



CITY OF DOVER, DELAWARE ACTION FORM

MEETING: Council Committee of the Whole – Parks, Recreation & Community Enhancement Committee

MEETING DATE: August 11, 2026 Meeting

DEPARTMENT OF ORIGIN: Planning, Inspections and Community Development

PREPARED BY: Ann Marie Townshend, TA Provider **SUBMITTED:** July 30, 2026

SUBJECT: Potential Changes to Active Recreation Requirements for Residential Development

REFERENCES: *SJR 8 – State of Delaware Land Use Reform Pilot Project*

RELATED PROJECT:

EXHIBITS:

- Power Point Presentation

TIMETABLE:

- August 11, 2026: Review of Framework for Potential Changes to Active Recreation Requirements at City Council Committee of the Whole: Parks, Recreation & Community Enhancement Committee Meeting
 - August 17, 2026: Review of Framework for Potential Changes to Active Recreation Requirements at Planning Commission Meeting
 - August – October 2026: Rossi staff to Draft Text Amendment language for Proposed Ordinance(s)
 - November 10, 2026: Presentation of Proposed Ordinance (Text Amendments/First Reading language) to City Council Committee of the Whole: Parks, Recreation & Community Enhancement Meeting
 - November 23, 2026: First Reading of Proposed Ordinance at City Council Meeting for Referral and Setting of Public Hearing dates
 - December 21, 2026: Public Hearing and Review for Recommendation of Proposed Ordinance by Planning Commission
 - January 11, 2027: Public Hearing and Review for Final Action by City Council
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STAFF RECOMMENDATION:

- Review of framework for Potential Changes to Active Recreation Requirements for Development.
 - Recommend forwarding a recommendation on how to proceed with the proposed framework to City Council with a recommendation to draft ordinance(s) for review according to the proposed timeline.

BACKGROUND AND ANALYSIS

Background

The City of Dover is one of nine jurisdictions participating in the State's voluntary Land Use Reform Pilot Program created under Senate Joint Resolution 8 (SJR 8) to address regulatory barriers to building a variety of types and styles of housing. Under this program, the Delaware State Housing Authority (DSHA) has hired technical assistance providers and assigned them to each participating jurisdiction. Rossi Group is the technical assistance provider working with Dover.

The Land Use Reform process began with a comprehensive evaluation of the City's land use regulations and review process to identify barriers to affordable housing. This review will result in a Land Use Regulatory Analysis Report including an Opportunities and Barriers Matrix. This report will be presented to the CCOW in September.

The issue of Active Recreation Requirements was identified as a barrier that could be addressed separately from the other barriers identified, as it is a targeted issue that is not interrelated with other zoning barriers.

The Barrier

Dover's Active Recreation Requirements are specified in the *Zoning Ordinance*, Article 5 §10 Open Space, Recreation and Other Public Facilities.

The Active Recreation Area required is set at 275 square feet per dwelling unit or one-half acre of land, whichever is greater (§10.16). This requirement works well for larger projects. Over time, the code has been amended to add exceptions for smaller developments and developments in the Downtown Development District. These exceptions include:

- Residential developments with less than five acres of land and less than ten dwelling units (§10.511)
- Residential developments with less than five acres of land and less than 20 dwelling units (§10.512)
- Residential developments of ten (10) or fewer acres with a density of over six units per acre (§10.514)
- Residential developments located within the Downtown Redevelopment Target area as defined in Appendix C (§10.515)

Cash in Lieu of Recreation Area Construction is permitted under §10.17, "if the commission determines that construction of recreation is not practical due to proximity to existing available recreation facilities or infeasible due to the natural characteristics of the land or will not benefit the residents of the development."

The Cash in Lieu amount is based on "the appraised value of land area required" which is determined "based on the appraisal prepared for the developer to secure construction financing." For the small project exceptions, the cash donation is equivalent to "ten percent of the appraised gross land area."

Challenges with the current provisions include:

- Too many exemptions cause confusion over which provisions apply.
- Cash in Lieu
 - Many small projects don't involve construction financing, adding extra cost for the applicant to complete an appraisal to determine cash donation amount.
 - The fee is often determined toward the end of the process, making it unpredictable and hard for the

- applicant to budget.
 - Recently the PRCE and Planning Commission have adjusted the amounts based on applicant requests.
- Current provisions do not apply well to small, infill projects.

Proposed Framework

To address the challenges associated with the current Active Recreation Requirements, the following framework is proposed for how the requirements could be amended. The proposed framework is as follows:

- **Multi-family development with 10+ units** – recreational open space would be required
- **Over 25 duplexes, townhouses, single-family detached homes** – recreational open space would be required
- **Projects below these thresholds** – establish a flat fee
- **Minor Subdivisions** – exempt from requirements

Examples of flat fee Cash in Lieu amounts or recreation impact fees in neighboring jurisdictions are provided below. Please note that impact fees are not the same as a Cash in Lieu of recreation area, but they are provided as a comparison for a similar fee.

Jurisdiction	Fee Type	Fee Amount per unit
Harrington	Public open space contribution	\$325
	Community impact fee for parks & recreation	\$400
Smyrna	Parks & recreation impact fee	\$2,543 - \$4,539
New Castle County	Parks & special facilities impact fee	\$328 - \$492
Delaware City	Parks & recreation impact fee	\$150

Examples of Land Dedication Amounts from other jurisdictions include:

Jurisdiction	Land Required
Newark	1-7 units/acre – 7%
	8-14 units/acre – 12%
	15 units/acre – 17%
Smyrna	15% gross area

Recent examples of Land Dedication for Active Recreation for Dover projects include:

Project	Site Area	Units	Recreation Area	Area Per Unit	% of Site Area
Bay Village	79.14 acres	250	1.66 acres	289 SF/unit	2%
The Old Post	1.267 acres	42	4,576 SF	109 SF/unit	8.3%
The Governor	1.98 acres	120	29,093 SF	285 SF/unit	33.7%

Direction Needed

1. Is there general support for the proposed framework?
2. Should minor subdivisions be exempt from a flat fee?
3. Is there a general sense of what the area requirement should be? Should it be a percent of the land area or per unit amount?