

**PLANNING BOARD
RESOLUTION NO. 2024-005**

**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD RECOMMENDING AN
AMENDMENT OF CHAPTER 114 ENTITLED "SIGNS",
BY CREATING A NEW DIVISION 5, ENTITLED YARD
SALES PURSUANT TO CHAPTER 90, ARTICLE VI,
DIVISION 2 OF THE LAND DEVELOPMENT
REGULATIONS OF THE CODE OF ORDINANCES OF
THE CITY OF KEY WEST; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEAL OF
INCONSISTENT PROVISIONS; PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the Land Development Regulations include a series of regulatory standards intended to protect public health, safety, and welfare; and

WHEREAS, the operation of yard sales can result in impacts to surrounding properties in the form of parking congestion, noise, and activities inconsistent with surrounding residential properties; and

WHEREAS, the establishment of reasonable guidelines and regulatory standards to protect against adverse impacts associated with yard sales is in the best interests of the public's health, safety, and welfare; and

WHEREAS, the proposed text amendments to Chapter 114, entitled Signs, establishes reasonable regulatory standards for yard sales including measures related to definitions, permitting, merchandise, signage, parking, and enforcement; and

WHEREAS, in accordance with Section 90-522, the Planning Board held a

USBT Chairman

KPH Planning Director

noticed public hearing on January 18, 2024, where based on the consideration of recommendations of the City Manager, Director of Code Compliance and other information, the Board recommended approval of the proposed amendments; through Planning Board Resolution 2024-005; and
and

WHEREAS, the Planning Board has also determined, in accordance with the criteria of Code Section 90-520(6) that the proposed amendments: are consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest;

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as fully set forth herein.

Section 2 : That Chapter 114 entitled “Signs”, including the creation of a new Division 5 – entitled “Yard Sales” including Section 114-142 entitled “Definitions,” Section 114-143, entitled “Permit Required,” Section 114-144, entitled “Merchandise,” Section 114-145, entitled “Signage,” Section 114-

WST Chairman

KPH Planning Director

146, entitled "Parking," and Section 114-147 entitled "Enforcement of Article" are hereby amended as follows:

*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

Chapter 114 – SIGNS

DIVISION 5. - YARD SALES

Sec. 114-142. - Definitions.

(a) A yard sale means the sale of personal property at the property on which the sale is occurring. The term shall include, but not be limited to, "lawn sale," "garage sale," "estate sale" or "rummage sale."

(b) Number of sales. Each single-family homeowner, multi-family residence building or charitable, civic, educational, or religious organization is permitted, two yard sales per calendar year.

(c) Time. Yard sales may only take place during daylight hours.

(d) Duration. It shall be a violation of this section for yard sales to extend more than 48 hours on any single lot, parcel, or tract of land. If a sale is held on a holiday weekend, a third day is allowed.

(e) Filing requirements. Application shall be submitted to the Planning Department two weeks prior to the yard sale.

Sec. 114-143.- Permit required.

(1) Prior to holding a yard sale, the property owner or tenant shall obtain a permit from the Planning Department. There shall be a twenty-dollar administrative fee for the permit.

(2) Applicants for yard sale permits must provide the following information to the city at time of application:

a. Name of the person or entity conducting the sale or owner of the property at which the sale will be located.

b. Location where the yard sale is to be conducted.

WJA Chairman

KPT Planning Director

c. Date(s) the sale is to be held.

d. Dates of any past yard sales at the subject location within the past 12 months.

e. Nature of the property to be sold.

f. Proof of residence.

g. Homeowner's Association (HOA) approval (if applicable).

(3) Applications for yard sales must be accompanied by the written permission of the property owner.

(4) The yard sale permit must be prominently displayed on the premises while the sale is in progress.

Sec. 114-144.- Merchandise.

(a) Merchandise to be sold at a yard sale shall have been previously used or crafted and not belong to a business or commercial entity. Placement of sale items is restricted to garage, carport, driveway areas and yards.

(b) Merchandise display. Merchandise to be sold at a yard sale shall be displayed in a garage, carport, private driveway, or yard. Merchandise shall not be displayed on public rights-of-way or swale areas. All items shall be removed from visual display by the end of each day of the sale.

Sec. 114-145.-Signage.

