



To: Jane Tompkins

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

RE: Legal Opinion Regarding Home Occupation

Date: February 26, 2013

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Similar to such prior matter, it is my view that as long as the employee is not advertising the residence as the place of business, is not generally receiving clients/customers at the residence in order to conduct business, and is not receiving material amounts of business-related deliveries at the residence, that the restriction would not be violated.

## Hernandez, Cristina

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**From:** Leen, Craig  
**Sent:** Tuesday, February 26, 2013 6:30 PM  
**To:** Hernandez, Cristina  
**Subject:** FW: Home Occupation

Please place in the opinion folder.

Craig E. Leen  
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**From:** Leen, Craig  
**Sent:** Tuesday, February 26, 2013 6:29 PM  
**To:** Tompkins, Jane  
**Cc:** 'bthornton@coralgables.com'  
**Subject:** RE: Home Occupation

Jane,

I recall that matter as well. Similar to such prior matter, it is my view that as long as the employee is not advertising the residence as the place of business, is not generally receiving clients/customers at the residence in order to conduct business, and is not receiving material amounts of business-related deliveries at the residence, that the restriction would not be violated.

Craig

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**From:** Tompkins, Jane  
**Sent:** Thursday, February 21, 2013 8:16 AM  
**To:** Leen, Craig  
**Subject:** Home Occupation

Good morning Craig,

When you have a few minutes, I'd like to discuss a situation with you. An employee submitted a form requesting approval of his outside employment. He has a consulting business that he runs out of his house. He lives in the Gables so Elsa raised the question of whether we could approve this as a home occupation. As best as I can tell, he has submitted the form since at least 2007 and it's always been approved. I know we had the condo resident who was conducting a consulting business out of his home. He had been charged with a violation but as I recall, once he agreed to not use his home address in his advertising and to not see clients in his home, we dropped the charges. That case does differ, though, in that the condo building was zoned as Commercial whereas the employee lives in a Single Family Residential zone.

Please let me know your thoughts on this, or whether you'd like to meet to discuss.

Thanks,  
Jane

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