

*Board of County Commissioners*

**Rural Area and Boundary  
Charter Amendments**

**Work Session**

**June 18, 2024**



# Presentation Outline

- **Background**
- **CRC Recommendation - “Rural Boundary & Rural Area”**
- **Implications for the Comprehensive Plan and Code**
- **Legal Aspects of the Charter Amendment**
- **Next Steps and Board Direction**



# Presentation Outline

- **Background**
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## Background

- **The Charter Review Commission (CRC) meets every four years to recommend amendments to the Orange County Charter**
- **In 2015-2016, a “Protection of the Rural Boundary Work Group” of the CRC discussed similar land use-related issues and proposals but were ultimately not forwarded to the CRC for their consideration**
- **In the 2020, the CRC did not discuss a Rural Boundary**



## Background

- In 2024, the Sustainable Growth and Charter Cleanup Committee of the CRC spent months working on the “Rural Boundary Amendment” which intended to establish a rural area and redefine the process to make land-use changes within the area
- A significant amount of Committee discussion occurred regarding areas of the County to be designated as Rural
- The CRC confirmed that the intent behind the amendment was to protect the rural lifestyle, its rural lands and green space



## Background

- In 2024, the Sustainable Growth and Charter Cleanup Committee of the CRC spent months working on the “Rural Boundary Amendment” which intended to establish a rural area and redefine the process to make land-use changes within the area
- A significant amount of Committee discussion occurred regarding areas of the County to be designated as Rural
- **The CRC confirmed that the intent behind the amendment was to protect the rural lifestyle, its rural lands and green space**



## Background

- On March 6, 2024, the Florida State Legislature passed SB 1420 in an effort to block the proposed CRC amendment
- Sect. 163.3167 of the Florida Statutes (SB 1420) reads as follows:
  - “163.3167 Scope of act.
  - (d) A citizen-led county charter amendment that is not required to be approved by the Board of County Commissioners preempting any development order, land development regulation, comprehensive plan, or voluntary annexation is prohibited unless expressly authorized in a county charter that was lawful and in effect on January 1, 2024”
- On May 30, 2024, SB 1420 was presented to the Governor
- SB 1420 was signed into law on June 12, 2024



# Background

- **The CRC considered multiple versions of a Rural Boundary Amendment. In light of SB 1420, on May 20, 2024, the CRC recommended the Board place the version known as “Exhibit B” on the November ballot**
- **The proposed language in Exhibit B attempted to do 3 things:**
  1. **Establish a Rural Area**
  2. **Provide that comprehensive plan amendments increasing density or intensity or removing lands from the Rural Area must be approved by a majority plus one vote of the entire membership of the Board**
  3. **Provide that the County’s comprehensive plan and land development regulations will exclusively govern land development and prevail over municipal ordinances in the Rural Area**





## Background

- On June 4, 2024, the Board discussed the CRC's recommendation. Ultimately, the Board directed staff to return with a work session on June 18, 2024 to discuss the Rural Area Charter Amendment:
  - Defer the County's land development regulations prevailing over municipal regulations for the Rural Area to the "Annexation Charter Amendment" proposal (#3)
  - Prepare a charter amendment to establish a Rural Area and provide that comprehensive plan amendments in the Rural Area be approved by a majority plus one vote (#1 and #2)
  - Evaluate parallel paths of amending the County's Comprehensive Plan and/or Code to have the same effect as #1 and #2



# Presentation Outline

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# CRC Recommendation

## ▪ Orange County Charter is amended to read as follows:

### –Sec. 506. Rural Boundary and Rural Area

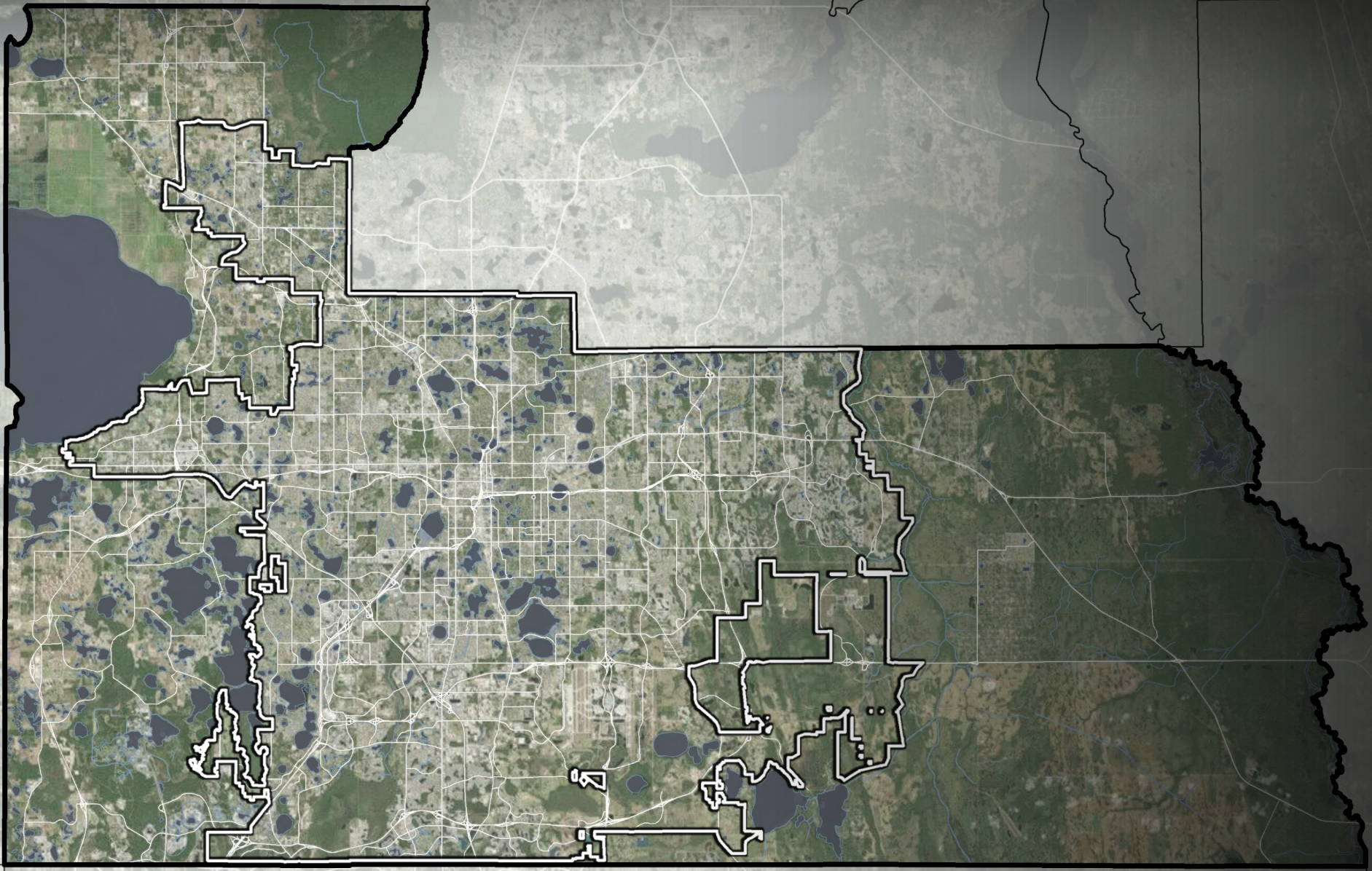
**(A) Establishment of Rural Area and Rural Boundary.** There is hereby established a Rural Area, initially consisting of all lands lying in the unincorporated County as of the effective date of this section that are located outside of the following areas as of the effective date of this section:

- (1) The Urban Service Area specified in the Orange County comprehensive plan;**
- (2) Municipal joint planning areas adopted by joint planning agreement or interlocal agreement;**
- (3) Growth Centers specified in the Orange County comprehensive plan;**
- (4) the Innovation Way Overlay specified in the Orange County comprehensive plan;**
- and (5) the Horizon West Villages specified in the Orange County comprehensive plan**

