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 districts and in the RM-1, RM-2, R-PS1, R-PS2 and R-PS3 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.

ATTEST:

_____
Steven Meiner, Mayor

_____
Rafael E. Granado, City Clerk

First Reading: May 21, 2025
Second Reading: July 23, 2025

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

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ 5/7/2025
City Attorney NK Date

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