

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

Office of Legislative Oversight

ZTA 25-08: EXEMPTIONS – LANDSCAPE CONTRACTOR

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Zoning Text Amendment 25-08: Exemptions – Landscape Contractor could positively impact racial equity and social justice in the County by reducing the cost of business for landscape contractors in the Rural Cluster zone that could help narrow inequities in entrepreneurship by ethnicity.

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 25-08

The Zoning Ordinance requires landscape contractors in the Rural Cluster (RC) zone to obtain conditional use approval to enlarge their onsite operations beyond what is permitted by the grandfather provision.^{3 4} As observed in the Ordinance, any landscape contractor in the RC zone in operation on October 30, 2014, is a permitted use if it satisfies any master plan or zoning impervious surface limits and is not required to obtain a conditional use, unless:

- The on-site operation as of October 30, 2014, is expanded or enlarged;
- The on-site operation is diversified to include retail facilities or related uses not in operation before October 30, 2014; or
- The operation is discontinued for a period of six months or more.⁵

Conversely, landscape contractors who began their operations after October 20, 2014, are required to submit conditional use applications for landscape contractor use in the RC zone.

If enacted, ZTA 25-08 will allow landscape contractors in the RC zone who have expanded their footprint beyond what was otherwise permissible to maintain their grandfathered status if the property owner returns the total square footage of onsite operations to that which existed as of October 30, 2014.⁶ Further, ZTA 25-08 would require landscape contractors to only seek conditional use approvals in the RC zone if they received more than one violation notice. This provision would allow landscape contractors the opportunity to resolve violation notices by restoring the property to its original site improvement conditions.

ZTA 25-08 was introduced on June 10, 2025. This RESJIS builds on the RESJIS for ZTA 21-08: Landscape Contractor – Use Standards.⁷ For background on entrepreneurship, landscape contractors, and racial equity, see the RESJIS for ZTA 21-08.

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ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of ZTA 25-08 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 anticipated impact of ZTA 25-08 on two sets of stakeholders: landscape contractor business owners and landscape workers located in the RC zone.

- **Landscape Contractors in the Rural Cluster Zone.** OLO anticipates that ZTA 25-08 will primarily benefit landscape contractors because it allows landscape contractors in the RC zone, who have expanded their footprint to exceed what was previously permitted, to maintain their grandfathered status if they return their total square footage of onsite operations to that which existed as of October 30, 2014. Further, ZTA 25-08 allows landscape contractors to resolve violation notices by restoring any improvements on their properties to their original size or footprint without having to submit a conditional use application unless more than one violation notice has been issued. Together, these amendments benefit landscape contractors in the RC zone by reducing the cost of business associated with permitting.

Available data suggests that Latinx-owned businesses are over-represented among landscape businesses and could disproportionately benefit from ZTA 25-08. For example, Latinx-owned businesses accounted for 16 percent of business owners in the landscaping industry in 2011 compared to 8.2 percent of businesses nationwide.⁸ Further, Latinx-owned businesses in the landscape and lawncare industry accounted for 9 percent of total industry receipts compared to 1.2 percent of total receipts across all industries.⁹ If Latinx-owned businesses are over-represented among landscape contractors locally, ZTA 25-08 could benefit them and help narrow disparities by ethnicity in entrepreneurship and business revenue.

- **Landscaper Workers operating in the Rural Cluster Zone.** As a byproduct of reducing the cost of business for landscape owners expanding their operations in the RC zone, ZTA 25-08 could also enhance employment opportunities for landscape workers. Available data suggests that Latinx workers are concentrated in the landscape industry. Nationally, 42.9 percent of landscaping and groundskeeping workers were Latinx in 2022.¹⁰ Locally, 20 percent of Latinx residents worked in natural resources, construction, and maintenance occupations that include landscaping positions in 2019 compared to six percent of all residents.¹¹ The potential expansion of the landscaper workforce resulting from ZTA 25-08 could disproportionately benefit Latinx workers and help narrow disparities in employment and earnings by ethnicity.

In sum, OLO expects that ZTA-25-08 could positively impact racial and social justice (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.¹² OLO anticipates ZTA 25-08 will positively impact racial equity and social justice in the County by providing a more flexible code compliance process for landscape contractors operating in the RC zone under grandfathered uses. By reducing the cost of business for landscape contractors that are disproportionately owned by Latinx community members, ZTA 25-08 could help narrow inequities in entrepreneurship by ethnicity. As a result, OLO does not suggest any amendments to ZTA 25-08.

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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.

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

² Ibid.

³ In the Zoning Ordinance, landscape contractor refers to the business of designing, installing, planting, or maintaining lawns, gardens, hardscapes, water features, outdoor structures, decorative features, stormwater and drainage features, or other activities intended to enhance the appearance or usefulness of outdoor areas. Landscape contractors also provide snow removal services with vehicles, equipment, and supplies that are stored, parked, serviced, or loaded at the business location and includes tree installation, maintenance, or removal. Landscape Contractor does not include Lawn Maintenance Service (see [Section 3.5.14.G, Lawn Maintenance Service](#)).

⁴ Grandfathering, officially referred to as nonconforming uses, applies to properties, uses, or structures that are exempt from current zoning or other land use regulations if they were established before those regulations were changed or revised. When land use policies are updated, existing properties and uses can continue to operate under the old regulations and are exempt from adhering to the new policies, as long as they are not substantially enlarged or abandoned for a specific period.

⁵ [See Section 7.7.1.B.8.d of the Zoning Ordinance \(i.e. Exempted Lots, Parcels, and Buildings in the Rural Cluster Zone\)](#)

⁶ Office of Legislative Oversight. Racial Equity Social Justice Impact Statement [Zoning Text Amendment \(ZTA\) 25-08, Exemptions – Landscape Contractor – June 10, 2025](#)

⁷ Office of Legislative Oversight. Racial Equity Social Justice Impact Statement [ZTA 21-08: Landscape Contractor - Use Standards RESJ Statement](#)

⁸ Office of Legislative Oversight. Racial Equity Social Justice Impact Statement [ZTA 21-08: Landscape Contractor - Use Standards RESJ Statement](#)

⁹ Ibid.

¹⁰ [Data USA. 2022](#)

¹¹ [S0201: Selected Population Profile in the United States, 2019 American Community Survey, Census Bureau. As cited in RESJ for Bill 18.22. August 11-2022.](#)

¹² [Bill 44-20, Racial Equity and Social Justice – Impact Statements – Advisory Committee – Amendments, Montgomery County, Maryland, December 1, 2020.](#)