

MIAMIBEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

Historic Preservation Board

TO: Chairperson and Members
Historic Preservation Board

DATE: March 17, 2026

FROM: Thomas R. Mooney, AICP
Planning Director



SUBJECT: HPB24-0642, **7275 Collins Avenue – North Beach Bandshell**

An application has been filed requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing facility, including the construction of additions on both the north and south sides of the existing structure, and including a variance from the minimum required north side yard setback.

RECOMMENDATION

Approval of the Certificate of Appropriateness with conditions.
Approval of Variance #1.

BACKGROUND

In 2011, the facility underwent renovations that included the addition of dressing rooms, the stage deck, exterior wall treatment, acoustic treatments, and infrastructure for the lighting system. On May 7, 2019, the Design Review Board reviewed and approved the introduction of a circular shady canopy structure within the center of the bandshell (DRB18-0326).

On October 27, 2021, the Mayor and City Commission designated the North Beach Bandshell as a local historic site. On September 12, 2023, the Historic Preservation Board approved a Certificate of Appropriateness for additional canopy structures.

EXISTING STRUCTURES

North Beach Bandshell, 7275 Collins Avenue

Classification: Contributing (Local Historic Site)
Original Construction Date: 1961
Original Architect: Norman Giller

ZONING / SITE DATA

| | |
|------------------------------------|---|
| Property Address | 7275 Collins Avenue |
| Folio Number | 02-3202-000-0020 |
| Legal Description | 2 53 42 20 AC LOT 8 BEING A PORTION OF ORIG GOVT LOT 6 & PORT LYING EAST & ADJACENT WEST OF EROSION LINE PER PB 105-62 LOT SIZE 500.000 X 359 |
| Zoning | GU, Government Use |
| Future Land Use Designation | ROS, Recreation and Open Space |
| Applicant | City of Miami Beach |

The Project

The applicant has submitted plans entitled “**Miami Beach Bandshell**”, as prepared by Song + Associates, Inc., dated January 11, 2026.

COMPLIANCE WITH ZONING CODE

A preliminary review of the project indicates that the application appears to be inconsistent with the following provisions of the Land Development Regulations:

Sec. 7.2.16.3: The development regulations (setbacks, floor area ratio, signs, parking, etc.) in the GU government use district shall be the average of the requirements contained in the surrounding zoning districts as determined by the planning and zoning director, which shall be approved by the city commission. The required side setback is 7.5 feet or 8% of lot width, whichever is greater, and a variance from this setback requirement is being requested.

This shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

CONSISTENCY WITH 2040 COMPREHENSIVE PLAN

A preliminary review of the project indicates that the existing use is **consistent** with the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 7.1.2.4(a)(1) of the Land Development Regulations establishes review criteria for sea level rise and resiliency that must be considered as part of the review process for board orders. The following is an analysis of the request based upon these criteria:

- A. A recycling or salvage plan for partial or total demolition shall be provided.
Satisfied
- B. Windows that are proposed to be replaced shall be hurricane proof impact windows.
Satisfied
- C. Where feasible and appropriate, passive cooling systems, such as operable windows, shall be provided.
Satisfied
- D. Resilient landscaping (salt tolerant, highly water-absorbent, native or Florida friendly plants) shall be provided, in accordance with Chapter 4 of the Land Development Regulations.
Satisfied
- E. The project applicant shall consider the adopted sea level rise projections in the Southeast Florida Regional Climate Action Plan, as may be revised from time-to-time by the Southeast Florida Regional Climate Change Compact. The applicant shall also specifically study the land elevation of the subject property and the elevation of surrounding properties.

Satisfied; The project involves an addition to an existing historic facility. The ability to fully implement sea level rise projections is limited by the existing conditions,

including the need to match existing floor elevations.

- F. The ground floor, driveways, and garage ramping for new construction shall be adaptable to the raising of public rights-of-ways and adjacent land and shall provide sufficient height and space to ensure that the entry ways and exits can be modified to accommodate a higher street height of up to three (3) additional feet in height.

Satisfied; The ground floor elevations of the addition are set by the need to match the existing floor elevation of the Bandshell structure. Garage ramping is not applicable. The driveway elevation is limited by proximity to 73rd Street.

- G. In all new projects, all critical mechanical and electrical systems shall be located above base flood elevation. Due to flooding concerns, all redevelopment projects shall, whenever practicable, and economically reasonable, move all critical mechanical and electrical systems to a location above base flood elevation.

Satisfied

- H. Existing buildings shall be, where reasonably feasible and economically appropriate, elevated up to base flood elevation, plus City of Miami Beach Freeboard.

Satisfied; The existing main Bandshell building is set above the base flood elevation. The existing group toilet rooms are set at the elevation of the main exterior audience space, below base flood elevation, for reasons of functionality and accessibility.

- I. When habitable space is located below the base flood elevation plus City of Miami Beach Freeboard, wet or dry flood proofing systems will be provided in accordance with Chapter 54 of the General Ordinances.

Satisfied; Proposed new food storage installations located below base flood elevation will be provided with wet or dry floodproofing systems.

- J. In all new projects, water retention systems shall be provided.

Not Applicable

- K. Cool pavement materials or porous pavement materials shall be utilized.

Satisfied

- L. The project design shall minimize the potential for a project causing a heat island effect on site.

Satisfied

COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA

A decision on an application for a certificate of appropriateness shall be based upon the following:

1. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to section 2.13.7(d)(ii)(1) of the Land Development Regulations (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

- a. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as may be amended from time to time.

Satisfied

- b. The Secretary of the Interior's Standards for Reconstruction, as may be amended from time to time.
Not Applicable - No reconstruction of a historic structure is proposed.
- c. Other guidelines/policies/plans adopted or approved by resolution or ordinance by the city commission.
Satisfied

The Secretary of the Interior's Guidelines for Rehabilitation are intended as an aid to assist in applying the Secretary of the Interior's Standards but are not binding on their own and are not meant to give case-specific advice or to address exceptions of unusual conditions.

- 2. The examination of architectural drawings for consistency with the criteria pursuant to section 2.13.7(d)(ii)(2) of the Land Development Regulations and stated below, with regard to the aesthetics, appearances, compatibility, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs.
Satisfied
 - b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably required.
Satisfied
 - c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures.
Satisfied
 - d. The proposed structure, or additions to an existing structure are appropriate to and compatible with the environment and adjacent structures, and in keeping with the character of the neighborhood.
Satisfied
 - e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide a safe environment, reduce opportunities for criminal activity and counteract criminal behavior.
Satisfied
 - f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian and vehicular pathways are provided.
Satisfied
 - g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and

lighting impacts on adjacent properties.

Satisfied

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Satisfied

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from structures are adequately shielded from public view.

Not Applicable

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding neighborhood.

Satisfied

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which shall be devoted to retail, service, or other uses providing activity at the street level.

Not Applicable

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment from public view.

Satisfied

- m. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian scale.

Not Applicable

- n. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms and compactor facilities shall minimize the adverse impacts of these functions on the overall design of the project.

Satisfied

CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA

Section 2.13.7(d)(vi)(4) of the Land Development Regulations provides criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. The following is an analysis of the request based upon these criteria:

- a. The building, structure, improvement, or site is designated on either a national or state level, as part of a historic preservation district or as a historic architectural landmark or site, or is designated pursuant to section 2.13.9 as a historic building, historic structure or historic site, historic improvement, historic landscape feature, historic interior or the structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.

Satisfied

The existing structure is designated as a local historic site.

- b. The building, structure, improvement, or site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty or expense.

Not Applicable

No building is being demolished that could be reproduced only with great difficulty

or expense.

- c. The building, structure, improvement, or site is one of the last remaining examples of its kind in the neighborhood, the county, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

Not Applicable

The existing building will remain.

- d. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in chapter 1 of these land development regulations or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

Satisfied

The existing structure is designated as a local historic site.

- e. Retention of the building, structure, improvement, landscape feature or site promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage.

Satisfied

The retention of the historic Bandshell is critical to developing an understanding of an important example of Post War Modern architecture in Miami Beach.

- f. If the proposed demolition is for the purpose of constructing a parking garage, the board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, or the design review guidelines for that particular district.

Not Applicable

The demolition proposed in the subject application is not for the purpose of constructing a parking garage.

- g. In the event an applicant or property owner proposes the total demolition of a contributing structure, historic structure or architecturally significant feature, there shall be definite plans presented to the board for the reuse of the property if the proposed demolition is approved and carried out.

Not Applicable

The applicant is presenting plans for the demolition of the landscape area, storage pods, landing, and service drive only. The existing building will remain.

- h. The county unsafe structures board has ordered the demolition of a structure without option.

Not Applicable

The Miami-Dade County Unsafe Structures Board has not ordered the demolition of the structure.

VARIANCE CRITERIA

The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that also indicate the following, as they relate to the requirements of Section 2.8.3(a) of the Land Development Regulations:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
2. The special conditions and circumstances do not result from the action of the applicant;
3. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district;
4. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant;
5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
6. The granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
7. The granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan; and
8. The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

STAFF ANALYSIS

The North Beach Bandshell was constructed in 1962 and designed by architect Norman Giller in the Post War Modern style. On October 27, 2021, the Mayor and City Commission designated the Bandshell as a local historic site.

Arts and Culture General Obligation Bond (ACGOB) funds have been allocated for the design and construction of an approximately 2,000-square-foot addition intended to enhance the operational capacity and functionality of the Bandshell facility. The project has been structured to allow for phased implementation, enabling incremental advancement as resources become available.

Approval is being requested for a 677 square foot air-conditioned addition on the northeast portion of the property. The addition includes four dressing rooms, one restroom, a connecting corridor, and exit stairs, with direct access to the existing back-of-house areas of the Bandshell to improve operational efficiency for performers and production staff. Interior renovations are also proposed, including upgrades to the two existing restrooms, removal of the existing chairlift, expansion of the Media Production room, and improvements to the existing dressing rooms for technical production, circulation, and storage.

To the west of the addition, a covered truck-loading dock is proposed, along with a new chairlift, a double gate for maintenance vehicle access, and a new curb cut north of the dock with landscape islands on either side of the entry drive. On the east side of the Bandshell, the trash and recycling enclosures will be relocated from their current position along 73rd Street to a new enclosure, with modifications to the service driveway including new fencing, gates, and landscaping. A new fire line with hydrant and standpipe connection is also proposed near the south end of the service drive.

A 1,057 SF addition is also proposed on the north side of the Bandshell, to include administrative office space, a multipurpose production staging area, workstations, a restroom, and a kitchenette. Further improvements include the addition of three new food-storage rooms (approximately 250 square feet total) on the south side of the Bandshell to support existing food preparation operations. A 790 square foot expansion of the patio slab adjacent to the south entry tower is proposed to accommodate an outdoor café area, along with the installation of a new ticket booth adjacent to the expanded patio. An extension of the stage canopy is also proposed to provide additional weather protection for the forward portion of the stage floor, enhancing performance conditions and operational resilience.

Staff is supportive of the proposed project, which will help to further activate the historic North Beach Bandshell while preserving its architectural integrity, and recommends approval as noted below.

VARIANCE ANALYSIS

The applicant is requesting the following variance:

1. A variance to reduce 13'-1" of the minimum required side-facing-a-street setback of 40 feet within the GU zoning district in order to construct a production staging and back-of-house dressing room addition on a property with a 26'-11" setback.

Variance requested from:

Section 7.2.16.3 Development Regulations (GU):

The development regulations (setbacks, floor area ratio, signs, parking, etc.) in the GU government use district shall be the average of the requirements contained in the surrounding zoning districts as determined by the planning and zoning director, which shall be approved by the city commission.

***The RM-3 Zoning Regulations apply as the surrounding zoning district:**

Section 7.2.6.3 Development Regulations (RM-3):

Side facing-a-street: 7.5 feet or 8% of the lot width, whichever is greater.

A variance is being sought to reduce the required 40-foot side street setback by 13 feet 11 inches in order to accommodate necessary back-of-house facilities while preserving the significant historic elements that define the architectural character of the main building. The existing auditorium is located at the northwest corner of the property, with the stage situated directly behind it. Between the canopy structures are two towers and an existing bathroom facility, while a two-story senior center is located south of the mechanical equipment and ticket booth.

Given the existing configuration of these structures and the historic Bandshell, the site presents

physical constraints that limit where additional program elements can reasonably be located. To support the operational needs of the performance venue, the proposed back-of-house facilities must be located in close proximity to the existing stage and orienting the addition along the north side of the property is the most practical and functional option. The proposed addition would provide administrative offices, workstations, and a kitchenette, which are essential components for the day-to-day operation of the venue and for supporting visiting performers and production staff.

Due to the limited available space and the need to preserve the existing historic structure and its defining features, accommodating these functions within the required setback presents a practical difficulty. Additionally, the site has unique physical constraints due to the historic configuration of the Bandshell and the operational requirements of an active performance venue. The requested variance is the minimum necessary to accommodate the required back-of-house program while preserving the integrity of the historic structure. As such, staff recommends approval of the requested variance.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the request for a Certificate of Appropriateness and Variance #1 be approved, subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria and Hardship and Practical Difficulties criteria, as applicable.

HISTORIC PRESERVATION BOARD
City of Miami Beach, Florida

MEETING DATE: March 17, 2026

PROPERTY/FOLIO: 7275 Collins Avenue / 02-3202-000-0020

FILE NO: HPB24-0642

APPLICANT: City of Miami Beach

IN RE: An application has been filed requesting a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing facility, including the construction of additions on both the north and south sides of the existing structure, and including a variance from the minimum required north side yard setback.

