

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

Office of Legislative Oversight

ZTA 22-12: OVERLAY ZONES - CLARKSBURG EAST AND WEST ENVIRONMENTAL OVERLAY - EXEMPTIONS

SUMMARY

The Office of Legislative Oversight anticipates that Zoning Text Amendment 22-12 will have little to no impact on racial equity and social justice (RESJ) in the County.

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.¹ 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.²

PURPOSE OF ZTA 22-12

The purpose of the ZTA 22-12, Overlay Zones - Clarksburg East and West Environmental Overlay - Exemptions, is to amend the Zoning Ordinance to clarify that any master-planned bikeway located in the Clarksburg East and West Environmental Overlay Zones is exempt from the overlay zones' impervious surface restrictions.³

In 2014, the County Council approved ZTA 14-03: the Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area.⁴ ZTA 14-03 limited imperviousness (paved surfaces impervious to water) and established both open space requirements for new development east and west of I-270 and development standards to maximize development flexibility and protect sensitive natural resources.⁵ Toward this end, ZTA 14-03 created two environmental overlay zones, establishing a:

- 15 percent imperviousness limit on new development east of I-270 (Clarksburg East Environmental Overlay)
- 6 percent imperviousness limit west of I-270 (Clarksburg West Environmental Overlay)

ZTA 14-03 exempts County-owned land from these imperviousness limits as well as publicly funded roads, master-planned bikeways, properties less than two acres, and additions to houses. ZTA 14-03 was adopted July 15, 2014.⁶

In ZTA 22-12, the Planning Board proposes to clarify the Clarksburg Environmental Overlay Zones' provision exempting master planned bikeways from impervious surface caps.⁷ The Planning Board believes that as currently written, the overlay zones' language could be interpreted as allowing only publicly funded bikeways to be exempt from the impervious surface restrictions. ZTA 22-12 was introduced on December 13, 2022.⁸ A public hearing for this ZTA is tentatively scheduled for January 17, 2023.

RESJ Impact Statement

Zoning Text Amendment 22-12

ANTICIPATED RESJ IMPACTS

OLO does not anticipate a racial equity and social justice impact for ZTA 22-12 because it clarifies provisions already adopted by the Council with ZTA 14-03, the Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area. ZTA 22-12 seeks to clarify ZTA 14-03's provisions exempting bikeways from impervious surface caps rather than establishing new policies or practices that may impact RESJ in the County. As such, OLO anticipates that ZTA 22-12 will have little to no impact on RESJ in the County.

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.

¹ 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>

² Ibid

³ Chapter 59 Montgomery County Zoning Ordinance defines impervious surface as any surface that prevents or significantly impedes the infiltration of water into the underlying soil, including any structure, building, patio, sidewalk, compacted gravel, pavement, asphalt, concrete, stone, brick, tile, swimming pool, or artificial turf. Impervious surface also includes any area used by or for motor vehicles or heavy commercial equipment regardless of surface type or material, any road, driveway, or parking area.

⁴ Resolution 17-1167. Correction to Resolution 17-1048. Approval of Planning Board Draft Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area. Montgomery County Council. July 15, 2014.

[montgomery county council - legislative information management system – resolution details \(montgomerycountymd.gov\)](https://www.montgomerycountymd.gov/council/legislative-information-management-system-resolution-details)

⁵ Approved and Adopted Ten Mile Creek Area Limited Amendment-Clarksburg Master Plan Hyattstown Special Study Area. Montgomery County Planning Department, M-NCPPC. July 2014.

https://www.montgomeryplanning.org/community/plan_areas/l270_corridor/clarksburg/documents/ten_mile_creek_approved.pdf

⁶ Ordinance No. 17-46 (ZTA 14-03). Overlay Zone – Clarksburg. Montgomery County Council. July 15, 2014.

https://www.montgomerycountymd.gov/council/resources/files/res/2014/20140715_17-46.pdf

⁷ Staff report: Proposed Zoning Text Amendment (ZTA) Overlay Zones – Clarksburg East and West Environmental Exemptions. Montgomery County Planning Department. March 19, 2020.

https://montgomeryplanningboard.org/wp-content/uploads/2020/03/proposed-zta-on-clarksburg-east-west-environmental-overlays-jks_03-18-20_final.pdf