Signage shall comply with Sec. 114-75 as set forth in chapter 114 of the city's land development regulations. No signs shall be placed within the public rights-of-way.

Sec. 114-146.- Parking.

Through traffic on public or private roadways shall not be obstructed. No vehicles shall obstruct the driveways of other homes in the neighborhood.

Sec.114-147.- Enforcement of Article

A property owner and any person who conducts or aids in conducting a yard sale not in accordance with this section shall be in violation of this code and shall be punished pursuant to Chapter 2, Article 6, Division 3, Sec. 2-677, Sec. 2-678, and Sec. 2-679.

*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first

CSH Chairman


KPH Planning Director

reading. Added language is double underlined and ~~double struck through~~ at second reading.)

Section 3: This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

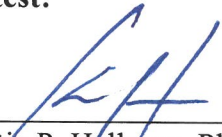
Read and passed on first reading at a regular meeting held this 18th day of January, 2024.

Authenticated by the Chairman of the Planning Board and the Planning Director;



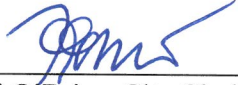
Sam Holland, Planning Board Chair 1/25/24
Date

Attest:





Katie P. Halloran, Planning Director 1/24/2024
Date

Filed with the Clerk:



Keri O'Brien, City Clerk 1.26.2024
Date

 Chairman
 Planning Director

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, TO AMEND CHAPTER 114 ENTITLED "SIGNS", BY CREATING A NEW DIVISION 5, ENTITLED "YARD SALES" PURSUANT TO CHAPTER 90, ARTICLE VI, DIVISION 2 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Land Development Regulations include a series of regulatory standards intended to protect public health, safety, and welfare; and

WHEREAS, the operation of yard sales can result in impacts to surrounding properties in the form of parking congestion, noise, and activities inconsistent with surrounding residential properties; and

WHEREAS, the establishment of reasonable guidelines and regulatory standards to protect against adverse impacts associated with yard sales is in the best interests of the public's health, safety, and welfare; and

WHEREAS, the proposed text amendments to Chapter 114, entitled Signs, establish reasonable regulatory standards for yard sales including measures related to definitions, permitting, merchandise, signage, parking, and enforcement; and

CSH
1/25/24
KPT
1/24/2024

WHEREAS, the City of Key West has determined that it is in best interest of both the City and its citizens to provide reasonable guidelines for the regulation of yard sales; and

WHEREAS, Section 86-4 of the City Code requires that City Land Development Regulations be amended as necessary to ensure consistency with the City Comprehensive Plan; and

WHEREAS, in accordance with Section 90-522, the Planning Board held a noticed public hearing on January December 18, 2024, where based on the consideration of recommendations of the City Manager, Code Compliance Director and other information, the Board recommended approval of the proposed amendments through Planning Board Resolution 2024-005; and

WHEREAS, the City Commission has also determined, in accordance with the criteria of Code Section 90-520(6) that the proposed amendments: are consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the

public interest;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST,
FLORIDA:

Section 1: That Chapter 114 of the Land Development Regulations, entitled "Signage", be amended to include a new Division 5, entitled "Yard Sales" is hereby amended as follows:

*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

{ . . . }

Chapter 114 - SIGNS

DIVISION 5. - YARD SALES

Sec. 114-142. - Definitions.

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a. Name of the person or entity conducting the sale or owner of the property at which the sale will be located.

b. Location where the yard sale is to be conducted.

c. Date(s) the sale is to be held.

d. Dates of any past yard sales at the subject location within the past 12 months.

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Signage shall comply with Sec. 114-75 as set forth in chapter 114 of the city's land development regulations. No signs shall be placed within the public rights-of-way.

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this code and shall be punished pursuant to Chapter 2, Article 6, Division 3, Sec. 2-677, Sec. 2-678, and Sec. 2-679.

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Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and approval by the Florida Department of Commerce, pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2024.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2024.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2024.

Filed with the Clerk _____, 2024.

Mayor Teri

Johnston Vice

Mayor SamKaufman

Commissioner Lisette Carey

Commissioner Mary Lou Hoover

Commissioner Clayton Lopez

Commissioner Billy Wardlow

Commissioner Jimmy Weekley

TERI JOHNSTON, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK