

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

Office of Legislative Oversight

ZTA 25-07: RETAIL SALES AND SERVICE – CANNABIS DISPENSARY

SUMMARY

The Office of Legislative Oversight (OLO) anticipates ZTA 25-07, Retail Sales and Service - Cannabis Dispensary will have a minimal impact on racial equity and social justice (RESJ) in the County. While OLO cannot describe the race and ethnicity of the owners of new cannabis dispensaries or of the households located near them, OLO anticipates the burdens and benefits of the 100-foot setback between dispensaries and residences proposed under ZTA 25-07 will likely offset one another. As such, OLO anticipates that ZTA 25-07 will have a minimal impact on RESJ in the County.

PURPOSE OF RESJ STATEMENTS

RESJ impact statements (RESJIS) for zoning text amendments (ZTAs) evaluate the anticipated impact of ZTAs on racial equity and social justice in the County. RESJ is a **process** that focuses on centering the needs, leadership, and power of Black, Indigenous, and other people of color (BIPOC) and communities with low incomes with a **goal** of eliminating racial and social inequities. Applying a RESJ lens is essential to achieve RESJ.¹ This involves seeing, thinking, and working differently to address the racial and social inequities that cause racial and social disparities.²

PURPOSE OF ZTA 25-07

During the 2025 legislative session, the Maryland General Assembly passed Senate Bill 215, which amended the regulations for licensed cannabis dispensaries. SB 215 allows local jurisdictions to establish setbacks of up to 100 feet from properties with residential use for these dispensaries.³

The purpose of ZTA 25-07 is to implement the 100-foot setback requirement set by SB 215 and add it as a new provision to the Zoning Ordinance. Any Retail/Service Establishment that includes a cannabis dispensary must now be at least 100 feet away from residentially zoned land.⁴ More specifically, if enacted, ZTA 25-07 would create a new subsection to section 3.5.11.B.2 of the Zoning Ordinance as follows:

- j. A cannabis dispensary licensed by the Maryland Cannabis Administration must be at least 100 feet from a lot that is improved with a residential use at the time of application.

Currently, cannabis dispensaries are permitted as limited uses (L) and permitted uses (P) under the Retail/Service Establishments category in the Commercial, Employment, and Industrial zones, as well as the R-10 zone (multi-unit residential zone), based on the size of the establishments rather than their specific uses. To accommodate the new setbacks for cannabis dispensaries, the Retail/Service Establishment use must be a limited use in every zone that permits retail establishments by right since permitted uses do not impose additional standards such as setbacks. Of note, cannabis dispensaries are prohibited in the Agriculture, Rural Residential, and Residential zones (except in the R-10 zone).

ZTA 25-07 was introduced on May 13, 2025.

RESJ Impact Statement

Zoning Text Amendment 25-07

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of ZTA 25-07 on racial equity and social justice, OLO considers two related questions:

- Who would primarily benefit or be burdened by this ZTA?
- What racial and social inequities could the passage of this ZTA weaken or strengthen?

To address these questions, OLO considered the impact of ZTA 25-07 on two sets of stakeholders.

- **New dispensary owners.** OLO anticipates the 100-foot setback requirement for cannabis dispensaries from residential communities could burden dispensary owners. The adoption of the ZTA could adversely impact owners of new dispensaries as it could restrict the location of dispensaries near or adjacent to residential uses, reducing the availability of potential sites that meet the setback requirement. Given the other requirements of opening a new business, however, OLO anticipates the potential burden of the 100-foot setback to dispensary owners would be minimal. Without data describing the demographics of new dispensary owners, OLO cannot discern how the burden of ZTA 25-07 on new dispensaries will impact racial disparities in entrepreneurship within the County.
- **Households located near new dispensaries.** OLO anticipates that households located near new dispensaries could benefit from the 100-foot setback requirement. Depending on the size of the dispensaries and their placement on the site, the 100-foot setback could offer enhanced safety and security and provide a reasonable buffer between local households and dispensaries. Without data describing the demographics of households located near new dispensary owners, OLO cannot discern how the benefits of ZTA 25-07 on households located near new dispensaries will impact RESJ in the County.

Overall, OLO anticipates that burdens and benefits of ZTA 25-07 will likely offset one another. However, OLO cannot discern how the benefits and burdens of ZTA 25-07 will separately impact RESJ in the County with available data. Yet OLO anticipates that ZTA 25-07 will have a minimal impact on RESJ in the County regardless of the race and ethnicity of dispensary owners and nearby households because the burdens and benefits of this ZTA are likely to offset one another. As such, OLO anticipates that ZTA 25-07 will have a minimal impact on RESJ in the County.

RECOMMENDED AMENDMENTS

Bill 44-20 amending the County's Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments to zoning text amendments aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements.⁵ OLO anticipates ZTA 25-07 will have a minimal impact on RESJ in the County, therefore, it does not offer recommended amendments.

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 25-07

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.racialequitytools.org/glossary>

² Ibid.

³ 2025 Laws of Maryland. Chapter 120. Senate Bill 215. 2025

https://mgaleg.maryland.gov/2025RS/Chapters_noln/CH_120_sb0215t.pdf

⁴ Toward this end, ZTA 25-07 reclassifies Retail/Service Establishments as "Limited Use (L)" in all zones where they are currently "Permitted Use (P)"

⁵ Bill 44-20, Racial Equity and Social Justice – Impact Statements – Advisory Committee – Amendments, Montgomery County, Maryland, December 1, 2020.

https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2682_1_12149_Bill_44-20_Signed_20201211.pdf