



Meeting Type Planning and Zoning Commission –
Regular Meeting
Meeting Date April 1, 2026

Agenda Request Form

City of Cape Coral

Title

Ordinance 21-26

Ordinances and Resolutions

An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, repealing Section 5.9.4., Garage sales, set forth within Article 5, Development Standards, Chapter 9, Temporary Uses, regarding garage sale permits within the City of Cape Coral, Florida, Land Development Code; and amending the City of Cape Coral, Florida, Code of Ordinances, Chapter 12, Offenses and Miscellaneous Provisions, by creating Article XIX, Registration & Permits, Section 12-146, Garage sales; providing for codification and resolution of conflicting laws; providing for severability and an effective date.

Requested Action Recommend Approval or Denial

Summary Explanation and Background

The purpose of this ordinance is to update the department that manages the program from the Development Services to the City Clerk’s Department and further defines the registration and permitting process.

Strategic Plan Alignment

Is this a Strategic Decision? YES

If No, will it harm the intent or success of the Strategic Plan?

If Yes, Priority Goals Supported are listed below:

- CITY SERVICES AND AMENITIES: DELIVER EXCEPTIONAL CITY SERVICES AND HIGH-QUALITY AMENITIES
- COMMUNICATION: CULTIVATE AN ENGAGED AND INFORMED COMMUNITY AND WORKFORCE
- ECONOMY, EDUCATION, AND WORKFORCE: CREATE A COMMUNITY OF PROSPEROUS RESIDENTS, THRIVING NEIGHBORHOODS, AND SUCCESSFUL BUSINESSES
- FISCAL SUSTAINABILITY: MAINTAIN A FINANCIALLY SOUND GOVERNMENT AND HIGH-PERFORMING ORGANIZATION
- INFRASTRUCTURE : INVEST IN RESILIENT INFRASTRUCTURE
- ENVIRONMENTAL SUSTAINABILITY: PRESERVE CAPE CORAL'S NATURAL RESOURCES FOR CURRENT AND FUTURE GENERATIONS

Is this a Consultant recommendation? NO

Is this contained in a Master Plan? NO

If yes to either question, please provide details of the name of consultant or name of the Master Plan when applicable: N/A

Recommendations:

Approval

Source of Additional Information:

Kimberly Bruns, City Clerk, 1-239-574-0417

Fiscal Impact/Funding Sources(s)/Budget Consideration:

N/A

Will this action result in a Budget Amendment? NO

Prepared By: Kimberly Bruns, City Clerk

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, REPEALING SECTION 5.9.4, GARAGE SALES, SET FORTH WITHIN ARTICLE 5, DEVELOPMENT STANDARDS, CHAPTER 9, TEMPORARY USES, REGARDING GARAGE SALE PERMITS WITHIN THE CITY OF CAPE CORAL, FLORIDA, LAND DEVELOPMENT CODE; AND AMENDING THE CITY OF CAPE CORAL, FLORIDA, CODE OF ORDINANCES, CHAPTER 12, OFFENSES AND MISCELLANEOUS PROVISIONS, BY CREATING ARTICLE XIX, REGISTRATION & PERMITS, SECTION 12-146, GARAGE SALES; PROVIDING FOR CODIFICATION AND RESOLUTION OF CONFLICTING LAWS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 166.021, of the Florida Statutes, authorizes municipalities to exercise their powers for municipal purposes and to preserve the health, safety, and general welfare of its residents, except when expressly prohibited by law; and

WHEREAS, the Mayor and City Council hereby find that this ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral, Florida Land Development Code, Article 5, Development Standards, Chapter 9, Temporary Uses, Section 5.9.4., Garage Sales, is hereby repealed:

~~Section 5.9.4. Garage sales:~~

~~Garage sales may be permitted on a private property in accordance with the following regulations:~~

