



**Committee:** PHED  
**Committee Review:** At a future date  
**Staff:** Livhu Ndou, Legislative Attorney  
**Purpose:** To receive testimony – no vote expected  
**Keywords:** #PoolEnclosure #AccessoryStructure  
#AccessoryBuilding

AGENDA ITEM #9  
September 13, 2022  
**Public Hearing**

## SUBJECT

Zoning Text Amendment (ZTA) 22-09, Accessory Structures – Use Standards

Lead Sponsor: Councilmember Riemer

Co-Sponsor: Councilmember Hucker

## EXPECTED ATTENDEES

Members of the public

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

To receive testimony

## DESCRIPTION/ISSUE

ZTA 22-09 will create use standards for pool enclosures.

## SUMMARY OF KEY DISCUSSION POINTS

- In the current zoning ordinance, the cumulative footprint of all accessory buildings on a lot may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater.
- ZTA 22-09 will allow a cumulative footprint of up to 1,200 square feet if the property contains a pool enclosure. If the cumulative footprint of accessory buildings is increased because of a pool enclosure, ZTA 22-09 also contains provisions limiting the size of the other accessory buildings.
- The pool enclosure must be transparent or translucent and have a maximum height of 7 feet or less.
- A Planning, Housing, and Economic Development Committee Worksession is tentatively scheduled for September 19, 2022.

### **This report contains:**

ZTA 22-09

© 1

Racial Equity and Social Justice Impact Statement

© 18

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Ordinance No.:  
Zoning Text Amendment No.: 22-09  
Concerning: Accessory Structures –  
Use Standards  
Draft No. & Date: 1 – 7/14/2022  
Introduced: July 26, 2022  
Public Hearing: September 13, 2022  
Adopted:  
Effective:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Councilmember Riemer  
Co-Sponsor: Councilmember Hucker

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- create use standards for pool enclosures; and
- generally amend the provisions for accessory structures.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 3.7.	“Miscellaneous Uses”
Section 3.7.4.	“Accessory Miscellaneous Uses”
Division 4.2.	“Agricultural Zone”
Section 4.2.1.	“Agricultural Reserve Zone (AR)”
Division 4.3.	“Rural Residential Zones”
Section 4.3.3.	“Rural Zone (R)”
Section 4.3.4.	“Rural Cluster Zone (RC)”
Section 4.3.5.	“Rural Neighborhood Cluster Zone (RNC)”
Division 4.4.	“Residential Zones”
Section 4.4.4.	“Residential Estate – 2 Zone (RE-2)”
Section 4.4.5.	“Residential Estate – 2C Zone (RE-2C)”
Section 4.4.6.	“Residential Estate – 1 Zone (RE-1)”
Section 4.4.7.	“Residential – 200 Zone (R-200)”
Section 4.4.8.	“Residential – 90 Zone (R-90)”
Section 4.4.9.	“Residential – 60 Zone (R-60)”

Section 4.4.10. “Residential – 40 Zone (R-40)”

**EXPLANATION:** ***Boldface** indicates a Heading or a defined term.*  
*Underlining indicates text that is added to existing law by the original text amendment.*  
*[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.*  
*Double underlining indicates text that is added to the text amendment by amendment.*  
*[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.*  
*\* \* \* indicates existing law unaffected by the text amendment.*

*ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Sec. 1. Division 59-3.7 is amended as follows:**

**Division 3.7. Miscellaneous Uses**

\* \* \*

**Section 3.7.4. Accessory Miscellaneous Uses**

**A. Accessory Structure**

**1. Defined**

Accessory Structure means a structure subordinate to and located on the same lot as a principal building, the use of which is incidental to the use of the principal building or to the use of the land. An Accessory Structure is not attached by any part of a common wall or common roof to the principal building.

**2. Use Standards**

Where an Accessory Structure is allowed as a limited use, it must satisfy the following standards:

- a. In Agricultural and Rural Residential zones, where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building. Buildings for an agricultural use are exempt from this size restriction.
- b. In Residential Detached zones, where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.

