

TOWN OF CUTLER BAY

Mayor Paul S. Vrooman
Vice-Mayor Edward P. MacDougall
Councilmember Timothy J. Meerbott
Councilmember Ernest N. Sochin
Councilmember Peggy R. Bell

Town Manager Steve Alexander
Town Attorney Mitchell Bierman
Town Attorney Chad Friedman
Town Clerk Erika Gonzalez-Santamaria

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (305) 234-4262 for assistance no later than four (4) days prior to the meeting.

LOCAL PLANNING AGENCY AGENDA

Wednesday, June 20, 2007
7:00 PM

South Dade Regional Library
10750 SW 211th Street, 2nd Floor
Cutler Bay, Florida 33189

1. **CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**
2. **ADDITIONS, DELETIONS, AND DEFERRALS**
3. **CONSENT AGENDA**
 - A. May 16, 2007 – Minutes
4. **PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:**
 - A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR COMPREHENSIVE REGULATIONS RELATING TO GARAGE SALES; PROVIDING FOR PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.
5. **ADJOURNMENT.**

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



M E M O R A N D U M

To: Steven Alexander, Town Manager
From: Don O'Donniley, AICP, Planning Director
Date: June 20, 2007
Re: Standards for Garage Sales

REQUEST

That the Town Code be amended to add the following provisions as outlined in the accompanying ordinance.

The following is a summary of the proposed changes to the Town Code:

- That new standards be added to allow up to four garage sales each calendar year.
- That new standards be added to provide that garage sales that occur over two consecutive days are considered one sales event
- Each applicant for a garage sale may place up to three directional signs on private property with the owner's permission and one sign on the location of the sale

BACKGROUND AND ANALYSIS

Background

Several citizens have requested the Town review the current ordinance regulating garage sales and the standards within it. The Mayor has requested staff to prepare a revised Ordinance.

One new provision increases the number of allowed garage sales to four a calendar year. The ordinance also clarifies any two consecutive days are considered one

sales event. Last, the Ordinance allows up to three directional signs to be located on private property to help direct traffic to the sale site.

Analysis

The original provisions of the Dade County Code regulating garage sales, as written several years ago, now acts as the Town Code (Section 2-103.15). The County attempts to limit garage sales to two a year as a policy. In addition, it is not clear if a sale conducted during two days of a weekend constitutes one sales event or two. Enforcement may have been uneven and the citizens have asked for clearer rules that can be understood. The proposed ordinance clarifies that sales occurring during two consecutive days are one garage sale event. It also expands the number of sales events to four during any calendar year. Last, the provision of directional signs is clarified and revised to allow up to three signs located on private property to direct traffic to the sale site. There is also a provision that allows for a sign on the site where the sale is actually occurring.

The proposed ordinance also establishes minimum standards for operation of the sale. The proposed ordinance does not require any fee but does provide for an application and permit procedure.

RECOMMENDATION

Approval of the proposed revisions that pertain to garage sales in residential districts.

ORDINANCE NO. 07-__

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR COMPREHENSIVE REGULATIONS RELATING TO GARAGE SALES; PROVIDING FOR PENALTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the intent of the Town Council of the Town of Cutler Bay (the “Town”) to permit and regulate garage sales within the Town; and

WHEREAS, regulating garage sales will permit residents to continue to have such sales, while minimizing the secondary impacts of such sales on the surrounding neighborhood; and

WHEREAS, the Town Council finds these changes to be in the best interest and welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS:

Section 1. Findings. The foregoing “Whereas” clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Residential Garage Sales.

(A) Definition.

A “garage sale” shall mean the sale of personal property at the residential property on which the sale is occurring. The term includes lawn sale, yard sale, front yard sale, backyard sale, home sale, attic sale, rummage sale, patio sale, driveway sale, estate sale, or any similar designation.

(B) Number of sales.

Each residential homeowner or tenant may be permitted for up to four (4) garage sales per calendar year, with two (2) consecutive days of sales being defined as a garage sale.

(C) Permit required.

Prior to holding a garage sale, the homeowner or tenant shall obtain a permit from the planning department. There shall be no fee for the permit. The garage sale permit shall be prominently displayed on the premises while the sale is in progress. Applicants for garage sale permits shall provide the following information to the Town at the time of application:

(1) Name of the person conducting the sale or owner of the property at which the sale will be located;

(2) Location where the garage sale is to be conducted;

(3) Dates the sale is to be held;

(4) Dates of any past garage sales at the subject location within the past 12 months;

(5) Nature of the personal property to be sold; and

(6) Proof of residence.

Applications for garage sales to be located at multifamily residential buildings shall be accompanied by the written permission of the property owner or manager.

(D) Time.

It shall be unlawful for any person to conduct a garage sale other than between the hours of 7:00 a.m. and 7:00 p.m. It shall likewise be unlawful for any person to attend a garage sale, without regard to whether any goods are purchased by that person, other than between the hours of 7:00 a.m. and 7:00 p.m. A garage sale shall consist of a maximum of two (2) consecutive days and shall only take place on a Friday, Saturday, Sunday, or a national holiday.

(E) Merchandise display

Merchandise to be sold at a garage sale shall be displayed in a garage, carport, private driveway, or yard. Merchandise shall not be displayed within the public right-of-way or swale area. All items shall be removed by the end of the last day of the sale. In the event that a garage sale consists of two (2) days, all items kept overnight between the first and second day shall be covered in a water proof material.

(F) Signs.

Signs advertising garage sales shall be displayed only during the times of the sale and shall be permitted as follows:

(1) Only (1) sign may be located on the residential property on which the sale is occurring;

(2) Up to three (3) signs advertising a garage sale are permitted to be placed on private property, with the consent of the property owner, off-site from the location of the garage sale; and

(3) Signs shall not be larger than 22 inches by 28 inches.

Garage sale signs shall not be permitted within the public right-of-way or swale and shall be subject to the provisions set forth in Section 2-103.15 of the Code. Signs advertising such sales must be removed within twelve (12) hours after the completion of the sale.

(G) Penalties.

Failure to comply with the provisions of this Ordinance shall subject the violator to the provisions of Chapter 8CC of the Code. In the event that a violation of the Ordinance is not provided for in Chapter 8CC of the Code, the failure to comply with the provisions in this Ordinance shall result in a fine of fifty dollars (\$50.00) for the first offense; one hundred dollars (\$100.00) for the second offense; and one hundred and fifty dollars (\$150.00) for the third offense.

Section 3. Severability. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Conflict. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this _____ day of _____, 2007.

PASSED AND ADOPTED on second reading this _____ day of _____, 2007.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.A.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____