

27 economy and to the health, safety, welfare, and quality of life
 28 of residents and visitors. It is essential that fuel terminal
 29 infrastructure be constructed and maintained in various
 30 locations in order to ensure the efficient and reliable
 31 transportation and delivery of an adequate quantity of fuel
 32 throughout the state.

33 (2) As used in this section, the term:

34 (a) "Fuel" means any of the following:

35 1. Alternative fuel as defined in s. 525.01.

36 2. Aviation fuel as defined in s. 206.9815.

37 3. Diesel fuel as defined in s. 206.86.

38 4. Gas as defined in s. 206.9925.

39 5. Motor fuel as defined in s. 206.01.

40 6. Natural gas fuel as defined in s. 206.9951.

41 7. Oil as defined in s. 206.9925.

42 8. Petroleum fuel as defined in s. 525.01.

43 9. Petroleum product as defined in s. 206.9925.

44 (b) "Fuel terminal" means a storage and distribution
 45 facility for fuel, supplied by pipeline or marine vessel, which
 46 has the capacity to receive and store a bulk transfer of fuel,
 47 is equipped with a loading rack through which fuel is physically
 48 transferred into tanker trucks or rail cars, and which is
 49 registered with the Internal Revenue Service as a terminal.

50 (c) "Primary use" means a use that is allowed as of right
 51 and that does not require a special exception, a special use
 52 permit, or a conditional use or other similar approval.

53 (3) Notwithstanding any local government comprehensive
54 plan, land use map, zoning district, or land development
55 regulation to the contrary, a fuel terminal in existence on July
56 1, 2014, is a permitted and allowable use under any local
57 government comprehensive plan, land use map, zoning district, or
58 land development regulation.

59 (a) Such a fuel terminal may be expanded within the
60 physical boundary of the parcel upon which the fuel terminal is
61 located regardless of the current land use designation of the
62 parcel.

63 1. A local government may adopt and enforce reasonable
64 land development regulations for the expanded portion of the
65 fuel terminal only. Such regulations may address only setback,
66 landscaping, buffering, screening, lighting, or other aesthetic
67 compatibility-based standards. Vegetated buffers or screening
68 may not be required to have a mature height in excess of 14
69 feet.

70 2. This paragraph does not limit a local government's
71 authority to grant a variance from setback, landscaping,
72 buffering, screening, lighting, or other aesthetic
73 compatibility-based standards to a fuel terminal owner upon the
74 owner's request.

75 (b) A local government may not amend its comprehensive
76 plan, land use map, zoning districts, or land development
77 regulations in a manner that would conflict with a fuel
78 terminal's classification as a permitted and allowable use under

CS/HB 947

2014

79 this section, including, but not limited to, an amendment that
80 causes a fuel terminal to be a nonconforming use, structure, or
81 development.

82 (4) This section does not limit the authority of a local
83 government to implement and enforce applicable federal and state
84 requirements for fuel terminals, including safety and building
85 standards. However, the exercise of such authority may not
86 conflict with federal or state safety and security requirements
87 for fuel terminals.

88 Section 2. This act shall take effect July 1, 2014.