

returned to the permit applicant, without interest, upon successful completion of all of the following:

1. Written certification from a registered engineer or land surveyor that the grades and elevations are in conformance with the city approved grading plan and that permanent iron monuments are in place at each lot corner; and
2. Water service curb box access cover at finished grade and curb box valve operable.

If the escrow items are not completed within 60 days, excluding the time between October 1 and May 1 of issuance of a certification of occupancy, the city may enter the lot, perform the work and apply the cash escrow toward the cost, plus administrative fees. In addition to the cash escrow, an escrow administration fee in an amount established by resolution shall be paid before a permit is issued for all permits requiring escrow per ordinance section.

(Ord. No. 791, 7-19-94; Ord. No. 802, 2-13-95)

(16) Fence regulations. Fence regulations are as follows:

- a. *Purpose.* The purpose of this subsection is to provide for the regulation of fences in the city, to prevent fences being erected that would be a hazard to the public, or an unreasonable interference with the uses and enjoyment of neighboring property and are compatible with existing uses, other zoning restrictions and drainageways.
- b. *Definitions.* For the purpose of this subdivision, the following definitions shall apply:
Fences means any linear structure used to prevent access by persons or animals or prevent visual or sound transference.

- c. *Permit required.* No fence shall be erected without first obtaining a fence permit. Application shall be made to the community development director. The fee shall be established by resolution of the city council. The community development director is authorized to issue a fence permit if the application indicates that the fence will be in compliance with this subdivision. The city council shall hear and decide appeals when it is alleged that the community development director was in error. The appeals shall be taken as prescribed in Subdivision 29 of this section.

- d. *In yards.* Fences may be permitted in all yards, subject to the following:

1. Fences in excess of six feet above the ground grade are prohibited in residential districts.

(Ord. No. 917, § 1a, 2-5-02)

2. The side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.
3. No fence shall be permitted on public rights-of-way.
4. No fence may be erected on either street side of a corner lot that will obstruct or impede the clear view of an intersection by approaching traffic, subject to the provisions of section 24(4) that would control where inconsistent with this provision.

(Ord. No. 917, § 1c, 2-5-02)

5. In residential districts fences are limited to a height of 42 inches in the front yard and exterior side yard setback areas.

(Ord. No. 815, 8-1-95; Ord. No. 917, § 1d, 2-5-02)

6. No fence shall be erected where it will impede a drainageway or drainage easement.
7. No fence shall be erected before all lots within a drainage sys-

tem or platted block have had the final grade established and approved and all lots within the system or platted block have had turf established with grass seed or sod.

e. *Along property lines.* Fences may be permitted along property lines subject to the following:

1. Fences in residential districts may be placed on the lot line provided that the footings are within the fence owner's property.

(Ord. No. 917, § 1e, 2-5-02)

2. Fences in commercial or industrial districts may be erected on the lot line to the height of six feet; to a height of eight feet with a security arm for barbed wire.

f. *Existing.* No existing fence in violation of this section will be allowed to be replaced or rebuilt. Should an existing fence be replaced or rebuilt, it must come under the regulations of subsection (1)p of this subdivision.

g. *Impeding drainageways and easements.* No fence shall be erected where it will impede a drainageway or drainage easement.

h. *Violations.* Violations of subsection (1)p of this subdivision may be enforced by injunction, and the city shall be entitled to the remedy of abatement in order that a fence erected in violation of subsection (1)p of this subdivision may be removed.

(17) *Special setbacks.* The following special setbacks are required for structures along the following collector and major roads:

<i>Road or Facility</i>	<i>Setback (feet)</i>
TH 96 (Stonebridge Trail to CR 15)	100

<i>Road or Facility</i>	<i>Setback (feet)</i>
McKusick Road (Neal to CR 15)	100
CR 12 (Northland to CR 15)	100
CR 15 (TH 36 to TH 96)	100
Railroad	75

These setbacks are measured from the right of way line. All district side and rear yard setback requirements will continue to apply in each district.

(Ord. No. 681, 9-14-88; Ord. No. 768, 10-22-92; Ord. No. 791, 7-19-94; Ord. No. 792, 7-19-94; Ord. No. 802, 2-13-95; Ord. No. 815, 8-1-95; Ord. No. 875, § 1, 4-20-99)

(18) *Multifamily residential district bonus.* A ten percent multifamily residential density bonus may be allowed for qualifying affordable housing projects as defined by state and federal regulations. At least 80 percent for the residential units shall meet the affordable housing standards as established by the Department to Housing and Urban Development for the Stillwater area. (Ord. No. 921, § 1, 4-16-02)

Subd. 24.1. *A-P agricultural preservation district.* A-P agricultural preservation districts shall be regulated as follows:

(1) *Purpose.* The purpose of the A-P district shall be to maintain and enhance agricultural operations and preserve agricultural lands utilized for crop production and to serve as a holding zone for lands where phased urban expansion will occur. The preservation of agricultural land is intended to prevent urban sprawl, control the public costs of providing urban services and reduce urban/rural conflicts which arise as a result of premature development of rural areas. The A-P district is further intended to preserve open space and natural resource areas.

(2) *Permitted uses.* No building, structure, land or premises in the A-P district may be used and no building or structure may