

C4 B REFERRAL TO THE PLANNING BOARD – SETBACK REGULATIONS FOR AIR  
CONDITIONING UNITS

Applicable Area:



**COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission  
FROM: Eric Carpenter, City Manager  
DATE: February 26, 2025  
TITLE: REFERRAL TO THE PLANNING BOARD – SETBACK REGULATIONS FOR AIR CONDITIONING UNITS.

**RECOMMENDATION**

The Administration recommends that the Mayor and City Commission (City Commission) refer the attached draft ordinance to the Planning Board.

**BACKGROUND/HISTORY**

On December 11, 2024, at the request of Commissioner Kristen Rosen Gonzalez, 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 the attached draft ordinance to the Planning Board.

**ANALYSIS**

Packaged terminal air conditioners (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.

As recommended by the LUSC, the attached draft ordinance amends the Land Development Regulations of the City Code (LDRs) to modify and expand allowable setback encroachments for existing apartment buildings to facilitate the installation of air-conditioning systems. Such systems include, but are not limited to, PTAC and mini-split air conditioning units. 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.

**APPLICATION FEE WAIVER**

The subject amendment is proposed on a comprehensive basis, and not on behalf of a private applicant or third party. Pursuant to section 2.4.1.c of the Land Development Regulations of the City Code, amendments to the City Code require the payment of the applicable fees in section 2.2.3.5, 2.2.3.6, and appendix A to the City Code. These fees may be waived by a five-sevenths (5/7ths) vote of the City Commission, based upon one or more of the following circumstances:

1. The City Commission determines that the proposed amendment is necessary due to a change in federal or state law, or to implement best practices in urban planning, or based on circumstances unique to the proposed amendment.
2. Upon the written recommendation of the City Manager acknowledging a documented financial hardship of a property owner(s) or developer(s).

3. If requested, in writing, by a non-profit organization, neighborhood association, or homeowner's association for property owned by any such organization or association, so long as the request demonstrates that a public purpose is achieved by enacting the applicable amendment.

Should this proposal be referred to the Planning Board, the Administration recommends that the City Commission determine that the proposed amendment is necessary based on circumstances unique to the proposed amendment and waive the applicable fees.

### **FISCAL IMPACT STATEMENT**

No Fiscal Impact

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

If applicable, 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 the following:

1. The City Commission refer the attached draft ordinance to the Planning Board.
2. In accordance with section 2.4.1.c.1 of the Land Development Regulations of the City Code, the City Commission waive the applicable fees based on circumstances unique to the proposed amendment.

### **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**

Ref: PB - Setback Regulations for Air Conditioning Units. (Rosen Gonzalez) PL

**Previous Action (For City Clerk Use Only)**

## **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**

\* \* \*

#### **ARTICLE V. – SUPPLEMENTARY DISTRICT REGULATIONS**

\* \* \*

### 7.5.3 SUPPLEMENTARY YARD REGULATIONS

\* \* \*

#### 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, 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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