

ORDINANCE NO. 3491

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS BY AMENDING SECTIONS 118-1, 118-693, AND 118-728 OF CHAPTER 118 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES AS THEY PERTAIN TO LUMINOUS TUBE LIGHTING; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after conducting a public hearing, the Planning and Zoning Commission has made its recommendation for the following amendment to the zoning ordinance; and,

WHEREAS, after appropriate notice and public hearing, the Planning and Zoning Commission of the City of North Richland Hills, Texas has forwarded a recommendation to the City Council for amendment of the City's zoning ordinance as set forth herein; and,

WHEREAS, notice has been given and public hearings held as required for amendments to the zoning ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS:

Section 1: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by modifying Section 118-1 (Definitions) of Chapter 118 of the North Richland Hills Code of Ordinances to add the following definition:

“ ...

Luminous tube lighting. A rigid or flexible tube that is illuminated by fiber optics or light emitting diodes. This definition includes the terms strip lighting, outline lighting, string lighting, and similar terms. This definition does not include luminous tubes containing neon or other inert electrically charged gases.

...”

Section 2: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by modifying Section 118-693(d)(2) (Exterior materials and colors) of Chapter 118 of the North Richland Hills Code of Ordinances to read as follows:

“... ”

(d) *Color.*

- (2) Bright, pure tone primary or secondary colors, and luminous tube lighting are permissible only in limited application as accent colors on door and window frames, moldings, cornices, canopies, awnings, etc. in proportions consistent with trim or accentuation only. Such building trim and accent areas shall not exceed 15 percent of any single exterior wall area excluding all windows, doors, and glass construction materials. Luminous tube lighting shall not be placed, attached, or affixed to the interior of a window or door or within three feet behind a window or door and must comply with the provisions of Sec. 118-728 (Outdoor Lighting).

...”

Section 3: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by modifying Section 118-728(f) (Outdoor lighting) of Chapter 118 of the North Richland Hills Code of Ordinances to add a new subsection and re-number this section in part to read as follows:

“... ”

(f) *General requirements for nonresidential and multifamily property.*

... ”

(7) *Luminous tube lighting.* The following standards shall apply to luminous tube lighting.

a. Location. Luminous tube lighting may be attached to the exterior of a building as an architectural detail to reinforce specific elements of the structure, subject to the following conditions.

1. The lighting may be attached to the roofline, parapet, cornice, eave, canopy, or other building element or architectural detail. The lighting must be mounted at least eight feet above grade

and no higher than top edge of the roofline, eave, or building element.

2. The lighting shall not be attached to or used to outline windows, doors, building columns, poles, or ground signs. The lighting shall not be attached to vertical corners of the building or along roof hips and/or ridge lines.
- b. Residential adjacency. When luminous tube lighting is located within 100 feet of a property zoned or used for a residential use, the maximum permitted installation height shall be 20 feet, regardless of the height of the roofline or eaves.
 - c. Shielding. Luminous tube lighting must be shielded or shrouded with an opaque, semi-opaque or translucent housing or building element. Unshielded or exposed lighting or the combination of lighting with any reflective materials is prohibited.
 - d. Color and motion. Light output must be of constant intensity and uniform color. If the luminous tube lighting fixture uses LED or similar technologies that allow for the color of the light to change, the color may change not more frequently than once every sixty seconds. Pulsing, flickering, moving, or flashing lights, or displays of multiple colors is prohibited.
 - e. Special use permit provision. Modifications to or deviations from the standards related to luminous tube lighting may be made only after approval of a special use permit.

(8) *Exterior lighting plan required.* The following exterior lighting information must be included with all site plan submissions. Such information shall be prepared by a certified engineer, architect, landscape architect or lighting engineer:

- a. Plans indicating the location of the exterior lighting on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
- b. Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required) and height of the luminaires.

- c. A statement from the property owner, developer, or agent and the preparer of the lighting plan that exterior lighting depicted on the lighting plan will comply with the requirements of this section after installation.
- d. Photometric plan and data sheets showing the angle of cut off or light emissions in footcandles across the entire property and at the property lines.
 - 1. A waiver to the photometric plan requirement may be granted by the development review committee upon request for certain small-scale, low-impact developments so long as the other submittal requirements of this subsection are met.

...”

Section 4: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by modifying Section 118-728(h) (Exemptions) of Chapter 118 of the North Richland Hills Code of Ordinances to delete the following and re-number this section consecutively:

“ ...

(4) Luminous tube lighting.

...”

Section 5: This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of North Richland Hills, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

Section 6: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

Section 7: Any person, firm or corporation violating any provision of the Zoning Ordinance and the zoning map of the City of North Richland Hills as amended hereby shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not to exceed Two Thousand Dollars (\$2,000.00). Each day any such violation shall be allowed to continue shall constitute a separate violation and punishable hereunder.

Section 8: All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 9: The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clause of this ordinance two times.

Section 10: This ordinance shall be in full force and effect immediately following publication as required by Section 9 hereof.

AND IT IS SO ORDAINED.

Passed on this 11th day of December, 2017.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

Approved as to content:

Clayton Comstock, Planning Manager

Approved as to form and legality:

Maleshia McGinnis, City Attorney