

Requested by: Planning Commission
Prepared by: City Clerk

ORDINANCE NO. 2015-03

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF VENICE, FLORIDA, CHAPTER 62, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE V, PUBLIC RIGHT-OF-WAY AND PUBLIC PROPERTY PERMITS, SECTION 62-122 EXEMPTIONS; CHAPTER 86, LAND DEVELOPMENT CODE, ARTICLE V, USE REGULATIONS, DIVISION 9, SPECIFIC USE REGULATIONS, ADDING SECTION 86-156 RESIDENTIAL GARAGE SALES; AND ARTICLE VI, DESIGN AND DEVELOPMENT STANDARDS, DIVISION 3, SIGNS, SECTION 86-401, EXEMPT SIGNS ADDING SUBSECTION (a) (20), TO ESTABLISH REGULATIONS FOR GARAGE SALES; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING A SUNSET PROVISION; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 163.3174, Florida Statutes, Venice City Council has duly designated the city's planning commission as the local planning agency for the incorporated area of the city; and

WHEREAS, garage sales are currently regulated by policy established by adopted resolution; and

WHEREAS, the city has determined it is in the public interest to regulate garage sales through the codification of an ordinance; and

WHEREAS, the Planning Commission has considered this amendment to the land development code and following duly noticed public hearing on September 16, 2014, forwarded its recommendation for approval and findings of consistency with the city's comprehensive plan to city council as required by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA as follows:

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Chapter 62, Streets, Sidewalks and Other Public Places, Article V, Public Right-of-Way and Public Property Permits, Section 62-122, Exemptions, is hereby amended as follows:

Sec. 62-122. Exemptions.

The permit provisions of this article shall not apply to the following activities:

- (1) Signs advertising a garage or yard sale provided that such signs are displayed only between the hours of 8:00 a.m. and 7:00 p.m. on no more than two consecutive days. Garage sale and open house signs in compliance with the standards contained in section 86-401.

- (2) Political signs.
- (3) Newspaper vending machines.

SECTION 3. Chapter 86, Land Development Code, Article V, Use Regulations, Division 9, Specific Use Regulations, Section 86-156, Residential Garage Sales, is hereby amended as follows:

Sec. 86-156. Residential Garage Sales.

- (a) General. This section is intended to establish frequency and duration standards and a registration procedure for garage sales. Garage sales are considered a temporary use. In lieu of a temporary use permit, a registration procedure, described below, shall be the means to monitor and enforce the standards of this section.
- (b) Definition of a garage sale. For the purpose of this section the term garage sale shall mean the sale of personal belongings or household effects (e.g. furniture, tools, clothing, etc.) at the seller's premises, typically held in a garage and/or yard. The term garage sale shall be considered equivalent with the terms yard sale, estate sale and other terms that convey the same meaning.
- (c) Garage sale standards. Garage sales conducted in the city shall comply with the following standards.
 - (1) Garage sales shall be allowed in residential districts as defined in Section 86-62.
 - (2) Any one address in a residential district shall have no more than four garage sales during a calendar year and the duration of such garage sales shall not exceed three consecutive days.
 - (3) Garage sales shall be open to the public no earlier than 7:00 a.m. and no later than 6:00 p.m.
 - (4) Placement of temporary signs on city right-of-way shall be exempt from permitting and subject to the standards contained in Section 86-401.
- (d) Registration procedure. The resident of the premises in which a garage sale will be held shall register the temporary use with the city no later than three business days in advance of the first day of the garage sale in accordance with the registration procedure established by the planning and zoning department.

SECTION 4. Chapter 86, Land Development Code, Article VI, Design and Development Standards, Division 3, Signs, Section 86-401, Exempt Signs, Subsection (a)(20) is hereby amended as follows:

Sec. 86-401. Exempt signs

(a) *Exempt signs.* Except as otherwise provided, the following signs may be erected in any zoning district without securing a sign permit, subject, however, to meeting all the requirements of this division, and all other applicable city codes and regulations:

(1) through (19) no change.

(20) Temporary garage sale signs subject to the following standards:

- a. All garage sale signs shall be non-illuminated and not exceed a maximum area of four square feet.
- b. No more than one garage sale sign per street frontage shall be placed on the premises in which the garage sale is held.
- c. A maximum of four off-premises garage sale signs located in the city right-of-way are permitted provided that the signs are not placed in the right-of-way prior to 6:00 a.m. on each day of the garage sale and shall be removed from the right-of-way no later than 8:00 p.m. on each day of the garage sale.

SECTION 5. All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 6. If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance, and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION 7. This Ordinance shall automatically expire five years after its adoption unless extended by city council prior to its expiration.

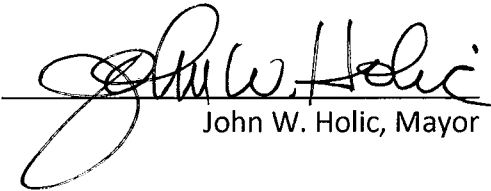
SECTION 8. This Ordinance shall take effect 90 days after its adoption as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 27TH DAY OF JANUARY 2015.


First Reading: January 13, 2015

Final Reading: January 27, 2015

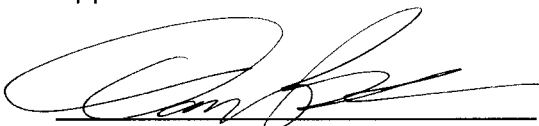
Adoption: January 27, 2015


John W. Holic, Mayor

ATTEST:


Lori Stelzer, MMC, City Clerk

Approved as to form:


David Persson, City Attorney