



Palm Beach County Annexation Summary

Exclusive Method of Voluntary Annexation Charter Amendment

On August 17, 2004, the Board of County Commissioners approved Ordinance 2004-021 to allow the residents of Palm Beach County to vote on a proposed charter amendment to authorize an exclusive method of voluntary annexation including the designation of an Unincorporated Protection Area and Unincorporated Rural Neighborhoods. Chapter 171.044(4), F.S., provides authority for a charter county to provide for an exclusive method of voluntary annexation in its charter. The amendment was placed on the November 2, 2004 general election ballot, and was approved by the electors of the County. The following language was added to the charter pursuant to the election, and the effective date per the ordinance was January 1, 2005.

Voluntary Annexation by Municipalities

"Nothing in this Charter shall prevent a municipality from annexing an unincorporated area into its municipal boundaries, except that all voluntary annexations shall be in accordance with the exclusive method for voluntary municipal annexation established by ordinance of the Board of County Commissioners, including the designation of an Unincorporated Protection Area and designation of Unincorporated Rural Neighborhoods. Voluntary annexation in an Unincorporated Protection Area requires approval by an affirmative vote of at least five members of the Board of County Commissioners. Voluntary annexation in an Unincorporated Rural Neighborhood requires approval by an affirmative vote of at least five members of the Board of County Commissioners and a majority of the registered electors residing within the boundaries of the Unincorporated Rural Neighborhood voting on the question. All voluntary annexations shall require prior notice to the County as established by ordinance.

For voluntary annexations outside the unincorporated protection area, the ordinance regulating such annexations shall be no more restrictive than the general law regarding the substantive requirements for such annexations. The Unincorporated Protection Area is defined as all unincorporated lands located outside the urban service area established in the Palm Beach County Comprehensive Plan. Areas eligible to be designated by ordinance as Unincorporated Rural Neighborhoods must be located in the Unincorporated Protection Area and are limited to recorded subdivisions and antiquated subdivisions as defined in the Comprehensive Plan located in the Exurban or Rural Tiers of the Palm Beach County Comprehensive Plan and other residential neighborhoods located in the Exurban and Rural Tiers with at least 25 dwelling units as of the effective date of this charter amendment."

Exclusive Method of Voluntary Annexation Charter Amendment Implementing Ordinance

On April 19, 2005, the Board of County Commissioners adopted Ordinance 2005-006 to implement the annexation charter amendment approved in November. Subsequently several municipalities challenged the legality of the charter amendment. Several provisions in the charter amendment were stricken by a circuit court in an order dated June 6, 2005, which were upheld by the Fourth District Court of Appeal in November 2006. The Florida Supreme Court denied review of the case in March 2007. On October 16, 2007, the Board repealed Ordinance 2005-006 in its entirety and replaced it with a new implementing ordinance. The provisions of the ordinance were approved, and became effective upon filing with the Department of State. In addition, the final "whereas" phrase states that the "ordinance shall be harmonized with the state law regarding voluntary annexation and that the state law shall control voluntary annexation except as specifically spelled out in this Ordinance and the Palm Beach County Charter." The pertinent sections of the newly proposed ordinance are provided below.

"Section 5. Notification to County"

1. Within ten (10) calendar days of receipt of a voluntary annexation petition that bears the signatures of all owners of property in the area proposed to be annexed, the annexing municipality shall submit a copy of the said petition to the County Administrator and the County Planning Director.
2. Not fewer than (10) days prior to publishing or posting the ordinance required under subsection 171.044(2), Florida Statutes, the governing body of the municipality must provide a copy of the notice, via certified mail, to the County Administrator and the County Planning Director. (This sub-section is nearly verbatim from Ch. 171.044, F.S.)
3. Failure to comply with the notice provisions of this section may be the basis for a cause of action invalidating the voluntary annexation. (This sub-section is nearly verbatim from Ch. 171.044, F.S.)

"Section 6. Procedure in Charter Regarding Voluntary Annexation By Municipalities"

Nothing in this Charter shall prevent a municipality from annexing an unincorporated area into its municipal boundaries except that:

- Voluntary annexation in an unincorporated protection area requires approval by an affirmative vote of at least 5 members of the board of county commissioners.
- Voluntary annexation in an unincorporated rural neighborhood requires approval by an affirmative vote of at least 5 members of the board of county commissioners and a majority of the registered electors residing within the boundaries of the unincorporated rural neighborhood voting on the question.
- All voluntary annexations shall require prior notice to the county as established by ordinance.
- The unincorporated protection area is defined as all unincorporated lands located outside of the urban service area established in the Palm Beach County Comprehensive Plan.

- Areas eligible to be designated by ordinance as unincorporated rural neighborhoods must be located in the unincorporated protection area and are limited to recorded subdivisions and antiquated subdivisions as defined in the Palm Beach County Comprehensive Plan located in the exurban or rural tiers of the Palm Beach County Comprehensive Plan and other residential neighborhoods located in the exurban and rural tiers with at least 25 dwelling units as of the effective date of this charter amendment.

“Section 7. Designation of Unincorporated Rural Neighborhoods”

1. Areas Eligible for Designation as Unincorporated Rural Neighborhoods are recorded subdivisions and antiquated subdivisions as defined in the Palm Beach County Comprehensive Plan located in the exurban or rural tiers of the Palm Beach County Comprehensive Plan and other residential neighborhoods located in the exurban and rural tiers with at least 25 dwelling units as of January 1, 2005.
2. The following communities are designated Unincorporated Rural Neighborhoods: Palm Beach Country Estates, Caloosa, Jupiter Farms, Stonewal Estates (AKA- Bayhill Estates), The Acreage, Kramer’s U/R (AKA – Rustic Lakes), Deer Run, Sunny Urban Meadows, Fox Trail, Deer Run Plat 2, Las Flores Ranchos, Entrada Acres, Mandell, Santa Rosa Groves, Tall Pine Acres U/R, Waite Sub U/R, Canal Pine Acres, Dellwood Estates, White Fence Estates, Homeland, Indian Lakes Estates, Oak Wood Lands.
3. A map identifying the locations of the Unincorporated Rural Neighborhoods is attached to this Ordinance as Exhibit 1.
4. Descriptions of the locations of the Unincorporated Rural Neighborhoods are attached to this ordinance as Exhibit 2.”

Charter Amendment Adopted Implementing Ordinance

[Adopted Implementing Ordinance](#)

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