

Board of County Commissioners

Work Session #2

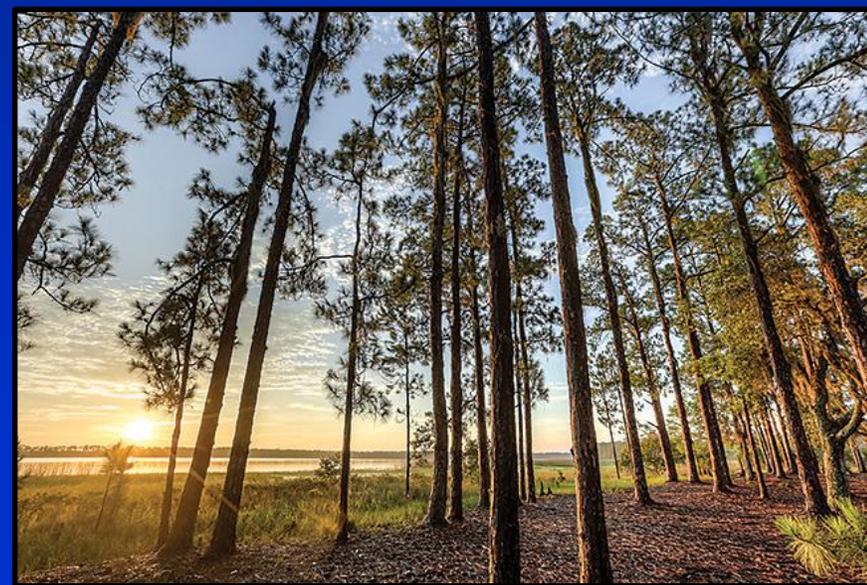
Proposed Charter Amendment: Voluntary Annexation

July 30, 2024



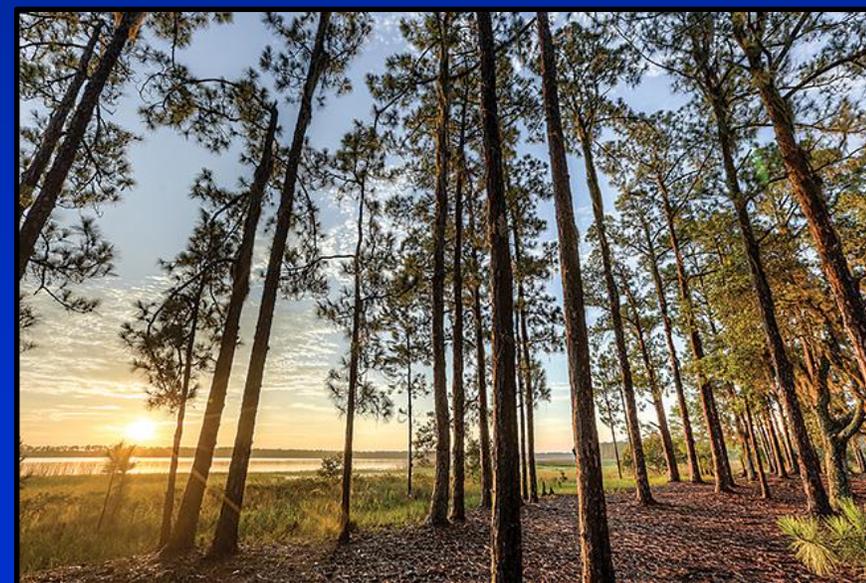
Presentation Outline

- Recap of July 9 Work Session
- Draft Ordinance
- Voluntary Annexation Process
- Next Steps



Presentation Outline

- **Recap of July 9 Work Session**
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Recap of July 9 Work Session

- **Overview - Commissioner Bonilla's Proposal**
 - “Enhance local control over annexation processes, ensuring that they align with the county’s long term planning and community needs.”
- **State Criteria for Annexation**
 - Criteria vary depending on involuntary, voluntary, and enclave annexations
 - Generally required to be contiguous, compact, and to not create enclaves
- **Orange County Annexation Approach**
 - Review for consistency with State criteria and Joint Planning Area Agreements
 - Preservation Districts



Recap of July 9 Work Session

▪ Tools in the Toolbox

- Joint Planning Area Agreements
- Preservation Districts

▪ Annexation Provisions from Other County Charters

- Six Counties have adopted charter amendments
 - 4 of the 6 were challenged
 - Palm Beach and Seminole County are pertinent to process and comp plan compatibility

▪ Legal Aspects of a Proposed Charter Amendment

- Only applicable to voluntary annexations
- Must include the process for annexation in the Charter
- The definitions, process, and provisions cannot be contradictory to State Statute 171



Recap of July 9 Work Session

▪ Board Direction:

– Does the Board desire to move forward with an annexation charter amendment? ✓

– Require a public hearing for voluntary annexation requests OR limited to the Rural Area? Super majority vote? ✓ ✓

– Should the Board require interlocal agreements for voluntary annexations? ✓

– Should annexations be prohibited in the Rural Area? ✗

– Consider exempting municipalities with JPAs? ✓

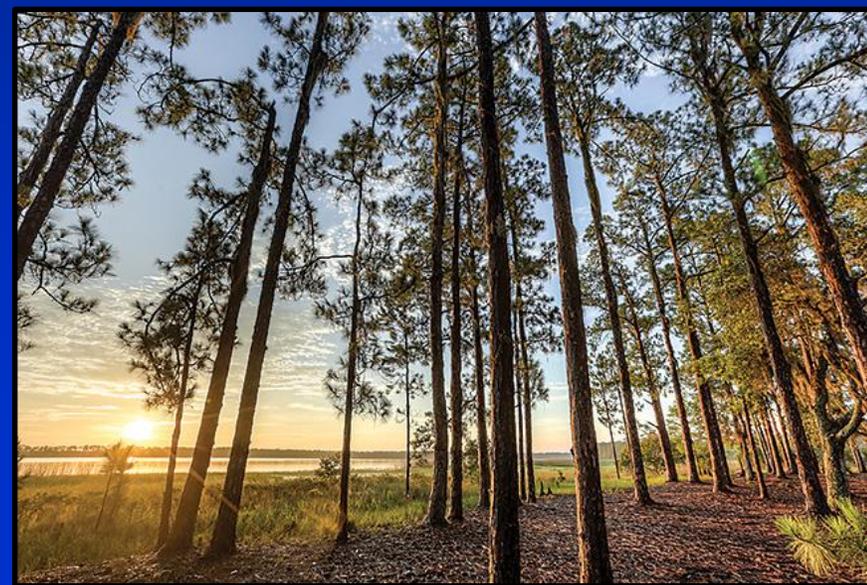
– Should the County's Comp Plan govern the annexed lands? Request for land use change to be approved by super majority vote of the Board? ✓ ✓

– Should we establish an appeal process for aggrieved parties? ✓



Presentation Outline

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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**



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**



Section 1 – Charter Amendment – Part A

- **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.**

Exempts Sections B & C of the proposed charter amendment for the following municipalities with JPAs:

- Apopka
- Oakland
- Ocoee
- Winter Garden

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.

Creates a public hearing requirement before the Board above and beyond the requirements of Florida Statutes

Super-majority requirement
- ex. 5 must vote in favor

Board hears the request between the municipality's 1st and 2nd reading



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)**

Board has the ability to decide on an annexation request consistent with the criteria for review

Consistent with Florida Statutes
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 to the first scheduled city public hearing.

Generally consistent with Florida Statutes

Palm Beach County Charter also requires 10 calendar days

- Withstood legal challenge



Section 1 – Charter Amendment – Part B

▪ Noticing to Residents

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

Above and beyond requirements of Florida Statutes

Noticing generally consistent with current County practice

Paying the cost is not currently required and is part of our application fees



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



Section 1 – Charter Amendment – Part C

▪ Land Use Governing Within the Rural Area

– To protect and preserve the County’s natural systems and agricultural lands, the comprehensive plan and land development regulations of Orange County shall exclusively govern the development of lands lying within the Rural Area.

Above and beyond Florida Statutes:

- Sarasota / Seminole County Charter governs only density and intensity via the County’s Comp. Plan – **withstood legal challenge**
- Alachua County Charter governs both comp plan and land development regulations – **currently under legal challenge**

Rural Area is a separate referendum on the November 5, 2024 ballot



Section 1 – Charter Amendment – Part C

- **Land Use Governing Within the Rural Area**
 - Except as specified otherwise, Orange County regulations shall govern when lands lying within the Rural Area are subsequently annexed or otherwise added into a municipality.

Property owner and municipality would have to petition County to change the future land use designation

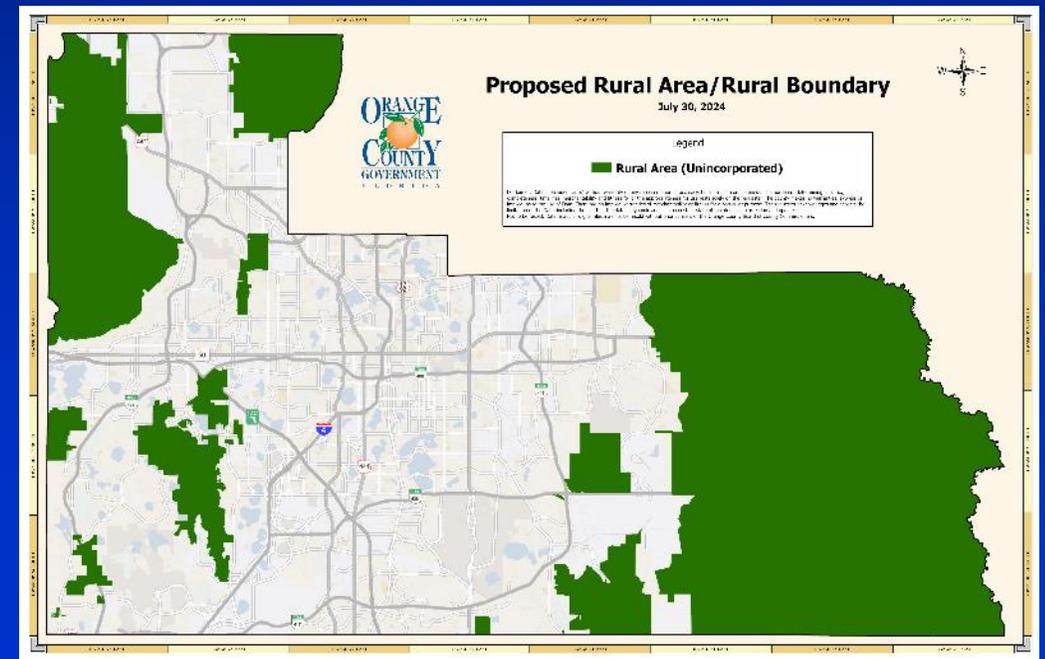
Municipality would remain the permitting agency and be responsible to ensure full compliance with all of the County's land development regulations, including but not limited to:

- Zoning
- Landscaping
- Environmental protections
- Subdivision regulations



Rural Area as generally defined in Proposed Rural Boundary Charter Amendment

- Initially consisting of all lands lying in unincorporated County... located outside of the following areas as of the effective date of this section:
 - (1) Urban Service Area
 - (2) Municipal joint planning areas
 - (3) Growth Centers
 - (4) Innovation Way Overlay
 - (5) Horizon West Villages
 - (6) Boggy Creek Expansion Area





Section 1 – Charter Amendment – Part D

- **Effective Date**

- This charter amendment shall become effective upon the date of canvassing board certification of approval by a vote of the electors of Orange County.



Draft Ordinance

▪ Ordinance consists of eight Sections

- Section 1 – Charter Amendment
- Section 2 – Referendum Called
- Section 3 – Notice of Referendum
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- Section 8 – Effective Date

Next general election on
November 5, 2024

Section 100.342, F.S
Published twice in
newspaper prior to
November 5
once in fifth week
once in third week



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 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.

Yes

No



Draft Ordinance

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Ballot question will appear on ballot in Spanish

