

April 30, 2026

Letter to the Sanibel Plan Steering Committee

Dear Members of the Steering Committee,

I write regarding your work advising the City Council on changes to The Sanibel Plan/Land Development Code that are essential to meet both the requirements of The State of Florida and the commitment we made to the granting authority 52 years ago in order to achieve Home Rule.

I do so as a resident who lived on Sanibel at the time of incorporation on November 5, 1974, followed that process closely, and later served on the Sanibel City Council and with the Committee of the Islands.

The questions now before you are closely tied to the original purpose for which the City of Sanibel was created. Sanibel incorporated so that local residents could control their future and avoid the high-density development then proposed by Lee County. Incorporation was not intended to stop all development, nor to elevate nature above community. Rather, it was meant to establish a balanced system—one that protected the island's natural environment while preserving a stable community, a functioning local economy, and respect for lawful property rights.

That balance remains the City's defining responsibility.

Sanibel's authority derives from the Municipal Home Rule Powers Act (Chapter 166, Florida Statutes), which granted municipalities broad governing power. Those powers, however, exist within clear statutory limits. Home Rule does not authorize regulations that conflict with state law or impair rights protected by Florida statutes. Failure to take these rights into account could threaten the legitimacy of The Sanibel Plan and Home Rule itself.

Florida's land-use framework, principally the Community Planning Act (Chapter 163, Florida Statutes), requires comprehensive planning and consistency in zoning decisions. At the same time, the Florida Legislature has made equally clear that property owners retain enforceable rights to the reasonable use of their land. When regulation goes too far, Florida law provides remedies.

The Bert J. Harris, Jr., Private Property Rights Protection Act (§70.001) and the Land Use and Environmental Dispute Resolution Act (§70.51) allow property owners to seek relief or compensation when governmental action inordinately burdens property. These statutes were enacted specifically to address situations where local governments, often acting with good intentions, impose restrictions exceeding lawful authority.

Florida law further requires that every comprehensive plan include a Private Property Rights Element (§163.3177(6)(i)), recognizing an owner's right to possess, control, and reasonably

develop private property. Environmental protection and private property rights are therefore not competing policies—they are parallel mandates established by the State of Florida.

Particular caution is warranted when addressing land within recorded subdivisions governed by Chapter 177, Florida Statutes. Rights conveyed through approved plats are generally vested. Property owners purchase in reliance upon those approvals, and substantial impairment of those rights can expose municipalities to legal challenge and financial liability.

Recent circumstances on Sanibel underscore this concern. A property owner in a modern platted subdivision was reportedly advised that development may not be permitted because the parcel was considered “pristine.” Regardless of intent, policies or recommendations that effectively eliminate reasonable use of lawfully established property risk creating precisely the type of dispute Florida statutes were designed to prevent.

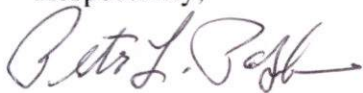
Documentation exists of commitments we made to the State of Florida at the time of Home Rule. The Steering Committee’s task is not simply environmental protection, but ensuring that proposed amendments advance Sanibel’s environmental goals while remaining legally durable, economically sustainable, and consistent with vested property rights. Plans that cannot withstand statutory scrutiny ultimately fail the community they are meant to protect.

Sanibel’s founders understood that preservation of the island depended upon maintaining community vitality as well as environmental stewardship. Loss of lawful property expectations, economic opportunity, or public confidence in fair governance threatens Sanibel just as surely as inappropriate development.

As one of the remaining residents present at incorporation, I respectfully urge the Committee to view its work through that original lens: protecting Sanibel’s environment while honoring the legal framework and balanced vision that made incorporation possible.

Fearing the wholesale loss of owners’ property rights on Sanibel, an agreement was reached with the State of Florida whereby Sanibel would not place restrictions on property use other than those contemplated by the developer of a recognized subdivision. By error or intent, Sanibel, since the granting of home rule, has reneged on this commitment. This Steering Committee is compelled to correct this.

Respectfully,

A handwritten signature in dark ink, appearing to read "Peter L. Pappas", with a stylized, flowing script.

Peter Pappas