

MEMORANDUM

October 1, 2025

TO: Planning, Housing, and Parks (PHP) Committee

FROM: Livhu Ndou, Senior Legislative Attorney

SUBJECT: Zoning Text Amendment (ZTA) 25-10, Landscaping Requirements – Native Plants

PURPOSE: Worksession

EXPECTED ATTENDEES

- Atul Sharma, Chief – Design, Placemaking, and Policy, Montgomery County Planning Department
- Lisa Govoni, Supervisor – Design, Placemaking, and Policy, Planning Department
- Benjamin Berbert, Planner III – Design, Placemaking, and Policy, Planning Department
- Ehsan Motazedi, Deputy Director, Department of Permitting Services (DPS)
- Victor Salazar, Division Chief – Zoning and Code Compliance, DPS
- Patricia Wolford, Manager – Zoning and Code Compliance, DPS
- Mike Scheffel, Director, Office of Agricultural Services (OAG)

INTRODUCTION

Zoning Text Amendment (ZTA) 25-10, Landscaping Requirements – Native Plants, lead sponsor Councilmember Glass, co-sponsors Council President Stewart and Councilmember Luedtke, was introduced on June 17, 2025. ZTA 25-10 will require a minimum of 50% native plant species to be used in landscaping plans. ZTA 25-10 is part of the Native Plant Protection Act, which includes [Bill 26-25, Vegetation – Invasive Plants](#).

PUBLIC HEARING

A public hearing was held on July 22, 2025. Several speakers testified, both in opposition and support. The Council also received written testimony.¹ Testimony in support emphasized the ecological importance of native plants in sustaining pollinators, birds, and broader ecosystems. Supporters requested an amendment to increase the requirement to 70%, to better support healthy wildlife populations. Testimony in support highlighted the role of native plants in stormwater

¹ Written testimony can be found here:
<https://www.montgomerycountymd.gov/COUNCIL/OnDemand/testimony/20250722/item5.html>.

management, erosion control, and climate resilience, especially in light of recent flooding events in the county. Testimony also asked for an amendment to use the Maryland Native Plant Program’s species list and definitions to ensure clarity and consistency in enforcement. Testimony in opposition warned that ZTA 25-10 could reduce demand for turfgrass by up to 50%, threatening the viability of local sod farms. Some landscape professionals also cautioned against overly rigid mandates, arguing that not all native plants thrive in urban environments and that flexibility is needed to accommodate site-specific conditions. There were also calls for clearer definitions of terms like “native” and “invasive,” and for additional support and education to help developers and landscapers comply with the new requirements.

SUMMARY OF IMPACT STATEMENTS

RESJ Impact Statement

“The Office of Legislative Oversight (OLO) anticipates that Zoning Text Amendment (ZTA) 25-10: Landscaping Requirements – Native Plants will have a minimal impact on racial equity and social justice in the County.” The ZTA is expected to promote biodiversity and healthier ecosystems, which would benefit all community members proportionately by race and ethnicity. While businesses supplying native plants are likely to be White-owned and may see increased revenue, and landowners may bear short-term costs, these impacts are not expected to widen or narrow existing racial disparities. OLO does not recommend any amendments, as the anticipated RESJ impact is minimal.

Climate Assessment

The Planning Board determined that the “ZTA will not have any discernible impacts on greenhouse gas emissions or carbon sequestration, but will have minor positive and negative impacts on the county’s goals of ensuring resilience and adaptive capacity of our communities.” The requirement that 50% of landscaping use native plant species is expected to improve biodiversity and ecosystem resilience in most areas, enhancing the County’s adaptive capacity to climate change. However, the reduction from 100% to 50% native plantings in Rural Open Spaces may slightly reduce resilience in those areas.

Planning Board Recommendation

The Planning Board (4–0, with Commissioner Bartley absent) supported ZTA 25-10 with amendments. The Board endorsed the requirement that 50% of landscaping plantings consist of native species but recommended retaining the current 100% native plant requirement for Rural Open Space. The Board also proposed several technical amendments, including clarifying that native-derived cultivars count as native plants, tying the 50% requirement to total plant material rather than species count, and consolidating native and invasive plant language into a single section of the zoning code.

DISCUSSION

ZTA 25-10 will require 50% native plant species in open space landscaping plans and require 50% native plant species in general landscaping plans’ plant material. Native species will be defined as

from the Mid-Atlantic Region, to include Maryland, Virginia, Delaware, New Jersey, New York, Pennsylvania, North Carolina, West Virginia, and the District of Columbia. The ZTA also prohibits the use of species included on the Maryland Invasive Species Council's list of invasive aquatic or terrestrial plants for landscaping plans.

1. Which sections of the Zoning Ordinance are being amended?

ZTA 25-10 amends two different sections: Section 6.3.8. – Open Space Landscaping and Outdoor Lighting, and Section 6.4.3. – General Landscaping Requirements. The intent of Division 6.3, Open Space and Recreation, is to “provide adequate light, air, circulation, and recreation and encourage preservation and enhancement of natural resources, including improvement of water and air quality.” The intent of Division 6.4, General Landscaping and Outdoor Lighting, is to provide “minimum standards for quantity, size, location, and installation of landscaping and outdoor lighting on private property” and to “preserve property values, preserve and strengthen the character of communities, and improve water and air quality.” ZTA 25-10 placed the 50% native species requirement in Section 6.3.8.B since that section already has a provision requiring rural open space to contain only native species. The ZTA placed the 50% native species requirement in Section 6.4.3.B. as well, because that section contains requirements for plant material in landscaping.

Proposed Amendment:

The Planning Board recommends an amendment to only include the 50% native species requirement in Section 6.4.3.A. This section of the Zoning Ordinance already includes language prohibiting the use of invasive plants for landscaping. In addition, restricting the language to only this section preserves the 100% requirement for native plant species in rural open space. Council Staff agrees with the Planning Board recommendation to remove the native species language from Section 6.3.8.B., in order to preserve the original language requiring 100% native species in rural open space and to reduce redundant language.² Council Staff also recommends an amendment clarifying that it should be “at least” 50% native plant species. The proposed amendment language is below:

² The Planning Board also recommended removing Section 6.3.2. from the ZTA since it is not being amended. However, as will be discussed later in this staff report, that section was included by the lead sponsor as a helpful reference to readers of ZTA 25-10.

Division 6.3. Open Space and Recreation

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Section 6.3.8. Open Space Landscaping and Outdoor Lighting

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B. Open Space Landscaping Requirements

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3. Native Species

[Rural] ~~[[All open space must contain at least 50% native species to the Mid-Atlantic Region [only]. The Mid-Atlantic Region is Maryland, Virginia, Delaware, New Jersey, New York, Pennsylvania, North Carolina, West Virginia, and the District of Columbia. Species included on the Maryland Invasive Species Council's list of invasive aquatic or terrestrial plants must not be used for landscaping.]]~~ Rural open space must contain native species only.

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Division 6.4. General Landscaping and Outdoor Lighting

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Section 6.4.3. General Landscaping Requirements

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A. General

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6. Species included on the Maryland Invasive Species Council's list of invasive aquatic or terrestrial plants must not be used for landscaping.
7. Any landscaping must use at least 50% plant species that are native to the Mid-Atlantic Region. The Mid-Atlantic Region is Maryland, Virginia, Delaware, New Jersey, New York, Pennsylvania, North Carolina, West Virginia, and the District of Columbia.

B. Landscaping Elements

1. Plant Material

- a. Any landscaping must be installed under the accepted standards of the American Standard for Nursery Stock, latest edition, as published by the American Association of Nurserymen.
- b. Plant material must be true to name, variety, and size and must satisfy all applicable provisions of the American Standards for Nursery Stock, latest edition.
- c. Mature plant size is based on the Manual of Woody Landscape Plants, Stipes Publishing, latest edition.
- ~~[[d. Any landscaping must use 50% plant species that are native to the Mid-Atlantic Region. The Mid-Atlantic Region is Maryland, Virginia, Delaware, New Jersey, New York, Pennsylvania, North Carolina, West Virginia, and the District of Columbia.]]~~

2. What types of projects will be subject to this ZTA?

ZTA 25-10 will be triggered for species planted in Rural, Common, Public, or Amenity Open Spaces, as part of parking lot landscaping, to satisfy screening requirements, or shown on a landscaping plan associated with a development application. Parking lot landscaping and screening requirements often apply to commercial development. A landscaping plan associated with a development application describes projects that go through the Planning Board development review process and includes residential projects. The specific types of applications included are conditional uses, site plan, and expedited approval plans. Projects built by right, such as construction of 1 single-family dwelling on a lot, will not be subject to ZTA 25-10. However, if a developer is constructing several single-family homes as part of a development that also requires subdivision, that project would trigger a development application and thus a landscaping plan.

