

**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 region<sup>1</sup>. 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.

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<sup>1</sup> 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.

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## 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.

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## 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.

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## 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 results<sup>2</sup>. 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.

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<sup>2</sup> 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.

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### 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.

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### 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*