

**MEMORANDUM**

Agenda Item No. 13(H)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

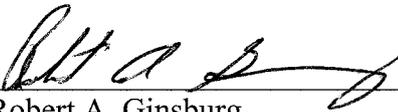
**DATE:** February 1, 2005

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Ordinance relating to zoning;  
relating to residential  
subdivision communications

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro.

  
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Robert A. Ginsburg  
County Attorney

RAG/bw



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** February 1, 2005

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 13(H)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 13(H)

Veto \_\_\_\_\_

2-1-05

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO ZONING; PROVIDING EXCEPTION FROM UNUSUAL USE PROVISIONS FOR RESIDENTIAL SUBDIVISION COMMUNICATIONS, MULTI-CHANNEL VIDEO AND DATA INFORMATION MASTER RECEPTION CENTER ("CMVIR"); AMENDING SECTIONS 33-1 AND 33-13 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 33-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

Sec. 33-1. Definitions.

For the purpose of this chapter, the following definitions for terms used herein shall apply to all sections of this chapter unless the context clearly indicates otherwise:

\* \* \*

>>(87.1) Residential Subdivision Communications, Multi-Channel Video and Data Information Master Reception Center ("CMVIR") - is a control center compound situated within a residential subdivision in which incoming internet protocol voice and data information streams, multi-channel video programming and electronic security surveillance communications are amplified, converted, processed, and combined into a common cable of dispatch to individual

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

residences within the residential subdivision in which the CMVIR is located. A CMVIR compound includes up to three (3) ground-mounted satellite television receive-only dish antennas, each having apertures of no greater size than three (3) meters and also includes preamplifiers, frequency converters, demodulators, modulators, processors, generators (for emergency service restoration) and other related equipment ("Support Equipment"). All Support Equipment contained within a CMVIR must be situated within a single self-contained building of no greater than four-hundred fifty (450) square feet floor space ("Support Equipment Building"). No antenna or other structure contained within a CMVIR compound, including, without limitation, the Support Equipment Building, shall exceed fifteen (15) feet above ground level. A CMVIR compound shall have restricted access at all hours through a single locked entryway and fencing of no greater than six (6) feet above ground level encircling the perimeter of the compound. A CMVIR compound shall be located within the residential subdivision being served by it. No portion of a CMVIR facility shall be used for the transmission or reception of cellular telephone services or Personal Communications Services nor for the origination of radio or television broadcast services, as defined in Title 47 of the United States Code of Federal Regulation.<<

Section 2. Section 33-13(h) of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 33-13. Unusual uses.

\* \* \*

>>(h) Exception for Residential Subdivision Communications, Multi-Channel Video and Data Information Master Reception Centers. Notwithstanding the requirements of Section 33-13(e) or any other sections of this Chapter, the use of Residential Subdivision Communications, Multi-Channel Video and Data Information Master Reception Center (hereinafter "CMVIR"), as defined in Section 33-1 of this Chapter, shall not be considered an unusual use requiring a public hearing in any EU or RU zoning district where plans for such CMVIR compound has been

submitted to the Department for administrative site plan review and such plans demonstrate that:

- (1) The CMVIR will only serve a single residential subdivision with no more than 4,000 total residential units; and
- (2) The CMVIR is located within the physical boundaries of a subdivision within the Urban Development Boundary (UDB) as indicated on the Comprehensive Development Master Land Use Plan Map (LUP); and
- (3) The CMVIR compound is set back by at least 500 feet from the boundary of the residential subdivision in which it is to be located and no CMVIR structure shall be located closer than 50 feet to any principle residential structure; and
- (4) Any Support Equipment Building contained within the CMVIR compound does not exceed fifteen feet in height from ground level to the top of the roof; and
- (5) The area CMVIR comprising the Support Equipment Building and the Support Equipment does not exceed 1,500 square feet in area and said Support Equipment Building must be architecturally compatible (including but not limited to roof design and materials) with the architectural design found in the subdivision; and
- (6) A landscape plan for such CMVIR compound has been submitted to and approved by the Director; indicating hedges (a) a minimum of five feet in height when measured immediately after planting; and (b) planted and maintained to form a visual screen around the site within one (1) year after the time of planting, except that an opening shall be required for providing adequate ingress, egress, and maintenance to the site for the purpose of maintaining said facilities; and

- (7) The proposed design of the building incorporates architectural elements common to the residential development which is intended to be served; and
- (8) All fencing is to be provided on site in accordance with the requirements of Section 33-11, provided that no barbed wire shall be permitted.
- (9) The property and Support Equipment Building upon which the CMVIR shall be located within a common element, clubhouse building, or similar parcel of land within the subdivision and shall be owned by a duly-created homeowners or property owners association.
- (10) Prior to approval of any CMVIR, the developer shall provide evidence to the Director that the requirements of Section 720.3055, Florida Statutes, have been met irrespective of whether the services to be offered through the CMVIR exceed 10% of the anticipated budget of the homeowners' association.

Additionally, where the requirements of this subsection have been met, CMVIRs may be placed upon a site without regard to lot width, lot area, lot coverage or setback requirements established in this Chapter for the applicable zoning district. Where a site plan has previously been approved, placement of a CMVIR within the development shall be deemed to be in substantial compliance with such plan, provided that: 1) the requirements of this subsection have been met; 2) the residential subdivision in which the CMVIR is located is more than 70 acres in size; 3) the CMVIR is located more than 100 feet from the nearest residential unit.<<

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may

be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

RA6  
CAC

Prepared by:

Craig H. Coller

Sponsored by Commissioner Bruno A. Barreiro