

BCC Mtg. Date: August 13, 2024

Effective Date: August 19, 2024;
except Section 1 which shall
take effect only if and when
approved by a majority of the
voters voting in the referendum
called by the Board of County
Commissioners of Orange
County, Florida in Section 2 to
be held on November 5, 2024

ORDINANCE NO. 2024-23

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA SUBMITTING TO REFERENDUM A PROPOSED AMENDMENT TO THE CHARTER OF ORANGE COUNTY, FLORIDA; PROVIDING FOR AN EXCLUSIVE METHOD OF MUNICIPAL VOLUNTARY ANNEXATION; PROVIDING FOR PREEMPTORY LAND USE REGULATION; CALLING A REFERENDUM ON THE PROPOSED CHARTER AMENDMENT; PROVIDING THE BALLOT TITLE AND BALLOT SUMMARY FOR THE REFERENDUM; CONDITIONING THE EFFECTIVENESS OF THE CHARTER AMENDMENT ON VOTER APPROVAL AT THE REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE.

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

Section 1. Charter Amendment. Section 504 of the Orange County Charter is created
to read:

Sec. 504 . – Exclusive Method for Voluntary Annexations

A. JOINT PLANNING AREA AGREEMENTS: The exclusive method of voluntary annexation is inapplicable in municipal joint planning areas adopted with the County by joint planning agreement or interlocal agreement; sections B and C do not apply.

B. PROCESS FOR REVIEW: After the effective date of this section, any voluntary annexation must be approved by an affirmative vote of not less than a majority plus one vote of the entire membership of the board of county commissioners at a public hearing. Approval or denial shall be at the sole and absolute discretion of the board. However, the board may consider consistency with the county comprehensive plan, infrastructure impacts, whether the annexation is compact, contiguous and will not result in the creation of enclaves, whether an interlocal agreement

has been proffered or executed, and whether the property is located within or outside the urban service area. The annexing municipality shall provide notice to the county 10-days prior its first scheduled public hearing. The board of county commissioners shall hear the annexation request following the first public hearing by the municipality. The annexing municipality shall enter into an interlocal agreement with the county detailing the provision of essential public services, infrastructure maintenance, and future land use. A decision of the board of county commissioners may be appealed by a Party Affected to the circuit court within thirty (30) days of the public hearing. "Party affected" means any persons or firms owning property in, or residing in, either a municipality proposing annexation or contraction or owning property that is proposed for annexation to a municipality or any governmental unit with jurisdiction over such area. Notice shall be provided within a 600 foot radius of the subject area to be annexed if the subject property is 5-acres or less or a 2 mile radius of the subject area to be annexed if the subject property is more than 5-acres; by US Mail 14-days prior to the board of county commissioners public hearing. The cost of such notice shall be paid by the initiating individual or group.

C. LAND USE GOVERNING WITHIN RURAL AREAS: After the effective date of this section, the comprehensive plan and land development regulations of Orange County shall exclusively govern the development of lands in areas designated as rural beyond the urban service area, regardless of whether some or all of the lands lying within these areas are subsequently annexed or otherwise added into a municipality. Furthermore, the annexing municipality must enter into an interlocal agreement with the county, detailing the provision of essential public services, infrastructure maintenance, and future land use.

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

Section 2. Referendum Called. A referendum election is hereby called and ordered to be held in Orange County at the time of the next general election on November 5, 2024, to determine whether the Land Use Rural Areas and Voluntary Annexations charter amendment is approved by the voters.

Section 3. Notice of Referendum. Pursuant to Section 100.342, Florida Statutes, a Notice of Referendum shall be published twice in the *Orlando Sentinel*, a newspaper of general circulation in the County. The publications shall occur once in the fifth week and once in the third week prior to the week which includes November 5, 2024.

Section 4. Official Ballot. Ballots to be used in the referendum shall contain a statement of the description of the proposed issue in substantially the following form:

<p style="text-align: center;">Charter Amendment Establishing A Process For Voluntary Municipal Annexations And Land Use in Rural Areas</p> <p style="text-align: center;">Amend the County Charter to establish a process for voluntary municipal annexation and provide that the comprehensive plan and land development regulations of Orange County exclusively govern within rural areas 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>

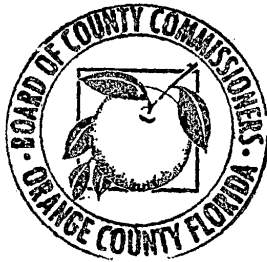
Section 5. Spanish Translation. The above ballot question shall additionally appear on the ballot in Spanish and the County Attorney and Supervisor of Elections are requested to authorize, and directed to prepare, an accurate Spanish translation to be included on the ballot.

Section 6. Payment of Referendum Expenses. The Board authorizes the payment of lawful expenses associated with conducting the referendum, as well as the cost of providing information as permitted by Section 106.113, Florida Statutes. The Orange County Comptroller is hereby authorized and directed to disburse the funds necessary to pay such expenses.

Section 7. Severability. If any section, subsection, sentence, clause, or provision of this ordinance or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect any other provision or application of this ordinance, and to this end the provisions of this ordinance are declared severable.

Section 8. Effective Date. This ordinance shall take effect pursuant to general law. However, Section 1 of this ordinance, Charter Amendment, shall take effect only if and when approved by a majority of the voters voting in the referendum called by the Board of County Commissioners of Orange County, Florida in Section 2 of this ordinance.

ADOPTED THIS 13 DAY OF August, 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 Ann-Kline
Deputy Clerk