



CITY OF SANIBEL
Planning Department
Compliance with Formula Retail Standards

FREQUENTLY ASKED QUESTIONS REGARDING FORMULA RETAIL STORES

WHAT IS A FORMULA RETAIL STORE?

Answer: The definition of *Formula retail store* means a type of retail sales activity or retail sales establishment that is required by contractual or other arrangement to maintain any of the following:

- Standardized name of business
- Standardized business signage
- Standardized architecture
- Standardized (formula) array of merchandise
- Trademark
- Logo
- Uniforms

For the purposes of the city's commercial land use regulations, formula retail stores do not include establishments providing professional services, including, but not limited to, real estate offices, medical offices, dental offices, offices of health practitioners, banks, savings and loan associations, mortgage and securities brokers, accounting services, appraisers, cable television services, insurance agents, and interior decorators.

Formula retail stores do not include grocery stores, hardware stores, gasoline service stations and restaurants; however, see the definition of formula restaurant.

Furthermore, retail stores that have fewer than 5 locations upon the submittal date of a Business Tax Receipt application to operate in the city, or had its original location in the city, are not defined as formula retail stores.

HOW DO I KNOW IF MY PROPOSED BUSINESS IS A FORMULA RETAIL STORE?

Answer: See definition of Formula Retail Store. A business is not a formula retail store if the proposed business has three or less locations. A business is a Formula Retail Store if it shares any of the same contractual arrangements with their other stores to maintain the same standardized name, signage, array of merchandise, trademark, logo and uniforms.

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WHAT TYPE OF APPROVAL DOES THE CITY REQUIRE FOR FORMULA RETAIL STORES?

Answer: Conditional use approval is required for all new formula retail stores, even when they are replacing a prior use that also was a formula retail store, and regardless if the prior formula retail store had obtained conditional use approval. All new formula retail stores may be permitted as a conditional use, subject to the conditions set forth in Land Development Code Section 126-102.

IF I HAVE ANY QUESTIONS REGARDING FORMULA RETAIL STORES WHICH CITY DEPARTMENT SHOULD I CONTACT?

Answer: The Planning Department can assist you in determining whether your business is a Formula Retail Store and with any questions you may have with the filing of any conditional use application or permit.

Keep in mind that while the Department can assist you in these matters, the applicant shall bear the burden of proving to the Planning Department that the proposed business is not a Formula Retail Store. Failure to identify the use as such is subject to the revocation of the application or permit.

The Planning Department Staff is available to advise you in the preparation of the attached Certification. Please call (239) 314-4600 for additional information.