- ~~A. — Garage sales are permitted to be held for a period not to exceed three days, on the basis of three such activities per residence per year, not to be held closer than 30 days apart.~~
- ~~B. — Prior to conducting a garage sale, the person conducting such sale is required to obtain a permit online from the city website or at the Code Enforcement Division. Such permit shall be posted or otherwise displayed on the property where the sale is being held to be visible from the street. In the event a garage sale is conducted without a permit, such sale shall be closed by the Police Department or the Code Enforcement Division, and shall remain closed until a valid garage sale permit is received from the city. Garage sale permits shall include authorization for on-site signs and off-site signs in accordance with applicable portions of the City of Cape Coral Land Development Code. On-site or off-site garage sale signs shall not be attached to any utility pole, street sign, tree, or other landscaping.~~
- ~~C. — The purchase of items for resale at a residence, which in essence establishes a residence as a second-hand store, is hereby prohibited.~~
- ~~D. — A violation of this Section shall be punishable by a fine of not less than \$75 and not more than \$250. Each day any violation of any provision of this Section occurs or continues shall constitute a separate offense. As an alternative, violators may be cited by a Code Enforcement Officer to appear before the Code Enforcement Special Master. In such event, violators shall be subject to fine(s) not to exceed \$250 per day for first-time violations or not to exceed \$500 per day for repeat violations, as imposed by the Code Enforcement Special Master pursuant to the City of Cape Coral Code of Ordinances or the Florida Statutes. A person is subject to arrest if he or she refuses to close down a garage sale for which no valid permit is in effect.~~

SECTION 2. The City of Cape Coral, Florida, Code of Ordinances, Chapter 12, Offenses and Miscellaneous Provisions, Article XIX, Registrations & Permits, Section 12-146, Garage Sales, is hereby created to read as follows:

ARTICLE XIX: REGISTRATION & PERMITS

§ 12-146 Garage Sales

Garage sales may be permitted on private property in accordance with the following regulations:

A. Garage sales are permitted to be held for a period not to exceed three days, on the basis of three such activities per residence per calendar year, not to be held closer than 30 days apart.

B. Prior to conducting a garage sale, the person conducting such sale is required to obtain a permit online from the city website or at the City Clerk’s Department. Such permit shall be posted or otherwise displayed on the property where the sale is being held to be visible from the street. In the event a garage sale is conducted without a permit, such sale shall be closed by the Police Department or the Code Enforcement Division, and shall remain closed until a valid garage sale permit is received from the city. Garage sale permits shall include authorization for on-site signs and off-site signs in accordance with applicable portions of the City of Cape Coral Land Development Code. On-site or off-site garage sale signs shall not be attached to any utility pole, street sign, tree, or other landscaping.

C. The purchase of items for resale at a residence, which in essence establishes a residence as a second-hand store, is hereby prohibited.

D. A violation of this Section shall be punishable by a fine of not less than \$75 and not more than \$250. Each day any violation of any provision of this Section occurs or continues shall constitute a separate offense. As an alternative, violators may be cited by a Code Enforcement Officer to appear before the Special Magistrate. In such event, violators shall be subject to fine(s) not to exceed \$250 per day for first time violations or not to exceed \$500 per day for repeat violations, as imposed by the Code Enforcement Special Magistrate pursuant to the City of Cape Coral, Florida, Code of Ordinances or the Florida Statutes. A person is subject to arrest if he or she refuses to close down a garage sale for which no valid permit is in effect.

SECTION 3. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 4. This ordinance does hereby repeal any ordinances, or portion thereof, in conflict herewith.

SECTION 5. Effective Date. This ordinance shall become effective immediately after its adoption by the Mayor and Cape Coral City Council.

ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AT THEIR REGULAR SESSION THIS _____ DAY OF _____, 2026.

JOHN GUNTER, MAYOR

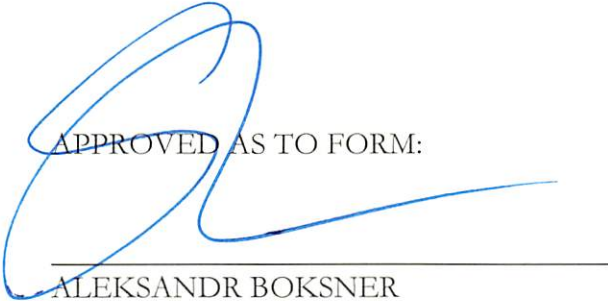
VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	_____	LASTRA	_____
STEINKE	_____	KILRAINE	_____
LEHMANN	_____	LONG	_____
DONNELL	_____	KADUK	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____,
2026.

KIMBERLY BRUNS
CITY CLERK

APPROVED AS TO FORM:



ALEKSANDR BOKSNER
CITY ATTORNEY
ord/Garage Sale Permits

YL