Board authorizes payment of expenses

Invalidity of one section does not affect others

Take effect only if and when approved by majority of voters



Presentation Outline

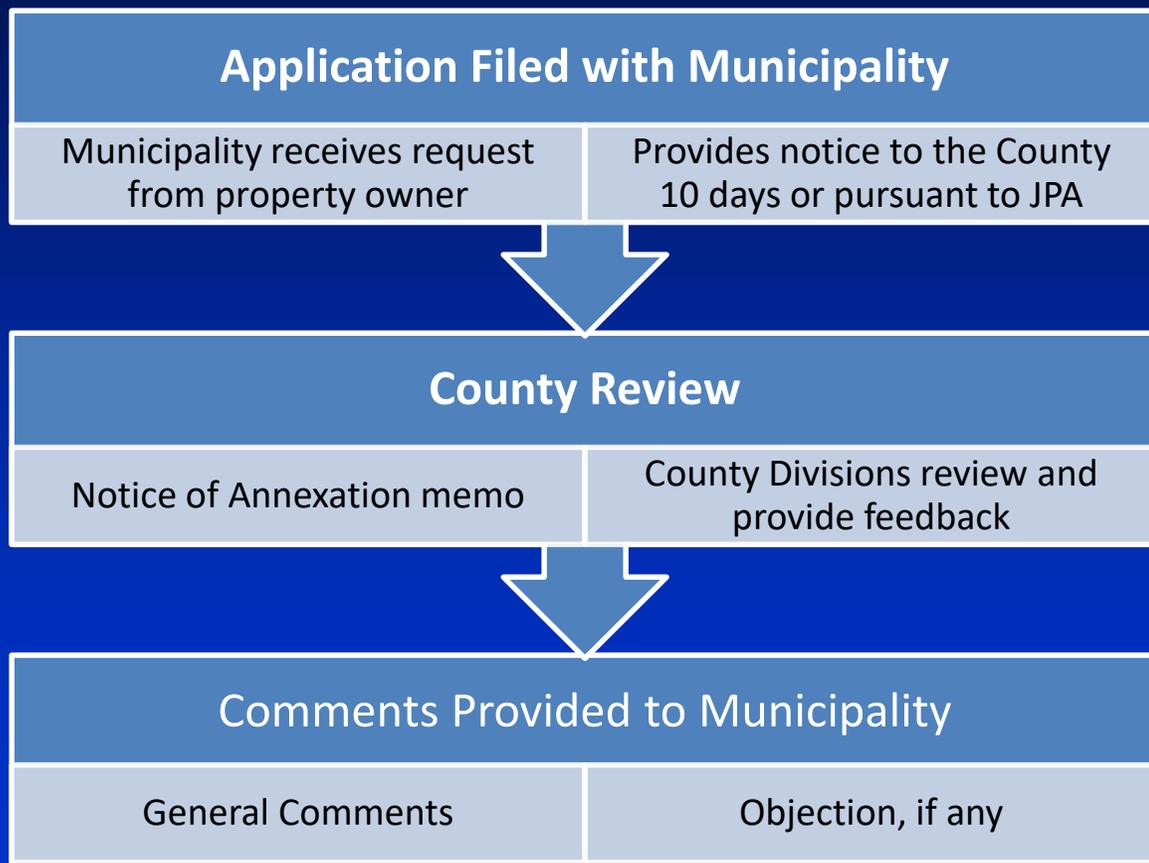
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Voluntary Annexations Process

