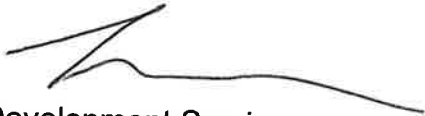




Interoffice Memorandum

DATE: January 21, 2025

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

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

CONTACT PERSON: James Resta, AICP, Chief Planner
407-836-5624

SUBJECT: Transmittal Public Hearing – February 11, 2025, Regular Cycle
Staff-Initiated Text and Map Amendment 2024-2-B-CP-3, Rural
Boundary/Rural Area
Countywide

The proposed Rural Boundary Amendment satisfies Section 506 of the Orange County Charter as initiated by approval of Amendment 9 during the November 5, 2024 elections. As such, 2024-2 Regular Cycle Staff-Initiated Text and Map Amendment 2024-2-B-CP-3 is scheduled for a Board of County Commissioners (Board) transmittal public hearing on February 11, 2025. 2024-2-B-CP-3 establishes a rural area and boundary on unincorporated lands located outside the County's Urban Service Area with certain exceptions to exclude Joint Planning Areas and Growth Centers. It also establishes restrictions for proposals that seek to increase the density and intensity in said areas.

The above-referenced 2024-2 Regular Cycle Amendment is a staff-initiated text and map amendment to the Future Land Use Element and Future Land Use Map Series of the Comprehensive Plan, amending policies to reflect the adoption of Section 506. – Rural Boundary and Rural Area, of the Orange County Charter establishing the Rural Boundary / Rural Area and adopting Map 5b, to the Future Land Use Map Series.

The amendment request was heard by the Planning and Zoning Commission (PZC)/Local Planning Agency (LPA) at a transmittal public hearing on January 16, 2025, where the request was unanimously recommended for approval after several statements in support of the Amendment.

Following the Board transmittal public hearing, the proposed amendment will be transmitted to the Florida Department of Commerce ("DOC") and other State agencies for review and comment. Staff expects to receive comments from DOC and/or the other

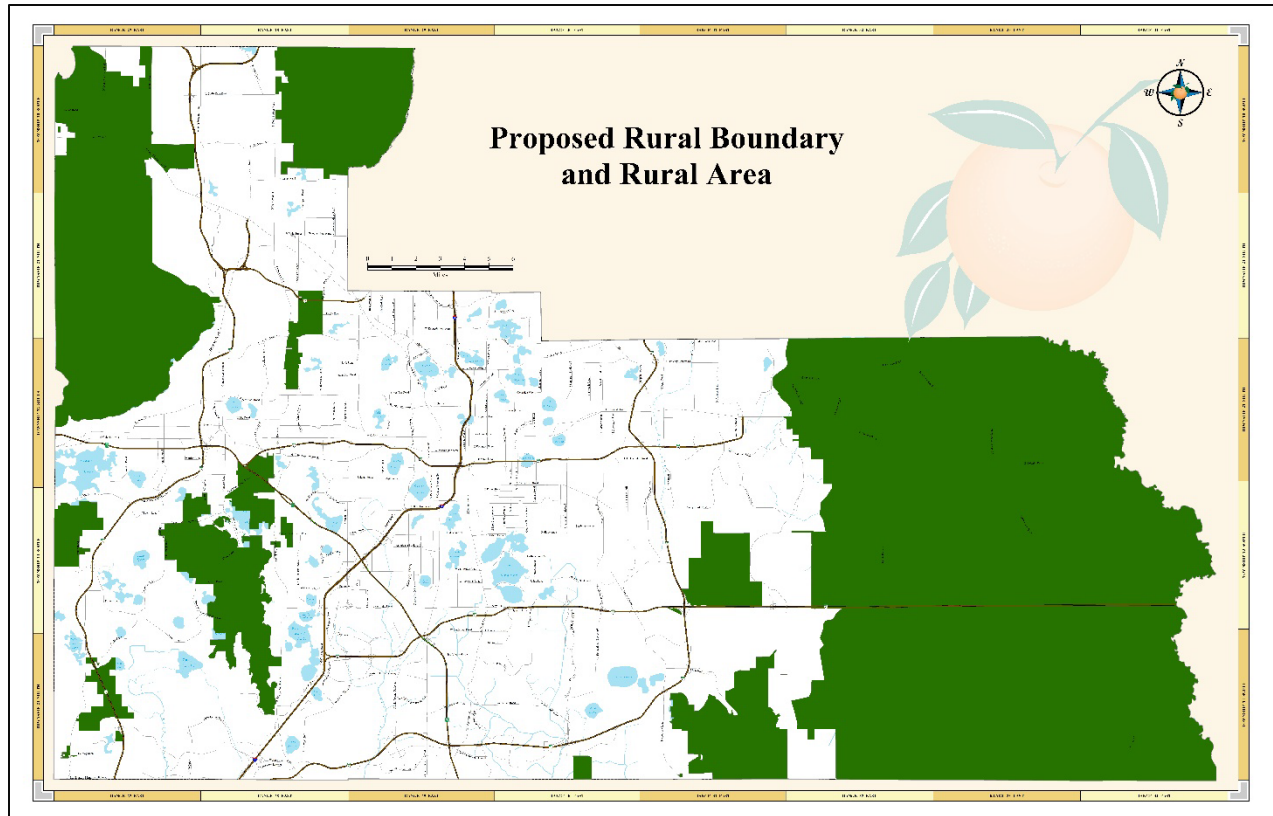
State agencies in March 2025. Pursuant to 163.3184, Florida Statutes, the proposed amendment must be adopted within 180 days of receipt of the comment letter.

Any questions concerning this document should be directed to Alberto A. Vargas, Manager, Planning Division, at (407) 836-5802 or Alberto.Vargas@ocfl.net or James Resta, AICP, Chief Planner at (407) 836-5624 or James.Resta@ocfl.net.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and TRANSMIT Staff-Initiated Text and Map Amendment 2024-2-B-CP-3. Countywide

AAV/JHS/sw

c: Jon V. Weiss, P.E., Deputy County Administrator
Georgiana Holmes, Deputy County Attorney
Whitney Evers, Senior Assistant County Attorney
Tanya Wilson, AICP, Director, Planning, Environmental, and Development Services
Jason Sorensen, AICP, Chief Planner, Planning Division
Jim Resta, AICP, Chief Planner, Planning Division
Olan D. Hill, AICP, Assistant Manager, Planning Division
Nicolas Thalmueller, AICP, Planning Administrator, Planning Division
Read File



The following meetings and hearings have been held for this proposal:			Project Information	
Report/Public Hearing		Outcome	Title: Amendment 2024-2-B-CP-3, Rural Boundary and Rural Area	
✓	Orange County 2024 Charter Review Commission - multiple public hearings and meetings	Resolution No.2024-M-25, directed Rural Boundary and Rural Area Referendum to be placed on the November 5, 2024, ballot, was approved by the voters of Orange County on November 5, 2024, and certified by the Canvassing Board on November 15, 2024.	Division: Planning	
✓	Staff Report	Recommend Transmittal		
✓	LPA Transmittal	January 16, 2025 Recommended Transmittal (6-0)	Request: This proposed amendment formally establishes a Rural Boundary for the Charter-designated Rural Area which consists of a portion of the County's Rural Service Area. More specifically, the amendment creates new Map 5b of the Future Land Use Map Series ("Rural Boundary and Rural Area") and modifies and establishes related policies in the Future Land Use Element. Affected policies include Objective FLU6.1; proposed Policy FLU6.1.1.1 that defines the "Rural Area" and introduces Map 5b along with a majority-plus-one Board approval process for Rural Area amendments; and existing Policy FLU8.8.1 by adding new subsection "D" addressing the requirement for a majority-plus-one Board	

			approval of any amendments that increase allowable density or intensity of uses, or that remove lands from the Rural Area.
	BCC Transmittal	February 11, 2025	Revision: Future Land Use Element Objective FLU6.1, and Policy FLU8.8.1 (the addition of new section D). Addition: Proposed Policy FLU6.1.1.1 and proposed Map 5b of the Future Land Use Map Series, Rural Boundary and Rural Area.
	State Comments	March 2025	
	LPA Adoption	March 20, 2025	
	BCC Adoption	April 22, 2025	

STAFF RECOMMENDATION

Staff recommends that the Local Planning Agency find **Amendment 2024-2-B-CP-3** related to the designation of a Rural Boundary for the Charter-designated Rural Area sufficiently complete, has the potential to be found in compliance, and recommend **TRANSMITTAL** for state and regional agency review.

ANALYSIS

1. Background

Orange County voters adopted the charter form of government in 1986. Every four years, a new charter review is conducted by the Charter Review Commission (CRC) appointed by the Board of County Commissioners (BCC). The CRC provides recommended changes to the charter, while the Board of County Commissioners ultimately determines when charter amendments are placed on a general election ballot.

The 2024 CRC conducted a comprehensive review of the Charter and had chosen to place eight proposed Charter amendments on the ballot for consideration by Orange County voters. The 2024 CRC reached this decision after holding numerous public hearings and after receiving testimony from County officials, staff, constitutional officers, representatives of community organizations, members of the public, and other interested parties. The 2024 CRC Final Report contained a summary of the approach followed and actions taken by the 2024 CRC, and the text of the eight proposed Charter amendments to be placed on the ballot in the November 2024 general election.

Two additional Charter amendments, the first related to the establishment of a Rural Boundary and Rural Area (Charter Amendment 9) and the second related to Voluntary Municipal Annexations in Rural Areas (Charter Amendment 10), were also placed on the November 5, 2024, General Election referendum after approval of **Ordinance No. 2024-17** (Charter Amendment 9) and **Ordinance No. 2024-23** (Charter Amendment 10) by the Board of County Commissioners.

Overview of Revised Charter Amendment establishing a Rural Boundary

The approved Rural Boundary Charter Amendment establishes a Rural Area, which consists of unincorporated lands located outside the Urban Service Area, municipal joint planning areas, Growth Centers, the Innovation Way Overlay, Horizon West Villages and the Boggy Creek Urban Service Area Expansion Area on the effective date. The Amendment provides that within the Rural Area, County comprehensive plan amendments increasing density or intensity, and ordinances removing lands from the Charter-designated Rural Area, must be approved by majority-plus-one of the entire Board of County Commissioners.

In contrast to an initial Rural Area / Rural Boundary charter amendment draft, the approved charter amendment does not preempt municipal authority to regulate land use if a municipality annexes property within the Rural Area, in contrast to provisions in the Seminole County and Alachua County Charters upon which the Committee's original proposal was based. The approved amendment maintains similarity with provisions of the Sarasota County Charter, which imposes supermajority voting requirements to increase density or intensity in specified geographic areas. In further contrast to the original Rural Boundary Amendment proposal, the approved amendment's definition of the Rural Area excludes all municipal joint planning areas, and the "Growth Centers," "Innovation Way Overlay," and "Horizon West Villages" specified in the County's Comprehensive Plan. All areas excluded from the proposed Rural Area are depicted on a GIS map created by County Planning Division staff, attached as **Exhibit "C"**. Finally, the approved charter amendment establishes a majority-plus-one (5 out of 7 Commissioners) Board approval process for any related changes to the approved Rural Area.

Overview of Board of County Commissioners Action

At the July 30, 2024, Meeting of the Board of County Commissioners, the Board voted unanimously in favor of the ballot measures for the voters of the County to weigh in on the Rural Boundary Charter Amendment 9 and approved **Ordinance No. 2024-17**. The ordinance made two changes to the initially drafted Rural Area Ballot language. This consisted of adding the "Boggy Creek Urban Service Area (USA) Expansion Area" to a list of other areas that are excluded from the Rural Area, and to clarify that the effective date of the Charter amendment would be the date the Canvassing Board certifies the election results. Therefore, the effective date of Charter Amendment 9 was November 15, 2024 - the date the Canvassing Board certified the election results. A copy of the approved **Ordinance No. 2024-17** and subsequent **Resolution No. 2024-M-25** approved by the Board of County Commissioners on August 27, 2024, related to the Rural Boundary Referendum is attached.

2. Amendment Analysis

Section 506 of the Orange County Charter establishes a Rural Area and Rural Boundary consisting of all lands lying within unincorporated Orange County as of the effective date of the Ordinance that are located outside municipal joint planning areas adopted by joint planning agreement or interlocal agreement and located outside the following areas specified in the Orange County Comprehensive Plan: the Urban Service Area, Growth Centers, Innovation Way Overlay, Horizon West Villages, and the Boggy Creek Urban Service Area (USA) Expansion Area.

