



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

January 29, 2025

Kevin Karnes  
Clerk of the Circuit Courts  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Dear Kevin Karnes:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 25-02, which was filed in this office on January 28, 2025.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL/dp

**RECEIVED**

By Latasha Seth at 2:24 pm, Jan 29, 2025

**LEE COUNTY ORDINANCE NO. 25-02**

(Babcock Lee)  
(CPA2023-00012)

**AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO BABCOCK LEE (CPA2023-00012) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.**

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on September 23, 2024; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on November 6, 2024. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Babcock Lee (CPA2023-00012) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the November 6, 2024 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on January 22, 2025, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:**

## SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Babcock Lee Ordinance (CPA2023-00012)."**

## SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Lee Plan Policies 1.1.15, 29.9.1, and 29.9.2 relating to the New Community Future Land Use Category and Note 19 of Table 1(a), Summary of Residential Densities, to increase the residential density for the approximately 4,157-acre portion of Babcock Ranch in Lee County from 1 unit per 2.5 acres with a maximum of 1,630 units to 1 unit per 1.9 acres with a maximum of 2,078 units and reduce the nonresidential intensity from 600 hotel rooms to 250 hotel rooms. The subject site is generally located east of State Road 31 and north of North River Road.

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

## SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

## SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

## SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

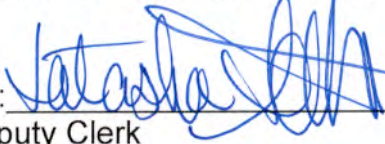
The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment 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.

THE FOREGOING ORDINANCE was offered by Commissioner Hamman, who moved its adoption. The motion was seconded by Commissioner Greenwell. The vote was as follows:

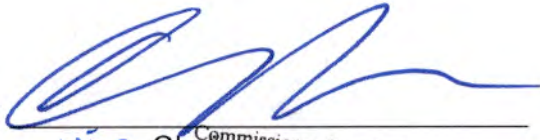
Kevin Ruane	Absent
Cecil L Pendergrass	Aye
David Mulicka	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DONE AND ADOPTED this 22<sup>nd</sup> day of January 2025.

ATTEST:  
KEVIN C. KARNES  
CLERK OF CIRCUIT COURT

BY:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY FLORIDA

BY:   
*vice Chair* Commissioner Cecil L. Pendergrass, Chairman  
Lee County Board of County Commissioners  
*vice*  
District 2

DATE: 1-22-25



APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

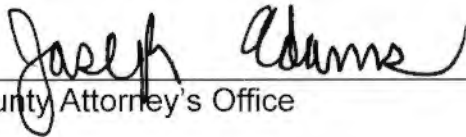
  
County Attorney's Office

Exhibit A (Adopted by BOCC January 22, 2025):  
Adopted revisions to Text

2025 JAN 27 PM 4:18  
RECEIVED  
MINUTES OFFICE

## EXHIBIT A

Note: Text depicted with underscore represents additions to the Lee Plan.  
Strike-through text represents deletions from the Lee Plan.

PROPOSED TEXT AMENDMENTS

FUTURE LAND USE ELEMENT

**POLICY 1.1.15:** The New Community future land use category are areas of land that can be planned and developed as a cohesive unit ~~in order~~ to better achieve the conservation of important environmental resources and ~~to initiate area-wide area-wide~~ surface water management. New Community land must be located such that the area is capable of being developed with a balance of residential and non-residential uses and that major impacts of the development are internalized and/or alleviated by existing infrastructure ~~the is existing~~ or will be funded privately. New Community areas will be developed as freestanding economic units and will not impose negative fiscal impacts on the County (other than those associated with the delay in placing property improvements on the tax rolls). The residential density is one unit per ~~2.51.9~~ gross acres (1 du/~~2.51.9~~ acres) except within the Gateway/Airport Planning District, where a residential density of up to six dwelling units per gross acre (6 du/acre) may be permitted.

Development within the New Community future land use category must have at least the following characteristics:

1. The land will be developed under a well-conceived overall Planned Development;
2. The land can be served with all necessary facilities and services at no expense to the County. Uniform Community Development Districts and special taxing districts may be utilized toward achieving this objective;
3. Population, recreation, open space, educational, office, and research facilities are distributed in an orderly and attractive manner;
4. The land must be developed in such a manner as to protect environmentally sensitive areas;
5. The land must be developed as a free-standing community offering a complete range of land uses (e.g. a full mix of housing types for a range of household incomes, industrial and office employment centers, and community facilities such as fire departments, schools, law enforcement offices, public recreational areas, health care facilities, and community commercial areas). The mix of land uses will be evaluated through buildout of the New Community to ensure developments include both residential and non-residential uses;<sup>1</sup>
6. Off-site impacts must be mitigated;
7. On-site levels of service must meet the County-wide standards contained in this plan;
8. The land area must exceed a minimum of 2,000 acres to ensure an appropriate balance of land uses; and

**EXHIBIT A**

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9. The land must be developed consistent with Goal 29 if located within the North Olga Community Plan area identified on Lee Plan Map 2-A.

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**Policy 29.9.1:** Residential densities for land within the New Community future land use category may be permitted up to a maximum of 1 du/~~2.5~~1.9 acres. In no case shall the unit count in the New Community future land use category in North Olga exceed ~~1,630~~2,078 dwelling units.

**Policy 29.9.2:** Non-residential intensities for lands within the New Community future land use category will be limited to a maximum permitted Floor Area Ratio (FAR) of 0.15. The FAR will be based upon the gross acreage dedicated to non-residential uses within the overall planned development boundary, including all uplands, wetlands, open space, rights-of-way, recreation areas, and/or lake. In no case shall the total commercial square footage in the New Community future land use category in North Olga exceed 1,170,000 square feet, in addition to ~~600~~250 hotel rooms.

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**APPENDIX B | TABLES**

**Table 1(a) Note 19:** <sup>19</sup> The maximum density in the New Community future land use category is limited to 1 du/~~2.5~~1.9 acres in the North Olga Community Plan area (see Policy 1.1.15).



FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 25-02  
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Babcock Lee Text CPA23-12  
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02 AMENDMENT #2: \_\_\_\_\_

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: \_\_\_\_\_ ; REPEAL #3: \_\_\_\_\_

REPEAL #2: \_\_\_\_\_ ; REPEAL #4: \_\_\_\_\_

(Others Repealed: List All That Apply): \_\_\_\_\_

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: \_\_\_\_\_

KEYFIELD 1 CODE: \_\_\_\_\_ KEYFIELD 2 CODE: \_\_\_\_\_

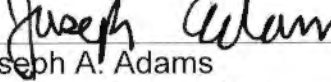
KEYFIELD 3 CODE: \_\_\_\_\_

**MEMORANDUM  
FROM THE  
OFFICE OF COUNTY ATTORNEY**

VIA HAND DELIVERY

DATE: January 22, 2025

TO: Commissioner Kevin Ruane  
Chair, Board of County  
Commissioners

FROM:   
Joseph A. Adams  
Assistant County Attorney

RE: **Lee County Ordinance Amending the Lee County Comprehensive Plan  
Ord #25-02 (CPA2023-00012) Babcock Lee Text Amendment  
Adoption Hearing on January 22, 2025**

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On January 22, 2025, the Board of County Commissioners adopted an ordinance amending the Lee County Comprehensive Plan. The original ordinance is attached to this memorandum for execution. Kindly execute the ordinance at your earliest convenience and then forward to Eileen Gabrick in the Minutes Department.

By copy of this memorandum to Eileen Gabrick, I request that a clerk attest to the Chair's signature on the attached ordinance and email a copy of the fully executed ordinance with all exhibits to my attention.

Insofar as State Statute mandates that the ordinance reach Tallahassee within ten (10) days of the adoption, please expedite the above request so that the ordinance arrives in Tallahassee no later than February 1, 2025. Also attached please find the Data Retrieval form to accompany the ordinance when transmitted to the State.

Thank you for your assistance.

JAA/les

Attachment: Ord #25-02 (CPA2023-00012)

cc via email only: Laurel Chick, Internal Services Manager  
Samantha Westen, Executive Assistant  
Rose Bahena, Administrative Specialist, Senior  
Eileen Gabrick, Manager, Minutes Department  
[leeclerkminutes@leeclerk.org](mailto:leeclerkminutes@leeclerk.org)  
Brandon Dunn, Principal Planner, Planning  
Becky Sweigert, Principal Planner, DCD  
Janet Miller, Administrative Specialist/DCD  
Erica Temerario, Legal Administrative Specialist