

ORDINANCE NO. 2016-04

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA AMENDING SECTION 102-23 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES PROHIBITING THE USE OF LIGHT STRINGS OR STRIPS TO FRAME WINDOWS WHEN SUCH LIGHT STRINGS OR STRIPS ARE VISIBLE FROM A PUBLIC RIGHT OF WAY; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Edgewood finds and determines that the use of light strings and strips, including led light strings and strips, to frame or border windows is becoming more prevalent among non-residential properties in neighboring jurisdictions; and

WHEREAS, the City Council of the City of Edgewood finds and determines that the proliferation of such light strings and strips for such use adds to light pollution and has a deleterious impact on the aesthetics of the area in which they are located; and

WHEREAS, the City Council of the City of Edgewood finds and determines that such light strings and strips when used to frame or border windows can distract or otherwise affect the normal night vision of drivers and pedestrians when the intensity of such light strings or strips is greater than the ambient light; and

WHEREAS, the City Council finds and determines that potential for driver and pedestrian impact of such light strings is greatest within non-residential areas of the City because properties within such districts tend to be closer to the roadways and the roadways have higher speed limits and more traffic which compound the risks associated with driver distraction; and

WHEREAS, the City Council of the City of Edgewood desires to protect the aesthetic appeal of the City of Edgewood; and

WHEREAS, the City Council of the City of Edgewood desires to ensure the greatest possible safety for motorists and pedestrians within the City of Edgewood; and

WHEREAS, the City Council of the City of Edgewood also finds that a limited exception to the prohibition provided herein for light strings or light strips to be displayed for up to thirty days once per calendar year furthers the objectives of this Ordinance while still allowing property owners or tenants flexibility in utilizing light displays; and

WHEREAS, the City Council of the City of Edgewood finds that the adoption of this Ordinance is in the best interest of the public health, safety and welfare; and

WHEREAS, the Planning and Zoning Board of the City of Edgewood, sitting as the Local Planning Agency, has reviewed the proposed amendment, found it consistent with the City's Comprehensive Plan, and recommended approval by the City Council.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Edgewood, Florida as follows:

NOTE: Underlined words constitute additions to the City of Edgewood Code of Ordinances, ~~through~~ constitutes deletions from the original Code of Ordinances, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

Section 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this ordinance.

Section 2. Section 102-23 of the City of Edgewood Code of Ordinances shall be amended as follows:

Sec. 102-23. - Exterior lighting.

(a) Lights for area lighting of outdoor areas shall not be located, operated, or maintained in any manner such that problems of a general nuisance nature are created on adjacent properties or such that traffic hazards result by reason of such illumination or glare.

(b) Exterior lighting should be arranged to reflect light away from adjoining properties thus maximizing illumination on the property on which it originates and minimizing illumination pervading other areas.

(c) Any person found in violation of this section should be notified and said person shall be allowed 15 days to shield, adjust, alter, or remove the lighting such that the negative effect on adjoining areas is eliminated.

(d) Except as otherwise provided in this paragraph, light strings or light strips, including LED strings or strips, visible from a public right of way, whether located on the interior or exterior of a structure, that frame or border any windows of property located in any non-residential zoning district are prohibited. For purposes of this section, a light string or strip shall be considered to frame or border a window if such light string or strip runs along any portion of the window's perimeter. Each property subject to this provision shall be allowed to display light strings or light strips, including LED strings or strips, that frame or border windows of the property and which are visible from a public right of way one time per calendar year for a period of up to thirty days provided that such light strings or light strips do not flash, blink, change colors, or involve any motion or simulated motion and do not cause any glare that would interfere with the vision of drivers or pedestrians. Prior to displaying any such light strings or light strips, the owner or tenant of the property shall notify the City on a form to be provided by the City of the first and last date the lights strings or light strips shall be displayed and illuminated.

Section 3. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Edgewood.

Section 4. If any section, sentence, phrase, word or portion of this ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 5. All ordinances that are in conflict with this Ordinance are hereby repealed.


Section 6. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 19th day of April, 2016, by the City Council of the City of Edgewood, Florida.

PASSED ON FIRST READING: March 22, 2016

PASSED ON SECOND READING: April 19, 2016


John Dowless, Council President

ATTEST:

Bea L. Meeks, MMC, CPM
City Clerk