



Board of County Commissioners

April 18, 2023

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Mr. Swin Swinford, President
Upper Captiva Civic Association
Via Email: swin.swinford@uppercaptivacivicasociation.org

Re: Internal Combustion Powered Vehicles

Mr. Swinford,

Thank you for wanting to better understand the implications of the Lee Plan, specifically Policy 26.3.2, as it pertains to use of internal combustion powered vehicles on North Captiva.

POLICY 26.2.3: Except for emergency events, public purposes, approved community needs, and permitted heavy construction equipment, internal combustion powered vehicles are banned from all pathways on North Captiva.

This policy was adopted into the Lee Plan by Ordinance 09-09 in 2009 as part of a community plan for North Captiva (Goal 25), and renumbered to Goal 26 by Ordinance 18-18. As you correctly observed, Policy 26.2.3 has not been codified into Lee County's Land Development Code (LDC). In fact, in 2014 provisions to implement Policy 26.2.3 were explicitly rejected by the Board of County Commissioners when the LDC was amended by Ordinance 14-13 to include land development regulations specific to North Captiva.

The Lee Plan is the County's comprehensive plan that provides the principles, guidelines, standards, and strategies for the orderly and balanced development of land within unincorporated Lee County. The Lee Plan is not a regulatory document with authority over motor vehicle or equipment operation. There is nothing in the Lee Plan that permits enforcement of Policy 26.2.3 by the Sheriff or Code Enforcement and there are also no violation provisions or penalties for violation of the Lee Plan. In short, the operation of a motor vehicle or equipment is not a land use matter.

Chapter 316, Fla. Stat., provides uniform traffic laws that apply throughout the state and its several counties and municipalities. Chapter 316, Fla. Stat., functions to prohibit any local legislation on traffic control or the enforcement thereof under



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the police power of a County or municipality, except as may be expressly authorized by the Uniform Traffic Control Law. Nowhere within Chapter 316 is Lee County permitted to prohibit the operation of vehicles with internal combustion engines.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Mikki Rozdolski'. The signature is written in a cursive, flowing style.

Mikki Rozdolski, Interim Director
Department of Community Development