



To: Miriam S. Ramos

From: Craig E. Leen, City Attorney for the City of Coral Gables

RE: Legal Opinion Regarding Home Occupations

Date: October 19, 2016

---

I have previously opined on similar issues in CAO 2013-016 and 2013-025. It is my opinion and interpretation that an author may write in her house without converting the residence into a commercial or occupational use. The resident may also have someone come to the house from time to time to transcribe material.

The restriction on home occupations applies where there are business-related impacts, such as where a resident sees "clients/customers at the residence in order to conduct business," or receives "material amounts of business-related deliveries at the residence." See CAO 2013-016. This is not implicated by the situation presented. Also, I would note that writing is protected by the First Amendment. As long as there are not material commercial/business impacts on the surrounding neighborhood related to being an author (i.e., a publishing house could not be run out of a residence), I see no lawful basis for seeking to restrict such activity. Accordingly, an author may write in her residence and conduct activities incidental to such writing (i.e. have someone come by to transcribe from time to time).

This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code.

**From:** [Leen, Craig](#)  
**To:** [Paulk, Enga](#)  
**Subject:** FW: Arva Parks  
**Date:** Wednesday, October 19, 2016 9:24:13 PM  
**Attachments:** [image001.png](#)

---

Please publish.

**Craig E. Leen, City Attorney**

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

City of Coral Gables

405 Biltmore Way

Coral Gables, Florida 33134

Phone: (305) 460-5218

Fax: (305) 460-5264

Email: [cleen@coralgables.com](mailto:cleen@coralgables.com)



**CORAL GABLES**  
THE CITY BEAUTIFUL

*Celebrating 90 years of a dream realized.*

---

**From:** Leen, Craig  
**Sent:** Wednesday, October 19, 2016 9:24 PM  
**To:** Ramos, Miriam  
**Cc:** Suarez, Cristina; Slesnick, Jeannett  
**Subject:** RE: Arva Parks

I have previously opined on similar issues in CAO 2013-016 and 2013-025. It is my opinion and interpretation that an author may write in her house without converting the residence into a commercial or occupational use. The resident may also have someone come to the house from time to time to transcribe material.

The restriction on home occupations applies where there are business-related impacts, such as where a resident sees “clients/customers at the residence in order to conduct business,” or receives “material amounts of business-related deliveries at the residence.” See CAO 2013-016. This is not implicated by the situation presented. Also, I would note that writing is protected by the First Amendment. As long as there are not material commercial/business impacts on the surrounding neighborhood related to being an author (i.e., a publishing house could not be run out of a

residence), I see no lawful basis for seeking to restrict such activity. Accordingly, an author may write in her residence and conduct activities incidental to such writing (i.e. have someone come by to transcribe from time to time).

This opinion is issued pursuant to section 2-201(e)(1) and (8) of the City Code, as well as section 2-702 of the Zoning Code.

**Craig E. Leen, City Attorney**

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

City of Coral Gables

405 Biltmore Way

Coral Gables, Florida 33134

Phone: (305) 460-5218

Fax: (305) 460-5264

Email: [cleen@coralgables.com](mailto:cleen@coralgables.com)



**CORAL GABLES**  
THE CITY BEAUTIFUL

*Celebrating 90 years of a dream realized.*

---

**From:** Leen, Craig  
**Sent:** Wednesday, October 19, 2016 5:03 PM  
**To:** Ramos, Miriam  
**Cc:** Suarez, Cristina; Slesnick, Jeannett  
**Subject:** Re: Arva Parks

Good afternoon, Miriam and Cristina. I will handle this request because I am familiar with this general legal issue and have previously opined on it. Also, I was just speaking with Charles Wu about home office provisions in an upcoming item. Thanks, Craig

Sent from my iPhone

On Oct 19, 2016, at 4:14 PM, Ramos, Miriam <[mramos@coralgables.com](mailto:mramos@coralgables.com)> wrote:

Hi Cristina,

During the pre-agenda meeting with Commissioner Slesnick today, she mentioned that author Arva Parks is looking to move into the City but is concerned about business restrictions in residential areas. She is a writer and, according to Commissioner Slesnick, she has 1 individual that goes to her house (I do not know how often) to transcribe material. Commissioner Slesnick and the City Manager would love to have Ms. Parks living in the City, as she is a historian who has devoted some of her work to the City's history. Please review our codes to determine if the activities being described would be permitted; my inclination is that they will be.

Thank you,

*Miriam S. Ramos, Esq.*

Deputy City Attorney & City Prosecutor

City of Coral Gables

405 Biltmore Way, 3<sup>rd</sup> Floor

Coral Gables, FL 33134

(305) 460-5218

(305) 460-5084 direct dial

<image001.png>

**Public Records:** This e-mail is from the City of Coral Gables – City Attorney's Office and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this email in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. The State of Florida has a broad public records law. Most written communications to or from State and Local Officials regarding State or Local businesses are public record available to the public upon request.

**Confidentiality:** The information contained in this transmission may be legally privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited.