

PROPOSED ORDINANCE NO. 2017-005

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA AMENDING CHAPTER 155 OF THE CITY' S CODE OF ORDINANCES ENTITLED "ZONING CODE," BY AMENDING SECTION 155.272 ENTITLED "STORAGE OF FLAMMABLE LIQUIDS" TO INCREASE THE TOTAL AMOUNT OF UNDERGROUND STORAGE FOR CERTAIN FLAMMABLE LIQUIDS TO AN AGGREGATE TOTAL OF 100,000 GALLONS AND THE INCORPORATION OF ALL APPLICABLE GOVERNMENTAL REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Pembroke Pines currently limits the total capacity of underground tanks and storage facilities of flammable liquids incidental to the operation of a service station shall not exceed 35,000 gallons and,

WHEREAS, the City of Pembroke Pines has not amended its ordinance pertaining to the storage of flammable liquids and underground fuel storage tanks since 1969; and,

WHEREAS, federal, state and county regulations as well as technology has changed pertaining to fuel tanks and underground storage of flammable liquids; and,

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Words in underlined type are additions.

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WHEREAS, increasing the City's limit on underground storage of gasoline and other flammable liquids will allow service stations to increase capacity to meet this increased demand and provide for safer fuel tanks and storage;

WHEREAS, on February 23, 2017 Planning and Zoning Board passed a motion supporting increasing the City's limit on the total capacity of underground tanks and storage facilities of flammable liquids incidental to the operation of a service station from 35,000 gallons to 100,000 gallons;

WHEREAS, incorporating all applicable federal, state and county safety requirements will ensure compliance with all applicable safety regulations and accommodate for new technologies; and,

WHEREAS, the City Commission finds that increasing the total capacity of underground tanks and storage facilities of flammable liquids incidental to the operation of a service station to 100,000 gallons is in the best interest of the health, safety and welfare of the citizens and residents of the City of Pembroke Pines;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, THAT:

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Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2. Chapter 155 of the City' s Code of Ordinances entitled "Zoning Code," by amending Section 155.272 entitled "STORAGE OF FLAMMABLE LIQUIDS," as follows:

§ 155.272 STORAGE OF FLAMMABLE LIQUIDS.

(A) All gasoline, benzene, diesel fuel, naphtha, or other volatile flammable liquids stored incidental to the operation of a service station shall be in underground tanks.

(B) The total capacity of underground tanks and storage facilities of flammable liquids incidental to the operation of a service station shall not exceed ~~35,000~~ an aggregate total of 100,000 gallons. In the event a service station is continuously inactive for a period of 30 days or more, then all storage tanks on the premises shall be emptied.

(C) All underground tanks shall comply with all applicable federal, state, and county codes, laws, and ordinances, which includes all applicable regulations, including building and fire codes, and all applicable governmental approvals must be obtained before installation.

Section 3. It is the intention of the City Commission of the City of Pembroke Pines that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Pembroke Pines, Florida, and that the Sections of this ordinance may be renumbered, re-lettered and the word

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"Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 4. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the remaining portions or applications remaining in full force and effect.

Section 6. This Ordinance shall become effective upon passage and adoption.

(REMAINDER INTENTIONALLY LEFT BLANK)

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, ON THE FIRST READING, THIS ____ DAY OF
_____, 2017.

PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF
PEMBROKE PINES, FLORIDA, ON THE SECOND AND FINAL READING, THIS
____ DAY OF _____, 2017.

CITY OF PEMBROKE PINES, FLORIDA

By: _____

ATTEST:

MAYOR FRANK C. ORTIS

MARLENE D. GRAHAM, CITY CLERK

ORTIS _____

CASTILLO _____

APPROVED AS TO FORM:

SCHWARTZ _____

SHECHTER _____

OFFICE OF THE CITY ATTORNEY

SIPLE _____

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