After the effective date of Section 506 of the Orange County Charter, any ordinance amending the Orange County Comprehensive Plan increasing the allowable density or intensity within the Charter-designated Rural Area or ordinance removing lands from the Charter-designated Rural Area may only be approved by an affirmative vote of not less than a majority-plus-one vote of the entire membership of the Orange County Board of County Commissioners (5 out of 7 Commissioners).

The proposed amendment formally establishes a Rural Area and Boundary for a portion of the County's Rural Service Area. More specifically, the amendment creates new Map 5b of the Future Land Use Map Series ("Rural Area / Rural Boundary") and modifies / establishes related policies in the Future Land Use Element. Affected policies include Objective FLU6.1; proposed Policy 6.1.1.1 that defines the "Rural Area" and introduces Map 5b along with a majority-plus-one Board approval process for Rural Area amendments; and existing Policy FLU8.8.1 which has been modified by adding new subsection "D" addressing the requirement for a majority-plus-one Board approval of any amendments that increase allowable density or intensity of uses, or that remove lands from the Rural Area.

3. Amendments to establish the Rural Boundary

Listed below are the revised objective and corresponding policies proposed through this amendment and the addition of proposed Map 5b of the Future Land Use Map Series, Rural Boundary and Rural Area to establish the Charter-designated Rural Area, as delineated by the Rural Boundary.

Affected language is shown in underline/~~strike through~~ format, with asterisks (***) representing breaks between unchanged policies.

OBJ FLU6.1 RURAL SERVICE AREA. Orange County shall designate that portion of the County outside the Urban Service Area as the Rural Service Area, which includes the Charter-designated Rural Area as delineated by Map 5b of the Future Land Use Map Series, Rural Boundary and Rural Area. The intended rural character and assets of the Rural Service Area shall be promoted through the following policies. (Obj. 2.3)

New FLU Policy FLU6.1.1.1

Map 5b of the Future Land Use Map Series, "Rural Boundary and Rural Area", is hereby adopted to delineate a portion of the Rural Service Area as the Charter-designated Rural Area. The Rural Area, as delineated by Map 5b, encompasses approximately 345,000 acres and includes unincorporated lands located outside the County's Urban Service Area, municipal joint planning areas, Growth Centers, the Innovation Way Overlay, Horizon West Villages, and the Boggy Creek Expansion Area. Comprehensive plan amendments increasing density or intensity or removing the property from the Rural Area shall require a majority-plus-one vote of the entire membership of the Orange County Board of County Commissioners.

Policy FLU8.8.1 (addition of new section D.) as follows:

Policy FLU8.8.1

D. As provided by the Orange County Charter, Section 506, Comprehensive Plan amendments increasing the density or intensity of use within the Charter-designated Rural Area as delineated by Map 5b of the Future Land Use Map Series, Rural Boundary and Rural Area, and ordinances removing the property from the Charter-designated Rural Area shall require a majority-plus-one vote of the entire membership of the Orange County Board of County Commissioners.

