




MEMORANDUM

Date: March 14, 2024

To: Honorable Mayor and Commissioners

Via: Albert P. Childress 
City Manager

From: Katie P. Halloran
Planning Director

Subject: Text Amendment of the Land Development Regulations – An ordinance to the City Commission to amend Chapter 114, entitled “Signage,” 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, Florida; providing for concurrent and conditional adoption upon adoption of Comprehensive Plan amendments; providing for repeal of inconsistent provisions; providing for severability; providing for an effective date. File 24-5321

Introduction

The proposed text amendment establishes a review and permitting process for Yard Sales. The amendment was prepared through the Office of the City Manager. Yard Sales are proposed to be regulated through Chapter 114 (Signs) with the establishment of a new Division “5” entitled “Yard Sales.” The new provisions for the regulation of Yard Sales include the following sections: (1) Definitions, (2) Permit Required, (3) Merchandise, (4) Signage, (5) Parking, and (6) Enforcement of Article.

Background

The Yard Sale provisions are intended to better regulate activities within existing neighborhoods by providing guidelines for the number, time, and duration of sales. After discussion with the City Manager and the City Attorney, a number of minor edits were made to the original draft ordinance. Specifically, the duration of yard sale events was modified from “*during daylight hours*” to “*between sunrise and sunset*.” Secondly, the provisions related to the number of sales and the time of sales was moved from the “*Definitions*” section to a new section entitled “*Regulations*.” Finally, reference to charitable, civic, educational, and religious organizations was removed from the draft ordinance. These minor edits are not

considered substantive; therefore, this text amendment did not need to be returned to the Planning Board for approval.

Analysis:

The proposed amendment establishes a regulatory process for “Yard Sales.” The ordinance is proposed to be incorporated within Chapter 114 – Signs. A new Division 5 has been created to incorporate the new ordinance. The draft ordinance is divided into the following sections:

- Sec. 114-142 – Definitions
- Sec. 114-143 – Permit Required
- Sec. 114-144 – Merchandise
- Sec. 114-145 – Signage
- Sec. 114-146 – Parking
- Sec. 114-147 – Enforcement

The Ordinance includes definitions for yard sales, number of sales, time, duration, and filing requirements. It proposes that a permit be obtained from the Planning Department prior to the yard sale event and a permit fee of \$20 is suggested for the permit. The applicant must detail the dates for the proposed sale, the nature of the property to be sold, proof of residence, Homeowner’s Association (HOA) approval, if applicable and the application must be accompanied by permission from the property owner. Finally, a permit for the yard sale must be prominently displayed on the premises while the sale is in progress.

The Draft Ordinance also includes guidelines on the type of merchandise that can be sold at a yard sale. It states “Merchandise to be sold at a yard sale shall have been previously used or crafted and not belong to a business or commercial entity.” In addition, the display of merchandise is limited to “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.”

Signage for the proposed yard sale is to be regulated pursuant to Sec. 114-75 of the Sign Ordinance. The Ordinance also contains provisions to prevent parking within an existing right-of-way with a specific prohibition against obstructing “the driveways of other homes in the neighborhood.” Finally, enforcement of the proposed Ordinance shall be provided pursuant to Chapter 2 (Administration), Article VI (Code Compliance).

Official Text Amendment Process:

Planning Board Meeting:	January 18, 2024
City Commission (1 st Reading):	March 14, 2024
City Commission (2 nd Reading / Adoption):	TBD, 2024
Local Appeal Period:	30 days
DOC Review (2 nd Reading):	Up to 45 days
DOC Notice of Intent (NOI):	Effective when NOI posted to DOC site

Procurement

N/A

Recommendation

Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department respectfully recommends to the Planning Board that the request to amend the Land Development Regulations be APPROVED

Exhibit A –
The proposed amendments are depicted below.

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

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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."

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.

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.