Current Annexation Process



Criteria

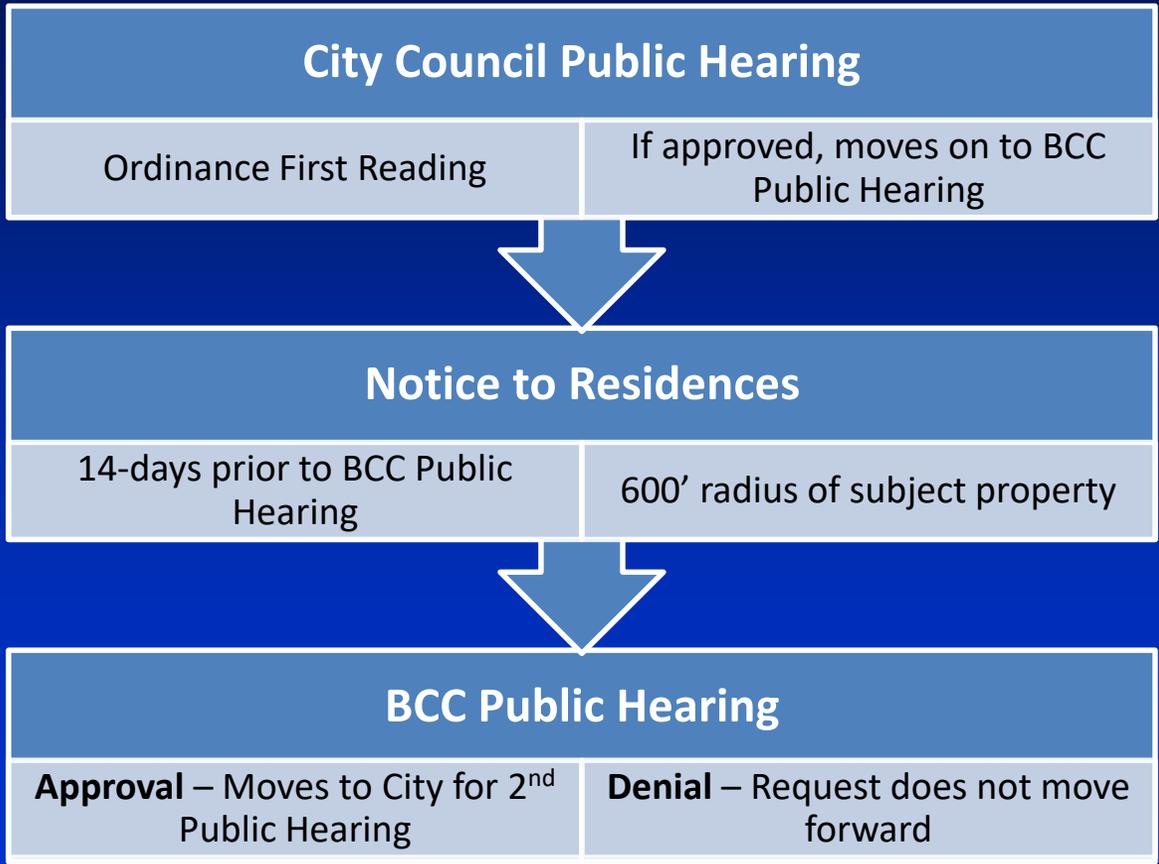
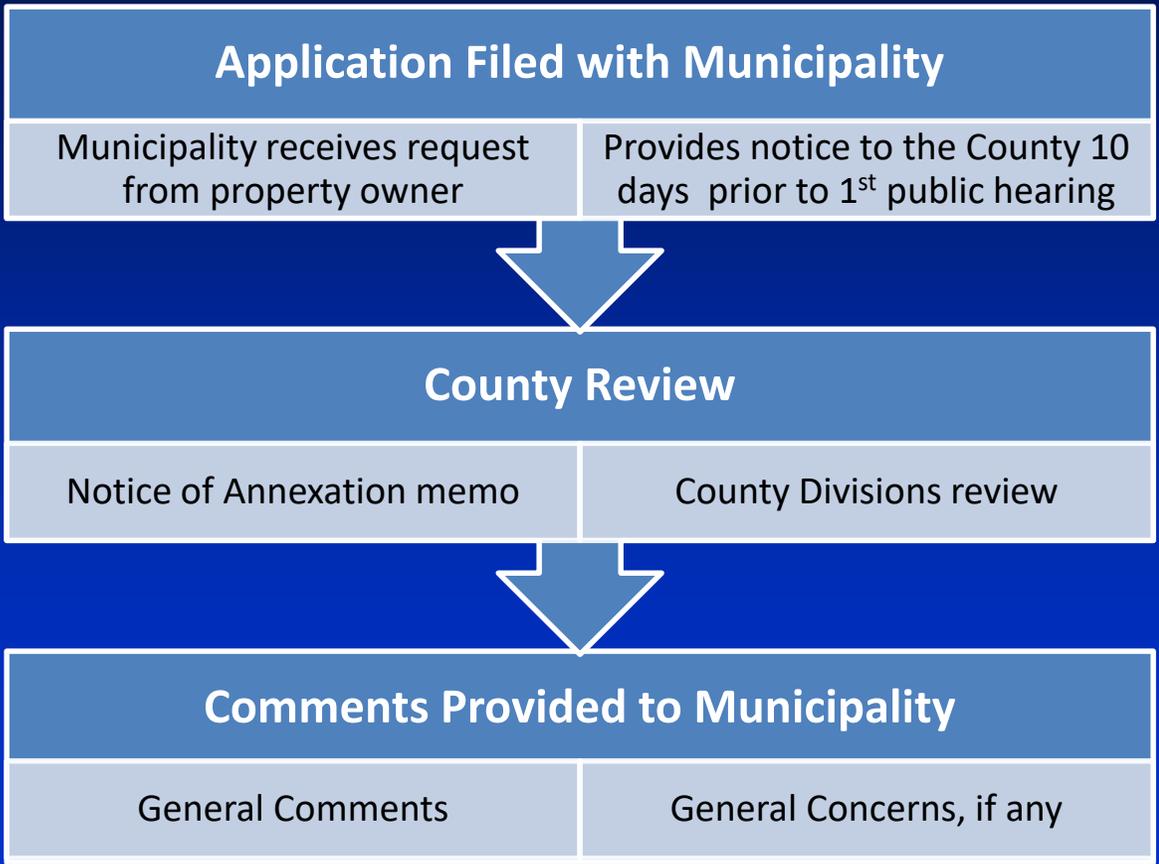
- Review for **consistency with Chapter 171 F.S.**
 - Contiguous
 - Compact
 - Does not create any enclaves
- **Consistency with JPA**, if applicable
- The ability to object is included in the County's Comprehensive Plan **Intergovernmental Coordination Element**, Policy ICE 1.1.11

Current Process remains for municipalities with JPAs



Voluntary Annexations Process

Annexation Process – Charter Amendment





Voluntary Annexation Process

- **County Administrator's Office sent emails to the cities regarding the proposed charter amendment**
 - **Received letters from:**
 - **Winter Garden and Ocoee**
 - **Orlando**
 - **Windermere**
 - **Joint Letter signed by 10 of 11 cities/towns of Orange County**



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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