

ORDINANCE NO. 2024-17

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ARTICLE IV, SUPPLEMENTAL DISTRICT REGULATIONS, DIVISION 1, GENERALLY, BY ADOPTING NEW SECTION 16-613, TO BE ENTITLED “ELECTRIC SUBSTATION SITING AND DEVELOPMENT STANDARDS”; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Greenacres City Council, as the governing body of the City of Greenacres (the “City”), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its Land Development Regulations (Zoning Code); and

WHEREAS, the reliable and efficient delivery of electricity is essential for the health, safety, and welfare of the City’s residents and businesses; and

WHEREAS, the City recognizes the need to establish comprehensive siting and development standards for electric substations to ensure they are located, designed, and operated in a manner that minimizes adverse impacts on surrounding land uses; and

WHEREAS, the City aims to maintain the aesthetic character and visual quality of the community by implementing visual mitigation and landscaping standards for electric substations; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the residents and citizens of the City of Greenacres;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. Chapter 16, Zoning Regulations, Article IV, Supplementary District Regulations, Division 1, Generally, is hereby amended by adding section 16-613, as follows:

Sec. 16-613. Electric Substation Siting and Development Standards

(a) Purpose and Intent.

The purpose and intent of this section is to regulate the siting, construction, and expansion of electric substations, ensuring that such facilities are compatible with surrounding land uses while maintaining the reliability and efficiency of the electric infrastructure, as required by F.S. 163.3208. The regulations herein are designed to balance the need for electric substations with the aesthetic and land use concerns of the community. The City shall, in a manner consistent with state law, avoid locating substations where they would be incompatible with adjacent land uses.

(b) Definitions.

For the purposes of this section, the following definitions apply:

- (1) Electric Substation:** An electric substation, including accessory administration or maintenance buildings and related accessory uses and structures, which takes electricity from the transmission grid and converts it to another voltage or lower voltage for distribution to customers through one or more lines.
- (2) Residential Areas:** Future land use categories where a primary function is to provide dwellings for individuals and families. These areas are characterized by various densities and types of residential development, including accessory buildings and open land used by dwelling occupants. The following future land use categories are considered Residential Areas:

 - a. RS-LD (Residential Low Density):** Residential future land uses providing dwellings for one family or household in low-density developments. This includes single-family homes and associated accessory buildings and open land.
 - b. RS-MD (Residential Medium Density):** Residential future land uses providing dwellings for one or more families or households in low to medium-density developments. This includes single-family homes, duplexes, townhomes, multi-family units, and associated accessory buildings and open land.
 - c. RS-HD (Residential High Density):** Residential future land uses providing dwellings for one or more families or households in medium to high-density developments. This includes single-family homes, duplexes, townhomes, multi-family units, mobile homes, apartment projects, and associated accessory buildings and open land.

- d. **MU (Mixed Use):** Future land uses that provide diversified residential options alongside amenities, enhancing the residential experience. These developments may include a combination of residential, professional, business, and retail uses within an individual development.
- (3) **Nonresidential Areas:** Future land use categories where the primary function is to support commercial, public, institutional, or recreational activities, and not primarily for residential living. These areas include various types of future land uses that provide services, commodities, and amenities to the public or serve specific non-residential purposes. The following future land use categories are considered Nonresidential Areas:
- a. **CM (Commercial):** Future land uses that promote the supply of commodities and services to the general public, including retail, professional business and personal services, restaurants, and necessary storage and parking ancillary to these uses.
 - b. **PI (Public/Institutional):** Future land uses owned, leased, or operated by government agencies, including civic community centers, libraries, police and fire stations, public schools, and other similar public institutions.
 - c. **RO (Recreation/Open Space):** Future land uses concerned with either active or passive recreational uses or the enhancement of the surrounding area through publicly owned open space. Areas assigned the RO future land use category are designated for preservation and conservation. This designation serves multiple critical functions including but not limited to: it protects natural habitats and biodiversity, provides essential recreational spaces for the community, helps mitigate flooding by preserving natural landscapes, enhances community aesthetics and quality of life, and helps combat the urban heat island effect.

(c) Permitted Locations.

Electric substations are not permitted on land that has been designated for preservation, conservation, or historic preservation in the City's comprehensive plan or zoning regulations. Electric substations are permitted in all other areas of the City, subject to the restrictions and requirements outlined in this section.

(d) Siting and Development Standards

The following siting and development standards shall apply to electric substations:

- (1) **Setback Requirements:**
- a. **Residential Areas:** A minimum setback of 100 feet is required from the substation property boundary to any permanent equipment structures. An open green space with native landscaping, including trees and shrubs, and an 8-foot-high opaque buffer wall, must be installed, consistent with [Section 16-1286](#).

