

Board of County Commissioners

Public Hearing

**Proposed Charter Amendment:
Voluntary Annexation**

August 13, 2024

Presentation Outline

- Draft Ordinance
- Next Steps
- Requested Action





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Draft Ordinance

▪ Ordinance consists of eight Sections

– **Section 1 – Charter Amendment**

– Section 2 – Referendum Called

– Section 3 – Notice of Referendum

– **Section 4 – Official Ballot**

– Section 5 – Spanish Translation

– Section 6 – Payment of Referendum Expenses

– Section 7 – Severability

– Section 8 – Effective Date

Updated Section 1 following the July 30 work session

Updated Section 4 Resulting from updates to Section 1



Section 1 – Charter Amendment

- Title – Exclusive Method for Voluntary Annexations ~~AND~~
~~Land Use Regulations Within The Rural Areas~~

- Four Parts:
 - A. Joint Planning Area Agreements
 - B. Process for Review
 - C. Land Use Governing Within the Rural Area
 - D. Effective Date



Draft Ordinance

Section 1 – Charter Amendment – Part A

- 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.

Updated following the July 30 Work Session:

- Added language for clarification
- **Orlando - ILA**

Requirements could encourage other municipalities to enter into JPAs



Section 1 – Charter Amendment – Part B

▪ Process for Review

- Require Board approval of voluntary annexations
- Criteria for Board review
- Process and noticing
 - Municipality to the County
 - County to Residents
- Defines “Party Affected” consistent with Florida Statutes



Section 1 – Charter Amendment – Part B

- 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.
- The Board shall hear the annexation request following the first public hearing by the municipality.



Draft Ordinance

Section 1 – Charter Amendment – Part B

- **The Board may consider:**
 - **Consistency with the County's Comprehensive Plan**
 - **Infrastructure impacts**
 - **Compact, contiguous**
 - **Does not result in an enclave**
 - **Has an ILA been discussed or executed**
 - **Whether the property is located within or outside the Urban Service Area (USA)**

Consistent with Florida Statutes §171
Above and beyond Florida Statutes



Section 1 – Charter Amendment – Part B

- Requirement for an Interlocal Agreement should the annexation be adopted that details the provision of essential public services, infrastructure maintenance, and future land use.

Updated following the July 30 Work Session:

- Requires an ILA for all annexations

Above and beyond Florida Statutes



Section 1 – Charter Amendment – Part B

▪ Notice Provided to the County:

- The annexing municipality shall provide notice to the county 10-days prior its ~~to the~~ first scheduled public hearing.

Updated following the July 30 Work Session:

- Revised language for clarity



Section 1 – Charter Amendment – Part B

▪ Noticing to Residents

- Notice shall be provided within a ~~600-foot~~ 2 mile radius of the subject area to be annexed
- ~~14 days~~ 30 days prior to the Board of County Commissioners public hearing
- The cost of such notice shall be paid by the initiating individual or group

Updated following the July 30 Work Session:

- Changed the radius
- Increased the number of days notice is mailed prior to BCC hearing

Above and beyond requirements of Florida Statutes



Draft Ordinance

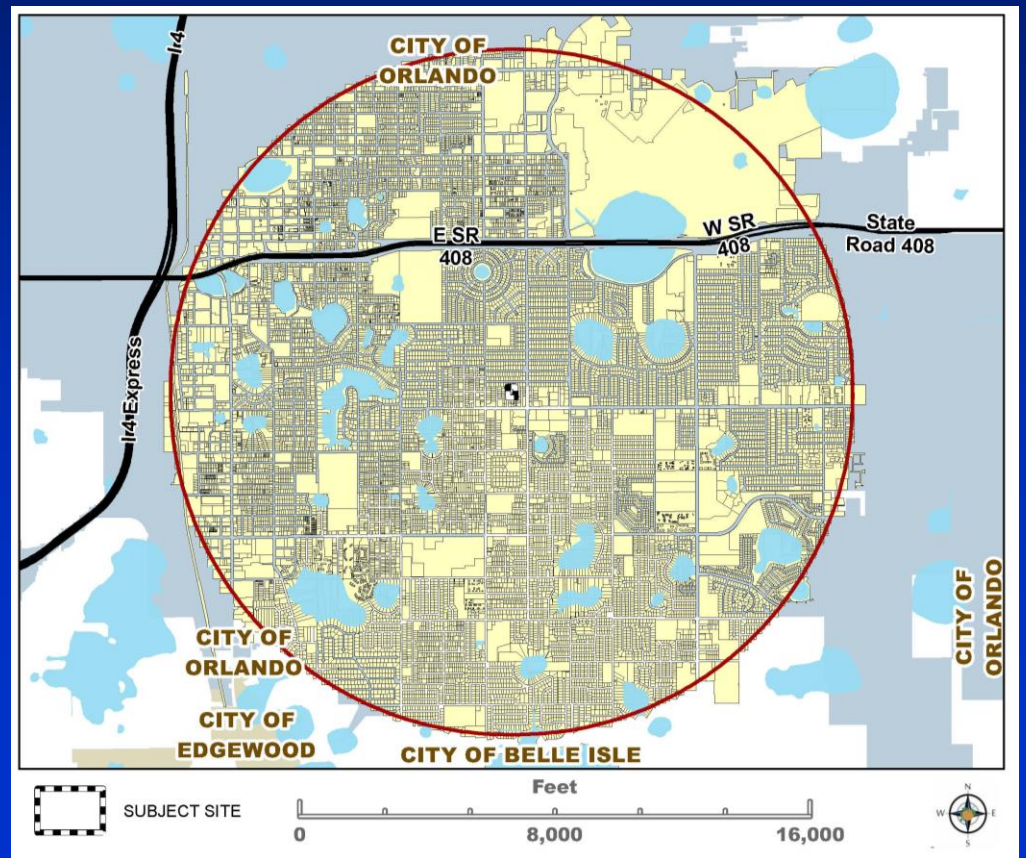
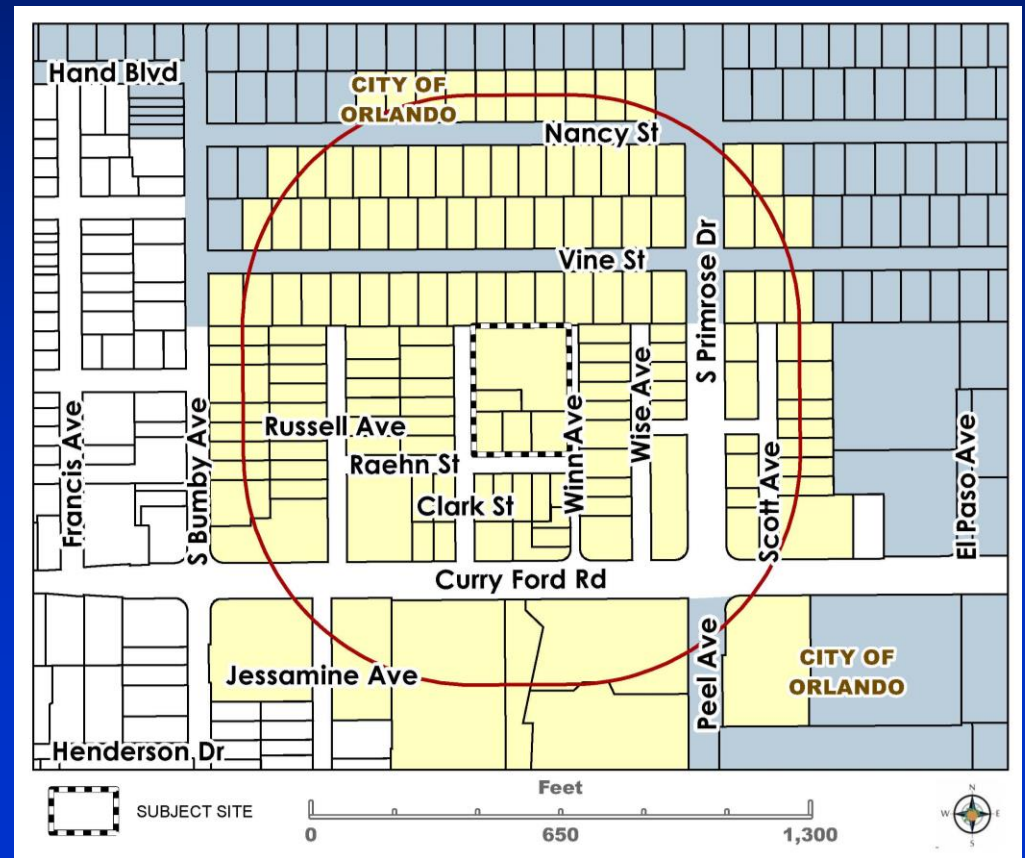
Buffer Maps Example – Curry Ford and Winn Ave

600' Radius

Notices: 277
Cost: \$160.66

2 Mile Radius

Notices: 27,074
Cost: \$15,702.92





Draft Ordinance

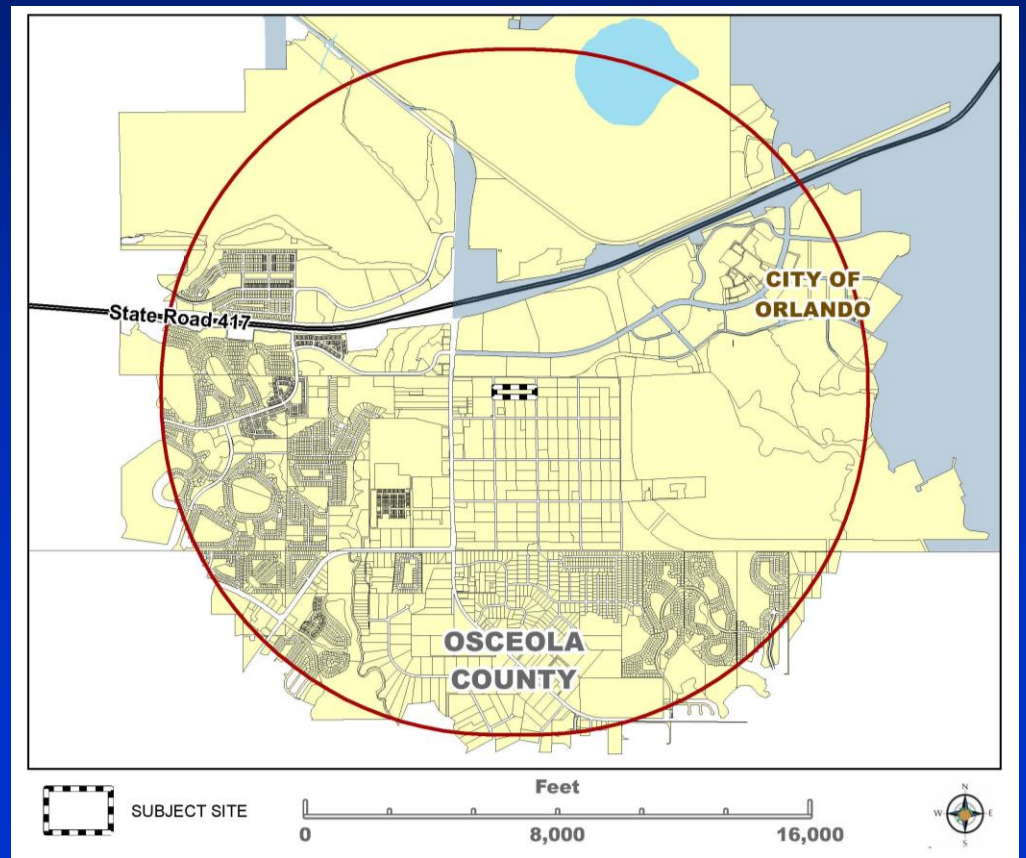
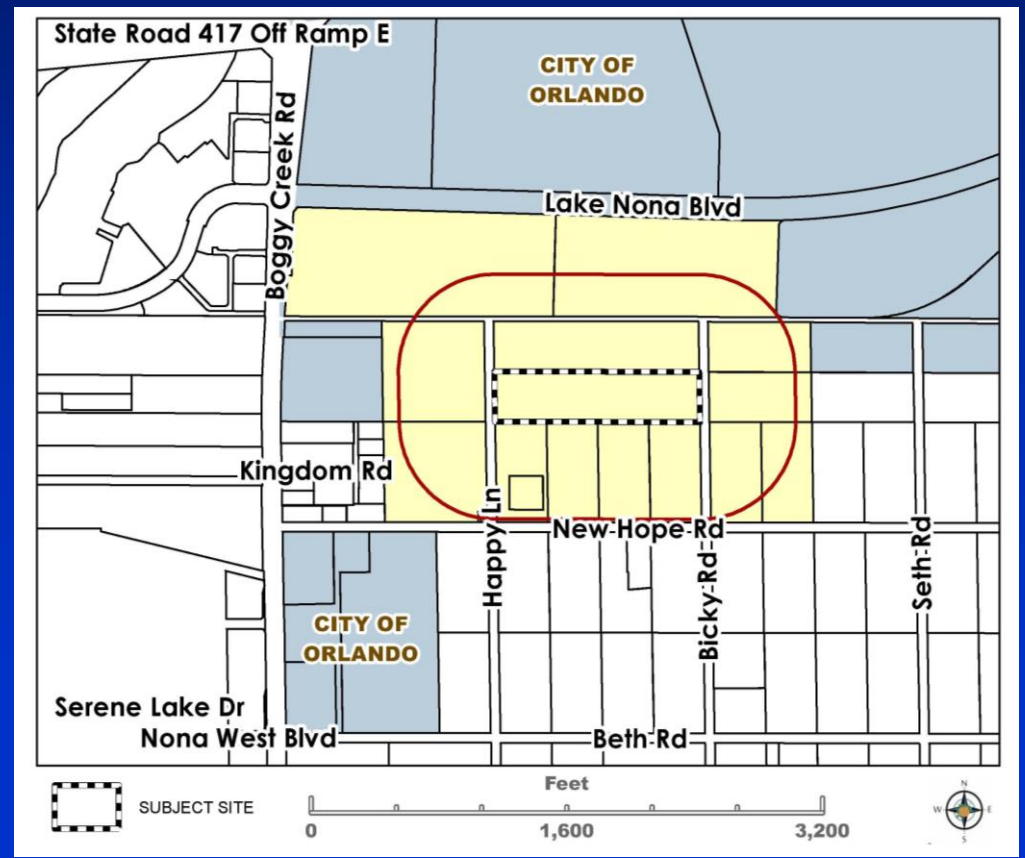
Buffer Maps Example – Bicky Road

600' Radius

Notices: 15
Cost: \$8.70

2 Mile Radius

Notices: 8,632
Cost: \$5,006.56

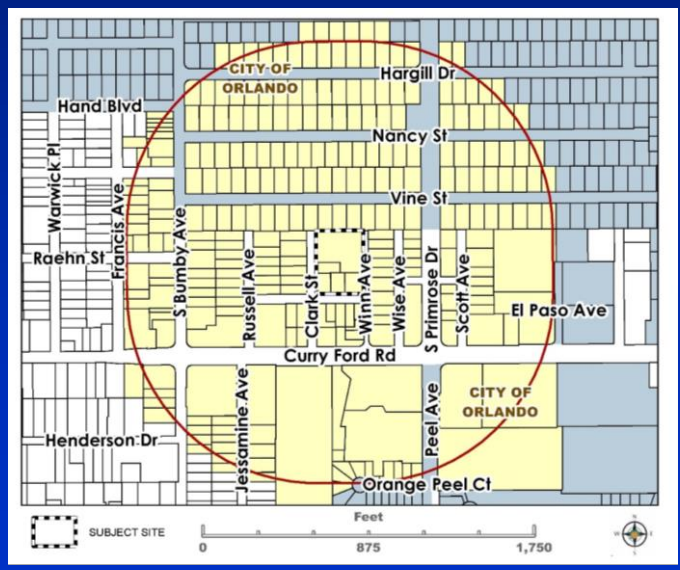




Draft Ordinance

Buffer Maps Examples – 1,000' Buffer

Curry Ford

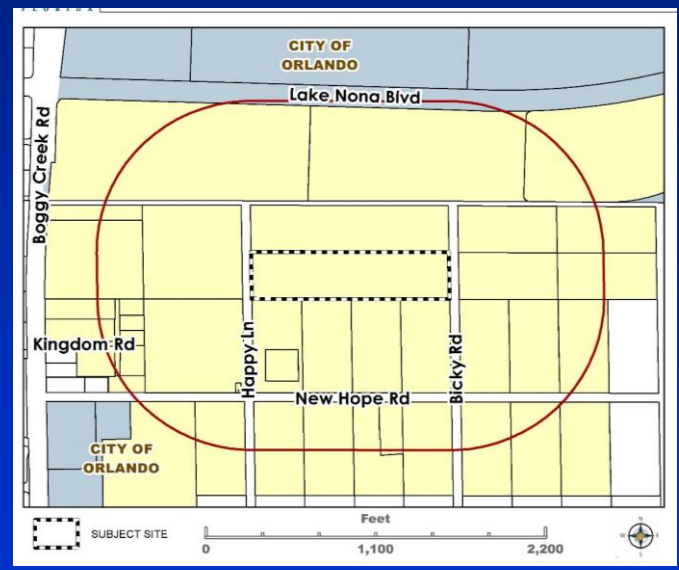


Notices: 608
Cost: \$334.40

600' radius
Notices: 277
Cost: \$160.66

2 mile Radius
Notices: 27,074
Cost: \$15,702.92

Bicky Road



Notices: 55
Cost: \$30.25

600' radius
Notices: 15
Cost: \$8.70

2 mile Radius
Notices: 8,632
Cost: \$5,006.56



Section 1 – Charter Amendment – Part B

▪ Appeal

- A decision of the board of county commissioners may be appealed by a Party Affected to the circuit court within thirty (30) days of the public hearing.
- “Party Affected” means any persons or firms owning property in, or residing in, either a municipality proposing annexation or contraction or owning property that is proposed for annexation to a municipality or any governmental unit with jurisdiction over such area

Definition is consistent with Florida Statutes §171.081



Section 1 – Charter Amendment – Part C

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

Updated after the Work Session:

- Not limited to the Rural Area but to lands designated as rural beyond the Urban Service Area.
- Requirement for an ILA

Above and beyond requirements of Florida Statutes



▪ Ordinance on Proposed Amendment to Charter

- Article VII, Section 701 authorizes the Board to propose amendments to the Charter subject to referendum at any primary, general or special election
- Referendum is called for November 5, 2024, to determine whether the Rural Area and Rural Boundary Charter amendment is approved by voters
- Notice of the referendum will be published as required by Sec. 100.342, Florida Statutes



Ordinance for Charter Amendment Referendum

- **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.**



Ordinance for Charter Amendment

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

- 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.



Draft Ordinance

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

