

CITY OF BOX ELDER ORDINANCE NO. 765

TO AMEND BOX ELDER CODE OF ORDINANCES, CHAPTER 44 - ZONING

WHEREAS, the City of Box Elder seeks to enhance the clarity of its Zoning ordinances.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Box Elder that Box Elder Code of Ordinances, Chapter 44, Zoning be amended to read as follows:

Chapter 44 ZONING¹

ARTICLE I. IN GENERAL

Sec. 44-1. Definitions.

Carport. A permanent structure consisting of a roof and supported on posts with no more than two walls, used as a minimal shelter for an automobile. It may be freestanding or attached to another structure on one side.

Grass means a type of living ground cover with an upright or tufted growth habit.

Live Ground Cover means a low-growing plant that spreads across the ground forming dense soil coverage, includes grasses, legumes, forbs, and woody plants.

Nonconforming use means a land use that:

1. legally existed before its current land use designation;
2. has been maintained continuously since the time the land use ordinance governing the land changed; and
3. does not conform to the regulations that now govern the use of land because of one or more subsequent changes to governing law.

Shrub means a woody plant that usually remains low to the ground, with a minimum of two (2) feet in height, and produces shoots or trunks from the base. It is not usually treelike or single-stemmed.

Sidewalk means a slab of concrete utilized for pedestrian foot traffic, which is located within the public right-of-way.

Spread means the diameter of tree foliage measured at the broadest point of the tree.

Stealth telecommunications facility means a telecommunications facility that is integrated as an architectural feature of a structure so that the purpose of the facility for providing wireless services is not readily apparent to a casual observer.

Tree means any self-supporting woody plant which usually produces one (1) main trunk and which normally grows to a minimum of fifteen (15) feet in height.

ARTICLE II. PERMITS

Sec. 44-27. General requirements.

- (a) The permit regulations established in this article are intended to supplement the permit regulations set forth in the building and property maintenance codes adopted by the City. Should conflicts between these regulations be discovered, the planning office shall determine which regulations, or parts thereof, shall apply.
- (b) Permit applications shall be made electronically to the planning department on forms provided by the city. Permits may be issued only by the planning department. Unless stated otherwise in the following sections, the work described in a permit must be commenced within six months of the date of issuance of the permit or the permit shall become void. Once commenced, the work shall not be suspended or abandoned for a period of six months at any time after work has begun or the permit shall become void. Further, the work described in a permit must be completed within 12 months of the date of issuance of the permit or the permit shall become void. The term of a permit may be extended, before its expiration, at the discretion of the chief building official or an authorized designee.
- (c) The chief building official or authorized designee may suspend or revoke a permit issued under this article whenever a permit is issued in error, issued on the basis of incorrect or incomplete application information, or issued in violation of any city ordinance or regulation. Notice of suspension or revocation shall be made in person or by first-class mail.

ARTICLE III. ZONING DISTRICTS**DIVISION 1. GENERALLY****Sec. 44-61. Zoning districts and the zoning map.**

- (a) For the purpose of promoting the public health, safety, morals, convenience and the general welfare of the community, the City of Box Elder, South Dakota is divided into districts, each being of such number, shape, kind, area, common unity of purpose and adaptability of use that are deemed most suitable to carry out the purpose of this article.
- (b) The City's adopted zoning districts are as follows:

<i>Name of Zoning District</i>	<i>District Code</i>
Agricultural district	AG
Park land	PK
Public land	PUB
Low density residential	R-1
Moderate density residential	R-2
Multi-family Residential	R-3
High Density Residential	R-4
Light general commercial	GC
Highway service	HS
General light industrial	GLID
Heavy industrial	HID
Open space or floodway district	OS-1
Planned development	PD
Mixed use overlay district zone	MU
Air installation compatible use overlay zone	AICUZ

DIVISION 2. SPECIFIC DISTRICTS

Sec. 44-86. Low Density Residential district I (R-1) .

