



To: Jorge L. Navarro, Esq.

From: Gustavo J. Ceballos, Assistant City Attorney

Approved By: Miriam Soler Ramos, City Attorney for the City of Coral Gables *MSR*

RE: Legal Opinion Regarding Merrick Park/Short Term Rental Use

Date: May 10, 2022

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Good morning Jorge,

I have reviewed your email and find that it is consistent with the City's Zoning Code and the pertinent opinion issued by this office (COA 2013-055). Please note that the City's Zoning Code permits overnight accommodations in MX1 and MX2 zoning districts, but only as a conditional use, if abutting SFR or MF1 Districts. This opinion is issued pursuant to Sec. 2-252(e)(8) of the City Code and Sec. 14-107.2 of the City's Zoning Code.

## Paulk, Enga

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**From:** Ceballos, Gustavo  
**Sent:** Tuesday, May 10, 2022 9:26 AM  
**To:** Paulk, Enga  
**Subject:** FW: Merrick Park / Short Term Rental Use

Please publish.

### **Gustavo J. Ceballos, Esq., B.C.S.**

#### **Assistant City Attorney**

*Board Certified by the Florida Bar in  
City, County, and Local Government Law*

City of Coral Gables

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**From:** Ceballos, Gustavo  
**Sent:** Tuesday, May 10, 2022 9:25 AM  
**To:** 'navarrojo@gtlaw.com' <navarrojo@gtlaw.com>; Ramos, Miriam <mramos@coralgables.com>  
**Subject:** RE: Merrick Park / Short Term Rental Use

Good morning Jorge,

I have reviewed your email and find that it is consistent with the City’s Zoning Code and the pertinent opinion issued by this office (COA 2013-055). Please note that the City’s Zoning Code permits overnight accommodations in MX1 and MX2 zoning districts, but only as a conditional use, if abutting SFR or MF1 Districts. This opinion is issued pursuant to Sec. 2-252(e)(8) of the City Code and Sec. 14-107.2 of the City’s Zoning Code.

Best regards,

Gus

**Gustavo J. Ceballos, Esq., B.C.S.**

**Assistant City Attorney**

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**From:** [navarrojo@gtlaw.com](mailto:navarrojo@gtlaw.com) <[navarrojo@gtlaw.com](mailto:navarrojo@gtlaw.com)>

**Sent:** Thursday, May 5, 2022 12:48 PM

**To:** Ramos, Miriam <[mramos@coralgables.com](mailto:mramos@coralgables.com)>

**Cc:** Ceballos, Gustavo <[gceballos@coralgables.com](mailto:gceballos@coralgables.com)>

**Subject:** Merrick Park / Short Term Rental Use

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Hi Miriam,

I am writing to confirm that the short term rental (i.e. day-to-day, week-to-week, month-to-month) of multi-family residential units (“Short Term Rentals”) is permitted with the Merrick Park Design & Innovation District. The Merrick Park area was historically the City’s Industrial District until it was rezoned by the City with the goal of promoting mixed use development to revitalize this formerly industrial and underutilized area. It was also recently designated as part of

the Design and Innovation District to attract the development of high quality retail and showroom uses. As a result, the Merrick Park area has become one of the City's premier commercial and shopping destinations. A copy of the City's Future Land Use and Zoning Maps applicable to this area are provided below.

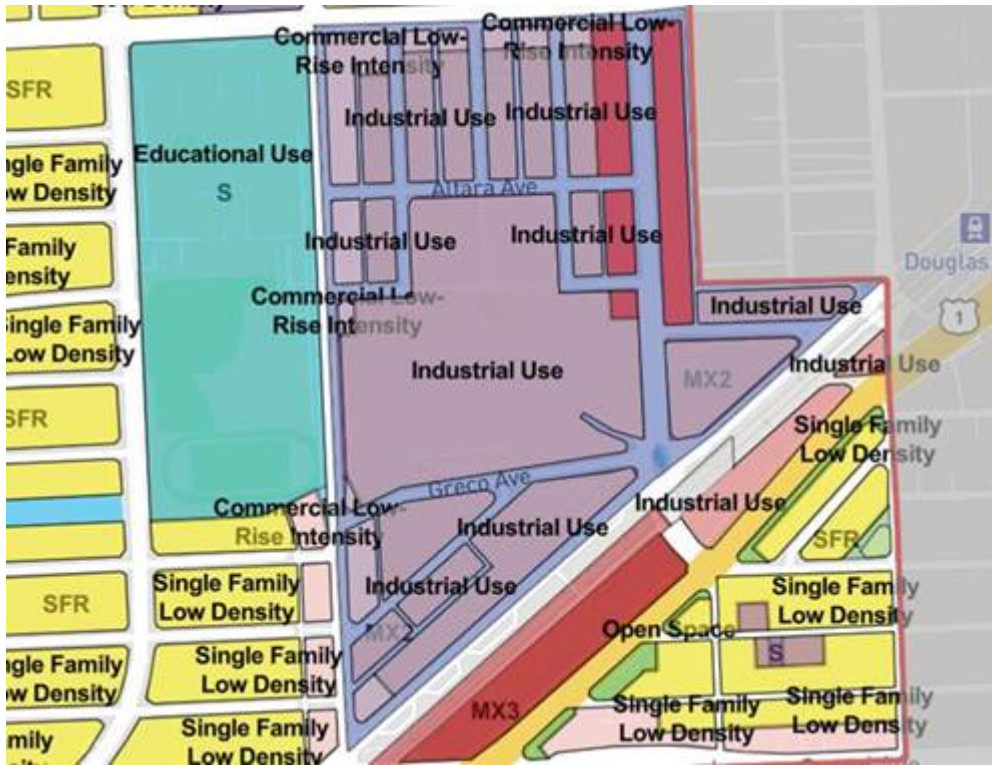
The Merrick Park area – as bounded by major throughfares and highways with Bird Road to the North, LeJeune Road to the West, Ponce De Leon Boulevard to the East and US-1 to the South - is currently designated as Commercial Low Rise Intensity and Industrial on the City's Future Land Use Map. The area is also zoned MX1 and MX2 which already allow for Overnight Accommodations and Bed & Breakfast uses. Article 16 of the Zoning Code defines Overnight Accommodations to mean a "building or portion thereof designed and used primarily to provide sleeping accommodations for transient guests *for a daily or weekly rental charge* (emphasis added)." Such overnight accommodations are allowed by right in these districts, including within the Merrick Park area, and require a conditional use only when abutting an SFR or MF1 District. Similarly, Short Term Rentals provide sleeping accommodations for transient guests *on a daily or weekly rental basis* in multifamily residential buildings and are consistent with Overnight Accommodation uses.

