

Comments on zMOD's Flags and Flagpoles Report (Proposal)
(Paper distributed to Planning Commission and Board of Supervisors)

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1. Introduction:

zMOD is proposing that every nonresidential use in an R district is entitled to three standalone flagpoles each 60 ft tall and each displaying a flag between 96 and 216 sq ft in area. Nonresidential uses include host of places of worship, child care centers, community centers, small private schools, community swim clubs, etc embedded in neighborhoods and surrounded by homes of every type. zMOD's proposal would overwhelm homes and neighborhoods with flags and flagpoles. It's a ludicrous proposal.

Flags and flagpoles should be scaled to sizes of lots and heights of buildings. As the paper attempts to demonstrate, uses can get the flags they need without damaging communities.

The paper has been developed in little time due to the schedule imposed by zMOD. Undoubtedly it has its flaws. But hopefully it promises a way forward without resorting to zMOD's draconian proposal.

2. Summary of zMOD's Flags Proposal

Definition: A piece of cloth or similar material shaped like a pennant, rectangle, or square, regardless of content, attachable by one straight edge to a pole.

Parameters (AO = advertised option):

Parameter	Single-Family Dwelling	All Other Principal Uses
Flagpole height, max	25 ft	60 ft
Number of flags, max	2 (AO: 2 - 3)	3
Flag size, max	24 sq ft (AO: 15-40)	96 sq ft (AO: 96 - 216)
Number of flags less than 2 sq ft	No limit	0
Setback from front street/lot line, min	5 ft	5 ft

3. Comments and Suggestions:

3.1. Definition

The definition is not content neutral if it specifies the shape of the flag. Would swallow-tail flags be allowed?

The definition boils down to a piece of cloth attachable (but not necessarily attached) by one straight edge to a pole. The cloth could be displayed from a conventional freestanding flagpole, suspended by

four corners between 2 poles so as to be held open, or mounted flat on the façade of a building. The definition does not address how flags are displayed.

3.2. Other Principal Uses

In the table above, flag parameters are provided for single-family uses and "other principal uses." zMOD's defines a principal use as a use that is neither secondary, nor accessory, nor temporary. On that basis, every use in the use table in all R, C, and I districts not under an "accessory" or "temporary" heading, and not a single-family use, is a principal use entitled to 60-ft flagpoles. That would include group residential facilities and manufactured homes in R-MHP districts. Is "nonresidential uses" a better term than "other principal uses?"

3.3. Number of Flagpoles

The proposal addresses the number of flags but not the number of freestanding flagpoles allowed. In R districts, it is sensible to limit the number of freestanding flagpoles by lot size as suggested in the table below.

Candidate Number of Freestanding Flagpoles Allowed, R Districts

Lot Size	Max Number of Freestanding Flagpoles
Less than 2 acres	1
2 - 5 acres	2
Greater than 5 acres	3

4. Heights of Freestanding Flagpoles

zMOD proposes poles as high as 60 ft for all nonresidential uses in R districts, which would include the small private school on a one-acre lot on a local street around the corner from my home. Sixty-foot poles would be allowed as well on the lots of all places of worship, child care centers, community centers, small schools, community swim clubs, etc embedded in neighborhoods throughout the county. The proposal easily would damage homes and neighborhoods.

Commonly accepted standards are available for heights of flagpoles keyed to the physical heights of buildings. Basically, flagpoles are the same height or a little higher than the building, which suggests the standards below.

Candidate Height Limits for Freestanding Flagpoles, R Districts

Use	Building Height, ft	Max Freestanding Flagpole Height, ft
Residential and nonresidential	Up to 18	20 (1)
Residential and nonresidential	18 to 25	25
Residential	Greater than 25	25
Nonresidential	Greater than 25	Building height rounded up, but not exceeding 60 ft. (2)

- (1). For R-MHP districts and small one-story buildings, a 20-ft flagpole may be more appropriate than 25 ft.
- (2). The rounded-up height of a building is the physical height of the building opposite the site of the flagpole rounded up to the next number evenly divisible by 5 (35 ft for a building 32 ft tall). If the flagpole is in a location removed from the building, the height of the building should be taken as the height at the main entrance. Flagpole height may not exceed 60 ft.

Uses that are predominantly outdoor uses such as golf courses, marinas and cemeteries might be limited to 25-ft flagpoles.

5. Number and Sizes of Flags

zMOD proposes that all nonresidential uses in R districts should be allowed 96 sq ft flags, including the small school near my home (AO: 96 sq ft -216 sq ft). It's not a responsible proposal.

Flags may be displayed hanging loosely from freestanding flagpoles and hanging loosely from inclined flagpoles attached to another structure such as a front porch. Alternatively, they may be attached to, draped over, or suspended from a structure in order to be held fully open. For example, they can be spread over and attached to a building façade, attached by four corners to two vertical poles, or suspended from a horizontal pole attached to a building.

Flags displayed held-open should be regulated as signs. Content-neutral flags displayed held-open functionally are not different from signs. Their message may be any message legal in Virginia, including, for a dwelling with an HBB, "Best Handgun Prices in Fairfax County."

A simple standard for flags that hang loosely from inclined poles might be no larger than 4 ft x 6 ft on a pole no longer than 8 ft.

Commonly accepted standards are available for min and max sizes of flags that hang loosely from freestanding flagpoles. The suggestion below is based on one such standard.

Candidate Standard for Max Size of Flags on Freestanding Flagpoles

Height of Flagpole, ft	Max Size of Flag, ft
20	4x6
25	4x6
30	5x8
40	6x10
50	8x12
60	10x15

The number of flags larger than 2 sq ft allowed might be limited as below.

Maximum Number of Flags Larger the 2 Sq Ft Allowed

Use	Max Number of Flags
Residential Use	2
Nonresidential use	3

6. Number of Flags Less Than 2 Sq Ft

zMOD proposes to allow an indefinite number of flags less than 2 sq ft. The concern is that an indefinite number of small flags can be located side-by-side to create a large sign. The number of flags less than 2 sq ft should be limited to 4 in any yard facing a street.

7. Permits

Sign permits should be required for all flags displayed held-open. In addition, administrative permits should be required for freestanding flagpoles. In the previous signs ordinance, permits were not required to display U.S., state, civic association, etc. flags. But content neutrality prohibits these exceptions today, and every flag held-open and every flagpole effectively is either a sign or waiting to be a sign.

8. Illumination

zMOD's proposal should address whether and within what limitations a flag may be illuminated.

9. Setback

zMOD proposes that freestanding flagpoles may be located as close as 5 ft to lot and street lines. Five feet seems too close for flags that are illuminated either by light shining up on the flag or shining down. The issue is glare for pedestrians and motorists. zMOD should consider a greater setback for illuminated flags.

The zMOD draft, prior to the 21 Jan flag amendment, prohibited flags and all other structures in the minimum required front setback of lots less than 36,000 sq ft. Flags were allowed in the front yard but not in the minimum front setback. What changed?

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