

Potential Changes to Active Recreation Requirements for Residential Development

Planning Commission

August 17, 2026



SJR8 Land Use Reform

- Voluntary pilot program
 - State offering technical assistance with zoning reform
 - Dover participating in pilot
- Regulatory Analysis
 - Identifying barriers to construction of housing that is affordable
 - Full Regulatory Analysis to be presented in September
- Active Recreation requirements identified as barrier
- Recent examples
 - Cecil Street Townhomes
 - Nixon Lane Minor Subdivision



Current Code Requirements

Area Required (§10.16)

Area required. All residential developments shall provide recreational areas in a size equal **to 275 square feet per dwelling unit or one-half acre of land**, whichever is greater. In no case shall the commission require that more than ten percent of the gross area of the development be so dedicated or reserved when the gross area is greater than five acres.



Current Code Requirements - Exemptions



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 **over six units per acre**. (§10.514)



Residential developments located within the Downtown Redevelopment Target Area as defined in Appendix C. (§10.515)



Current Code Requirements – Cash In Lieu

10.173 *Amount of cash donation.* The cash donation shall be **equivalent to the appraised value of land area required in section 10.16.** The land area value shall be **based on the appraisal prepared for the developer to secure construction financing.** This submitted appraisal shall be a copy of the original supplied to the lending institution, with that institution identified, and shall conform in all ways to the Uniform Standards of Professional Appraisal practice and be performed by an appropriately qualified certified appraiser. **If an appraisal prepared for construction financing is not available, then the developer shall have an appraisal done** in accordance with the procedures set forth in [sub]section 10.174.



Current Code Requirements – Cash In Lieu for Exemptions

10.52 *Amount of cash donation.* This cash donation shall be **equivalent to ten percent of the appraised value of gross land area.** The land area value shall be **based on the appraisal prepared for the developer to secure construction financing.** This submitted appraisal shall be a copy of the original supplied to the lending institution, with that institution identified, and shall conform in all ways to the Uniform Standard of Professional Appraisal practice and be performed by an appropriately qualified certified appraiser. **If an appraisal prepared for construction financing is not available, then the developer shall have an appraisal done** in accordance with the procedures set forth in [sub]section 10.174.



The Challenges



Too many carve-outs in exemptions



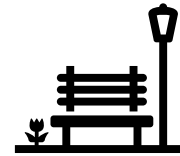
Cash in Lieu:

- Small projects may not have construction financing
- Fee determined near the end - not predictable



Makes small, infill projects difficult

New Framework



How can open space requirements better serve Dover's goals?



Open Space Requirements: Idea for Consideration

Multi-family with 10+ units: need to provide recreational open space

Over 25 lots of duplexes, townhouses, single-family detached homes: need to provide recreational open space

For projects under these thresholds (major subdivisions, conditional use, PC site development plan): a flat fee could be established.

Minor subdivisions: Exempt.

Cash In Lieu – Flat Fee Local Examples

Harrington, DE: \$325 “public open space contribution” per dwelling unit and \$400 community impact fee per unit for parks and recreation

Smyrna, DE: \$4,539 per single-family unit or \$2,543 per multi family unit (parks & recreation impact fee)

New Castle County: \$338 - \$492 per unit (parks & special facilities impact fee)

Delaware City: Parks and Recreation Impact Fee \$150/unit

NOTE: impact fees are different from cash-in-lieu but provided for comparison purpose



Land Dedication – Local Examples

Newark

- 1-7 units/acre – 7% of total area
- 8-14 units/acre – 12% of total area
- 15 units/acre – 17% of total area

Smyrna – 15% of total area

Land Dedication – Recent Dover Examples

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%



Needed Direction



Is there support for the general framework?



Should minor subdivisions be exempt or subject to flat fee?



Is there a general sense of what the area requirements should be?

Standard land area per unit?

Percent of gross land area based on density?

