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Insights

Orange County Continues to Push Charter Amendments Pertaining to the Rural Boundary and Voluntary Annexations

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After the Charter amendments suggested by the Orange County Charter Review Committee discussed in "Proposed Charter Changes Threaten Orange County's Economic Future" were blocked by the Florida Legislature as discussed in "Florida Legislature Passes Bill to Limit Orange County's Proposed Rural Development Rules", the Orange County Board of County Commissioners (BCC) have taken on the initiative by proposing ordinances suggesting the same Charter amendments pertaining to establishment of a Rural Boundary and County approval of voluntary annexations of property located therein.

Rural Boundary

As currently drafted, proposed Ordinance 24-1068 establishes a definitive Rural Area and Rural Boundary as can be seen on the map included below:

Further, proposed Ordinance 24-1068 would require an affirmative vote of a majority of the Board of County Commissioners plus one vote to either: (i) approve a Comprehensive Plan Amendment that seeks to increase the allowable density or intensity of property located within the Rural Boundary; or (ii) remove property from the Rural Area.

Voluntary Annexation

As currently drafted, proposed Ordinance 24-1069 requires that all voluntary annexations, both inside and outside of the Rural Boundary, must be approved by an affirmative vote of a majority of the Board of County Commissioners plus one vote. The annexing municipality must also provide notice to Orange County 10 days prior to the first scheduled public hearing.

Importantly, the exclusive method of voluntary annexation provided in the proposed ordinance does not apply to municipalities that have a joint planning agreement with Orange County.

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Additionally, the Charter amendment also provides that Orange County will exclusively govern the development regulations of lands lying within the Rural Area even after they have been annexed into a neighboring municipality.

Municipalities' Response

The mayors of surrounding municipalities including the City of Apopka, Orlando, Maitland, Winter Garden, Windermere and others wrote a letter to Mayor Jerry Demings of Orange County expressing their concerns regarding the Charter Amendments. The municipalities explicitly expressed worries regarding home rule rights of constituents and provided the following statement:

"Driving growth away from the Central Florida urban core and impacting the efforts of each of our municipalities would ultimately undermine statewide conservation goals and further aggravate the serious undersupply of housing and other needs in our region."

The Rural Boundary Charter amendment is going before the Orange County Board of County Commissioners on July 30, 2024. Also on July 30, 2024, there will be a work session for the voluntary annexation Charter amendment which is currently scheduled to be voted on by the Board on August 13, 2024.

The BCC will take action on the Rural Boundary amendment on July 30, 2024, with a subsequent vote on the voluntary annexation amendment set for August 13, 2024. If approved, these referendums will be on the November 5, 2024, ballot.