LEGAL: 2 53 42 20 Ac Lot 8 Being A Portion Of Orig Govt Lot 6 & Port Lying East & Adjacent West Of Erosion Line Per Pb 105-62 Lot Size 500.000 X 359

ORDER

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

I. Certificate of Appropriateness

- A. The subject property is designated as the North Beach Bandshell Local Historic Site.
- B. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
 - 1. Is consistent with Sea Level Rise and Resiliency Review Criteria in Section 7.1.2.4(a)(i) of the Land Development Regulations.
 - 2. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(1) of the Land Development Regulations.
 - 3. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(ii)(2) of the Land Development Regulations.
 - 4. Is consistent with Certificate of Appropriateness Criteria in section 2.13.7(d)(vi)(4) of the Land Development Regulations.
- C. The project would remain consistent with the criteria and requirements of sections 2.13.7(d) and 7.1.2.4(a) of Land Development Regulations if the following conditions are met:

1. Revised elevation, site plan and floor plan drawings shall be submitted, and, at a minimum, such drawings shall incorporate the following:
 - a. Final design, details, and materials of the proposed northeast addition shall be provided, subject to the review and approval of staff.
 - b. The covered truck-loading dock and double gate shall be designed and detailed in a manner that minimizes visual impact on the historic structure, to be reviewed and approved by staff.
 - c. Any proposed fencing, gates, and landscaping associated with the service driveway modifications shall be submitted for staff review and approval.

In accordance with section 2.2.4.8(c) of the Land Development Regulations the applicant, the City Manager, Miami Design Preservation League, Dade Heritage Trust, or an affected person may appeal the Board's decision on a Certificate of Appropriateness to a special magistrate appointed by the City Commission.

II. Variance(s)

- A. The applicant filed an application with the Planning Department for the following variances which were either approved, approved with modifications or denied by the Board:
 1. A variance to reduce 13'-1" of the minimum required side facing-a-street setback of 40' within the GU zoning district in order to construct a production staging and back-of-house dressing room addition on a property with a 26'-11" setback.
- B. The applicant has submitted plans and documents with the application that satisfy Article 1, Section 2 of the Related Special Acts, allowing the granting of a variance if the Board finds that practical difficulties exist with respect to implementing the proposed project at the subject property.

The applicant has submitted plans and documents with the application that indicate the following, as they relate to the requirements of section 2.8.3(a) of the Land Development Regulations:

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

That the special conditions and circumstances do not result from the action of the applicant.

That granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district.

That literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning

district under the terms of these land development regulations and would work unnecessary and undue hardship on the applicant.

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

That the granting of the variance will be in harmony with the general intent and purpose of these land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

That the granting of this request is consistent with the comprehensive plan and does not reduce the levels of service as set forth in the plan.

The granting of the variance will result in a structure and site that complies with the sea level rise and resiliency review criteria in chapter 7, article I, as applicable.

C. The Board finds that the application satisfies Article 1, Section 2 of the Related Special Acts and the requirements of section 2.8.3(a) of the Land Development Regulations, and hereby **approves** the requested variance(s) and imposes the following conditions based on its authority in section 2.8.4 of the Land Development Regulations:

1. Substantial modifications to the plans submitted and approved as part of the application, as determined by the Planning Director or designee, may require the applicant to return to the Board for approval of the modified plans, even if the modifications do not affect variances approved by the Board.

The decision of the Board regarding variances shall be final and there shall be no further review thereof except by resort to a court of competent jurisdiction by petition for writ of certiorari.

III. III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. The applicant agrees and shall be required to provide access to areas subject to this approval (not including private residences or hotel rooms) for inspection by the City (i.e.: Planning, Code Compliance, Building Department, Fire Safety), to ensure compliance with the plans approved by the Board and conditions of this order.
- B. The relocation of any tree shall be subject to the approval of the Environment & Sustainability Director and/or Urban Forester, as applicable.
- C. All applicable FPL transformers or vault rooms and backflow prevention devices shall be located within the building envelope with the exception of the valve (PIV) which may be visible and accessible from the street.
- D. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit and shall be located immediately after the front cover page of the permit plans.

- E. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- F. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.
- G. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- H. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- I. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.
- J. Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the board and shall be subject to all conditions of approval herein, unless otherwise modified by the Board. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the public hearing, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II,III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "**Miami Beach Bandshell**", as prepared by **Song + Associates, Inc., dated January 11, 2026**, as approved by the Historic Preservation Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit,

the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of section 2.13.7 of the Land Development Regulations; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.

In accordance with chapter 2 of the Land Development Regulations, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations. Failure to comply with this Order shall subject the application to chapter 2 of the Land Development Regulations, for revocation or modification of the application.

Dated _____.

HISTORIC PRESERVATION BOARD
THE CITY OF MIAMI BEACH, FLORIDA

BY: _____
Michael A. Belush, AICP
Planning & Design Officer
For the Chair

STATE OF FLORIDA)
)SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this _____ day of _____ 20__ by Michael A. Belush, Planning & Design Officer, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

NOTARY PUBLIC
Miami-Dade County, Florida
My commission expires:_____

Approved As To Form:
City Attorney's Office: _____ (_____)

Filed with the Clerk of the
Historic Preservation Board on _____ (_____)

DRAFT