

DEVELOPMENT SERVICES DEPARTMENT
Planning & Zoning Division

MEMORANDUM

PZ 8-20-04

TO: Mayor and Councilmembers
Thomas J. Willi, Town Administrator

THRU: Mark A. Kutney, AICP, Development Services Director
Fernando Leiva, AICP, Planning and Zoning Manager
Marcie Oppenheimer Nolan, AICP, Planning Supervisor

FROM: David M. Abramson, Planner I

DATE: Monday, August 23, 2004

RE: ZB (TXT) 5-2-04, Music Lessons / Home Occupational Licenses

REQUEST: Staff is requesting that the above referenced item, currently scheduled for the September 1, 2004 Town Council meeting, be withdrawn. This will allow staff to review the Home Occupational section of the code and comprehensively address the situation.

HISTORY: At the March 3, 2004 Town Council meeting, Planning and Zoning staff was directed to research, coordinate, and provide regulations addressing music lessons as home occupations.

At the June 16, 2004 Town Council meeting, Planning and Zoning staff was given direction to include student tutoring/music lessons as a home occupation. This item was then tabled to July 14, 2004 Town Council meeting for further research and amend the language of the ordinance.

At the July 14, 2004 Town Council meeting, it was decided that one-on-one lessons was to be left unregulated. Staff at that time was directed to research tutoring regulations in accordance with other municipalities.

CONCURRENCES: At the June 23, 2004 LPA Meeting, Mr. Stevens made a motion, seconded by Vice-Chair Turin, to approve subject to changing the title of the ordinance to include the phrase "AND STUDENT TUTORING" after the words "MUSIC LESSONS"; to correct the typographical error in paragraph 1(d) and change the word "~~obtain~~" to "obtained"; and delete from paragraph 1(b)(5) the words "~~sound proof~~". (Motion carried 4-0, Ms Lee was absent).

JUSTIFICATION: This request to withdraw ZB (TXT) 5-2-04 is based on the July 14, 2004 Town Council meeting where one-on-one tutoring was determined by Council not to require an occupational license. After direction by Town Council, staff researched a number of municipality's occupational license regulations and determined that local governments do not regulate tutoring. The Development Services Department will be revising Chapter 13 "Licenses and Business Regulation," and at that time, staff will re-address this use.

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