- b. **Nonresidential Areas:** Substations must comply with the setback and landscaped buffer criteria applicable to other similar uses in the district, consistent with [Section 16-1286](#).
- (2) **Landscaping and Buffering:**
 - a. A vegetated buffer or screening is required to enhance aesthetic compatibility. Such buffers must be maintained at a height not exceeding 14 feet beneath aerial access points to substation equipment.
 - b. Florida-Friendly Landscaping materials and techniques must be used for all required buffers and screening.
 - c. To the extent feasible, the site shall be designed with a compatible palette of landscape materials in the front landscape buffer that harmonizes with those of the adjacent property.
- (3) **Lighting:**
 - a. Lighting for substations must be designed, in accordance with [Section 16-1335\(15\)](#) (Lighting). All lighting shall either be shielded or screened in a manner that limits spillover of lighting onto adjacent property and rights-of-way.
- (4) **Screening:**
 - a. Substation equipment and structures must be screened from view using landscaping and decorative walls. Screening methods must be consistent with the aesthetic character of the surrounding area.
- (5) **Noise Mitigation:**
 - a. Substations must employ noise mitigation measures to ensure compliance with any applicable City Code of Ordinances. Sound barriers, baffles, or other noise-reducing technologies must be utilized as necessary to minimize noise impact on adjacent properties.

(e) Application and Review Process.

(1) Review of Proposed Placement of New Electric Substations in Residential Areas.

- a. This subsection shall apply to applications for the proposed placement of new electric substations in residential areas.
- b. *Pre-Application Meeting.* Prior to submitting an application under this subsection, a utility proposing to place a new electric substation within a residential area must schedule a pre-application meeting to consult with the City to discuss potential sites.
- c. *Application.* After the preapplication meeting, the utility shall submit an application for site approval on a form provided by the City. The utility shall provide information regarding the utility's preferred site within Palm Beach County and as many as three alternative available sites, including sites within nonresidential areas, that are technically and electrically reasonable for the load to be served.

- d. Siting Determination. The final determination as to the preferred and alternative sites shall be made solely by the City, within 90 days of presentation of all the necessary and required information on the preferred site and on the alternative sites. If the utility and the City cannot agree on an appropriate site, the disagreement will be resolved in accordance with the dispute resolution procedure set forth in F.S. 163.3208(6)(a), including any amendments thereto.
- e. Review of Development Standards. Once a site has been determined pursuant to this subsection, the utility shall submit an application for development review. The application development review shall be submitted and processed in accordance with subsection 16-613(e)(2).

(2) Development Review.

a. This subsection shall apply to the following: applications for development review of new electric substations to be located in nonresidential areas; applications for changes to existing electric substations in all areas; and to applications for development review of electric substations at residential sites approved pursuant to subsection 16-613(e)(1).

b. A utility seeking to install a new electric substation or to make changes to an existing substation shall submit a written application for development review on a form provided by the City. The application shall include all of the following: a detailed site plan; a landscaping plan; a lighting plan; noise mitigation strategies; and any other relevant information to demonstrate compliance with the standards in section 16-613(d).

c. The City will review each application for compliance with all applicable standards. A decision to approve or deny the application will be made within 90 days of the application being declared complete.

d. The City will notify the applicant within 30 days whether the application is complete. Additional completeness determinations will be provided within 15 days after receipt of further information.

e. The City shall review applications for compliance with the criteria in section 16-613(d).

(f) Compliance and Enforcement.

- (1) Electric substations must be maintained in accordance with the approved application, including any related site and development and/or landscaping requirements. Any change to an approved application for an electric substation shall be made only after the City has reviewed the change and approved it in

accordance with section 16-613(e) Approval for the substation may be revoked if it is found that the substation is not in compliance with the approved plans.

- (2) The location or maintenance of any electric substation in violation of this article is subject to the enforcement provisions of Chapter 2, Division 2 (Code Enforcement). In addition, the City reserves the right to pursue any and all legal remedies to ensure or obtain compliance with this section.

SECTION 2. Repeal of Conflicting Ordinances. All other ordinances or parts thereof or parts of the Code conflicting or inconsistent with this ordinance are hereby cancelled, repealed or revised to be consistent with provisions and elements of this Ordinance.

SECTION 3. Severability. If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 4. Inclusion in the Code. It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Greenacres, Florida; that the Section(s) of

this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “Ordinance” may be changed to “Section”, “Article” or another word.

SECTION 5. Effective Date. The provisions of this Ordinance shall become effective immediately upon adoption.

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Passed on the first reading this __ day of __, 2024.

PASSED AND ADOPTED on the second reading this ____ day of _____, 2024.

Chuck Shaw, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:

Judith Dugo, Deputy Mayor, *District III*

Voted:

John Tharp, Council Member, *District I*

Voted:

Peter Noble, Council Member, *District II*

Voted:

Susy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney