

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

Office of Legislative Oversight

ZTA 22-11: TECHNICAL CORRECTIONS

SUMMARY

The Office of Legislative Oversight (OLO) finds that Zoning Text Amendment 22-11, Technical Corrections, will have a minimal, positive impact on racial equity and social justice (RESJ) as it helps implement Expedited Bill 41-21, Elections – Council Districts – Boundaries,¹ that increased political representation for Black and Latinx residents in the County.²

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.³ 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.⁴

PURPOSE OF ZTA 22-11

In December 2021, the County Council enacted Expedited Bill 41-21, Elections – Council Districts – Boundaries, replacing the Council's former five district boundaries with seven new districts. This increased the total number of County Councilmembers from 9 to 11 with the 20th County Council.⁵ If enacted, ZTA 22-11 will increase the number of affirmative votes required for zoning text amendments and zoning map amendments. ZTA 22-11 will also make several technical corrections to the Zoning Ordinance, including removing incorrect references, alphabetizing a section of the use table, and fixing grammatical errors.⁶ ZTA -22-11 was introduced on December 13, 2022.

Of note, the Zoning Ordinance describes permissible land uses for property in the County outside of its municipalities.⁷ It establishes zones that permits various uses such as agriculture, residential, commercial, and industrial. The Zoning also sets standards for permitted density of development, location of structures, building heights, setbacks, and lot area for each zone.⁸ The Zoning Map describes the County's zones visually. Changes to the Zoning Ordinance require Council approval via zoning text amendments (ZTAs) while changes to the Zoning Map require zoning map amendments.

On November 3, 2022, OLO published a RESJ impact statement (RESJIS) for Expedited Bill 29-22, Local Laws – Updates to Required Numbers of Councilmember Votes.⁹ This RESJIS builds from the RESJ analysis described in the RESJIS for Bill 29-22. For background on voting rights, political representation, and the RESJ impact of redistricting, see the RESJIS for Expedited Bill 41-21.¹⁰

ANTICIPATED RESJ IMPACTS

Expedited Bill 41-21 created two new Council districts where Black and Latinx persons respectively comprise the largest group of residents: District 5 where Black residents are the largest racial group and District 6 where Latinx residents are the largest ethnic group. The addition of two new districts increased the political representation and power of Black and Latinx residents in the County and thus enhances RESJ.¹¹

RESJ Impact Statement

Zoning Text Amendment 22-11

Since ZTA 22-11 helps to implement Expedited Bill 41-21, OLO anticipates that it will have a positive impact on RESJ in the County. Given this and the other technical changes included in this ZTA, OLO anticipates a minor RESJ impact.

RECOMMENDED AMENDMENTS

Bill 44-20 amending the County's Racial Equity and Social Justice Act¹² requires OLO to consider whether recommended amendments aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements for zoning text amendments. OLO finds ZTA 22-11 will have a positive impact on RESJ in the County. As such, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this RESJ 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.

¹ Montgomery County Council Expedited Bill 41-21: Elections-Council Districts-Boundaries. Enacted December 7, 2021 [Montgomery County Council - Legislative Information Management System – bill details \(montgomerycountymd.gov\)](https://montgomerycountymd.gov/legisinfo/bills/41-21)

² Racial Equity and Social Justice Impact Statement for Expedited Bill 41-21, Office of Legislative Oversight, Montgomery County, Maryland, December 7, 2021.

[Expedited Bill 41-21: Elections — Council Districts — Boundaries \(montgomerycountymd.gov\)](https://montgomerycountymd.gov/legisinfo/bills/41-21)

³ 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.raciaequitytools.org/glossary>

⁴ Ibid

⁵ Bohnel, Steve. “Marc Elrich, 20th County Council laud historic inauguration day”. Bethesda Beat. December 5, 2022. <https://bethesdamagazine.com/2022/12/05/marc-elrich-20th-county-council-laud-historic-inauguration-day-for-local-government/>

⁶ Montgomery County Council. Introduction: Agenda Item #3A December 13, 2022 [Zoning Text Amendment No: 10-xx \(montgomerycountymd.gov\)](https://montgomerycountymd.gov/legisinfo/bills/10-xx)

⁷ The Zoning Ordinance refers to Chapter 59 of the County Code, https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco_md_zone2014/0-0-0-1. For description of the Zoning Ordinance, also see “Everything That You Always Wanted to Know About Planning, Zoning and Subdivision in Montgomery County, Maryland.” Montgomery County Planning Board. March 1991 (4th Edition).

⁸ Ibid

⁹ Montgomery County Council, Bill 29-22E, Local Laws-Updates to Required Numbers of Councilmember Votes. Racial Equity and Social Justice (RESJ) Impact Statement Office of Legislative Oversight: November 3, 2022.

[RESJIS Expedited Bill 29-22: Local Laws – Updates to Required Numbers of Councilmember Votes \(montgomerycountymd.gov\)](https://montgomerycountymd.gov/legisinfo/bills/29-22)

¹⁰ Montgomery County Council Bill 41-21E: Elections-Council Districts-Boundaries.

¹¹ Montgomery County Council Bill 29-22E: Local Laws-Updates to Required Numbers of Councilmember Votes

¹² Racial Equity and Social Justice (RESJ) Impact Statement for Bill 44-20, Office of Legislative Oversight Montgomery County, Maryland, December 1, 2020.

[Montgomery County Council - Legislative Information Management System – bill details \(montgomerycountymd.gov\)](https://montgomerycountymd.gov/legisinfo/bills/44-20)