



The operators of a business that rents certain low speed vehicles – essentially golf carts with gasoline engines and a 25 mph maximum speed – have notified the City of Sanibel that they intend to appeal a decision by the Planning Commission that denied them a permit to open a rental facility on Sanibel.

Though they are "street legal" under state and federal law and may be driven on Sanibel's roads, that does not necessarily mean that the operators may establish a rental facility on the island. Since vehicle rental agencies are not "permitted" uses on Sanibel, a conditional use permit is necessary and one was requested in this case. As we reported previously, at a hearing on November 22, 2006, the Planning Commission denied that request.



Type of Low Speed Vehicle

COTI board members who testified spoke about the likely increase in traffic on already congested roads, the absence of any inherent community benefit or convenience and safety concerns brought about by overtaking.

On-site parking insufficient

Traffic and safety concerns aside, insufficient on-site parking turned out to be a major deficiency. Here's why. Prior to the hearing Planning Department staff appeared satisfied that there would be enough on-site parking for customers,

assuming a fixed inventory of seven rental carts. However, during testimony the applicant's representative conceded for the first time that he intended to utilize a rotating rather than a fixed inventory of vehicles. His plan was to replace vehicles from the original inventory of seven as they were rented, creating a need for more on-site parking than had been anticipated.

Adequate on-site parking is a requirement for any conditional use and according to the adopted resolution in support of their action, commissioners seized on the issue of rotating versus fixed inventory in denying the permit.

Hearing before the City Council

The hearing on the appeal will be held before the Sanibel City Council on February 7. The Council's consideration is limited to "whether the planning commission has properly interpreted and applied the provisions of the land development code, based on the application and evidence presented to the planning commission." The Council may uphold, reverse or modify the Planning Commission's decision. Its decision may be appealed to the Florida courts.

Since no new evidence will be allowed, it is not clear whether the Council will ask for public comment at the hearing on February 7. However, the hearing is open to the public.



**Larry Schopp,
Chair, COTI Land Use Planning Committee**

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