

ORDINANCE NO. \_\_\_\_

TOWN OF GREENVALE  
DAKOTA COUNTY, MINNESOTA

AN ORDINANCE AMENDING THE GREENVALE ZONING ORDINANCE,  
BY AMENDING SECTION 3, DEFINITIONS, SECTION 4, GENERAL PROVISIONS,  
AND SECTION 5.04, A – AGRICULTURE PRESERVATION DISTRICT,  
RELATING TO THE REGULATION OF EXTERNAL SOLID FUEL-FIRED HEATING  
DEVICES, STORAGE OF LIQUID GAS FUELS, AND PHOTOVOLTAIC SYSTEMS  
AS ACCESSORY USES

*THE BOARD OF THE TOWN OF GREENVALE HEREBY ORDAINS:*

**Section 1.** Section 3, Definitions, is hereby amended to add the following Definitions:

External Solid Fuel-Fired Heating Device A device designed for external solid fuel combustion (including but not limited to wood-burning furnaces) so that usable heat is derived for the interior of a building and includes solid fuel-fired stove, solid fuel-fired cooking stoves, and combination fuel furnaces or boiler which burn solid fuel. Solid fuel-fired heating devices do not include natural gas-fired fireplace logs or wood-burning fireplaces or wood stoves in the interior of a dwelling.

**Section 2.** Section 5.04.C. Accessory Uses in the A-Agriculture Preservation District is hereby amended to add the following:

7. External Solid Fuel-Fired Heating Devices
8. Storage of Liquid Propane or other Liquid Gas Fuels
9. Photovoltaic (Solar) Systems

**Section 3.** Section 4, General Provisions, is hereby amended to add the following:

**4.14 External Solid Fuel-Fired Heating Devices.**

Systems meeting the definitions and standards of this section shall be allowed as accessory uses in the District(s) listing them, subject to the following requirements.

- A. Existing Systems. Systems that are operational as of September 1, 2022 shall be considered exempt from the requirements of this Section. No replacement or enlargement of such systems may be allowed without approval of the Town Board. Nothing in this Section shall be interpreted to exempt such systems from the requirements for use of proper fuels as required herein.
- B. Installation in Conformance with Specifications. External Heating Devices in

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this Section shall be installed only in conformance with Manufacturer's Specifications, and in accordance with local building and fire codes as applicable. Nothing in this Section shall exempt any such device from building or other permits where local or State Rules, Codes, and Statutes would require such. Devices shall be operated according to the manufacturer's specifications, and use only the fuel(s) prescribed by said manufacturer. This section notwithstanding, no garbage, animal waste or byproduct, or treated or painted wood may be used as fuel.

- C. Permitted Devices. All devices subject to this Section shall meet the requirements of, and be manufactured according to the requirements of the Environmental Protection Agency (EPA) and meet the National Standards of Performance (NSPS), and shall meet all required air quality standards applicable as of their date of installation.
- D. Setbacks. No such device shall be located closer to the public street than the required building setback for the subject zoning district, nor shall such device be located closer to any neighboring property line than 100 (one hundred) feet. Exceptions to this section shall only be considered through an application for variance as specified in Section 8.01 of this ordinance.
- E. Removal. Any device that has been abandoned or is unserviceable, or for which the useful life has lapsed, or which has been damaged by fire or other peril shall be removed within 180 days of such event. The owner of any property with such a device, undertaking removal, shall do so in such a way as to avoid and eliminate any environmental contamination, whether from liquid or solid waste, or other contamination.

**Section 4. Section 4, General Provisions, is hereby amended to add the following:**

**Section 4.15. Storage of Liquid Propane or Other Gas Fuels.**

Devices meeting the definitions and standards of this section shall be allowed as accessory uses in the District(s) listing them, subject to the following requirements.

- A. Installation in Conformance with Regulations and Specifications. The storage and use of liquid fuels under this section shall comply with Minnesota Rules Section 7511.6101 as amended, and any other applicable County, State, or Federal regulations. The placement, storage, and keeping of any such equipment and fuels shall comply with all manufacturers specifications and installer or provider's requirements.
- B. No Town Permitting Required. Provided the proposed equipment meets the requirements of this section, no Town permit is required. Nothing in this section shall exempt other permitting agencies from exercising their authority as may be applicable.

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**Section 5. Section 4, General Provisions, is hereby amended to add the following:**

**Section 4.16. Accessory Photovoltaic (Solar) Systems.**

- A. Existing Systems. Systems subject this Section existing prior to September 1, 2022 shall be exempt from the requirements of this section, but may not be replaced or expanded without permitting from the Town Board.
- B. Size, Ground Mounted. Accessory ground-mounted solar energy systems shall be limited to 40 kW of generating capacity.
- C. Setbacks and Location, Ground Mounted. Accessory ground-mounted solar energy systems shall be set back from the public right of way and all adjoining property lines by a distance of 100 feet.

No ground-mounted system shall be located on any parcel in which the installation requires the removal of more than 3,000 square feet of forested land, as determined by the Town upon inspection of aerial photography of the property in the past two (2) years.

No ground mounted systems shall be located in areas susceptible to flooding or high amounts of soil saturation. Any such installation shall, upon installation, be planted with perennial vegetative cover that will inhibit soil erosion and stormwater runoff.

- D. Height, Ground Mounted. Ground-mounted systems shall not exceed a maximum height of 15 feet at maximum tilt design.
- E. Height and Design, Roof Mounted. Roof-mounted systems shall not extend above the height of the existing roofline by more than two (2) feet. Such installations shall maintain a minimum of three (3) feet of clear space along the outer edge of each roof plane, and along all ridge lines for fire access.
- F. Permits. Accessory solar installations under this Section shall meet all manufacturer's specifications, and shall only be allowed under permitting requirements applicable to such installations, such as building, electrical, and/or fire code, and shall include any interconnection permitting required by the electric service territory provider.

Any roof-mounted system shall include a statement from a qualified structural engineer as to the capability of the roof to support the requested installation.

- G. Power Lines and Supply. All power lines, wiring, and other supply serving the system, and connecting it to the principal structure or other interconnections, shall be buried underground, or routed with pre-existing overhead power line facilities.
- H. Visibility and Glare. No system shall be installed that creates glare to any adjoining residence or to the public right of way.

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- I. Any device that has been abandoned or unserviceable, or for which the useful life has lapsed, or which has been damaged by fire or other peril shall be removed within 180 days of such event. The owner of any property with such a device, undertaking removal, shall do so in such a way as to avoid and eliminate any environmental contamination, whether from liquid or solid waste, or other contamination.

**Section 6.** The Town Clerk is hereby directed to make the changes required by this Ordinance as part of the Official Greenvale Township Zoning Ordinance No. 2011, and to renumber the tables and chapters accordingly as necessary to provide the intended effect of this Ordinance. The Town Clerk is further directed to make necessary corrections to any internal citations that result from said renumbering process, provided that such changes retain the purpose and intent of the Zoning Ordinance as has been adopted.

**Section 5.** This Ordinance shall take effect and be in full force from and after its passage and publication. This ordinance may be published by summary publication, per a duly adopted resolution of the Town Board. The ordinance in its entirety and any related map shall be posted on the Township website after publication. Copies of the complete Ordinance and map are available online and at Greenvale Town Hall for examination upon request.

***ADOPTED BY*** the Greenvale Township Board this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Charles Anderson, Chair

ATTEST:

\_\_\_\_\_  
Jane Dilley, Town Clerk

AYES:

NAYS: