

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 DATES.

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

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

Sec. _____ . – Exclusive Method for Voluntary Annexations AND Land Use Regulation Within The Rural Areas

A. JOINT PLANNING AREA AGREEMENTS: The exclusive method of voluntary annexation is inapplicable for municipalities that have a joint planning area agreement with the County; 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 to the first scheduled
46 public hearing. The board shall hear the annexation request
47 following the first public hearing by the municipality. . A decision
48 of the board of county commissioners may be appealed by a Party
49 Affected to the circuit court within thirty (30) days of the public
50 hearing. “Party affected” means any persons or firms owning
51 property in, or residing in, either a municipality proposing
52 annexation or contraction or owning property that is proposed for
53 annexation to a municipality or any governmental unit with
54 jurisdiction over such area. Notice shall be provided within a 600
55 foot radius of the subject area to be annexed, by US Mail 14-days
56 prior to the board of county commissioners public hearing. The cost
57 of such notice shall be paid by the initiating individual or group.

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59 C. **LAND USE GOVERNING WITHIN THE RURAL**
60 **AREA:** In an effort to protect and preserve the County’s natural
61 systems and agricultural lands, after the effective date of this
62 section, the comprehensive plan and land development regulations
63 of Orange County shall exclusively govern the development of lands
64 lying within the Rural Area. Except as specified otherwise, Orange
65 County regulations shall govern when lands lying within the Rural
66 Area are subsequently annexed or otherwise added into a
67 municipality.

68
69 D. **EFFECTIVE DATE:** This charter amendment shall
70 become effective upon the date of canvassing board certification of
71 approval by a vote of the electors of Orange County.

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

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

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

<p style="text-align: center;">Charter Amendment Establishing A Process For Voluntary Annexations And Land Use Provisions for Rural Areas</p> <p style="text-align: center;">Amend the charter to establish Orange County as the authority for voluntary municipal annexation to allow the comprehensive plan and land development regulations of Orange County to exclusively govern within the rural area 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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84 **Section 5. *Spanish Translation.*** The above ballot question shall additionally appear
85 on the ballot in Spanish and the County Attorney and Supervisor of Elections are requested to
86 authorize, and directed to prepare, an accurate Spanish translation to be included on the ballot.

87 **Section 6. *Payment of Referendum Expenses.*** The Board authorizes the payment of
88 lawful expenses associated with conducting the referendum, as well as the cost of providing

89 information as permitted by Section 106.113, Florida Statutes. The Orange County Comptroller
90 is hereby authorized and directed to disburse the funds necessary to pay such expenses.

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

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

99
100 ADOPTED THIS ____ DAY OF _____, 2024.

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103 ORANGE COUNTY, FLORIDA
104 By: Board of County Commissioners

105
106 By: _____
107 Jerry L. Demings
108 Orange County Mayor

109
110 ATTEST: Phil Diamond, CPA, County Comptroller
111 As Clerk of the Board of County Commissioners

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113 By: _____
114 Deputy Clerk

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