In addition, ZTA 25-10 will not be triggered by landscaping done by private homeowners or developers after initial approval of a project. As with all ZTAs, it is not retroactive so will not require changes to existing homes.

3. What are the current open space requirements?

Table 6.3.2. of the Zoning Ordinance shows what types of open space are required in each zone. This table is not being amended by ZTA 25-10 but is included in the ZTA to provide context to readers. This table can be used to answer questions about what types of developments will be subject to ZTA 25-10. For example, townhomes will often require common open space.³ But single-family detached houses will likely only require common open space in the following zones:

- In the R-30, R-20, and R-10 zones since the table has an “A” for all development.
- In the RE-2C, RE-1, R-200, R-90, and R-60 zones under optional method cluster development. Cluster development is a type of optional method that has open space requirements and includes single-family detached homes.

³ Of note, optional method workforce housing development is not included in Table 6.3.2. Since the RE-2C, RE-1, R-200, R-90, R-60, and R-40 zones only require common open space for optional method MPDU or cluster development, no open space requirements apply to [ZTA 25-02, Workforce Housing – Development Standards](#). This is reasonable, given the generally small size of the sites and restricted lot coverages compared to other infill development.

Section 6.3.2. Applicability



The following table summarizes the types of open space that are required by zone, development method, and building type. This table does not define legal requirements and is only provided for the convenience of the reader. Detailed applicability is included with each open space type in Section 6.3.4 to Section 6.3.7; open space area requirements are provided in the Section references in the following table:

Zone	Division References for Amount of Open Space Required	Rural Open Space	Common Open Space	Public Open Space	Amenity Open Space
RC	4.3.	CD			
RNC	4.3	All	MPDU		
RE-2C, RE-1, R-200, R-90, R-60, R-40	4.4		MPDU or CD		
TLD, TMD, THD	4.4		T or MPDU		
R-30, R-20, R-10	4.4		T, A, or MPDU		
CRN, CRT, CR, LSC	4.5		T	A, MU, or G	
GR, NR, EOF, IL, IM, IH	4.6 or 4.7		T		A, MU, or G

For Floating zones, open space is required under the equivalent Euclidean zone that determines uses.

KEY: All = All development CD = Optional method Cluster Development
 MPDU = Optional method MPDU Development T = Townhouse Building Type
 A = Apartment Building Type MU = Multi Use Building Type
 G = General Building Type Blank Cell = Not required

There are 4 types of open space: rural open space, common open space, public open space, and amenity open space. The table below shows the definitions and requirements for each type of open space. Of note, common open space “does not include private individual lots.” This means that common open space refers to the common areas of a development, otherwise known as shared spaces, and not the private front and back yards of an individual unit. The 50% native species requirement would therefore only be based on 50% of the common open space and not include a calculation of individual private yards. However, for a townhouse or apartment development, this could include the majority of the green space given the small size of many townhouse yards and the lack of private yards for an apartment development.

	Definition	Applicability
Rural open space	Rural open space means land that is managed as farmland or in a natural state. Natural state includes land managed as reforestation; woodland, meadow, wetland, or agricultural management; streambank or floodplain protection; or non-structural stormwater management.	a. All optional method Cluster Development in the RC zone must provide rural open space. b. All development in the RNC zone must provide rural open space.

Common open space	Common open space means an outdoor area that is intended for recreational use by residents and their visitors. Common open space does not include private individual lots.	Common open space is required for any: a. optional method development in an RNC or Residential zone; b. standard method development with a townhouse or apartment building type in a Residential Townhouse or Residential Multi-Unit zone; c. townhouse development in a Commercial/Residential or Employment zone; and d. Floating zone, as required under the equivalent Euclidean zone that determines uses.
Public open space	Public open space means space devoted to public use or enjoyment that attracts public appreciation due to its location and amenities.	Any development with an apartment, multi use, or general building type in a Commercial/Residential, LSC, Commercial/Residential Floating, or LSCF zone must provide the required public open space under the applicable development standards.
Amenity open space	Amenity open space means an outdoor area providing recreational and natural amenities for the use and enjoyment of employees and visitors.	Any development in the Industrial zones and development of any apartment, multi use, or general building type in the GR, NR, EOF, GRF, NRF, or EOFF zones must provide amenity open space.

In addition, different zones require a different amount of open space, based on the development standards:

- In the Rural Residential zones, the rural open space requirement is 60%.
- In the Residential Estate zones, the common open space requirement ranges from 5-10%.
- In the remaining Residential Detached zones, the common open space requirement ranges from 15-20%.
- In the Townhouse zones, the common open space requirement ranges from 15-20%.
- In the Residential Multi-Unit zones, the common open space requirement ranges from 25-50%.
- In the Commercial/Residential and Employment zones, the common and public open space requirement ranges from 5-10% and is based on the tract area and number of frontages.
- In the Industrial zones, the amenity open space requirement ranges from 5-10%.

The below table summarizes the allowed features in each type of open space.⁴ As can be seen in this table, open space such as a lawn, garden, ornamental planting area, patio, walk, and pathway is included as a part of open space for common open space, public open space, and amenity open space.

⁴ KEY: A = Allowed in open space; x = Not allowed in open space

Feature	Rural Open Space	Common Open Space	Public Open Space	Amenity Open Space
Conservation area or land trust for natural, archeological or historical resources	A	A	x	x
Open space such as a lawn, garden, ornamental planting area, patio, walk and pathway	x	A	A	A
Open space such as a plaza, promenade, arcade, urban park, or town square	x	x	A	A
Pedestrian or non-motorized multipurpose trail	x	A	A	A
Natural resource-based recreation	x	A	A	A
Facility-based recreation	x	A	A	A
Public space or amenity recommended by an approved urban renewal plan	x	x	A	x
Above-ground utility rights-of-way	A	A	A	A
Water body, such as a lake, pond, and floodway	A	A	x	x
Non-structural, natural, and ESD stormwater management facility	A	A	A	A
Utility	A	A	A	A
Other conservation-oriented use compatible with the purpose of Division 6.3	A	A	A	A

ZTA 25-10 amends Table 6.3.8.A. to make native species required in all open space. Previously, native species were only mandatory for rural open space. In the other types of open space, native species were listed as “preferred.” This was enforced by the Planning Department during the review of applications. According to Planning Staff, applicants are highly encouraged to provide more native species where practical, and it is not uncommon for Staff to ask applicants to modify plant materials.

Open Space Type	Farming	Native Species	Permeable Area (min)	Tree Canopy (min)
Rural Open Space	Allowed	Required	90%	No Minimum

Common Open Space	Allowed	[Preferred] <u>Required</u>	80%	20%
Public Open Space	Allowed in Community Garden	[Preferred] <u>Required</u>	10%	10%
Amenity Open Space	Allowed	[Preferred] <u>Required</u>	10%	10%

[ZTA 25-05, Development Standards – Optional Method Public Benefits](#), was adopted by the District Council in July 2025. That ZTA created new Optional Method Public Benefits standards in the Commercial/Residential and Employment zones. One of those categories includes receiving additional density for providing a “pocket park”, or green space above the public open space requirements. Under ZTA 25-10, 50% of that public open space would need to contain native species.

4. Does this ZTA apply to publicly-owned properties, such as Montgomery Parks, Montgomery County Public Schools (MCPS), and County-owned buildings?

Under the Land Use Article, which is State law, “a public board, public body, or public official” must go through the mandatory referral process for “acquiring or selling land” and for “locating, constructing, or authorizing a road; a park; any other public way or ground; a public building or structure, including a federal building or structure; or a publicly owned or privately owned public utility; or changing the use of or widening, narrowing, extending, relocating, vacating, or abandoning any facility listed...” In other words, mandatory referrals are plans submitted by government entities for land acquisition, sale, use, or development activity. This means that publicly-owned properties, including Parks, County-owned property, and Montgomery County Public Schools (MCPS) properties are subject to the mandatory referral process. While the goal of the Planning Board in mandatory referral is to ensure conformance with existing County law, it is an advisory process only.^{5,6} The Planning Board can recommend approval without comments, approval with comments, or denial.⁷ The recommendation goes to the applying agency either administratively or at a Planning Board hearing.

5. What type of grass is included in native plants?

ZTA 25-10 does not require adherence to a specific list or database for native species. Rather, it requires species native to the Mid-Atlantic Region. Correspondence requested limiting native

⁵ Mandatory referrals do not go to the Development Review Committee (DRC).

⁶ Efforts to encourage native plants in the County are not new. Montgomery Parks has a Native Plant Program that identifies, preserves, and propagates native plants found primarily in Montgomery County, but also from nearby land within the local Piedmont and coastal plain seed zones. The County also offers a Native Tree Discount of \$50 for purchasing a native tree from participating garden centers and nurseries.

⁷ Forest Conservation may also be required for properties larger than 40,000 square feet or for more than 5,000 square feet of proposed cutting, clearing, or grading.

species to Maryland, such as by using the Maryland Plant Atlas.⁸ The ZTA defines the Mid-Atlantic Region as Maryland, Virginia, Delaware, New Jersey, New York, Pennsylvania, North Carolina, West Virginia, and the District of Columbia. The intent of using the Mid-Atlantic Region was to account for shifts in the hardiness zones for plants due to time and climate change and therefore include native plants that will survive in the long run. As noted above, native species have been required in rural open space, so the County has experience with enforcing native species without a specific list in law.⁹ ZTA 25-10 will expand that requirement and perhaps require departments and agencies to consider plants that may be more appropriate in residential areas than rural zones. However, the Planning Board, who approves landscaping plans, did not recommend using a definitive list.¹⁰

Examples of native grasses are shown in the images below:



Turf-type tall fescue and microclover mixture, UMD Turfgrass Technical Update (2015)

⁸ The Maryland Plant Atlas is endorsed by the Maryland Department of Natural Resources (DNR): https://dnr.maryland.gov/wildlife/Pages/plants_wildlife/Native-Plants.aspx.

⁹ [Section 6.4.3.B.](#) of the Zoning Ordinance does require adherence to the American Standard for Nursery Stock and the Manual of Woody Landscape Plants.

¹⁰ The University of Maryland Extension has several resources on native lawns and landscaping, including recommendations for native grasses. It also lists approximately 24 certified growers and retailers. To become “certified”, a retailer with at least 20% of their inventory dedicated to plants native to Maryland can apply to be included.



A planted native meadow at the University of Maryland Arboretum.



Moss as a lawn alternative, from UMD Extension



Native lawn of poverty oatgrass (*Danthonia spicata*), parasol sedge (*Carex umbellata*), lichens and mosses under mixed upland oaks in the City of Alexandria, Virginia; from Maryland DNR



Extensive colony of Emmons' Sedge (*Carex albicans* var. *emmonsii*) in Oak-Heath Forest in Alexandria, Virginia; from Maryland DNR

6. Are cultivars included as native plants?

A cultivar is a plant that has been created by humans through selective breeding. They are bred and selected for landscaping traits like color and size; or resistance to pests, climate change, and disease. There are both positives and negatives to cultivars when compared to native plants. For example, they may lower genetic diversity if they are genetic clones. However, they can be bred to increase wildlife value, such as being beneficial to insects. In addition, they may be more widely available for sale and provide a larger variety of plants than native species.

Proposed Amendment

The Planning Board recommends allowing the use of cultivars as native species. Council Staff agrees with this recommendation.

Division 6.4. General Landscaping and Outdoor Lighting

Section 6.4.3. General Landscaping Requirements

A. General

6. Species included on the Maryland Invasive Species Council's list of invasive aquatic or terrestrial plants must not be used for landscaping.
7. Any landscaping must use at least 50% plant species that are native to the Mid-Atlantic Region. The Mid-Atlantic Region is Maryland, Virginia, Delaware, New Jersey, New York, Pennsylvania, North Carolina, West Virginia, and the District of Columbia. **Native plants include cultivars.**

7. How will 50% be measured?

Testimony has asked for clarification on how 50% will be measured. Questions include whether it is measured by the quantity of plants, number of species, new planting versus the entire yard, or size of the plants. Other recommendations include measuring by category, so the native species requirement would be 50% of perennials, 50% of grasses, 50% of trees, et cetera.¹¹ The Planning Board recommends that 50% of the “plant material” come from native species. When approving a landscaping plan, an applicant has a list of planting material, so the measurement could also be 50% of that plant material list. The measurement could also be by area, which would mean that a large tree could cover 50% of the site and satisfy the native species requirement.

Proposed Amendment

Council Staff agrees that an amendment is necessary to clarify how to measure “50% plant species.” Council Staff recommends one of the following options:

- **Option A – Area.** Under this option, 50% of native species will be measured by the square footage of the open space. If a common open space is 2,000 square feet, then 1,000 square feet of it must be covered by native species. An amendment under this option should also clarify whether this is measured by the tree cover, root system, or trunk.
- **Option B – Category.** Under this option, the 50% of native species requirement would be divided by type of plant. This would mean that 50% of perennials must be native, 50% of grasses must be native, 50% of trees must be native, and 50% of shrubs must be native.
- **Option C – List.** Under this option, 50% of the plants on the plant material list that accompanies the landscaping plans must be native. This could result in allowing multiple native species of 1 type, such as shrubs, and only 1 type of non-native species, such as grass; even if the 1 type covers more area.
- **Option D – Mass or Size.** Under this option, 50% of the mass or size of plants would be native. This would allow the applicant to plant large native species to satisfy the requirement.

8. How will this impact sod and turf grass?

Sod refers to pre-grown grass harvested in rolls. Turf is a synthetic, man-made grass alternative. There is also turfgrass seed, a perennial grass used as groundcover in landscaping and recreational uses. None of these are native species. The Council has received testimony from farmers in the County that grow sod, arguing that ZTA 25-10 will have a negative impact on their businesses. While the ZTA will not prevent them from growing sod, it will reduce their customer base.

Turf or sod used for an active recreation use or public facility may be requested in a master plan, with required standards. This would be a reason to exempt turf or sod from any public open space, amenity open space, or common open space; at least where required by a master plan.

¹¹ A perennial lives for several seasons, because its roots survive winter and will regrow in the spring. Annuals must be replanted every year.

Proposed Amendment

Councilmembers Balcombe and Luedtke propose an amendment to exempt sod from the calculation for native species. To implement this amendment, the 50% native species calculation would only apply to the area of open space that is not sod.

Division 6.4. General Landscaping and Outdoor Lighting

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Section 6.4.3. General Landscaping Requirements

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A. General

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6. Species included on the Maryland Invasive Species Council's list of invasive aquatic or terrestrial plants must not be used for landscaping.
7. Any landscaping must use at least 50% plant material from species that are native to the Mid-Atlantic Region.
 - a. The Mid-Atlantic Region is Maryland, Virginia, Delaware, New Jersey, New York, Pennsylvania, North Carolina, West Virginia, and the District of Columbia.
 - b. Native plants include cultivars.
 - c. The calculation of native species does not include sod.

9. Are there differences in maintenance, costs, and sediment control for native and non-native grasses?

While some evidence and testimony suggests that native plants cost significantly more than non-native plants such as sod, other testimony argues that the long-term costs of native plants are lower due to reduced water consumption and maintenance. While non-native plant species can be bred and selected for resiliency, some argue that native plants are better for sediment control because they require less maintenance and water. Native plants are generally good at water retention and erosion control but historically have been used more as decorative grass. While grasses can account for a large percentage of stormwater management, Council Staff is unable to conclusively state whether native or non-native plants are superior in this regard. In addition, higher costs for landscapers and developers would likely be passed down to homeowners.

