



To: Mayor Jerry Demings -AND- County Commissioners
From: Commissioner Emily Bonilla and Commissioner-Elect Kelly Semrad, District 5
Date: 11/22/2024

Subject: Commissioner's Report: 12/3/2024 on the Establishing Board Oversight for Church Developments in Rural Areas

Purpose

This memo seeks to initiate a discussion during the December 3rd Board of County Commissioners (BCC) meeting regarding the need to amend Orange County's zoning code and comprehensive plan to ensure greater oversight of church developments in rural areas. I also recommend that the BCC enact an immediate moratorium on the acceptance and processing of any church permits or applications in rural areas, including those currently in process but not yet approved, while these updates are being considered.

Background

Currently, under Orange County's zoning code, churches are permitted by right in A-2 zoning districts, including areas within the rural boundary. Unlike developments in rural settlements, these projects are not subject to special exception requirements or BCC oversight. This regulatory framework creates the following challenges:

1. Community Concerns: Residents have expressed concerns about the compatibility and potential impacts of large-scale church developments ("mega churches") on rural character, infrastructure, and environmental resources.
2. Regulatory Gap: The current code does not distinguish between small, low-impact churches and large developments, which can have significant implications for rural areas.
3. Limited County Oversight: The absence of a public hearing or BCC review process limits the county's ability to address compatibility and consistency with the rural area's character.

Additionally, federal laws, such as the Religious Land Use and Institutionalized Persons Act (RLUIPA), impose legal constraints on local government authority to regulate religious institutions, requiring careful navigation to ensure compliance.

Proposed Actions

1. Code and Comprehensive Plan Amendments

I propose that the county consider amending:

- Chapter 38 of the Orange County Code of Ordinances: Require a special exception and BZA/BCC review for churches in rural areas.
- Future Land Use Element of the Comprehensive Plan: Introduce policies requiring BCC oversight for institutional uses in rural areas.



These changes would ensure a transparent and consistent review process while addressing community concerns about large-scale developments in rural areas.

2. Immediate Moratorium

To allow adequate time for staff to draft and implement these amendments, I recommend that the BCC adopt an immediate moratorium on the acceptance, processing, and approval of church permits or applications in rural areas. This moratorium would prevent potential developments from proceeding under the current framework while updates are being developed. The moratorium should apply to all church-related permits or applications in rural areas, including those currently in process but not yet approved. This retroactive application is necessary to ensure that no projects move forward under the existing framework during the review and amendment period.

3. Staff Analysis and Recommendations

Direct staff to conduct a detailed analysis of the following:

- Compatibility criteria for church developments in rural areas.
- Best practices from other jurisdictions for regulating large-scale religious institutions while complying with RLUIPA.
- Potential impacts on infrastructure, traffic, and rural character.

Conclusion

These proposed actions aim to address community concerns, preserve the character of rural areas, and establish a framework for appropriate oversight of church developments. I look forward to discussing these recommendations with the Board and working together to achieve a balanced solution.

Action Requested:

I request that the BCC consider and provide direction on the following during the December 3rd meeting:

- 1. Approval to move forward with drafting amendments to Chapter 38 and the Comprehensive Plan.**
- 2. Adoption of an immediate moratorium on church permits or applications in rural areas, including those currently in process but not yet approved.**
- 3. Direction to staff to research and propose criteria for evaluating institutional uses in rural areas.**

/s/

Commissioner Emily Bonilla
Commissioner-Elect Kelly Semrad

Cc: Byron W. Brooks, County Administrator
Cheryl Gillespie, Supervisor, Agenda Development
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