

ORDINANCE NO. 2010-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE COMPREHENSIVE PLAN, AMENDING CHAPTER 5 OF THE BROWARD COUNTY CODE OF ORDINANCES, "BUILDING REGULATIONS AND LAND USE," DELETING ARTICLE XIV, "COMPREHENSIVE PLAN," IN ITS ENTIRETY AND CREATING A NEW ARTICLE XIV, SECTIONS 5-312 THROUGH 5-319, INCORPORATING ELEMENTS OF THE BROWARD COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Chapter 5 of the Broward County Code of Ordinances, "Building Regulations and Land Use," Article XIV, "Comprehensive Plan," is hereby deleted in its entirety.

Section 2. Chapter 5 is hereby amended to create a new Article XIV as follows:

[Underlining omitted]

ARTICLE XIV. COMPREHENSIVE PLAN

DIVISION 1. GENERALLY

Sec. 5-312. Statutory requirements.

The Local Government Comprehensive Planning and Land Development Regulation Act, Section 163.3161, Florida Statutes, *et seq.*, as amended, (the "Act") requires local governments to adopt planning programs to guide and control future

1 development. The following elements for Broward County enumerated within Division 2
2 of this Article XIV, as amended, are consistent with the requirements of the Act.

3 **Sec. 5-313. Maintenance of Comprehensive Plan text and maps.**

4 (a) The Broward County Planning and Redevelopment Division, or any
5 successor agency ("PRD"), shall be responsible for amending, updating, correcting,
6 renumbering, or combining the text and maps of the Broward County Comprehensive
7 Plan, Volumes 2 and 4 ("Comprehensive Plan"), as set forth in Division 2.

8 (b) The full text and map series for the elements contained within Division 2
9 shall be included in Volumes 2 and 4 of the Comprehensive Plan, as same may be
10 amended from time to time; and, upon request, shall be available for public inspection in
11 the PRD office.

12 (c) Volume 2 includes adopted portions and Volume 4 includes support
13 documents.

14 **DIVISION 2. ADOPTED ELEMENTS OF THE COMPREHENSIVE PLAN**

15 **Sec. 5-317. Comprehensive Plan, text adopted.**

16 (a) Volume 2 of the Comprehensive Plan consisting of the Administration
17 Element, Future Unincorporated Area Land Use Element, Transportation Element,
18 Potable Water Element, Sanitary Sewer Element, Solid Waste Element, Drainage &
19 Natural Groundwater Aquifer Recharge Element, Housing Element, Recreation & Open
20 Space Element, Coastal Management Element, including the Natural Disaster &
21 Deepwater Port Components, Conservation Element, Capital Improvements Element,
22 Intergovernmental Coordination Element, Public School Facilities Element, and the
23 Urban Design Element of the Broward County Comprehensive Plan, prepared by the
24 PRD, is hereby adopted and made a part of the Comprehensive Plan.

1 **Sec. 5-318. Comprehensive Plan, maps adopted.**

2 (a) The Comprehensive Plan Element maps, included in Volume 2 of the
3 Comprehensive Plan, consisting of the Administration Element, Future Unincorporated
4 Area Land Use Element, Transportation Element, Potable Water Element, Sanitary
5 Sewer Element, Solid Waste Element, Drainage & Natural Groundwater Aquifer
6 Recharge Element, Housing Element, Recreation & Open Space Element, Coastal
7 Management Element, including the Natural Disaster & Deepwater Port Components,
8 Conservation Element, Capital Improvements Element, Intergovernmental Coordination
9 Element, Public School Facilities Element, and the Urban Design Element are hereby
10 adopted into and made a part of the Comprehensive Plan.

11 **Sec. 5-319. Comprehensive Plan; jurisdiction.**

12 (a) Pursuant to and within the parameters of Section 11.01 of the Broward
13 County Charter, as amended, those provisions of the Potable Water Element, Solid
14 Waste Element, Recreation & Open Space Element, Coastal Management Element,
15 including the Natural Disaster & Deepwater Port Components, and the Conservation
16 Element, which set minimum standards protecting the environment by prohibiting or
17 regulating air or water pollution or the destruction of the resources of Broward County
18 belonging to the general public, shall be effective Countywide and shall govern in
19 municipalities.

20 Section 3. SEVERABILITY.

21 If any portion of this Ordinance is determined by any Court to be invalid, the
22 invalid portion shall be stricken, and such striking shall not affect the validity of the
23 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
24 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),

1 or circumstance(s), such determination shall not affect the applicability hereof to any
2 other individual, group, entity, property, or circumstance.

3 Section 4. INCLUSION IN CODE.

4 It is the intention of the Board of County Commissioners that the provisions of
5 this Ordinance shall become and be made a part of the Broward County Code; and that
6 the sections of this Ordinance may be renumbered or relettered and the word
7 "ordinance" may be changed to "section," "article," or such other appropriate word or
8 phrase in order to accomplish such intentions.

9 Section 5. EFFECTIVE DATE.

10 This Ordinance shall become effective as provided by law.

11 ENACTED

12 FILED WITH THE DEPARTMENT OF STATE

13 EFFECTIVE

PROPOSED

23 MA/lt
24 ch5comp-o03.doc
#10-419
07/20/10

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.