

CITY COUNCIL MEMORANDUM

FROM: The Office of the City Manager **DATE:** December 11, 2017

SUBJECT: TR 2017-04, Ordinance No. 3491, Public hearing to consider amendments to Sections 118-1 Definitions, Section 118-693 Exterior materials and colors, and Section 118-728 Outdoor lighting, of the North Richland Hills Zoning Ordinance regarding luminous tube lighting.

PRESENTER: Clayton Husband, Principal Planner

SUMMARY:

A revision is proposed to the Zoning Ordinance related to Section 118-1 Definitions, Section 118-693 Exterior materials and colors, and Section 118-728 Outdoor lighting. The revision would add a definition and standards related to luminous tube lighting.

GENERAL DESCRIPTION:

The Development Review Committee (DRC) continually monitors building, land use, and other development issues throughout the city. Recently, the DRC noted an increase in the use of luminous tube lighting on buildings in the city. Luminous tube lighting typically includes neon tubes, LED tube and strip lighting, and fluorescent tubes. The most common application of this type of lighting is to outline storefront windows and building edges, though it is also used for signage and illumination of building façades and landscaping.



The zoning ordinance exempts this type of lighting from the outdoor lighting standards contained in Section 118-728. In addition, the non-residential building design standards and sign regulations do not include any standards related to this type of lighting.

As the use of luminous tube lighting becomes more prevalent, particularly with the advancement of inexpensive LED technologies, the DRC expressed several areas of concern, such as the building appearance not meeting community expectations and unnecessary brightness and glare from unshielded or exposed lighting. These issues were discussed with City Council in June 2017, and direction was provided to bring forward updates to the zoning ordinance that would establish reasonable standards for the use of luminous tube lighting.

The proposed text amendments described below would add a definition for luminous tube lighting, update terminology in the building design standards, and provide for generally applicable standards for the use of luminous tube lighting.

Definitions

The zoning ordinance does not include a definition for luminous tube lighting. The proposed text revision would amend Section 118-1 Definitions 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.

Exterior Building Materials

The proposed text revision would amend a portion of Section 118-693 Exterior materials and colors to read as follows. The revision would change the phrase “neon and LED tubing” to “luminous tube lighting” and state that the lighting shall not be attached to the interior of a window or door or within three feet behind a window or door.

(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).

Outdoor Lighting Standards

Currently, the outdoor lighting section exempts luminous tube lighting from compliance with the standards. The proposed text revision would amend Section 118-728 Outdoor lighting to remove that exemption and add reasonable standards for the use and application of luminous tube lighting.

The proposed standards are listed below. They would permit the use of luminous tube lighting on the roofline or eaves of buildings, but not on windows, doors, and other building features. Standards for residential adjacency, shielding, color, and motion are also provided. The use of neon or other electrically charged gas tube lighting would be exempt from the standards, as they only apply to tube lighting that uses LED, fiber optic, or similar technologies.

(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 at least six inches below the 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 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.



Examples of luminous tube lighting.

PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission conducted a public hearing and considered this item at the November 16, 2017, meeting. The Commission voted 6-0 to continue the hearing at the December 7, 2017, meeting and directed staff to make modifications to the proposed standards regarding the timing of color changes and installation of the lighting inside windows and doors.

At the December 7, 2017, meeting, the Commission voted 7-0 to recommend approval of the standards subject to the following changes.

1. Revise the timing to allow the color to change not more frequently than once every sixty seconds.
2. Add a special use permit provision to allow consideration of modifications to and deviations from the outdoor lighting standards.



3. Revise the name of Section 118-728 from Outdoor lighting to Lighting.

The proposed ordinance incorporates these changes as described below.

1. The text regarding the timing of the color changes is revised to sixty seconds.
2. A provision for a special use permit is added. It would only apply to luminous tube lighting since the public notice was limited to that topic.
3. The name of Section 118-728 (Outdoor lighting) was not revised as the public notice for the text revisions was limited to luminous tube lighting.

RECOMMENDATION:

Approve Ordinance No. 3491.