- 27           c.     Where the construction of a pool enclosure would cause the  
 28                     cumulative footprint of all accessory buildings, including the  
 29                     pool enclosure, to exceed 50% of the footprint of the principal  
 30                     building or 600 square feet, whichever is greater, the pool  
 31                     enclosure may be allowed, provided:
- 32                     i.     the pool enclosure, not including the rafters, is  
 33                             translucent or transparent;
- 34                     ii.    the pool enclosure has a height of 7 feet or less;
- 35                     iii.   the cumulative footprint of all other accessory buildings  
 36                             on the property is less than 50% of the footprint of the  
 37                             principal building or 600 square feet, whichever is  
 38                             greater; and
- 39                     iv.    the cumulative footprint of the pool enclosure and all  
 40                             other accessory buildings on the property does not  
 41                             exceed 1,200 square feet.

42     \*   \*   \*

43           **Sec. 2. Division 59-4.2 is amended as follows:**

44     **Division 4.2. Agricultural Zone**

45     **Section 4.2.1. Agricultural Reserve Zone (AR)**

46     \*   \*   \*

47     F.     AR Zone, Standard Method Development Standards

	<p><b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b></p>
<p>*   *   *</p>	

3. Placement
* * *
Specification for Principal Building and Accessory Structure Setbacks
* * *
c. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building. Buildings for an agricultural use are exempt from this size restriction.
d. <u>Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:</u>
<u>1. the pool enclosure, not including the rafters, is translucent or transparent;</u>
<u>2. the pool enclosure has a height of 7 feet or less;</u>
<u>3. the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and</u>
<u>4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.</u>

48 \* \* \*

49           **Sec. 3. Division 59-4.3 is amended as follows:**

50       **Division 4.3. Rural Residential Zones**

51 \* \* \*

52       **Section 4.3.3. Rural Zone (R)**

53 \* \* \*

54       B.     R Zone, Standard Method Development Standards

	<p><b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b></p>
* * *	
2. Placement	
* * *	
Specifications for Accessory Structure Setbacks	
* * *	
<p>d. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building. Buildings for an agricultural use are exempt from this size restriction.</p>	
<p>e. <u>Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:</u></p> <ol style="list-style-type: none"> <li><u>1. the pool enclosure, not including the rafters, is translucent or transparent;</u></li> <li><u>2. the pool enclosure has a height of 7 feet or less;</u></li> <li><u>3. the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and</u></li> <li><u>4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.</u></li> </ol>	

55 \* \* \*

56 **Section 4.3.4. Rural Cluster Zone (RC)**

57 \* \* \*

58 B. RC Zone, Standard Method Development Standards

<b>1. Lot and Density</b>	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
* * *	
<b>2. Placement</b>	
* * *	
<b>Specifications for Principal Building and Accessory Structure Setbacks (min)</b>	
* * *	
<p>e. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building. Buildings for an agricultural use are exempt from this size restriction.</p>	
<p><u>f. Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:</u></p> <ol style="list-style-type: none"> <li><u>1. the pool enclosure, not including the rafters, is translucent or transparent;</u></li> <li><u>2. the pool enclosure has a height of 7 feet or less;</u></li> <li><u>3. the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and</u></li> <li><u>4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.</u></li> </ol>	



59 \* \* \*

60 **Section 4.3.5. Rural Neighborhood Cluster Zone (RNC)**

61 \* \* \*

62 C. RNC Zone, Standard Method Development Standards

<b>1. Site</b>	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>	
* * *		
3. Placement		
* * *		
Specifications for Principal Building and Accessory Structure Setbacks		* * *
* * *		
d. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building. Buildings for an agricultural use are exempt from this size restriction.		
<u>e. Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:</u>		* * *
<u>1. the pool enclosure, not including the rafters, is translucent or transparent;</u>		
<u>2. the pool enclosure has a height of 7 feet or less;</u>		
<u>3. the cumulative footprint of all other accessory buildings on the</u>		

<p><u>property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and</u></p> <p><u>4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.</u></p>	
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63 \* \* \*

64 **Sec. 4. Division 59-4.4 is amended as follows:**

65 **Division 4.4. Residential Zones**

66 \* \* \*

67 **Section 4.4.4. Residential Estate – 2 Zone (RE-2)**

68 \* \* \*

69 B. RE-2 Zone, Standard Method Development Standards

<b>1. Lot and Density</b>	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
* * *	
<b>2. Placement</b>	
* * *	
<b>Specifications for Accessory Structure Setbacks</b>	
* * *	
<p>d. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.</p>	

e. Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:

1. the pool enclosure, not including the rafters, is translucent or transparent;
2. the pool enclosure has a height of 7 feet or less;
3. the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and
4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.

70 \* \* \*

71 **Section 4.4.5. Residential Estate – 2C Zone (RE-2C)**

72 \* \* \*

73 B. RE-2C Zone, Standard Method Development Standards

<b>1. Lot and Density</b>	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
* * *	
<b>2. Placement</b>	
* * *	
<b>Specifications for Accessory Structure Setbacks</b>	
* * *	
d. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint	

of the principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.

e. Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:

1. the pool enclosure, not including the rafters, is translucent or transparent;
2. the pool enclosure has a height of 7 feet or less;
3. the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and
4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.

74 \* \* \*

75 **Section 4.4.6. Residential Estate – 1 Zone (RE-1)**

76 \* \* \*

77 B. RE-1 Zone, Standard Method Development Standards

<b>1. Lot and Density</b>	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
* * *	
<b>2. Placement</b>	
* * *	
Specifications for Accessory Structure Setbacks	

* * *
<p>d. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.</p>
<p><u>e. Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:</u></p> <ol style="list-style-type: none"> <li><u>1. the pool enclosure, not including the rafters, is translucent or transparent;</u></li> <li><u>2. the pool enclosure has a height of 7 feet or less;</u></li> <li><u>3. the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and</u></li> <li><u>4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.</u></li> </ol>

78 \* \* \*

79 **Section 4.4.7. Residential – 200 Zone (R-200)**

80 \* \* \*

81 B. R-200 Zone, Standard Method Development Standards

<b>1. Lot and Density</b>	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
* * *	

2. Placement
* * *
Specification for Accessory Structure Setbacks
* * *
b. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.
c. <u>Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:</u>
<ul style="list-style-type: none"> <li><u>1. the pool enclosure, not including the rafters, is translucent or transparent;</u></li> <li><u>2. the pool enclosure has a height of 7 feet or less;</u></li> <li><u>3. the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and</u></li> <li><u>4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.</u></li> </ul>
[c]d. Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.

82 \* \* \*

83 **Section 4.4.8. Residential – 90 Zone (R-90)**

84 \* \* \*

85 B. R-90 Zone, Standard Method Development Standards

<b>1. Lot and Density</b>	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
* * *	
<b>2. Placement</b>	
* * *	
<b>Specifications for Accessory Structure Setbacks</b>	
* * *	
<p>d. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.</p>	
<p><u>e. Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:</u></p> <ol style="list-style-type: none"> <li><u>1. the pool enclosure, not including the rafters, is translucent or transparent;</u></li> <li><u>2. the pool enclosure has a height of 7 feet or less;</u></li> <li><u>3. the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and</u></li> <li><u>4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.</u></li> </ol>	
<p>[e]f. Any accessory building or structure used for the housing, shelter, or sale of</p>	

animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.

86 \* \* \*

87 **Section 4.4.9. Residential – 60 Zone (R-60)**

88 \* \* \*

89 B. R-60 Zone, Standard Method Development Standards

<b>1. Lot and Density</b>	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>
* * *	
<b>2. Placement</b>	
* * *	
<b>Specifications for Accessory Structure Setbacks</b>	
* * *	
<p>d. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an agricultural use are exempt from this size restriction.</p>	
<p><u>e. Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:</u></p> <ol style="list-style-type: none"> <li><u>1. the pool enclosure, not including the rafters, is translucent or transparent;</u></li> <li><u>2. the pool enclosure has a height of 7 feet or less;</u></li> </ol>	



3. the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and

4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.

[e]f. Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.

90 \* \* \*

91 **Section 4.4.10. Residential – 40 Zone (R-40)**

92 \* \* \*

93 B. R-40 Zone, Standard Method Development Standards

<b>1. Site</b>	<b>Detached House or a Building for a Cultural Institution, Religious Assembly, Public Use, or a Conditional Use allowed in the zone</b>	
* * *		
3. Placement		
* * *		* * *
Specifications for Accessory Structure Setbacks		
* * *		
d. Where the principal building on a lot is a detached house, the cumulative footprint of all accessory buildings on that lot may not exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater. This Subsection does not apply to Section 3.3.3.C, Detached Accessory Dwelling Unit. Buildings for an		

<p>agricultural use are exempt from this size restriction.</p>	
<p><u>e. Where the construction of a pool enclosure would cause the cumulative footprint of all accessory buildings, including the pool enclosure, to exceed 50% of the footprint of the principal building or 600 square feet, whichever is greater, the pool enclosure may be allowed, provided:</u></p> <ol style="list-style-type: none"> <li><u>1. the pool enclosure, not including the rafters, is translucent or transparent;</u></li> <li><u>2. the pool enclosure has a height of 7 feet or less;</u></li> <li><u>3. the cumulative footprint of all other accessory buildings on the property is less than 50% of the footprint of the principal building or 600 square feet, whichever is greater; and</u></li> <li><u>4. the cumulative footprint of the pool enclosure and all other accessory buildings on the property does not exceed 1,200 square feet.</u></li> </ol>	
<p>[e]f. Any accessory building or structure used for the housing, shelter, or sale of animals or fowl other than a household pet must be a minimum of 25' from a lot line and a minimum of 100' from a dwelling on another lot.</p>	

94 \* \* \*

95 **Sec. 5. Effective date.** This ordinance becomes effective 20 days after the  
 96 date of Council adoption.

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

Office of Legislative Oversight

## ZTA 22-09      ACCESSORY STRUCTURES — USE STANDARDS

### SUMMARY

The Office of Legislative Oversight anticipates that Zoning Text Amendment 22-09 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 22-09

The purpose of Zoning Text Amendment 22-09 is to allow a cumulative footprint of up to 1,200 square feet for a “pool enclosure” on a detached single-family property.<sup>3</sup> ZTA 22-09 amends provisions for accessory structures under the use group Section 3.7.4 “Accessory Miscellaneous Uses” of the Zoning Ordinance and other sections in the Agricultural, Rural Residential, and Residential zones.<sup>4</sup> ZTA 22-09 also requires that pool enclosures be transparent or translucent and have a maximum height of seven feet or less.<sup>5</sup> However, the existing accessory building requirement which specifies “...the cumulative footprint of all accessory buildings on that lot may not exceed 50 percent of the footprint of the principal building or 600 square feet, whichever is greater” remains unchanged for accessory buildings that do not include a pool enclosure.<sup>6</sup> ZTA 22-09 was introduced on July 26, 2022.<sup>7</sup>

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### ANTICIPATED RESJ IMPACTS

OLO anticipates that ZTA 22-09 will have little to no impact on RESJ in the County. The modifications proposed in this ZTA apply to all single-family detached residential developments in the County. While homeownership rates in the County vary by race and ethnicity with three-quarters of White and Asian households residing in owner-occupied units compared to half of Latinx residents, 43 percent of Black residents, and 47 percent of Indigenous residents and other groups,<sup>8</sup> OLO anticipates that few homeowners will take advantage of this proposed change in the Zoning Ordinance. Thus, ZTA 22-09 will have little to no impact on existing disparities in homeownership by race and ethnicity locally.

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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.

Office of Legislative Oversight

August 30, 2022

# RESJ Impact Statement

## Zoning Text Amendment 22-09

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### CONTRIBUTIONS

Elsabett Tesfaye, Performance Management and Data Analyst, drafted this RESJ 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> Montgomery County, Maryland Council: Zoning Text Amendment No. 22-09, Concerning: Accessory Structures – Use Standards. Introduced: July 26, 2022

[Zoning Text Amendment No: 10-xx \(montgomerycountymd.gov\)](https://montgomerycountymd.gov/Zoning-Text-Amendment-No-10-xx)

<sup>4</sup> Ibid

<sup>5</sup> Ibid

<sup>6</sup> Ibid

<sup>7</sup> Montgomery County, Maryland Council: Zoning Text Amendment No. 22-09.

<sup>8</sup> Racial Equity Profile Montgomery County. Report Number Report Number 2019-7. July 15, 2019

<https://www.montgomerycountymd.gov/OLO/Resources/Files/2019%20Reports/RevisedOLO2019-7.pdf>