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Insights

Proposed Charter Changes Threaten Orange County's Economic Future

Article
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A subcommittee of the Orange County Charter Review Committee has recommended significant changes to the Orange County Charter which, if implemented will have long term negative impacts on Orange County. Essentially, these provisions require the approval by 6 of the 7 members of the County Commission in order to modify the Rural Boundary. Inside the Urban Boundary, you have a wide range of land uses and densities. For example, a typical urban residential density might be 4 dwelling units per acre. Inside the Rural Boundary, there are more limited types of uses and a typical rural residential density might be 1 unit per 10 acres.

Moreover, the provision goes on to say that if a City wishes to expand its territory by annexing land that is contiguous to the City in compliance with the state annexation laws, then the land use in the County prior to acquisition would control the development of that land and not the City to which it has been annexed.

As to the Cities in Orange County, that modification will, as practical matter, have a chilling effect on all annexations. The reality of annexation is that in almost all cases, property owners seek annexation to secure urban densities on the property or secure utility services or both. Removing the ability to design an urban project in connection with an annexation will thwart the will and destiny of all the Cities in Orange County. Moreover, my opinion is that such a change in the County Charter would be declared illegal by the judicial system as inconsistent with the annexation laws of the State of Florida and the home rule powers of the individual Cities granted by the Florida Constitution.

As to the requirement for a vote of 6 out of 7 of the members of the County Commission to modify the Rural Boundary, that will have an economic impact on the vitality of Orange County forever. Modifying the Rural Boundary has always been controversial and engenders a wide and varied debate amongst elected officials and the public. The Orange County Commission has managed these issues reasonably well over the years, sometimes approving and sometimes denying the efforts of various

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property owners and developers. That is as it should be. And the voting authority should remain a majority and not some form of uber/extra super majority vote.

What could well transpire in terms of the actual operations of the Orange County Commission is that the leadership in some districts, who may feel that they are answerable only to the voters of their district, may in the future deal with land use issues in a myopic fashion and not take into consideration the impact of their decisions on the County as a whole. Let me give you an example of a historic decision and a recent situation in order to explain.

Disney World was considered in the late 60's by the Orange County Commission. Had the approach to approval been burdened by the proposed modification of the Charter, it is quite possible that Orange County would look quite different today because had this Charter amendment been in place then, the will of two commissioner to appease their districts could have resulted in a totally different result than what has occurred. Think about it, almost all land use decisions of significance have an effect on the district in which the property is located, as well as one or more adjacent districts. Some individual district commissioners in the future may see their role as only looking out for their district, but they are elected to office to make decisions that can impact the entire County.

Take a more recent example. Several years ago, Amazon was looking to establish a major eastern campus and while that circumstance ultimately didn't happen, why would they even look at Orange County as a possible home when the path to success could easily have been thwarted by the vote of two Commissioners?

I know many of the members of the Charter Review Commission and the Orange County Commission and these are good people and they are smart and are trying to do a good job. However, there are many people in the community that may not have that vision and don't fully understand the long-term ramifications of the type of recommendations that have been proposed. They just don't look at things with the perspective that elected and appointed officials must have to do a proper job for the entire community. In that regard, the entire community needs to be treated equally in terms of these type of decisions without discriminating in the treatment of one area of the County different from another. To do so raises issue of fair play and due process.

Both proposed changes to the Charter bring to the fore the doctrine of unintended consequences. Anyone who understands land use matters and has observed land development over time will recognize that both proposed changes have a very high likelihood of limiting the expansion of housing and making it even more expensive to build housing products. Orange County has deemed the housing shortage to be a matter of compelling concern. Both these proposed changes will exacerbate the projected housing needs of the community for all forms of housing, whether affordable or not.

It is clear to me that adoption of this ill-conceived modification of the Charter will turn Orange County from the economic juggernaut it has now become into an economic wimp. I would urge the full membership of the Charter Review Commission to consider these proposals very carefully before they ask the Board of County Commissioners to put the proposed amendments on a ballot.

So, what should you do? Make your view known or seen, appearance at a hearing, by phone or by email. Decisions makers are influenced by people that appear before them. Small well-organized groups can make an outside impression on decision makers that is not representative of the majority of those in the district or in a county and their personal positions may not be what is best for the County as a whole. The next meeting of the Charter Review Commission is on March 18, 2024, at 6:00 p.m. at the Orange County Commission at 201 S. Rosalind Avenue, Orlando, FL. The email address of the Commission is Charter2024@occompt.com. Make your voice heard.