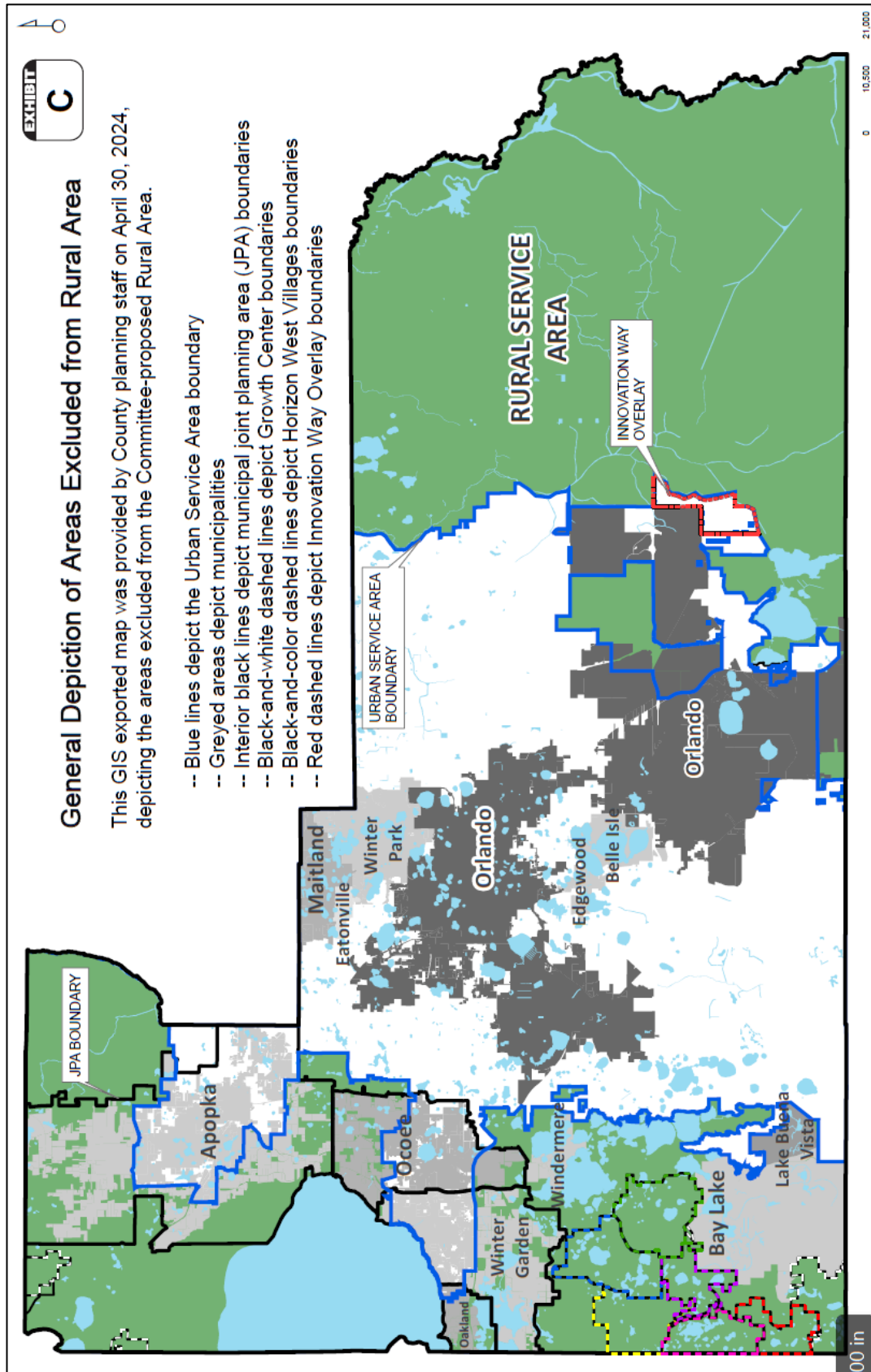
Map 5b Rural Boundary and Rural Area

Orange County Government
FLORIDA

0 1 2 3 4 5
Miles

■ Rural Area (Unincorporated)

Map 5b Rural Boundary and Rural Area. This map shows the rural boundary and rural area of Orange County, Florida. The map includes major roads, water bodies, and the Orange County Government logo. A legend indicates that the green shaded areas represent the Rural Area (Unincorporated). A scale bar shows distances from 0 to 5 miles. A north arrow is located in the top right corner.



**PLANNING AND ZONING COMMISSION (PZC)/LOCAL PLANNING AGENCY (LPA) PUBLIC HEARING
SYNOPSIS (January 16, 2024)**

Staff presented the staff-initiated **Amendment 2024-2-B-CP-3** related to the designation of a Rural Boundary for the Charter-designated Rural Area with the recommendation of **TRANSMITTAL**. Following the staff presentation, one member of the public spoke in support of the amendment. The Local Planning Agency found that the amendment has the potential to be found in compliance and recommended to the Board of County Commissioners **TRANSMITTAL** for state and regional agency review.

Motion / Second

Eric Gray / Michael Arrington

Voting in Favor

*Camille Evans, George Wiggins, Nelson Pena, Michael Arrington,
David Boers, and Eric Gray*

Voting in Opposition

None

Absent

Evelyn Cardenas and Eddie Fernandez