

Rick Scott  
GOVERNOR



Hunting F. Deutsch  
EXECUTIVE DIRECTOR

**FLORIDA DEPARTMENT *of*  
ECONOMIC OPPORTUNITY**

October 23, 2012

The Honorable Sanna Henderson, Mayor  
City of Leesburg  
501 West Meadow Street  
Leesburg, Florida 34749

Dear Mayor Henderson:

The State Land Planning Agency (the Agency) has completed its review of the City of Leesburg's proposed comprehensive plan amendment (Amendment 12-1ER) which was received and determined complete on August 24, 2012. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S. The review comments received by the Department from the appropriate reviewing agencies are enclosed.

The attached Objections, Recommendations and Comments Report (ORC) outlines our findings concerning the amendment. We have identified one objection and have provided a recommendation regarding measures that can be taken to address the objection. We are also providing a technical assistance comment consistent with Section 163.3168(3), F.S. The Agency's technical assistance comment will not form the basis of a challenge. Comments are offered as suggestions for strengthening a city's comprehensive plan in order to foster a vibrant, healthy community or are technical in nature and designed to ensure compliance with the provisions of Chapter 163, F.S.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Please note that Section 163.3184(4)(e)1, F.S., provides that if the second public hearing is not held and the amendment not adopted within 180 days of your receipt of agency comments, the amendment shall be deemed to have been withdrawn unless extended by agreement with notice to the state land planning agency and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment.

If you have any questions related to this review, please contact Caroline Knight, Planner, at (850) 717-8496, or by email at [caroline.knight@deo.myflorida.com](mailto:caroline.knight@deo.myflorida.com).

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive style with a large, stylized "M" and "D".

Mike McDaniel, Chief  
Bureau of Comprehensive Planning

MM/ck

Enclosures: Objections, Recommendations, and Comments Report  
Procedures for Adoption  
Agency Review Comments

cc: Mr. Bill Wiley, AICP, Community Development Director  
Mr. Hugh Harling, Executive Director, East Central Florida Regional Planning Council

**STATE LAND PLANNING AGENCY**  
**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT**  
**FOR**  
**THE CITY OF LEESBURG**  
**PROPOSED AMENDMENT 12-1ER**

October 23, 2012  
Division of Community Development  
Bureau of Comprehensive Planning

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

**CITY OF LEESBURG**

**PROPOSED COMPREHENSIVE PLAN AMENDMENT 12-1ER**

**I. Consistency with Chapter 163, Part II, Florida Statutes (F.S.)**

The Department has completed its review of the proposed Comprehensive Plan Amendment for the City of Leesburg. The amendment addresses the recommendations of the City's Evaluation and Appraisal Report adopted on May 17, 2010.

**The Department offers the following objection and comment for the proposed Evaluation and Appraisal Report – based amendments:**

**1. Objection:**

**Transitional Future Land Use Category.** The new Transitional land use category does not define the allowable residential density. The proposed land use designation, therefore, is not meaningful and predictable. Section 163.3177(6)(a)1., F.S., directs that each future land use category must be defined in terms of allowable uses and must include standards to be followed in the control and distribution of densities and intensities.

[**Authority:** Section 163.3177(6)(a)1., F.S. ]

**Recommendation:** Revise the Transitional land use category to establish the allowable residential density standard consistent with the requirements of Section 163.3177(6)(a)1., F.S.

**2. Comment:**

The proposed new categories of Downtown Mixed Use and Industry and Technology Commerce Park do not specify the percentage mix of uses to be allowed in each of these mixed use designations. Revision of these categories to define the percentage mix of each of the allowable uses would render each of these categories more effective for planning purposes. The percentages may include a range that is aspirational for the City to achieve, leaving the flexibility to respond to the market.

SUBMITTAL OF  
ADOPTED COMPREHENSIVE PLAN AMENDMENTS  
FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

May 2011

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ State Land Planning Agency identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format;

\_\_\_\_\_ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

\_\_\_\_\_ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency to the ORC report from the State Land Planning Agency.