

that the base height for the R-4 district is 35 feet, with an allowance to go one foot higher for each foot of additional building setback.

KCC 21A.12.170 Setbacks – projections and structures allowed, states, “structures may extend into or be located in required setbacks, including setbacks as required by KCC 21A.12.220.B,...” Then, under item H., the codes calls out the following structures, “H. Telephone, power, **light** (emphasis added) and flagpoles;....”

KCC 21A.12.180 Height – exception to limits, states, “The following structures may be erected above the height limits of KCC 21A.13.030-.050.” Then, under item B., the code calls out the following structures, “B. Fire or parapet walls, skylights, flagpoles, chimneys, smokestacks, church steeples, crosses, spires, communication transmission and receiving structures, utility line towers and poles, **and similar structures** (emphasis added).”

Discussion

The committee agreed there is a difference between ballfield lighting and a light poles, power poles, or telephone pole as demonstrated in photos obtained by common internet search of these terms. Although the committee saw a difference between field lighting and light poles, KCC 21A.12.170.H clearly allows telephone, power, and light poles within setbacks, and the committee did not believe there was enough of a distinction in the code to regulate field lights separately from light poles to prohibit their intrusion into the prescribed building setback in KCC21A.12.220.B.

On the issue of height, KCC 21A.12.180.B allows communication structures, smokestacks, utility line towers and poles (such as electrical transmission towers) and similar structures to exceed the height requirements for the zone. The committee believed that field lighting, which is what the School District wishes to install, was not captured under the “similar structures” term in the list of allowable structures. In the list of allowable structures, the code provides flexibility for certain structures that, by their function or design, regularly exceed the allowed base height in the zoning district where they are located. In addition, these structures are relatively invisible at night. This is not the case with ballfield lights. Furthermore, the code provides a mechanism for exceeding the base height in KCC 21A.12.030.B.4, which states, “Height limits may be increased if portions of the structure that exceed the base height limit provide one additional foot of street or interior setback for each foot above the base height limit, but the maximum height may not exceed seventy-five feet.”

Conclusion

Field lighting may be located within the setback per KCC 21A.12.170.H. However, field lighting is regulated by KCC 21A.12.180.B and must be located consistent with KCC 21A.12.220.B and KCC 21A.12.030. Therefore, field lighting as proposed by the School District may be located within the 30 foot setback for non-residential uses in a residential zones, however if it exceeds the 35 foot height limit, it must be setback one foot beyond the minimum 30 foot setback for every foot it exceeds the 35 foot height limit up to a maximum of 75 feet.