

BCC Mtg. Date: June 4, 2024

Effective Date: June 7, 2024

ORDINANCE NO. 2024-14

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA, CREATING THE LAKE AVALON PRESERVATION DISTRICT PURSUANT TO SECTION 505 OF THE ORANGE COUNTY CHARTER; PROVIDING A TITLE; ESTABLISHING DEFINITIONS; STATING PURPOSES AND INTENT; ESTABLISHING BOUNDARIES FOR THE DISTRICT; PROVIDING PROCEDURES FOR THE VOLUNTARY ANNEXATION OF PROPERTY OR PROPERTIES WITHIN THE DISTRICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in November 1992, the voters of Orange County amended the Orange County Charter by adding Section 505 setting forth an exclusive procedure for voluntary annexations in areas designated by the Orange County Board of County Commissioners as preservation districts;

WHEREAS, Section 505(a)(1) of the Orange County Charter specifies that these districts shall be areas that are not within municipalities and that have existing historical and cohesive residential communities located within those certain rural settlements as identified by Orange County's comprehensive plan, known as the 2010-2030 Comprehensive Plan (or within successor land use categories as the Board may use from time to time in the comprehensive plan);

WHEREAS, Section 171.044(4), Florida Statutes, allows charter counties to provide exclusive methods for municipal annexation in their charters;

WHEREAS, Orange County's staff has met with residents of the area proposed to be included within the Lake Avalon Preservation District;

WHEREAS, the Orange County Local Planning Agency has reviewed this ordinance and found it to be consistent with the Comprehensive Plan; and

WHEREAS, Orange County hereby finds that the area located within the boundaries of the proposed Lake Avalon Preservation District has a historical and cohesive residential community which is located within the Lake Avalon Rural Settlement as identified and set forth in Policies FLU6.1.1 and FLU6.1.2 of the Future Land Use Element of the Comprehensive Plan.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Title. This ordinance shall be known and may be cited as the “Orange County Lake Avalon Preservation District Ordinance.”

Section 2. Recitals. The foregoing whereas clauses are hereby incorporated herein and deemed to be legislative findings of the Orange County Board of County Commissioners.

Section 3. Definitions.

“Board” means the Orange County Board of County Commissioners.

“Charter” means the Orange County Charter.

“District” means the Lake Avalon Preservation District.

Section 4. Purposes and Intent. The purposes of this ordinance are to designate and create the District as a preservation district pursuant to Section 505 of the Charter and to implement Section 505(a)(1) and (b) of the Charter as it pertains to the District. This ordinance deals with the procedure for annexation of unincorporated territories in the District, which territories have been found to be part of an existing historical and cohesive residential community. The intent of this ordinance is to provide the exclusive method for voluntary annexation in the District in the very limited circumstances as particularly set forth in this section.

It is neither the purpose nor the intent of this ordinance to regulate density of development, intensity of development, or the issuance of development permits on lands located within the District. It is also not the purpose or intent to create a special district, either dependent or independent, as those terms are defined in Chapter 189, Florida Statutes.

Section 5. Designation of District; Boundaries of District. The District is hereby designated and created. The boundaries of the District shall coincide with the boundaries of the Lake Avalon Rural Settlement as set forth in Appendix “A” which is attached hereto and incorporated herein by reference.

Section 6. Procedure for Voluntary Annexation of Properties Located Within

District. In order to voluntarily annex any property or properties located within the District, the following procedure shall be followed:

- A. A majority of the Board must first approve the proposed annexation at a single public hearing. The public hearing shall be advertised as an ordinance pursuant to the requirements of Section 125.66(2)b, Florida Statutes (2024).
- B. If a majority of the Board approves the proposed annexation, a majority of the registered electors residing within the boundaries of the District in which the property or properties lie shall approve the annexation by a majority vote. The vote by the registered electors residing within the boundaries of the District in which the property or properties lie shall be conducted in accordance with Florida laws pertaining to annexation elections, and more particularly in accordance with those procedures set forth in Section 171.0413, Florida Statutes, as those sections may be amended, renumbered and/or replaced from time to time.

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Section 7. Effective Date. This ordinance shall become effective pursuant to general law.

ADOPTED THIS 4th DAY OF JUNE, 2024.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: *Jennifer Horn-Kivetz*
Deputy Clerk

APPENDIX "A"

