
ORDINANCE NO. 778**AN ORDINANCE ADDING ARTICLE 26-IV PARK LAND DEDICATION TO THE CITY OF BOX ELDER MUNICIPAL CODE**

WHEREAS, pursuant to SDCL § 9-19-1 and 9-19-3, the City of Box Elder City Council has the authority to enact, amend, and enforce ordinances for the good government of the municipality, the preservation of public peace and order, and the promotion of health, safety, and general welfare; and

WHEREAS, the City Council finds that new residential development increases the demand for park and recreational facilities, and that requiring the dedication of land or payment of fees in lieu thereof is necessary to maintain a balanced and adequate system of parks and open spaces; and

WHEREAS, the adoption of park land dedication requirements is consistent with the City's Comprehensive Plan and is in the interest of protecting the public health, safety, and welfare of current and future residents; and

WHEREAS, Article 26-IV Park Land Dedication, and its subsections, are being added to the City of Box Elder Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Box Elder, that the City of Box Elder Municipal Code be amended to add Article 26-IV Park Land Dedication.

**CHAPTER 26. PARKS AND RECREATION
ARTICLE 26-IV PARK LAND DEDICATION**

[Sec 26-75 Purpose](#)

[Sec 26-76 Applicability](#)

[Sec 26-77 Methods of Dedication](#)

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Sec 26-75 Purpose

The purpose of this Article is to ensure that as residential development occurs within the City of Box Elder, adequate park and recreational areas are provided to serve the growing population. Park land dedication ensures that developments contribute fairly toward the acquisition or improvement of parks and open space in proportion to their impact.

Sec 26-76 Applicability

Park land dedication shall be required for:

- (a) All residential subdivisions submitted for final plat approval.

This section shall not apply to:

- (a) Plats qualifying as a minor plat under the City of Box Elder Municipal Code; or
- (b) Subdivisions of land into parcels greater than ten (10) acres.

Sec 26-77 Methods of Dedication

Park land dedication shall be provided by one of the following methods:

(a) Land Dedication

- i. At least five percent (5%) of the gross land area subject to final plat shall be dedicated for public parks, open space, trails, or recreational purposes. Location and suitability shall be in accordance with the Parks and Open Space Master Plan and its updates. The City shall make the final determination on acceptability of the location of proposed lands for dedication.

(b) Cash in Lieu of Land Dedication

- i. When land dedication is not feasible or desirable, the developer shall pay an amount equal to five percent (5%) of the assessed land value of the gross land area subject to final plat. The value shall be based on the most recent assessment by the applicable County Director of Equalization. Cash in lieu of land dedication shall be paid prior to plat recordation.

(c) Combination

- i. A combination of land dedication and cash in lieu of land may be approved if the total value meets the requirements of this section and satisfies the City's park needs.

Sec 26-78 Determination of Dedication or Fee

(a) Municipal Discretion

- i. The Planning and Zoning Department shall determine whether a developer is required to dedicate land, pay a fee in lieu of dedication, or provide a combination of both. The determination shall be based upon the adopted Parks

and Open Space Master Plan and its updates and the suitability of the land offered for park purposes.

(b) Minimum Size Requirement

i. No tract of land less than five (5) acres in area shall be accepted for parkland dedication unless:

1. The land is contiguous to an existing park or public open space; or

2. The land is specifically identified in the Parks and Open Space Master Plan and its updates as a desired acquisition.

(c) Fee in Lieu for Small Subdivisions

i. Where the total dedication required would result in less than the minimum acceptable park size, the City shall require payment of a fee in lieu of dedication.

(d) Combination of Land and Fee.

i. The City may accept a combination of land dedication and fee in lieu of dedication where it determines that such combination better serves the public interest and the intent of this ordinance.

Sec 26-79 Administration and Review

(a) The Planning & Zoning Department shall review and administer park land dedication as part of the platting process.

(b) Dedication obligations shall be reviewed and finalized prior to final plat approval and shall be completed prior to plat recordation.

(c) In phased developments, a park land dedication plan needs to be confirmed during the preliminary plat phase.

Sec 26-80 Parks and Recreation Board Review

(a) The Parks and Recreation Board shall review Planning and Zoning, Public Works, and/or Finance prepared reports on park land dedications and funds received on a quarterly basis.

(b) The Board may provide advisory input on potential park land locations, future capital investment needs, and park planning priorities.

(c) Nothing in this section shall delay plat approvals pending Parks and Recreation Board meetings. The Board's role is advisory.

Sec 26-81 Use of Dedicated Land and Funds

(a) All land dedicated under this article shall be used for public parks, recreational facilities, open space, or trails.

(b) All funds received in lieu of land dedication shall be placed in a dedicated account and used solely for the acquisition, development, or improvements of public park and recreation facilities within the City of Box Elder.

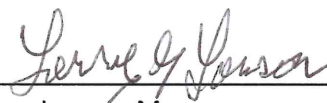
Sec 26-82 Appeals

Any developer wishing to appeal a determination made under this section may submit an appeal in writing to the City Council. The appeal shall be scheduled for consideration at a regular City Council meeting.

PASSED AND APPROVED ON FIRST READING this 3rd day of March, 2026.

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 17th day of March, 2026.

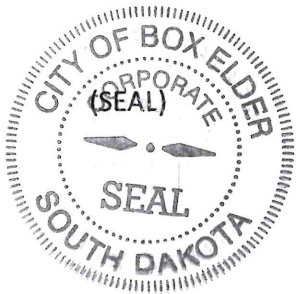
ATTEST:



Larry Larson, Mayor



Renee Baker, Finance Officer



ATTESTATION

I, Chaz Kokesh, the City Clerk of the City of Box Elder, South Dakota, do hereby attest and state the above ordinance was published in the manner required by law and that all procedures required by the State of South Dakota law were complied with. This ordinance shall become effective on April 15 2026.


Chaz Kokesh, City Clerk