



Interoffice Memorandum

DATE: October 26, 2021 / Revised November 8, 2021

TO: Katie A. Smith, Deputy Clerk of the Board of County Commissioners, County Comptroller's Office

THROUGH: Cheryl Gillespie, Supervisor, Agenda Development Office

FROM: Christopher Testerman, AICP, Deputy County Administrator 

CONTACT PERSON: **Misty Mills**
Planner III
(407) 836-5570 or misty.mills@ocfl.net

SUBJECT: Second Amendment to the Joint Planning Area (JPA) Agreement between Orange County and the City of Ocoee

Applicant: N/A

Type of Hearing: Joint Planning Area (JPA) Agreement

Commission District: 1

BCC Public Hearing Required by: N/A, however, JPA requires a public hearing

Clerk's Advertising Requirements: At least 10 days before the BCC public hearing date, a regular enactment advertisement in *The Orlando Sentinel* in compliance with Florida Statutes No. 125.66(4)(b)(2)

Spanish Contact Person: IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, CONTACT THE ORANGE COUNTY PLANNING DIVISION: Email: planning@ocfl.net or phone, 407-836-5600

PARA MÁS INFORMACIÓN, REFERENTE A ESTA VISTA PUBLICA CON RESPECTO A UNA AUDENCIA PUBLICA SOBRE PROPIEDAD EN SU AREAVECINDAD, FAVOR COMUNICARSE CON LA DIVISIÓN DE PLANIFICACION, AL NUMERO, 407-836-5600

Material Provided:

- (1) Advertising Language
- (2) Proposed second amendment to the Joint Planning Area (JPA) Interlocal Agreement between Orange County and the City of Ocoee

Special instructions to the Clerk:

- (1) Please schedule this public hearing for November 30, 2021.
 - (2) The Deputy County Administrator will submit two originals already executed by the City of Ocoee's to the Clerk's office. Please transmit both fully executed originals to the Planning Division upon approval.
- c: Chris R. Testerman, AICP, Deputy County Administrator
Jon V. Weiss, Director, Planning, Environmental, and Development Services Department
Alberto Vargas, March, Manager, Planning Division
Gregory Golgowski, Chief Planner, Planning Division

**ORANGE COUNTY
NOTICE OF PUBLIC HEARING**

The Orange County Board of County Commissioners (BCC) will conduct a public hearing on **Tuesday, November 30, 2021 at 2:00 P.M.**, or as soon thereafter as possible, in the County Commission Chambers, First Floor, County Administration Center, 201 South Rosalind Avenue, Orlando, Florida, regarding the following proposed matter:

Consideration: Second Amendment to the Joint Planning Area (JPA) Agreement between Orange County and the City of Ocoee.

You may examine the notice and the proposed plan at the office of the Comptroller Clerk of the Board of County Commissioners, 201 South Rosalind Avenue, Fourth Floor, Orlando, Florida, between 8:00 a.m. and 5:00 p.m., Monday through Friday.

IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, PLEASE CONTACT THE ORANGE COUNTY PLANNING DIVISION, 407-836-5600, Email: planning@ocfl.net

PARA MÁS INFORMACION, REFERENTE A ESTA VISTA PUBLICA CON RESPECTO UNA AUDENCIA PUBLICA SOBRE PROPIEDAD EN SU AREA/VECINIDAD, FAVOR COMUNICARSE CON LA DIVISION DE PLANIFICACION, AL NUMERO, 407-836-5600.

If you wish to appeal any decision made by the Board of County Commissioners at this meeting you will need a record of the proceedings. You should ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you require special accommodations under the Americans with Disabilities Act of 1990, please call 407-836-5631 no later than two business days prior to the hearing for assistance. Si usted requiere ayuda especial bajo la ley de Americanos con Incapacidades de 1990, por favor llame al 407-836-3111.

Phil Diamond, County Comptroller
As Clerk of the Board of County Commissioners
Orange County, Florida

Publish: **November 14, 2021**, the Orlando Sentinel {Legal Classified or Public Record}
Certify: **Second Amendment to the Joint Planning Area Agreement between Orange County and the City of Ocoee**

C: all Board Members' Offices (email)

County Attorney's Office, BCC (Gail Stanford email)

Joel Prinsell, County Attorney's Office, BCC (email)

Chris Testerman, Deputy County Administrator, BCC (email)

Jon V. Weiss, Planning, Environmental Development Services Department BCC (email)

Alberto Vargas, Planning Division, BCC (email)

Gregory Golgowski, Planning Division, BCC (email)

Eric Raasch, Planning Division, BCC (email)

Sue Watson, Planning Division, BCC (email)

Misty Mills, Planning Division, BCC (email)

Cheryl Gillespie, Agenda Development, BCC (email)

Mike Seif, Orange TV, BCC (email)

**SECOND AMENDMENT TO JOINT PLANNING AREA AGREEMENT
BETWEEN ORANGE COUNTY AND THE CITY OF OCOEE**

THIS SECOND AMENDMENT TO JOINT PLANNING AREA AGREEMENT (the “**Second Amendment**”) is made and entered into this ___ day of _____, 2021, by and between **ORANGE COUNTY, FLORIDA**, a political subdivision of the State of Florida (the “**County**”) and the **CITY OF OCOEE**, a Florida municipal corporation (the “**City**”).

RECITALS

WHEREAS, the County and the City have entered into that certain Joint Planning Area Agreement, dated December 3, 2019, as amended by that certain First Amendment to Joint Planning Area Agreement dated _____, 2021 (collectively, the “**Joint Planning Area Agreement**”); and

WHEREAS, the Joint Planning Area Agreement relates to property described therein which is located in and around the boundaries of the City (the “**Joint Planning Area**”); and

WHEREAS, the County and the City each exercise comprehensive planning authority pursuant to Chapter 163, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, and enforce land development regulations to regulate the development of land within the respective areas of jurisdiction of each party; and

WHEREAS, the County and the City have the authority to enter into this Second Amendment pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act in general and Section 163.3171, Florida Statutes, in particular; and

WHEREAS, the provisions of the Joint Planning Area Agreement set forth certain procedures for amending the future land use designations shown on the Joint Planning Area Land Use Map (the “**JPA Land Use Map**”); and

WHEREAS, The County and the City desire to change the future land use designation on certain properties that are subject to the Joint Planning Area Agreement; and

WHEREAS, the local planning agencies of both the County and the City have considered this Second Amendment and made recommendations to the Orange County Board of County Commissioners and the Ocoee City Commission, respectively; and

WHEREAS, pursuant to Section 163.3171(3), Florida Statutes, and the Joint Planning Area Agreement, this Second Amendment has been approved at advertised public hearings by a majority vote of both the Orange County Board of County Commissioners and the Ocoee City Commission.

NOW, THEREFORE, in consideration of the covenants made by each party to the other and of the mutual advantages to be realized by the parties hereto, the receipt and sufficiency of which is hereby acknowledged, the County and the City hereby agree as follows:

Section 1. Recitals. The above Recitals are true and correct and are incorporated herein by reference.

Section 2. Authority. This Second Amendment is entered into pursuant to (1) Chapters 125, 163 and 166, Florida Statutes, (2) the general authority of section 163.01, Florida Statutes, relating to interlocal agreements, (3) the Charters of the County and the City, and (4) the Joint Planning Area Agreement.

Section 3. Definitions. All terms and phrases used in this Second Amendment shall be as defined in the Joint Planning Area Agreement unless otherwise indicated.

Section 4. Joint Planning Area Land Use Map. The Joint Planning Area Land Use Map, as set forth in Exhibit "B" to the Joint Planning Area Agreement, is hereby amended and replaced with the **Exhibit "B"** attached hereto and by this reference made a part hereof. The amendment to the JPA Land Use Map changes the future land use designation from Professional Office/Services to Commercial of the properties bearing Parcel ID numbers 31-22-28-0000-00-012 and 31-22-28-0000-00-023 and as further identified in **Exhibit "A"** attached hereto and by this reference made a part hereof.

Section 5. Continuing Effect. Except as expressly set forth herein, the Joint Planning Area Agreement remains unchanged and in full force and effect.

IN WITNESS WHEREOF, the County and the City have executed this Second Amendment on behalf of the County and the City, respectively, and have set their seals hereto as of the date set forth above.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

Date: _____

ATTEST: Phil Diamond, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk

Date: _____

WITNESSES:

Kathy Heard
Name: Kathy Heard

Amber Landry
Name: Amber Landry

CITY OF OCOEE, a Florida municipal corporation

Rusty Johnson
By: Rusty Johnson
RUSTY JOHNSON
Mayor

Date: October 19, 2021

Melanie Sibbitt
Attest: Melanie Sibbitt
Melanie Sibbitt, City Clerk
Date: October 19, 2021

FOR USE AND RELIANCE ONLY BY THE CITY OF OCOEE, FLORIDA; APPROVED AS TO FORM AND LEGALITY this 19th day of Oct., 2021.

APPROVED BY THE OCOEE CITY COMMISSION AT A MEETING HELD ON October 19, 2021, UNDER AGENDA ITEM NO. 5b.

SHUFFIELD, LOWMAN & WILSON, P.A.

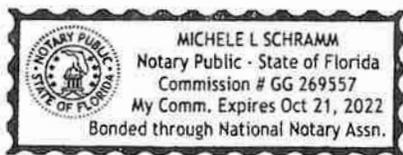
By: [Signature]
City Attorney

STATE FLORIDA
COUNTY OF ORANGE

I HEREBY CERTIFY that on this day, before me by means of physical presence or online notarization, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared RUSTY JOHNSON and MELANIE SIBBITT, personally known to me to be the Mayor and City Clerk, respectively, of the CITY OF OCOEE, a Florida municipal corporation, and that they severally acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in them by said municipality.

WITNESS my hand and official seal in the County and State last aforesaid this 19th day of October, 2021.

(seal)



M. Schramm
Signature of Notary

Michele Schramm
Name of Notary (type, printed or stamped)

My Commission expires on: _____

EXHIBIT "B"

