

MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: April 8, 2025

FROM: Thomas R. Mooney, AICP
Planning Director

DS For TRM


SUBJECT: **PB25-0749. Setback Regulations for AC Units**

RECOMMENDATION

Transmit the proposed ordinance amendment to the City Commission with a favorable recommendation.

HISTORY

On December 11, 2024, at the request of Commissioner, the City Commission referred a proposal pertaining to setback regulations for air conditioning units (C4 I) to the Land Use and Sustainability Committee (LUSC). On January 16, 2025, the LUSC recommended that the City Commission refer an ordinance to the Planning Board.

On February 26, 2025, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred the attached ordinance to the Planning Board (C4 B).

REVIEW CRITERIA

Pursuant to Section 2.4.2 of the Resiliency Code, in reviewing a request for an amendment to these land development regulations (LDRs), the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Consistent – The proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Not applicable – The proposed amendment does not modify district boundaries.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Not applicable – The proposed Ordinance does not affect the overall scale of development.

4. Whether the proposed change would tax the existing load on public facilities and infrastructure.

Consistent – The proposed amendment does not increase loads on public facilities or infrastructures.

5. Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Not applicable – The proposed change does not modify existing district boundaries.

6. Whether changed or changing conditions make the passage of the proposed change necessary.

Consistent – The proposed change is necessary in order to meet minimum life safety requirements and minimize costs for property owners and support broader adoption of energy-efficient air conditioning solutions.

7. Whether the proposed change will adversely influence living conditions in the neighborhood.

Consistent – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

8. Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.

Consistent – The proposed change will not increase traffic congestion.

9. Whether the proposed change will seriously reduce light and air to adjacent areas.

Consistent – The proposed change will not reduce light and air to adjacent areas.

10. Whether the proposed change will adversely affect property values in the adjacent area.

Consistent – The proposed change will not adversely affect property values in the adjacent areas.

11. Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.

Consistent – The proposed change will not be a deterrent to the improvement or development of adjacent properties.

12. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.

Not applicable

- 13. Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**
Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4 of the LDRs establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- 1. Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- 2. Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

Consistent – The proposal does not affect the resiliency of the City.

- 3. Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

Consistent – The proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

ANALYSIS

Packaged terminal air conditioners (PTAC) are ductless, self-contained units designed to efficiently heat and cool individual spaces. These systems are commonly used in hotels, hospitals, senior living facilities, and residential buildings, offering an affordable and energy-efficient climate control solution for smaller areas. Mini-split systems, which offer similar advantages, provide flexible and efficient temperature management for both residential and commercial spaces.

In line with the recommendations of the LUSC, the attached ordinance proposes amendments to the Land Development Regulations of the City Code (LDRs) to modify and expand allowable setback encroachments for existing apartment buildings. The proposed changes are intended to simplify the requirements to install air-conditioning systems, including PTAC and mini-split units, in older buildings. Adjusting setback requirements for existing buildings to meet minimum life safety standards and accommodate these systems should reduce costs for property owners, as well as promote the broader adoption of energy-efficient air conditioning solutions.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed ordinance to the City Commission with a favorable recommendation.

Setback Regulations for Air Conditioning Units

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE RESILIENCY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 7, ENTITLED “ZONING DISTRICTS AND REGULATIONS,” ARTICLE V, ENTITLED “SUPPLEMENTARY DISTRICT REGULATIONS,” SECTION 7.5.3, ENTITLED “SUPPLEMENTARY YARD REGULATIONS,” BY AMENDING THE ALLOWABLE SETBACK ENCROACHMENTS FOR AIR CONDITIONING UNITS; AND PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, The City Commission seeks to provide for limited relief from setback requirements for existing apartment buildings to facilitate the installation of air-conditioning systems, including, but not limited to, packaged terminal air conditioners (PTAC) and mini-split air conditioning units; and

WHEREAS, PTAC units are ductless, self-contained systems designed to heat and cool individual spaces efficiently, and are commonly utilized in residential buildings; and

WHEREAS, PTAC units offer a cost-effective and energy-efficient solution for climate control in smaller areas; and

WHEREAS, Mini-split systems provide similar benefits to PTAC units, offering flexible and efficient temperature management for various residential and commercial applications; and

WHEREAS, Amending setback requirements for existing buildings to meet minimum life safety requirements and to accommodate these types of air-conditioning units would enhance flexibility and minimize costs for property owners, as well as support broader adoption of energy-efficient air conditioning solutions; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 7 of the Miami Beach Resiliency Code, entitled “Zoning Districts and Regulations,” Article III, entitled “Overlay Districts,” is hereby amended as follows:

CHAPTER 7 ZONING DISTRICTS AND REGULATIONS

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ARTICLE V. – SUPPLEMENTARY DISTRICT REGULATIONS

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7.5.3 SUPPLEMENTARY YARD REGULATIONS

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7.5.3.2 Allowable encroachments within required yards for districts other than single-family districts.

The following regulations shall apply to allowable encroachments in all districts except single-family residential districts, unless otherwise specified in this Code.

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- e. ~~Reserved.~~ Central air conditioners, packaged terminal air conditioners (PTAC) and mini-split air conditioning units. Accessory central air conditioners, packaged terminal air conditioners (PTAC) and mini-split air conditioning units, including attached screening elements, may occupy a required interior side or rear yard, in townhome or in the RM-1, RM-2, R-PS1 and R-PS2 residential multifamily districts only, provided that:
 - 1. For buildings existing as of January 1, 2015, the above noted air conditioning units shall not be closer than 18 inches to a rear or interior side lot line, provided all applicable egress requirements for the property are satisfied. For buildings receiving a temporary certificate of occupancy or certificate of occupancy after January 1, 2015, the above noted air conditioning units shall not be closer than 5 feet to a rear or interior side lot line.
 - 2. The maximum height of equipment located on the ground, including attached screening elements, shall not exceed 10 feet above current flood elevation.
 - 3. If visible from the right-of-way, physical and/or landscape screening shall be required.
 - 4. Any required sound buffering equipment shall comply with the setback requirements specified in subsection e.1 of this section.
 - 5. If the air conditioning equipment does not conform to subsections 1, 2, 3, and 4 above, then such equipment shall follow the setbacks of the main structure.
- f. ~~Central air conditioners, e~~Emergency generators, swimming pool equipment, and other mechanical equipment. Accessory central air conditioners, generators, swimming pool equipment, and any other mechanical equipment, including attached screening elements, may occupy a required side or rear yard, in townhome or in the RM-1, RM-2, R-PS1 and R-PS2 residential multifamily low-intensity districts only, provided that:
 - 1. They are not closer than 5 feet to a rear or interior side lot line or 10 feet to a side lot line facing a street.
 - 2. The maximum height of the equipment including attached screening elements, shall not exceed 5 feet above current flood elevation, with a maximum height not to exceed 10 feet above grade, as defined in section 1.2.1, of the lot at which they are located.
 - 3. If visible from the right-of-way, physical and/or landscape screening shall be required.
 - 4. Any required sound buffering equipment shall comply with the setback requirements specified in subsection f.1 of this section.
 - 5. If the central air conditioning and other mechanical equipment does not conform to subsections 1, 2, 3, and 4 above, then such equipment shall follow the setbacks of the main structure.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2025.

Steven Meiner, Mayor

ATTEST:

Rafael E. Granado, City Clerk

First Reading: _____, 2025

Second Reading: _____, 2025

Verified By: _____
Thomas R. Mooney, AICP
Planning Director

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