**There is hereby established a Rural Boundary, consisting of the boundary lines of the Rural Area.**



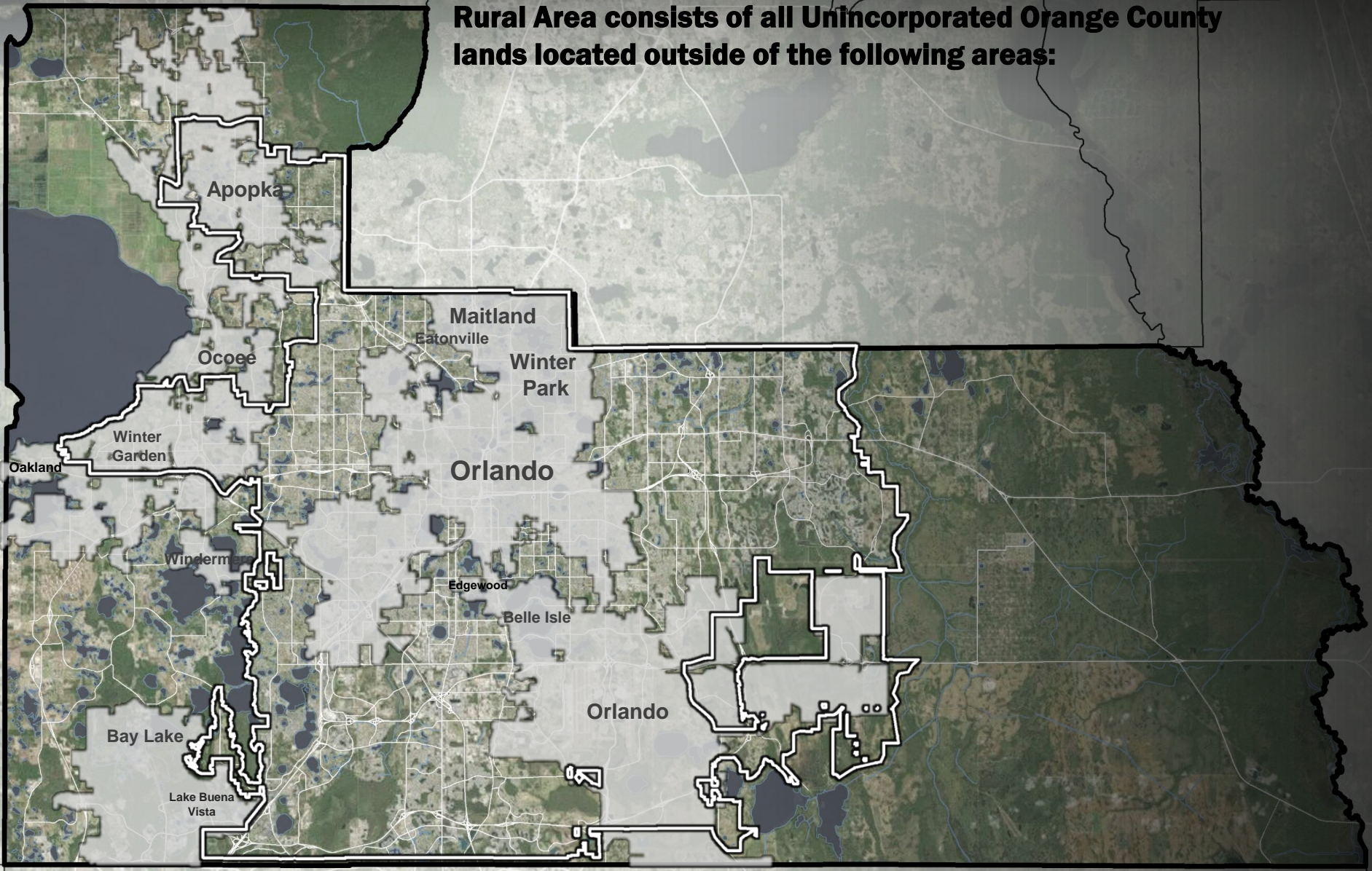
# "RURAL AREA" MAP





# "RURAL AREA" MAP

**Rural Area consists of all Unincorporated Orange County lands located outside of the following areas:**

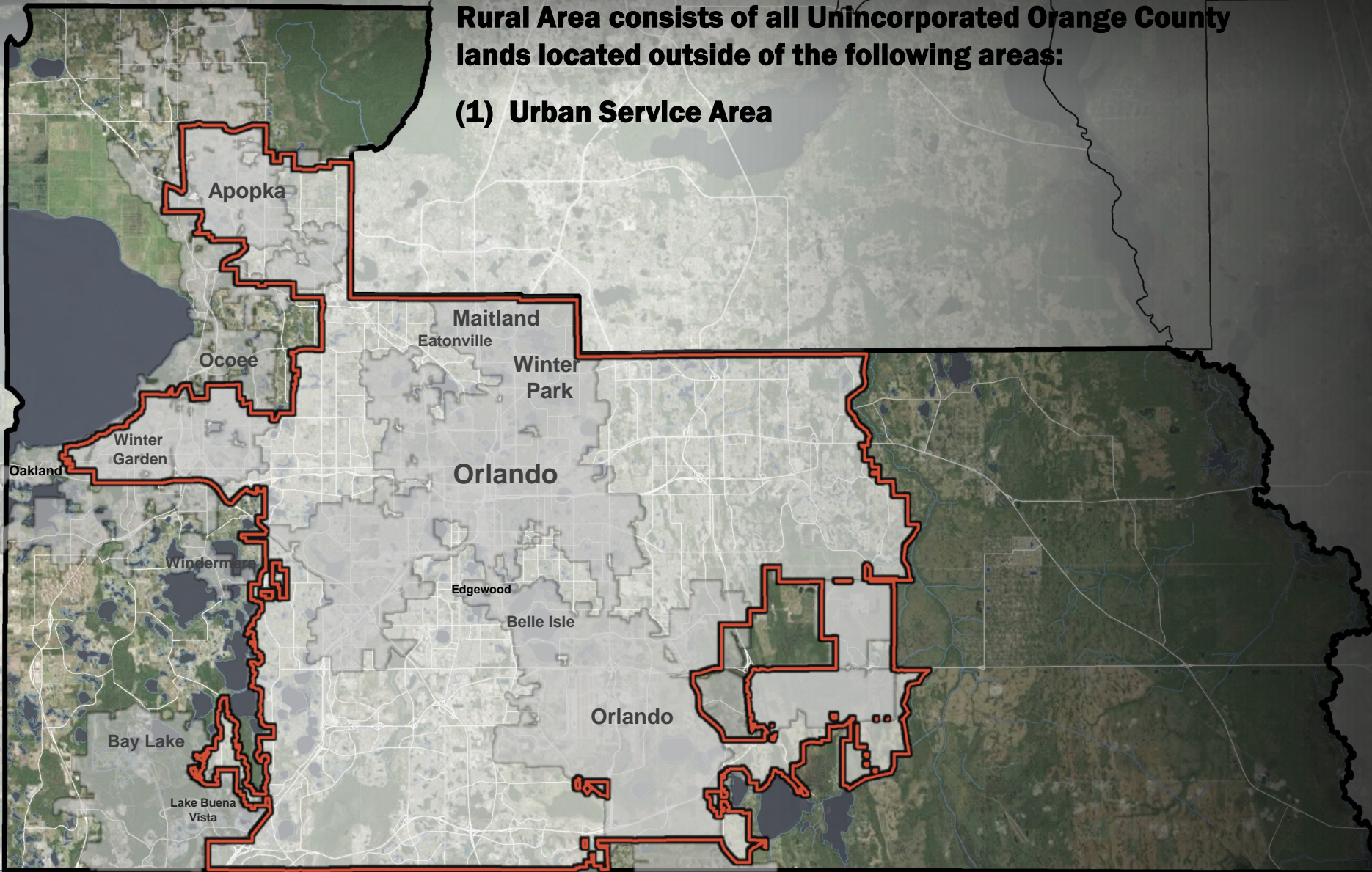




# "RURAL AREA" MAP

**Rural Area consists of all Unincorporated Orange County lands located outside of the following areas:**

**(1) Urban Service Area**

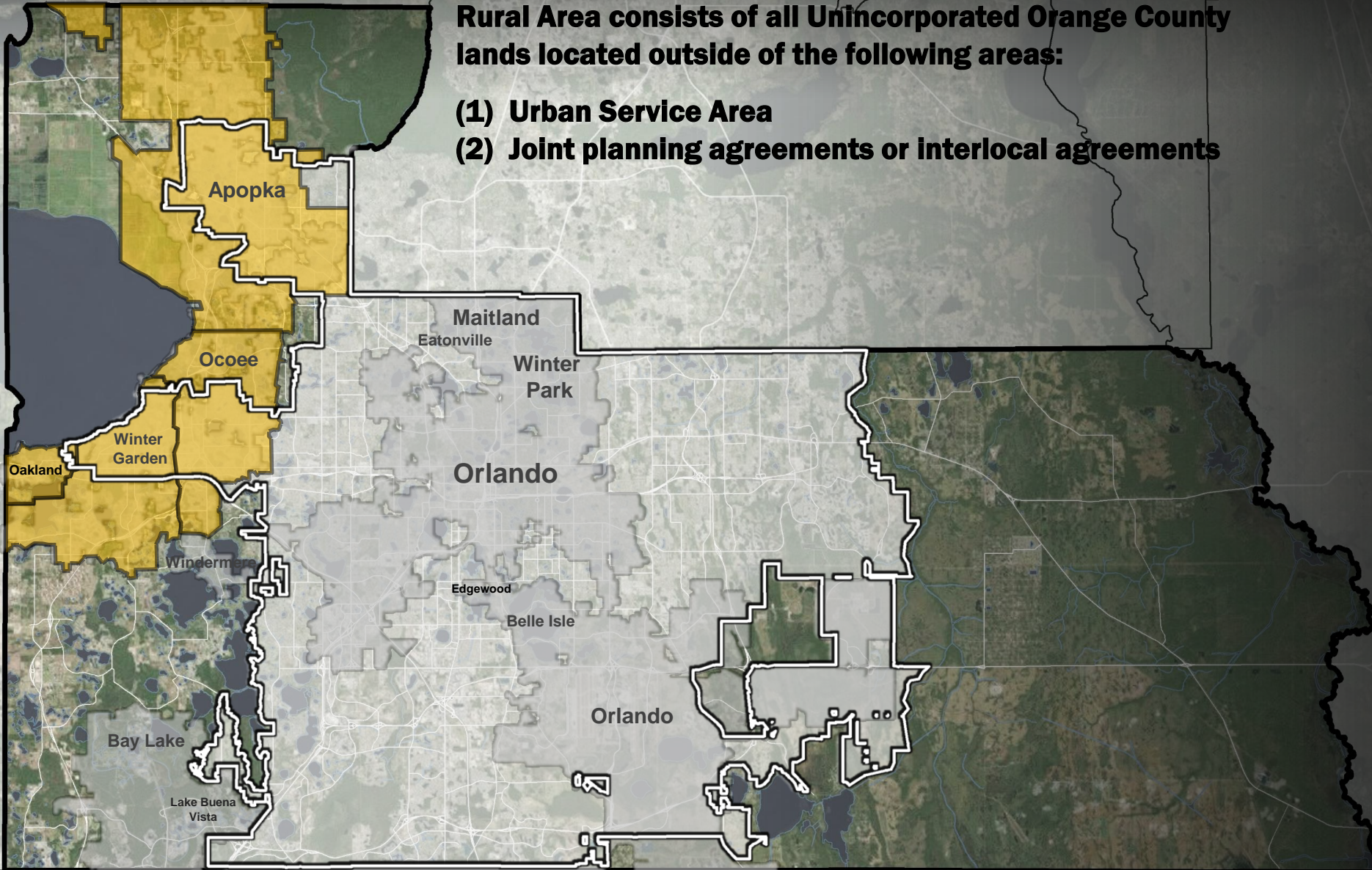




# "RURAL AREA" MAP

**Rural Area consists of all Unincorporated Orange County lands located outside of the following areas:**

- (1) Urban Service Area**
- (2) Joint planning agreements or interlocal agreements**

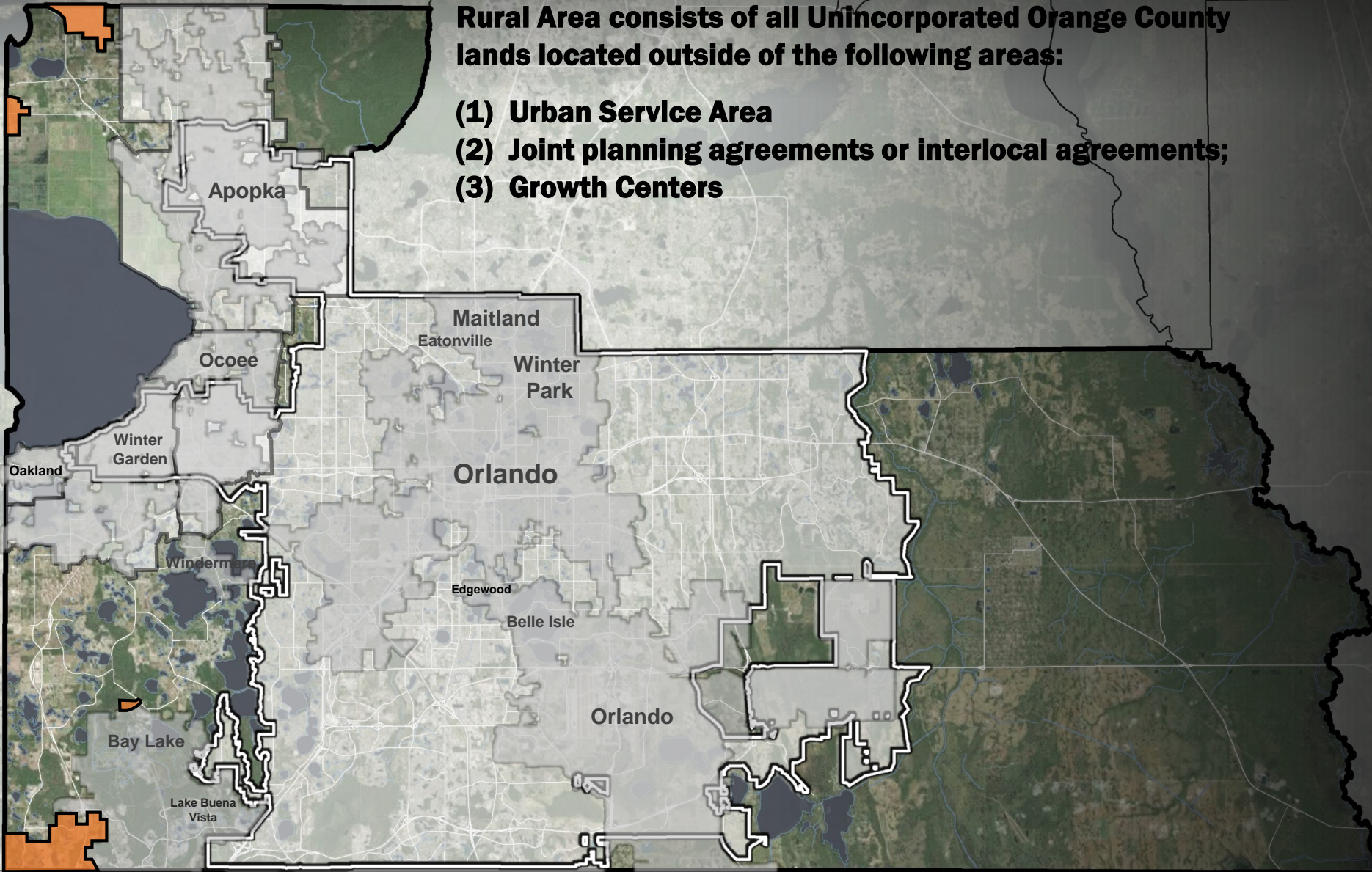




# "RURAL AREA" MAP

**Rural Area consists of all Unincorporated Orange County lands located outside of the following areas:**

- (1) Urban Service Area**
- (2) Joint planning agreements or interlocal agreements;**
- (3) Growth Centers**



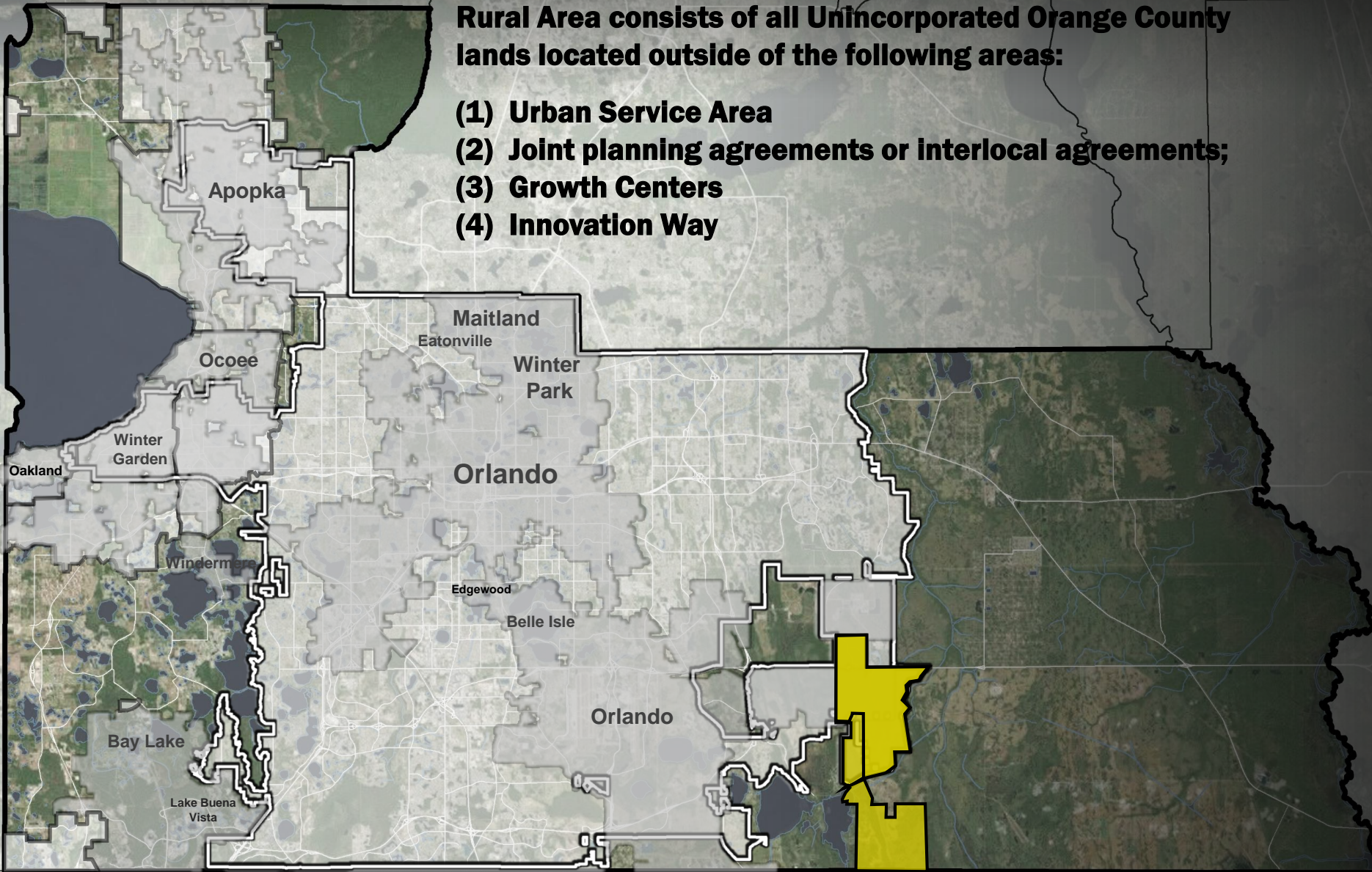




# "RURAL AREA" MAP

**Rural Area consists of all Unincorporated Orange County lands located outside of the following areas:**

- (1) Urban Service Area**
- (2) Joint planning agreements or interlocal agreements;**
- (3) Growth Centers**
- (4) Innovation Way**

