

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, TO AMEND CHAPTER 114 ENTITLED "SIGNS", BY ADDING DIVISION 5, ENTITLED "YARD SALES" SECTIONS 114-142 THROUGH 114-147, 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

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 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, Division V entitled "Yard Sales," Sections 114-142 through 114-147 of the Land Development Regulations is hereby added as follows*:

Chapter 114 - SIGNS

* * * * *

DIVISION 5. - YARD SALES

Sec. 114-142. - Definitions.

(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."

Sec. 114-143. - Regulations.

(a) Number of sales. Each single-family homeowner or multi-family residence building is permitted two yard sales per location and calendar year.

(b) Time. Yard sales may only take place between sunrise and sunset.

(c) 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.

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

*(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.)

Sec. 114-144.- 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.

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. 114-145.- Merchandise.

(1) 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.

(2) 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. 114-146.-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. 114-147.- Parking.

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

Sec.114-148.- 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.

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 Sam Kaufman	_____
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