedure for voluntary annexation in certain rural areas



Preservation Districts

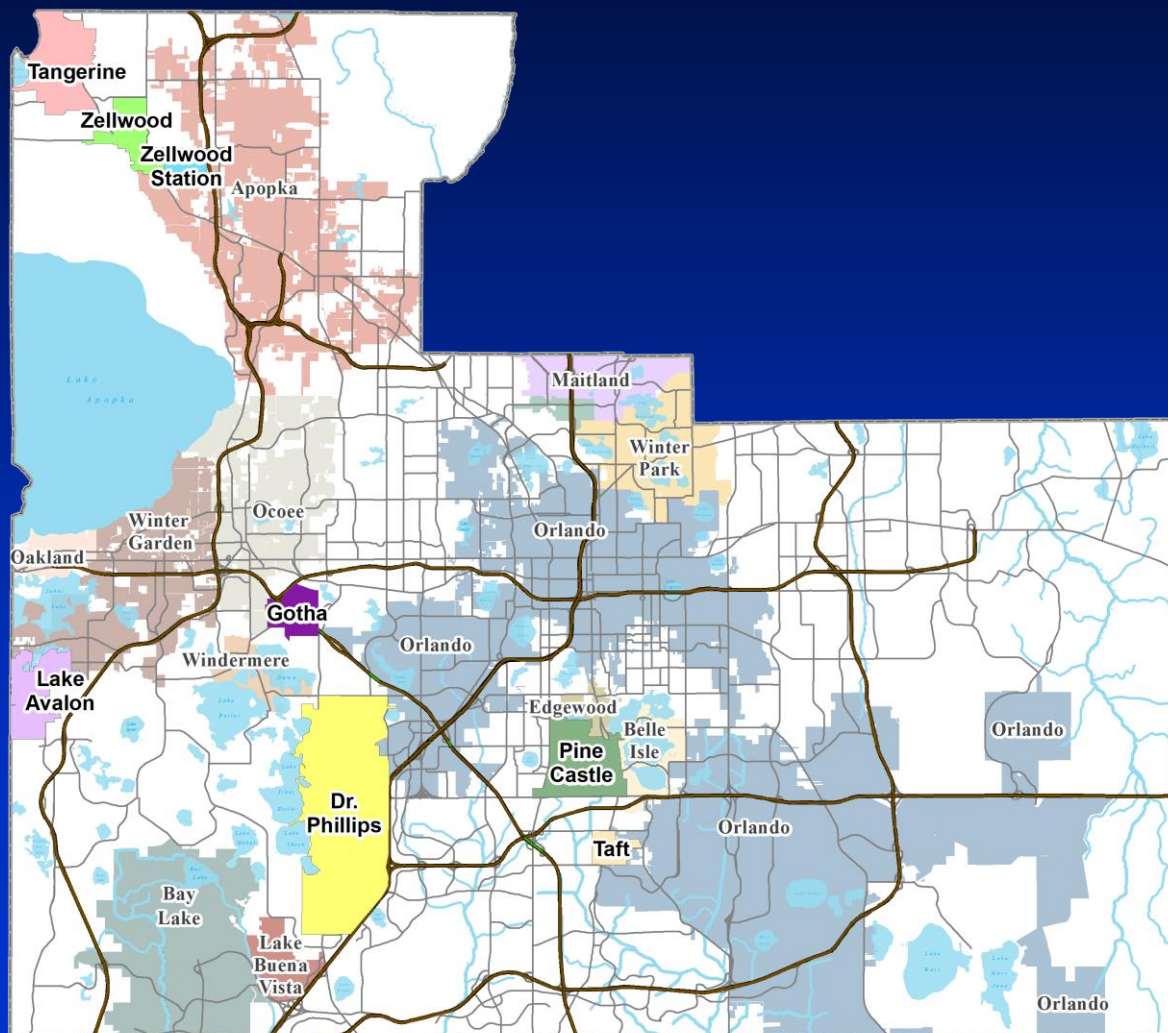
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- The Preservation Districts apply only to **voluntary annexations**. Per Sec 505 of the Orange County Charter, a voluntary annexation in a preservation district may occur only if:
 - It is **approved by a majority of the BCC** after an advertised public hearing.
 - Approval by the **majority of the registered electors** residing within the boundaries of the preservation district in which the property or properties lie.
- Sec. 33-304. – It is not the purpose or intent of Preservation Districts to “regulate density of development, intensity of development, or the issuance of development permits” within the District.



Preservation Districts

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- **Rural Preservation Districts**
 - **Gotha** – March 22, 1995
 - **Zellwood Station** – July 1, 1999
 - **Zellwood** – July 1, 1999
 - **Tangerine** – August 1, 2000
 - **Lake Avalon** – June 4, 2024
- **Urban Preservation Districts**
 - **Dr. Phillips UPD** – March 17, 1998
 - **Taft UPD** – November 7, 2000
 - **Pine Castle UPD** – August 27, 2002



Annexation Process

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- Chapter 171, Florida Statutes define criteria and process for annexations

- Annexation requirements

- Must be compact
- Must be contiguous
- Does not create an enclave

- 3 Types of Annexations

- Involuntary
- Voluntary
- Enclave



The only type of annexations affected by a Preservation District designation



Involuntary

- Initiated by the **municipality**;
- Part or all of the area must be developed for urban purposes;
- Must file an urban services report with the Board of County Commissioners.
- Approval by **Referendum** OR
- **Consent of landowners** of more than 50% of parcels.



Voluntary

- **Property** owner petitions an adjacent municipality to be annexed.
- Municipality is required to review the ordinance at a public hearing (first reading) and then hold a separate public hearing (second reading) for adopting the **ordinance**.
- Includes County review and comment.



Enclave

- Area must be 110 acres or less in size and improved or developed.
- **Interlocal Agreement**
- The agreement is between the County and a Municipality.



Annexation Process

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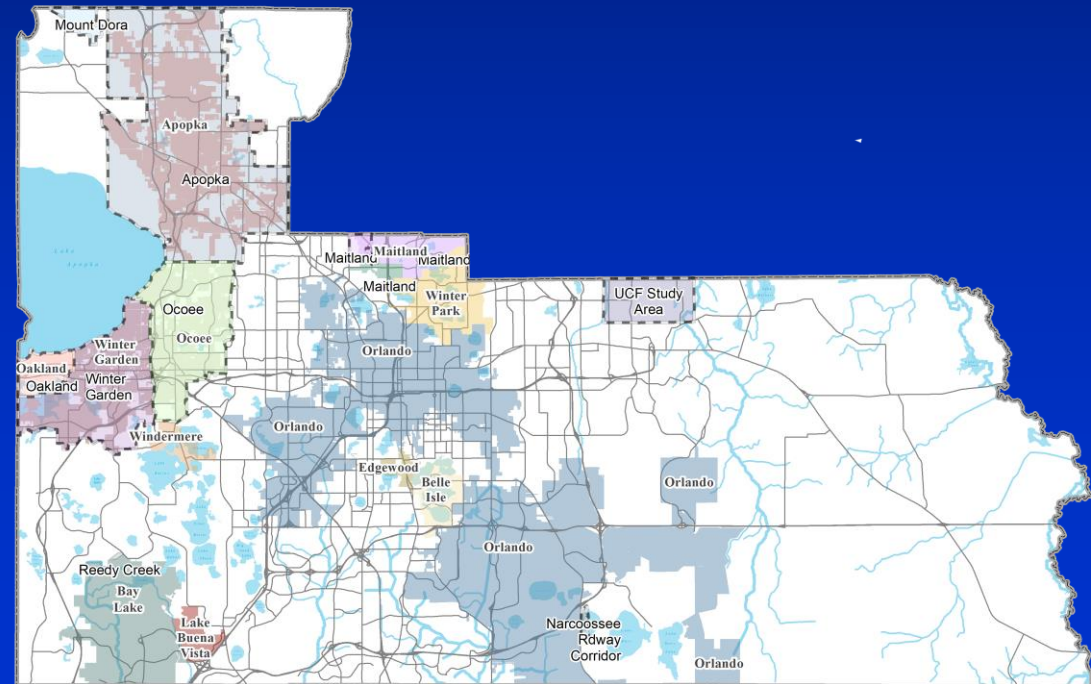
■ Tools in the Toolbox

– Preservation Districts

– Joint Planning Area Agreements / Interlocal Agreements

- Apopka
- Ocoee
- Winter Garden
- Winter Park
- Oakland
- Orlando (limited to Narcoossee Roadway Corridor)

– Municipalities with JPAs cannot annex lands outside JPA boundary





Annexation Process

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- **New!** Section 504: Voluntary Annexations
 - Created exclusive method for Voluntary Annexations
 - Process for review
 - Public noticing
 - Established criteria
 - Requires Board approval
 - Provides for interlocal agreements associated to each annexation
 - Excluded lands within Joint Planning Area Agreement boundaries
 - County retained control of land uses and development regulations governing lands within the Rural Area



Annexation Process

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- Request is to designate 9 Rural Settlements in east Orange County as Preservation Districts
- Considerations:
 - Most rural settlements are not contiguous to a municipality
 - County can negotiate JPA boundaries to exclude rural settlement areas
 - Any voluntary annexation outside JPA areas must now be approved by the Board (majority vote)
 - As rural settlements are in the Rural Service Area, the Board retains control of land uses following voluntary annexation (majority plus 1 vote)
- Designation as a preservation district would additionally require elector approval prior to final approval (public is now noticed)

- **Preservation Districts were designated in the Orange County Charter to ensure Board and public participation for proposed annexations in these areas**
- **Most rural settlement areas do not meet State requirements for annexation**
- **Orange County Charter recently amended to significantly increase Board's control over voluntary annexations**
 - **Establishment of appropriate joint planning area boundaries**
 - **Public notice and Board approval for municipalities without a JPA**
 - **Board would still control land uses for annexations into the Rural Area**



Board Direction

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- **Given the adoption of Section 504 of the Orange County Charter and the other protections in place, is there interest in advancing the designation of certain Rural Settlements as Preservation Districts?**