Also, it is our understanding that the City currently permits Short Term Rental use for multifamily residential buildings in the Central Business District (CBD). The CBD overlay is a primarily commercial area with the City's highest and most intense zoning and uses. The CBD is uniquely positioned as it is separated from the City's single family residential neighborhoods by a series of major highways and commercial corridors, minimizing any potential impacts of short term rentals on residential neighborhoods. Similar to the City's Central Business District, the Merrick Park area is designated as a unique commercial and mixed use overlay district, the Design & Innovation District, consisting of a primarily commercial area with a variety of business and retail uses separated from the City's single family residential neighborhoods by a series of major highways and throughfares. As such, the Merrick Park area is also uniquely positioned to minimize any potential impacts from Short Term Rental Uses and should be treated similar to the Central Business District.

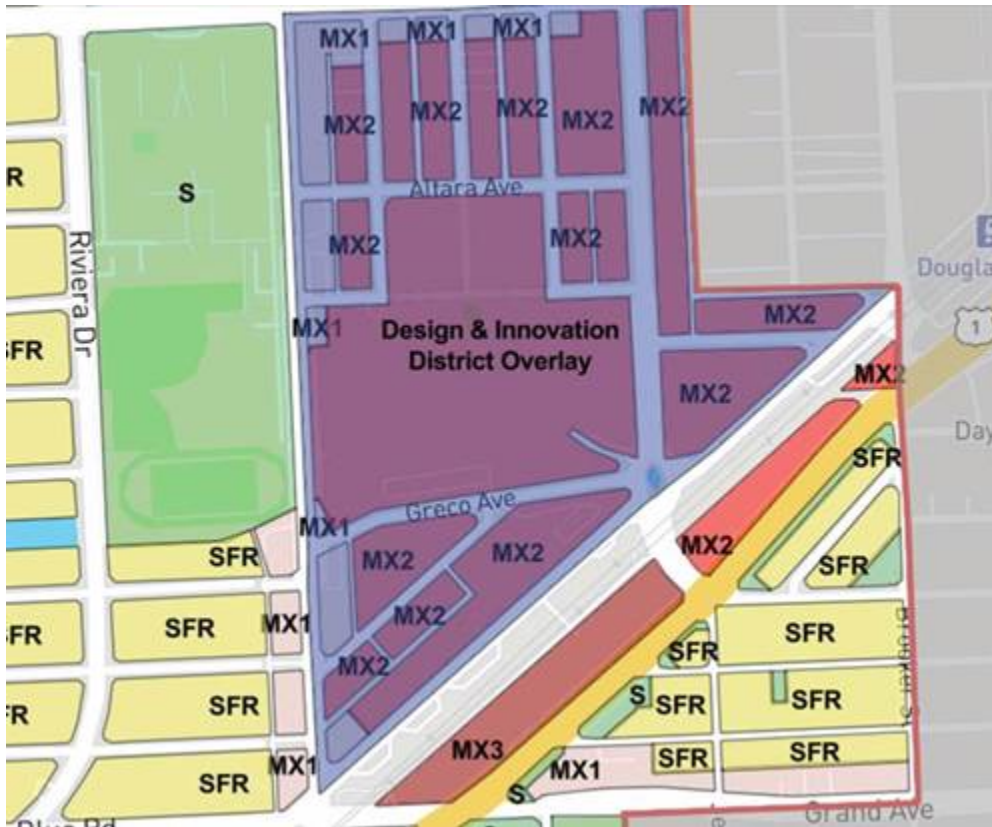
Based on the foregoing, we request confirmation that Short Term Rental is permitted in the Design and Innovation District as the equivalent of the already permitted "Overnight Accommodation" uses. This interpretation is consistent with City Attorney Opinion CAO2013-055 (see attached) which provides that short terms rentals are permitted for those multi-family residential districts that allow for lodging uses such as Overnight Accommodation and Bed & Breakfast.

We appreciate your help and look forward to your feedback on this.

**Future Land Use Map**



**Zoning Map**



**Jorge L. Navarro**  
Shareholder

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