(a) *General description.*

- (1) This district is intended to be used for single-family residential development with low population densities. Other uses shall be reviewed by the City's Planning Commission and City Council and may be permitted to provide the basic elements of balanced and attractive residential area.

(b) *Permitted, conditional, or prohibited uses.* See Appendix A Land Use Matrix.

(c) *Development Standards:*

LOW DENSITY RESIDENTIAL DISTRICT 1 (R-1)

Minimum Lot Size	10,000 Square Feet 1 Acre if not served by City water and sanitary sewer.
Minimum Lot Frontage (Width)	100 Feet
Minimum Setbacks:	
Front Yard	25 Feet
Interior Side Yard	10 Feet Structures 2 stories in height or that have an eave height of more than 18 feet above finished grade shall have 1 foot of side yard for each 2 feet in eave height above finished grade.
Exterior Side Yard	18 Feet
Rear Yard	25 Feet 10 Feet For Detached Accessory Structures
Maximum Building Coverage Ratio	35%
Maximum Structure Height	28 Feet (Eave Height) Or 2 ½ Stories 12 Feet (Eave Height) For Detached Accessory Structures

(d) *Temporary structures.*

- (1) Temporary canopies, tents, awnings, etc., may be set up on a temporary basis, but in no case shall they be utilized on a permanent basis for storage or storage of motor vehicles.

- {2) Temporary structures may not be erected for a period of more than three {3} days unless otherwise approved by the City Council or utilized for personal greenhouses producing agricultural products for personal use, or temporary structures incidental to active on-site residential construction projects.

{e) *Off-street parking required.* See Article V. Off-Street Parking for additional regulations.

{f) *Floodplain requirements.* See Chapter 12, Article II. Flood Damage Prevention and Control for requirements.

{Ord. No. 560, § 153.IO0{D}, 4-5-2016)

Sec. 44-87. Moderate Density Residential district II (R-2)

{a) *General description.* This is a residential district to provide for medium population density the principal uses of land is for one- and two-family residential uses. Certain uses which are more compatible with intensive residential uses than with commercial uses permitted. The City's Planning Commission and City Council may permit the recreation, religious, education and other related uses in keeping with the residential character of the district on review.

{b) *Permitted, conditional, or prohibited uses.* See Appendix A Land Use Matrix.

{c) *Development Standards:*

MODERATE DENSITY RESIDENTIAL DISTRICT 2 (R-2)

Minimum Lot Size	7,000 Square Feet 6,000 Square Feet for Townhouse 1 Acre if not served by City water and sanitary sewer.
Minimum Lot Frontage {Width}	60 Feet 20 Feet For Townhouse
Minimum Setbacks:	
Front Yard	25 Feet
Interior Side Yard	10 Feet 0 For Condominiums, Two-Family, Or Townhouse
Exterior Side Yard	18 Feet
Rear Yard	25 Feet 10 Feet For Accessory Buildings/Detached Accessory Structures
Maximum Building Coverage Ratio	40%
Maximum Structure Height	28 Feet {Eave Height} Or 2 ½ Stories 12 Feet {Eave Height} For Detached Accessory Structures

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Exception: Detached Accessory Structures Less Than 200 Square Feet 5 Feet

(d) *Temporary structures.*

- (1) Temporary canopies, tents, awnings, etc., may be set up on a temporary basis, but in no case shall they be utilized on a permanent basis for storage or storage of motor vehicles.
- (2) All temporary structures may not be erected for a period of more than three (3) days unless otherwise approved by the City Council or utilized for personal greenhouses producing agricultural products for personal use, or temporary structures incidental to active on-site residential construction projects.

(e) *Off-street parking.* See Article V. Off-Street Parking for additional regulations.

(f) *Floodplain requirements.* See Chapter 12, Article II. Flood Damage Prevention and Control for requirements.

(g) *Townhome regulations within the R-2 district.* The following regulations shall apply to any lot containing townhomes:

(1) *Area regulations.*

- a. *Front yard.* All lots shall have a minimum no less than twenty-five (25) feet from the front property line to the front of the structure.
- b. *Side yards.* Interior lots may be zero (0) feet when the buildings are adjoined; however, when the buildings are not adjoined, all interior lots shall have a minimum of not less than ten (10) feet from the side property line to the structure. Structures which are two (2) or more stories in height or have an eave height of more than eighteen (18) feet above finished grade shall have one (1) foot of side yard for each two (2) feet of eave height above finished grade, but in no case less than ten (10) feet.
- c. *Exterior side yards on corner lots.* All lots which have a side yard abutting a street shall have a minimum side yard setback of not less than eighteen (18) feet from the property line to the structure.
- d. *Rear yard.* All lots shall have a minimum rear yard of no less than twenty-five (25) feet from the property line to the primary residential structure. Detached accessory structures and garages may be located no closer than ten (10) feet from the rear property line.
- e. *Exception.* Detached accessory structures less than two hundred (200) square feet may be placed no closer than five (5) feet from the rear lot line.
- f. *Lot width.* All lots shall have a minimum lot width no less than twenty (20) feet.
- g. *Lot area.* All lots shall have a minimum lot area no less than three thousand five hundred (3,500) square feet.
- h. *Maximum lot coverage.* All lots shall not have more than forty-five (45) percent of its total lot area covered by permanent structures.
- i. *Height regulations.* No structure shall exceed two and one half (2½) stories or twenty-eight (28) feet in height to the eave.

(h) *Off-street parking.* A minimum of a 20-foot by 20-foot hard-surfaced off-street parking area must be provided for each single-family unit. All drives used for the parking of motor vehicles shall be hard-surfaced.

(i) *Floodplain requirements.* See Chapter 12, Article II. Flood Damage Prevention and Control for requirements.

(Ord. No. 560, § 153.IO0(E), 4-5-2016)

Sec. 44-88. Multi-family residential (R-3)

(a) *General description.*

- (1) This residential district is intended to promote and encourage the establishment and maintenance of suitable environments for urban residence in areas appropriate by location and character for the occupancy of high-density, multifamily dwellings. One of the important purposes of this district is to create adequate standards for residential development to prevent overcrowding and unhealthy housing conditions.

(b) *Permitted, conditional, or prohibited uses.* See Appendix A Land Use Matrix.

(c) *Development Standards:*

MULTI-FAMILY RESIDENTIAL 3 (R-3)

Minimum Lot Size	10,000 Square Feet Apartment Buildings 2,000 Square Feet Per Dwelling Unit Whichever Is Greater 6,000 Square Feet Townhome
Minimum Lot Frontage (Width)	100 Feet Apartment Buildings 20 Feet Townhouses
Minimum Setbacks:	
Front Yard	25 Feet
Interior Side Yard	10 Feet Structures 2 stories in height or that have an eave height of more than 18 feet above finished grade shall have 1 foot of side yard for each 2 feet in eave height above finished grade. 0 Feet For Condominiums, Two-Family, and Townhouses
Exterior Side Yard	18 Feet
Rear Yard	25 Feet 10 Feet For Detached Accessory Structures Exception: 5 Feet For Detached Accessory Structures Less Than 200 Square Feet
Maximum Building Coverage Ratio	45%
Maximum Structure Height	45 Feet (Eave) 18 Accessory Structures (Eave)

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- (d) *Off-street parking.* See Article V. Off-Street Parking for additional regulations.
- (e) *Floodplain requirements.* See Chapter 12, Article II. Flood Damage Prevention and Control for requirements.
- (f) *Townhouse regulations.* Townhouse development standards related to this district shall be the same as found in R-2 zoning district.
- (g) *Landscaping.* Landscaping shall be provided in quality and quantities as provided in this chapter.
- (Ord. No. 560, § 153.100(F), 4-5-2016)

Sec. 44-89. High Density Residential (R-4) .

- (a) *General description.*
- (1) This district is to provide for high-density residential development. This district accommodates a variety of housing types, including small-lot single family homes, manufactured homes, modular homes, and townhomes or similar compact residential forms.
- (b) *Permitted, conditional, or prohibited uses.* See Appendix A Land Use Matrix.
- (c) *Development Standards:*

HIGH DENSITY RESIDENTIAL(R-4)

Minimum Lot Size	6,000 Square Feet Must be served by City water and sanitary sewer.
Minimum Lot Frontage (Width)	50Feet
Minimum Setbacks:	
Front Yard	25 Feet
Interior Side Yard	10 Feet
Exterior Side Yard	18 Feet
Rear Yard	25 Feet 5 Feet For Detached Accessory

	Structures Less Than 200 Square Feet
Maximum Building Coverage Ratio	45%
Maximum Structure Height	18 Feet {Eave Height} For Accessory Structures

{e) *Off-street parking.* See Article V. Off-Street Parking for additional regulations.

{f) *Floodplain requirements.* See Chapter 12, Article II. Flood Damage Prevention and Control for requirements.

Sec 44-90 General Commercial District (GC)

(g) *Landscaping.* Landscaping shall be provided in quality and quantities as provided in this chapter.

Sec 44-91 Highway Service (HS)

(g) *Landscaping.* Landscaping shall be provided in quality and quantities as provided in this chapter.

Sec 44-93 Heavy Industrial District (HID)

(g) *Landscaping.* Landscaping shall be provided in quality and quantities as provided in this chapter.

DIVISION 4. SUPPLEMENTARY REGULATIONS

Sec. 44-156. Accessory dwelling units (ADUs).

- (a) Permitted use. Subject to the development standards listed in this chapter, an ADU shall be allowed as a permitted use in the following zoning districts:
- (i) R-1: Low density residential
 - (ii) R-2: Moderate density residential
 - (iii) R-4: High density residential (high-density)
 - (iv) AG: Agricultural

Sec. 44-162. Fences.

- (b) **Fence Height.** Fences less than or equal to seven (7) feet in height shall not require a building permit or approval from the zoning administrator prior to construction. However, fences taller than seven (7) feet in height shall not be constructed before the property owner obtains: (1) an approved conditional use permit; and (2) an approved building permit, unless other specific zoning requirements are applicable

Secs. 44-176 Landscape Regulations

- (a) **Purpose.** These regulations aim to enhance public safety, aesthetic quality, and environmental conditions by establishing standards for landscaping that contribute to stormwater management, reduce heat, and create attractive public spaces.
- (b) **Landscaping Required.** Landscaping is required for all new developments, including parking areas for fifty (50) vehicles or more, and when expanding or modifying an existing structure.
- (c) **Landscape Requirements.** The following requirements are considered to be a minimum and shall be approved on the basis of a landscape plan submitted by the applicant to the city, accompanied, when required, by a guarantee approved by the city attorney, and installed as per the approved plan.
- a. All required landscaping shall comply with the intent and purpose of these regulations
 - b. A maximum of twenty-five (25) percent of the required landscaping may be within the public right-of-way provided that it does not impede upon standard operations of public infrastructure;
 - c. Arterial or collector street right-of-way landscaping shall be limited to shrubs, ground cover, or turf.
 - d. Parking lots of fifty (50) spaces and greater shall provide interior planter areas at a ratio of two hundred (200) square feet for every fifty (50) spaces. These interior planter areas shall provide a minimum of one (1) tree with shrubs, ground cover and/or mulch covering the base. Each parking space shall not be greater than one hundred and twenty (120) feet from either the perimeter of the parking lot or an interior planter area.
 - e. The amount and type of material shall be based on a point system determined by the square footage of the lot not covered by a building, where one (1) square foot is equal to one (1) point. In phased development, the building official or planning commission will determine the lot area for the purpose of this article. Trees,

Secs. 44-446-44-473. Reserved.(Ord. No. 560, § 153.102(2), 4-5-2016)

shrubs, grass, and ground cover, both existing and proposed, shall receive points toward landscape requirements according to the following table

- f. Landscaping requirements are exempt for all residential developments, except apartment complexes, .

