



## Legislation Text

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**File #:** 24-1069, **Version:** 1

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### Interoffice Memorandum

**DATE:** July 10, 2024

**TO:** Mayor Jerry L. Demings and County Commissioners

**THROUGH:** N/A

**FROM:** Tanya Wilson, AICP, Director, Planning, Environmental, and Development Services Department

**CONTACT:** Alberto A. Vargas, M.Arch., Manager

**PHONE:** Planning Division

**DIVISION:** (407) 836-5354

**ACTION REQUESTED:**

Proposed Voluntary Municipal Annexation Charter Amendment

**PROJECT:** Proposed Voluntary Municipal Annexation Charter Amendment

**PURPOSE:** On May 21, 2024, District 1 Commissioner Emily Bonilla presented a Commissioner's Report requesting that a Board-initiated Annexation Charter Amendment be included on the 2024 General Election ballot. The proposal generally sought to establish a new process for voluntary annexation petitions, which would include establishing criteria for approval, public notice and public hearing requirements before the Board, prohibiting annexations outside the County's Urban Service Area with exceptions for existing joint planning area agreements, requirements for interlocal agreements, and establishment of an appeal process. The Board directed staff to perform additional research and bring back a report for further Board discussion.

On July 9, 2024, staff presented its research and analysis regarding the proposed voluntary municipal annexation charter amendment. Key discussion included:

- An overview of the State criteria for annexations and the municipal annexation process
- Issues and challenges resulting from voluntary annexations
- Current annexation review process and Joint Planning Area agreements
- Examples of annexation provisions from other county charters

- Options for a potential charter annexation framework in Orange County

During the July 9, 2024 Work Session, the Board directed staff to prepare a proposed ordinance which would include the ballot proposal (ballot title and ballot summary) along with draft text revisions to the Orange County Charter. The purpose of this Work Session is to present the draft ordinance in advance of an adoption public hearing on August 13, 2024. Additionally, following the staff's presentation, there will be an opportunity for public comment.

This item is for informational purposes only and no action is being requested.

**BUDGET:** N/A



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.

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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;"><b>Charter Amendment</b> <b>Establishing A Process For Voluntary Annexations</b> <b>And Land Use Provisions for Rural Areas</b></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.

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100 ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

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

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106 By: \_\_\_\_\_  
107 Jerry L. Demings  
108 Orange County Mayor

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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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