

# Racial Equity and Social Justice (RESJ) Zoning Text Amendment Statement

Office of Legislative Oversight

## ZTA 21-10      ACCESSORY STRUCTURES — USE STANDARDS

### SUMMARY

The Office of Legislative Oversight anticipates that Zoning Text Amendment 21-10 would have little or no impact on racial equity and social justice (RESJ) in the County.

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### PURPOSE OF RESJ STATEMENTS

The purpose of RESJ impact statements for zoning text amendments (ZTAs) is to evaluate the anticipated impact of ZTAs on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, power, and leadership of communities of color and low-income communities with a **goal** of eliminating racial and social inequities<sup>1</sup>. Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.<sup>2</sup>

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### PURPOSE OF ZTA 21-10

The purpose of Zoning Text Amendment 21-10 is to provide clearer language in the Zoning Ordinance that within its use standards for accessory structures to specify that the cumulative footprint of all accessory structures may not exceed 50 percent of the footprint of the principal building or 600 square feet, whichever is greater. The intent of this ZTA is to make the language of the Zoning Ordinance consistent with the County's current interpretation of this requirement.

The County (DPS) has historically interpreted the accessory structures use standard provision of the Zoning Code to apply to the cumulative footprint of all structures, not each accessory structure. The Court of Special Appeals, however, disagreed with the Montgomery County Board of Appeals' reading of this provision determining that the best reading of the 50 Percent Rule permits landowners to have two or more accessory buildings on their lot that meet this specification individually.<sup>3</sup> ZTA 21-10 revises the language of the original provision to make it clear that the cumulative footprint of all accessory structures may not exceed 50 percent of the footprint of the principal building or 600 square feet, whichever is greater. ZTA 21-10 was introduced on November 16, 2021.

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### ANTICIPATED RESJ IMPACTS

OLO does not anticipate RESJ impact for ZTA 21-10 because this ZTA clarifies existing practice rather than changes the intent of the Zoning Code. In turn, ZTA 21-10 will have little to no impact on RESJ in Montgomery County.

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### CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of zoning text amendments on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement on the proposed zoning text amendment is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the ZTA under consideration.

# RESJ Impact Statement

## Zoning Text Amendment 21-10

### CONTRIBUTIONS

OLO staffer Elsabett Tesfaye, Performance Management and Data Analyst, drafted this racial equity and social justice impact statement.

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<sup>1</sup> Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools <https://www.racialequitytools.org/glossary>

<sup>2</sup> Ibid

<sup>3</sup> UNREPORTED IN THE COURT OF SPECIAL APPEALS OF MARYLAND-No. 1687, September Term, 2019 BOARD OF APPEALS FOR MONTGOMERY COUNTY v. LARRY J. CREWS, et al., Nazarian, Friedman, Wells, JJ., Opinion by Friedman, J. Filed: July 6, 2021