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 impacts, whether the annexation is compact, contiguous and will not result in the creation of enclaves, whether an interlocal agreement has been proffered or executed, and whether the property is located within or outside the urban service area. The annexing municipality shall provide notice to the county 10-days prior its first scheduled public hearing. The board of county commissioners shall hear the annexation request following the first public hearing by the municipality.



Draft Ordinance

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

B. The annexing municipality shall enter into an interlocal agreement with the county detailing the provision of essential public services, infrastructure maintenance, and future land use. A decision of the board of county commissioners may be appealed by a Party Affected to the circuit court within thirty (30) days of the public hearing. “Party affected” means any persons or firms owning property in, or residing in, either a municipality proposing annexation or contraction or owning property that is proposed for annexation to a municipality or any governmental unit with jurisdiction over such area. Notice shall be provided within a 2 mile radius of the subject area to be annexed, by US Mail 30-days prior to the board of county commissioners public hearing. The cost of such notice shall be paid by the initiating individual or group.



Draft Ordinance

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

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



Draft Ordinance

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

**Charter Amendment Establishing
A Process For Voluntary Municipal Annexations
And Land Use in Rural Areas**

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.

Yes

No



Presentation Outline

- Draft Ordinance
- **Next Steps**
- Requested Action





Next Steps

✓ July 9 BCC Work Session #1 - Presentation of Findings

✓ July 30 BCC Work Session #2 -
Ballot Language and Draft Ordinance

★ August 13 Public Hearing - Draft Ordinance

August 27 Deadline to Provide Ballot Language to the
Supervisor of Elections

November 5 Referendum



Action Requested

- **Approval and execution 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 date.**

- **Pending policy issues:**
 - Notice timeframe (30 day, 14 day, or other)
 - Buffer distance (600', 2 miles, or other)
 - Interlocal Agreements (all annexations or rural annexations)
 - Amendments proposed by municipalities