



City of Sanibel

Sanibel Plan Update Steering Committee

Planning Department Agenda Memorandum

Steering Committee Meeting Date: July 15, 2026

To: Sanibel Plan Update Steering Committee

From: Paula McMichael, AICP, Planning Director

Date: July 7, 2026

Subject: Review of the Property Rights Element

City Council adopted Ordinance 22-003 on June 7, 2022, to adopt a property rights element into the Sanibel Plan in compliance with state statutes 163.3177(1)(i)1. State law is specific as to the language that should be included in the required element, and the language as adopted by the city closely follows that included in Florida Statutes. The language from statutes is included below for your reference and comparison to Ordinance 22-003. Based on the specificity of state law, no changes to the element are recommended.

163.3177 Required and optional elements of comprehensive plan; studies and surveys - (1)

(i)1. In accordance with the legislative intent expressed in ss. 163.3161(10) and 187.101(3) that governmental entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision-making. A local government may adopt its own property rights element or use the following statement of rights:

The following rights shall be considered in local decision-making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

2. Each local government must adopt a property rights element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to s. 163.3191. If a local government adopts its own property rights element, the element may not conflict with the statement of rights provided in subparagraph 1.

General Background

Each element of the Sanibel Plan begins with “background discussion.” This portion of the element is not regulatory language but a description of the subject, history, and existing (ca. 2012) conditions. Then there is a “plan” (or plans) with provisions followed by Goals, Objectives, and Policies (GOPs). These two portions—the plans and GOPs—constitute the regulatory language.

The tasks for the steering committee at each meeting will be to review the applicable sections of the Sanibel Plan and suggest additions or revisions to address council’s priorities and community concerns. A line-by-line, word-by-word rewrite is not needed, nor is an update of existing conditions, as this will be undertaken by the consultant. We are looking for community input on the topic at the “big picture” level as to what (if anything) should be added or what (if anything) is no longer relevant.

As you prepare for the steering committee meeting, please keep in mind the following framework:

- The Sanibel Plan is a long-range (10- and 20-year timeframes) policy document that serves as the city’s “constitution” or “blueprint” for development and the foundation for the land development code. It must be consistent with state law and internally consistent in order to be legally defensible.
- All proposed changes should be evaluated for consistency with the overarching Sanibel Vision Statement and its Hierarchy of Values of Sanctuary, Community, and Attraction. The Sanibel Vision Statement is incorporated into the Sanibel Plan as well as the city’s charter. It is included as an attachment to the agenda for your reference.