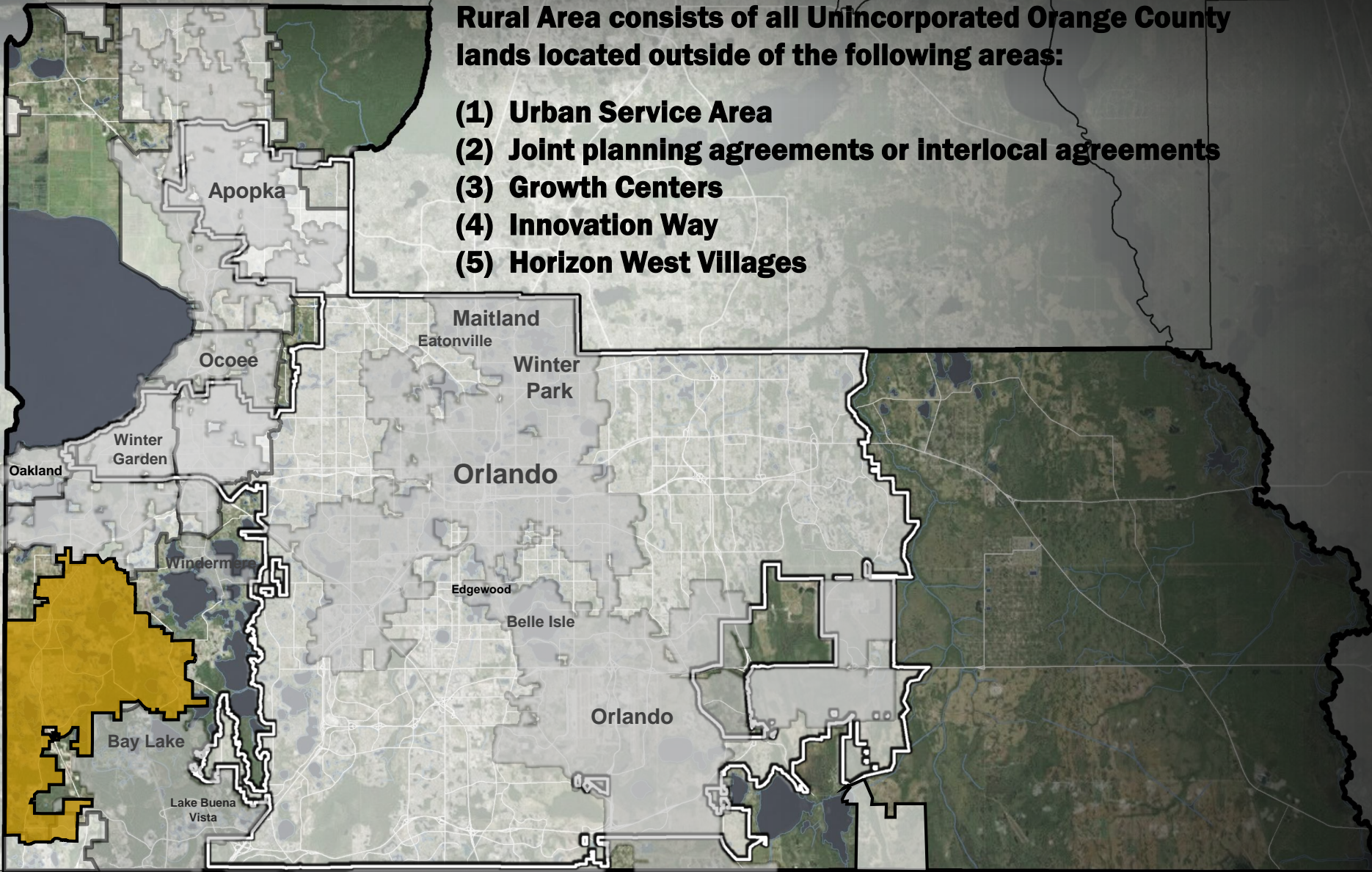




# "RURAL AREA" MAP

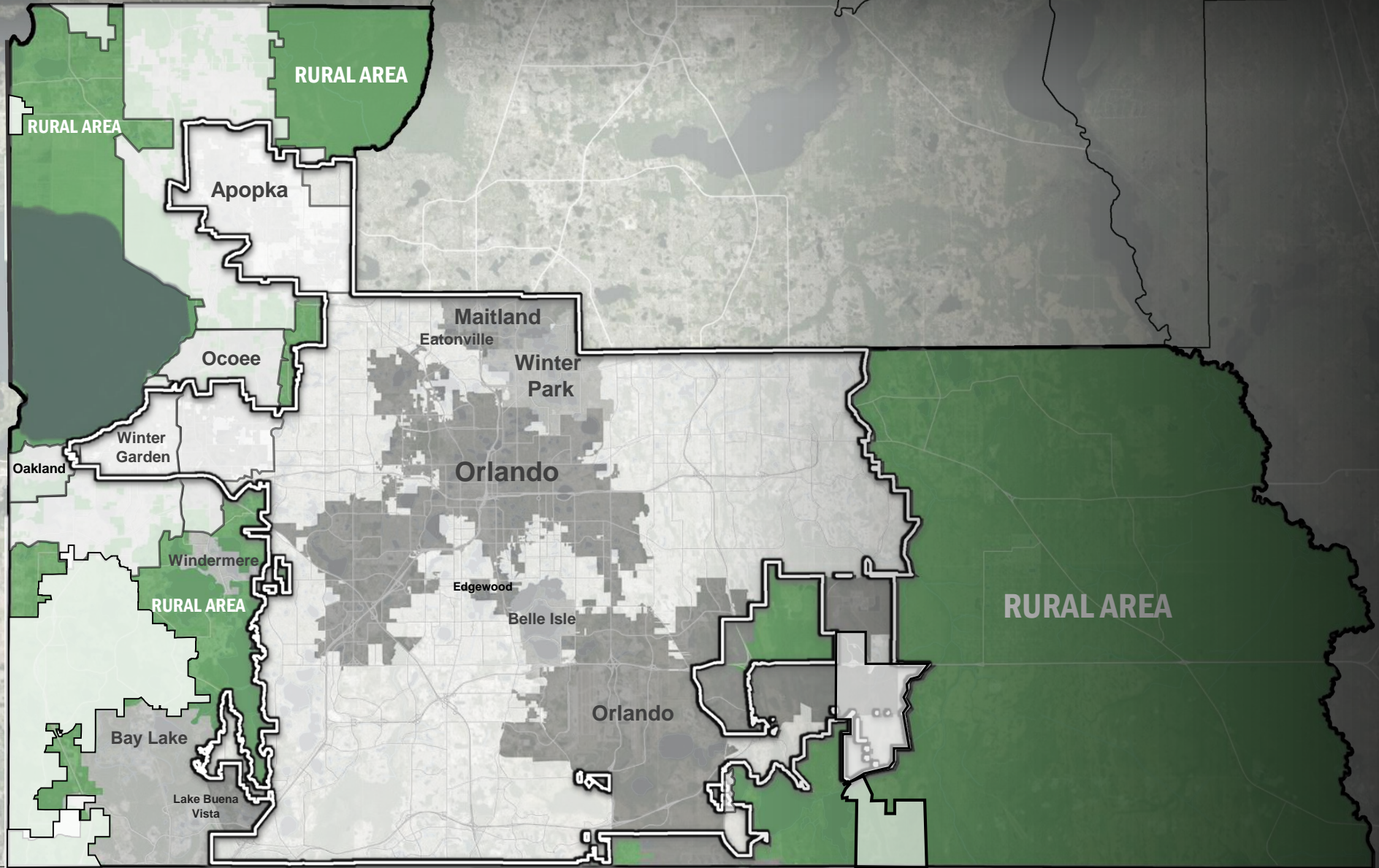
**Rural Area consists of all Unincorporated Orange County lands located outside of the following areas:**

- (1) Urban Service Area**
- (2) Joint planning agreements or interlocal agreements**
- (3) Growth Centers**
- (4) Innovation Way**
- (5) Horizon West Villages**





# "RURAL AREA" MAP





# Presentation Outline

- Background
- CRC Recommendation - “Rural Boundary & Rural Area”
- **Implications for the Comprehensive Plan and Code**
- Legal Aspects of the Charter Amendment
- Next Steps and Board Direction




# Implications for the Comp. Plan and Code

## County's Adopted 2030 Comp. Plan

**Urban** - Orange County shall use urban densities and intensities and Smart Growth tools and strategies to direct development to the Urban Service Area and to facilitate such development. The Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development  
(OBJ FLU1.1)

**Rural** - Orange County Shall designate a portion of the County as the Rural Service Area to protect rural land and other assets  
(OBJ FLU6.1)

(FLU1.1.4 - H) FLU Designations that are appropriate for locations in which residents prefer a rural lifestyle with limited services



**ORANGE COUNTY  
FLORIDA**

**COMPREHENSIVE PLAN  
2010 - 2030  
GOALS, OBJECTIVES & POLICIES**

ADOPTED: MAY 19, 2009  
 AMENDED: JANUARY 10, 2023  
 THROUGH ORDINANCE 2023-04  
 EFFECTIVE: MARCH 4, 2023


PREPARED BY:  
 ORANGE COUNTY PLANNING, ENVIRONMENTAL  
 AND DEVELOPMENT SERVICES DEPARTMENT  
 ORANGE COUNTY PLANNING DIVISION



# Implications for the Comp. Plan and Code

## County's Adopted 2030 Comp. Plan

- The USA was defined to represent the County's urban service limits in 1991. It has been amended numerous times, but not strategically or comprehensively
- Municipal services and boundaries (both existing and planned) have greatly expanded beyond the existing USA boundary, especially in western Orange County
- Numerous exceptions to the Rural Service Area have been designated since 1991, including Growth Centers, Horizon West, and Innovation Way



**ORANGE COUNTY  
FLORIDA**

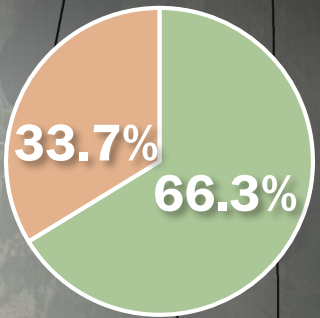
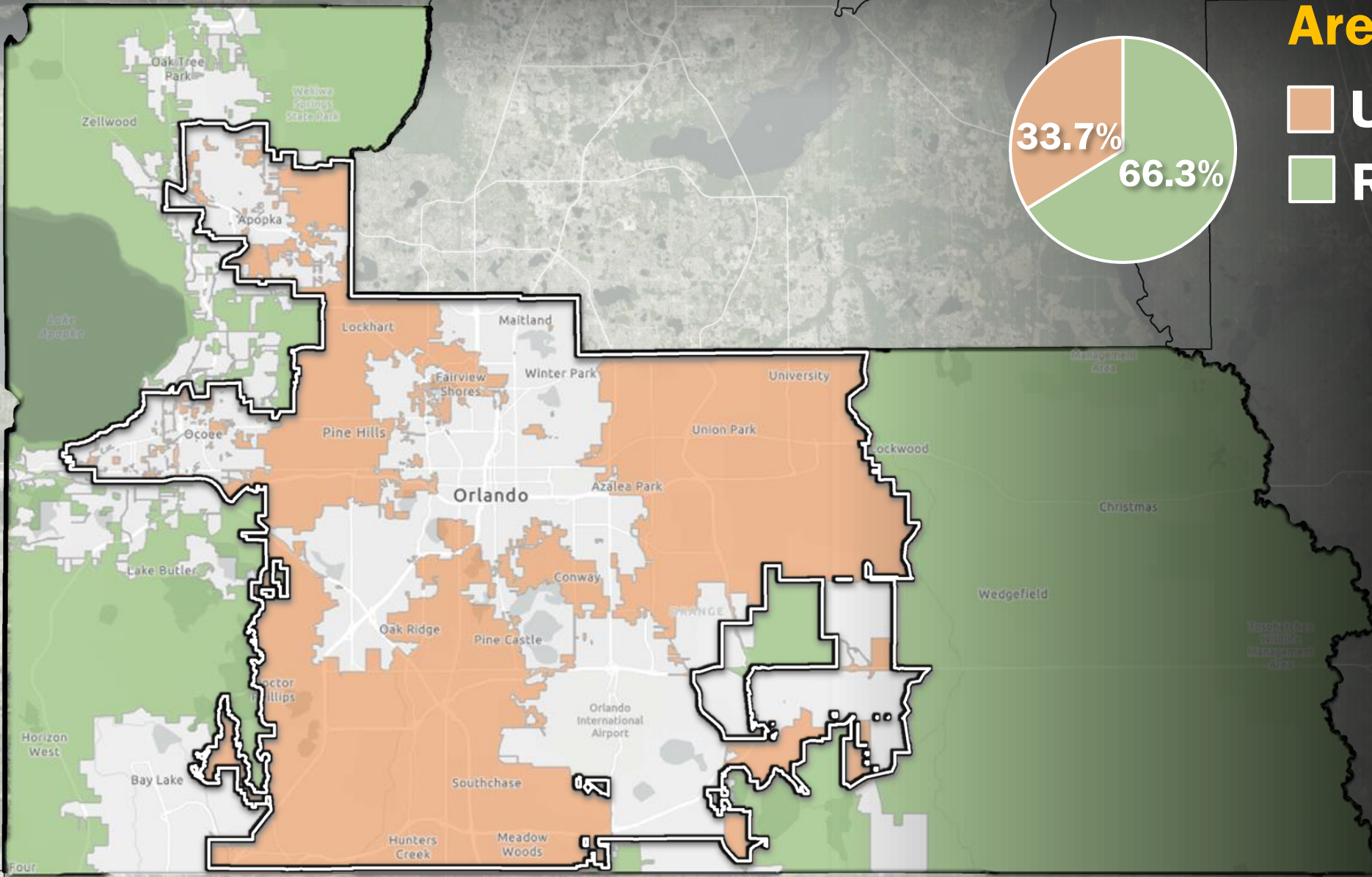
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# RURAL & URBAN SERVICE AREAS



