

Taylor Shumate

From: Kallergis, Nick <NickKallergis@miamibeachfl.gov>
Sent: Thursday, February 21, 2019 2:42 PM
To: Barber, Bruce
Cc: Murphy, James; Belush, Michael; Garavito, Alejandro; Sotelo-Chotel, Fernanda; Taylor Shumate
Subject: RE: FPL Alton Substation - FS 163-3208 Zoning Exemption

Thank you.

From: Barber, Bruce <Bruce.Barber@fpl.com>
Sent: Thursday, February 21, 2019 12:51 PM
To: Kallergis, Nick <NickKallergis@miamibeachfl.gov>
Cc: Murphy, James <JamesMurphy@miamibeachfl.gov>; Belush, Michael <MichaelBelush@miamibeachfl.gov>; Garavito, Alejandro <AlejandroGaravito@miamibeachfl.gov>; Sotelo-Chotel, Fernanda <FernandaSotelo@miamibeachfl.gov>; Taylor Shumate <tshumate@kobikarp.com>
Subject: FPL Alton Substation - FS 163-3208 Zoning Exemption

Hi Nick – In the near future, FPL will need to construct an enclosed distribution electrical substation (“Alton Substation”) on the vacant lot at 1031 4TH ST, Miami Beach, FL 33139 (Parcel ID# 0242030097940) to meet the critical new growth demands of the City of Miami Beach.

The architect, KKAID and I attended a DRB pre-app meeting on Feb. 14th with your Staff who requested that I email you, as an FYI, the information on the substation zoning exemption (FS 163.3208). This exemption includes a distribution electric substation as a permitted use in most zoning districts (including the subject parcel, zoned CPS-2). This FS was adopted in 2006, soon after the original proposed substation (same location) had received its Condition Use in 2004 which was then postponed due to the economic downturn. This conditional use has since expired. The current 2019 substation proposal will require DRB approval only, from a P&Z standpoint.

FYI, FPL has exercised FS 163.3208 for all of its new distribution electrical substations in all areas of FPL’s Florida service territory since this Florida Statute was adopted in 2006.

Please let me know if you have any questions.

Thanks.

Bruce Barber
Project Manager/Land Planner for FPL
Power Delivery – Transmission & Substation
Siting & Development
O. (561) 616-1616 C. (561) 719-5757

Select Year:

The 2014 Florida Statutes

[Title XI](#)
COUNTY ORGANIZATION AND
INTERGOVERNMENTAL RELATIONS

[Chapter 163](#)
INTERGOVERNMENTAL
PROGRAMS

[View Entire
Chapter](#)

163.3208 Substation approval process.—

(1) It is the intent of the Legislature to maintain, encourage, and ensure adequate and reliable electric infrastructure in the state. It is essential that electric infrastructure be constructed and maintained in various locations in order to ensure the efficient and reliable delivery of electric service. Electric infrastructure should be constructed, to the maximum extent practicable, to achieve compatibility with adjacent and surrounding land uses, and the criteria included in this section are intended to balance the need for electricity with land use compatibility.

(2) The term “distribution electric substation” means an electric substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one or more distribution lines less than 69 kilovolts in size.

(3) Electric substations are a critical component of electric transmission and distribution. Local governments may adopt and enforce reasonable land development regulations for new distribution electric substations addressing only setback, landscaping, buffering, screening, lighting, and other aesthetic compatibility-based standards. Vegetated buffers or screening beneath aerial access points to the substation equipment shall not be required to have a mature height in excess of 14 feet.

(4) New distribution electric substations shall be a permitted use in all land use categories in the applicable local government comprehensive plan and zoning districts within a utility’s service territory except those designated as preservation, conservation, or historic preservation on the future land use map or duly adopted ordinance. If a local government has not adopted reasonable standards for substation siting in accordance with subsection (3), the following standards shall apply to new distribution electric substations:

(a) In nonresidential areas, the substation must comply with the setback and landscaped buffer area criteria applicable to other similar uses in that district, if any.

(b) Unless the local government approves a lesser setback or landscape requirement, in residential areas, a setback of up to 100 feet between the substation property boundary and permanent equipment structures shall be maintained as follows:

1. For setbacks between 100 feet and 50 feet, an open green space shall be formed by installing native landscaping, including trees and shrub material, consistent with the relevant

local government's land development regulations. Substation equipment shall be protected by a security fence consistent with the relevant local government's land development regulations.

2. For setbacks of less than 50 feet, a buffer wall 8 feet high or a fence 8 feet high with native landscaping consistent with the relevant local government's regulations shall be installed around the substation.

(5) If the application for a proposed distribution electric substation demonstrates that the substation design is consistent with the local government's applicable setback, landscaping, buffering, screening, and other aesthetic compatibility-based standards, the application for development approval for the substation shall be approved.

(6)(a) This paragraph may apply to the proposed placement or construction of a new distribution electric substation within a residential area. Prior to submitting an application for the location of a new distribution electric substation in residential areas, the utility shall consult with the local government regarding the selection of a site. The utility shall provide information regarding the utility's preferred site 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, if the local government deems that the siting of a new distribution electric substation warrants this additional review and consideration. The final determination on the site application as to the preferred and alternative sites shall be made solely by the local government within 90 days of presentation of all the necessary and required information on the preferred site and on the alternative sites. In the event the utility and the local government are unable to reach agreement on an appropriate location, the substation site selection shall be submitted to mediation conducted pursuant to ss. 44.401-44.406, unless otherwise agreed to in writing by the parties, and the mediation shall be concluded within 30 days unless extended by written agreement of the parties. The 90-day time period for the local government to render a final decision on the site application is tolled from the date a notice of intent to mediate the site selection issue is served on the utility or local government, until the mediation is concluded, terminated, or an impasse is declared. The local government and utility may agree to waive or extend this 90-day time period. Upon rendition of a final decision of the local government, a person may pursue available legal remedies in accordance with law, and the matter shall be considered on an expedited basis.

(b) A local government's land development and construction regulations for new distribution electric substations and the local government's review of an application for the placement or construction of a new distribution electric substation shall only address land development, zoning, or aesthetic compatibility-based issues. In such local government regulations or review, a local government may not require information or evaluate a utility's business decisions about its service, customer demand for its service, or quality of its service to or from a particular area or site, unless the utility voluntarily offers this information to the local government.

(7) Substation siting standards adopted after the effective date of this act shall not apply to new distribution electric substation applications that were submitted prior to the notice of the local government's adoption hearing.

(8)(a) If a local government has adopted standards for the siting of new distribution electric substations within any of the local government's land use categories or zoning districts, the local government shall grant or deny a properly completed application for a permit to locate a new

distribution electric substation within the land use category or zoning district within 90 days after the date the properly completed application is declared complete in accordance with the applicable local government application procedures. If the local government fails to approve or deny a properly completed application for a new distribution electric substation within the timeframes set forth, the application shall be deemed automatically approved, and the applicant may proceed with construction consistent with its application without interference or penalty. Issuance of such local permit does not relieve the applicant from complying with applicable federal or state laws or regulations and other applicable local land development or building regulations, if any.

(b) The local government shall notify the permit applicant within 30 days after the date the application is submitted as to whether the application is, for administrative purposes only, properly completed and has been properly submitted. Further completeness determinations shall be provided within 15 days after the receipt of additional information. However, such determination shall not be not deemed an approval of the application.

(c) To be effective, a waiver of the timeframes set forth in this subsection must be voluntarily agreed to by the utility applicant and the local government. A local government may request, but not require, a waiver of the timeframes by the applicant, except that, with respect to a specific application, a one-time waiver may be required in the case of a declared local, state, or federal emergency that directly affects the administration of all permitting activities of the local government.

(d) The local government may establish reasonable timeframes within which the required information to cure the application deficiency is to be provided, or the application will be considered withdrawn or closed.

History.—s. 1, ch. 2006-268.