10. What are the requirements for future landscaping, once a landscaping plan has been approved?

Landscaping plans are approved by the Planning Board. Once a plan is approved, the Department of Permitting Services (DPS) ensures compliance at the final stages of approval for a project. Conditions of approval are determined in the site plan process and development schedule. While most inspections occur before a use and occupancy permit is issued, they can be delayed up to 6 months in order to accommodate the next planting season. The size of the project also matters – for large projects, specific open space areas may be tied to a development phase so that amenities

are provided concurrent with any new housing, but for a single-phase project the amenities are provided and inspected by the time of issuance of a use and occupancy permit.

As noted above, ZTA 25-10 would not apply to private landscaping planted by private homeowners or developers after plans are approved that are not subject to landscaping plans under the Zoning Ordinance. While landscaping of individual residential lots may be subject to HOA or other common ownership property restrictions, future landscaping after the site plan or conditional use approval process is not enforced by the Planning Department or DPS.

This packet contains:

ZTA 25-10, as introduced

© 1

Planning Board Recommendation

© 7

Planning Staff Report

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Climate Assessment

© 20

Racial Equity & Social Justice Impact Statement

© 24

Ordinance No.: _____
Zoning Text Amendment No.: 25-10
Concerning: Landscaping
Requirements – Native
Plants
Revised: 5/8/2025 Draft No.: 1
Introduced: June 17, 2025
Public Hearing: July 22, 2025
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**

Lead Sponsor: Councilmember Glass
Co-Sponsors: Council President Stewart and Councilmember Luedtke

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) require native plants in landscaping; and
- (2) generally amend the landscaping requirements.

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

Division 6.3.	“Open Space and Recreation”
Section 6.3.2.	“Applicability”
Section 6.3.8.	“Open Space Landscaping and Outdoor Lighting”
Division 6.4.	“General Landscaping and Outdoor Lighting”
Section 6.4.3.	“General Landscaping Requirements”

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 59-6.3 is amended as follows:

Division 6.3. Open Space and Recreation

* * *

Section 6.3.2. Applicability

The following table summarizes the types of open space that are required by zone, development method, and building type. This table does not define legal requirements and is only provided for the convenience of the reader. Detailed applicability is included with each open space type in Section 6.3.4 to Section 6.3.7; open space area requirements are provided in the Section references in the following table:

Zone	Division References for Amount of Open Space Required	Rural Open Space	Common Open Space	Public Open Space	Amenity Open Space
RC	4.3.	CD			
RNC	4.3	All	MPDU		
RE-2C, RE-1, R-200, R-90, R-60, R-40	4.4		MPDU or CD		
TLD, TMD, THD	4.4		T or MPDU		
R-30, R-20, R-10	4.4		T, A, or MPDU		
CRN, CRT, CR, LSC	4.5		T	A, MU, or G	
GR, NR, EOF, IL, IM, IH	4.6 or 4.7		T		A, MU, or G
For Floating zones, open space is required under the equivalent Euclidean zone that determines uses.					
KEY: All = All development CD = Optional method Cluster Development MPDU = Optional method MPDU Development T = Townhouse Building Type A = Apartment Building Type MU = Multi Use Building Type G = General Building Type Blank Cell = Not required					

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Section 6.3.8. Open Space Landscaping and Outdoor Lighting

A. Overview of Required Open Space Landscaping

The following table summarizes the open space landscaping requirements:

Open Space Type	Farming	Native Species	Permeable Area (min)	Tree Canopy (min)
Rural Open Space	Allowed	Required	90%	No Minimum
Common Open Space	Allowed	[Preferred] <u>Required</u>	80%	20%
Public Open Space	Allowed in Community Garden	[Preferred] <u>Required</u>	10%	10%
Amenity Open Space	Allowed	[Preferred] <u>Required</u>	10%	10%

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B. Open Space Landscaping Requirements

* * *

3. Native Species

[Rural] All open space must contain at least 50% native species to the Mid-Atlantic Region [only]. The Mid-Atlantic Region is Maryland, Virginia, Delaware, New Jersey, New York, Pennsylvania, North Carolina, West Virginia, and the District of Columbia. Species included on the Maryland Invasive Species Council's list of invasive aquatic or terrestrial plants must not be used for landscaping.

* * *

Sec. 2. DIVISION 59-6.4 is amended as follows:

Division 6.4. General Landscaping and Outdoor Lighting

* * *

Section 6.4.3. General Landscaping Requirements

* * *

B. Landscaping Elements

1. Plant Material

- a. Any landscaping must be installed under the accepted standards of the American Standard for Nursery Stock, latest edition, as published by the American Association of Nurserymen.
- b. Plant material must be true to name, variety, and size and must satisfy all applicable provisions of the American Standards for Nursery Stock, latest edition.
- c. Mature plant size is based on the Manual of Woody Landscape Plants, Stipes Publishing, latest edition.
- d. Any landscaping must use 50% plant species that are native to the Mid-Atlantic Region. The Mid-Atlantic Region is Maryland, Virginia, Delaware, New Jersey, New York, Pennsylvania, North Carolina, West Virginia, and the District of Columbia.

* * *

Sec. 3. Short title. This zoning text amendment may be cited as part of the “Native Plant Protection Act.”

* * *

Sec. 4. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council

July 15, 2025

To: The Honorable Kate Stewart
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 501
Rockville, Maryland 20850

From: Montgomery County Planning Board

Subject: Zoning Text Amendment 25-10 and Bill 26-25

BOARD RECOMMENDATION

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission met on July 10, 2025, and by a vote of 4:0 (Commissioner Bartley absent) supported Zoning Text Amendment (ZTA) 25-10 and Bill 26-25 with amendments. The ZTA and Bill, together known as the Native Plant Protection Act, would require a minimum of 50% native plants to be used in landscaping plans, would permit native plant gardens to grow naturally, and would ban the sale of invasive Bamboo. Current code does prohibit applicants from showing non-native invasive plants on landscaping plans, but with the exception of Rural Open Space, only states a preference for providing any native plants. The Planning Board is very supportive of these efforts and offers a few recommendations to streamline the ZTA and clarify the intent of the legislation.

The Planning Board offers a few recommendations to streamline the ZTA. The first is to exclude text from Section 6.3.2. from the ZTA. This section was only included for reference and does not propose any changes to the code. The Board also recommends not amending Section 6.3.8.B.3. to add the language requiring 50% native plants. The amendment is added to existing language stating that Rural Open Space must contain native species only, and is done in a way that replaces the 100% native species requirement with the 50% native species requirement. This section is also specific to open space landscaping, and there are other more appropriate sections of code also amended by ZTA 25-10 that clearly require 50% native landscaping anywhere within Chapter 59.

The Board also offers a few technical amendments to improve the ZTA. First, the table in Section 6.3.8.A. is amended to change native plants preferred to native plants required for Common, Public, and Amenity open space. The value of the native plant column is reduced because the requirement is now the same for all types of open space, and the requirements are also codified

elsewhere. Keeping this column in the table becomes redundant and could be removed rather than amended. If the native plant column remains, it should be clarified that only 50% native plants are required for the Common, Public, and Amenity open spaces. Second, the ZTA is silent on whether native derived cultivars count as native plants. After weighing the pros and cons of cultivars on native landscaping, the Board agreed that explicitly allowing native derived cultivars should be included in the definition of native plants. Third, the Board offers a slight rewording of the language added in Section 6.4.3.B.1.d. to tie the 50% native requirement to total plant material, rather than the number of plant species. Lastly, the Board recommends relocating Section 6.4.3.B.1.d. to an amendment of Section 6.4.3.A.6. This section has existing language prohibiting any non-native invasive species identified by the Maryland Invasive Species Council from being used in landscaping. It would be clearer to have one section speak to both required native plants and prohibited non-native plants. The revised language to Section 6.4.3.A.6., incorporating all the recommendations above, would read as follows:

6.4.3.A.6. Any landscaping must [[use]] include at least 50% plant material from species that are native to the Mid-Atlantic Region. The Mid-Atlantic Region is Maryland, Virginia, Delaware, New Jersey, New York, Pennsylvania, North Carolina, West Virginia, and the District of Columbia. Native Plants include straight species, and cultivars derived from straight species plants. Species included on the Maryland Invasive Species Council's list of invasive aquatic or terrestrial plants must not be used for landscaping.

The Planning Board also considered a Climate Assessment prepared by Planning Staff for ZTA 25-10. The assessment found no measurable impact on greenhouse gas emissions and sequestration, and slight positive and negative impacts on adaptive capacity and community resilience. The ZTA does not require any additional landscaping quantities, which accounts for the lack of change to greenhouse gas factors. Generally, native landscaping is more resilient, better for biodiversity, and for mitigating climate extremes, which are adaptive capacity and resiliency benefits. The Climate Assessment also notes the ZTA's change for native requirements in the Rural Open Space being reduced from 100% to 50% and recommends this be changed back prior to adoption.

Bill 26-25 makes positive changes for the environment by defining native plants and grasses and exempting them from the weed control provisions. The Board's only recommendation is to include language in the definition of native plants and grasses to include native derived cultivars similar to those in the ZTA. The Bill also targets invasive bamboo, banning its sale within the county. The Board understands the Bill is limited to Bamboo based on state legislation and encourages the Council to continue partnering with the state delegation on ways to prohibit the sale of all non-native invasive species in the future.

The Honorable Kate Stewart

July 15, 2025

Page 3

The Planning Board appreciates the opportunity to review and provide comments on ZTA 25-10 and Bill 26-25, and recommends support for the ZTA, with the amendments as discussed. Planning Staff are available to answer any questions or provide further guidance as the legislative package is considered by the Council.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Thursday, July 10, 2025.



Artie L. Harris

Chair

Attachments:

A – Planning Board Staff Report

B – Climate Assessment

ZTA 25-10 LANDSCAPING REQUIREMENTS – NATIVE PLANTS
BILL 26-25 VEGETATION – INVASIVE PLANTS

Description



ZTA 25-10 would amend the Zoning Ordinance to require that a minimum of 50% of landscaping provided in open spaces or as general site landscaping be native to the Mid-Atlantic region.

Bill 26-25 would exempt native plants from requirements to keep weedy vegetation to no more than 12 inches high in front yards, and would ban the sale and distribution of bamboo plants within the county.

ZTA 25-10 & Bill 26-25
Completed: 7-3-25

MCPB
Item No. 10
7-10-25

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ZTA SPONSORS

Sponsor:
Councilmember Glass

Co-Sponsors:
Councilmember Luedtke, and Council
President Stewart

INTRODUCTION DATE

June 17, 2025

COUNCIL PUBLIC HEARING DATE

July 22, 2025

REVIEW BASIS

Chapter 59

Summary

- Current landscape requirements prohibit any invasive species identified on the Maryland Invasive Special Council's list of invasive aquatic or terrestrial plants, however there is no requirement to include native plants.
- Landscaping requirements in the Zoning Code apply to any open space, landscaping plan, parking lot landscaping, or screening that is a requirement of Chapter 59. The ZTA alone does not dictate landscaping on private property.
- ZTA 25-10 was introduced along with companion Bill 26-25, Vegetation-Invasive Plants which exempts native plants from requirements to keep weedy vegetation kept no more than 12 inches high, and bans the sale of bamboo plants within the county.

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SECTION 1 – BACKGROUND

Rationale For Introduction

Zoning Text Amendment (ZTA) 25-10, Landscaping Requirements – Native Plants and Bill 26-25, Vegetation – Invasive Plants were introduced on June 10, 2025, by Councilmember Glass, and co-sponsored by Councilmember Luedtke and Council President Stewart (Attachment A and B). The ZTA and Bill are scheduled for Public Hearing on July 22, 2025. Together, the ZTA and Bill are also known as the [Native Plant Protection Act](#).

Stated goals of the Native Plant Protection Act include sustaining biodiversity, building climate-resilient landscapes, and supporting pollinators. The threat of non-native invasive (NNI) plant species is well documented locally and nationally. Montgomery Parks has a [Weed Warriors](#) program training and supporting volunteers who remove NNI plant species from MNCPPC owned parkland. Multiple Maryland State departments have resource pages on NNI plants including the Maryland [Department of Agriculture](#), and the Maryland [Department of Natural Resources](#). Several other volunteer driven groups have also been created to educate and control NNIs and promote native plants such as the Maryland Native Plant Society and the [Maryland Invasive Species Council](#).

SECTION 2 – ANALYSIS AND RECOMMENDATIONS

ZTA 25-10

ZTA 25-10 amends the Zoning Code to require that 50% of all landscaping material subject to chapter 59 must be a native species to the Mid-Atlantic region¹. This expands upon existing requirements that no plants identified by the Maryland Invasive Species Council may be planted. Landscaping impacted by the ZTA includes species planted in Rural, Common, Public, or Amenity Open Spaces, as part of parking lot landscaping, used to satisfy screening requirements, or are otherwise shown on a landscaping plan associated with a development application. These provisions would not apply to private landscaping planted by private homeowners or developers after plans are approved that are not subject to chapter 59.

¹ The ZTA defined the Mid-Atlantic Region as including Maryland, Virginia, Delaware, New jersey, New York, Pennsylvania, North Carolina, West Virginia, and the District of Columbia.

SECTION 6.3.2. OPEN SPACE AND RECREATION - APPLICABILITY

The first section of the ZTA, on page 3, is the applicability section for Division 6.3. Open Space and Recreation. This section provides a brief overview and table showing which type of open space is required based on the underlying zone, and method of development. There are no changes proposed in the ZTA to the applicability section or the associated table.

Recommendation: Remove Section 6.3.2. Applicability from the ZTA to improve readability of the remaining portions of the ZTA.

SECTION 6.3.8. OPEN SPACE LANDSCAPING AND OUTDOOR LIGHTING

Open Space Overview

The next section of ZTA 25-10 are updates to the Division on Open Space and Outdoor Lighting in sections 6.3.8.A. and 6.3.8.B. Section A. is an overview table showing basic landscape activities and requirements for each type of open space, including whether farming is allowed, the requirement to provide native species, the minimum amount of permeable area, and the minimum amount of tree canopy. The native species column is updated for Common, Public, and Amenity Open Spaces, changing native species preferred, to native species required.

While it is true that this ZTA would require 50% native species, the utility of the table would be better if stated that a minimum 50% is required. Alternatively, because the requirement is made clearly in other sections of the Landscape and Outdoor Lighting Division and is no longer different between the various types of open space, the column for native species could be removed.

Recommendation: Remove the native species column from the summary table and rely on other sections of the code to explain the native species requirement.

Open Space Requirements

Section B. of Section 6.3.8. provides the various open space landscaping requirements. Subsection 3 currently requires that Rural Open Space must contain native species only. The ZTA amends this section (lines 20-26) to a) pertain to all open spaces, and b) include that only 50% be native to the Mid-Atlantic region. Planning Staff has two concerns with this amendment.

First, Section 6.3.8.B. may not be the best code section to state the 50% native plant requirement. As discussed later in this report, there is a section of landscape provisions in Section 6.4.3.B. that applies to all landscaping in Chapter 59, which includes open spaces, as well as parking lots, and screening. Having one central section requiring native plantings rather than repeating it in various subsections is cleaner and reduces the chance of future drafting errors if the provisions were to be amended again.

Second, the specific code section proposed for amendment, Section 6.3.8.B.3. Native Species, currently contains an existing requirement that Rural Open Space must contain only native species. The amendment with ZTA 25-10 replaces that language that all open spaces must contain 50% native species. This would include Rural Open Space, thereby reducing the native species requirement from 100% to 50%, which is counter to the intentions of the Native Plant Protection Act. Rural Open Space always has required native species, because the intent of Rural Open Space is to be natural and fitting with the rural residential zones that require it, and requiring 100% native species is an important requirement to maintain to support biodiversity.

Recommendation: Not to amend Section 6.3.8.B.3. and instead keep the 50% native plant requirement language only in Section 6.4.3., which will retain the existing requirement that Rural Open Space may contain native species only.

SECTION 6.4.3. GENERAL LANDSCAPING REQUIREMENTS

Landscaping – General

The section on general landscaping requirements covers the basic requirements for installation and inspection of any landscaping that is governed by Chapter 59. This includes any landscaping for parking facilities, open spaces, screening, or general landscaping shown on a site plan. Section 6.4.3.A. is not being amended by the ZTA. For context, this section covers the inspection requirements of the Department of Permitting Services, states that plant material satisfying Section 6.2.9. (parking landscaping), 6.3 (open space landscaping), and 6.5 (screening) must not plant in utility, stormwater or other easements, requires that landscape plans be prepared by a licensed landscape architect, and that species included on the Maryland Invasive Species Council’s list of invasive aquatic or terrestrial plants must not be used for landscaping.

Landscaping Elements

Section 6.4.3.B. Landscaping Elements, which is being amended by the ZTA starting on line 33, provides basic specifications of plant material in general, plus additional information on canopy trees, understory trees, evergreen trees, and shrubs. The ZTA amends Section 6.4.3.B.1. Plant Material, by adding a new section d. This section contains the requirement that 50% native plant species be provided. This is the same requirement that Planning Staff recommends removing from Section 6.3.8.b. but recommends keeping here.

Section 6.4.3. makes the most practical sense to include the 50% native plant requirement because these general landscape provisions, as stated by the opening clause of Section 6.4.2. “...applies to landscaping required under this Chapter...”. Repeating the same requirements in other code sections could lead to confusion, or errors if future ZTAs further amend these provisions. Planning Staff however recommend the language requiring 50% native species be located under Section 6.4.3.A.6

which already prohibits invasive species, rather than in Section 6.4.2.B.1.d. as proposed. Section. It would be cleaner to have all the requirements of what species can and can't be planted in the same place, rather than including prohibited plants in one section, and required plants in another.

Reviewing ZTA 25-10 and Bill 26-25 offered another opportunity for clarity on whether the definition of native plants should include native cultivars, sometimes referred to as 'nativars', or if native plants should only include the straight species. Native cultivars are cultivars of native species that have been propagated through selective breeding, and sometimes deliberate pollination to achieve more desirable landscaping traits. The plants available for sale are often genetic clones which lowers genetic diversity. The internet provides numerous articles and summaries on the effect of native cultivars and wildlife biodiversity with mixed results². Some selected characteristics such as leaf color tend to reduce wildlife value, while others around leaf shape or plant size may not. There are few definitive studies on how a native cultivar may alter native genes. Another consideration is plant availability, desirability, and survivability. Most retailers offer non-native species because consumers want visually interesting plants. Native cultivars offer more opportunity to fill in for non-native plants when designing manicured landscapes, and may be more readily available at a large scale. Planning Staff, also consulted with Parks Staff, who shared the nuanced considerations, but have found native cultivars can greatly help with survivability in our increasingly hostile climate and biome. Ultimately Planning Staff have concluded native cultivars should be allowed, and the ZTA should be amended to clarify this.

The amended section could read as follows:

6.4.3.A.6. Any landscaping must include at least 50% plant material from species that are native to the Mid-Atlantic Region. The Mid-Atlantic Region is Maryland, Virginia, Delaware, New Jersey, New York, Pennsylvania, North Carolina, West Virginia, and the District of Columbia. Native Plants include straight species, and cultivars derived from straight species plants. Species included on the Maryland Invasive Species Council's list of invasive aquatic or terrestrial plants must not be used for landscaping.

In addition to adding the 50% native plant requirement to the beginning of the above section, Planning Staff recommend slightly rewording the language to clearly require that what is required is 50% of the plant material come from native species. The introduced ZTA language could be interpreted that using 50% plant species means only 50% of the list of planting material must be native which is not the intent.

² Sources reviewed include [University of Illinois Extension](#) and [grownative.org](#)

Recommendation: Add Section 6.4.3.A.6. to the ZTA to include the requirement to include at least 50% of plant from species native to the Mid-Atlantic, define native plants as straight species, and cultivars from straight species, and remove Section 6.4.3.B.1.d. from the ZTA.

Bill 26-25

Bill 26-25, which was introduced as companion legislation to ZTA 25-10, amends portions of Chapter 58 of the county code, currently titled “Weeds” The Bill would rename Chapter 58 to “Vegetation”, and is divided into two new Articles, Article I – Weeds and Invasive Plants, and Article II – Invasive bamboo. The Bill makes both technical and policy amendments, this report will focus mostly on the policy amendments.

ARTICLE 1. WEEDS AND INVASIVE PLANTS

Article I. sets forth standards for maintaining vegetation on a property that is within or adjacent to a subdivision (platted property). Generally, property owners must not allow the generalized growth of any weed, or the generalized growth of any plant material more than 12 inches high within 15 feet of a property boundary, except for trees, ornamental shrubs, flowers, garden vegetables, and as amended native plants and grasses.

In section 58-1 Definitions, a new definition is added for Native plants and grasses, which includes vegetation that is native to the Mid-Atlantic region, mirroring the definition introduced in ZTA 25-10 (lines 9-11). Further down in the definition section, lines 15-17 amend the existing definition of Weed to add four additional plants: Johnsongrass, Palmer Amaranth, Shattercane, and Tall Waterhemp. For consistency with Planning Staff recommendations on ZTA 25-10, the definition for Native plants and grasses should be adjusted clarifying that native species are straight native, or cultivars from native species.

The Bill also adds a new Section 58-7 Appeals, setting forth a process for any aggrieved party to appeal to the Board of Appeals within 10 days of being issued a notice of violation.

Recommendation: Support Article I amendments, but clarify that native species means straight natives or cultivars derived from native species.

ARTICLE 2. INVASIVE BAMBOO

Article 2, Sections 58-8 through 58-10 are new additions to Chapter 58, and are specific to the prohibition of invasive bamboo. Section 58-8, Definitions (lines 62-72) defines Invasive Bamboo as a woody grass commonly referred to as bamboo that is characterized by spreading behavior and not native to the Mid-Atlantic, defines Mid-Atlantic as states consistent with previous definitions in this legislative packet, and Property Owner as someone holding title to the property, or a lessee, tenant or occupant with management control of the property. Section 58-19, Regulations of Invasive Bamboo (lines 73-74) requires that a person or entity in the county must not sell or offer for sale invasive

bamboo. Section 58-10, Reporting, Inspection, and Notice of Violation (lines 75-81) details how complaints will be received and acted on.

Bill 26-25 is very specific in only prohibiting the sale of invasive bamboo. Planning and Parks Staff had hoped for a more comprehensive ban on the sale of any non-native invasive species identified by the Invasive Species Council of Maryland. State law, however, has only given counties authority over bamboo, in addition to the four new plants added to the definition of Weed in Article 1. Planning Staff recommends continued coordination with state representatives to try and expand the list of banned non-native invasive plants through future state legislative sessions.

Recommendation: Support Article 2 amendments, and continued coordination with state representatives to expand the list of prohibited non-native species in future years.

SECTION 3 – CLIMATE ASSESSMENT

Bill 3-22, passed by the County Council on July 12, 2022, requires the Planning Board to prepare a climate assessment for each Zoning Text Amendment, Master Plan, and Master Plan Amendment, effective March 1, 2023. Each Climate Assessment must include the potential positive or negative effects a ZTA may have on climate change (including greenhouse gas emissions) and on community resilience and adaptive capacity. The climate impact assessment for ZTA 25-08 is attached in Attachment C.

Planning Staff anticipates ZTA 25-10 will have no climate impacts for greenhouse gas emissions and sequestration, and minor positive and negative impacts associated with adaptive capacity and resiliency. The ZTA would not result in any meaningful change in location or quantity of total vegetation, but by requiring more native species there will be benefits to biodiversity, and marginal benefits to adaptability and to water runoff control because native plants are more adapt to our variable climate and tend to have more robust root systems for absorbing and retaining water. The Climate Assessment does recommend, along with the planning recommendations in this report, that the requirement to plant only native plants be retained in the Rural Open Space, as reducing native plantings in Rural Open Space from 100% down to 50% would be a detriment to biodiversity in these areas.

SECTION 4 – CONCLUSION

Planning Staff recommends that the Planning Board support ZTA 25-10 and Bill 26-25, with the minor amendments presented in this report. The Native Plant Protection Act is a big move in the right

direction in helping restore the biodiversity of our county by making smarter landscape decisions in the planting and maintenance of our landscaped areas.

SECTION 5 – ATTACHMENTS

Attachment A: Zoning Text Amendment 25-10 Intro Packet

Attachment B: Bill 26-25 Intro Packet

Attachment C: Climate Assessment 25-10

CLIMATE ASSESSMENT FOR

ZTA 25-10, Landscaping Requirements – Native Plants

PURPOSE OF CLIMATE ASSESSMENT

The purpose of this Climate Assessment is to evaluate the anticipated impact of the zoning text amendment (ZTAs) on the county's contribution to addressing climate change. The assessment will provide the County Council with a better understanding of the potential climate impacts and implications of the proposed ZTAs, at the county level. The scope of the Climate Assessments is limited to addressing climate change, specifically the effect of the land use recommendation of the ZTA on greenhouse gas (GHG) emissions and carbon sequestration, and how actions proposed by the ZTA could improve the county's adaptive capacity to climate change and increase community resilience.

SUMMARY

The ZTA will not have any discernible impacts on greenhouse gas emissions or carbon sequestration, but will have minor positive and negative impacts on the county's goals of ensuring resilience and adaptive capacity of our communities. Positive impacts stem from the increase in biodiversity, the strengthening of ecosystems and wildlife, and thus the overall resilience of communities to adapt to climate change and the associated hazards of a changing climate. Concurrently, the reduction in biodiversity in Rural Open Spaces could reduce the resilience of communities in these areas.

BACKGROUND AND PURPOSE OF ZTA 25-10

This Zoning Text Amendment was introduced by the District Council on June 17, 2025. The purpose of the ZTA is to require 50% of required landscaping to use native plant species. Under the current Zoning Ordinance, there is no specified amount of native plant species required in Open Space Landscaping, except for Rural Open Space, which does require native species. With this ZTA, native species will be defined as from the Mid-Atlantic Region, which includes Maryland, Virginia, Delaware, New Jersey, New York, Pennsylvania, North Carolina, West Virginia, and the District of Columbia. This ZTA will increase resiliency against climate change, as all required landscape plantings will have at least half (or more) native plant species. However, in Rural Open Spaces, there will be a decrease in native plantings required, since the current requirement is 100%. Thus, Rural Open Spaces will have a reduction in native plant species.

VARIABLES THAT COULD AFFECT THE ASSESSMENT

For many ZTAs, it is difficult to determine the impacts on climate because of variables such as the scale and location of change, which may be difficult to ascertain. With this ZTA, there are a variety of locations and situations where this activity could occur, resulting in some uncertainty, though the impacts will likely be county-wide to some degree.

ANTICIPATED IMPACTS

There are slight positive impacts anticipated with ZTA 25-10. The impacts will be minor overall, as there will not be more plantings, but rather higher quality of plantings due to this ZTA. There will be a larger impact on Climate resiliency, as the higher quality plantings will have a positive impact on biodiversity, except in Rural Open Spaces. In Rural Open Spaces, planting quality will decrease, as less natives will be required in these areas with this change. There will be minor negative impacts on Rural Open Spaces' climate resiliency. The variables and impacts are determined in the assessment worksheets found in *Climate Assessment Recommendations for Master Plans, and Zoning Text Amendments in Montgomery County*.

GREENHOUSE GAS EMISSIONS, CARBON SEQUESTRATION, AND DRAWDOWN

ZTA 25-10 does not involve any impacts on greenhouse gas emissions, carbon sequestration, or drawdown.

COMMUNITY RESILIENCE AND ADAPTIVE CAPACITY

Montgomery Planning anticipates that ZTA 25-10 will most likely have a net positive impact on Community Resiliency and Adaptation, as the increased number of native plants will improve biodiversity, thus better capability of handling exposure-related factors, sensitivity-related factors, and adaptive capacity factors.

Community Resilience and Adaptive Capacity Checklist of Variables

Exposure Related Factors.

- **Activity in flood risk areas:** There may be a minor to slight positive impact in flood risk areas. Increasing the number of native plantings will improve water absorption, as native plants are able to develop root systems, as they will be suited for the soil type and environment. Stronger root systems can help reduce the amount of erosion that occurs from storms and flooding.
- **Activity in urban heat island:** There will be a slight positive impact on the resiliency of an area to urban heat island effects, as native plantings will support biodiversity in urban areas that

may be lacking native plants. Native plant species are suited to support and interact with other native plant species, which could collectively increase the stability of planting in urban areas. These native plantings may be able to withstand heatwaves and have the ability to recover more quickly from extreme heat, thus helping maintain cooler temperatures in urban areas, as healthy vegetation is able to provide shade and reduce greenhouse gases.

- **Exposure to other hazards (e.g., storms, wind, drought):** An increase in native plantings will increase biodiversity and create resilient ecosystems that can better withstand storms, wind, droughts, and other hazards. Native plantings will be able to support a more resilient ecosystem overall as they will support native wildlife, insects, and microorganisms, which will contribute to natural pest control and pollination. Ecosystems will be stronger and more self-sustaining in the midst of severe storms and other climate events, which will reduce the risk communities face against environmental hazards.

With the reduction in the requirement of native plantings in Rural Open Spaces, communities will be less resilient and adaptive to flooding, heat, and other hazards in these areas specifically. While all other landscape planting will increase in quality, Rural Open Spaces will decrease in planting quality and thus lose the benefits of biodiversity and the stability that a biodiverse ecosystem has.

Sensitivity Related Factors.

- **Change to quality or quantity of other green areas (e.g., wetlands, meadows, turf):** There will be positive impacts on the quality of green areas, as the root systems may grow stronger and deeper, as native plantings will be well-suited to their environment and coexist with other plantings naturally. Wetlands and meadows may expand naturally and will improve in quality, as they will support native wildlife, which will increase pollination and natural pest management. Native plantings and vegetation should also require less maintenance, which will increase the likelihood of the plantings surviving and doing well over time. These plantings will create improved habitats for wildlife as well.

With the reduction in the requirement of native plantings in Rural Open Spaces, there will be a reduction in quality of wetlands, meadows, and other green areas. Rural Open Spaces will not support natural pest management, wildlife, and will require more maintenance by planting less native plant species.

RELATIONSHIP TO GREENHOUSE GAS (GHG) REDUCTION AND SEQUESTRATION ACTIONS CONTAINED IN THE MONTGOMERY COUNTY CLIMATE ACTION PLAN (CAP)

ZTA 25-10 does not involve any greenhouse gas or sequestration reductions or improvements related to the County's Climate Action Plan.

RECOMMENDED AMENDMENTS

Planning staff supports ZTA 25-10 because it will have positive impacts on the County's goals regarding community resiliency and adaptive capacity. However, current zoning, under Section 6.3.8.B.3., Rural Open Space must contain native species only. ZTA 25-10 amends this section to replace the existing language with new language requiring all open space to provide 50% native. While this ZTA will already have great benefits and set a positive standard for the other types of open spaces, this is a negative impact on Rural Open Space. Rural Open Space is intended to be maintained as either farmland or land in a more natural state, complementary to rural residential development patterns. These spaces are critical for planting with only native species to fit the intention of a natural area. The Climate Assessment could encourage a greater percentage of native plants required in plantings for the other open spaces, but this new minimum being introduced will lead to improvements in planting quality without being overly burdensome. The climate assessment recommends revising the proposed amendments to keep the requirement of only native species for Rural Open Space while retaining the new 50% native requirement for other open spaces.

SOURCES OF INFORMATION, ASSUMPTIONS, AND METHODOLOGIES USED

The climate assessment for ZTA 25-09 was prepared using the methodology (tables 1, and 2) for ZTAs contained within the [Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County, December 1, 2022.](#)

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

Office of Legislative Oversight

ZTA 25-10: LANDSCAPING REQUIREMENTS – NATIVE PLANTS

SUMMARY

The Office of Legislative Oversight (OLO) anticipates that Zoning Text Amendment (ZTA) 25-10: Landscaping Requirements – Native Plants will have a minimal impact on racial equity and social justice in the County. As the ZTA promotes biodiversity and a healthier ecosystem in the County, OLO anticipates that it will benefit all community members proportionately by race and ethnicity rather than narrow existing racial and social inequities.

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 25-10

The general landscape requirement of the Zoning Ordinance currently requires landscaping in Rural Open Space to contain only native plant species, but it does not define what constitutes a native plant species.³ The Ordinance also recommends, but does not require, the use of native plant species for landscaping in Common Open Space, Public Open Space, and Amenity Open Space.

The purpose of ZTA 25-10 is to amend the Zoning Ordinance to define native plant species as plants native to the Mid-Atlantic Region (i.e., Maryland, Virginia, Delaware, New Jersey, New York, Pennsylvania, North Carolina, West Virginia, and the District of Columbia). ZTA 25-10 would also require 50 percent of plant species used for landscaping in the Rural Open, Common Open, Public Open, and Amenity Open Spaces to consist of native plant species.

ZTA 25-10 is part of the Native Plant Protection Act, which includes Bill 26-25, Vegetation – Invasive Plants also introduced on June 17, 2025. If enacted, Bill 26-25 will exempt native plant species and grasses from the County’s weed removal requirements and prohibit the sale of invasive bamboo.⁴

ZTA 25-10 was introduced on June 17, 2025.

This RESJ impact statement (RESJIS) builds on the RESJIS for Bill 26-25, Vegetation – Invasive Plants published on July 18, 2025.

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NATIVE PLANTS AND RACIAL EQUITY

In the United States, native plants are species that evolved in specific regions before European settlement. They are vital to local ecosystems, having adapted to their habitats' unique soil, moisture, and weather conditions for thousands of years to the unique soil, moisture, and weather conditions of their habitats.⁵ While native plants can benefit all communities, their benefits can be particularly impactful in Black, Indigenous, and People of Color (BIPOC) neighborhoods that are most affected by pollution and chronic disinvestment.⁶

In contrast to native plant species, invasive species play a significant role in the decline of biodiversity and can, in severe cases, lead to the extinction of native plants and animals when they compete with native species for limited resources. Invasive species can also pose a significant threat to ecosystems due to the diminishing presence of native predators, their tolerance to local diseases and climate, and high productivity rate. They can also impact human livelihoods by reducing local crop yields and decreasing the populations of fish and livestock.

A 2023 study by U.S. Department of the Interior Invasive Species Advisory Committee finds that invasive species can disproportionately impact BIPOC communities, communities with low-incomes, and BIPOC communities with low-incomes due to the individual and synergistic impacts of climate change.⁷ BIPOC communities in particular have historically suffered from environmental degradation and limited access to native-plant landscaping due to redlining, discriminatory housing policies, exclusionary zoning, and inadequate land-use planning.⁸

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of ZTA 25-10 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 25-10 on the following sets of stakeholders:

- **Wholesale Nurseries and Landscaping Businesses:** OLO anticipates that businesses that supply plants to local properties to comply with ZTA 25-10 could increase their economic opportunities and revenue. While data regarding the racial and ethnic demographics of wholesale nursery owners are not available, related data suggests that most of the business owners likely to benefit from ZTA 25-10 are White. For example, as observed in Table 1 of the Appendix of the 1,230 agriculture businesses listed in the County in 2022, 92 percent (1,135 agriculture businesses) were owned by White entrepreneurs.⁹ In turn, the benefits of ZTA 25-10 to mostly White nursery owners could widen racial disparities in business revenue.
- **Landowners:** OLO anticipates that landowners who comply with ZTA 25-10 will bear short-term economic costs for compliance that yield long-term economic and environmental benefits. The long-term benefits of ZTA 25-10 that landowners will likely experience include lower maintenance costs, water conservation, and the preservation of local ecosystems. Available data on homeownership and real estate businesses suggests that the landowner costs and benefits of ZTA 25-10 will disproportionately impact White landowners. White and Asian residents have the highest homeownership rates in the County as observed in Table 2 of the Appendix while White community members are overrepresented among real estate business owners as observed in Table 3. Since White landowners are anticipated to disproportionately experience both the costs and benefits of ZTA 25-10, this ZTA impact on RESJ would be null.

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- **County Residents:** OLO anticipates that County residents will experience environmental benefits from ZTA 25-10 as native species better absorb water that can be discharged into sewers and thereby decrease levels of erosion and filter harmful pollutants before they reach waterways.¹⁰ To the extent that ZTA 25-10 promotes biodiversity and a healthier ecosystem in the County, OLO anticipates that it will proportionately benefit all community members, regardless of race and ethnicity.

In sum, OLO anticipates that ZTA 25-10 will benefit businesses that supply native plants, landowners who purchase and grow them, and the broader community in the County. OLO also anticipates landowners will bear the costs of ZTA 25-10. By promoting biodiversity and fostering a healthier ecosystem, OLO anticipates that ZTA 25-10 will have a positive impact on all community members proportionately, regardless of their race or ethnicity. Therefore, OLO believes that the net impact of ZTA 25-10 on RESJ in the County will be minimal.

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.¹¹ OLO anticipates that ZTA 25-10 will have a minimal impact on RESJ in the County. As such, OLO 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.

APPENDIX

Table 1: Montgomery County Agriculture Product Producers, 2022

Race or Ethnicity	Number of Producers
American Indian/Alaska Native	2
Asian	28
Black or African American	23
Native Hawaiian/Pacific Islander	-
Hispanic, Latino, Spanish origin	34
White	1,135
More than one race	8

Source: [U.S. Department of Agriculture, national Statistics Service \(USDA NASS\). 2022](#)

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Table 2: Homeownership Rate by Race and Ethnicity, Montgomery County

Race or ethnicity ¹²	Homeownership Rate
Overall	64.4
Asian	75.1
Black	43.9
White	74.4
Latinx	48.8

Source: [Table S0201, 2023 American Community Survey 1-Year Estimates, Census Bureau.](#)

Table 3: Percent of Real Estate and Rental and Leasing Employer Firms by Race and Ethnicity, Montgomery County

Race or ethnicity	Real Estate and Rental and Leasing Business Owners (NAICS 53) ^{13,14}	All Sectors (NAICS 00)	Adult Population
Asian	12.4	21.8	16.0
Black	5.1	7.6	18.3
Native American	-	1.4	0.5
Pacific Islander	-	0.1	0.0
White	82.3	69.1	46.6
Latinx	3.9	10.0	18.7

Source: OLO analysis of [Table AB2200CSA01, 2022 Annual Business Survey](#) and [Table S2101, 2023 American Community Survey 5-Year Estimates](#), Census Bureau.

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 Section 6.3.8.B

⁴ Montgomery County Council. Staff Report. Agenda Item #1(j)Introduction. June 17, 2025

⁵ Plaisted, Tomas. Fighting Against Invasive Species: The Role of Native Plants in Urban Spaces. Nordson green Earth. November 1, 2024.

⁶ Turn Oakland County Green. Oakland County CL Climate Campaign. June 14, 2021.

⁷U.S. Department of the Interior · Office of the Secretary. Invasive Species Advisory Committee (ISAC). Underserved Communities and Invasive Species. November 14, 2023.

⁸ Ibid.

⁹ [U.S. Department of Agriculture, national Statistics Service \(USDA NASS\). 2022](#)

¹⁰ Massner, Kyler. Use of Native Plants/Vegetation. Sustainable Development Code (SDC). undated

¹¹ [Bill 44-20, Racial Equity and Social Justice – Impact Statements – Advisory Committee – Amendments, Montgomery County, Maryland, December 1, 2020.](#)

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

¹² Race is inclusive of Latinx origin for all data points in this RESJIS.

¹³ The Real Estate and Rental and Leasing Sector includes establishments that rent, lease, or otherwise allow the use of their own real estate or other assets by others. This sector also includes establishments primarily engaged in managing real estate for others, selling, renting, and/or buying real estate for others, and appraising real estate.

¹⁴ Margins of error for these data points may be large.