

# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: January 16, 2025

TITLE: DISCUSS AMENDING THE LAND DEVELOPMENT REGULATIONS TO PROVIDE FOR LIMITED RELIEF FROM SETBACK REQUIREMENTS TO PERMIT THE INSTALLATION OF PACKAGED TERMINAL AIR CONDITIONER (PTAC) UNITS AND MINI-SPLITS AC UNITS.

### **RECOMMENDATION**

The Administration recommends that the Land Use and Sustainability Committee (LUSC) endorse the proposed amendment to the Land Development Regulations of the City Code (LDRs) and recommend that the Mayor and City Commission (City Commission) refer a draft ordinance to the Planning Board.

### **BACKGROUND/HISTORY**

On December 11, 2024, at the request of Commissioner Kristen Rosen Gonzalez, the City Commission referred the item (C4 I) to the LUSC.

### **ANALYSIS**

As noted in the attached referral memorandum, the item sponsor has requested that the LUSC discuss and consider amending the LDRs to provide for limited relief from setback requirements for existing apartment buildings to facilitate the installation of packaged terminal air conditioners (PTAC) and mini-split air conditioning units.

PTAC units are ductless, self-contained systems designed to heat and cool individual spaces efficiently. Commonly utilized in hotels, hospitals, senior living facilities, and residential buildings, PTAC units offer a cost-effective and energy-efficient solution for climate control in smaller areas. Mini-split systems provide similar benefits, offering flexible and efficient temperature management for various residential and commercial applications. Amending setback requirements for existing buildings to meet minimum life safety requirements and to accommodate these units would enhance flexibility and minimize costs for property owners and support broader adoption of energy-efficient air conditioning solutions.

The following is a draft text amendment to Section 7.5.3.2 of the LDRs, to allow more flexibility for air conditioning units in existing buildings:

#### ***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.*

- 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.

If there is consensus on these proposed modifications, a draft ordinance can be prepared for referral to the Planning Board by the City Commission.

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact Expected

### **Does this Ordinance require a Business Impact Estimate?** (FOR ORDINANCES ONLY)

The Business Impact Estimate (BIE) was published on .

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

### **FINANCIAL INFORMATION**

Not Applicable

### **CONCLUSION**

The Administration recommends that the LUSC endorse the proposed amendments to the LDRs and recommend that the City Commission refer a draft ordinance to the Planning Board.

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

**Department**

Planning

**Sponsor(s)**

Commissioner Kristen Rosen Gonzalez

**Co-sponsor(s)**

**Condensed Title**

Discuss Amending The Land Development Regulations To Provide For Limited Relief From Setback Requirements To Permit The Installation Of Packaged Terminal Air Conditioner (PTAC) Units And Mini-Splits AC Units.