## Area in:

**USA: 160,010 ac.**

**RSA: 314,233 ac.**



# Implications for the Comp. Plan and Code

## County's Transmitted Vision 2050 Comp. Plan

**Urban** - Urban Service Area shall be the area for which Orange County is responsible for providing infrastructure and services to support urban development. Urban densities and intensities will be directed to this area using Urban Place Type Future Land Uses to concentrate growth and create compact, transit-oriented, walkable places  
(GOAL LMN 2)

**Rural** - Orange County shall designate areas beyond the Urban Service Area (USA) as the Rural Service Area (RSA)  
(GOAL LMN 4)

RSA Place Types and Future Land Use designations are characterized by open spaces, agricultural uses, and very low-density residential development that does not require urban services. Protection and conservation of environmental resources and wildlife are a primary goal of maintaining the RSA



**ORANGE COUNTY**  
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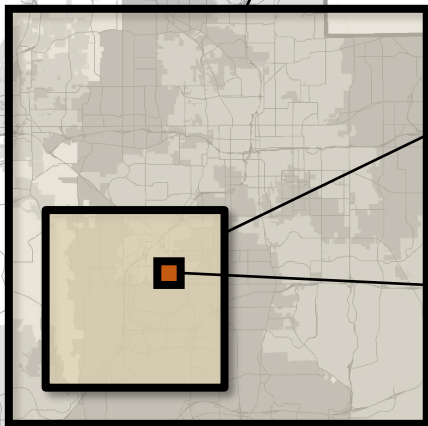
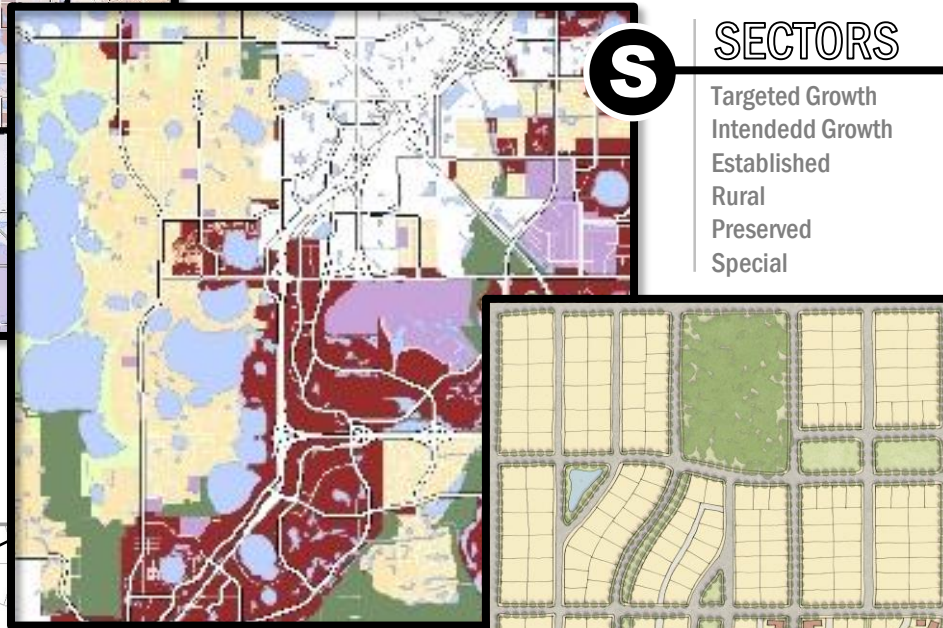
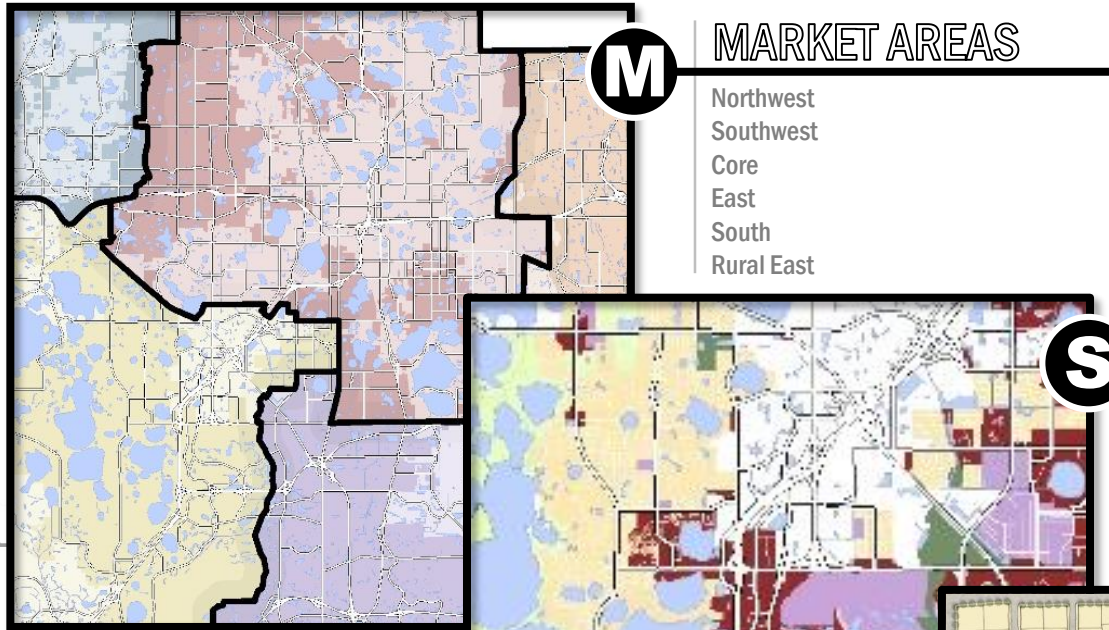
COMPREHENSIVE PLAN 2020-2050  
**GOALS, OBJECTIVES, & POLICIES**

*FloridaCommerce – Transmittal Version*

As transmitted by the Board of County Commissioners on July 25, 2023

PREPARED BY:  
ORANGE COUNTY PLANNING, ENVIRONMENTAL AND DEVELOPMENT SERVICES DEPARTMENT  
ORANGE COUNTY PLANNING DIVISION

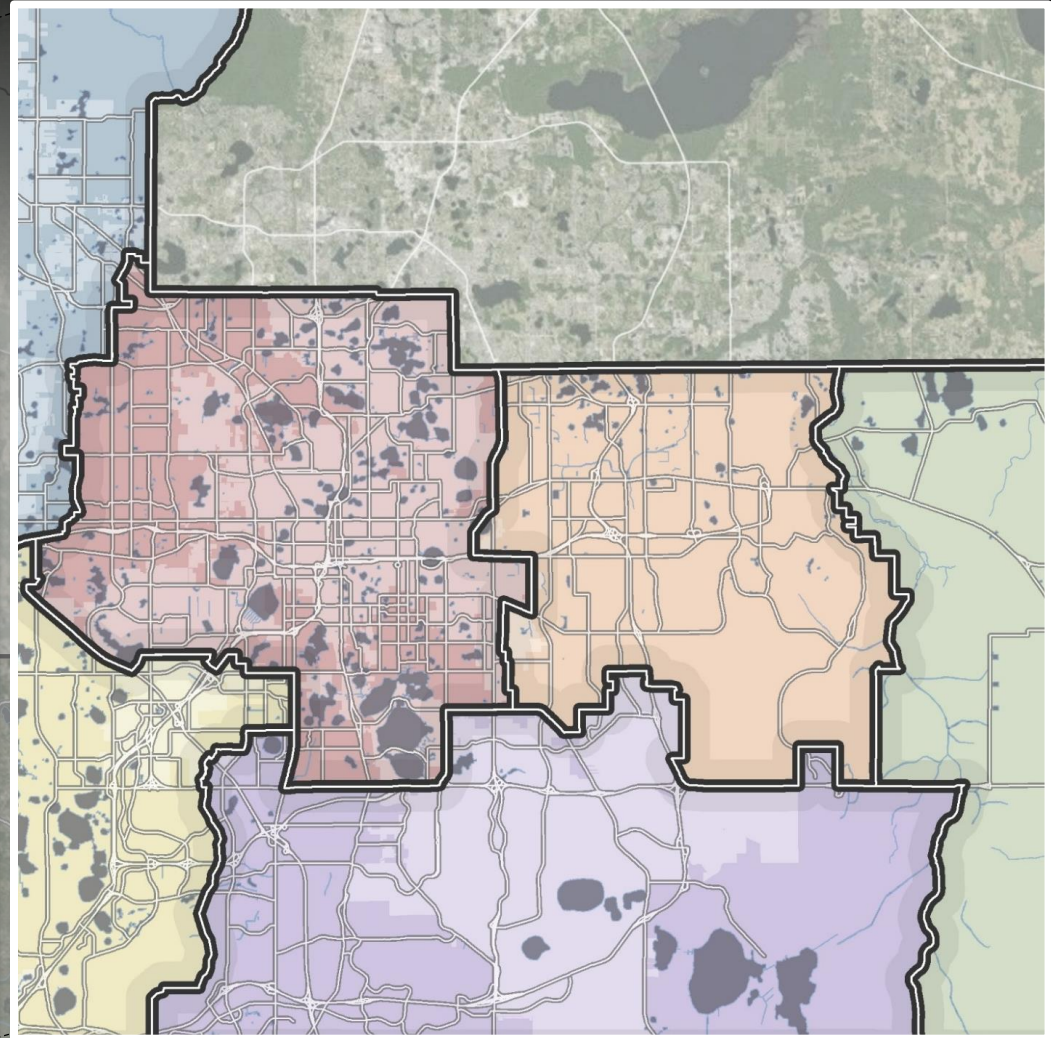




# VISION 2050 STRUCTURE

THE THREE SCALES OF PLANNING

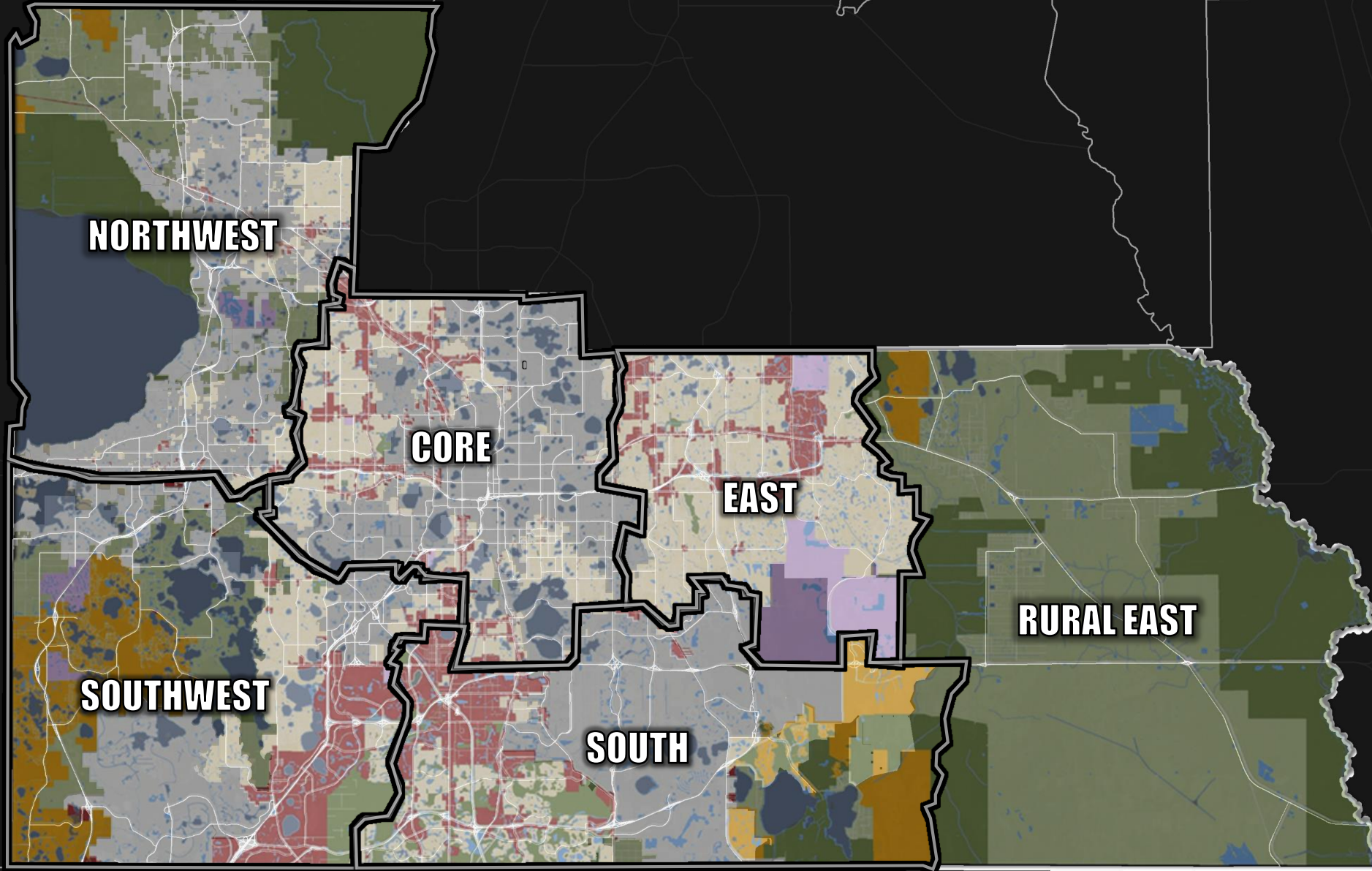
## Market Areas



**Provides order and describes the general character of geographical sections of the County; also influences the formulation of subsequent planning layers**