Type	Requirements	New Landscape Material	Existing Mature Landscape Material
Large Trees	Minimum mature spread of 45 feet or Conifers reaching a mature height over 20 feet	2000 points	5000 points
Medium Trees	Minimum mature spread of 25 feet or Conifers reaching a mature height of at least 20 feet.	1000 points	2500 points
Small Trees	Minimum mature spread of 15 feet. Conifers reaching a mature height of less than 3 feet	500 points	1500 points
Shrubs	Minimum mature height of 2 feet	250 points	500 points
Live Ground Cover	1 square yard	100 points	300 points
Grass	1 square yard	10 points	10 points
Opaque Hedge	Minimum 15 lineal feet, minimum 5 feet in height	500 Points	1000 Points

(d) General Requirements

- a. ***Landscape Plan Approval: A landscape plan is required, ideally prepared by a landscape professional. The plan should include the following:***

1. Plot plan showing all existing and proposed landscape elements.
2. The irrigation system shall be detailed, showing the layout, system components, and water delivery specifics.
3. Specifications for the types, locations, and sizes of all proposed plant materials.
4. These plans must be approved prior to the issuance of a building permit.

- b. ***Installation.*** All landscaping shall be to accepted good planting procedures. All
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Secs. 44-446-44-473. Reserved.(Ord. No. 560, § 153.102(2), 4-5-2016)

required landscaping shall be installed as per the plans submitted.

- i. Trees used in parking lots shall be placed far enough back from the curb to accommodate the automobile overhang, eliminating potential contact of the automobiles with the tree.
- ii. When planters are utilized in or around a parking lot, a surface area shall be made available for aeration and water infiltration commensurate with the mature spread of the utilized tree types; ensuring the tree remains viable.
- iii. Trees on the interior of parking lots shall be deciduous shade trees. These trees grow larger, are hardier, and provide greater aesthetic and environmental benefits in this location than Conifers. Conifers and ornamentals are of greatest value as fence foliage in perimeter and buffer areas.
- iv. Curb stops or some form of physical barrier shall be installed around plant material located within the parking lot, preventing possible damage to plant material. Stormwater runoff from parking lot areas may be collected and directed in such a manner as to provide a source of water for landscaping.
- v. Trees shall be located such that mature height and spread will not interfere with overhead power lines.
- vi. Evergreen trees shall be avoided in areas where mature trees will create hazardous interruption of views to traffic or where they will create hazardous snow drifting on the parking lot, roadway, or public right-of-way.
- vii. Irrigation systems should be water-efficient, using low volume systems (drip, bubbler).
- viii. Plant types utilized shall be suited to the conditions of the location to minimize maintenance and irrigation needs. Approved plant types are listed in 34-111-2.

c. *Planting Criteria*

- i. Trees (deciduous) Planted for the required landscaping in this section shall be a minimum of 1 1/2-inch caliper, 12 inches above grade, measured immediately after planting. Trees shall be of a species having an average mature crown spread greater than fifteen (15) feet. A list of potential tree types may be found in the City's Tree Plan.
- ii. Trees (evergreen) shall be a minimum height of four (4) feet measured immediately after planting.
- iii. Groundcovers shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after planting.
- iv. Shrubs shall be a minimum of one (1) foot in height when measured immediately after planting.
- v. Synthetic lawns/plants shall not be used in lieu of plant requirements.
- vi. Xeriscaping and Zeroscaping plans may be permitted upon review of the City.

d. *Maintenance.* The owner of the building or his manager or agent shall be

Secs. 44-446-44-473. Reserved.(Ord. No. 560, § 153.102(2), 4-5-2016)

responsible for the maintenance of all landscape areas, to include the right-of-way through to the roadway, which shall be maintained so as to present a healthy, neat, and orderly appearance at all times and shall be kept free of refuse and debris. Maintenance shall include the replacement of all dead plant material.

- e. **Security Guarantee.** If at the time of final inspection, all the requirements of these regulations have not been completed in a satisfactory manner and approved by the Building Official or his or her designee, a certificate of occupancy shall not be issued unless the builder or owner has entered into an agreement with the city for improvements and provided a monetary security guarantee. This monetary security guarantee shall in amount equal the estimated cost of installation and establishment of the required improvements; whereby the improvements will be made and installed without cost to the city.
 - i. If a security guarantee is being utilized, the required improvements shall be installed within 12 months from the date of issuance of an occupancy permit. All required landscaping shall be installed as per the plans submitted to and approved by the Building Official. All bonds and other methods of security guarantee shall be approved by the City Attorney.
- (e) **Applicability.** The requirements and standards for the installation and maintenance of landscape elements and site improvements set forth herein shall apply to all developing commercial, industrial, and multi-family areas within the city as per zoning ordinance. All new development or construction involving the creation of a building or parking area or the paving of a parking area shall be in full compliance with the provisions of these regulations.
- (f) **Nonconforming use compliance.** All property with existing development on the effective date of these regulations which is not in compliance with the provisions of these regulations shall be considered nonconforming and be allowed to continue as such until a building permit is granted to enlarge, by twenty (20) percent or more, a structure or parking lot on the property; or increase the occupant load by twenty (20) percent or more. A plan showing existing and new development along with the proposed landscaping shall be submitted in full compliance with these regulations.
- (g) **Enforcement.** These regulations shall be a minimum standard and shall apply to the incorporated area of the city. Violations will be addressed through the Administrative Citation process.

Secs.44-177-44-205. Reserved.

ARTICLE V. OFF-STREET PARKING

Sec. 44-550. Off-Street parking requirements, generally.

In all districts, at any time any building or structure is erected or enlarged, altered or increased in capacity, there shall be provided hard-surfaced off-street parking spaces for automobiles in accordance with the following requirements:

- (1) All church structures existing at the effective date of the ordinance from which this article is derived shall be allowed to increase their present seating capacity by 25 percent without increasing their present off-street parking facilities.
- (2) Off-street parking for other than residential use shall be either on the same lot or within six hundred

Secs. 44-446-44-473. Reserved.(Ord. No. 560, § 153.102(2), 4-5-2016)

(600) feet of the building it is intended to serve measured from the nearest point of the building to the nearest point of the off-street parking lot; provided, however, churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with institutions and agencies that do not have a time conflict in parking demand. The joint parking facilities shall be located no farther than four hundred (400) feet from the church sanctuary.

- (3) Residential off-street parking space shall consist of a hard-surfaced parking area, driveway, garage or combination thereof, and shall be located on the lot it is intended to serve.. The minimum number of parking spaces required in the driveway must be hard-surfaced. Supplemental parking areas beyond the required driveway may be surfaced with gravel or other suitable materials, provided they are not located in the front yard. Parking on lawns is prohibited in the front yard.
- (4) For uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the Planning Director.
- (5) Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- (6) Off-street parking in connection with the operation of an existing building or use, which existed at the effective date of this ordinance shall not be reduced to an amount less than hereinafter required for a similar new building or use.
- (7) Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately.
- (8) The required off-street parking shall be for occupants, employees, visitors and patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale or the repair of vehicles on such parking area is prohibited unless otherwise permitted by the zoning district.
- (9) Every company car, truck, tractor and trailer normally stored at commercial and industrial sites shall be provided with off-street parking space in an area reserved for the use as determined by the City Council.
- (10) In cases of dual functioning of off-street parking where operating hours do not overlap, the City Council may grant an exception.
- (11) The minimum number of off-street parking spaces shall be determined in accordance with the following:

Table 153.102(A) Table of Parking Spaces

<i>Required Uses</i>	<i>Parking Spaces Required</i>
Adult foster care home; community living home; care home	One (1) space for each (2) two patient beds, plus five (5) additional spaces for every twenty five (25) beds or fraction thereof over a minimum of twenty five (25) beds.
Amusement and recreation business	One (1) space for every five (5) people up to the maximum number of people to be accommodated by the facility.
Automobile repair services; repair garage; automobile wrecking/junkyards; junkyard/salvage yards	One (1) space for every two (2) employees, plus one (1) space for each 10,000 square feet of lot area, or two (2) spaces for each 100 square feet of floor area, whichever is the greater.
Automobile service station	One (1) space for each employee, plus two (2) spaces for each service/wash bay or one (1) space for each 200 square feet of floor space..
Banks; office; charitable and philanthropic institution	One (1) space per 200 square feet of floor area
Personal services;	Two (2) spaces per barber or beauty shop chair.
Boardinghouse; bed and breakfast	One space (1) for every two guests.
Cannabis testing facility; contractor shop or storage yard; leather and hide tanning and finishing; industry, light; industry, medium, milk plant, mining operations; surface mining; research laboratory	One (1) space for every five hundred(500) feet of gross floor area.
Church	One (1) space per three seats; or one (1) space per 72 inches of pew space, or one (1) space per thirty (30) square feet of floor area of auditorium, whichever is greater.
Clinics; animal clinic; body piercing establishment; tattoo establishment	Three (3) patient parking spaces per staff doctor, plus one (1) space per three (3) other employees.
Clubhouse, private clubs or lodge; commercial gathering places for smoking, such as hookah lounges, vape lounges or similar gathering establishments	One (1) space per three (3) members based on the design capacity of the facility.
Community facility; recreation facility	One (1) space per three (3) patrons, based on the design capacity of the facility.
College/University	One (1) space per three (3) students plus two (2) spaces per three (3) employees.
Day care center	Two (2) parking spaces per three (3) teachers and employees normally engaged in or about the building or grounds. One (1) additional space per ten (10) children for drop-off/pick up traffic management.
Dormitories	One (1) space per every three (3) residents.
Dwelling (detached, single-family); clergy residence	Two (2) spaces per dwelling unit.
Dwelling unit, accessory (internal, detached); tiny home	One (1) space per dwelling unit.
Dwelling (attached, multifamily); condominium	One and one-fourth (1 ¼) spaces per dwelling unit for the first twenty (20) units, plus one and one half (1 ½)

	space for each dwelling unit exceeding twenty (20) units.
Educational institutions	Serving ages 15 and below, two (2) spaces per classroom. Serving ages 16 and above, ten (10) spaces per classroom. Auditoriums: in addition to above requirements one (1) space per three (3) seats.
Handicap parking spaces (all establishments)	One (1) space for every twenty (20) parking spaces or as per Federal ADA regulations, whichever is greater. At a minimum, one (1) space shall be provided.
Hospital; freestanding emergency medical care facility; chemical dependency treatment facility; inpatient psychiatric facility	One (1) space per three (3) patient beds, exclusive of bassinets, plus one (1) space for each two (2) employees, including nurses, on the maximum working shift, plus adequate area for parking emergency vehicles.
Hotels; motel; motor court; motor hotel; motor lodge	1 space per each room or suite
Mortuaries or funeral parlors	Five (5) spaces per parlor or chapel unit, or one (1) space per four (4) seats, whichever is greater.
Neighborhood shopping centers; retail cluster shopping center; shopping center	There shall be a ratio of four (4) square feet of parking (including driveways required for ingress and egress and circulation) to each one (1) square foot of store area.
Nursery, retail; building material display and sales; medical cannabis dispensary; laundromat; pharmacy, retail or service establishment, supermarket	One (1) space per two hundred (200) square feet of retail floor space
Offices	One (1) space per 200 square feet of office space.
Public Building	One (1) space per three hundred (300) square feet of floor area, plus one (1) space per each three (3) employees. Every governmental vehicle shall be provided with a reserved off-street parking space.
Public libraries	One (1) space for each four hundred (400) square feet of floor space.
Restaurant tavern – Sit Down	One (1) space per 150 square feet of floor <u>area that accommodates the dining and service needs.</u>
<u>Restaurant – Takeout/Quick-service/Counter-service</u>	<u>One (1) space per 300 square feet of floor area</u>
Retail Stores	<u>One (1) space per 200 square feet of retail floor space</u>
Retail (Large-format)	<u>Three (3) spaces per 1,000 square feet of floor area</u>
Wholesale trade; business service; business service type, heavy; nursery wholesale; public grain warehouse; medical cultivation facility; radio or television broadcasting station; cannabis product manufacturing facility; lumberyard; sawmill; self storage facility; warehouse, public storage	One (1) space per two hundred (200) square feet of building office space plus one (1) space per one thousand five hundred (1,500) square feet of additional gross floor area.

