
Sec. 126-102. Formula retail stores.

Conditional use approval is required for all new formula retail stores, even if the prior use was a formula retail store, regardless of whether the prior formula retail store had obtained conditional use approval for that use. Formula retail stores may be permitted as a conditional use, subject to the following conditions set forth in this section:

- (1) The formula retail store shall be compatible with existing land uses on the same site as the formula retail store and with existing and permitted, adjacent and nearby land uses.
- (2) The formula retail store shall be designed and operated in a non-intrusive manner that preserves and is consistent with the historic, architectural, visual character and ambiance of the commercial sector of the community. Formula, standardized, "cookie-cutter" architecture, including architectural features, is prohibited.
- (3) The floor area of the formula retail store shall not exceed 2,000 square feet of commercial floor area.
- (4) The proposed development intensity of the formula retail store shall not exceed that of other low and moderate intensity retail uses that are permitted on the site of the formula retail store.
- (5) The formula retail store shall not imbalance the variety and mixture of retail, office, and service uses that make up the commercial sector of the community.

A conditional use application for a new formula retail store that results in the total commercial floor area used by formula retail stores in all of the city's commercial districts to exceed 60,000 square feet, or as may be adjusted pursuant to section 126-1024 of this Code, requires planning commission review and city council approval, subject to the following conditions, in addition to the prior five conditions listed in this section:

- (6) The formula retail store, in aggregation with other formula retail stores in the city, shall not produce an imbalance between the resident-serving and resort (tourist) segments of the commercial sector of the community.
- (7) The formula retail store, in aggregation with other formula retail stores in the city, shall not frustrate the city's desire to retain a unique and diverse service and retail base in the local economy and to provide opportunities for small, local businesses.
- (8) The formula retail store, in aggregation with other formula retail stores in the city, shall not discourage the continuation of existing businesses or establishment of new businesses that serve the residential segment of the community.
- (9) The formula retail store, in aggregation with other formula retail stores in the city, shall retain the historical and visual character of the commercial sector.
- (10) The most basic of all of the economic assumptions for Sanibel's planning is that Sanibel's economic fortune is directly related to the viability of its natural systems. The formula retail store, in aggregation with other formula retail stores in the city, must not place added demand on Sanibel's natural and human made infrastructure. Sanibel must protect the environment because of the responsibility entrusted to the people of Sanibel to care for these resources, but also as a component of a sound economic policy. The economic base of Sanibel is the environment.

City council review of the conditional use application will be in accordance with the authorization, requirements and conditions established for the planning commission review of conditional use applications in sections 82-201, 82-202 and 82-203 of this Code.

(Ord. No. 06-022, § 22, 2-20-2007; Ord. No. 17-005, § 2, 11-7-2017)