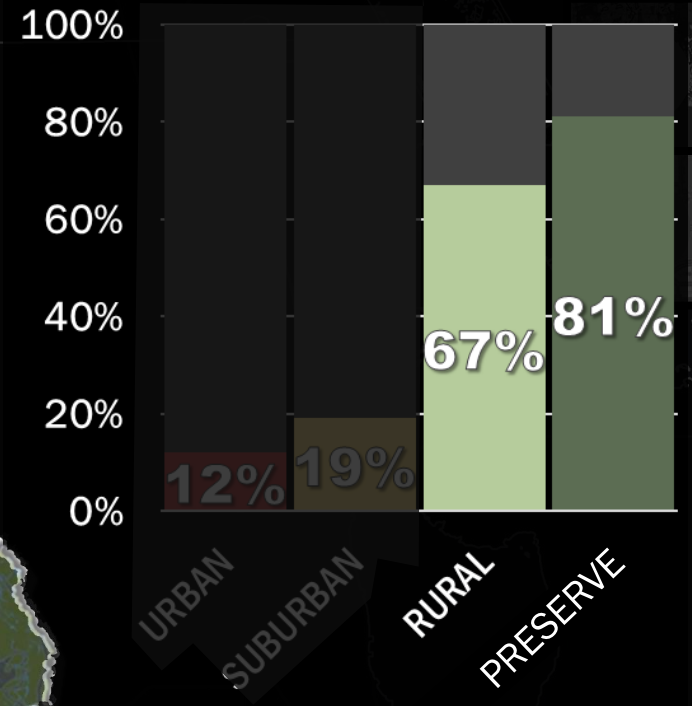
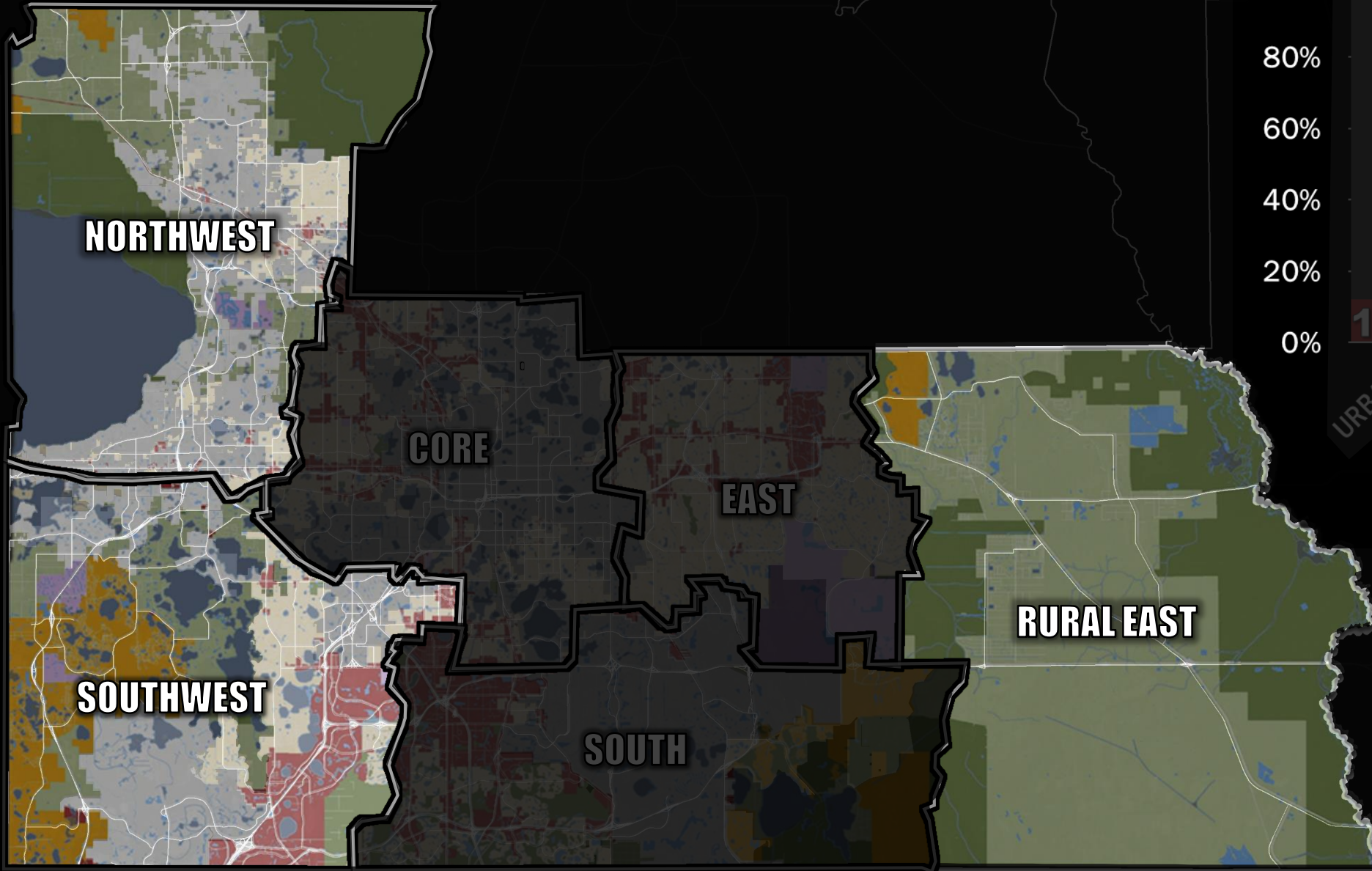
# MARKET AREAS

PROVIDES CONTEXT ORDER & GENERAL CHARACTER



# MARKET AREAS

PROVIDES RURAL CONTEXT & GENERAL CHARACTER

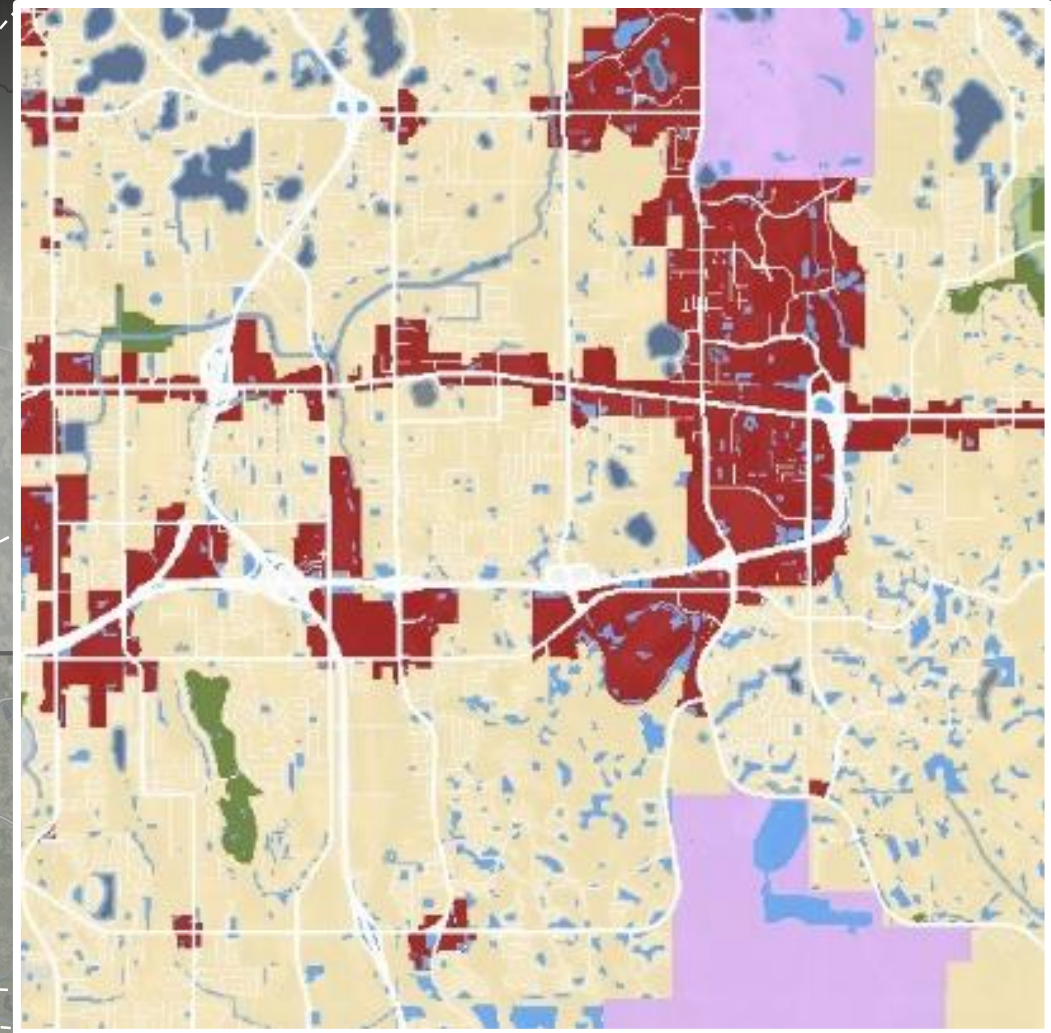


# VISION 2050 STRUCTURE

THE THREE SCALES OF PLANNING



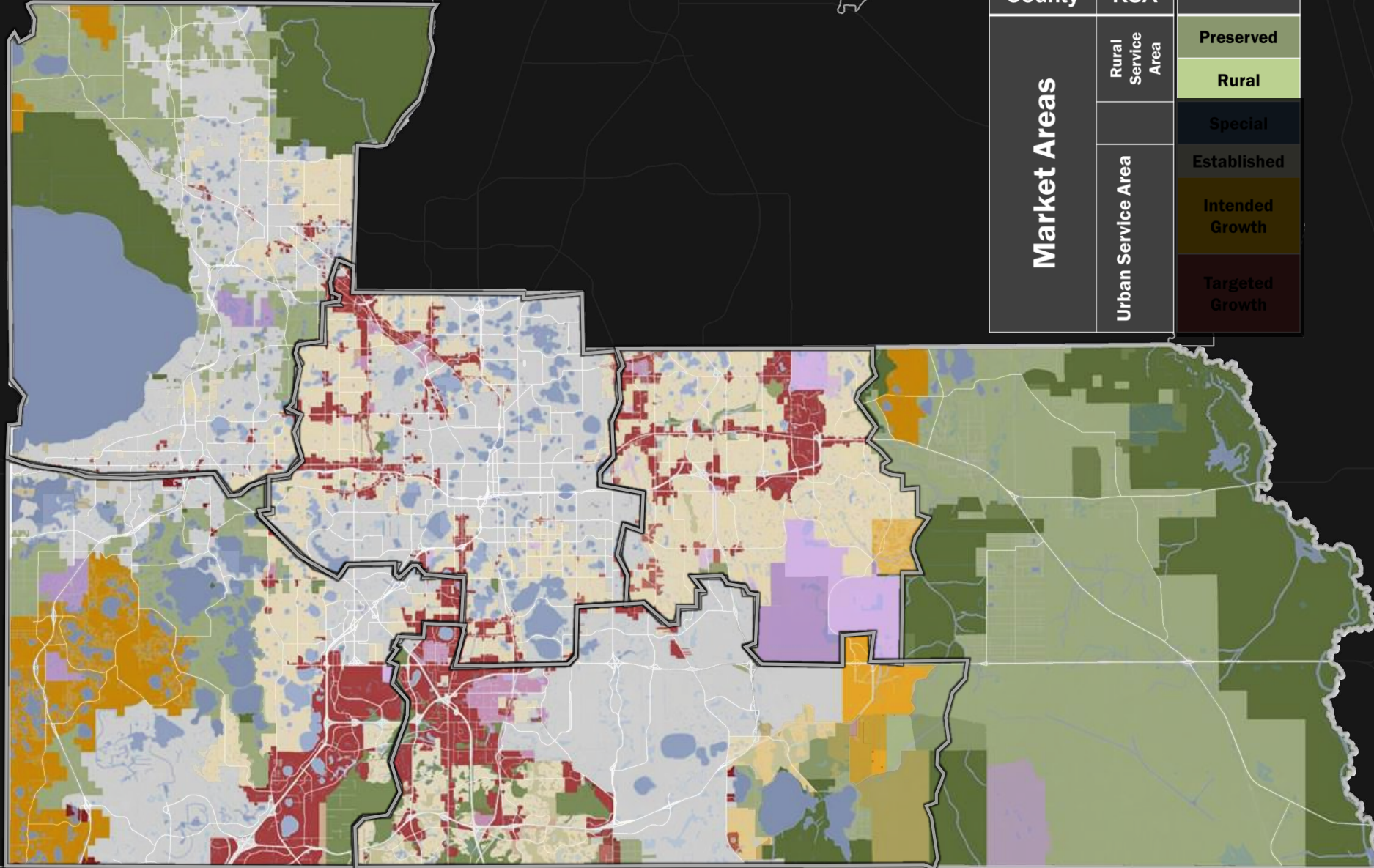
**Sectors**



**Designates whether it is the County's policy that a general area should develop, redevelop, or stay largely unchanged within the expected planning horizon**

# PLANNING SECTORS

## PLANNING SECTORS



Orange County	USA/ RSA	Sector
<b>Market Areas</b>	Rural Service Area	Preserved
		Rural
	Urban Service Area	Special
		Established
		Intended Growth
		Targeted Growth



# PLANNING SECTORS

## LMN 1.4.2 - RURAL SECTOR

The Rural Sector is applied to lands within the Rural Service Area, where agricultural activities, large lot rural development, and very limited development may occur

Specifically, clustered development that complements the rural character may occur within existing Rural Settlements or in designated Rural Clusters located in the Northwest Market Area only where, large amounts of natural open space or agricultural lands are protected and/or preserved

The primary objective is to protect and maintain long-term agricultural activities, environmental quality, and rural character within the Rural Service Area

