

FAIRFAX COUNTY



ZONING ORDINANCE MODERNIZATION PROJECT

FLAGS AND FLAGPOLES

FEBRUARY 3, 2021

Background

Currently, the Zoning Ordinance has limited regulations applicable to flags and flagpoles. These regulations include the following:

- All lots are limited to a maximum of three flags per lot, with no size limitations;
- There is no maximum height limit, as flagpoles are exempt from height requirements; and
- Flagpoles are currently permitted to be located in a front yard, and they are subject to the location regulations for freestanding accessory structures in the side and rear yards.

Before the 2019 Zoning Ordinance amendment to the sign regulations, up to three flags were permitted on a lot and were not considered to be signs, but these flags were limited to U.S., State, and corporate flags. While the number of flags was carried forward with the amendment, the regulations that specifically permitted certain types of flags were deleted due to issues with content neutrality. As a result of recent inquiries related to flags, staff researched the standards applied in other jurisdictions and found that many neighboring jurisdictions regulate the height, size, number, and setbacks for flags and flagpoles. Stafford County recently amended its Zoning Ordinance to limit the height of flagpoles to the zoning district height limitations. In most single-family detached residential zoning districts, the maximum height is 35 feet. The City of Fairfax also limits flagpole height to the maximum zoning district height, and it permits up to three flags limited to 40 square feet each. Flagpoles are required to meet the applicable setbacks of the zoning district. Arlington County limits most flagpoles to 35 feet in height. One- and two-family lots are limited to two flags, and all other lots are limited to three flags. These flags may not exceed 60 square feet in size, with a cumulative total of 180 SF on two poles.

Based on this research, staff has proposed to include changes as a part of the Zoning Ordinance Modernization (zMOD) project to establish specific regulations for flags and flagpoles in Fairfax County. These regulations are discussed below and will be the subject of a public hearing with the Planning Commission on February 10, 2021, at 7:30 p.m.

Proposed Changes

A separate subsection specifically addressing flags and flagpoles has been added to the general standards for accessory uses and structures. Staff recommends the following standards: 1) the height of a flagpole



is limited to 25 feet for a lot developed with a single-family dwelling and 60 feet (advertised range 20 – 80 feet) for all other principal uses; 2) freestanding flagpoles must be set back five feet from any front lot line or street line and must comply with the location regulations in a side or rear yard; 3) up to two flags (advertised range 2 – 3 flags) are allowed on a lot developed with a single-family dwelling and up to three flags for all other principal uses; and 4) flags may be up to 24 square feet (advertised range 15 – 40 square feet) in size on a lot developed with a single-family dwelling and 96 square feet (advertised range 96 – 216 square feet) for all other principal uses. Small “garden” flags are typically less than two square feet in size, and these would be exempt from the limit of two flags for a single-family dwelling lot. The draft also proposes changes to the flag definition, including the addition of “regardless of content” and the deletion of “or attached at the top of a pole and draped.” Other related sections have been edited for consistency and clarification.

Staff research found that, while poles can range in height from as low as ten feet, typically the recommended flagpole height in association with a one- or two-story home is 20 feet, and 25 feet is recommended for two- or three-story homes. Available options increase in five-foot increments up to 80 feet. The recommended size of a flag is proportionally based on the selected pole size. Building-mounted flags are typically recommended to be 15 square feet, while flags located on poles up to 25 feet in height are recommended to be up to 24 to 40 square feet. On poles up to 60 feet in height, recommendations range from 96 to 216 square feet. As examples, the flagpoles at Fairfax County Public Schools are typically 25 feet in height and those outside the Government Center appear to be about 60 feet in height. Based on this research, staff has included advertised ranges of both heights and sizes for consideration during the public hearings.

The subsections applicable to flags and flagpoles are included below, as well as in the January 19, 2021 Strike-Through and Underlined Edits in the following subsections and pages:

Article 4: Use Regulations – Subsection 4102.7.A(16), Page 305, Lines 13 – 27:

(16) Flags and Flagpoles

- (a) On a lot developed with a single-family dwelling, the height of a flagpole is limited to 25 feet. On a lot developed with a principal use other than a single-family dwelling, the height of a flagpole is limited to 60 feet [Advertised range: 20 to 80 feet].**
- (b) Freestanding flagpoles may be located no closer than five feet from any front lot line or street line and are subject to the side and rear setback regulations in subsection 4102.7.A(6)(b).**
- (c) On a lot developed with a single-family dwelling, two [Advertised range: two to three] flags are permitted per lot. Each flag is limited to a maximum of 24 square feet**

[Advertised range: 15 to 40 square feet]. Flags that are smaller than two square feet are exempt from these limitations.

- (d)** On a lot developed with a principal use other than a single-family dwelling, a maximum of three flags are permitted per lot. Each flag is limited to a maximum of 96 square feet **[Advertised range: 96 to 216 square feet].**

With the addition of new subsection 4102.7.A(16) above, the reference to flagpoles in the front yard has been deleted from subsection 4102.7.A(6)(a)3., and a reference to the new subsection has been included in Article 7, Signs, in subsection 7100.3.B(1)(c).

Article 5: Development Standards – Subsection 5100.2.C, Page 339, Line 6:

C. Height Regulations

- (1)** Maximum building height applies to all structures in the zoning district except those structures or features listed below and those structures assigned a different maximum height elsewhere in this Ordinance.
- (2)** The height limitations of this Ordinance do not apply to accessory structures such as barns, silos, ~~flagpoles~~, birdhouses, flues, ~~monuments~~, or roof structures such as chimneys, spires, cupolas, gables, mechanical penthouses, domes, television antennas, water towers, water tanks, smoke-stacks, or other similar roof structures and mechanical equipment unless:
- (a)** The structure(s) on a building roof cumulatively occupies an area greater than 25 percent of the total roof area; or
- (b)** The structure is not used for a purpose accessory to the principal use of the building.

Article 9: Definitions – Subsection 9102, Page 645, Lines 8 – 10:

Flag

A single piece of cloth or similar material shaped like a pennant, rectangle, or square, regardless of content, attachable by one straight edge to a pole ~~or attached at the top of a pole and draped~~. For purposes of this Ordinance, a minor sign is not a flag.

Timing

As mentioned previously, the changes to regulations on flags and flagpoles will be discussed at a public hearing with the Planning Commission on February 10, 2021, at 7:30 p.m., and then will be considered as part of the public hearing for zMOD before the Board of Supervisors on March 9, 2021.

Example Imagery

Photographs included below provide examples of different flags and flagpoles seen throughout the County:

