



ORDINANCE NO. 24-035

Pollinator Gardens and Rain Gardens

Land Use Committee
April 2, 2024



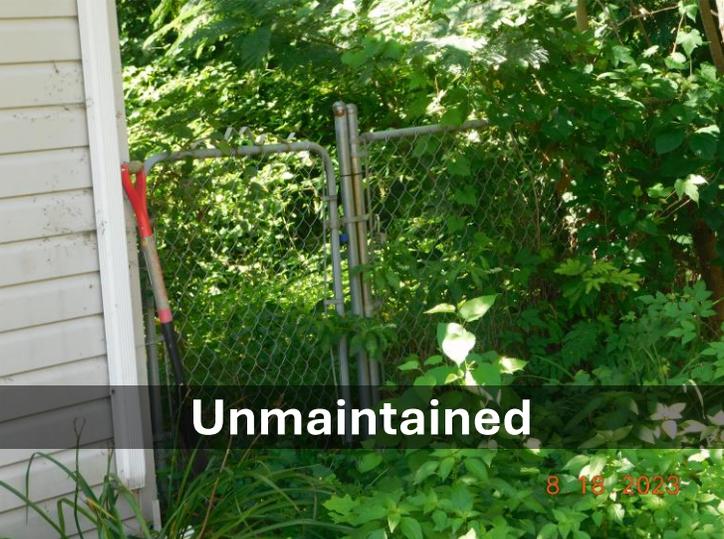
Code Enforcement Cases



Larger than permissible



Too close to primary structure



Unmaintained



Outside of setback

New Castle County Code

Section PM 302.4.9.1.1. General.

Pollinator gardens and rain gardens are encouraged on residential and commercial properties in order to foster water conservation, lower maintenance costs, prevent excessive herbicide use, and create habitat for wildlife and pollinators to enhance our natural ecosystem.



Property Maintenance Code Requirements



Pollinator Garden and Rain Garden Code Requirements (Section PM302.4.9.1.4)

- Pollinator gardens must contain at least two pollinator-friendly species.
- All plants used to make up a pollinator garden or a rain garden shall come from the native plant lists maintained by the Delaware Department of Natural Resources and Environmental Control.
- Plants included in the “Plants to Avoid” list contained in the Appendix 3 of Chapter 40 of this Code are prohibited.
- Pollinator gardens and rain gardens must comply with the following setbacks: primary principal building: three (3) feet, street yard: ten (10) feet, rear yard: three (3) feet and side yard: three (3) feet . Measurement of the setback shall be to the edging material.
- Pollinator gardens and rain gardens shall be no more than twenty-five percent (25%) of the area of the street yard of the principal building.
- Pollinator gardens and rain gardens shall be no more than fifty percent (50%) of the area of the rear yard.
- Pollinator gardens and rain gardens are not permitted in the side yards.
- Pollinator gardens and rain gardens cannot be within twenty-five (25) feet of the property lines on corner lots so as not to obstruct the visibility of pedestrian or vehicular traffic.
- Pollinator gardens are required to be delineated by edging. Edging materials may include, but are not limited to: pavers, bricks, fencing, flexible strips, natural materials such as logs or stone. (Section PM.302.4.9.1.5)

Maintenance Requirements



Pollinator Garden and Rain Garden Maintenance Requirements (Section PM 302.4.9.1.6.)

- Rain gardens must be free of standing water seventy-two (72) hours after a rain event.
- Turf grass in excess of eight (8) inches does not constitute a pollinator garden.
- Pollinator gardens and rain gardens shall not constitute a hazard to the public or surrounding parcels or cause injury or damage to persons or adjacent parcels, or harbor pests and rodents.
- Notwithstanding any other section of this Code, permissible plant species located within pollinator gardens or rain gardens may grow in excess of eight (8) inches in height.
- Invasive plants, including noxious weeds, are not permitted.
- Areas surrounding pollinator gardens or rain gardens must be maintained and cared for consistent with all other limitations under this Code, including Section PM 302.4



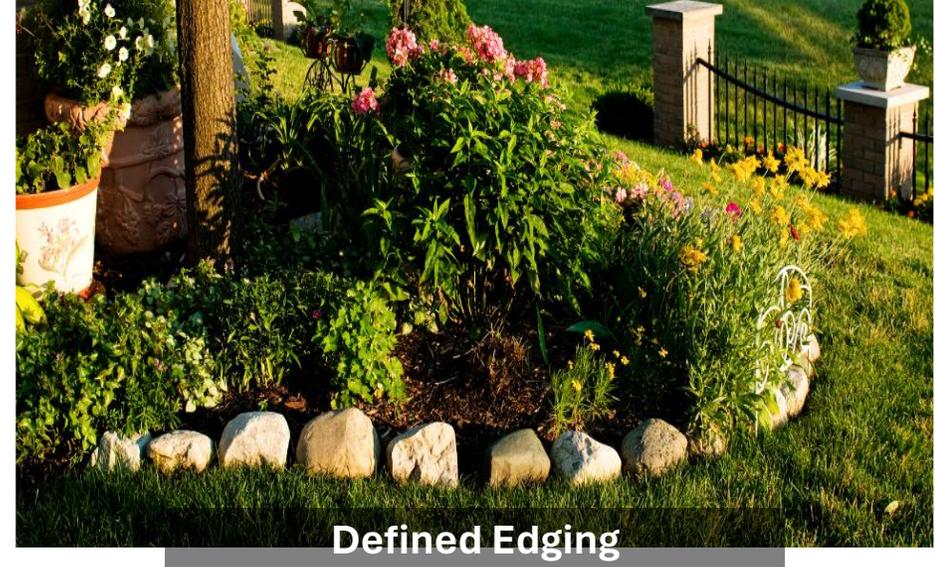
Section PM 302.4. Prohibited growth of weeds and grass.



Permissible
Pollinator
Gardens and
Rain Gardens



Setback Requirements Met



Defined Edging



Container Garden

Pollinator Gardens and Rain Gardens

Pollinator garden means a type of garden designed with the intent of growing specific nectar and pollen-producing plants, in a manner that attracts pollinating insects known as pollinators.

Rain garden means a type of planted area created to mimic a natural water retention area and is planted with a diversity of woody or herbaceous Vegetation, to which stormwater is directed to promote infiltration or evapotranspiration.



Benefits of Pollinator Gardens and Rain Gardens



New Castle County Department of Land use recognizes the need to create policies to encourage the preservation, restoration, and management of native plant communities and wildlife habitats.



Pollinator gardens and rain gardens allow native plant species to thrive in a pesticide and herbicide free environment. This ultimately increase the longevity of the species and allows for future pollination.



Pollinators such as bees, butterflies, and hummingbirds are able to transfer the pollen from one plant to another allowing for future fertilization. This in turn creates greater food production, an increase in native species and an increase in pollinators.



Creating a sustainable home for pollinators directly impacts our County's ability to grow crops such as: strawberries, peaches, asparagus, and tomatoes.



Pollinator gardens and rain gardens protect and preserve legitimate government interests, including the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life of New Castle County and its residents





Aster



Goldenrod



Milkweed



Coreopsis



Purple Coneflower

Commonly Used Native Plants

Phlox



Mountain Mint



Black- Eyed Susan



Blazing Star



Joe-Pye Weed





Wildlife Habitat Certification

Delaware Nature Society (DNS)

DNS is an approved certifier with New Castle County.

A pollinator garden may exceed 25% of the front yard and may exceed 50% of the rear yard if it is certified by the Delaware Nature Society as a pollinator benefiting garden or landscape.

Documentation shall be submitted to New Castle County Department of Land Use, Code Enforcement Division.

To learn more about the Delaware Nature Society program and certification process visit their website: <https://www.delawarenaturesociety.org/what-we-do/protecting-habitats-wildlife/garden-for-wildlife/>

***This exemption shall not apply to setbacks or garden edging as defined in this section.**



Delaware Nature Society
(DNS) Certification

Partnership with
University of Delaware

Exceptions to this code
may be granted



Thank you!