## STRATEGIES

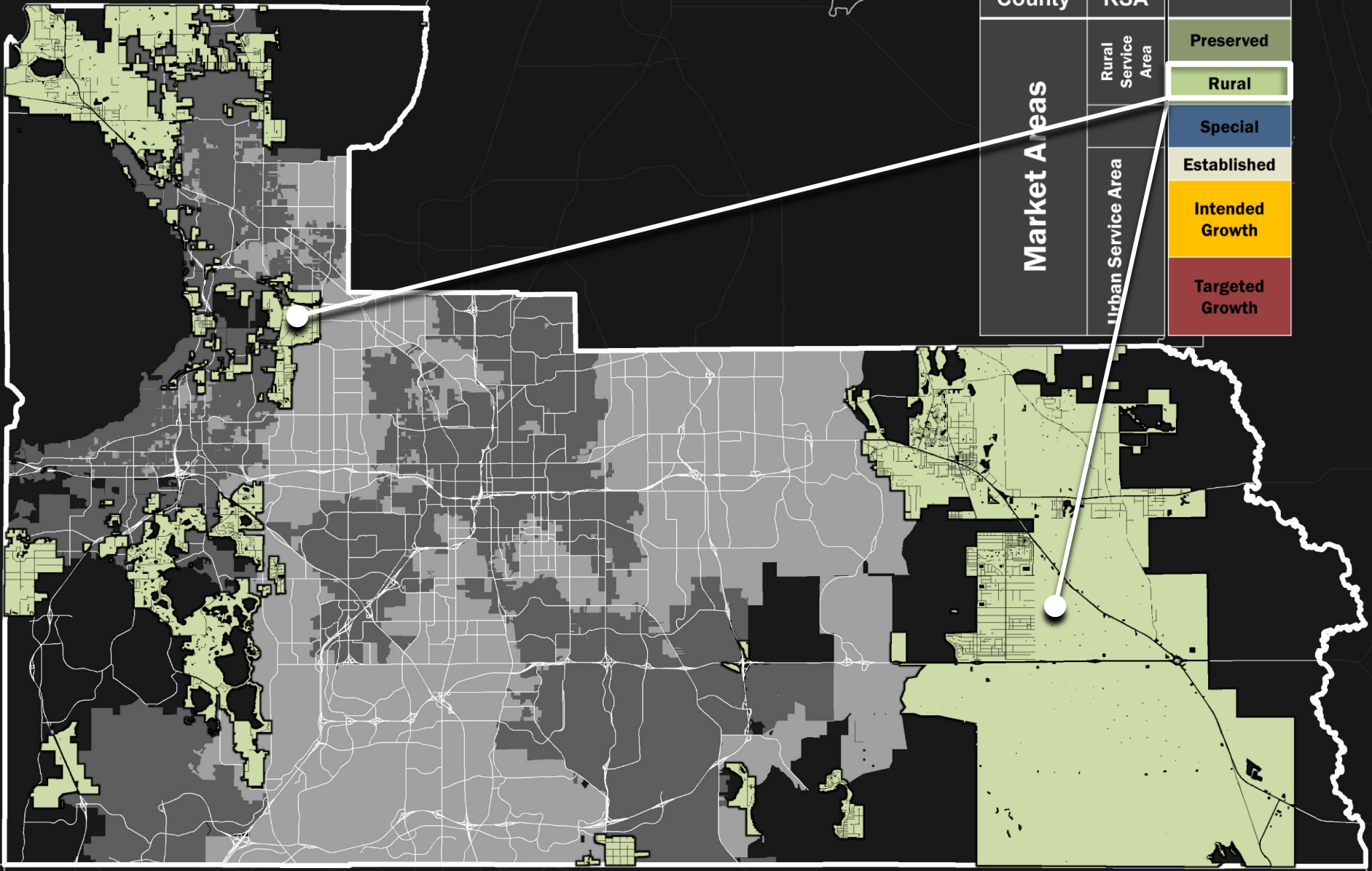
- 1 GROW
- 2 TRANSFORM
- 3 EVOLVE
- 4 MAINTAIN**





# VISION 2050 - FRAMEWORK

## Rural Sector – Overview



Orange County	USA/ RSA	Sector
Market Areas	Rural Service Area	Preserved
		<b>Rural</b>
	Urban Service Area	Special
		Established
		Intended Growth
		Targeted Growth





# PLANNING SECTORS

## LMN 1.4.2 - *PRESERVED* SECTOR

The Preserved Sector is applied to environmentally-sensitive publicly or privately-owned lands that have been preserved or conserved for environmental protection

Located primarily in the Rural Service Area, these areas are protected from development in perpetuity. The primary objective is to maintain its natural character

## STRATEGIES

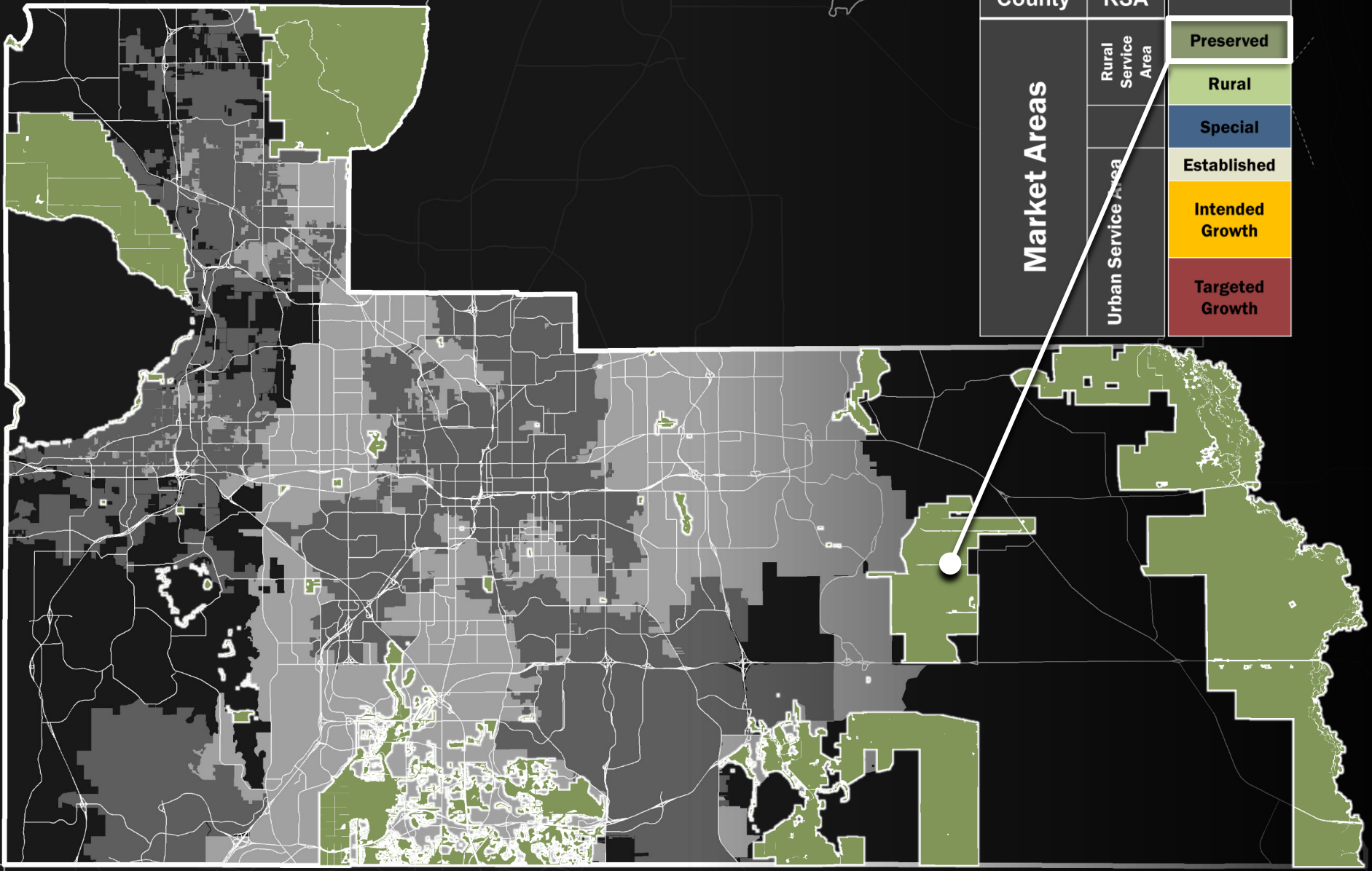
- 1 GROW
- 2 TRANSFORM
- 3 EVOLVE
- 4 MAINTAIN**





# VISION 2050 - FRAMEWORK

## Preserved Sector - Overview

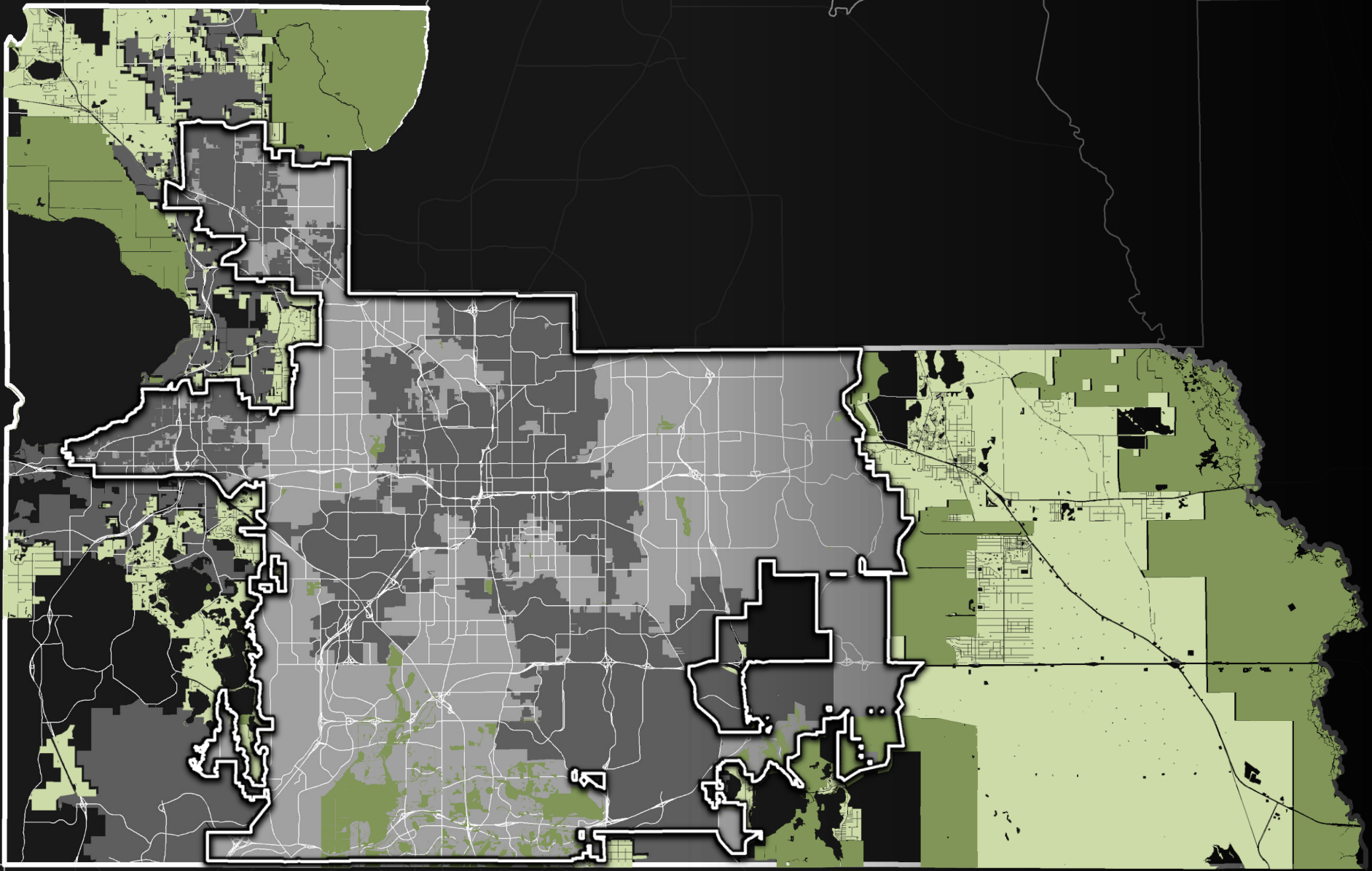


Orange County	USA/ RSA	Sector
Market Areas	Rural Service Area	Preserved
		Rural
	Urban Service Area	Special
		Established
		Intended Growth
		Targeted Growth



# VISION 2050 - FRAMEWORK

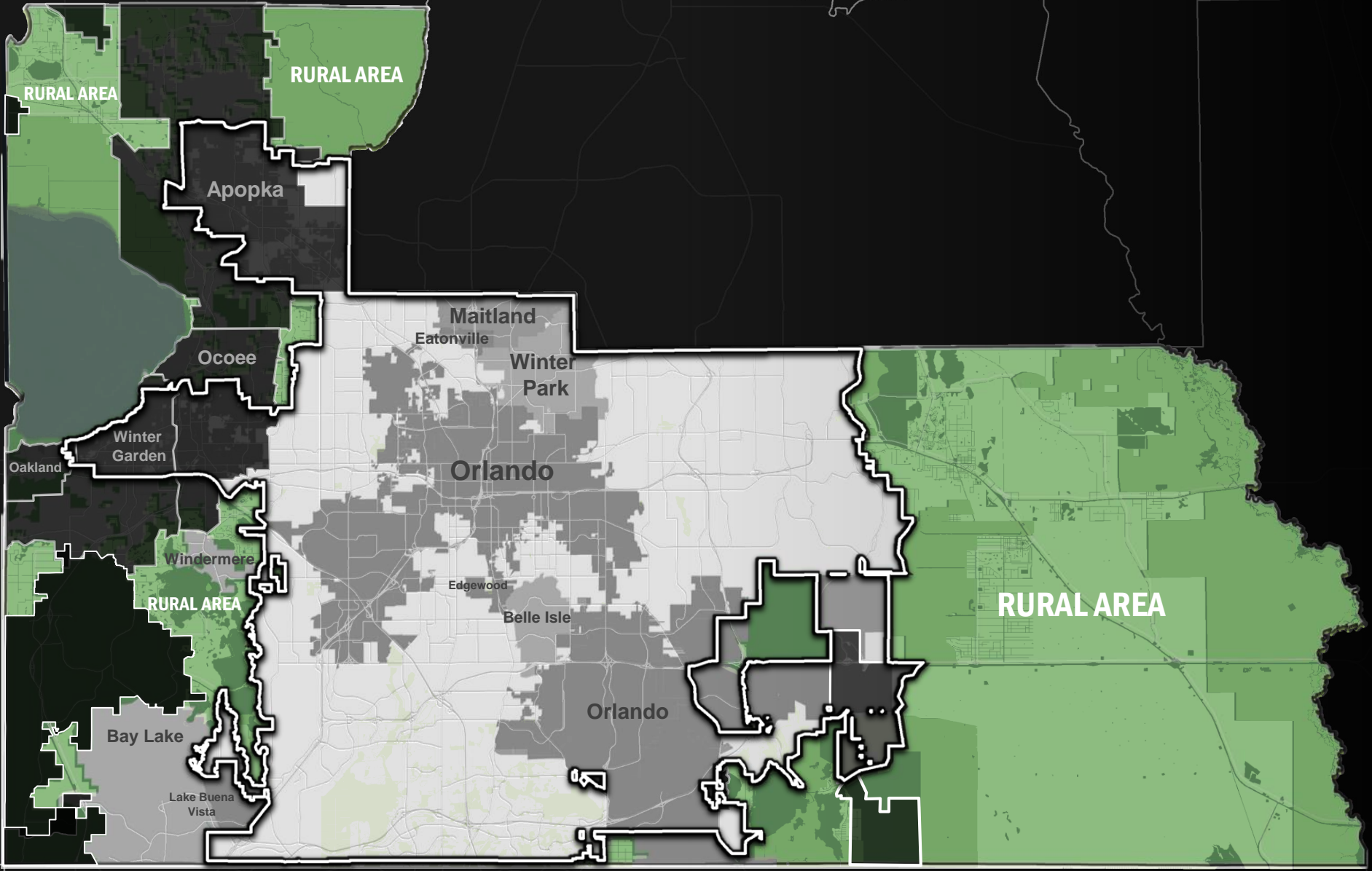
*Rural Area*





# VISION 2050 - FRAMEWORK

## Rural Area





# Implications for the Comp. Plan and Code

## County's Transmitted Vision 2050 Comp. Plan

- The USA/RSA boundary and definition does not change significantly in Vision 2050 except along the Boggy Creek USA Expansion Area
- Amendment 2022-2-B-FLUE-7
- Adopted by the BCC in 2023 (FLU 8.1.3.1) (FLU 8.1.5.2)
  - Created through an area wide small area study
  - Adopted Comprehensive Plan Policies for in infill conditions along the pre-determined USA expansion
  - Adopted Map 5a depicting the USA expansion area
  - Created the Orlando-Kissimmee Farms Rural Residential Enclave

**ORANGE COUNTY  
FLORIDA**

**VISION  
2050**

COMPREHENSIVE PLAN 2020-2050  
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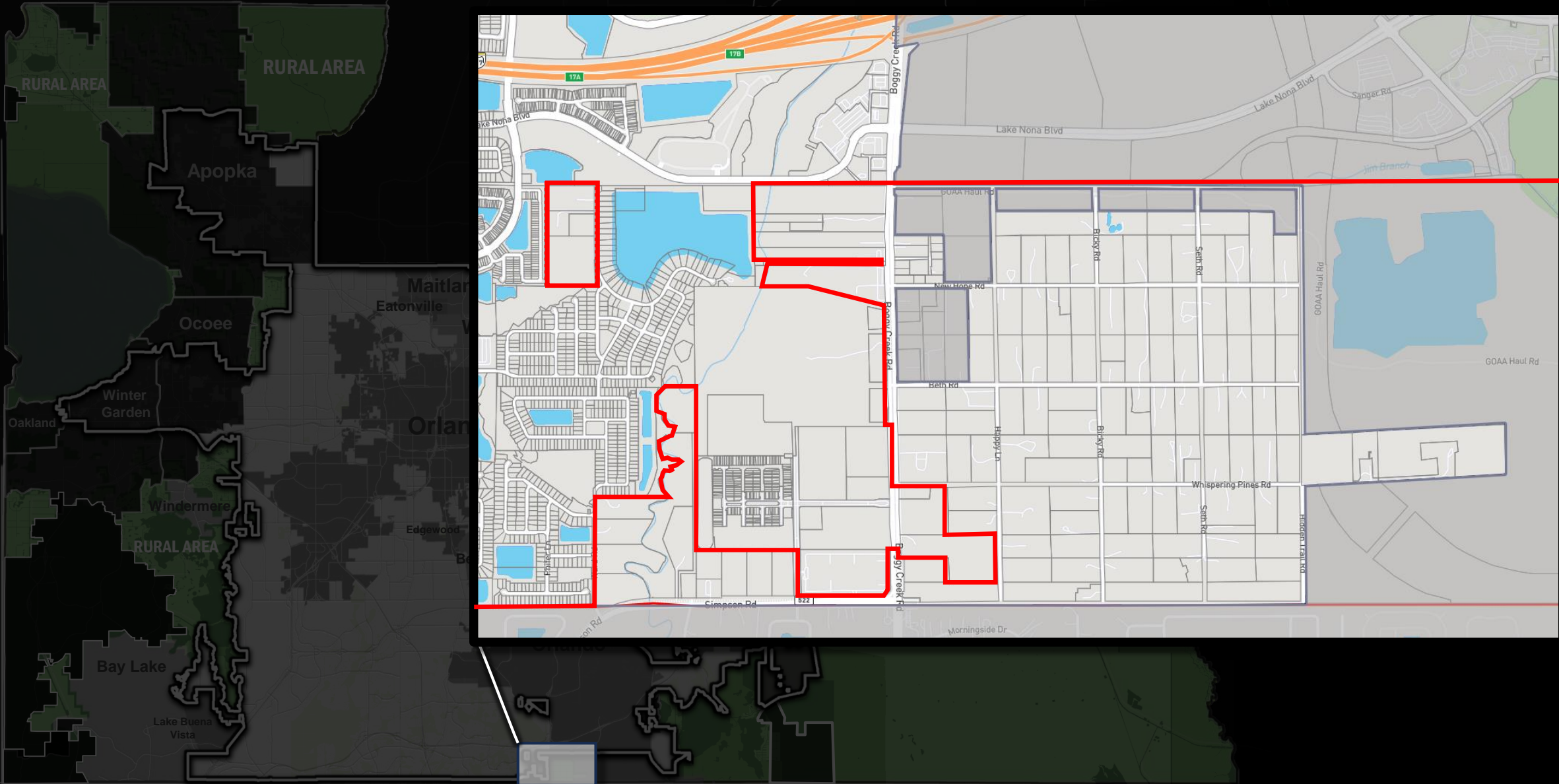
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ORANGE COUNTY PLANNING, ENVIRONMENTAL  
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# Boggy Creek USA Expansion Area

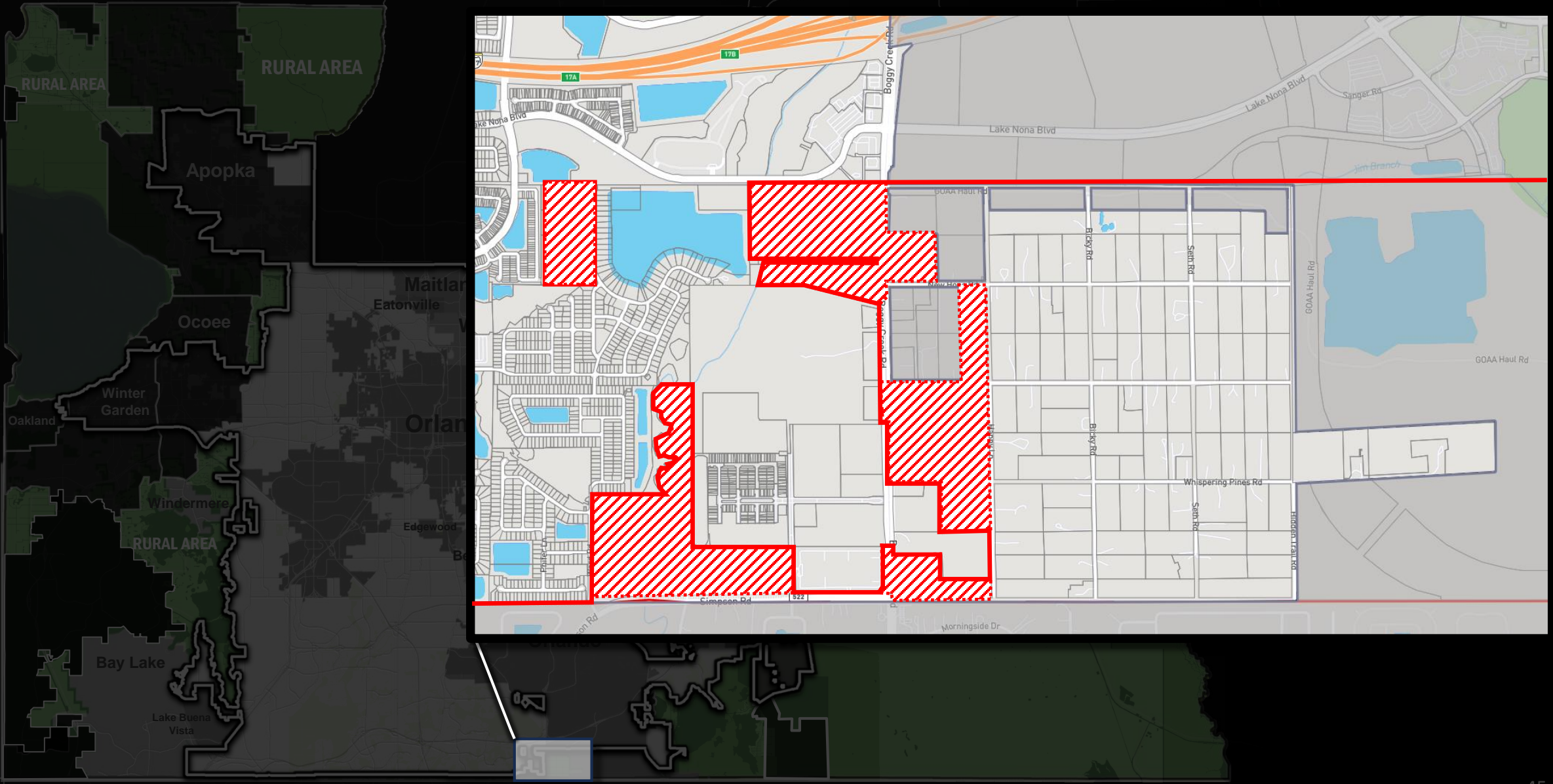
Urban Service Area Prior to Amendment 2022-2-B-FLUE-7





# Boggy Creek USA Expansion Area – Map 5-a

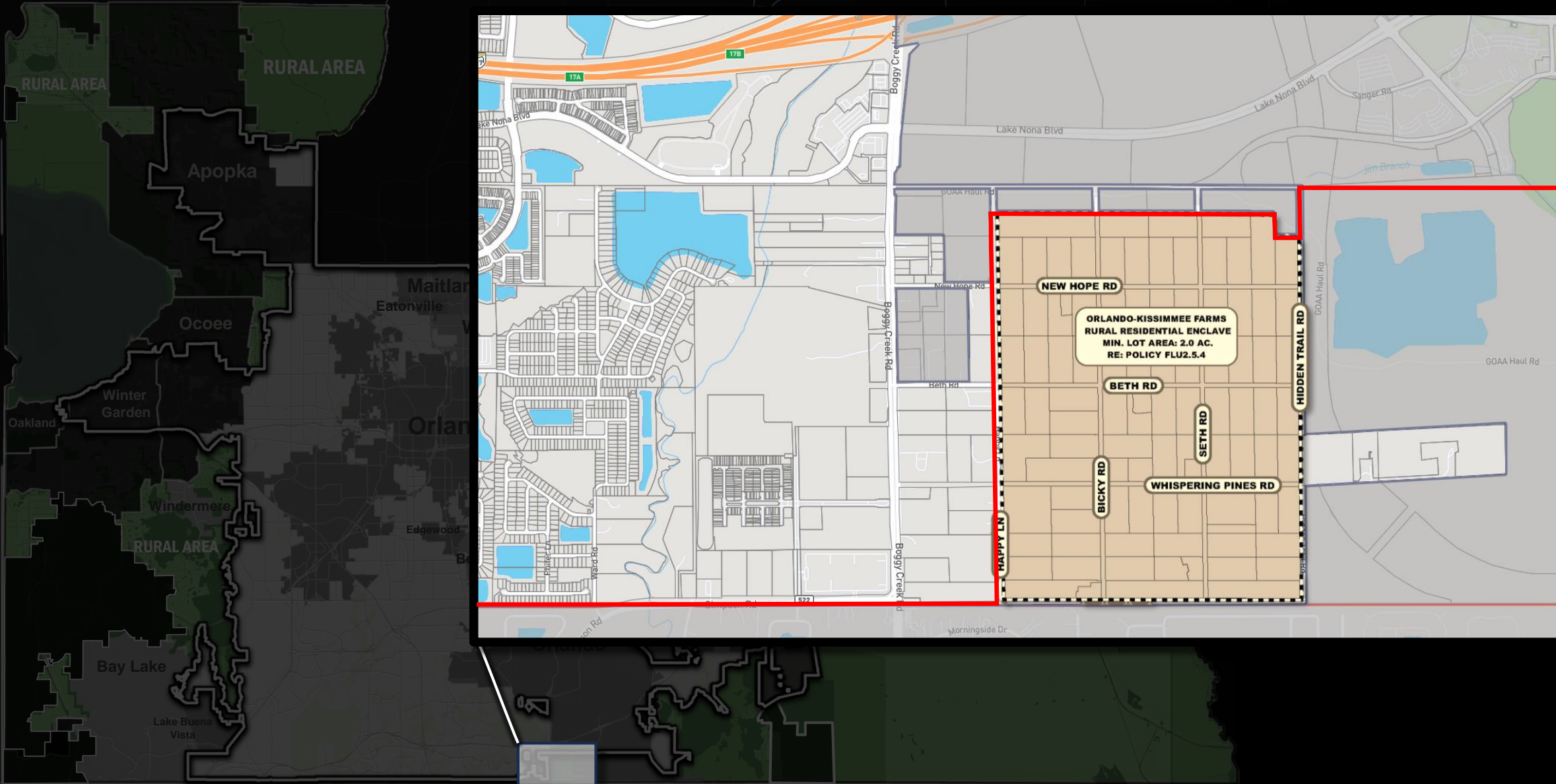
*Adopted Map 5-a in the Future Land Use Map Series*





