



Carson City Planning Division

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MEMORANDUM

Historic Resource Commission meeting of February 14, 2013

TO: Historic Resource Commission **Item F-2**

FROM: Lee Plemel, AICP, Planning Director

DATE: February 10, 2013

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

Recommended Motion: I move to determine that freestanding flag poles are exempt from HRC review per the provisions of the Carson City Municipal Code.

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.

1. *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 HRC approval not be required for freestanding flag poles based upon the above discussion. However, the HRC may have other thoughts and recommendations based upon additional information or other considerations.

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