

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.

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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.

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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.

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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;">Charter Amendment Establishing A Process For Voluntary Municipal Annexations And Land Use in Rural Areas</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.