# Boggy Creek USA Expansion Area – Vision 2050

Urban Service Area realignment with Vision 2050 – Orlando Kissimmee Farms Rural Residential Enclave





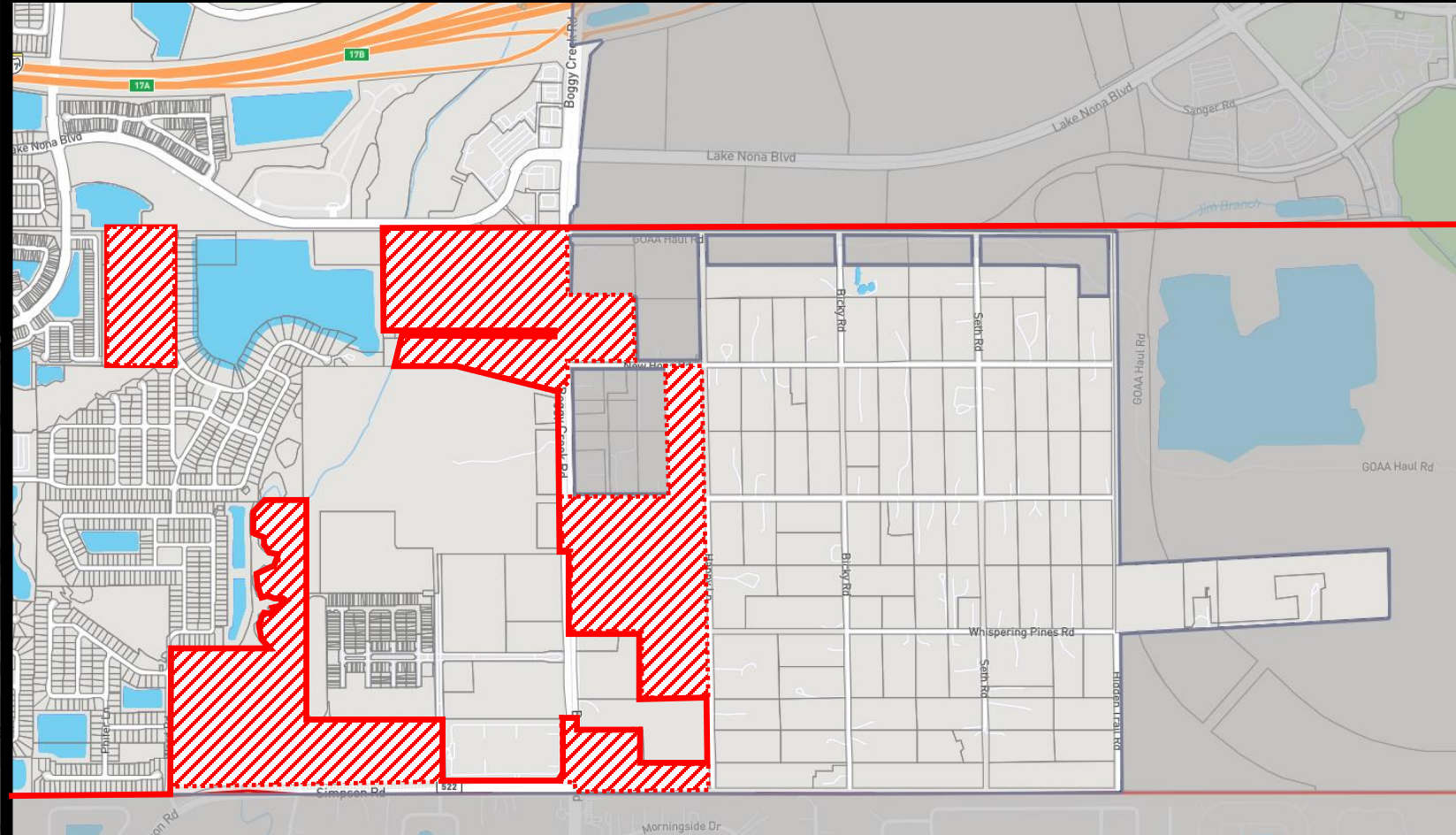


# Boggy Creek USA Expansion Area – Map 5-a

*Adopted Map 5-a in the Future Land Use Map Series*

- Establishment of Rural Area and Rural Boundary located outside of the following areas:

(6) Boggy Creek USA Expansion Area Map 5-a specified in the Orange County Comprehensive Plan





# Implications for the Comp. Plan and Code

## County's Transmitted Vision 2050 Comp. Plan

- The USA/RSA boundary and definition does not change significantly in Vision 2050 except along the Boggy Creek USA Expansion Area
- Proposed CRC definition of Rural Area doesn't cleanly align with proposed Rural Sectors of "Preserved" and "Rural" and associated Place Types
- Should a Rural Area proposal advance (either via the Charter Amendment or via a comprehensive plan amendment), the County would benefit from a comprehensive review of the Urban Service Area boundary

**ORANGE COUNTY  
FLORIDA**

**VISION**  
2050

COMPREHENSIVE PLAN 2020-2050  
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# Implications for the Comp. Plan and Code

## County's Code regarding amending its Comprehensive Plan

### ▪ Section 30-37 (b)

Any change, amendment, repeal or alteration of the comprehensive general plan shall be by ordinance proposed by the planning and zoning commission, subject to the approval of a majority of the members of the board of county commissioners. The ordinance shall refer expressly to the maps, descriptive materials, and other matters intended by the planning and zoning commission to form the whole or part of the plan. The action shall be recorded on the adopted plan or parts thereof by the identifying signature of the chairman of the planning and zoning commission, together with the date of such action, and a copy of the plan or part thereof shall be certified by the planning and zoning commission to the board of county commissioners for its approval.



# Implications for the Comp. Plan and Code

## Zoning in Progress

- Ordinance 2024-10 approved by the Board on May 21, 2024
- Section 3. Temporary Suspension of Certain Processes

Orange County hereby imposes a temporary suspension of six (6) months from the effective date of this Ordinance, unless rescinded sooner, in which the County will not process new applications for Comprehensive Plan text and map amendments, rezonings, and special exceptions. During this suspension, the County will not accept any new applications for any of the land development approvals as described herein. This will allow County staff time to thoroughly review, study, and prepare amendments for Vision 2050 and Orange Code

### ORDINANCE NO. 2024-10

AN ORDINANCE OF THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS PERTAINING TO LAND USE IN ORANGE COUNTY ENACTING A TEMPORARY SUSPENSION PROHIBITING THE PROCESSING OF CERTAIN COMPREHENSIVE PLAN TEXT AND MAP AMENDMENTS, REZONINGS, AND SPECIAL EXCEPTIONS TO ALLOW COUNTY STAFF TIME TO THOROUGHLY REVIEW, STUDY, AND PREPARE AMENDMENTS TO THE ORANGE COUNTY COMPREHENSIVE PLAN (“VISION 2050”) AND THE ORANGE COUNTY LAND DEVELOPMENT CODE (“ORANGE CODE”); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 1(g), Florida Constitution; Section 125.01, Florida Statutes; and the Orange County Charter, the Orange County Board of County Commissioners (the “Board”) is authorized to enact ordinances not inconsistent with general law and to establish development and zoning regulations as are necessary for the protection of the public; and

WHEREAS, the Board determines that it is in the best interest of its residents, businesses and visitors to enact sufficient development and zoning regulations to ensure their health, safety and welfare; and

WHEREAS, Orange County (“County”) adopted its original Land Development Code in 1957 and its original Comprehensive Plan in 1991; and

WHEREAS, the Land Development Code and Comprehensive Plan guide the decision-making by setting policies for future land use, mobility, and public services and have since been amended to reflect the growth and changing dynamics of the area; and

WHEREAS, the Board supported the initiation and development of Orange Code (“Code”), which prompted various County Departments to study, review, and provide amendments to portions of existing Orange County Code that will result in new land development regulations that focus on placemaking standards and context-based regulations; and

WHEREAS, following a public hearing on July 25, 2023, the Board approved transmittal of Amendment 2023-1-C-CP-1, Vision 2050: Orange County Comprehensive Plan (“Vision



# Implications for the Comp. Plan and Code

## Parallel Path of Amending Comprehensive Plan and/or Code

- Zoning in Progress ordinance and planned timing of Vision 2050 adoption precludes amending our adopted Comprehensive Plan and Code to incorporate the CRC's recommendation (#1 and #2)
- Staff believes the Vision 2050 adoption package could be prepared to incorporate the CRC's definition of Rural Area (#1)
- Ordinances amending Orange County Code could include an amendment to Section 30-37. b) to incorporate the majority plus one vote requirements for amendments to the Rural Area as part of the Orange Code adoption package (#2)



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# Legal Aspects of the Charter Amendment

53

## ▪ Ordinance on Proposed Amendment to Charter

- Article VII, Section 701 authorizes the board to propose amendments to the Charter subject to referendum at any primary, general or special election
- Referendum is called for November 5, 2024, to determine whether the Rural Area and Rural Boundary Charter amendment is approved by voters
- Notice of the referendum will be published as required by Sec. 100.342, Florida Statutes



# Legal Aspects of the Charter Amendment

- **Ordinance on Proposed Amendment to Charter (cont'd)**
  - **The Ballot Title and the Ballot Summary will be translated into Spanish**
  - **The Board authorizes the payment of lawful expenses associated with conducting the referendum**
  - **Ordinance becomes effective when filed with Florida Secretary of State**
  - **Charter amendment takes effect upon the date of canvassing board certification approval by the voters**





# Legal Aspects of the Charter Amendment

**Ballot Proposal from Charter Review Commission as Revised**

**Ballot Proposal:** The ballot title and ballot summary for this question are as follows:

**ORANGE COUNTY CHARTER  
AMENDMENT ESTABLISHING  
RURAL BOUNDARY AND RURAL  
AREA (“AREA)**

Establishing a Rural Area (unincorporated lands located outside the County’s Urban Service Area, municipal joint planning areas, Growth Centers, Innovation Way Overlay, and Horizon West Villages on the effective date) where County comprehensive plan amendments increasing density or intensity, and ordinances removing lands from the Area, must be approved by majority-plus-one **vote of the entire membership of the** County Commission-~~vote~~.

\_\_\_ Yes  
\_\_\_ No



# Legal Aspects of the Charter Amendment

## Ballot Proposal from Charter Review Commission as Revised

**Text Revisions:** Upon approval of this question at referendum, the following portions of the Orange County Charter are amended to read as follows:

### **Sec. 506. - Rural Boundary and Rural Area.**

**A. *Establishment of Rural Area and Rural Boundary.*** There is hereby established a Rural Area, initially consisting of all lands lying in the unincorporated County as of the effective date of this section that are located outside of the following areas as of the effective date of this section: (1) the Urban Service Area specified in the Orange County comprehensive plan; (2) municipal joint planning areas adopted by joint planning agreement or interlocal agreement; (3) Growth Centers specified in the Orange County comprehensive plan; (4) the Innovation Way Overlay specified in the Orange County comprehensive plan; and (5) the Horizon West Villages specified in the Orange County comprehensive plan. There is hereby established a Rural Boundary, consisting of the boundary lines of the Rural Area as **more delineated on that certain map titled Rural Boundary and dated \_\_\_\_\_, 2024.**



# Legal Aspects of the Charter Amendment

## B. *Legal Effect of Rural Area.*

- (1) After the effective date of this section, any ordinance amending the Orange County comprehensive plan that increases allowable density or intensity within the Rural Area or any portion thereof, may be approved only by an affirmative vote of not less than a majority plus one of the entire membership of the board.
  
- (2) After the effective date of this section, the board of county commissioners may remove lands from the Rural Area only by ordinance approved by an affirmative vote of not less than a majority plus one of the entire membership of the board.

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



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- Implications for the Comprehensive Plan and Code
- Legal Aspects of the Charter Amendment
- **Next Steps and Board Direction**



# Next Steps and Board Direction

## ▪ Timeline:

**June 4:** Commissioner Report

**June 18:** **Work Session #1 - Findings/BCC Direction**

**July 9:** Work Session #2 - Ordinance

**July 30:** Public Hearing - Ordinance



# Next Steps and Board Direction

## ▪ Board Direction:

- Is the Board comfortable with the CRC’s definition of the Rural Area?  
*(generally consistent with Vision 2050 and minimize municipal conflicts)*
- Should staff move forward with incorporating this definition of the Rural Area into the Vision 2050 adoption package and preparing an amendment to Sec. 30-37 (b) to bring forward as part of Orange Code adoption package?
- or
- Should we wait until after the November 5<sup>th</sup> vote to transmit the Rural Area Comp Plan and LDC Amendments to the State?
- Should staff advertise the draft ordinance for a Public Hearing on July 9, 2024?