

Carson City Planning Division

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MEMORANDUM

Historic Resource Commission meeting of May 9, 2013

TO: Historic Resource Commission Item F-1

FROM: Lee Plemel, AICP, Planning Director

DATE: April 30, 2013

SUBJECT: HRC-13-005 – Flag Poles in the Historic District

Recommended Motion: I move to authorize the HRC Chair to administratively review and approve proposed new freestanding flag poles within the Historic District if determined that the flag pole does not negatively affect the exterior features that characterize the historic structure or property, provided that the Chair may refer the matter to the HRC if determined that the flag pole may negatively affect the historic structure or property.

Discussion:

The purpose of this item is to discuss and provide direction to Planning staff regarding the applicability of Historic District standards for freestanding flag poles. The questions that staff has for discussion and direction are:

- 1. Are freestanding flag poles subject to HRC review per the requirements of the Carson City Municipal Code (CCMC)?
- 2. If applicable, what standards would the HRC use in reviewing a flag pole?
- 3. If applicable, should review of flag poles require full HRC approval or administrative approval by the HRC Chairperson?

Following are the applicable sections of the CCMC for the HRC's consideration in this discussion (underlined emphasis added).

18.06.010 - Purpose/applicability.

The purpose of this chapter is to promote the educational, cultural and economic values of Carson City, and the health, safety and general welfare of the public through the preservation, maintenance and protection of districts, sites, buildings, and objects of significant historical, archaeological and cultural interest within Carson City.

18.06.015 - Procedure for proposed project.

Any proposed project to construct, alter, remodel, restore, renovate, rehabilitate, demolish, remove or change the exterior appearance of a building or structure; or to place signs, fences, or lighting; or to construct parking areas of site

improvements; or which affects the exterior landscape features and spaces that characterize a property and its environment shall not be started without prior approval of an application submitted to the historic resources commission (HRC) as provided for by this chapter.

18.06.045 - Historic place or district—Regulations.

- No approval of a proposed project shall be granted except as provided in this chapter.
- 2. If such project is limited to the replacement of similar or identical material(s), the chairman of the HRC or his designee may waive review by the HRC of certain proposed projects that require an approval.

Section 18.06.015 identifies the types of projects that are subject to HRC review. If a flag pole were attached to a building or structure, it would certainly fall under the provisions of changing "the exterior appearance of a building or structure." However, it is less clear regarding freestanding flag poles. If applicable, they would fall under a project that affects "the exterior landscape features and spaces that characterize a property and its environment."

Planning staff's primary concern with having the HRC review freestanding flag poles is that there are no guidelines within the Historic District Development Standards (Title 18 Appendix, Division 5) regarding flag poles, such as there are for fences, porches, siding, and other exterior elements. Under what criteria would the HRC review flag pole applications? The HRC cannot be arbitrary in applying requirements to development on private property. The HRC generally needs to point to specific adopted criteria in requiring any modifications to proposed construction.

In addition, the fact that a flag pole is generally intended to fly the American flag adds a dimension of legal scrutiny to any governmental limitations on a property owner's ability to erect a flag pole. Would the HRC ever deem it inappropriate to have a flag pole to fly the American flag? The zoning requirements for flag poles require them to meet setback and height requirements of the zoning district in which they are located, and they require a building permit to ensure they are properly installed and meet safety standards.

Staff recommends that the HRC authorize the HRC Chair to review and approve flag poles on a case-by-case basis, subject to the ability to refer the matter to the HRC if the Chair believes it is warranted. Flag poles have not been an issue within the District, but staff believes it is appropriate to address them before other requests for them are made. Staff will monitor future requests and obtain feedback with administrative approval reports to the HRC to determine if another approach is appropriate in the future.

If you have questions regarding this item, please contact Lee Plemel at 283-7075 or lplemel@carson.org.