(Ord. No. 560, § 153.102(AB), 4-5-2016)

Sec. 44-551. Parking requirements for uses not specified.

(a) Where the parking requirements for a use are not specifically defined herein, the parking requirements for

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such use shall be determined by the Planning Director. Such determination may be based upon Parking Generation published by the Institute of Transportation Engineers (ITE).

- (b) Where new construction is proposed in a commercial or industrial district, but no definite use is specified, parking requirements shall be calculated as follows:
- (1) In any commercial district: five (5) parking spaces per one thousand (1,000) square feet gross floor area.
 - (2) Industrial district: One and three quarters (1¾) parking spaces per one thousand (1,000) square feet gross floor area.
- (c) When a use is to be initiated or changed in any vacant or occupied building or portion thereof, the parking required for the combined uses shall be reviewed by the Planning Department, based upon this chapter and "Parking Generation," published by the Institute of Transportation Engineers (ITE). The determination of the Planning Department shall establish the total number of parking spaces required.

(Ord. No. 560, § 153.102(AB), 4-5-2016)

Sec. 44-555. Carports.

(a) Carports as an Accessory Use

- a. Carports are allowed in the front yard setback as an accessory use to a Single-Family Detached Dwelling or a Two-Family Dwelling within the following zoning districts

- i. Residential 1
- ii. Residential 2
- iii. Residential 4
- iv. Other districts – see land use matrix table

- (b) No permit is required to place a carport in a front yard setback, provided the carport meets the standards and review criteria below.

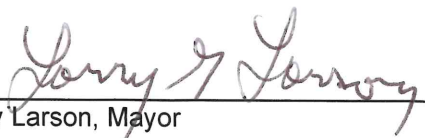
(c) Front Yard Carport Standards & Review Criteria

- a. Shall not exceed 500 square feet
- b. Shall not exceed 12 Feet at the highest point.
- c. Shall be set back at least eight (8) feet from the near edge of the adjacent sidewalk, if any, and at least ten (10) feet from the near edge of the curb or roadway.
- d. Shall meet the same side setbacks as the principle use.
- e. Shall not impede the sight triangle
- f. Shall not be attached to another structure

Secs. 44-556-44571 Reserved

PASSED AND APPROVED ON FIRST READING this 3 day of June, 2025.

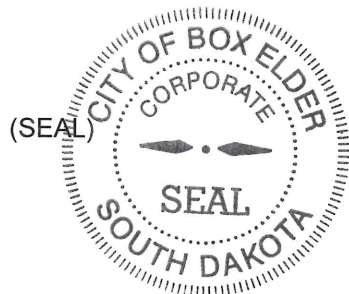
PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 17 day of June, 2025.


Larry Larson, Mayor

ATTEST:

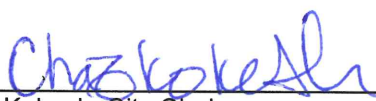


Renee Baker, Finance Officer



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 on July 3, 2025 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 July 22, 2025.



Chaz Kokesh, City Clerk